

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

President Judge Administrative Order
No. 2010-01

In re: Objections to Nomination Petitions – Primary Election, May 18, 2010

ORDER

AND NOW, this 12th day of February 2010, IT IS HEREBY ORDERED, ADJUDGED and DECREED that as required by 25 P.S. § 2937, any petition raising objections to Nomination Petitions (“petition”) of candidates for the May 18, 2010 Primary Election shall be filed, scheduled and disposed as follows:

- (1) the petition and Exhibits shall be electronically filed with the Court, pursuant to Pa.R.C.P. No. 205.4 and Philadelphia Civil Rule *205.4, no later than 5:00 PM on March 16, 2010. The petition shall be in the format attached as “Exhibit1;”
- (2) a copy of the petition shall be served on the Philadelphia County Board of Elections and on the candidate-nominee-respondent. A copy of the petition may be served on the Philadelphia County Board of Elections before or after the petition is filed with the Court, at their office, Room 142 City Hall, Philadelphia, PA; and, on March 16, 2010 may also be served on their representative, who has agreed to be available in the Prothonotary’s Office, Room 280 City Hall, Philadelphia, PA from 3:00 PM to 5:00 PM;
- (3) On March 16, 2010, the Office of the Prothonotary, Room 280 City Hall, will be open from 8:30 AM to 5:00 PM. Prothonotary staff will assist any party who wishes to electronically file petitions utilizing public access computers located in the Prothonotary’s office. At precisely 5:00 PM, the Prothonotary shall close the office but shall continue to assist any party or counsel who was in line in the Prothonotary’s office before 5:00 PM. Consistent with prior practice, any petition filed by these parties and/or counsel shall be deemed timely filed even if filed after 5:00 PM on March 16, 2010;
- (4) Any petition filed electronically by any party after 5:00 PM on March 16, 2010 will be date and time stamped to reflect the actual time of receipt;
- (5) Once the petition has been filed with the Prothonotary, an Order to Show Cause shall be issued scheduling a hearing date for March 19, 2010. The Order must be served by the petitioner before the hearing date as provided in the Order. The Order to Show Cause shall be in the format attached as “Exhibit 2;”

2-12-10

- (6) The petitioner shall bring at the hearing, or file before the hearing, an Affidavit of Service indicating the date and time of service of the petition and of the Order to Show Cause. The Affidavit of Service shall be in the format attached as “Exhibit 3;” and
- (7) The Court may reschedule the hearing for good cause, including inability to serve the petition or Order to Show Cause. The hearing must be concluded and a final order issued no later than March 24, 2010. The final order shall be in the format attached as “Exhibit 4.”

This Administrative Order shall become effective immediately. The original Administrative Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the President Judge of the Court of Common Pleas, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, and to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order will be provided to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Library and the Law Library for the First Judicial District, and shall be posted on the website of the First Judicial District of Pennsylvania: <http://courts.phila.gov>.

BY THE COURT:

/s/ Honorable Pamela Pryor Dembe

HONORABLE PAMELA PRYOR DEMBE
President Judge, Court of Common Pleas

EXHIBIT 1

IN RE	:	COURT OF COMMON PLEAS
NOMINATION PETITION OF	:	PHILADELPHIA COUNTY
	:	
AS	:	ELECTION MATTER
MEMBER OF WARD EXECUTIVE COMMITTEE	:	TERM,
FOR THE	:	NO.
WARD,	:	
DIVISION	:	

PETITION TO SET ASIDE NOMINATION PETITION

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

1. The Petitioner, _____, is a duly qualified elector, lives at Philadelphia, PA _____, and is a registered in the above Ward and Division.
2. The Respondent is the above referenced Candidate for the stated position in the identified Ward and Division.
3. On or before _____, 20____, above captioned Candidate filed a Nomination Petition for the Office of Member of the Executive Committee for the _____ Party, in the above-captioned Ward and Division. A copy of the Nominating Petition is attached as Exhibit "A".
4. For the reasons set forth in greater detail in the attached Exhibit "B", the Candidate's Nominating Petition is improperly drawn, fails to contain the required number of properly ascribed signatures, and/or was improperly or untimely filed.
5. The Nomination Petition therefore fails to conform to the requirements of the Election Code, 25 Pa.C.S.A. §2867, et seq., and must be set aside and the Candidate's name not be placed on 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 should not be set aside and the Candidate's name not be placed on the ballot.

