
IN THE COMMONWEALTH COURT OF PENNSYLVANIA

1392 C.D. 2013

**IN RE: NOMINATION PAPERS OF NEVIN MINDLIN FOR THE OFFICE OF
MAYOR OF HARRISBURG**

APPEAL OF NEVIN MINDLIN

BRIEF FOR APPELLEE, DONALD LEE COLES, SR.

Appeal from the August 15, 2013 Order granting the Petition of Donald Lee Coles, Sr., setting aside the Nomination Petition and Papers of Nevin Mindlin, entered in this matter by the Honorable Bernard L. Coates, Jr., docketed at 2013-CV-06974 EL in the Court of Common Pleas of Dauphin County, Pennsylvania

**Ronald M. Katzman, Esquire
Attorney I.D. No. 07198
S. Baker Kensinger, Esquire
Attorney I.D. No. 208305
GOLDBERG KATZMAN, P.C.
4250 Crums Mill Road, Suite 301
P.O. Box 6991
Harrisburg, PA 17112
(717) 234-4161**

*Attorneys for Appellee
Donald Lee Coles, Sr.*

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I. COUNTERSTATEMENT¹ OF THE SCOPE AND STANDARD OF REVIEW

In reviewing an order concerning the validity of challenges to a nomination petition, the Commonwealth Court's scope and standard of review is whether the trial court's findings of fact are supported by substantial evidence, whether the trial court abused its discretion, or whether the trial court committed an error of law.

In re Hanssens, 821 A.2d 1247 (Cmwlth. 2003), *appeal denied* 825 A.2d 640, 573 Pa. 692, *as amended*.

¹ Given that Mr. Coles' Brief is being filed simultaneously with that of Appellant, the "Counterstatement" sections allowed by Pa. R.A.P. 2112 will, necessarily, be treated as though they are set forth in an Appellant's Brief.

II. COUNTERSTATEMENT OF THE QUESTIONS INVOLVED

- A. Whether the trial court properly granted Mr. Coles' Petition, and set aside the Nomination Petition and Papers of Nevin Mindlin, where said Nomination Papers failed to indentify a Committee to Fill Vacancies in violation of 25 P.S. §2912?**

Suggested Answer: **Yes.**

- B. Whether the trial court properly utilized its discretion in holding that amendment was not proper to cure the defect in Mr. Mindlin's Nomination Papers?**

Suggested Answer: **Yes.**

- C. Whether the Dauphin County Bureau of Voter Registration and Elections was served with the Petition so as to give the trial court jurisdiction to hear said Petition?**

Suggested Answer: **Yes.**

- D. Whether this Honorable Court should refuse to entertain Mr. Mindlin's challenges to the Pennsylvania Election Code under the Pennsylvania and United States Constitutions where said challenges were not raised before the trial court?**

Suggested Answer: **Yes.**

- E. Whether all other issues not raised before the trial court should be deemed waived?**

Suggested Answer: **Yes.**

- F. Whether Mr. Mindlin was afforded the opportunity to appear on the ballot?**

Suggested Answer: **Yes.**

III. COUNTERSTATEMENT OF THE CASE

Appellee, Donald Lee Coles, Sr. (“Mr. Coles”), an adult individual residing at 2422 Brookwood Street, Harrisburg, PA 17104, is a citizen and registered Democratic Party elector of the City of Harrisburg, County of Dauphin, Pennsylvania. On August 8, 2013, Mr. Coles filed a Petition Objecting to the Nomination Papers of Nevin Mindlin for the Office of Mayor of the City of Harrisburg, attached hereto as Exhibit A², pursuant to the Pennsylvania Election Code, 25 P.S. §2937. Nevin Mindlin (“Mr. Mindlin”) was properly and timely served. Further, the Petition was served on the Dauphin County Bureau of Registration and Elections on August 8, 2013. *See* Acknowledgement of Personal Service, attached hereto as Exhibit B.

Mr. Mindlin is an individual residing at 2550 North 3rd Street, Harrisburg, PA 17110, in the City Harrisburg, County of Dauphin, Pennsylvania. Mr. Mindlin is no stranger to politics, having previously run as the Republican-nominated candidate for Mayor of Harrisburg in the last (2009) election.

Mr. Mindlin decided to again run for Mayor of the City of Harrisburg, this time as an Independent candidate for the November 5, 2013 election. Because Mr. Mindlin was not chosen as a party candidate in the primary elections, the

² Because this Honorable Court’s Per Curiam Order, dated August 19, 2013, excused the filing of a Reproduced Record, necessary attachments are appended hereto.

Pennsylvania Election Code required that he complete and submit Nomination Papers in order to be a named party on the ballot. *See* 25 P.S. §2911, entitled “Nominations by political bodies.” Thus, Mr. Mindlin filed Nomination Papers with the Dauphin County Board of Elections as a candidate for the office of Mayor of the City of Harrisburg in the November 5, 2013 election on the following dates: April 11, 2013; April 26, 2013; May 10, 2013; and August 1, 2013. Copies of said Nomination Papers were attached to Mr. Coles’ Petition. (Exhibit A). In all, 20 separate Nomination Papers were filed. However, for all 20, Mr. Mindlin failed to fill in any names as required by subsection C of the Nomination Papers, entitled “Committee to Fill Vacancies.”

The trial court held a hearing on Monday, August 12, 2013. A transcript of the hearing was made, a copy of which is attached hereto as Exhibit C, and referred to herein as N.T. At the hearing Mr. Coles’ Petition was presented, testimony was given, and argument was heard. Mr. Mindlin first testified on his own behalf. Mr. Mindlin unequivocally admitted that the Committee to Fill Vacancies was not filled in on his Nomination Papers. (N.T., 11:9-12). Mr. Mindlin confirmed that the Nomination Paper stated, on the first line that “Note, you must fill in all information in A, B, and C before you begin collecting for signatures,” and that Section C is entitled “committee to fill vacancies.” (N.T., 22:23-23:5).

Mr. Mindlin testified that the section for a Committee to Fill Vacancies “seemed inapplicable” because he “didn’t understand [him]self as a political body.” (N.T., 23:11; 24:14-16). Although Mr. Mindlin alleges he relied on the Election Bureau’s acceptance of his Nomination Papers, he admitted that no one there talked specifically about section C. There was no testimony from him, or anyone else, that anyone told him that he did not have to fill in that section. (N.T., 23:14-21). Mr. Mindlin stated that he was “assuming that...[the election bureau] looked at it.” (N.T., 23:24-25). Although Mr. Mindlin testified as to conversations with Mr. Feeser, the Bureau Director, said conversations were not concerning the Nomination Papers. (N.T., 25:14-21). Importantly, the following question and answer demonstrates that Mr. Mindlin was never given specific advice to not fill in a committee to fill vacancies:

Q: And what did they say to you? They said it’s okay that you don’t fill in Subsection C? Is that what they said to you?

A: No. They looked at the front, they looked at the back. I asked them if it was submitted properly so that I had no problems with the filing. They said this is fine, they stamped it and accepted it as a valid documents.

(N.T., 26:7-14).

Mr. Mindlin did confirm at the hearing that the Nomination Papers attached to Mr. Coles’ Petition were, in fact, true and correct copies of what he filed with the Bureau of Elections. (N.T., 27:21-28:2).

Next, Keldeen Zellers Stambaugh, one of Mr. Mindlin's campaign workers, also testified. Ms. Zellers Stambaugh testified that she was handed copies of the Nomination Papers by a staff person at the Dauphin County Bureau of Elections, and that they reviewed the form together. (N.T., 36:3-9). Thereafter, Brenda Barrett testified that she had, in fact, signed one of the Nomination Papers for Mr. Mindlin. (N.T., 42:2-9). Pursuant to a stipulation, the trial court then accepted that 13 additional witnesses were present who were prepared to testify similarly to Ms. Barrett. (N.T., 44:15-45:15).

Finally, Jerry Feeser, director of the Dauphin County Bureau of Voter Registration and Elections, testified. Mr. Feeser confirmed that when his office accepted filings, they were not offering "political legal advice" as to those filings. (N.T., 47:2-3). When asked whether he or anyone from his office had spoken with Mr. Mindlin or anyone from his campaign about the Nomination Papers, Mr. Feeser admitted that they were not discussed specifically, but rather, there were discussions "about the submission as a whole." (N.T., 47:24-48:12). When asked to elaborate on specific discussions regarding the Nomination Papers, Mr. Feeser admitted that:

While I can't speak to what the details of those conversations are, I can attest to the fact that just about every candidate that comes to my office when they give us the paperwork, they say is everything okay. And our routine answer is as long as the minimum number of signatures are there and, you know, if there's a filing fee that's required is paid and things like that, you know, we accept them.

(N.T., 49:7-15).

Under cross-examination, Mr. Feeser admitted that when his staff reviews documents prior to accepting them, they do a “cursory review.” (N.T., 53:5-7). Further, when asked about deficiencies which his office had pointed out to Mr. Mindlin’s campaign, Mr. Feeser testified that those involved omissions of entire documents, not specific defects in the Nomination Papers. (N.T., 53:13-17). Most importantly, Mr. Feeser admitted that *he was never personally asked about whether Section C had to be completed.* (N.T., 53:19-24). Mr. Feeser also confirmed that the Nomination Papers attached to Mr. Coles’ Petition were accurate copies of those filed with his office, a fact which was then stipulated to by the parties. (N.T., 55:6-1).

At the conclusion of the hearing, the Honorable Bernard L. Coates, Jr. permitted the parties to file supplementary materials. As such, Mr. Coles submitted a memorandum of law on August 13, 2013, a copy of which is attached hereto as Exhibit D. Mr. Mindlin failed to file any supplementary materials.

On August 15, 2013, the Honorable Bernard L. Coates, Jr. issued a Memorandum Opinion and Order granting Mr. Coles’ Petition, setting aside the

Nomination Papers of Mr. Mindlin, and striking his name from the ballot for the November 5, 2013 election.³

Mr. Mindlin filed a Notice of Appeal on August 19, 2013. On that same date, this Honorable Court issued a *Per Curiam* Order setting deadlines. On or about August 29, 2013, Mr. Mindlin filed a Statement of Issues to be Presented on Appeal. This Brief is filed in accordance with the August 19, 2013 Order.

IV. SUMMARY OF ARGUMENT

The Pennsylvania Election Code, as held by the Supreme Court, permits a candidate to appear on a ballot only if they are nominated (1) by a political party, or (2) by a political body. *See* 25 P.S. §§2861-2983, §2911; Brown v. Finnegan, 389 Pa. 609, 133 A.2d 809 (1957). Here, it is undisputed that Mr. Mindlin was running as an “independent” candidate, requiring him to be nominated by a political body, and to comply with 25 P.S. §2911 by filing Nomination Papers.

Pursuant to 25 P.S. §2912 all Nomination Papers shall specify “the names and addresses of the committee, not to be less than three (3) nor more than five (5) persons, authorized to fill vacancies, if any shall occur.” Here it is undisputed that Mr. Mindlin intentionally failed to name a Committee to Fill Vacancies on *any* of his Nomination Papers.

³ A copy of this Memorandum Opinion and Order are required to be included in Appellant’s Brief and will not be reproduced herein.

This Honorable Court has, on three previous occasions, held that the failure to name a Committee to Fill Vacancies is a fatal defect which cannot be corrected. *See In re Nomination Papers of Gerald R. Carlson*, 60 Pa. Cmwlth 170, 172, 430 A.2d 1210, *aff'd*, 494 Pa. 139, 430 A.2d 1155 (1981); *Gazze v. Cortes*, 960 A.2d 176, 178 (2008); *In re Nomination Papers of Jack F. Dunmire*, 940 A.2d 538, 539 (Pa. Cmwlth.2007). Amendment of a defect caused by a misunderstanding or misreading of the Election Code is not permitted. *Appeal of Fairview Associates, Inc.*, 61 Pa. Cmwlth. 404, 407, 433 A.2d 929 (1981).

V. ARGUMENT

- A. The trial court properly granted Mr. Coles' Petition, and set aside the Nomination Petition and Papers of Nevin Mindlin, where said Nomination Papers failed to indentify a Committee to Fill Vacancies in violation of 25 P.S. §2912.**

The Pennsylvania Election Code provides two routes for a candidate to have their name placed on the ballot for a November election. First, pursuant to 25 P.S. §§2861-2983, a statutorily defined political party can nominate a candidate through the primary election process. Second, similarly statutorily defined political bodies can nominate candidates though the filing of Nomination Papers pursuant to 25 P.S. §2911. The Pennsylvania Supreme Court has made clear that these are the sole avenues for a candidate to obtain a spot on the ballot:

Pennsylvania Election Code establishes two basic methods of nominations for political office: (1) by selection at a primary election, or (2) by nomination papers. The former method is limited to

candidates for the nomination of a political party; the latter method, to candidates for the nomination of a *political body*. The terms ‘political party’ and ‘political body’ are not interchangeable. As a basic proposition, a party is an organization which has polled a sufficiently large number of votes at the preceding general or municipal election to entitle it to nominate all its candidates for office and to elect all its party officers at primaries, under the provisions of the Election Code. An organization which does not poll the requisite number of votes at the preceding election cannot nominate candidates or elect its officers at primaries. It can only nominate candidates by *nomination papers*.

Brown v. Finnegan, 389 Pa. 609, 133 A.2d 809, 811 (1957).

At the hearing in this matter, much was made over whether Mr. Mindlin was a “political body.” However, this was a red herring. By definition, found at 25 P.S. § 2831, a candidate is either nominated by a political party or by a political body. *There is no other option or alternative*. In fact, in the “General Information About Running for Public Office” publication by the Department of State, Bureau of Commissions, Elections and Legislation, entered into the Record by Mr. Mindlin at the hearing, it is plainly explained, at page 1, that “A political body is any party or body that does not qualify as a political party⁴.” As much as Mr. Mindlin appears to distain the term “political body” the fact remains that under the applicable Pennsylvania Elections Code, he attempted nomination by a political body consisting of Brenda Barrett, the 13 other signers of Mr. Mindlin’s Nomination Papers present at the hearing, as well as all others who signed said Papers. Those folks, not Mr. Mindlin, constituted a political body, who were

⁴ “Political Party” is previously defined in that publication.

attempting to nominate him for Mayor. Mr. Mindlin's explanation that he is running as an "independent American citizen" is as meaningless as John McCain declaring himself a "maverick" in the 2008 Presidential election; even Senator McCain had to play by the applicable election laws despite his preference for being viewed as an unorthodox or independent-minded person.

Because Mr. Mindlin sought nomination by a political body, 25 P.S. §2911 required that he file Nomination Papers. The following section of the Election Code, found at 25 P.S. §2912, details exactly what must be included in the Nomination Papers and states that they shall specify "the names and addresses of the committee, not to be less than three (3) nor more than five (5) persons, authorized to fill vacancies, if any shall occur."

Here it is undisputed that Mr. Mindlin failed to name a Committee to Fill Vacancies on *any* of his 20 Nomination Papers. In fact, Mr. Mindlin admitted at the hearing that this was not a mistake; to the contrary, he had no intention of naming a Committee to Fill Vacancies. "I had no intention of having me replaced because I was the candidate and it was only me."⁵ (N.T., 11:19-21). Thus, this was not some unfortunate typo, accidental omission, or technical paperwork error. To the contrary, Mr. Mindlin, on 20 separate occasions, admittedly made the

⁵ One wonders, if it was "only" Mr. Mindlin, who were Ms. Barrett and the 13 others supporting Mr. Mindlin at the hearing, not to mention the hundreds of others whose signatures appear on the Nomination Papers?

conscious decision to forgo completing Section C of his Nomination Papers, in direct violation of the clear statutory requirement found at 25 P.S. §2912.

In fact, not only does the Election Code provide notice of the mandatory requirement that a Committee to Fill Vacancies be named, the Nomination Papers themselves, filed on Commonwealth of Pennsylvania, Department of State forms, designated DSBE PB (rev. 2/11), expressly state at the top: “NOTE: You must fill in all information in A, B & C before you begin collecting for signatures.”

(emphasis added). Mr. Mindlin admitted that he read these instructions, but did not follow them because he deemed them to be “inapplicable.” (N.T., 22:23-23:11; 24:8-14).

Further, by failing to name a Committee to Fill Vacancies, Mr. Mindlin, as expressly held by the trial court, also failed to inform the signers of his Nomination Papers who would comprise that Committee. The Honorable Bernard L. Coates, Jr., concluded that “Mr. Mindlin’s signers were not aware of any information regarding the membership of the Committee to Fill Vacancies, and amendment is not proper to cure the defect in Mr. Mindlin’s Nomination Papers.” *See* August 15, 2013 Memorandum Opinion and Order.

This is not a case where the Commonwealth Court is being asked to decide a new or unique issue of election law. The fact is that this Honorable Court has, on three previous occasions, been asked to review this issue. In all three instances,

this Court has held that the failure to name a Committee to Fill Vacancies is a fatal defect which cannot be corrected. See In re Nomination Papers of Gerald R. Carlson, 60 Pa. Cmwlth 170, 430 A.2d 1210, *affd.* 494 Pa. 139, 430 A.2d 1155 (1981); Gazze v. Cortes, 960 A.2d 176 (2008); In re Nomination Papers of Jack F. Dunmire, 940 A.2d 538 (Pa. Cmwlth.2007). As such, stare decisis demands that the trial court, which relied on the three opinions cited above, be affirmed.

At the hearing, Mr. Mindlin attempted to argue that he justifiably relied on the advice of the Dauphin County Board of Elections. However, aside from his own self-serving testimony and hearsay statements, Mr. Mindlin offered no evidence that anyone at the Bureau had told him he did not need to complete Section C. On the other hand, Mr. Feeser, the sole Bureau of Voter Registration and Elections representative called to testify at the hearing, denied ever having any conversations with Mr. Mindlin or his campaign specifically regarding the need to name a Committee to Fill Vacancies. (N.T., 53:19-24). As such, Mr. Mindlin has failed to present any evidence in support of his bald assertion.

Further, at the hearing, counsel for Mr. Mindlin cited two cases in support of his position that his reliance on general comments from clerks at the Dauphin County Bureau of Voter Registration and Elections should excuse his noncompliance with clear statutory provisions. However, a review of those cases show that the case law, in fact, supports Mr. Coles' position.

In Appeal of Fairview Associates, Inc., 61 Pa. Cmwlth. 404, 433 A.2d 929 (1981), the Commonwealth Court unequivocally stated that “It is well settled, moreover, that when a party presents an election petition containing a fatal defect, amendment may not then be permitted on allegation that the defect was caused by a misunderstanding or misreading of the Election Code.” Id. at 406-407. The Fairview Associates’ court only permitted amendment where the Board of Elections had committed an error by providing a candidate with the incorrect number of voters’ signatures which needed to be collected. The Fairview Associates’ court explained that “The electors therefore had to refer to sources outside the statute.” Id. at 407. As such, the Fairview Associates’ case is easily distinguishable where the court explicitly explained that the reasonable reliance on direction from the Board of Elections was for material which was outside of the statute. The court pointed out that a defect in a Nomination Petition caused by a misunderstanding or a misreading of the Election Code, as had occurred in the instant case, was a fatal defect not subject to amendment.

In Petition of Hall, 26 Pa. Cmwlth. 54, 362 A.2d 475 (1976), the second case cited by Mr. Mindlin’s counsel at the hearing, a candidate attempted to file several petitions containing signatures necessary to obtain a spot on the ballot. Upon review, a representative of the Bureau of Elections determined that one of the pages was deficient and attempted to return said deficient page to the candidate.

However, the Bureau of Elections' employee mistakenly returned one of the valid petitions to the candidate, instead of the one which had been deemed deficient. As such, the Commonwealth Court allowed the signatures on the valid petition which was inadvertently returned, instead of being filed, to count towards the candidate's total because the error involved was, like in Fairview Associates, on the part of the Bureau of Elections. No "amendment" was even involved. As such, the Hall case is completely inapplicable and has no bearing on the issue at hand.

Prior to the hearing, the trial court was aware of the Fairview Associates and Hall cases. (N.T., 32:12-33:11). The trial court, in fact, cited to these cases in the Memorandum Opinion and Order. However, the trial court correctly concluded that they were distinguishable, for the reasons stated above.

