

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
Court of Common Pleas of Philadelphia County

In Re: : **Election Matter**
Nomination Petition of: :
: **MARCH TERM, 2019**
:
As _____ **Candidate for Office of** :
:
: **NO.** _____

PETITION TO SET ASIDE NOMINATION PETITION

The Petitioner, by and through counsel, respectfully avers that:

1. The Petitioner, _____, is a duly qualified elector, who lives at _____, Philadelphia, PA, and is a registered elector of the _____ Party (the "Party") and, if the Objections are to candidates for district office, resides in the Electoral District to be represented by the candidate.

2. The Respondent ("Candidate") is the above referenced Candidate for the nomination of the stated Party for the office of _____ (the "Nomination").

3. On or before March 6, 2019, the above Candidate filed a Petition for the Nomination. A copy of the Candidate's Nomination Petition is available online on the website of the Philadelphia City Commissioners at: www.philadelphiavotes.com and on the Court's Website at: www.philacourts.us/forms or www.courts.phila.gov/forms (Court of Common Pleas-Trial Division Civil/Election Forms).

☐ A copy is attached. (*Check if you are attaching a copy*)

4. If applicable, for the reasons set forth in greater detail in the attached Exhibit, the Candidate's Nomination Petition is improperly drawn, fails to contain the required number of properly ascribed signatures, and/or was improperly or untimely filed, or is otherwise improper.

5. The Nomination Petition therefore fails to conform to the requirements of the Election Code, 25 P.S. §2867 *et seq.*, and must be set aside and the Candidate's name not be placed on, or stricken from, the ballot.

6. Petitioner respectfully reserves the right to add such additional objections as are appropriate at the time of hearing.

WHEREFORE, Petitioner prays this Honorable Court to issue a Rule upon the Candidate and upon the Philadelphia County Board of Elections to show cause why the Nomination Petition of the above referenced Candidate should not be set aside and the Candidate's name shall not appear on the 2019 ballot.

, Attorney for Petitioner
Pa. Supreme Court I.D. No.: _____

VERIFICATION

I _____ hereby verify that the facts contained in the within Petition are true and correct to the best of my knowledge or information and belief.

I understand that the statements made herein are made subject to the provisions of 18 Pa. C.S.A. §4904 relation to unsworn falsification to authorities.

Date: _____

Petitioner

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
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In Re:	:	Election Matter
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	:	MARCH TERM, 2019
	:	
As _____	:	
Candidate for Office of	:	
	:	
_____	:	NO. _____

ORDER TO SHOW CAUSE

AND NOW, this _____ day of March, 2019, upon consideration of the Petition to Set Aside Nomination Petition filed on _____, it is hereby ordered that:

- (1) A rule is issued upon the Philadelphia County Board of Elections and the above named Candidate-Respondent to show cause why the Candidate's Nomination Petition should not be set aside and/or why the name of the Candidate-Respondent should not be removed from the ballot as a candidate for the _____ Party for the office of _____.
- (2) A hearing shall be held on March 22, 2019, at 9:30 AM at the Riverview Place, 520 North Delaware Avenue, 6th Floor, City Commissioner's Hearing Room, Philadelphia, Pennsylvania;
- (3) A copy of the Petition to Set Aside Nomination Petition and attachments, and a copy of this Order to Show Cause must be served by the Petitioner on the Philadelphia County Board of Elections, Room 142 City Hall, Philadelphia, PA no later than March 19, 2019 by 5:00 PM. On March 19, 2019 a representative of the Philadelphia County Board of Elections will be in the Office of Judicial Records, Room 296 City Hall, Philadelphia, PA from 3:00 PM to 5:00 PM and service may be effectuated at that location.
- (4) A copy of the Petition to Set Aside Nomination Petition and attachments, and this Order to Show Cause must be served by the Petitioner on the Candidate within 48 hours of the filing date and time, but no later than March 21, 2019 at 4:00 PM. Service shall be accomplished as provided in Section 7 of President Judge Administrative Order No. 03 of 2019, and an Affidavit of Service shall be filed on or before the hearing date.
- (5) Upon service of the Petition and this Order to Show Cause, counsel and unrepresented parties shall either enter an appearance electronically, or provide to the filer and the Office of City Commissioners an email address and a telephone number which will be regularly monitored by the Candidate or counsel for the duration of these proceeding.
- (6) If signature line challenges are at issue:
 - (a) the Objector shall immediately arrange to meet with the Candidate or Candidate's representative to review before the hearing each and every challenged signature line. If the parties cannot agree on a date for the meeting required by this subsection, such meeting shall occur at 9 am on March 23 at the Board of Elections, 520 N. Delaware Avenue, 5th Floor, Philadelphia, PA;

