

NOTICE AND ORDER
OBJECTIONS TO NOMINATION PETITIONS/PAPERS
IN THE 2023 MUNICIPAL PRIMARY AND MUNICIPAL ELECTIONS
AND ALL FUTURE PENNSYLVANIA ELECTIONS

Objections to nomination petitions/papers of candidates seeking to be placed on the ballot(s) for the May 16, 2023 Municipal Primary Election and/or the November 7, 2023 Municipal Election, **or for any future Pennsylvania election**, shall proceed in the Commonwealth Court as set forth in the Order below, until further Order of the Court. *See In re Moore*, 291 A.2d 531, 533 (Pa. 1972) (recognizing that the manner of service of objection petitions, the fixing of hearings, and the manner of notice thereof are purely judicial functions entrusted to this Court under Section 977 of the Election Code, 25 P.S. § 2937).

To provide for the prompt and efficient disposition of objection petitions, all objectors, candidates, and counsel are hereby notified that the following Order alters the traditional form of personal service of objection petitions upon a candidate for office that this Court has previously required. In addition, to improve timely accessibility of filings to the Court and parties, all objectors, candidates, and counsel are strongly encouraged to submit filings electronically as provided below.

Accordingly, the Court **ORDERS** as follows:

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

IN RE OBJECTIONS TO :
NOMINATION PETITIONS/PAPERS :
IN THE 2023 MUNICIPAL PRIMARY :
AND MUNICIPAL ELECTIONS :
AND ALL FUTURE :
PENNSYLVANIA ELECTIONS : No. 126 Misc. Dkt. No. 3

ORDER

NOW, February 2, 2023, all petitions to set aside nomination petitions/papers (objection petitions) of candidates seeking to be placed on the ballot(s) for the May 16, 2023 Municipal Primary Election and/or the November 7, 2023 Municipal Election, or for any future Pennsylvania election, shall be filed in paper format **or** electronically, either by PACFile (the Pennsylvania appellate court electronic filing system) or by email to CommCourtFiling@pacourts.us. Objectors are strongly encouraged to file their objection petitions in electronic format.

Upon the filing of an objection petition, the Court shall post the petition on a dedicated page of the Court’s website at: <https://www.pacourts.us/objection-petitions-related-court-orders-and-other-filings> (webpage).

THE POSTING OF AN OBJECTION PETITION ON THE WEBPAGE SHALL CONSTITUTE SERVICE ON THE CANDIDATE AGAINST WHOM THE OBJECTION PETITION HAS BEEN FILED.¹ ALL CANDIDATES ARE UNDER A CONTINUING OBLIGATION TO CHECK

¹ Nothing in this Order relieves an objector of their obligation to serve the Secretary of the Commonwealth as required by Section 977 of the Pennsylvania Election Code, Act of June 3, 1937, P.L. 1333, *as amended*, 25 P.S. § 2937.

THE WEBPAGE TO DETERMINE IF AN OBJECTION PETITION HAS BEEN FILED TO THEIR NOMINATION PETITIONS/PAPERS.

Furthermore, upon the filling of an objection petition, the Court will issue a Scheduling and Case Management Order. The Court shall post the Scheduling and Case Management Order on the webpage along with the objection petition.

THE POSTING OF A SCHEDULING AND CASE MANAGEMENT ORDER ON THE WEBPAGE SHALL CONSTITUTE SERVICE OF THE ORDER ON THE OBJECTOR AND CANDIDATE. ALL PARTIES ARE UNDER A CONTINUING OBLIGATION TO CHECK THE WEBPAGE TO CONFIRM WHETHER A SCHEDULING AND CASE MANAGEMENT ORDER HAS BEEN ISSUED WITH RESPECT TO ANY OBJECTION PETITION. A COPY OF A SAMPLE SCHEDULING AND CASE MANAGEMENT ORDER IS ATTACHED.

As a general matter, counsel should be prepared to expeditiously review contested signature lines and enter into appropriate stipulations prior to any court hearings on objection petitions.

When individual elector signatures are challenged, the objection petition must be accompanied by a spreadsheet as specified below. The objection petition and spreadsheet shall satisfy the following requirements:

1. The objection petition shall specify objections to individual signature lines in the nomination petition/paper, and these shall be set forth in an EXCEL[®] or other similar spreadsheet format. Objector may use the downloadable spreadsheet

provided on the Court's website at: <http://www.pacourts.us/courts/commonwealth-court/>.

2. Spreadsheet columns shall include, for each challenged signature line on the nomination petition/paper: page number, line number, county, and the reason or reasons for each challenge. The spreadsheet shall designate the grounds for objection using the following abbreviations (challenge codes key):

NR –	Not Registered
NRA –	Not Registered at Address
NRD –	Not Registered in District
NRDS –	Not Registered on Date Signed
OC –	Out of County
ILL –	Illegible
LIO –	Line Information Omitted
DUP –	Duplicate
IHA –	Line Information in Hand of Another
N/I –	Nickname/Initial
PRI –	Printed Signature
Other –	Any ground for objection not listed above

3. The objection petition shall state the number of signature lines challenged, as well as the total number of completed signature lines on the face of the nomination petition/paper.