Understandably, in his Statement of Issues, Mr. Mindlin appears to have abandon his futile reliance on Fairview Associates and Hall, and instead cherry picks language from several cases in which the Court explains the need to protect the right of an individual to run for office. (Of course none of the cases cited by Mr. Mindlin deal with the need to name a Nomination Committee or are on point with the issues raised in this matter.) While the cases cited do, as Mr. Mindlin points out, state that the Election Code must be "liberally construed" to "protect the elective franchise," they also state that "the policy of the liberal reading of the Election Code cannot be distorted to emasculate those requirements necessary to

assure the probity of the process.” In re 2003 General Election for Office of Prothonotary, 578 Pa. 3, 14, 849 A.2d 230, 237 (2004)⁶(*citations omitted*). In Storer v. Brown, 415 U.S. 724, 94 S. Ct. 1274, 39 L. Ed. 2d 714 (1974), *another case cited by Mr. Mindlin in his Statement of Issues*, the United States Supreme Court upheld California’s election law which imposed a “requirement that the independent candidate not have been affiliated with a political party for a year before the primary” as said law “is expressive of a general state policy aimed at maintaining the integrity of the various routes to the ballot. It involves no discrimination against independents.” Id. at 733. The Storer Court explained that

California apparently believes with the Founding Fathers that splintered parties and unrestrained factionalism may do significant damage to the fabric of government. See The Federalist, No. 10 (Madison). It appears obvious to us that the one-year disaffiliation provision furthers the State’s interest in the stability of its political system. We also consider that interest as not only permissible, but compelling and as outweighing the interest the candidate and his supporters may have in making a late rather than an early decision to seek independent ballot status...To conclude otherwise might sacrifice the political stability of the system of the State, with profound consequences for the entire citizenry, merely in the interest of particular candidates and their supporters having instantaneous access to the ballot.

Id. at 736. Thus, it is clear that even in those cases in which Mr. Mindlin cherry picks favorable language regarding the need to liberally construe the Election Code

⁶ Mr. Mindlin cites to this case in his Statement of Issues in support of his positions.

to protect an individual's right to run for office, the Courts have also expressly recognized a State's interest in placing safeguards on ballot access.

In the instant case, Mr. Mindlin has admitted through his own testimony that he misunderstood and misinterpreted the statutory provision requiring him to name a Committee to Fill Vacancies. "I was not aware of the requirement. It didn't appear to apply to me." (N.T., 28:12-13). Mr. Mindlin's misunderstanding or misreading of the Election Code cannot be excused by alleged reliance on generalized representations made by ministerial personnel in the Dauphin County Bureau of Elections.

The statutory provisions requiring Mr. Mindlin to complete subsection C of his Nomination papers is clear. The wording on the very top of the form clearly states that completion of sections A, B, and C is required. As evidenced by the applicable case law, cited both by Petitioner, Donald C. Coles, Sr., and by Mr. Mindlin's own counsel, his failure to do so, as a matter of law, required that his Nomination Papers be rejected and his name be stricken from the ballot in the November 5, 2013 election.

As shown through the hearing and record of this case, the trial court's findings of fact were supported by substantial evidence. The trial court did not abuse its discretion or commit an error of law and its Order setting aside the

Nomination Petition and Papers of Nevin Mindlin and striking his name from the ballot must be sustained.

B. The trial court properly utilized its discretion in holding that amendment was not proper to cure the defect in Mr. Mindlin's Nomination Papers.

As shown above, three prior decisions of this Honorable Court show that the failure to name a Committee to Fill Vacancies is a fatal defect which cannot be cured by amendment. *See* Carlson, Gazze, and Dunmire, *supra*. Further, this Court has made unequivocally clear that amendment of a defect caused by a misunderstanding or misreading of the Election Code is not permitted. Fairview Associates, 61 Pa. Cmwlth. at 433. Relying on the clear precedent of this Court, the trial court did not abuse its discretion in holding that the defect in Mr. Mindlin's Nomination Papers was fatal and that amendment was not proper.

Further, as was made clear at the hearing, amendment of Mr. Mindlin's Nomination Papers is unwarranted where Mr. Mindlin himself has admitted that his deficient filings were based upon the fact that he was running not as a member of any political body, but rather as an individual American citizen. Mr. Mindlin testified that *he did not want Committee to Fill Vacancies* as he did not intend for anyone to replace him should he die or otherwise be unavailable to run in the election. (N.T., 11:13-21). As such, the suggestion that Mr. Mindlin be allowed to amend his Nomination Papers by inserting names in section C is wholly

inconsistent with his testimony, that he *intentionally* chose to ignore section C where amendment would not be remediating an error or mistake.

Moreover, such an amendment would be futile since, as the Nomination Papers clearly state, section C is required to be completed before any signatures may be obtained. No testimony was offered at the hearing to cure the defect; nor was there any evidence to “show that the signers were aware of any information regarding the membership of the Committee to Fill Vacancies” at the time they signed the Papers. In fact, the trial court expressly held that, although:

Mr. Mindlin produced witnesses at the August 12, 2013[,]. Mr. Mindlin’s witnesses did not testify that they were informed of the requirement that he specify a Committee to Fill Vacancies nor were they informed that he had not chosen a committee because he believed the requirement did not apply to him. Therefore, Mr. Mindlin’s signers were not aware of any information regarding the membership of the Committee to Fill Vacancies and an amendment is not proper to cure the defect.

See August 15, 2013 Memorandum Opinion and Order. As such, the trial court did not commit an abuse of discretion or error of law in holding that Mr. Mindlin was not entitled to amend his Nomination Papers.

C. The Dauphin County Bureau of Voter Registration and Elections was served with the Petition so as to give the trial court jurisdiction to hear it.

The first issue listed in Mr. Mindlin's Statement of Issues⁷ [on appeal], indicates that Mr. Mindlin is challenging the jurisdiction of the trial court to hear Mr. Coles' Petition based on a failure to serve the Petition on the Dauphin County Bureau of Voter Registration and Elections. (While Mr. Mindlin does not specifically allege defective service on the Bureau, the Statement of Issues includes a citation to In Re: Nomination Petition of Angela Gerena, 972 A.2d 86 (Pa. Cmmwlth., 2009) in which this was the sole issue.) However, as explained above, and as shown by Exhibit B, the Dauphin County Bureau of Voter Registration and Elections was properly served with the Petition pursuant to 25 P.S. §2937.

Further, despite the fact that Mr. Feeser, director of the Bureau, was present and testified at the hearing on behalf of Mr. Mindin, the issue of service was never raised, and is now waived. In Brumbach v. Weaver, 105 Pa. Cmwlt. 526, 525 A.2d 15 (1987), this Honorable Court unequivocally held:

Even assuming that service of the objection petition on the board is a personal jurisdiction requirement, Appellant is precluded from raising that issue for the first time on appeal. Pa.R.A.P. 302 states: "Issues not raised in the lower court are waived and cannot be raised for the first time on appeal." Appellant contends that he has not waived this

⁷ In all Mr. Mindlin raises 16 Issues on appeal. Not all will be individually addressed as most are inapplicable or have been waived.

defense because it is jurisdictional. However, only subject matter jurisdiction, not personal jurisdiction, falls within this exception to waiver and Appellant argues personal jurisdiction.

Id. at 529.

D. This Honorable Court should refuse to entertain Mr. Mindlin's challenges to the Pennsylvania Election Code under the Pennsylvania and United States Constitutions where said challenges were not raised before the trial court.

Mr. Mindlin's Statement of Issues contains a shot-gun blast of Constitutional claims under both the Pennsylvania and United States Constitutions. However, these claims were never raised before the trial court and are waived. *See* Pa. R.A.P. 302, and subsection E below.

Further, it has been expressly held that an issue not raised in the lower court, even if it is a constitutional claim, will be considered waived. The general rule is that "[i]ssues not raised in the lower court are waived and cannot be raised for the first time on appeal." Pa. R.A.P. 302(a). This rule applies equally to constitutional issues. ABG Promotions v. Parkway Pub., Inc., 834 A.2d 613, 619 (Pa. Super. 2003) ("This waiver rule applies even if the issue raised for the first time on appeal is a constitutional question."); Brown v. Philadelphia Tribune Co., 668 A.2d 159, 162 (Pa. Super. 1995), *appeal denied*, 675 A.2d 1241 (Pa. 1996), *cert. denied*, 519 U.S. 864 (1996) ("This is true even if the issues raised on appeal are of constitutional dimension.").

Here, Mr. Mindlin was afforded several opportunities to raise Constitutional (and other) issues before the trial court. Argument was permitted at the August 12, 2013 hearing, and the trial court solicited additional written submissions from the parties. However, Mr. Mindlin failed to avail himself of the opportunity and neither raised Constitutional issues at the hearing, nor even bothered to file any written submission whatsoever. Thus, Mr. Mindlin's Constitutional claims were not raised before the trial court, have been waived, and should not be considered by this Court.

E. All other issues not raised before the trial court should be deemed waived.

Pennsylvania Rule of Appellate Procedure 302 expressly states that "Issues not raised in the lower court are waived and cannot be raised for the first time on appeal." In the instant case, the majority of the Issues raised by Mr. Mindlin in his Statement of Issues were not raised in the trial court. While the majority of the issues improperly fail to point to the part of the record where said issues were allegedly preserved, those that do attempt to do so are, in most cases, unsupported by said references.

As shown above, Mr. Mindlin was afforded several opportunities within which to raise and preserve issues. Mr. Mindlin's failure to do so constitutes a waiver of those issues and they should not be entertained by this Court.

Finally, Mr. Mindlin's counsel, Attorney Otter, should be well aware that attempting to improperly raise issues which were not previously raised in a time-sensitive election matter is not a practice favored by this Court, having been personally involved as counsel in a case where the practice was admonished as "disingenuous":

Another example of Candidate's disingenuous conduct is Candidate's attempt to raise matters regarding the review of the challenged signatures which should have been raised during the course of the review. Specifically, Candidate questions the reliability, uniformity and accessibility of the SURE System. If an issue arose during the review process with the SURE System or with regard to another matter which Candidate did not agree, he should have come into Court with an appropriate motion to resolve the issue at the time those issues arose. For Candidate to raise these issues or matters at this point is nothing more than questionable on the part of Candidate. The Court notes that Candidate did raise issues with the SURE System in Candidate's reply to the Motion in Limine; however, **Mr. Otter** failed to argue these issues on behalf of Candidate at the September 14, 2006 evidentiary hearing. In this Court's opinion, Candidate has effectively waived these issues and to permit consideration of these collateral issues at this point in time would thwart the duty and responsibility of this Court to dispose of this election matter in an expedited manner.

In re Nomination Paper of Rogers, 914 A.2d 457, 464 (Pa. Commw. Ct. 2006)

aff'd sub nom. In re Rogers, 589 Pa. 86, 907 A.2d 503 (2006)(*emphasis added*).

While the Rogers case involved issues within this Court's exercise of original jurisdiction, the same principles apply. In fact, in light of the clear direction of Pa. R.A.P. 302, it should have been even more apparent that it is inappropriate to raise issues for the first time on appeal.

F. Mr. Mindlin was afforded the right to appear on the ballot.

Many of the “issues” raised in Mr. Mindlin’s “Statement,” namely issues 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, allege or imply that Mr. Mindlin was somehow denied the ability to appear on the ballot due to his status as an independent candidate. Nothing could be further from the truth. To the contrary, the Pennsylvania Election Code provides an express avenue for an independent candidate such as Mr. Mindlin to appear on the ballot, namely by filing Nomination Papers in accordance with 25 P.S. §§2911 and 2912.

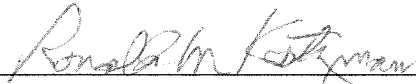
Here, as properly found by the trial court, Mr. Mindlin’s own conscious decision not to name a Committee to Fill Vacancies constituted a fatal defect in his Nomination Papers, requiring that they be set aside. This is not a case, such as the multitude cited in Mr. Mindlin’s “Statement of Issues,” in which onerous or impossible burdens were placed upon non-party candidates. Instead, this is a case where Mr. Mindlin consciously failed to follow clear law and clear instructions. Any suggestion to the contrary is a misrepresentation.

VI. CONCLUSION

In light of the forgoing, Donald Lee Coles, Sr. respectfully requests that this Honorable Court affirm the trial court's Order granting the Petition of Donald Lee Coles, Sr., setting aside the Nomination Petition and Papers of Nevin Mindlin.

GOLDBERG KATZMAN, P.C.

Respectfully submitted,



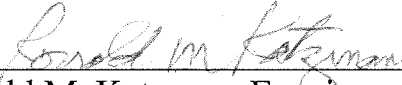
Ronald M. Katzman, Esquire
Attorney I.D. No. 07198
S. Baker Kensinger, Esquire
Attorney I.D. No. 208305
4250 Crums Mill Road, Suite 301
P.O. Box 6991
Harrisburg, PA 17112
(717) 234-4161
*Attorneys for Appellee
Donald Lee Coles, Sr.*

Date: September 4, 2013

Identical Compliance of Brief

The text of the electronic version of the brief is identical to the text of the paper copies filed with the Court and served upon counsel.

GOLDBERG KATZMAN, P.C.



Ronald M. Katzman, Esquire


Date: September 4, 2013

CERTIFICATE OF SERVICE

On this date, I certify that a copy of the foregoing document was served upon the following parties of record via electronic mail and by placing the same in the United States mail, first class, postage prepaid, addressed as follows:

Lawrence M. Otter, Esq.
P.O. Box 2131
Doylestown, PA 18901
larryotter@hotmail.com
Counsel for Appellant

GOLDBERG KATZMAN, P.C.



Ronald M. Katzman, Esquire

Date: September 4, 2013

Exhibit A

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DAUPHIN COUNTY
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IN RE: NOMINATION PAPERS OF
NEVIN MINDLIN FOR THE OFFICE
OF MAYOR OF THE CITY OF
HARRISBURG

: IN THE COURT OF COMMON PLEAS
: DAUPHIN COUNTY, PENNSYLVANIA
:
: NO. 2013 CV 6974 EL
:
: CIVIL ACTION
:

**PETITION OBJECTING TO THE NOMINATION PAPERS OF NEVIN MINDLIN
FOR THE OFFICE OF MAYOR OF THE CITY OF HARRISBURG**

To the Honorable Judges of said Court:

The undersigned, by his attorneys, Goldberg Katzman, P.C., hereby files these

Objections to the above Nomination Papers, and respectfully represents:

1. The said Petitioner, Donald Lee Coles, Sr., an adult individual residing at 2422 Brookwood Street, Harrisburg PA 17104, is a citizen and registered Democratic Party elector of the City of Harrisburg, County of Dauphin, Pennsylvania.
2. This Petition is filed pursuant to the Pennsylvania Election Code, 25 P.S. §2937.
3. Nevin Mindlin ("Mindlin") is an individual residing at 2550 North 3rd Street, Harrisburg, PA 17110, in the City Harrisburg, County of Dauphin, Pennsylvania.
4. Mindlin filed for election to the Office of Mayor of the City of Harrisburg as an Independent.
5. As set forth in detail below, Mindlin failed to list a committee of 3 to 5 people to fill a vacancy, should one occur, as required by the Election Code, rendering his Nomination

Papers invalid and requiring the striking of his name from the ballot.

6. “All candidates who are not members of a major political party (e.g., minor political parties, political bodies, **and independents**) must file nomination petitions to have their names placed on the general or municipal election ballot.” Constitution Party v. Aichele, CIV.A. 12-2726, 2013 WL 867183 (E.D. Pa., 2013)(*citing* 25 P.S. § 2872.2)(*emphasis added*). A copy of this recent slip opinion is attached hereto as Exhibit “A”.

7. “These candidates must obtain signatures on nomination papers equaling at least two percent of the largest entire vote cast for an elected candidate in the state at large at the last preceding election which included statewide candidates.” Id. (*citing* 25 P.S. § 2911(b)).

8. Thus, 25 P.S. § 2911(b) requires an independent, like Mindlin, to file the proper Nomination Papers.

9. Mindlin has filed with the Dauphin County Board of Elections Nomination Papers as a candidate for the office of Mayor of the City of Harrisburg in the November 5, 2013 election on the following dates:

- a. April 11, 2013
- b. April 26, 2013
- c. May 10, 2013
- d. August 1, 2013

10. Copies of said Nomination Papers are attached hereto as Exhibit “B.”

11. The Nomination Papers, filed on Commonwealth of Pennsylvania, Department of State, forms, designated DSBE PB (rev. 2/11), state at the top: “NOTE: You must fill in all information in A, B & C before you begin collecting for signatures.” (*emphasis added*).

12. Mindlin failed to fill complete subsection C, entitled “Committee to Fill

Vacancies.”

13. 25 P.S. § 2912 requires:


All nomination papers shall specify...the names and addresses of the committee, not to be less than three (3) nor more than five (5) persons, authorized to fill vacancies, if any shall occur.

(emphasis supplied).

14. None of the 20 Nomination Papers list, under subsection C, the names of committee members to fill vacancies, as required by 25 P.S. § 2912 and expressly instructed on the Nomination Papers themselves.

15. As an independent candidate, Mindlin’s failure to identify a Committee to Fill Vacancies in his Nomination Papers is a fatal defect, requiring rejection of the Nomination Papers and striking of his name from the ballot. *See Gazze v. Cortes*, 960 A.2d 176 (2008), a courtesy copy of which is attached hereto as Exhibit “C”.

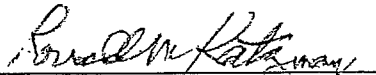
WHEREFORE, your Petitioner prays that: (a) a hearing on the Petitioner's Objections, as provided in the Pennsylvania Election Code, 25 P.S. § 2937, be scheduled forthwith; (b) Mr. Mindlin's nomination petition and papers for Mayor of the City of Harrisburg be set aside; and (c) the name of Nevin Mindlin, as a candidate for the office of Mayor of the City of Harrisburg be stricken from the ballot for the November 5, 2013 election.



Donald Lee Coles, Sr., Petitioner

GOLDBERG KATZMAN, P.C.

By:



Ronald M. Katzman, Esquire
Attorney I.D. #07198
S. Baker Kensinger, Esquire
Attorney I.D. #208305
4250 Crums Mill Road
P.O. Box 6991
Harrisburg, PA 17112
Attorneys for Petitioners

Dated: August 8, 2013

VERIFICATION

I, Donald Lee Coles, Sr., the undersigned, being duly sworn, state that I believe the facts stated in the foregoing Petition In re: Nomination Papers of Nevin Mindlin are true and correct to the best of my knowledge and belief. According to the best of my knowledge and belief, the Nomination Papers failed to identify a Committee to Fill Vacancies and the Objections to Mr. Mindlin's Nomination Papers are made in good faith.

I understand that any false statements herein are made subject to penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.


Donald Lee Coles, Sr.
Donald Lee Coles, Sr.

Dated: August 7, 2013

2013 WL 867183
Only the Westlaw citation is currently available.
United States District Court,
E.D. Pennsylvania.

CONSTITUTION PARTY, et al., Plaintiffs¹

v.

Carol AICHELE, et al., Defendants.²

Civil Action No. 12-2726. | March 8, 2013.

Attorneys and Law Firms

Oliver B. Hall, Washington, DC, James N. Clymer, Clymer & Musser PC, Lancaster, PA, for Plaintiffs.

Sarah C. Yerger, Office of Attorney General, Harrisburg, PA, Ronald L. Hicks, Jr., Meyer Unkovic & Scott LLP, Pittsburgh, PA, Jonathan Shae Goldstein, Law Offices of Jonathan S. Goldstein, Narberth, PA, Lawrence M. Otter, Doylestown, PA, for Defendants.

Opinion

MEMORANDUM

STENGEL, District Judge.

*1 For the second time in recent years, the plaintiffs brought an action alleging Pennsylvania's ballot access scheme violates rights guaranteed by the United States Constitution by forcing them to assume the risk of incurring substantial financial burdens if they defend nomination petitions they are required by law to submit.³ The plaintiffs specifically allege that 25 P.S. § 2911(b), the provision requiring the submission of nomination petitions, and 25 P.S. § 2937, the provision authorizing the imposition of costs against candidates who defend such petitions, are unconstitutional as applied to them. The plaintiffs further allege that Section 2937 is unconstitutional on its face. They seek prospective declaratory relief and prospective injunctive relief only. The defendants filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. The intervenor-defendants filed a separate motion to dismiss and, in addition to their own arguments, incorporated the arguments set forth in the defendants' motion. After the plaintiffs responded, I held a hearing on the motions. For the following reasons, I will grant the motions to dismiss.