- (b) After the above meeting, the Objector and Candidate shall file a Stipulation that identifies:
- (i) the total number of completed signature lines submitted;
 - (ii) the total number of uncontested signature lines submitted;
 - (iii) the total number of signature lines challenged;
 - (iv) each and every signature line to which there is an objection, identified by page number and line number, and the basis for the objection;
 - (v) each and every signature line to be stricken as invalid or for which an objection is to be withdrawn, identified by page number and line number, if the parties can reach such a stipulation.
- (c) The Candidate shall file a list of all signature lines, identified by page number and line number, that are facially defective and that Candidate intends to rehabilitate. Candidate shall also state the manner in which Candidate intends to rehabilitate the signature lines.
- (7) The Objector and Candidate shall each file a list of any witnesses to be called at the hearing and the curriculum vitae of any expert witnesses. Any witness not identified shall be precluded from testifying except for good cause shown.
- (8) The Objector and Candidate may each file a memorandum of law in support of their respective positions no later than the day before the scheduled hearing, unless otherwise approved by the hearing judge.

BY THE COURT:

Honorable Idee C. Fox

President Judge

Court of Common Pleas

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: **MARCH TERM, 2019**
:
As _____ **Candidate for Office of** :
: **NO.** _____
_____ :

AFFIDAVIT OF SERVICE

I, _____, hereby certify that I have served a copy of the:

- (1)** *Petition to Set Aside Nomination Petition* and attachments, and *Order to Show Cause* dated March __, 2019 on _____, an employee of the County Board of Elections on March __, 2019 at _____ AM/PM electronically at the following email address:

or at the following location: _____
on March __, 2019 at _____ AM/PM.

- (2)** *Petition to Set Aside Nomination Petition* and attachments, the Candidate's *Nomination Petition* and *Order to Show Cause* dated March __, 2019 on the Candidate/Respondent: _____, on March __, 2019 at _____ AM/PM

(a) by Personal service on the Candidate _____ or adult person at the Candidate's residence address, namely _____, at the following location: _____.

- (b)** through a nationally recognized overnight service to the Candidate's residence address as shown on the Candidate's affidavit filed with Candidate's Nomination Petition, and:
(i) the Service Packet was sent with instructions to leave it at said address if no one answers the door; and
(ii) the Service Packet was delivered before March 21, 2019, at 4 PM; and
(iii) proof of delivery is attached.

I verify that the facts contained herein are true and correct to the best of my knowledge or information and belief.

I understand that the statements made herein are made subject to the provisions of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Date: _____

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	:	MARCH TERM, 2019
	:	
As _____	:	
Candidate for Office of _____	:	
	:	NO. _____

FINAL ORDER

AND NOW, this _____ day of March, 2019, upon consideration of the Petition to Set Aside Nomination Petition filed on March ____, 2019, after a hearing held thereon, and upon consideration of the evidence and/or legal arguments presented, **IT IS HEREBY ORDERED, ADJUDGED and DECREED** that:

- ☐ Upon consideration of the Objections to the Nomination Petition and testimony, the Court finds that:
 - ☐ the Nomination Petition is defective; the Objections are sustained; and the Candidate's name shall be removed from the Ballot.
 - ☐ the Nomination Petition does not contain a sufficient number of genuine signatures of electors entitled to sign; the Objections are sustained; and the Candidate's name shall be removed from the Ballot.
 - ☐ the Nomination Petition was not filed by persons entitled to file the same; the Objections are sustained; and the Candidate's name shall be removed from the Ballot.
 - ☐
- ☐ The Objections to the Nomination Petition are withdrawn by the Petitioner. The Candidate's name shall remain on the Ballot.
- ☐ Upon consideration of the objections and testimony, the Objections are denied; and the County Board of Elections is Ordered to accept the Nomination Petition. The Candidate's name shall remain on the Ballot.
- ☐

BY THE COURT:

J.