4. Any other objection, *e.g.*, to circulator statements, candidate affidavits, etc., must be separately stated in the objection petition.

5. **For an objection petition filed in paper format:**

a. Objector shall attach to the objection petition as an exhibit a printed copy of the spreadsheet printed on 8½ x 14-inch paper, with all grid lines showing and column headings appearing on each printed sheet, and a printed copy of the challenge codes key.

b. Objector shall file an original and one copy of the objection petition and spreadsheet.

c. Objector shall file two separate USB flash drives, each containing an electronic version of the spreadsheet and the challenge codes key. The electronic versions of the spreadsheet on the USB flash drives must be enabled for editing by the Court, and may **not** be read-only or password protected.

6. **For an objection petition filed electronically:**

a. Along with the electronically filed objection petition, Objector shall file as an exhibit an electronic (PDF) version of the spreadsheet with all grid lines showing and column headings appearing on each sheet, and an electronic (PDF) version of the challenge codes key.

b. **Within two days** of filing the objection petition and spreadsheet, Objector shall submit to the Court two paper copies of the electronically filed objection petition and spreadsheet **and** two USB flash drives, each containing an electronic version of the spreadsheet and the challenge codes key. The electronic

versions of the spreadsheet on the USB flash drives must be enabled for editing by the Court, and may **not** be read-only or password protected.

The Prothonotary is hereby directed to send a copy of this Order to:

1. The Court Administrator of Pennsylvania, who shall post this Order on the Court's website at <http://www.pacourts.us/courts/commonwealth-court/>; and
2. The Secretary of the Commonwealth, who shall (1) post this Order conspicuously in the Bureau of Commissions, Elections and Legislation and in such other manner as the Secretary deems appropriate; and (2) provide a copy of this Order to each state level candidate (or the candidate's representative) who files nomination petitions/papers seeking to be placed on the ballot for any Pennsylvania election.

This Notice and Order shall remain in effect until further Order of the Court.

BY THE COURT:



RENÉE COHN JUBELIRER, President Judge

Order Exit
02/02/2023

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

IN RE: _____ :
NOMINATION PETITIONS/PAPERS :
OF _____ : No. *

SCHEDULING and CASE MANAGEMENT ORDER

PER CURIAM

NOW, _____, upon consideration of the Petition to Set Aside
Nomination Petitions/Papers (Objection Petition):

1. IT IS HEREBY ORDERED:

A. Hearing on the Objection Petition is scheduled for
_____, in Courtroom Number _____,
_____, Pennsylvania.
Objector is directed to secure the services of a court stenographer for the hearing.
Failure of Objector to secure the services of a court stenographer may result in the
dismissal of this matter.

B. If signature lines are challenged, Objector shall secure, by request
or subpoena, the presence of a **Statewide Uniform Registry of Electors (SURE)**
system operator at the hearing.

C. Service of the Objection Petition on Candidate, and of this Order
on all parties is complete upon the posting of the Objection Petition and this Order on
the Pennsylvania Unified Judicial System website in accordance with this Court's
Notice and Order in *In re Objections to Nomination Petitions/Papers in the 2023*

Municipal Primary and Municipal Elections and All Future Pennsylvania Elections
(Pa. Cmwlth., No. 126 Misc. Dkt. No. 3).

D. At the hearing, Objector shall offer proof of timely service of the Objection Petition on the Secretary of the Commonwealth.

2. It is FURTHER ORDERED that the parties shall make a good faith effort to comply with the following in advance of the hearing:

A. Objector shall file a list of all witnesses to be called at the hearing and the curriculum vitae and expert report for each expert witness. Any witness not identified may be precluded from testifying except for good cause shown.

B. Candidate shall file a list of all witnesses to be called at the hearing and the curriculum vitae and expert report for each expert witness. Any witness not identified may be precluded from testifying except for good cause shown.

3. If signature line challenges are at issue, it is FURTHER ORDERED that the parties shall make a good faith effort to comply with the following in advance of the hearing:

A. Objector and Candidate or Candidate's representative and, if appropriate, a SURE system operator, shall meet to review each and every challenged signature line.

B. Objector and Candidate shall file a stipulation of the parties that identifies:

- (a) the total number of completed signature lines submitted;

- (b) the total number of uncontested signature lines submitted;
- (c) the total number of signature lines challenged;
- (d) each and every signature line to which there is an objection, identified by page number and line number, and the basis for the objection;
- (e) 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. 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.

4. Objector and Candidate may each file a memorandum of law in support of their respective positions. No further memoranda will be permitted unless ordered by the Court.

5. Unless otherwise ordered, the parties shall make a good faith effort to file all items required or permitted by paragraphs 2, 3 and 4 of this Order no later than 24 hours in advance of the hearing. Filing may be accomplished by PACFile (the Pennsylvania appellate court electronic filing system) or by email to CommCourtFiling@pacourts.us. Parties may **not** file by facsimile without express prior permission from the Court.

6. Failure to comply with any provision of this Order may preclude the noncompliant party from entering any evidence, and may result in the imposition of monetary sanctions.

SAMPLE