I. BACKGROUND

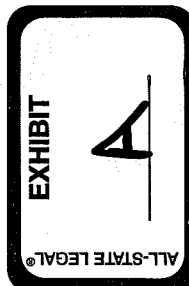
Under Pennsylvania law, a political body is qualified as a political party when one of its candidates obtains a two percent level of support in the preceding general election. Specifically, 25 P.S. § 2831(a) defines a political party as:

Any party or political body, one of whose candidates at the general election next preceding the primary polled in each of at least ten counties of the State not less than two percentum of the largest entire vote cast in each of said counties for any elected candidate, and polled a total vote in the State equal to at least two percentum of the largest entire vote cast in the State for any elected candidate, is hereby declared to be a political party within the State.

Pennsylvania has a two-track system for candidates of political parties to be placed on the general election ballot. The first track is for major political parties. Based on voter registrations, the Democratic Party and the Republican Party are the only major political parties in Pennsylvania at this time. The major political parties generally place their candidates on the November ballot through the publically-funded primary process. See 25 P.S. § 2862. Candidates who seek to appear on the Republican or Democratic primary election ballot must submit 2,000 valid signatures. See 25 P.S. § 2872.1. The winner of the primary election automatically appears on the general election ballot. See P.S. § 2882.

The second track for candidates to be placed on the November ballot is by filing nomination petitions with the Secretary of the Commonwealth. See 25 P.S. § 2872.2. All candidates who are not members of a major political party (e.g., minor political parties,⁴ political bodies, and independents) must file nomination petitions to have their names placed on the general or municipal election ballot. *Id.* These candidates must obtain signatures on nomination papers equaling at least two percent of the largest entire vote cast for an elected candidate in the state at large at the last preceding election which included statewide candidates. See 25 P.S. § 2911(b).⁵

*2 By statute, the first day to circulate nomination papers is the tenth Wednesday prior to the primary. Nomination petitions must be filed with the Secretary on or before



August 1st of each election year. *See* 25 P.S. § 2913(a). The Secretary must examine the petitions and reject them if they contain material errors apparent on their face, if they contain material alterations, or if they lack the number of signatures required. *See* 25 P.S. § 2936. Nomination petitions accepted by the Secretary of the Commonwealth are deemed valid unless a private party files a petition challenging them and asking that they be set aside. The private parties have seven days to file objections challenging the validity of the signatures collected. *See* 25 P.S. § 2937. The Commonwealth Court of Pennsylvania then reviews any objections and determines whether the name of the candidate should be placed on the ballot or stricken. *Id.* Any party aggrieved by the decision of Commonwealth Court may then file an appeal as of right to the Supreme Court of Pennsylvania. Title 25 of the Pennsylvania Statute, Section 2937 provides that “[i]n case any such petition is dismissed, the court shall make such Order to the payment of the costs of the proceedings, including witness fees, as it shall deem just.” If the private parties lose, however, the candidate can receive costs from the challenger. *See In re Farnese*, 948 A.2d 215 (Pa.Comm.w.2008) (assessing costs against private individuals who unsuccessfully challenge a candidate's petition).

From February to July 2012, the minor parties collected signatures on nomination papers to qualify their candidates for placement on the ballot for the November 6, 2012 General Election. To qualify for placement on that ballot, these minor parties were required under the Pennsylvania Election Code to submit nomination papers which contain at least 20,601 signatures. *See* 25 P.S. § 2911(b).

On August 1, 2012, the plaintiffs submitted the signatures that they had gathered seeking to nominate certain candidates. In reviewing these signatures, the intervening defendants allegedly discovered extensive irregularities and possible fraud. Accordingly, on August 8, 2012, they filed two separate challenges to the signatures with the Commonwealth Court, asking the court to set aside the nomination papers on the basis of pervasive fraud in the signature-collection process. One challenge involved the nomination papers of nominees of the Libertarian Party of PA, *see In Re: Nomination Papers of Margaret K. Robertson, et al.*, 507 MD 2012 (Pa.Comm.w.2012), and the second challenge involved the nomination papers of nominees of the Constitution Party of PA, *see In Re: Nomination Papers of Virgil H. Goode, et al.*, 508 MD 2012 (Pa.Comm.w.2012). No such challenge was brought against the nomination papers of nominees of

the Green Party of PA. It is interesting to note that on October 10, 2012, the Commonwealth Court of Pennsylvania, finding that the Libertarian Party had presented 20,730 valid signatures, dismissed the petition to set aside the party's nomination papers, and ordered the Secretary of the Commonwealth to certify the candidacy of the candidates for that party. *Robertson, et al.*, 507 MD 2012. After a stipulated petition to withdraw the nomination papers in the case challenging the nomination papers of the Constitution Party, the Commonwealth Court ordered the Secretary of the Commonwealth to strike the names of that party's nominees from the general election ballot. *Virgil H. Goode, et al.*, 508 MD 2012. Thus, at this juncture, it is impossible that any of the plaintiffs will be assessed costs and fees, as the court “shall deem just,” as a result of the recent challenges to their nominating papers.

*3 The complaint alleges that the application of Section 2911(b) and Section 2937 has severely impacted the plaintiffs and continues to impose severe burdens on them. The plaintiffs and their nominees have allegedly been compelled under financial duress to withdraw nomination petitions submitted under Section 2911(b), despite their good faith belief the petitions included enough valid signatures, because they cannot afford to assume the risk of incurring costs pursuant to Section 2937. It further alleges that the challenged provisions have thus prevented the plaintiffs from participating freely in Pennsylvania's past elections.

For example, the complaint alleges that following the 2004 election, Ralph Nader and his running mate, two independent candidates, were ordered to pay \$81,102.19 in costs to the parties who challenged their nomination petitions pursuant to Section 2937. *See In re: Nomination Paper of Ralph Nader*, 588 Pa. 450, 905 A.2d 450 (Pa.2006). In the 2006 election, the threat of incurring costs pursuant to Section 2937 caused several minor party candidates either to withhold or withdraw the nomination petitions required by Section 2911(b). Only one minor party candidate for statewide office in 2006 was willing to submit and defend the nomination petitions, doing so based on his good faith belief that the 93,829 total signatures he submitted satisfied Section 2911(b)'s requirement of 67,070 valid signatures. After his nomination petitions were successfully challenged in Commonwealth Court pursuant to Section 2937, Green Party candidate for Senate Carl Romanelli and his legal counsel were assessed fees and costs of \$80,407.56. Mr. Romanelli was removed from the ballot. *In re: Rogers*, 942 A.2d 915 (Pa.Comm.w.2008); *see also In re: Rogers*, 914 A.2d 457, 463

(Pa.Comm.w.2007) (finding that fees were warranted as Mr. Romanelli had been disingenuous with the court and failed to comply with the court's Order).

The complaint further alleges that Democratic candidates or their allies filed challenges against the Green Party of PA and its 2010 nominees, while Republican candidates or their allies filed challenges against the Libertarian Party of PA and its 2010 nominees. In some cases, the challengers allegedly made explicit threats to seek costs pursuant to Section 2937, unless the plaintiffs immediately withdrew their nomination petitions. For example, after challenging the Libertarian Party of PA's nomination petitions, an attorney representing three voters aided by and affiliated with the Pennsylvania Republican Party allegedly threatened to seek "\$92,255 to \$106,455" in fees and costs if the party and its nominees did not immediately withdraw their nomination petitions. As a result of this threat, and on the advice of counsel, the Libertarian Party of PA and its nominees withdrew their nomination petitions the next day, August 17, 2010.

Similarly, a 2010 Green Party of PA nominee withdrew his nomination petitions after they were challenged by a Democratic nominee for the same office. He did so despite his belief that the petitions included more than the amount of valid signatures required by Section 2911(b), because he was unable to assume the risk of incurring costs pursuant to Section 2937. On August 13, 2010, the nominee filed a letter withdrawing his nomination petitions, which stated his belief that he had "no other choice," due to the "financial risks" he faced if he defended the challenge and incurred costs pursuant to Section 2937.

*4 A 2010 Constitution Party of PA nominee also declined to submit his nomination petitions in order to avoid the threat of incurring costs pursuant to Section 2937. Nomination petition challenges were also filed against "tea party" and independent candidates in 2010, causing them to withdraw rather than assume the risk of incurring such costs. As a result, no candidate for statewide office, except the Republican and Democratic nominees, appeared on Pennsylvania's 2010 general election ballot.

Finally, the complaint alleges that the Constitution Party of PA, the Green Party of PA, and the Libertarian Party of PA each have member-supporters who want to seek public office as their parties' nominees in future elections, but who cannot afford to incur costs pursuant to Section 2937. In addition, their membersupporters are allegedly increasingly reluctant

to dedicate the time and resources necessary to conduct a successful petition drive, because they know that the filing of a challenge pursuant to Section 2937 may force the petitions to be withdrawn, whether or not they include enough valid signatures to comply with Section 2911(b). In fact, the plaintiffs attach several "declarations" of those involved with the minor parties which describe the general reluctance to participate in elections because of the assessments of costs and fees in previous elections.

The plaintiffs insist that because Pennsylvania law provides no alternative means for them to place their nominees on the general election ballot, Section 2911(b) and Section 2937 interfere with their core functions of presenting their candidates to the electorate and building support for their parties' platforms, and with their goal of building viable minor political parties.

In their prayer for relief in the current case, the plaintiffs seek a declaratory judgment holding 25 P.S. § 2911(b) and 25 P.S. § 2937 unconstitutional as applied to the plaintiffs. Next, they seek a declaratory judgment holding 25 P.S. § 2937 unconstitutional on its face. Finally, the plaintiffs seek an injunction enjoining the defendants and any other official of the Commonwealth of Pennsylvania from enforcing the signature requirement imposed by 25 P.S. § 2911(b).

II. LEGAL STANDARD

Under Rule 12(b)(1) of the Federal Rules of Civil Procedure, a court must grant a motion to dismiss if it lacks subject-matter jurisdiction to hear a claim. "A motion to dismiss for want of standing is also properly brought pursuant to Rule 12(b)(1), because standing is a jurisdictional matter." *Ballentine v. U.S.*, 486 F.3d 806, 810 (3d Cir.2007). A 12(b)(1) motion to dismiss may be treated as either a "facial or factual challenge to the court's subject matter jurisdiction." *Gould Electronics Inc. v. U.S.*, 220 F.3d 169, 176 (3d Cir.2000). Under a facial attack, the movant challenges the legal sufficiency of the claim and the court considers only "the allegations of the complaint and documents referenced therein and attached thereto in the light most favorable to the plaintiff." *Id.* In reviewing a factual attack, however, the challenge is to the actual alleged jurisdictional facts. Thus, a court is free in that instance to consider evidence outside the pleadings. *Id.* Finally, once a 12(b)(1) challenge is raised, the burden shifts and the plaintiff must demonstrate the existence of subject-matter jurisdiction. *PBGC v. White*, 998 F.2d 1192, 1196 (3d Cir.2000). Here, the defendants bring a factual attack challenging the plaintiffs' Article III standing to bring

this action and its ripeness, thereby stripping this court of its subject matter jurisdiction. Thus, to the extent that certain of the plaintiffs' jurisdictional allegations are challenged on the facts, those claims receive no presumption of truthfulness.

*5 Under Rule 12(b)(6), a court must grant a motion to dismiss if the plaintiff fails "to state a claim upon which relief can be granted." In deciding a motion to dismiss pursuant to Rule 12(b)(6), the court must accept as true the well-pleaded allegations of the complaint and draw all reasonable inferences in the plaintiff's favor. *Brown v. Card Serv. Ctr.*, 464 F.3d 450, 452 (3d Cir.2006). "While a complaint attacked by a Rule 12(b)(6) motion to dismiss does not need detailed factual allegations, a plaintiff's obligation to provide the grounds of his entitlement to relief requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 127 S.Ct. 1955, 167 L.Ed.2d 929 (2007). The plaintiffs' claims are brought under 42 U.S.C. § 1983, therefore this court has jurisdiction under 28 U.S.C. § 1331.

III. DISCUSSION

Article III of the United States Constitution limits the power of federal courts to resolve cases or controversies. "A declaratory judgment or injunction can issue only when the constitutional standing requirements of a 'case' or 'controversy' are met." *St. Thomas-St. John Hotel & Tourism Ass'n, Inc. v. U.S. Virgin Islands*, 218 F.3d 232, 241 (3d Cir.2000). Requests for declaratory relief cannot hinge solely on hypothetical or contingent questions. *Id.* The case or controversy requirement is met when "there is a substantial controversy, between parties having adverse legal interests, of sufficient immediacy and reality to warrant the issuance of a declaratory judgment." *Id.* Courts ensure that the case or controversy requirement is met by following several justiciability doctrines, including standing, ripeness, mootness, the political question doctrine, and the prohibition on advisory opinions. *Toll Bros., Inc. v. Twp. of Readington*, 555 F.3d 131, 143 (3d Cir.2009). These justiciability doctrines "state fundamental limits on federal judicial power in our system of government." *Allen v. Wright*, 468 U.S. 737, 750, 104 S.Ct. 3315, 82 L.Ed.2d 556 (1984). "The Article III doctrine that requires a litigant to have 'standing' to invoke the power of a federal court is perhaps the most important of these doctrines." *Id.*; see also *Sprint Communications Co. v. APCC Servs., Inc.*, 554 U.S. 269, 273, 128 S.Ct. 2531, 171 L.Ed.2d 424 (2008) (the "case-or-controversy requirement is satisfied only where a plaintiff has standing").

A. Standing

The doctrine of standing helps identify which disputes are justiciable under the case or controversy requirement. "As an incident to the elaboration of this bedrock [case or controversy] requirement, this court has always required that a litigant have "standing" to challenge the action sought to be adjudicated in the lawsuit." *Valley Forge Christian College v. Americans United for Separation of Church and State, Inc.*, 454 U.S. 464, 471, 102 S.Ct. 752, 70 L.Ed.2d 700 (1982). At a minimum, three elements are needed to establish constitutional standing under Article III: (1) injury-in-fact, (2) causation (or traceability), and (3) redressability. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 112 S.Ct. 2130, 119 L.Ed.2d 351 (1992). An injury-in-fact is an invasion of a legally protected interest which is (a) concrete and particularized; and (b) actual or imminent, not conjectural or hypothetical. *Id.* at 560-561. Second, there must be a causal connection between the injury and the offending conduct. *Id.* Thus, the injury must be "fairly traceable" to the challenged action of the defendant. *Id.* Finally, "it must be likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision." *Id.* at 561.

*6 The fact that this action includes a request for declaratory judgment does not eliminate the requirement of standing—rather, "[a] declaratory judgment may issue only where the constitutional standing requirements of a justiciable controversy are satisfied." *National Ass'n For Stock Car Auto Racing, Inc. v. Scharle*, 184 Fed. Appx. 270, 274 (3d Cir.2006); see also *St. Thomas-St. John Hotel & Tourism Ass'n*, 218 F.3d at 240 ("A declaratory judgment or injunction can issue only when the constitutional standing requirements of a case or controversy are met").

In the declaratory judgment context, the Third Circuit Court of Appeals has acknowledged that declaratory judgments are "frequently sought before injury has actually happened" and that in those cases standing requirements are satisfied when "there is a substantial controversy, between parties having adverse legal interests, of sufficient immediacy and reality to warrant the issuance of a declaratory judgment." *Step-Saver Data Systems, Inc. v. Wyse Technology*, 912 F.2d 643, 647 (3d Cir.1990) (quoting *Maryland Casualty Co. v. Pacific Coal & Oil Co.*, 312 U.S. 270, 273, 61 S.Ct. 510, 85 L.Ed. 826 (1941)).

Here, in considering the issue of standing, the identical analysis applies to all three counts in this complaint. In

Count One, the plaintiffs request a declaratory judgment pursuant to 42 U.S.C. § 1983 holding 25 P.S. §§ 2911(b) and 2937 unconstitutional as applied. They allege that Section 2911(b) and Section 2937 violate their freedoms of speech, petition, assembly and association for political purposes, and their right to due process of law, as guaranteed by the First and Fourteenth Amendments, by imposing or threatening to impose substantial financial burdens on them, without limitation, if they defend nomination petitions they are required by law to submit.

In Count Two of the complaint, the plaintiffs request a declaratory judgment pursuant to 42 U.S.C. § 1983 holding 25 P.S. §§ 2911(b) and § 2937 unconstitutional as applied. They allege that both sections violate their right to equal protection of law, as guaranteed by the Fourteenth Amendment, to place nominees on the general election ballot pursuant to Section 2911(b), by requiring them to submit nomination petitions with tens of thousands of valid signatures, when the Republican and Democratic candidates for statewide office must submit at most 2,000 signatures. The plaintiffs allege that they are further injured because private parties may challenge their nomination petitions, forcing them to assume the risk of incurring costs or to withdraw from the general election.

In Count Three, the plaintiffs request a declaratory judgment pursuant to 42 U.S.C. § 1983 holding 25 P.S. § 2937 unconstitutional on its face. They allege that Section 2937 chills their free exercise of their rights to speech, petition, assembly, and association for political purposes by requiring them to assume the risk of incurring substantial financial burdens if they defend nomination petitions they are required to submit pursuant to Section 2911(b).

*7 “A plaintiff seeking a declaratory judgment must possess constitutional standing but need not have suffered ‘the full harm expected.’” *Khodara Environmental, Inc., v. Blakey*, 376 F.3d 187, 193 (3d Cir.2004) (quoting *The St. Thomas—St. John Hotel & Tourism Ass’n*, 218 F.3d at 240). A plaintiff seeking a declaratory judgment “has Article III standing if ‘there is substantial controversy, between parties having adverse legal interests, of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.’” *Id.*; see also *Davis v. FEC*, 554 U.S. 724, 734, 128 S.Ct. 2759, 171 L.Ed.2d 737 (2008) (“the injury required for standing need not be actualized. A party facing prospective injury has standing to sue where the threatened injury is real, immediate, and direct”).

When this complaint was filed, see *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 571 n. 4, 112 S.Ct. 2130, 119 L.Ed.2d 351 (1992) (the existence of federal jurisdiction ordinarily depends on the facts as they exist when the complaint is filed), the injury the plaintiffs alleged could not be considered a “real, immediate, and direct injury.” The complaint does not present a “substantial controversy, between parties having adverse legal interests, of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.” In fact, the threat of injury they allege is far from actual or imminent. For example, the plaintiffs allege that potential candidates’ right to ballot access is chilled because of the *possibility* of assessed costs. Even though declarations were attached to the complaint indicating a reluctance to participate in the elections, the threat of assessed cost remains “conjectural or hypothetical.”

I am also not persuaded by the plaintiffs’ argument that because non-major party candidates have been assessed costs in the past, their future candidates will be assessed costs. In the two cases assessing sanctions against non-major party candidates, the Pennsylvania courts found that the candidates had participated in fraud, bad faith, or similar inappropriate conduct prior to assessing costs. *Nader*, 905 A.2d at 455; *Rogers*, 942 A.2d 915, 930–931 (Pa.Super.2008). The plaintiffs make no allegation a court will assess costs against a candidate who acted in good faith. See *Pa. Prison Soc’y v. Cortes*, 508 F.3d 156, 167 (3d Cir.2007) (the plaintiff failed to establish an injury-in-fact where it did not establish a sufficient likelihood it would be personally injured by the amendments). Thus, the plaintiffs’ alleged injury is speculative, hypothetical, and conjectural, and not real, immediate, and direct as required for standing.

Even if such an injury were established here, there would be no causal connection between the injury and the challenged action of the defendants. To establish causation or traceability “[t]he plaintiff must establish that the defendant’s challenged actions, and not the actions of some third party, caused the plaintiff’s injury.” *Toll Bros., Inc.*, 555 F.3d at 142 (citing *Lujan*, 504 U.S. at 560). Unlike the injury-in-fact prong, which “focuses on whether the plaintiff suffered harm, ... the traceability prong focuses on who inflicted that harm.” *Id.* An indirect causal relationship will suffice if “there is ‘a fairly traceable connection between the alleged injury in fact and the alleged conduct of the defendant.’” *Id.* (quoting *Vt. Agency of Natural Res. v. United States ex rel. Stevens*, 529 U.S. 765, 771, 120 S.Ct. 1858, 146 L.Ed.2d 836 (2000)).

*8 The hypothetical injury that the plaintiffs claim is that the possibility of being assessed costs and fees has made it more difficult to recruit candidates to place on the ballot, and to keep candidates from withdrawing their nominating petitions when challenged. The complaint and its attached declarations contain nothing more than conclusory assertions blaming the imposition of fees and costs for the recruitment difficulties.

