

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In re: Nomination Petition of Sherrie :
Cohen as Democratic Candidate for :
Municipal Court Judge in the First :
Judicial District (Philadelphia) : No. 104 M.D. 2025
:
Objection of: John Brady : **Heard:** March 27, 2025

BEFORE: HONORABLE MATTHEW S. WOLF, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE WOLF

FILED: March 28, 2025

Before the Court is the Petition of John Brady (Objector) to Set Aside the Nomination Petition (Petition to Set Aside or Petition) of Sherrie Cohen (Candidate) as a candidate for the Democratic Nomination for Municipal Court Judge in the First Judicial District in the May 20, 2025 Municipal Primary Election. The Court held an evidentiary hearing on the Petition to Set Aside on March 27, 2025. Throughout the course of the hearing, at the request and by agreement of the parties, the Court made rulings, and by the conclusion of the hearing, the Court denied the Petition to Set Aside. This opinion and order sets forth the Court's specific reasoning for the denial of the Petition.

In Pennsylvania, to qualify for the Democratic Party Nomination for Municipal Court Judge in the First Judicial District, a candidate must file a nomination petition containing 1,000 valid signatures of enrolled members of the Democratic Party who are registered to vote in the district in which the candidate is

running.¹ Candidate duly filed a Nomination Petition with the Secretary of the Commonwealth containing 1,792 signatures. On March 18, 2025, Objector filed the Petition to Set Aside challenging 949 of the collected signatures. On March 19, 2025, this Court issued a Scheduling and Case Management Order (Case Management Order), which *inter alia*, directed the parties to meet with a Statewide Uniform Registration of Electors (SURE) system operator “to review each and every challenged signature line” and thereafter file an appropriate stipulation no later than 48 hours in advance of the hearing. Case Management Order ¶¶ 3, 5.²

The parties ultimately met and arrived at a stipulation as ordered by the Court (Stipulation).³ Based on the Stipulation the parties agreed that 342 of the 949 challenged signatures were invalid. They further agreed that 87 of the 949 challenged signatures were valid, and Objector withdrew objections to those lines.

¹ Section 912.1(15) of the Pennsylvania Election Code (Election Code) provides:

Candidates for nomination of offices as listed below shall present a nominating petition containing at least as many valid signatures of registered and enrolled members of the proper party as listed below:

.....

(15) Public or party offices to be filled by a vote of the electors in counties of the first class at large: One thousand.

Act of June 3, 1937, P.L. 1333, *as amended*, added by the Act of December 12, 1984, P.L. 968, 25 P.S. § 2872.1(15).

² On the eve of the 48-hour deadline, Objector filed a Miscellaneous Motion alleging that Candidate has refused and continues to refuse to sit down and stipulate to any contested signatures. Misc. Motion ¶ 7. The Court issued an Order on March 24, 2025, ordering the parties to comply with their obligations pursuant to the Case Management Order and directing that the requirement to meet and confer and thereafter file a stipulation is mandatory.

³ The Stipulation filed with the Court in advance of the hearing was not signed by Candidate. At the hearing, Candidate agreed on the record that the Stipulation was valid and reflected the parties’ agreement.

After the Stipulation, there were only 1,450 signatures left on the Nomination Petition. This left 520 challenged signature lines for the Court’s consideration. For Objector to be successful on the Petition to Set Aside, he was required to prove that 451 signatures were invalid. For Candidate to remain on the ballot, 70 of those challenged signatures had to be found valid.

The Court convened a hearing on March 27, 2025. At the hearing, the parties agreed that the most expeditious way to conduct the proceeding was for Candidate to put forth signature lines that she believed were legally valid, and for Objector’s counsel to state his objection(s) thereto.⁴ Candidate and the SURE system operator were sworn in as witnesses. In the course of the hearing, the Court ultimately examined 94 signature challenges and concluded that 80 of those signatures were valid. Thus, the Court held, on the record, that Candidate had collected more than the requisite 1,000 valid signatures to remain on the ballot and denied the Petition to Set Aside.

Stricken Signatures (14)

Based on the testimony of the SURE system operator as well as the contemporaneously viewed contents of the SURE system, which the Court credits in full, personal observations of the Nomination Petition, and the parties’ legal arguments, the Court struck the following 14 signatures on the record:

Page	Line(s)
1	16

⁴ The Court reminded the parties that although Candidate was putting forth lines for review, her Nomination Petition is presumed to be valid, and it is Objector who bears the heavy burden of proving invalidity. *In re Nomination Petition of Shimkus*, 946 A.2d 139, 141 (Pa. Cmwlth. 2008). The Court deferred to the parties as to the manner and order in which the evidence was presented.

6	8, 30
7	10
8	5
9	16
10	9, 27, 28
11	19
12	9, 10
14	3, 8

These signature lines were struck on the basis that they contained one or more of the following defects: (1) the elector was not registered at the address written on the Nomination Petition;⁵ (2) the elector was not registered in the Democratic Party;⁶ (3) the signature line information was illegible;⁷ (4) the signature line information was in the hand of another;⁸ and (5) the elector printed his name twice and thus did

⁵ The signer of a nomination petition must list the address where they are duly registered and enrolled. Section 908 of the Election Code, 25 P.S. § 2868; *see also In re Major*, 248 A.3d 445, 454 (Pa. 2021).

