

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

In Re: Nomination Petition of David :  
Rodriguez, as Candidate for the :  
Democratic Nomination for State :  
Committee, Philadelphia County, : No. 154 M.D. 2022  
3rd Senatorial District, District 503 :  
:  
Objection of: Rafael Roque :

**ORDER**

NOW, April 6, 2022, upon consideration of the Petition to Set Aside the Nomination Petition of Candidate David Rodriguez and the testimony and evidence presented today in open court the Petition to Set Aside is hereby **GRANTED**. At least twenty-one (21) signatures were stricken because the signer was both/either not registered to vote, not registered in the correct senatorial district, not registered in the correct party, and/or listed at an address not matching an address where he/she is duly registered and enrolled. Sections 907 and 908 of the Election Code, Act of June 3, 1937, P.L. 1333, 25 P.S. §§ 2867, 2868. One (1) signature (page 3, line 18) was stricken because I found that it was in the same hand as that of the immediately preceding line. Section 908 of the Code, 25 P.S. § 2868; *In re Morrison-Wesley*, 946 A.2d 789 (Pa. Cmwlth. 2008) (each item must be personally written by the elector), *aff'd*, 353 A.2d 78 (Pa. 2008). As the striking of twenty-two (22) signatures of the 119 submitted by the Candidate leaves him with fewer than the 100 valid signatures required, his nomination petition is set aside.

After being duly ordered to appear for hearing at 1:00 p.m., and after failing to respond to numerous attempts by court staff to reach Mr. Rodriguez by the

contact information he provided to the Department of State with his nomination petitions, Mr. Rodriguez failed to appear. Accordingly, at 1:30 p.m. the hearing was held in his absence, at which time it became clear that his petitions fell woefully short of the number needed. Had Mr. Rodriguez complied with the Case Management order of this court to review the petitions with counsel for Objector and enter stipulations, Objector would not have incurred the fees and costs associated with the April 6<sup>th</sup> hearing. Accordingly, costs and attorneys' fees incurred by Objector Rafael Roque are ASSESSED against Candidate David Rodriguez. See Section 977 of the Code, *as amended*, 25 P.S. §2937 (authorizing the court to "make such order as to the payment of costs of the proceedings ... as it shall deem just"). Objector Rafael Roque is ORDERED to file a bill of costs with the Court within five days of the filing of this order.



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**BONNIE BRIGANCE LEADBETTER,**  
President Judge Emerita