As the Court of Appeals for the Third Circuit stated in the minor parties' previous case:

"The District Court could not conclude that the increased difficulty in recruitment is caused by the potential imposition of fees and not by a change in general public opinion, a change in the effectiveness of recruitment strategies or party leadership, or any multitude of other factors that could result in a minor party fielding a candidate for election on one year and failing to do so in a subsequent year. In other words, the District Court could not conclude 'that the defendant's challenged actions, and not the actions of some third party, caused the plaintiff's injury.' "

The Constitution Party of PA., et al. v. Pedro A. Cortes, et al., 433 Fed. Appx. 89, 93 (3d Cir.2011). The court further stated that "any injury that occurred as a result of individuals withdrawing their nominating petitions was caused by those individuals' voluntary choice to withdraw their petitions, and not by any action on the part of defendants." *Id.* The same analysis still holds true here. Although the plaintiffs blame their recruitment difficulties on the possibility of being assessed fees and costs, they provide nothing more than conjecture and conclusory assertions as support. As the Third Circuit noted, "any multitude of other factors" could result in a potential candidate's reluctance to proceed in an election.

Footnotes

- 1 The plaintiffs are the Constitution Party of Pennsylvania and its chairman, Joe Murphy; the Green Party of Pennsylvania and its chairman, Carl Romanelli; the Libertarian Party of Pennsylvania and its chairman, Thomas Robert Stevens; James Clymer, a member of the Constitution Party; and Ken Krawchuk, a former candidate of the Libertarian Party. Since the filing of this action, the Constitution Party has decided to withdraw its nomination papers. The Green Party has not had its nomination papers challenged at all.
- 2 The defendants include Carol Aichele, the Secretary of Pennsylvania; Jonathan Marks, the Commissioner of the Bureau of Commissions, Elections, and Legislation; and Linda Kelly, the Attorney General of Pennsylvania. On September 11, 2012, I granted the motion of six individuals to intervene as defendants in this action who had already filed timely objections in the Commonwealth Court of Pennsylvania to the nomination papers submitted by some of the plaintiffs. *See* Document # 24. Those defendants are: Carol Sides, Richard J. Tems, Louis Nudi, Damon Kegerise, Anne Layng, and Judith Guise.

Id. The declarations attached to the complaint refer to the Pennsylvania courts' previous assessments of costs and fees in recent years after challenges to the nomination papers, yet make no allegation that a court would assess costs against a candidate who acted in good faith. *See Pa. Prison Soc'y v. Cortes*, 508 F.3d at 167. Thus, even if an injury were established here, the plaintiffs have not established causation.

Having concluded that no injury or causation can be established here, I need not consider the issue of redressability or whether the plaintiffs' claims are ripe. *Constitution Party of PA.*, 433 Fed. Appx. at 93. Without all three elements of standing, there is no case or controversy as is required by Article III of the United States Constitution. *Id.* Accordingly, I find that this court is without jurisdiction to hear this case, and will grant the defendants' motions to dismiss.

An appropriate Order follows.

ORDER

AND NOW, this 8th day of March, 2013, upon consideration of the defendants' motion to dismiss (Document # 8), the intervenor-defendants' motion to dismiss (Document # 25), the responses of the plaintiffs thereto, and after a hearing on the motions, IT IS HEREBY ORDERED that the motions are GRANTED.

*9 IT IS FURTHER ORDERED that the plaintiffs' motion for preliminary injunction (Document # 12), is DENIED AS MOOT.

The Clerk of Court is directed to mark this case CLOSED for statistical purposes.

- 3 I dismissed the previous case (5:09-cv-01691) finding that the plaintiffs had failed to present a case or controversy, as required by Article III of the Constitution. See *The Constitution Party of PA., et al. v. Cortes, et al.*, 712 F.Supp.2d 387 (E.D.Pa.2010). The Third Circuit agreed and affirmed the dismissal. See *The Constitution Party of PA., et al. v. Cortes, et al.*, 433 Fed. Appx. 89 (3d Cir.2011).
- 4 Minor political parties are political parties with registered membership of less than fifteen percent of the combined state-wide registration for all political parties as of the close of the registration period immediately preceding the most recent November election. 25 P.S. § 2872.2.
- 5 Title 25 of the Pennsylvania Statutes, Section 2911(b) provides: Where the nomination is for any office to be filled by the electors of the State at large, the number of qualified electors of the State signing such nomination paper shall be at least equal to two per centum of the largest entire vote cast for any elected candidate in the State at large at the last preceding election at which State-wide candidates were voted for. In the case of all other nominations, the number of qualified electors of the electoral district signing such nomination papers shall be at least equal to two per centum of the largest entire vote cast for any officer, except a judge of a court of record, elected at the last preceding election in said electoral district for which said nomination papers are to be filed, and shall be not less than the number of signers required for nomination petitions for party candidates for the same office. In cases where a new electoral district shall have been created, the number of qualified electors signing such nomination papers, for candidates to be elected at the first election held after the creation of such district, shall be at least equal to two per centum of the largest vote cast in the several election districts, which are included in the district newly created, for any officer elected in the last preceding election.

End of Document

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Commonwealth of Pennsylvania NOMINATION PAPER

NOTE: You must fill in all information in A, B & C before you begin collecting for signatures.

OFFICIAL USE ONLY

A. PREAMBLE

TO THE SECRETARY OF THE COMMONWEALTH:

We, the undersigned, all of whom are qualified electors of Pennsylvania, of the County, and of the electoral district(s) designated below, hereby nominate the persons designated in "B" below as candidates representing the political body named herein, and also appoint the persons designated in "C" below as the committee authorized to fill any vacancy caused by the death or withdrawal of any such candidates.

1. Name of Political Body Independent
 2. County of Signers Dauphin

04-11-13 A11:54 RCV

B. CANDIDATE INFORMATION

OFFICE TITLE	DISTRICT	NAME OF CANDIDATE	PLACE OF RESIDENCE		OCCUPATION
			House No.	Street or Road City, Boro or Twp.	
Mayor	10-3 HARRISBURG	Nevin Mindlin	2550	North 3 rd Street, Harrisburg	Retired

PRESIDENTIAL ELECTORS:

NAME	RESIDENCE	OCCUPATION	NAME	RESIDENCE	OCCUPATION
1.			12.		
2.			13.		
3.			14.		
4.			15.		
5.			16.		
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11.					

C. COMMITTEE TO FILL VACANCIES

NAME OF COMMITTEE MEMBER	PLACE OF RESIDENCE		
	House No.	Street or Road	City, Boro or Twp.
1.			
2.			
3.			
4.			
5.			

D. SIGNATURES OF ELECTORS

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
	NEVIN S. MINDLIN	2550	N. 3 rd St.	HARRISBURG	3/13/13
	EARL L. HANCE	103	S. 2 nd St.	HARRISBURG	3/14/13
	A. E. SULLIVAN JR.	1817	Holly St.	HARRISBURG	3/14/13
	Peter A. Leonard	273	Munch St.	HARRISBURG	3/18/13
	Elizabeth Larabee	234	Munch St.	HARRISBURG	2/15/13
	Lauren Bennett	201	N 3 rd	HARRISBURG	3/15/13
	Thomas Leonard	315	Edward St	HARRISBURG	2/15/13
	Jordan McCauley	1000	N 2 nd St.	HARRISBURG	3/15/13



SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
<i>Donald R Barnett</i>	DONALD R BARNETT	1740	FULTON ST	HARRISBURG	3-15-13
<i>Jason Robinson</i>	JASON ROBINSON				
<i>Jason C. Robinson</i>	Jason C. Robinson	1804	N. 3rd St.	Harrisburg	3-15-13
<i>Martha A. Robinson</i>	Martha A. Robinson	1804	N. 3rd St.	Harrisburg	3-15-13
<i>Tommy Andrews</i>	Tommy Andrews	1614	Susquehanna	Harrisburg	3-15-13
<i>John Campbell</i>	John Campbell	251	Bob St	Harrisburg	3-15-13
<i>Jessica Sorajar</i>	Jessica Sorajar	305	FOR RIDGE CT	Wey	3-15-13
<i>Siobhan Strait</i>	Siobhan Strait	251	Beaver St	HARRISBURG	3-15-13
<i>John Adams</i>	JOHN ADAMS	1503	Penn St	HARRISBURG	3/15/13
<i>Barbara Brushart</i>	Barbara Brushart	1503	Penn St	HARRISBURG	3-15-13
<i>Ryan P. Szuch</i>	Ryan P. Szuch	1520	Penn St.	Harrisburg	3-15-13
<i>Benjamin Ketchum</i>	Benjamin Ketchum	615	Emerald St	Harrisburg	3-15-13
<i>James Bailey</i>	James Bailey	2579	with 2nd	Harrisburg	3/17/13
<i>Alex Pinner</i>	Alex Pinner	2527	N 2nd St	Harrisburg	3/17/13
<i>Sam Sellers</i>	Sam Sellers	2531	N 2nd St.	Harrisburg	3/17/13
<i>Nico Elliott</i>	Nico Elliott	2534	N 2nd St	Harrisburg	3/17/13
<i>Michael J. Roberts</i>	Michael J. Roberts	2532	N 2nd St.	Harrisburg	3/17/13
<i>Brett MacDonald</i>	Brett MacDonald	2530	N. 2nd St.	Harrisburg	3/17/13
<i>Alfred C. Broadus</i>	Alfred C. Broadus	2528	N 2nd St	HARRISBURG	3/17/13
<i>Allison Graham</i>	Allison Graham	2522	N 2nd St	Harrisburg	3/17/13
<i>Vincent J Burns</i>	Vincent J Burns	2603	N 2ND ST	HARRISBURG	3-17-13
<i>Jerry Lucas</i>	Jerry Lucas	2607	N 2nd St	HARRISBURG	3-17-13
<i>FAY USHER</i>	FAY USHER	2701	N 2nd St	HARRISBURG	3-17-13
<i>Mary Ann Teets</i>	Mary Ann Teets	2801	N 2nd St	Harrisburg	3-17-13
<i>Therese Major</i>	Therese Major	2801	N 2nd St	HARRISBURG	3-17-13
<i>Robert P. Hargety</i>	Robert P. Hargety	2834	N 2nd St	Harrisburg	3-17-13

AFFIDAVIT OF QUALIFIED ELECTOR

COMMONWEALTH OF PENNSYLVANIA

SS:

COUNTY OF Dauphin

The qualified elector who circulated this page must complete lines 1 - 5 below in the presence of a person empowered to take acknowledgements.

I do swear (or affirm) that I am a qualified elector of the Commonwealth of Pennsylvania; that my residence is as set forth below; that the signers to the foregoing nomination paper signed the same with full knowledge of the contents thereof; that their residences are correctly stated therein; that they all reside in the county specified in number one below; that each signed on the date set opposite his or her name; and that to the best of my knowledge and belief, the signers are qualified electors of the electoral districts designated in this nomination paper.

Sworn to and subscribed before me this 28thday of March, 2013Jennifer S. Gill
SignatureOffice Manager
(Official Title)My commission expires July 7, 2015

1 DAUPHIN
County of Paper Signer's Residence

2 [Signature]
Signature of Affiant

3 NEVIN S. MINDLIN
Printed Name of Affiant

4 2550 N. 3RD ST.
Street

5 HARRISBURG, PA 17110
City, Boro or Twp. Zip Code

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL

JENNIFER S. GILL, Notary Public
Harrisburg City, Dauphin County
My Commission Expires July 7, 2015

Note: While the Secretary of the Commonwealth will not reject nomination papers on the basis that the circulator does not reside in the district specified in the nomination paper, the candidate(s) should be aware that the nomination papers may be challenged in Commonwealth Court on the basis that the circulator does not reside in the district.

Commonwealth of Pennsylvania NOMINATION PAPER

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TO THE SECRETARY OF THE COMMONWEALTH:

We, the undersigned, all of whom are qualified electors of Pennsylvania, of the County, and of the electoral district(s) designated below, hereby nominate the persons designated in "B" below as candidates representing the political body named herein, and also appoint the persons designated in "C" below as the committee authorized to fill any vacancy caused by the death or withdrawal of any such candidates.

1. Name of Political Body Independent
 2. County of Signers Dauphin

B. CANDIDATE INFORMATION

OFFICE TITLE	DISTRICT	NAME OF CANDIDATE	PLACE OF RESIDENCE			OCCUPATION
			House No.	Street or Road	City, Boro or Twp.	
<u>Mayor</u>	<u>10-3 Harrisburg</u>	<u>Nevin Mindlin</u>	<u>2550</u>	<u>North 3rd Street,</u>	<u>Harrisburg</u>	<u>Retired</u>

PRESIDENTIAL ELECTORS:

NAME	RESIDENCE	OCCUPATION	NAME	RESIDENCE	OCCUPATION
1.			12.		
2.			13.		
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C. COMMITTEE TO FILL VACANCIES

NAME OF COMMITTEE MEMBER	PLACE OF RESIDENCE		
	House No.	Street or Road	City, Boro or Twp.
1.			
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D. SIGNATURES OF ELECTORS

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
<u>Megan Sites</u>	<u>Megan Sites</u>	<u>2235</u>	<u>N. 2nd St.</u>	<u>Harrisburg</u>	<u>3-15-13</u>
<u>Shawn Westrafer</u>	<u>Shawn Westrafer</u>	<u>266</u>	<u>Cumberland</u>	<u>Harrisburg</u>	<u>3/15/13</u>
<u>Hanniel Sandler</u>	<u>BRUCE WEBER</u>	<u>660</u>	<u>BOAS</u>	<u>HARRISBURG</u>	<u>3/19/13</u>
<u>Hanniel Sandler</u>	<u>Hanniel Sandler</u>	<u>2044</u>	<u>Green</u>	<u>Harrisburg</u>	<u>3/20/13</u>
<u>AARON CARLSON</u>	<u>AARON CARLSON</u>	<u>2201</u>	<u>Chestnut</u>	<u>Hbg</u>	<u>3/20/13</u>
<u>PETER A KELLER</u>	<u>PETER A KELLER</u>	<u>1537</u>	<u>HUNTER ST.</u>	<u>HARRISBURG</u>	<u>3/20/13</u>
<u>Shirley Groom Blanton</u>	<u>SHIRLEY G. BLANTON</u>	<u>1518</u>	<u>Berryhill</u>	<u>HARRISBURG</u>	<u>3/20/13</u>
<u>James R Thompson</u>	<u>James R Thompson</u>	<u>2302</u>	<u>Bellevue Rd</u>	<u>Harrisburg</u>	<u>3.21.2013</u>

Commonwealth of Pennsylvania NOMINATION PAPER

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We, the undersigned, all of whom are qualified electors of Pennsylvania, of the County, and of the electoral district(s) designated below, hereby nominate the persons designated in "B" below as candidates representing the political body named herein, and also appoint the persons designated in "C" below as the committee authorized to fill any vacancy caused by the death or withdrawal of any such candidates.

1. Name of Political Body Independent
 2. County of Signers Dauphin

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OFFICE TITLE	DISTRICT	NAME OF CANDIDATE	PLACE OF RESIDENCE			OCCUPATION
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<u>Mayor</u>	<u>10-3</u> <u>Harrisburg</u>	<u>Nevin Mindlin</u>	<u>2550</u>	<u>North 3rd Street,</u>	<u>Harrisburg</u>	<u>Retired</u>

PRESIDENTIAL ELECTORS:

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C. COMMITTEE TO FILL VACANCIES

NAME OF COMMITTEE MEMBER	PLACE OF RESIDENCE		
	House No.	Street or Road	City, Boro or Twp.
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D. SIGNATURES OF ELECTORS

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
<u>Maurice M... [Signature]</u>	<u>Maurice M... [Printed]</u>	<u>2340</u>	<u>10-8th St</u>	<u>Harrisburg</u>	<u>5/13/13</u>
<u>Mary Campbell [Signature]</u>	<u>MARY CAMPBELL</u>	<u>2485</u>	<u>River Rd</u>	<u>Harrisburg</u>	<u>03-16-13</u>
<u>Rachel Brockman [Signature]</u>	<u>Rachel Brockman</u>	<u>1700</u>	<u>N 2nd St</u>	<u>Harrisburg</u>	<u>3/22/13</u>
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SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
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Sworn to and subscribed before me this 28th
 day of March 20 13
Jennifer Gill
Signature
Office Manager
(Official Title)
 My commission expires July 7, 2015

1. Dauphin
County of Paper Signers Residence
 2. Maurice Maxwell Sr.
Signature of Affiant
 3. Maurice Maxwell-Simul
Printed Name of Affiant
 4. 2340 W 3rd St
Street
 5. Harrisburg Pa 17110
City, Boro or Twp. Zip Code

COMMONWEALTH OF PENNSYLVANIA
 NOTARIAL SEAL
 JENNIFER S. GILL, Notary Public
 Harrisburg City, Dauphin County
 My Commission Expires July 7, 2015

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 2. County of Signers Dauphin

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			House No.	Street or Road	City, Boro. or Twp.	
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1.			12.		
2.			13.		
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10.			21.		
11.					

C. COMMITTEE TO FILL VACANCIES

NAME OF COMMITTEE MEMBER	PLACE OF RESIDENCE		
	House No.	Street or Road	City, Boro or Twp.
1.			
2.			
3.			
4.			
5.			

D. SIGNATURES OF ELECTORS

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
	Ryan K Baker	2940	N 2 nd St	Harrisburg	3/24/13
	Janice S. Fitzgerald	2941	N 2 nd St	Harrisburg	3/24/13
	Helen W. Porter	124	Manor St	Harrisburg	3/24/13
	Tina Reitz	2924	N 2 nd St	Harrisburg	3-24-13
	Maria Gaskin	2901	2901 st	Harrisburg	3/24/13
	Kara Russell	2915	N 2 nd St	Harrisburg	3/24/13
	Kent Russell	2915	N 2 nd St	Harrisburg	3/24/13
	David Lee Aronson	2933	N 2 nd St	HARRISBURG	3/24/13
	GAIL BURCAT	2935	N 2 nd St	HARRISBURG	3/24/13

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
<i>David Schertz</i>	David Schertz	2530	N. 3rd St	Harrisburg	3/29/13
<i>Chaim Schertz</i>	Chaim Schertz	2945	N. 2nd St	Harrisburg	3/24/13
<i>Rena Schertz</i>	Rena Schertz	2945	N. 2nd St	Harrisburg	3/24/13
<i>Charles Schertz</i>	Charles Schertz	702	Kelker	Harrisburg	3/24/13
<i>Patricia T. Waller</i>	Patricia T. Waller	3136	Pennwood	Harrisburg	3/28/13
<i>Carol K. DiMarchi</i>	Carol K. DiMarchi	2910	Parkside	Harrisburg	3/28/13
<i>Donald Schwab</i>	Donald Schwab	3228	GREEN ST	Harrisburg	3/28/13
<i>Brenda Lawrence</i>	Brenda Lawrence	3109	N. 4th St	Harrisburg	3-28-13
<i>Robert Lawrence</i>	Robert Lawrence	3109	N. 4th St	Harrisburg	3-28-13
<i>Katie Pappas</i>	Katie Pappas	240	Edward St	Harrisburg	3/28/13
<i>Evan Pappas</i>	Evan Pappas	240	Edward St	Harrisburg	3/28/13
<i>Joseph V. Link</i>	Joseph V. Link	3300	GREEN ST	HARRISBURG	3/28/13
<i>Charles A. Shty</i>	Charles A. Shty	202	Kelker St	Harrisburg	3/29/13
<i>Rebecca L. Schuster</i>	Rebecca L. Schuster	234	Lewis St	Harrisburg	3-30-13
<i>Patti Rizo</i>	Patti Rizo	226	Lewis St	Harrisburg	3-30-13

AFFIDAVIT OF QUALIFIED ELECTOR

COMMONWEALTH OF PENNSYLVANIA
 COUNTY OF Dauphin SS:

The qualified elector who circulated this page must complete lines 1 - 5 below in the presence of a person empowered to take acknowledgements.

I do swear (or affirm) that I am a qualified elector of the Commonwealth of Pennsylvania; that my residence is as set forth below; that the signers to the foregoing nomination paper signed the same with full knowledge of the contents thereof; that their residences are correctly stated therein; that they all reside in the county specified in number one below; that each signed on the date set opposite his or her name; and that to the best of my knowledge and belief, the signers are qualified electors of the electoral districts designated in this nomination paper.