Petitioner/Attorney for Petitioner

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. §4904 relating to unsworn falsification to authorities.

Date: _____

PETITIONER/COUNSEL

EXHIBIT 2

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

In Re : Election Matter
Nomination Petition of :
 : **MARCH TERM, 2010**
 :
 :
As **Candidate for Office of** :
Member of Ward Executive Committee :
For the _____ **WARD** _____ **DIVISION** : **NO.** _____

ORDER TO SHOW CAUSE

AND NOW, this _____ day of March, 2010, 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 Respondent-Nominee, _____, to show cause why the above-referenced Nomination Petition should not be set aside and/or why the name of the Respondent-Nominee should not be removed from the ballot as a candidate for the

_____ Party Nomination for _____,
(Democratic/Republican/Other) (Office sought by Nominee)

in the City of Philadelphia;

(2) a hearing shall be held the _____ day of March, 2010, at _____ AM/PM at the Riverview Place, 520 North Delaware Avenue, 6th Floor, City Commissioner's Hearing Room, Philadelphia, Pennsylvania;

(3) a copy of this Order and a copy of the Petition (if it has not already been served) shall be served upon the County Board of Elections by personal service on an employee in charge, in Room 142 City Hall, Philadelphia, Pennsylvania, on or before the _____ day of March, 2010, at 4:00 PM. An Affidavit of Service shall be filed on or before the hearing date; and

(4) a copy of this Order and a copy of the Petition (if it has not already been served) shall be served upon the Respondent-Nominee, _____, personally or upon an adult at his/her residence, or upon the person in charge of his/her place of business, on or before the _____ day of March, 2010, at 4:00 PM. An Affidavit of Service shall be filed on or before the hearing date.

BY THE COURT:

PAMELA PRYOR DEMBE, P.J.

EXHIBIT 3

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

In Re : Election Matter
Nomination Petition of :
 : **MARCH TERM, 2010**
 :
 :
As **Candidate for Office of** :
Member of Ward Executive Committee :
For the ____ **WARD** ____ **DIVISION** : **NO.** _____

AFFIDAVIT OF SERVICE

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

Petition to Set Aside Nomination Petition on _____, an employee of the County Board of Elections on March ____, 2010 at ____ AM/PM at the following location:

Order to Show Cause on _____, an employee of the County Board of Elections on March ____, 2010 at ____ AM/PM at the following location:

and

Petition to Set Aside Nomination Petition on Respondent, _____
Name
on March ____, 2010 at ____ AM/PM at the following location:

Order to Show Cause on Respondent, _____, on
March ____, 2010 at ____ AM/PM at the following location:

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: _____

EXHIBIT 4

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

In Re : Election Matter
Nomination Petition of :
 : **MARCH TERM, 2010**
 :

As **Candidate for Office of** :
Member of Ward Executive Committee :
For the _____ **WARD** _____ **DIVISION** : **NO.** _____

FINAL ORDER

AND NOW, this _____ day of March, 2010, upon consideration of the *Petition to Set Aside Nomination Petition* filed on March ___, 2010, after a hearing held thereon, and upon consideration of the evidence and/or legal arguments presented, **IT IS HEREBY ORDERED**,

ADJUDGED and DECREED that:

- The Court finds that:
 - the Nomination Petition is defective; and/or
 - the Nomination Petition does not contain a sufficient number of genuine signatures of electors entitled to sign; and/or
 - the Nomination Petition was not filed by persons entitled to file the samethe objections to the Nominating Petition of Respondent-Nominee _____, are granted, and the Nomination Petition is set aside, and/or the name of the Respondent-Nominee should be removed from the ballot as a candidate for the above-referenced position.
- The Objections to the Nomination Petition of Respondent-Nominee _____, are denied, and the Nomination Petition shall be accepted by the County Board of Elections.
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BY THE COURT:

J.