⁶ In a primary election, only those persons registered to vote, enrolled in the political party of the candidate, and residing in the candidate’s district may lawfully sign his petition. Sections 907 and 908 of the Election Code, 25 P.S. §§ 2867 and 2868; *see also In re Nom. Pet. of Flaherty*, 770 A.2d 327, 334 (Pa. 2001) (*Flaherty*), *abrogated on other grounds by In re Vodvarka*, 140 A.3d 639 (Pa. 2016).

⁷ Section 908 of the Election Code, 25 P.S. § 2868, provides that “[e]ach signer of a nomination petition . . . shall legibly print his name” *See In re Morrison-Wesley*, 946 A.2d 789, 794 n.7 (Pa. Cmwlth.), *aff’d*, 944 A.2d 78 (Pa. 2008).

⁸ Each item required of an elector signing a nomination petition must be personally written by the elector. *In re Morrison-Wesley*, 946 A.2d at 794. Where it is found that information was written on a nomination petition or paper by someone other than the elector, the signatures must be **(Footnote continued on next page...)**

not sign the Nomination Petition.⁹

Valid Signatures (80)

Objector launched one or more of the same objections listed above to the remaining 80 signatures considered by the Court. Objector also objected to certain lines on the ground that the elector used his or her initial as opposed to a first name.¹⁰ Objector’s counsel withdrew objections to the following 24 signature lines on the record at the hearing:

Page	Line(s)
3	25
4	26
5	28
6	2, 18, 26

stricken. *In re Silcox*, 674 A.2d 224, 225 (Pa. 1996). In making this determination, the Court “may review the handwriting itself, or may rely on expert evidence, to determine whether the signature should be stricken[.]” See *In re Johnakin* (Pa. Cmwlth., No. 112 M.D. 2022, filed Apr. 4, 2022), slip op. at 21-22.

⁹ Pursuant to Section 908 of the Election Code, 25 P.S. § 2868, an elector’s name will be stricken from a nomination petition where the elector prints his or her name so that it does not match the signature on the voter registration card. *Flaherty*, 770 A.2d at 333. Printed names do not constitute signatures absent substantial proof that the person intended the printed name to be his/her signature. See *id.*; see also *Nomination Petition of Hunt* (Pa. Cmwlth., No. 197 M.D. 2010, filed Mar. 29, 2010).

¹⁰ In regard to the use of initials, our Supreme Court has explained that Section 908 of the Election Code, 25 P.S. § 2868, does not require that an elector sign his formal first name on a nomination petition nor does it preclude the use of an obvious diminutive version of the elector’s first name if it does “not call into question the identity of the signatory.” *In re Nomination Petition of Gales*, 54 A.3d 855, 859 (Pa. 2012), *abrogated on other grounds by In re Vodvarka*, 140 A.3d at 639; see also *In re Nomination Petition of Jesse White* (Pa. Cmwlth., No. 446 C.D. 2015, Apr. 1, 2015)).

7	6, 7, 20
8	28, 29, 30
10	11, 13, 26, 30
11	24, 25
12	20, 22
13	4, 13, 16

Based on the testimony of the SURE system operator, as well as the contemporaneously viewed contents of the SURE system, personal observations of the Nomination Petition, and the parties' legal arguments, the Court found the following 56 challenged signature lines valid:

Page	Line(s)
1	5, 11, 13, 15
2	2, 5
3	6, 7, 12, 13, 25
4	24, 25
5	4, 5, 10, 26, 27
6	3, 6, 10, 11, 23, 29
7	2, 4, 5, 9, 14, 16, 23, 29
8	7, 15, 22, 26
9	10, 13, 24
10	12, 14, 19, 22, 25, 29
11	3, 15, 17, 29, 30
12	8, 25, 26

13	9
14	13
16	12

Having concluded that a total of 80 of the challenged signatures were valid, Candidate exceeded the threshold 1,000 signatures to remain on the ballot, and the parties agreed on the record to conclude the hearing.

For these reasons, the Court denied Objector's Petition to Set Aside. Candidate shall remain on the ballot as a candidate for the Democratic Nomination for Municipal Court Judge in the First Judicial District in the May 20, 2025 Municipal Primary Election.

/s/ Matthew S. Wolf

MATTHEW S. WOLF, Judge

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ORDER

AND NOW, this 28th day of March 2025, the Court hereby **ORDERS** as follows:

1. John Brady's Petition to Set Aside the Nomination Petition of Sherrie Cohen as a candidate for the Democratic Nomination for Municipal Court Judge in the First Judicial District is DENIED.
2. The Secretary of the Commonwealth is directed to certify the name of Sherrie Cohen to the proper officials for inclusion on the ballot of the Democratic Primary to be held on May 20, 2025.
3. Each party shall bear their own costs.
4. The Prothonotary shall notify the parties hereto and their counsel of this Order and also certify a copy hereof to the Secretary of the Commonwealth forthwith.

/s/ Matthew S. Wolf

MATTHEW S. WOLF, Judge