Sworn to and subscribed before me this 8th day of April 2013

1. Dauphin County of Paper Signers Residence

2. *[Signature]* Signature of Affiant

3. M. Claire Powers Printed Name of Affiant

4. 3012 N. 2nd St Street

5. Harrisburg PA 17110 City, Boro or Twp. Zip Code

My commission expires July 7, 2015

NOTARIAL SEAL
 JENNIFER S. GILL, Notary Public
 Harrisburg City, Dauphin County
 My Commission Expires July 7, 2015

Note: While the Secretary of the Commonwealth will not reject nomination papers on the basis that the circulator does not reside in the district specified in the nomination paper, the candidate(s) should be aware that the nomination papers may be challenged in Commonwealth Court on the basis that the circulator does not reside in the district.

Commonwealth of Pennsylvania NOMINATION PAPER

NOTE: You must fill in all information in A, B & C before you begin collecting for signatures.

OFFICIAL USE ONLY

04-11-13A11:55 RCVD

A. PREAMBLE

TO THE SECRETARY OF THE COMMONWEALTH:

We, the undersigned, all of whom are qualified electors of Pennsylvania, of the County, and of the electoral district(s) designated below, hereby nominate the persons designated in "B" below as candidates representing the political body named herein, and also appoint the persons designated in "C" below as the committee authorized to fill any vacancy caused by the death or withdrawal of any such candidates.

1. Name of Political Body Independent
 2. County of Signers Dauphin

B. CANDIDATE INFORMATION

OFFICE TITLE	DISTRICT	NAME OF CANDIDATE	PLACE OF RESIDENCE			OCCUPATION
			House No.	Street or Road	City, Boro or Twp.	
Mayor	10-3 Harrisburg	Nevin Mindlin	2550	North 3 rd Street	Harrisburg	Retired

PRESIDENTIAL ELECTORS:

NAME	RESIDENCE	OCCUPATION	NAME	RESIDENCE	OCCUPATION
1. 			12.		
2.			13.		
3.			14.		
4.			15.		
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11.					

C. COMMITTEE TO FILL VACANCIES

NAME OF COMMITTEE MEMBER	PLACE OF RESIDENCE		
	House No.	Street or Road	City, Boro or Twp.
1.			
2.			
3.			
4.			
5.			

D. SIGNATURES OF ELECTORS

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
	ANNA BIANCO	1223	N THIRD ST	HARRISBURG	04/04/2013
	JOANNE KALDY	119	TUSCARORA AVE	HARRISBURG	04/05/2013
	GLEN PANKOV	606	Race St	HARRISBURG	04/05/2013
	BURTON MORRIS	2929	N. Second	HARRISBURG	04-07-13
	DAVID A. VEIL	2953	N. Second	HARRISBURG	04-07-13
	JEFF RITCHIE	3071	N. 2nd	HARRISBURG	04/07/13
	JOCYLYN TROOP	3109	N. 2nd	HARRISBURG	09/7/13
	SIMON L. HANDE	3107	N. Second	HARRISBURG	4/7/13
	DANIEL C. LEPPA	3119	N. 2nd St	HARRISBURG	4/7/2013

Commonwealth of Pennsylvania NOMINATION PAPER

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A. PREAMBLE

TO THE SECRETARY OF THE COMMONWEALTH:

We, the undersigned, all of whom are qualified electors of Pennsylvania, of the County, and of the electoral district(s) designated below, hereby nominate the persons designated in "B" below as candidates representing the political body named herein, and also appoint the persons designated in "C" below as the committee authorized to fill any vacancy caused by the death or withdrawal of any such candidates.

04-11-13A11:55 RCVD

1. Name of Political Body Independent
 2. County of Signers Dauphin

B. CANDIDATE INFORMATION

OFFICE TITLE	DISTRICT	NAME OF CANDIDATE	PLACE OF RESIDENCE		OCCUPATION
			House No. Street or Road	City, Boro or Twp.	
Mayor	10-3 Harrisburg	Nevin Mindlin	2550 North 3 rd Street,	Harrisburg	Retired

PRESIDENTIAL ELECTORS:

NAME	RESIDENCE	OCCUPATION	NAME	RESIDENCE	OCCUPATION
1.			12.		
2.			13.		
3.			14.		
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11.					

C. COMMITTEE TO FILL VACANCIES

NAME OF COMMITTEE MEMBER	PLACE OF RESIDENCE		
	House No.	Street or Road	City, Boro or Twp.
1.			
2.			
3.			
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5.			

D. SIGNATURES OF ELECTORS

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
<i>M. Claire Powers</i>	M. Claire Powers	3012	N 2nd St	Harrisburg	3/23/2013
<i>Joseph J. McLaughlin</i>	Joseph J. McLaughlin	3012	N 2nd St	Harrisburg	3-23-2013
<i>Theodore A. Keck</i>	Theodore A. Keck	3014	N 2nd St	Harrisburg	3/23/13
<i>Mickie Harris</i>	Mickie Harris	3011	N 2nd St	Harrisburg	3/23/13
<i>Thomas W. Sullivan</i>	Thomas W. Sullivan	3030	N 2nd St	Harrisburg	3/23/2013
<i>Crystal L. Weand</i>	Crystal L. Weand	9112	N 2nd St	Harrisburg	3/23/2013
<i>Elizabeth Kotz</i>	Elizabeth Kotz	3204	N 2nd St	Harrisburg	3/23/2013
<i>Sophie Savou</i>	Sophie Savou	3010	N 2nd St	Harrisburg	3-23-13
<i>Caroline Ciolek</i>	Caroline Ciolek	3010	2nd St	Harrisburg	3-23-13

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
<i>David R. Henry</i>	DAVID R. HENRY	3218	N. 2nd	HARRISBURG PA	3/23/13
John A. Lukens					
<i>John A. Lukens</i>	JOHN A. LUKENS	3218A	N 2nd St.	Harrisburg PA	3/23/13
<i>Conane Moore</i>	CONANE MOORE	3317 N	3RD ST	HARRISBURG	3/23/13
<i>Timothy P. Smith</i>	TIMOTHY P. SMITH	3237	N. 2nd St.	Harrisburg PA	3/23/13
<i>Peter J. O'Neil</i>	PETER J. O'NEIL	3213	N. 2nd St.	HARRISBURG	03/23/13
<i>Pamela B. O'Neil</i>	PAMELA B. O'NEIL	3213	N. 2nd St.	HARRISBURG	3/23/13
<i>Gregory Forgy</i>	GREGORY FORGY	3207	N. 2nd St.	HARRISBURG	3/23/13
<i>John Stine</i>	JOHN STINE	3205	N. 2nd St.	HARRISBURG	3-23-13
<i>Jimmy A. Dawson</i>	JIMMY A. DAWSON	3203	N 2nd	HARRISBURG	3-23-13
<i>Valerie Espeland</i>	VALERIE ESPELAND	3201	N 2ND	HARRISBURG	3-23-13
<i>Elijah Leppo</i>	ELIJAH LEPP	3119	N 2nd	HARRISBURG	3/23/13
<i>Margaret Sloman</i>	MARGARET SLOMAN	3117	N 2nd	HARRISBURG	3/23/13
<i>Floria Fiaschetti</i>	FLORIA FIASCHETTI	3115	N. 2nd St.	HARRISBURG	3/23/13
<i>Mary L. Sullivan</i>	MARY L. SULLIVAN	3036	N 2ND ST	HARRISBURG	3-23-13
<i>Judith A. Weir</i>	JUDITH A. WEIR	3029	N. 2nd St.	HARRISBURG	3/23/13
<i>John D. Fabio</i>	JOHN D. FABIO	3029	N. 2nd St.	HARRISBURG	3/23/13
<i>Thomas J. Little</i>	THOMAS J. LITTLE	3028	N. 2nd St.	HARRISBURG	3/23/13
<i>Christy L. Keck</i>	CHRISTY L. KECK	3014	N. 2nd St.	HARRISBURG	3/24/13
<i>Ana Staudisch</i>	ANA STAUDISCH	3015	N. 2nd St.	HARRISBURG	3/24/13
<i>Gary G. Adams</i>	GARY G. ADAMS	3007	N 2nd St	HARRISBURG	3/24/13
<i>Linda Brobman</i>	LINDA BROBMAN	3009	N. 2nd St	HARRISBURG	3/24/13
<i>Brian Elbert</i>	BRIAN ELBERT	118	Grainard	HARRISBURG	3/24/13
<i>Michael Kosman</i>	MICHAEL KOSMAN	2956	N. 2nd St.	HARRISBURG	
<i>Angel Orange-Bal</i>	ANGEL ORANGE-BAL	2940	N. 2nd St.	HARRISBURG PA	3/24/13

I. AFFIDAVIT OF QUALIFIED ELECTOR

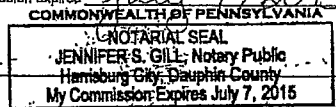
COMMONWEALTH OF PENNSYLVANIA
 COUNTY OF Dauphin SS:

The qualified elector who circulated this page must complete lines 1 - 6 below in the presence of a person empowered to take acknowledgements.

I do swear (or affirm) that I am a qualified elector of the Commonwealth of Pennsylvania; that my residence is as set forth below; that the signers to the foregoing nomination paper signed the same with full knowledge of the contents thereof; that their residences are correctly stated therein; that they all reside in the county specified in number one below; that each signed on the date set opposite his or her name; and that to the best of my knowledge and belief, the signers are qualified electors of the electoral districts designated in this nomination paper.

Sworn to and subscribed before me this 8th
 day of April 2013
Jennifer S. Gill
 Signature
Office Manager
 (Official Title)
 My commission expires July 7, 2015

1. Dauphin
 County of Paper Signers Residence
 2. M. Clare Powers
 Signature of Affiant
 3. M. Clare Powers
 Printed Name of Affiant
 4. 3010 N 2nd St
 Street
 5. Harrisburg PA 1710
 City, Boro or Twp. Zip Code



Note: While the Secretary of the Commonwealth will not reject nomination papers on the basis that the circulator does not reside in the district specified in the nomination paper, the candidate(s) should be aware that the nomination papers may be challenged in Commonwealth Court on the basis that the circulator does not reside in the district.

Commonwealth of Pennsylvania NOMINATION PAPER

NOTE: You must fill in all information in A, B & C before you begin collecting for signatures.

OFFICIAL USE ONLY

04-11-13A11:55 RCV

A. PREAMBLE

TO THE SECRETARY OF THE COMMONWEALTH:

We, the undersigned, all of whom are qualified electors of Pennsylvania, of the County, and of the electoral district(s) designated below, hereby nominate the persons designated in "B" below as candidates representing the political body named herein, and also appoint the persons designated in "C" below as the committee authorized to fill any vacancy caused by the death or withdrawal of any such candidates.

1. Name of Political Body Independent
 2. County of Signers Dauphin

B. CANDIDATE INFORMATION

OFFICE TITLE	DISTRICT	NAME OF CANDIDATE	PLACE OF RESIDENCE			OCCUPATION
			House No.	Street or Road	City, Boro or Twp.	
<u>Mayor</u>	<u>10-3 Harrisburg</u>	<u>Nevin Mindlin</u>	<u>2550</u>	<u>North 3rd Street,</u>	<u>Harrisburg</u>	<u>Retired</u>

PRESIDENTIAL ELECTORS:

NAME	RESIDENCE	OCCUPATION	NAME	RESIDENCE	OCCUPATION
1.			12.		
2.			13.		
3.			14.		
4.			15.		
5.			16.		
6.			17.		
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11.					

C. COMMITTEE TO FILL VACANCIES

NAME OF COMMITTEE MEMBER	PLACE OF RESIDENCE		
	House No.	Street or Road	City, Boro or Twp.
1.			
2.			
3.			
4.			
5.			

D. SIGNATURES OF ELECTORS

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
<u>Robert Mummert</u>	<u>Robert Mummert</u>	<u>561</u>	<u>S. Front St</u>	<u>Harrisburg</u>	<u>4-6-13</u>
<u>Christine Mummert</u>	<u>Christine Mummert</u>	<u>561</u>	<u>S. Front St</u>	<u>Harrisburg</u>	<u>4-6-13</u>
<u>Janice Hagan</u>	<u>Janice Hagan</u>	<u>102</u>	<u>Conroy St</u>	<u>Hbg</u>	<u>4/6/13</u>
<u>Sam Boyce</u>	<u>Sam Boyce</u>	<u>110</u>	<u>Conroy St</u>	<u>Hbg</u>	<u>4/6/13</u>
<u>Lisa Britton</u>	<u>Lisa Britton</u>	<u>113</u>	<u>Conroy St</u>	<u>Hbg</u>	<u>4/6/13</u>
<u>David P. DeKok</u>	<u>David P. DeKok</u>	<u>117</u>	<u>Conroy St.</u>	<u>Hbg</u>	<u>4/6/13</u>
<u>Fernando Mendez</u>	<u>Fernando Mendez</u>	<u>119</u>	<u>Conroy</u>	<u>Hbg</u>	<u>4/6/13</u>
<u>Curtis Medley</u>	<u>Curtis Medley</u>	<u>577</u>	<u>Shaver</u>	<u>Hbg</u>	<u>4/6/13</u>
<u>Melanie Campbell</u>	<u>Melanie Campbell</u>	<u>577</u>	<u>Shaver St.</u>	<u>Hbg</u>	<u>4/6/13</u>

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
<i>[Signature]</i>	Steven Ibanz	577	Showers St	Ba Harrisburg	4/6/13
<i>[Signature]</i>	William J. Cluck	587	Showers St	Harrisburg	4-6-13
<i>[Signature]</i>	Cassey Lenter	4241	2nd St	Hbg, PA	4-6-13
<i>[Signature]</i>	Colleen Cochran	2419	2nd St	Hbg, PA	4-6-13
<i>[Signature]</i>	SOHH F RYAN	2441	N 2 ND ST	Hbg, PA	4-6-13
<i>[Signature]</i>	KATHY LEMKE	2445	N 2 ND ST	Hbg, PA	4-6-13
<i>[Signature]</i>	DAVID HEZMAN	2434	N 2nd St	Hbg, PA	4-6-13
<i>[Signature]</i>	JASON McFalls	2430	N 2nd St	Hbg, PA	4-6-13
<i>[Signature]</i>	BETH O'Brien	2430	N. 2ND ST	Hbg, PA	4-6-13
<i>[Signature]</i>	FRANCES S. CLEFF	3131	N. 5 TH ST	Hbg, PA	4-7-13
<i>[Signature]</i>	Jennifer Krucinski	2009	Green St	Hbg, PA	4-7-13
<i>[Signature]</i>	Raren Hurst	2025	Green St	Hbg, PA	4-7-13
<i>[Signature]</i>	DWIGHT HURST	2028	Green St	Hbg, PA	4-7-13
<i>[Signature]</i>	Sharon Neal	2040	Green St	Hbg, PA	4-7-13
<i>[Signature]</i>	David Ribay	2034	Green St.	Hbg, PA	4-7-13
<i>[Signature]</i>	Michael Cronan	2044	Green St.	Hbg, PA	4-7-13
<i>[Signature]</i>	Shell Johnson	2014	Green St	Hbg, PA	4-7-13
<i>[Signature]</i>	Angelia M. Johnson	2012	Green St	Hbg, PA	4-7-13
<i>[Signature]</i>	MARIE Smith	1923	Green St	Hbg, PA	4-7-13
<i>[Signature]</i>	Lenwood Sloan	1926	Green St	Hbg, PA	4-7-13
<i>[Signature]</i>	Keris Kane	1928	Green	Hbg, PA	4-7-13
<i>[Signature]</i>	Sandra Moore	1916	GREEN	Hbg, PA	4-7-13

3. AFFIDAVIT OF QUALIFIED ELECTOR

COMMONWEALTH OF PENNSYLVANIA
 COUNTY OF Dauphin SS:

The qualified elector who circulated this page must complete lines 1 - 5 below in the presence of a person empowered to take acknowledgements.

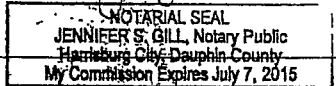
I do swear (or affirm) that I am a qualified elector of the Commonwealth of Pennsylvania; that my residence is as set forth below; that the signers to the foregoing nomination paper signed the same with full knowledge of the contents thereof; that their residences are correctly stated therein; that they all reside in the county specified in number one below; that each signed on the date set opposite his or her name; and that to the best of my knowledge and belief, the signers are qualified electors of the electoral districts designated in this nomination paper.

Sworn to and subscribed before me this 8th
 day of April, 2013

- DAUPHIN
County of Paper Signers Residence
- [Signature]
Signature of Affiant
- NEW J. MINDLIN
Printed Name of Affiant
- 2530 N. 5TH ST.
Street
- HARRISBURG, PA 17110
City, Boro or Twp. Zip Code

Jennifer S. Gill
 Signature
Office Manager
 (Official Title)

My commission expires July 7, 2015



Note: While the Secretary of the Commonwealth will not reject nomination papers on the basis that the circulator does not reside in the district specified in the nomination paper, the candidate(s) should be aware that the nomination papers may be challenged in Commonwealth Court on the basis that the circulator does not reside in the district.

Commonwealth of Pennsylvania NOMINATION PAPER

NOTE: You must fill in all information in A; B & C before you begin collecting for signatures.

OFFICIAL USE ONLY

A. PREAMBLE

TO THE SECRETARY OF THE COMMONWEALTH:

We, the undersigned, all of whom are qualified electors of Pennsylvania, of the County, and of the electoral district(s) designated below, hereby nominate the persons designated in "B" below as candidates representing the political body named herein, and also appoint the persons designated in "C" below as the committee authorized to fill any vacancy caused by the death or withdrawal of any such candidates.

1. Name of Political Body Independent
 2. County of Signers Dauphin

2013 JUL 30 PM 1:01
 DAUPHIN COUNTY BUREAU OF VOTER REGISTRATION AND ELECTIONS
 RECEIVED

B. CANDIDATE INFORMATION

OFFICE TITLE	DISTRICT	NAME OF CANDIDATE	PLACE OF RESIDENCE			OCCUPATION
			House No.	Street or Road	City, Boro or Twp.	
Mayor	10-3 Harrisburg	Nevin Mindlin	2550	North 3 rd Street,	Harrisburg	Retired

PRESIDENTIAL ELECTORS:

NAME	RESIDENCE	OCCUPATION	NAME	RESIDENCE	OCCUPATION
1.			12.		
2.			13.		
3.			14.		
4.			15.		
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2013 AUG - 1 PM 1:06
 DAUPHIN COUNTY BUREAU OF VOTER REGISTRATION AND ELECTIONS
 RECEIVED

C. COMMITTEE TO FILL VACANCIES

NAME OF COMMITTEE MEMBER	PLACE OF RESIDENCE		
	House No.	Street or Road	City, Boro or Twp.
1.			
2.			
3.			
4.			
5.			

D. SIGNATURES OF ELECTORS:

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
<i>Robert L. Thomas</i>	ROBERTA THOMAS	614	N. 16 th	Harrisburg	7/27/13
<i>William R. ...</i>	Walter R. ...	719	North	Harrisburg	7/27/13
<i>Jeanette ...</i>	Jeanette Webber	924	Grand	Harrisburg	7/27/13
<i>Kathleen A. ...</i>	Kathleen A. ...	1238	Market	Harrisburg	6/22/13
<i>Dorothy ...</i>	Dorothy Hatcher	2244	N th 7 th St.	Harrisburg	6/22/13
<i>Alexander ...</i>	Alexander ...	437	N th 6 th St	Harrisburg	6/22/13
<i>Phyllis Sweeting</i>	Phyllis Sweeting	1941	Lenox	Harrisburg	7-28-13
8.					
9.					

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
1.					
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E. AFFIDAVIT OF QUALIFIED ELECTOR

COMMONWEALTH OF PENNSYLVANIA
 COUNTY OF Dauphin SS:

The qualified elector who circulated this page must complete lines 1 - 5 below in the presence of a person empowered to take acknowledgements.

I do swear (or affirm) that I am a qualified elector of the Commonwealth of Pennsylvania; that my residence is as set forth below; that the signers to the foregoing nomination paper signed the same with full knowledge of the contents thereof; that their residences are correctly stated therein; that they all reside in the county specified in number one below; that each signed on the date set opposite his or her name; and that to the best of my knowledge and belief, the signers are qualified electors of the electoral districts designated in this nomination paper.

Sworn to and subscribed before me this 1st
 day of August 20 13
Jennifer S. Gill
 Signature
Office Manager
 (Official Title)
 My commission expires July 7, 2015

1. DAUPHIN
 County of Paper Signers Residence
 2. [Signature]
 Signature of Affiant
 3. DEVIN J. MINDLIN
 Printed Name of Affiant
 4. 2550 N. 3RD ST
 Street
 5. HARRISBURG, PA 17110
 City, Boro or Twp. Zip Code

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
 JENNIFER S. GILL, Notary Public
 Harrisburg City, Dauphin County
 My Commission Expires July 7, 2015

Note: If the Secretary of the Commonwealth will not reject nomination papers on the basis that the circulator does not reside in the district specified in the nomination paper, the candidate(s) should be aware that the nomination papers may be challenged in Commonwealth Court on the basis that the circulator does not reside in the district.

Commonwealth of Pennsylvania NOMINATION PAPER

NOTE: You must fill in all information in A, B & C before you begin collecting for signatures.

OFFICIAL USE ONLY

A. PREAMBLE

TO THE SECRETARY OF THE COMMONWEALTH:

We, the undersigned, all of whom are qualified electors of Pennsylvania, of the County and of the electoral district(s) designated below, hereby nominate the persons designated in "B" below as candidates representing the political body named herein, and also appoint the persons designated below as the committee authorized to fill any vacancy caused by the death or withdrawal of any candidates.

1. Name of Political Body Independent
 2. County of Signers Dauphin

2013 JUL 31 11:00 AM
 RECEIVED
 DAUPHIN COUNTY BUREAU OF VOTER REGISTRATION AND ELECTIONS
 2013 JUL 31 11:00 AM
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 DAUPHIN COUNTY BUREAU OF VOTER REGISTRATION AND ELECTIONS

B. CANDIDATE INFORMATION

OFFICE TITLE	DISTRICT	NAME OF CANDIDATE	PLACE OF RESIDENCE			OCCUPATION
			House No.	Street or Road	City, Boro or Twp.	
Mayor	10-3 Harrisburg	Nevin Mndlin	2550	North 3 rd Street,	Harrisburg	Retired

PRESIDENTIAL ELECTORS:

NAME	RESIDENCE	OCCUPATION	NAME	RESIDENCE	OCCUPATION
1.			12.		
2.			13.		
3.			14.		
4.			15.		
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10.			21.		
11.					

2013 AUG 1 11:00 AM
 RECEIVED
 DAUPHIN COUNTY BUREAU OF VOTER REGISTRATION AND ELECTIONS

C. COMMITTEE TO FILL VACANCIES

NAME OF COMMITTEE MEMBER	PLACE OF RESIDENCE		
	House No.	Street or Road	City, Boro or Twp.
1.			
2.			
3.			
4.			
5.			

D. SIGNATURES OF ELECTORS

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
<i>Rhonda E. Mass</i>	Rhonda E. Mass	1728	HEAR ST	HARRISBURG PA	7/29/13
<i>Laheeta Bank</i>	Laheeta Bank	1716	HEAR ST	HARRISBURG PA	7/29/13
<i>Ms Ann Suipes</i>	Ms Ann Suipes	806	17th	Harrisburg PA	7/29/13
<i>Jeanette House</i>	Jeanette House	706	North 17th	Harrisburg PA	7/29/13
<i>Wendy M. Crawford</i>	Wendy M Crawford	1607	16th	Hbg PA	7/29/13
<i>Marcus Taylor</i>	Marcus Taylor	4400	Antelope	Hbg PA	7/29/13
<i>Bliss Beason</i>	Bliss Beason	617	W. Cameron St	Hbg PA	7/29/13
<i>Bliss Beason</i>	Bliss Beason	1606	Stoite St	Hbg PA	7/29/13

Commonwealth of Pennsylvania NOMINATION PAPER

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11.					

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NAME OF COMMITTEE MEMBER	PLACE OF RESIDENCE		
	House No.	Street or Road	City, Boro or Twp.
1.			
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D. SIGNATURES OF ELECTORS

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
<i>Gabe'l Oliver</i>	Gabe'l Oliver	2429	Berryhill	Harrisburg	3/24/13
<i>David L. H. ...</i>	Gilbert ...	2416	Berryhill	Harrisburg	3/24/13
<i>David L. H. ...</i>	Gilbert ...	2416	Berryhill	Harrisburg	3/24/13
<i>Guong Thuo</i>	Guong Thuo	2422	Berryhill	Harrisburg	3/24/13
<i>Lorinda Wrenn</i>	Lorinda Wrenn	2417	Berryhill	Harrisburg	3/24/13
<i>Michael Jackson</i>	Michael Jackson	2424	Mace St	Harrisburg	3/24/13
<i>Jamie ...</i>	Jamie ...	2425	Berryhill	Harrisburg	3/24/13
<i>Michael ...</i>	Michael ...	2428	Berryhill	Harrisburg	3/24/13

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
<i>Stacy Cox</i>	STACY COX	3131	Berrykill	Hwy PA	3/23
<i>Jeffrey Munnz</i>	Jeffrey Munnz	2439	Berrykill	Hwy PA	3/23
<i>Christina Bush</i>	Christina Bush	383 1/2	Dony	Hwy Pa	3/24
<i>Sarah E Baker</i>	SARAH E BAKER	2445	BERRYKILL	Hwy PA	3/24
<i>Charles Tennell</i>	Charles Tennell	442	Hwy Ave	Hwy, Pa	17104
<i>John W. Harsick</i>	John W. Harsick	443	Hwy Ave	Hwy Pa	
<i>Rubon Alcea</i>	Rubon ALCEA	391	Hwy Ave	Hwy PA	17104
<i>Levin Lepore</i>	LEVIN LEPORE	2413	SWATARA	Hwy P.A.	3/24/13
<i>Nazzy Gatz</i>	NAZZY GATZ	2408	Swatara	Hwy PA	3/24/13
<i>Jeffrey Shearer</i>	Jeffrey Shearer	2324	Swatara	Hwy PA	3/24/13
<i>Dean Wolf</i>	Dean Wolf	2270	Swatara	Hwy PA	3/24/13
<i>Brammy Selgr</i>	Brammy Selgr	278	19th St	Hwy	3/28/13
<i>Phyllis Veale</i>	Phyllis Veale	217	S 19th	Hwy	3/28/13
<i>Darlene Smallwood</i>	Darlene Smallwood	15	S 18th	Hwy	3/28/13
<i>George Kennedy</i>	George Kennedy	1407	Mulberry	Hwy	3/28/13
<i>Norman Williams</i>	Norman Williams	1909	Mulberry	Hwy Pa	3/28/13
<i>Deb Williams</i>	Deb Williams	1919	Mulberry	Hwy Pa	3/28/13
<i>Chandra Wolke</i>	Chandra Wolke	1932	Mulberry	Harrisburg	3/28/13
<i>Jessica Crosson</i>	Jessica Crosson	1948	Mulberry	Harrisburg	3/28/13
<i>Derek L Moore</i>	Derek L Moore	2000	Mulberry	Harrisburg	3/28/13
<i>E M A Mart</i>	E M A MART	1933	Bellvue	Harrisburg	3/29/13
<i>Capit Loz</i>	Capit Loz	1916	Bellvue	Harrisburg	3/29/13
<i>Kickin Line</i>	Kickin Line	2433	Brookwood	Hwy PA	3/29/13
<i>Debiot 2 butte</i>	Debiot 2 butte	2433	Brookwood	Hwy PA	3/29/13
<i>Latrice Prince Davis</i>	Latrice Prince Davis	604	Fillmore	Harrisburg	4/02/13
<i>Louis E. Williams</i>	LOUIS E. WILLIAMS	610	FILLMORE	Harrisburg	4/02/13

AFFIDAVIT OF QUALIFIED ELECTOR

COMMONWEALTH OF PENNSYLVANIA

SS:

COUNTY OF Dauphin

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do swear (or affirm) that I am a qualified elector of the Commonwealth of Pennsylvania; that my residence is as set forth below; that the signers to the foregoing nomination paper signed the same with full knowledge of the contents thereof; that their residences are correctly stated therein; that they all reside in the county specified in number one below; that each signed on the date set opposite his or her name; and that to the best of my knowledge and belief, the signers are qualified electors of the electoral districts designated in this nomination paper.

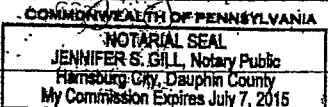
Sworn to and subscribed before me this 18th

day of April 20, 13

Jennifer S. Gill
Signature
Office Manager
(Official Title)

My commission expires July 7, 2015

- Dauphin
County of Paper Signers Residence
- [Signature]
Signature of Affiant
- Vincent D. Davis
Printed Name of Affiant
- 1914 Holly St.
Street
- Harrisburg 17104
City, Boro or Twp. Zip Code



Note: While the Secretary of the Commonwealth will not reject nomination papers on the basis that the circulator does not reside in the district specified in the nomination paper, the candidate(s) should be aware that the nomination papers may be challenged in Commonwealth Court on the basis that the circulator does not reside in the district.

RECEIVED
APR 26 AM 9:38
PENNSYLVANIA
BUREAU OF
ELECTIONS
AND REGISTRATION

Commonwealth of Pennsylvania NOMINATION PAPER

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OFFICIAL USE ONLY

A. PREAMBLE

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B. CANDIDATE INFORMATION

OFFICE TITLE	DISTRICT	NAME OF CANDIDATE	PLACE OF RESIDENCE			OCCUPATION
			House No.	Street or Road	City, Boro or Twp.	
Mayor	40-35 Harrisburg	Nevin Mirdun	2550	North 3 rd Street	Harrisburg	Retired

PRESIDENTIAL ELECTORS:

NAME	RESIDENCE	OCCUPATION	NAME	RESIDENCE	OCCUPATION
1.			12.		
2.			13.		
3.			14.		
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11.					

C. COMMITTEE TO FILL VACANCIES

NAME OF COMMITTEE MEMBER	PLACE OF RESIDENCE		
	House No.	Street or Road	City, Boro or Twp.
1.			
2.			
3.			
4.			
5.			

D. SIGNATURES OF ELECTORS

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
<i>Samuel Phillips</i>	Samuel Phillips	569	Barrington	Harrisburg	4/12/13
<i>Del Thompson</i>	Del Thompson	551	Barrington	Harrisburg	4/21
<i>Kathleen Daughone</i>	Kathleen Daughone	534	Benton	Harrisburg	4-2-13
<i>David H. Smith</i>	David H. Smith	522	Bridge	Harrisburg	4-2-13
<i>Matthew A. Kiley</i>	Matthew A. Kiley	411	Wiconisco	Harrisburg	4-14-13
<i>TREV B Lykes</i>	TREV B Lykes	420	Wiconisco	HBG	4-14-13
<i>Valerie Wainley</i>	Valerie Wainley	519	Wiconisco	HBG	4-14-13
<i>JEROME WILLIAMS</i>	JEROME WILLIAMS	523	Wiconisco	HBG	4-14-13
<i>Anthony Sinclair</i>	Anthony Sinclair	527	Wiconisco	HBG	4-14-13

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
<i>Zena Canale</i>	Zena Canale	2718	Lexington	Hbgs PA	4/14/13
<i>Melinda Bevanee</i>	Melinda Bevanee	2720	Lexington	Hbgs PA	4/14/13
<i>Doris Sheppard</i>	Doris Sheppard	2742	Lexington	Hbgs Pa	4-14-13
<i>J Kim C. Cuneo</i>	J Kim C. Cuneo	2741	Reel St	Hbgs	4-14
<i>Delphinah Caloganti</i>	Delphinah Caloganti	2723	Reel St	Hbgs	4-14-13
<i>RASHAWN EASTON</i>	RASHAWN EASTON	2720	Reel St	Hbgs	4-14-13
<i>Harriet Macle</i>	Harriet Macle	2635	Reel St	Hbgs	4-14-13
<i>ANGELA WITTE</i>	ANGELA WITTE	2627	Reel St	Hbgs	4-14-13
<i>JAMES M. CLOUD</i>	JAMES M. CLOUD	2609	Reel St	Hbgs	4/14/13
<i>Kevin Hill</i>	Kevin Hill	2616	Reel St	Hbgs	4/14/13
<i>CONCESSION VASQUEZ</i>	CONCESSION VASQUEZ	912	Boss St	Hbgs	4/14/13
<i>RUBY HOLTON</i>	RUBY HOLTON	2544	N 5th St	Hbgs	4/14/13
<i>DANA BULLOCK</i>	DANA BULLOCK	2524	N 5th St	Hbgs	4/14/13
<i>Rashia Washington</i>	Rashia Washington	2504	N 5th St	Hbgs	4/14/13
<i>SPPERTO BROZ</i>	SPPERTO BROZ	2625	N 4th St	Hbgs	4-14-13
<i>VINCENT D. DAVIS</i>	VINCENT D. DAVIS	1914	Holly St	Harrisburg	7-18-13

AFFIDAVIT OF QUALIFIED ELECTOR

COMMONWEALTH OF PENNSYLVANIA

SS: COUNTY OF Dauphin

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I do swear (or affirm) that I am a qualified elector of the Commonwealth of Pennsylvania; that my residence is as set forth below; that the signers to the foregoing nomination paper signed the same with full knowledge of the contents thereof; that their residences are correctly stated therein; that they all reside in the county specified in number one below; that each signed on the date set opposite his or her name; and that to the best of my knowledge and belief, the signers are qualified electors of the electoral districts designated in this nomination paper.

I was sworn to and subscribed before me this 18th day of April 2013

Signature of Affiant: Jennifer S. Gill
 Official Title: Office Manager

My commission expires July 7, 2015

1	<u>Dauphin</u>	County of Paper Signers Residence
2	<u>[Signature]</u>	Signature of Affiant
3	<u>VINCENT D. DAVIS</u>	Printed Name of Affiant
4	<u>1914 Holly St</u>	Street
5	<u>Harrisburg</u>	City, Boro or Twp.
	<u>17121</u>	Zip Code

NOTARIAL SEAL
 JENNIFER S. GILL, Notary Public
 Harrisburg City, Dauphin County
 My Commission Expires July 7, 2015

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2013 APR 26 AM 10:38
 DAUPHIN COUNTY BUREAU OF VOTER REGISTRATION AND ELECTIONS
 DEPARTMENT OF STATE

Commonwealth of Pennsylvania NOMINATION PAPER

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OFFICIAL USE ONLY

A. PREAMBLE

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1. Name of Political Body Independent
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B. CANDIDATE INFORMATION

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			House No.	Street or Road	City, Boro or Twp.	
Mayor	10-3	Nevin Mindlin	2550 North 3 rd Street		Harrisburg	Retired

PRESIDENTIAL ELECTORS:

NAME	RESIDENCE	OCCUPATION	NAME	RESIDENCE	OCCUPATION
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10.			21.		
11.					

C. COMMITTEE TO FILL VACANCIES

NAME OF COMMITTEE MEMBER	PLACE OF RESIDENCE		
	House No.	Street or Road	City, Boro or Twp.
1.			
2.			
3.			
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5.			

D. SIGNATURES OF ELECTORS

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
	CHRISTINA HENTZELMAN	1223	N. 2 nd	Harrisburg	3/15/13
	CHARLES BOYER	0222	AL. 2 nd	Harrisburg	3/15/13
	EDWARD JONES	1223	N. 2 nd	Harrisburg	3/15/13
	ROSE VERA THOMAS	1217	N. 2 nd	Harrisburg	3/15/13
	ANNMAR PERRY	1617	N 2 nd	Harrisburg	3/16/13
	STEPHANIE PERRY	1617	N 2 nd	Harrisburg	3/16/13
	LESSA HELK	1725	N. 3 rd	Harrisburg	3/16/13
	SAMUEL AUCHINCLOSS	919	GREEN ST.	HARRISBURG	3/17/13
	SUSAN AUCHINCLOSS	919	GREEN ST.	HARRISBURG	3/17/13

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
<i>William S. Fontana</i>	WILLIAM S. FONTANA	1706	PENN ST.	HOB. PA. 17102	3.17.13
<i>Michèle Matus</i>	MICHELE MATUS	1525	W. FRONT ST	HOBG 17102	3-17-13
<i>Linda Long</i>	LINDA LONG	1410	PENN ST	HOBG 17102	3-17-13
<i>Karen Downing</i>	KAREN DOWNING	16225	Bluebird	Hbg 17112	3/17/13
<i>Wendell Hoover</i>	Wendell Hoover	1507	Green St.	Hbg 17102	3/19/13
<i>Marzena Aina Bialy</i>	MARZENA A. BIALY	216	BOAS ST	HOBG 17102	3/29/13
<i>Joel Stauffer</i>	JOEL STAUFFER	1414	MARION	Hbg 17102	" "
<i>Bronch L Hoover</i>	Bronch L Hoover	1507	Green St	Hbg 17102	3/25/13
<i>Michael R. Ennis</i>	Michael R. ENNIS	270	Briggs St.	Hbg 17102	3/25/13
<i>Roland G Genzel</i>	Roland G Genzel	1221	N 2nd St	Hbg 17102	3/25/13
<i>Caleb A. Achey</i>	Caleb A. Achey	1610	N 3rd ST	Hbg 17102	4/13/13

II. AFFIDAVIT OF QUALIFIED ELECTOR

COMMONWEALTH OF PENNSYLVANIA
 COUNTY OF Dauphin

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Sworn to and subscribed before me this 16th day of April 20 13

1. Dauphin County of Paper Signers Residence

2. *[Signature]* Signature of Affiant

3. Bruce D Jones Printed Name of Affiant

4. 1223 N. 2nd St. Street

5. Harrisburg PA 17102 City, Boro or Twp. Zip Code

My commission expires July 7, 2015

NOTARIAL SEAL
 JENNIFER S. GILL, Notary Public
 Harrisburg City, Dauphin County
 My Commission Expires July 7, 2015

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2013 APR 16 AM 9:38
 DEPARTMENT OF STATE
 COUNTY BUREAU OF VOTER REGISTRATION AND ELECTIONS

Commonwealth of Pennsylvania NOMINATION PAPER

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PRESIDENTIAL ELECTORS:

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C. COMMITTEE TO FILL VACANCIES

NAME OF COMMITTEE MEMBER	PLACE OF RESIDENCE		
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D. SIGNATURES OF ELECTORS

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
<i>Peggy A. Nissly</i>	Peggy A. Nissly	8100	Green St.	Harrisburg City	3-24-13
<i>Stephen R. Nissly</i>	Stephen R. Nissly	3100	Green St.	Harrisburg	3-24-13
<i>Ricky R. Nissly</i>	Ricky R. Nissly	3100	Green St.	Harrisburg	3-24-13
<i>Terri L. Speer</i>	Terri L. Speer	3029	Green St.	Harrisburg	4-6-13
<i>Andrew Dehoff</i>	Andrew Dehoff	3007	Green St.	Harrisburg	4-6-13
<i>Andrew Dehoff</i>	Andrew Dehoff	2945	Green St.	Harrisburg	4/6/13
<i>Carol F. Calkins</i>	CAROL F. Calkins	2936	Green St.	Harrisburg	4-6-13
<i>Tina Stroth</i>	TINA STROTH	3121	Green St.	Harrisburg	4/6/13
<i>Eric Hoffman</i>	ERIC HOFFMAN	3132	Green St.	Harrisburg	4/6/13

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2. County of Signers Dauphin

B. CANDIDATE INFORMATION

OFFICE TITLE	DISTRICT	NAME OF CANDIDATE	PLACE OF RESIDENCE			OCCUPATION
			House No.	Street or Road	City, Boro or Twp.	
<u>Mayor</u>	<u>10-3 Harrisburg</u>	<u>Nevin Mindlin</u>	<u>2550</u>	<u>North 3rd Street</u>	<u>Harrisburg</u>	<u>Retired</u>

PRESIDENTIAL ELECTORS:

NAME	RESIDENCE	OCCUPATION	NAME	RESIDENCE	OCCUPATION
1.			12.		
2.			13.		
3.			14.		
4.			15.		
5.			16.		
6.			17.		
7.			18.		
8.			19.		
9.			20.		
10.			21.		
11.					

C. COMMITTEE TO FILL VACANCIES

NAME OF COMMITTEE MEMBER	PLACE OF RESIDENCE		
	House No.	Street or Road	City, Boro or Twp.
1.			
2.			
3.			
4.			
5.			

D. SIGNATURES OF ELECTORS

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
<u>[Signature]</u>	<u>Stewart Heath</u>	<u>1509</u>	<u>Bonyhill</u>	<u>Hbg</u>	<u>4/8/13</u>
<u>[Signature]</u>	<u>Robert J. Deane</u>	<u>745</u>	<u>GARDEN ST</u>	<u>Hbg PA</u>	<u>4/8/13</u>
<u>[Signature]</u>	<u>JANE LANGFORD</u>	<u>4255</u>	<u>W 3rd ST</u>	<u>Hbg Pa</u>	<u>4/8/13</u>
<u>[Signature]</u>	<u>SUSAN B. WILSON</u>	<u>522</u>	<u>WILKINSON ST</u>	<u>Hbg Pa</u>	<u>4/8/13</u>
<u>[Signature]</u>	<u>Sheila Dow-Fries</u>	<u>2033</u>	<u>Bellevue</u>	<u>Hbg PA</u>	<u>4/8/13</u>
<u>[Signature]</u>	<u>Natalie Broom</u>	<u>1614</u>	<u>Boss ST</u>	<u>Hbg PA</u>	<u>4/9/13</u>
<u>[Signature]</u>	<u>Bethany Kendall</u>	<u>1616</u>	<u>Boss ST</u>	<u>Hbg PA</u>	<u>4/9/13</u>
<u>[Signature]</u>	<u>Tobias Hurd</u>	<u>1505</u>	<u>Boss ST</u>	<u>Hbg PA</u>	<u>4/9/13</u>
<u>[Signature]</u>	<u>Doree Stephens</u>	<u>101</u>	<u>S. 1st</u>	<u>Hbg PA</u>	<u>4/9/13</u>

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
<i>Minnie M. Lina</i>	MINNIE M. LINA	1508	BOAS	HARRISBURG	4-9-13
<i>Bartol Field</i>	BARTOL FIELD	912	U. 16 TH ST	HARRISBURG	4/9/13
<i>Jonathan H. Jh</i>	JONATHAN H. JH	911	N. 16 TH	HARRISBURG	4/9/13
<i>John Joz</i>	JOHN JOZ	1004	N. 189	HARRISBURG	4/9/13
<i>L. K. Gilmore</i>	L. K. GILMORE	1011	N. 16 TH	HARRISBURG	4-9-13
<i>Murry</i>	MURRY	1017	N. 16 TH ST	HARRISBURG	4-9-13
<i>Lashon Oribadel</i>	LASHON ORIBADEL	1000	N. 17 TH ST	HARRISBURG	4-9-13
<i>Yvette C. Williams</i>	YVETTE C. WILLIAMS	1712	Boas St.	HARRISBURG	4-9-13
<i>VINCENT WILLIAMS SR</i>	VINCENT WILLIAMS SR	1712	BOAS ST	HARRISBURG	4-9-13
<i>INDRAVELA GIEZ</i>	INDRAVELA GIEZ	401	WISCONSIN	HARRISBURG	4/11/13
<i>ANGIE C. ROSS</i>	ANGIE C. ROSS	557	WISCONSIN	HARRISBURG	4-11-13
<i>NONIEA GELMAN</i>	NONIEA GELMAN	2700	Lexington	HARRISBURG	4-14-13
<i>SAUL RAMAS</i>	SAUL RAMAS	2738	Lexington	HARRISBURG	4/14/13
<i>Greg Schnacky</i>	GREG SCHNACKY	2743	Lexington	HARRISBURG	4-14-13
<i>MARIE BARBER</i>	MARIE BARBER	2702	Reel	HARRISBURG	4-14-13
<i>Marian Blackston</i>	MARIAN BLACKSTON	2646	Reel	HARRISBURG	4/14/13
<i>EMERSON HINDS</i>	EMERSON HINDS	2622	REEL	HARRISBURG	4/14/13
<i>Ryan A. Rudy</i>	RYAN A. RUDY	2552	5 TH	HARRISBURG	4/14/13
<i>JENNIFER S. BELL</i>	JENNIFER S. BELL	2540	5 TH	HARRISBURG	4/14/13
<i>SHIRLEY MAGILL</i>	SHIRLEY MAGILL	2503	N 4 TH	HARRISBURG	4/14/13
<i>Barney McLaughlin</i>	BARNEY MCLAUGHLIN	1461	Green St	HARRISBURG	4/21/13
<i>DAVID BELGER</i>	DAVID BELGER	011	Railly St	HARRISBURG	4/21/13
<i>Michael Macke</i>	MICHAEL MACKE	1314	Green St	HARRISBURG	4/21/13
<i>Derrick Michael</i>	DERRICK MICHAEL	202	Verbeke St	HARRISBURG	4/21/13
<i>WAYNE WEIDIG</i>	WAYNE WEIDIG	1226	Green St	HARRISBURG	4/21/13
<i>Joseph A Greene</i>	JOSEPH A GREENE	1462	GREEN ST	HARRISBURG	4/21/13

E. AFFIDAVIT OF QUALIFIED ELECTOR

COMMONWEALTH OF PENNSYLVANIA
 COUNTY OF Dauphin SS:

The qualified elector who circulated this page must complete lines 1 - 5 below in the presence of a person empowered to take acknowledgements.

I do swear (or affirm) that I am a qualified elector of the Commonwealth of Pennsylvania; that my residence is as set forth below; that the signers to the foregoing nomination paper signed the same with full knowledge of the contents thereof; that their residences are correctly stated therein; that they all reside in the county specified in number one below; that each signed on the date set opposite his or her name; and that to the best of my knowledge and belief, the signers are qualified electors of the electoral districts designated in this nomination paper.

Sworn to and subscribed before me this 27th
 day of April, 2013
Jennifer S. Bell
 Signature
Office Manager
 (Official Title)
 My commission expires July 7, 2015

1. DAUPHIN
 County of Paper Signers' Residence
 2. [Signature]
 Signature of Affiant
 3. NEVIN J. MINDLIN
 Printed Name of Affiant
 4. 2550 N. 3RD ST.
 Street
 5. HARRISBURG, PA 17110
 City, Boro or Twp. Zip Code

COMMONWEALTH OF PENNSYLVANIA
 NOTARIAL SEAL
 JENNIFER S. GILL, Notary Public
 Harrisburg City, Dauphin County
 My Commission Expires July 7, 2015

Note: While the Secretary of the Commonwealth will not reject nomination papers on the basis that the circulator does not reside in the district specified in the nomination paper, the candidate(s) should be aware that the nomination papers may be challenged in Commonwealth Court on the basis that the circulator does not reside in the district.

2013 APR 25 AM 11:38
 DAUPHIN COUNTY BUREAU OF ELECTIONS
 RECEIVED

Commonwealth of Pennsylvania NOMINATION PAPER

NOTE: You must fill in all information in A, B & C before you begin collecting for signatures.

OFFICIAL USE ONLY

A. PREAMBLE

TO THE SECRETARY OF THE COMMONWEALTH:

We, the undersigned, all of whom are qualified electors of Pennsylvania, of the County, and of the electoral district(s) designated below, hereby nominate the persons designated in "B" below as candidates representing the political body named herein, and also appoint the persons designated in "C" below as the committee authorized to fill any vacancy caused by the death or withdrawal of any such candidates.

1. Name of Political Body Independent
 2. County of Signers Dauphin

B. CANDIDATE INFORMATION

OFFICE TITLE	DISTRICT	NAME OF CANDIDATE	PLACE OF RESIDENCE			OCCUPATION
			House No.	Street or Road	City, Boro or Twp.	
<u>Mayor</u>	<u>10-3</u>	<u>Nevin Mindlin</u>	<u>2550 North 3rd Street</u>	<u>Harrisburg</u>		<u>Retired</u>

PRESIDENTIAL ELECTORS:

NAME	RESIDENCE	OCCUPATION	NAME	RESIDENCE	OCCUPATION
1.			12.		
2.			13.		
3.			14.		
4.			15.		
5.			16.		
6.			17.		
7.			18.		
8.			19.		
9.			20.		
10.			21.		
11.					

C. COMMITTEE TO FILL VACANCIES

NAME OF COMMITTEE MEMBER	PLACE OF RESIDENCE		
	House No.	Street or Road	City, Boro or Twp.
1.			
2.			
3.			
4.			
5.			

D. SIGNATURES OF ELECTORS

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
<u>Ruth Cruz</u>	<u>Ruth Cruz</u>	<u>1717</u>	<u>Fulton St</u>	<u>Harrisburg</u>	<u>3-15-13</u>
<u>Manuel Valentin</u>	<u>Manuel Valentin</u>	<u>1717</u>	<u>Fulton St</u>	<u>Harrisburg</u>	<u>3-15-13</u>
<u>Tatetha Burns</u>	<u>Tatetha Burns</u>	<u>48D</u>	<u>Hall Manor</u>	<u>Harrisburg</u>	<u>3-15-13</u>
<u>Kara Grissom</u>	<u>Kara Grissom</u>	<u>48E</u>	<u>Hall Manor</u>	<u>Harrisburg PA</u>	<u>3-15-13</u>
<u>Christina Kemp</u>	<u>Christina Kemp</u>	<u>48G</u>	<u>Hall Manor</u>	<u>Harrisburg PA</u>	<u>3-15-13</u>
<u>Michael Rank</u>	<u>Michael Rank</u>	<u>485</u>	<u>Hall Manor</u>	<u>Harrisburg PA</u>	<u>3-15-13</u>
<u>Ronald Fulmer</u>	<u>Ronald Fulmer</u>	<u>48H</u>	<u>Hall Manor</u>	<u>Harrisburg PA</u>	<u>3-15-13</u>
<u>Janisha Fulcher</u>	<u>Janisha Fulcher</u>	<u>48H</u>	<u>Hall Manor</u>	<u>Harrisburg</u>	<u>3-15-13</u>

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
<i>[Signature]</i>	Josua A. Reyes	49 J	HALLMAN	HARRISBURG	3-15-13
<i>[Signature]</i>	Christina Bennett	49 B	HALLMAN	HARRISBURG	3-15-13
<i>[Signature]</i>	Iris Reyes	50 J	HALLMAN	HARRISBURG	3-15-13
<i>[Signature]</i>	Allen Brooks	636	CLAYDA	HOG	3-15-13
<i>[Signature]</i>	Emmanuel Pagan	1926	SWATTS	HOG	3-15-13
<i>[Signature]</i>	Felix Flores Jr	51 D	HALLMAN	HARRISBURG	3-15-13
<i>[Signature]</i>	Geovany Morole	57 G	HALLMAN	HARRISBURG	3-15-13
<i>[Signature]</i>	Carlos F. Santiago	2164	2164 BROOKS	HARRISBURG	3-15-13
<i>[Signature]</i>	Mineral Santiago	2164	2164 BROOKS	HARRISBURG	3-15-13
<i>[Signature]</i>	Carlos Colon	75 A	8TH ST	HARRISBURG	3-15-13
<i>[Signature]</i>	Virginia Fronta	36 J	HALLMAN	HARRISBURG	3-15-13
<i>[Signature]</i>	Adrienne	36 G	DAMON	HARRISBURG	3-15-13
<i>[Signature]</i>	William	366	HALLMAN	HARRISBURG	3-15-13
<i>[Signature]</i>	Shonelle Wille	30 C	HALLMAN	HARRISBURG	3-15-13
<i>[Signature]</i>	Margaret Diaz	36 D	HALLMAN	HARRISBURG	3-15-13
<i>[Signature]</i>	Elizabeth M. Diaz	36 A	HALLMAN	HARRISBURG	3-15-13
<i>[Signature]</i>	Neleida del los Santos	37 J	HALLMAN	HARRISBURG	3-15-13
<i>[Signature]</i>	Rochely Torres	37 G	HALLMAN	HARRISBURG	3-15-13
<i>[Signature]</i>	Jose P. Garcia	4844	ABOLLYN	HARRISBURG	3-15-13
<i>[Signature]</i>	Conita Lettore	38 C	HALLMAN	HARRISBURG	3-15-13
<i>[Signature]</i>	Yolanda Castaneda	46 D	HALLMAN	HARRISBURG	3-15-13
<i>[Signature]</i>	Meyra Gonzalez	46 H	HALLMAN	HARRISBURG	3-15-13
<i>[Signature]</i>	Bonnie Zorach	211 H	HALLMAN	HARRISBURG	3-15-13
<i>[Signature]</i>	Rosa Cortero	41-A	HALLMAN	HARRISBURG	3-15-13

AFFIDAVIT OF QUALIFIED ELECTOR

COMMONWEALTH OF PENNSYLVANIA
 COUNTY OF Dauphin SS:

The qualified elector who circulated this page must complete lines 1 - 5 below in the presence of a person empowered to take acknowledgements.

I do swear (or affirm) that I am a qualified elector of the Commonwealth of Pennsylvania; that my residence is as set forth below; that the signers to the foregoing nomination paper signed the same with full knowledge of the contents thereof; that their residences are correctly stated therein; that they all reside in the county specified in number one below; that each signed on the date set opposite his or her name; and that to the best of my knowledge and belief, the signers are qualified electors of the electoral districts designated in this nomination paper.

Sworn to and subscribed before me this 26th day of April, 2013

1 Dauphin
County of Paper Signers Residence

2 [Signature]
Signature of Affiant

3 Butk Chau
Printed Name of Affiant

4 1717 Fulton St.
Street

5 Harrisburg, PA 17102
City, Boro or Twp. Zip Code

My commission expires July 7, 2015

COMMONWEALTH OF PENNSYLVANIA
 NOTARY SEAL
 JENNIFER S. GILC
 Notary Public
 Harrisburg City, Dauphin County
 My Commission Expires July 7, 2015

Note: While the Secretary of the Commonwealth will not reject nomination papers on the basis that the circulator does not reside in the district specified in the nomination paper, the candidate(s) should be aware that the nomination paper may be challenged in Commonwealth Court on the basis that the circulator does not reside in the district.

2013 MAY 10 10:00 AM
 RECEIVED
 DAUPHIN COUNTY BUREAU OF ELECTIONS
 Department of State

Commonwealth of Pennsylvania NOMINATION PAPER

NOTE: You must fill in all information in A, B & C before you begin collecting for signatures.

OFFICIAL USE ONLY

A. PREAMBLE

TO THE SECRETARY OF THE COMMONWEALTH:

We, the undersigned, all of whom are qualified electors of Pennsylvania, of the County, and of the electoral district(s) designated below, hereby nominate the persons designated in "B" below as candidates representing the political body named herein, and also appoint the persons designated in "C" below as the committee authorized to fill any vacancy caused by the death or withdrawal of any such candidates.

1. Name of Political Body Independent
 2. County of Signers Dauphin

B. CANDIDATE INFORMATION

OFFICE TITLE	DISTRICT	NAME OF CANDIDATE	PLACE OF RESIDENCE			OCCUPATION
			House No.	Street or Road	City, Boro or Twp.	
Mayor	10-3 HARRISBURG	Nevin Mindlin	2550	North 3 rd Street	Harrisburg	Retired

PRESIDENTIAL ELECTORS:

NAME	RESIDENCE	OCCUPATION	NAME	RESIDENCE	OCCUPATION
1.			12.		
2.			13.		
3.			14.		
4.			15.		
5.			16.		
6.			17.		
7.			18.		
8.			19.		
9.			20.		
10.			21.		
11.					

C. COMMITTEE TO FILL VACANCIES

NAME OF COMMITTEE MEMBER	PLACE OF RESIDENCE		
	House No.	Street or Road	City, Boro or Twp.
1.			
2.			
3.			
4.			
5.			

D. SIGNATURES OF ELECTORS:

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
	Thelma Langley	1015	N 2nd St	Harrisburg	4/21/13
	John Traylor	1110	N 3rd St	Harrisburg	4/21/13
	TIMOTHY A. STACK	1721	N. 2ND ST	HARRISBURG	4/21/13
	RENAE WOODSON	1723	GREEN ST	HARRISBURG	4/21/13
	KAREN F BARBOUR	1320	Susa St	HAG PA	4/21/13
	RENAE WOODSON	1723	Green St	HARRISBURG PA	4/21/13
	Shannon Wade	2440	Nth 4th St	Harrisburg PA	4/21/13
	Jon Desmarais	1826	Green St	MOG PA	4/21/13
	ROSALIND Goodling	1821	GREEN ST	Plg, PA.	4/21/13

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
<i>[Signature]</i>	Douglas T. Richards	210	Kalkreuth St.	Harrisburg	4/22/13
<i>[Signature]</i>	Kyle Williams	1231	Kalkreuth	HARRISBURG	4/22/13
<i>[Signature]</i>	MD Trambanti	1107	Green St	HARRISBURG	4/22/13
<i>[Signature]</i>	John Sidem	1721	Green	HBC	4-22-13
<i>[Signature]</i>	MATTHEW REIS	4716	WYETH ST.	HARRISBURG	4-22-13
<i>[Signature]</i>	Jennifer M. Reis	4716	Wyeth St.	Harrisburg	4/22/13
<i>[Signature]</i>	Matthew Monticchio	1809	Green St.	Harrisburg	4/22/13
<i>[Signature]</i>	Rebecca Monticchio	1809	Green St	Harrisburg	4/22/13
<i>[Signature]</i>	Brenda Barrett	2260	Rudg Rd	HARRISBURG	4/22/13
<i>[Signature]</i>	DANIEL STERN	2260	RUDG RD	HARRISBURG	4/22/13
<i>[Signature]</i>	KIANA PETERSON	2010	Suvaras St	Harrisburg	4/22/13
<i>[Signature]</i>	Shakera Taylor	2022	Suvaras St	HARRISBURG	4/22/13
<i>[Signature]</i>	Tracy Emery	432	Harris	Harrisburg	4/24/2013
<i>[Signature]</i>	Goldin Beasly	1404	Liberty St	HARRISBURG	4/27/13
<i>[Signature]</i>	Anthony Chandler	1509	Liberty St	HARRISBURG	4/27/13
<i>[Signature]</i>	Shayuan Kent	1444	Liberty	HARRISBURG	4/27/13
<i>[Signature]</i>	Chiffon German	1410	Liberty St	HBS, PA.	4/27/13
<i>[Signature]</i>	James Wehner	2520	Kel St	HBS, PA.	4/27/13
<i>[Signature]</i>	Shaquetta Metz	75	South Hill	Hbg Pa.	4-27-13
<i>[Signature]</i>	Charles House	522	N. 16th St	Hbg Pa.	4-27-13
<i>[Signature]</i>	Gloria House	522	N. 16th St	Hbg, PA	4-27-13
<i>[Signature]</i>	Herman Manning	6078	N. York	Hbg	4-27-13
<i>[Signature]</i>	Tammy Green	1620	North St	HBC	4-27-13
<i>[Signature]</i>	Monica Rindelton	1618	North St	HBC	4/27/13
<i>[Signature]</i>	Sydney Wilson	522	Wiconisco St	HBS	4/27/13
<i>[Signature]</i>	Lesley Brown	1610	North St	HBS	4-27-13

E. AFFIDAVIT OF QUALIFIED ELECTOR

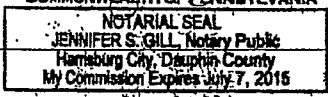
COMMONWEALTH OF PENNSYLVANIA
 COUNTY OF Dauphin SS:
 I do swear (or affirm) that I am a qualified elector of the Commonwealth of Pennsylvania; that my residence is as set forth below; that the signers to the foregoing nomination paper signed the same with full knowledge of the contents thereof; that their residences are correctly stated therein; that they all reside in the county specified in number one below; that each signed on the date set opposite his or her name; and that to the best of my knowledge and belief, the signers are qualified electors of the electoral districts designated in this nomination paper.

Sworn to and subscribed before me this 3rd day of May, 2013

Signature: Jennifer S. Gill
 Official Title: Office Manager
 My commission expires July 7, 2013

1. DAUPHIN County of Paper Signers Residence
 2. [Signature] Signature of Affiant
 3. NEVIN J. MINDLIN Printed Name of Affiant
 4. 2530 N. 3RD ST. Street
 5. HARRISBURG, PA 17110 City, Boro or Twp. Zip Code

The qualified elector who circulated this page must complete lines 1 - 5 below in the presence of a person empowered to take acknowledgements.



Notes: While the Secretary of the Commonwealth will not reject nomination papers on the basis that the circulator does not reside in the district specified in the nomination paper, the candidate(s) should be aware that the nomination papers may be challenged in Commonwealth Court on the basis that the circulator does not reside in the district.

RECEIVED
 2013 MAY 27 AM 10:55
 DAUPHIN COUNTY BUREAU OF VOTER REGISTRATION AND ELECTIONS
 Department of State

Commonwealth of Pennsylvania NOMINATION PAPER

NOTE: You must fill in all information in A, B & C before you begin collecting for signatures.

OFFICIAL USE ONLY

A. PREAMBLE

TO THE SECRETARY OF THE COMMONWEALTH:

We, the undersigned, all of whom are qualified electors of Pennsylvania, of the County, and of the electoral district(s) designated below, hereby nominate the persons designated in "B" below as candidates representing the political body named herein, and also appoint the persons designated in "C" below as the committee authorized to fill any vacancy caused by the death or withdrawal of any such candidates.

1. Name of Political Body Independent
 2. County of Signers Dauphin

PA STATE ELECTIONS
 11/11/11 11:12:53

B. CANDIDATE INFORMATION

OFFICE TITLE	DISTRICT	NAME OF CANDIDATE	PLACE OF RESIDENCE			OCCUPATION
			House No.	Street or Road	City, Boro or Twp.	
<u>Mayor</u>	<u>10-3 Harrisburg</u>	<u>Nevin Mindlin</u>	<u>2550</u>	<u>North 3rd Street</u>	<u>Harrisburg</u>	<u>Retired</u>

PRESIDENTIAL ELECTORS:

NAME	RESIDENCE	OCCUPATION	NAME	RESIDENCE	OCCUPATION
1.			12.		
2.			13.		
3.			14.		
4.			15.		
5.			16.		
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7.			18.		
8.			19.		
9.			20.		
10.			21.		
11.					

C. COMMITTEE TO FILL VACANCIES

NAME OF COMMITTEE MEMBER	PLACE OF RESIDENCE		
	House No.	Street or Road	City, Boro or Twp.
1.			
2.			
3.			
4.			
5.			

D. SIGNATURES OF ELECTORS

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
	<u>Glenn Trout</u>	<u>2460</u>	<u>Brookwood</u>	<u>Harrisburg</u>	<u>4/2/13</u>
	<u>DAVID Holder</u>	<u>2458</u>	<u>Benton</u>	<u>Hbg</u>	<u>4/2/13</u>
	<u>Titus Sivokan</u>	<u>2457</u>	<u>Benton</u>	<u>Hbg</u>	<u>4/2/13</u>
	<u>VICKI Cavanaugh</u>	<u>2450</u>	<u>Brookwood</u>	<u>Hbg</u>	<u>4/2/13</u>
	<u>Joan Primm</u>	<u>2448</u>	<u>Brookwood</u>	<u>Hbg</u>	<u>4/2/13</u>
	<u>JAMES Robinson</u>	<u>2627</u>	<u>Kenil St</u>	<u>Hbg</u>	<u>4-2-13</u>
	<u>MARK A THOMAS</u>	<u>557</u>	<u>Benton</u>	<u>Hbg</u>	<u>4-2-13</u>
	<u>Richard J Winstanley</u>	<u>554</u>	<u>Benton</u>	<u>Hbg</u>	<u>4-2-13</u>
	<u>Megan H. Silvius</u>	<u>512</u>	<u>Benton</u>	<u>Hbg</u>	<u>4-2-13</u>

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
<i>Kevin D. Novit</i>	Kevin D. Novit 1992	1	S 18th	Harrisburg	4-4-13
<i>Edward Smith</i>	Edward Smith	1440	MARKET	Harrisburg	4-4-13
<i>Naval Day</i>	Naval Day	214	N. 3rd St	Harrisburg	4-4-13
<i>Kenna M. Sabatini</i>	Kenna M. Sabatini	110	Combsland St	Harrisburg	4-4-13
<i>Ryan Stark</i>	Ryan Stark	1426	Susquehanna	Harrisburg	4-4-13
<i>Brad Kadlatic</i>	Brad Kadlatic	267	Samuelson	Harrisburg	4-4-13
<i>Laura Compagnone</i>	Laura Compagnone	2544	N. 2nd St.	Harrisburg	4/4/13
<i>Vincento Greco</i>	VINCENTO GRECO	2544	N. 2ND ST.	Harrisburg	4/4/13
<i>Herbert C. Golson</i>	HERBERT C. GOLSON	2900	PROBOSTER	Harrisburg	4/4/13
<i>Herbert C. Golson</i>	Herbert C. Golson	140	Fulton	Harrisburg	4/4/13
<i>Dennis Macky</i>	DENNIS Macky	3224	N. 3rd	Harrisburg, PA	4-4-13
<i>Jonathan Smith</i>	JONATHAN SMITH	2425	LOGAN ST	HARRISBURG, PA	4-4-13
<i>Benjamin Altit</i>	Benjamin Altit	1715	N. 3rd	Harrisburg	4-4-13
<i>Camille Greco</i>	Camille Greco	ONE	S. 18th St	Harrisburg	4/4/13
<i>Khaldun B. Rasheed</i>	Khaldun B. Rasheed	1805	N. 12th St.	Harrisburg, Pa	4/4/13
<i>AVA R. G. Erb</i>	AVA R. G. Erb	141	N. 17 St	Harrisburg	4-4-13
<i>Lewis LaBonte</i>	LEWIS LaBonte	660	Boas St	Harrisburg	4-4-13
<i>Mary Louise Dallon</i>	Mary Louise Dallon	117	TUSCARORA ST	Harrisburg	4-6-13
<i>Williams M. Dallon</i>	Williams M. Dallon	117	TUSCARORA ST	Harrisburg	4-6-13
<i>Back Gooden</i>	Back Gooden	711	S Front	Harrisburg	4-6-13
<i>Jamne Gooding</i>	Jamne Gooding	711	S Front St	Harrisburg	4/6/13
<i>Mark Sipe</i>	Mark Sipe	553	Victimica	Harrisburg	4/6/13
<i>Jenna Barnaby</i>	Jenna Barnaby	218	Boas St	Harrisburg	4/6/13
<i>Theora Lynn Barnaby</i>	Theora Lynn Barnaby	705	S. Front St	Harrisburg	4/6/13
<i>Nathan A. Clark</i>	Nathan A. Clark	587	S. Front St.	Harrisburg	4/6/13
<i>Edward W. Taylor</i>	Edward W. Taylor	577	S. Front St.	Harrisburg	4/6/13

AFFIDAVIT OF QUALIFIED ELECTOR

COMMONWEALTH OF PENNSYLVANIA

SS:

COUNTY OF Dauphin

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do swear (or affirm) that I am a qualified elector of the Commonwealth of Pennsylvania; that my residence is as set forth below; that the signers to the foregoing nomination paper signed the same with full knowledge of the contents thereof; that their residences are correctly stated therein; that they all reside in the county specified in number one below; that each signed on the date set opposite his or her name; and that to the best of my knowledge and belief, the signers are qualified electors of the electoral districts designated in this nomination paper.

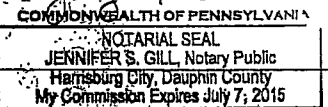
Sworn to and subscribed before me this 8th

day of April 20 13

Jennifer S. Gill
Signature
Office Manager
(Official Title)

My commission expires July 7, 2015

- DAUPHIN
County of Paper Signer's Residence
- [Signature]
Signature of Affiant
- KEVIN J. MUNDLIN
Printed Name of Affiant
- 2550 N. 3RD ST.
Street
- HARRISBURG PA 17110
City, Boro or Twp. Zip Code



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A. PREAMBLE

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We, the undersigned, all of whom are qualified electors of Pennsylvania, of the County, and of the electoral district(s) designated below, hereby nominate the persons designated in "B" below as candidates representing the political body named herein, and also appoint the persons designated in "C" below as the committee authorized to fill any vacancy caused by the death or withdrawal of any such candidates.

1. Name of Political Body Independent
 2. County of Signers Dauphin

RECEIVED
 2013 APR 11 AM 12:53
 COUNTY OF DAUPHIN

B. CANDIDATE INFORMATION

OFFICE TITLE	DISTRICT	NAME OF CANDIDATE	PLACE OF RESIDENCE			OCCUPATION
			House No.	Street or Road	City, Boro or Twp.	
Mayor	110-3 HARRISBURG	Nevin Mindlin	2550 North 3 rd Street	Harrisburg		Retired

PRESIDENTIAL ELECTORS:

NAME	RESIDENCE	OCCUPATION	NAME	RESIDENCE	OCCUPATION
1.			12.		
2.			13.		
3.			14.		
4.			15.		
5.			16.		
6.			17.		
7.			18.		
8.			19.		
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10.			21.		
11.					

C. COMMITTEE TO FILL VACANCIES

NAME OF COMMITTEE MEMBER	PLACE OF RESIDENCE		
	House No.	Street or Road	City, Boro or Twp.
1.			
2.			
3.			
4.			
5.			

D. SIGNATURES OF ELECTORS

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
	Debbie Pugh	2405	Swatara	Harrisburg	3-27-13
	Cynthia L. McDaniel	2319	Swatara St	Harrisburg, PA	3-27-13
	Robert D. Pugh	2231	Swatara	Harrisburg	3/27/13
	Donetta Middleton	226	19 th So.	Hbq.	3-28-13
	Ann Lewis	214	19 th So.	Hbq.	3/28/13
	Bernice Manning	1902	Mulberry	Hbq.	3/27/13
	Robert Jones	1912	Mulberry	Hbq.	3/28/13
	Cathy Scaresner	1216	Mulberry	HARRISBURG	3/27/13
	BERTHA A. FARLEY	1937	Mulberry	Hbq.	3-28/13

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
<i>Henry Passler</i>	Henry Passler	1941	Mulberry	Harrisburg	3-28-13
<i>Rockelle Colow-Robin</i>	Rockelle Colow-Robin	1962	Belleve Rd	Harrisburg	3-28-13
<i>Michael Robinson</i>	Michael Robinson	1962	BELLEVE	HARRISBURG	3-28-13
<i>Eric Wilson</i>	Eric Wilson	1944	Belleve Bl	Hbg.	3/29/13
<i>Kumbury Wilson</i>	Kumbury Wilson	1944	Belleve Bl	Hbg	3/29/13
<i>Rosalind Brooks</i>	Rosalind Brooks	1930	BELLEVE	HARRISBURG	3/29/13
<i>Cheryl Reeves</i>	Cheryl Reeves	2005	Belleve	HARRISBURG	3/28/13
<i>TERRI ARBUSH</i>	TERRI ARBUSH	2032	Belleve	N Bb.	3/28/13
<i>Hue Tran</i>	Hue Tran	182	19 th St	HBG	3/28/13
<i>Damiel C. Luckett</i>	Damiel C. Luckett	1029	Green St.	Hbg	4/2/13
<i>JOSEDA DAVILA JR</i>	JOSEDA DAVILA JR	266	ODUMS	HARRISBURG	4/2/13
<i>Michelle A. Fox</i>	Michelle A. Fox	650	Race St.	Harrisburg	4-3-13
<i>FRANCES M. HAYS</i>	FRANCES M. HAYS	120	BOAS ST	HARRISBURG	4-4-13
<i>Rhonda E. Mays</i>	Rhonda E. Mays	1728	peer st	HARRISBURG	4-4-13
<i>DAVID R. SCHNEIDER</i>	DAVID R. SCHNEIDER	2137	N. 2nd ST	HARRISBURG	4/6/13
<i>Bill MacAvoy</i>	Bill MacAvoy	2223	N. 2nd St	Hbg.	4/6/13
<i>Marca Graves</i>	Marca Graves	711	S. 24th ST	HBG	4/6/13
<i>Stromest</i>	Stromest	2506	2nd St	HBG	4/6/13
<i>Jade Herbst</i>	Jade Herbst	2301	N. 2nd St	HBG	4/6/13
<i>GLORIA E. MINER</i>	GLORIA E. MINER	2311	N 2nd St	HBG	4/6/13
<i>John Stauffer</i>	John Stauffer	2317	N 2nd St	Hbg	4/6/13
<i>GREENLE SAUER</i>	GREENLE SAUER	2319	N 2nd St	HBG	4/6/13
<i>RITA A. WARNER</i>	RITA A. WARNER	2319	N. 2nd St	HBG	4-6-13
<i>Steph Miller</i>	Steph Miller	2337	N. 2nd	Hbg	4-6-13
<i>GORDON ZUBER</i>	GORDON ZUBER	2343	N 2nd	Hbg	4/6/13
<i>Elaine Zuber</i>	Elaine Zuber	2343	N 2nd St	Hbg	4/6/13

E. AFFIDAVIT OF QUALIFIED ELECTOR

COMMONWEALTH OF PENNSYLVANIA

SS:

COUNTY OF Dauphin

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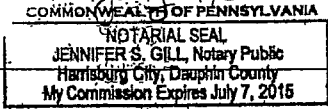
Sworn to and subscribed before me this 8th

day of April 20 13

Jennifer S. Gill
Signature

Officer Manager
(Official Title)

My commission expires July 7, 2015



1. DAUPHIN
County of Paper Signers Residence

2. [Signature]
Signature of Affiant

3. NEVIN J. MIARDLIN
Printed Name of Affiant

4. 2550 N. 3RD ST.
Street

5. HARRISBURG, PA 17110
City, Boro or Twp. Zip Code

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1. Name of Political Body Independent
 2. County of Signers Dauphin

NOV 11 11 15 AM '13

B. CANDIDATE INFORMATION

OFFICE TITLE	DISTRICT	NAME OF CANDIDATE	PLACE OF RESIDENCE			OCCUPATION
			House No.	Street or Road	City, Boro or Twp.	
Mayor	10-3 Harrisburg	Nevin Mindlin	2550	North 3 rd Street	Harrisburg	Retired

PRESIDENTIAL ELECTORS:

NAME	RESIDENCE	OCCUPATION	NAME	RESIDENCE	OCCUPATION
1.			12.		
2.			13.		
3.			14.		
4.			15.		
5.			16.		
6.			17.		
7.			18.		
8.			19.		
9.			20.		
10.			21.		
11.					

C. COMMITTEE TO FILL VACANCIES

NAME OF COMMITTEE MEMBER	PLACE OF RESIDENCE		
	House No.	Street or Road	City, Boro or Twp.
1.			
2.			
3.			
4.			
5.			

D. SIGNATURES OF ELECTORS

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
	Jean H. Cutler	2550	N. 3 rd St	Harrisburg	3/13/13
	Paul V. Long	2542	N. 2 nd St	Harrisburg	3/13/13
	Ashley Roach	2531	N. 2 nd St	Harrisburg	3/13/13
	JAIME ERB	2534	N. 2 nd St	Harrisburg	3/13/13
	Margorie Pierce	2514	N. 2 nd St	Harrisburg	3/13/13
	Lisa Nazar	2501	N. 2 nd St	Harrisburg	3-13-13
	Cynthia Graeff	2513	N. 2 nd St	Harrisburg	3-13-13
	Daniel Graeff	2513	N. 2 nd St	Harrisburg	3-13-13
	Greg E. Johnson	2523	N. 2 nd St	Harrisburg	3/13/13

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
<i>Melinda Wetzal</i>	Melinda Wetzal	48A	Hall Manor	Harrisburg	3/15/13
<i>Ahmad Jones</i>	Ahmad Jones	385A	3rd St	Harrisburg	3/15/13
<i>Danielle Eisenberg</i>	Danielle Eisenberg	48B	Hall Manor	Harrisburg	3/15/13
<i>Kiara Delmore</i>	Kiara Delmore	49E	Hall Manor	Harrisburg	3-15-13
<i>Lizian Elmi</i>	Lizian Elmi	49C	Hall Manor	Harrisburg	3/15/13
<i>Agui K Kerig</i>	Agui K Kerig	50E	Hall Manor	Harrisburg	3-15-13
<i>Billy Thoner</i>	Billy Thoner	50B	Hall Manor	Harrisburg	3-15-2013
<i>Rashaun Dillard</i>	Rashaun Dillard	1941	Kensington	Harrisburg	3-15-13
<i>Chari C Colon</i>	Chari C Colon	524	Hall Manor	Harrisburg	3-15-13
<i>Ralph Cantave</i>	RALPH CANTAVE	1300	BIG LAUREL	HARRISBURG	3/15/13
<i>Tina Bennett</i>	Tina Bennett	52A	Hall Manor	Harrisburg	3/15/13
<i>Jhan Hawkey</i>	Jhan Hawkey	2834	N 2nd St	Harrisburg	3/15/13
<i>Stephen Blank</i>	STEPHEN BLANK	2838	N. 2nd ST	HARRISBURG	3/17/13
<i>Barbara Trainor Blank</i>	Barbara Trainor Blank	2838	N. 2nd St.	Harrisburg	3/17/13
<i>Garol Harke</i>	Garol Harke	2541	N 2nd St	Harrisburg	3/15/13
<i>Ellis G Resenberg</i>	Ellis G Resenberg	2850	N SECOND ST	HARRISBURG	3/17/13
<i>Ruben J Dancy</i>	Ruben J Dancy	2850	N. 2nd St.	Harrisburg	3/17/13
<i>Ann Michel Rosenberg</i>	Ann Michel Rosenberg	2850	N. 2nd St.	Harrisburg	3-17-13
<i>Jana Prosseda</i>	JANA PROSSEDA	2825	N. 2ND ST.	HARRISBURG	3-17-13
<i>Shawn E. Stook</i>	Shawn E. Stook	2813	N. 2nd St	Harrisburg	3/17/13
<i>Randall R. Sivedler</i>	RANDALL R. SIVEDLER	2813	N. Second St.	HARRISBURG	3/17/13
<i>Leona S Baehler</i>	LEONA S BAehler	2815	N 2nd St.	HARRISBURG	3-17-13
<i>Cynthia Prater</i>	Cynthia Prater	513	Division	Harrisburg	3-17-13
<i>Ted Brannon</i>	Ted Brannon	513	Division	Harrisburg	3-17-13

I. AFFIDAVIT OF QUALIFIED ELECTOR

COMMONWEALTH OF PENNSYLVANIA

SS:

COUNTY OF Dauphin

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Sworn to and subscribed before me this 28th

day of March 20 13

Jennifer Hill
Signature
Office Manager
(Official Title)

My commission expires July 7, 2015

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
JENNIFER S. GILL, Notary Public
Harrisburg City, Dauphin County
My Commission Expires July 7, 2015

1 DAUPHIN
County of Paper Signers Residence
2 *[Signature]*
Signature of Affiant
3 NEVIN S. MINDLIN
Printed Name of Affiant
4 2850 N. 3RD ST.
Street
5 HARRISBURG, PA 17101
City, Boro or Twp. Zip Code

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04-11-13 A 11:54 RCVD

B. CANDIDATE INFORMATION

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			House No.	Street or Road	City, Boro or Twp.	
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1.			12.		
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11.					

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NAME OF COMMITTEE MEMBER	PLACE OF RESIDENCE		
	House No.	Street or Road	City, Boro or Twp.
1.			
2.			
3.			
4.			
5.			

D. SIGNATURES OF ELECTORS

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
<i>Keith Robinson</i>	KEITH ROBINSON	1900	EURB	171 Harrisburg	3-21-13
<i>Leon Cziko</i>	Leon Cziko	208	North St	Harrisburg	3-21-13
<i>Jan Carson</i>	JAN CARSON	1219	N 3rd	Harrisburg	3-21-13
<i>Rachel Jones Williams</i>	Rachel Jones Williams	326	Hamilton St	Hbg	3/21/13
<i>Frank Duder</i>	FRANK DUDER	1308	White	Harrisburg	3/21/13
<i>John L. Seaton</i>	John L. Seaton	119	South	Hbg	3/23/13
<i>Debra J. Hartman</i>	Debra J. Hartman	119	South St	Hbg	3/23/13
<i>Marcia Mitarsic</i>	Marcia Mitarsic	288	Cumberland	Hbg	3/23/13
<i>Rachel Shenk</i>	Rachel Shenk	2703	N 4th St	Hbg	3/23/13

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
<i>Kyle Sheak</i>	Kyle Sheak	2703	N 4 th St	Harrisburg	3/23/13
<i>Marcus Thomas</i>	Marcus Thomas	1249	Hudson St	Harrisburg	3/23/13
<i>Debra Duffin</i>	DEBRA DUFFIN	1246	Hudson St	HARRISBURG	3/23/13
<i>JAMES WOMACK</i>	JAMES WOMACK	1709	Hudson St	HBG-1	3/23/13
<i>James Kixse</i>	JAMES KIXSE	1245	Hudson St	HBG	3/23/13
<i>Michael Speaks</i>	Michael Speaks	1212	Hudson St	HBG	3/23/13
<i>Albina Arroyo</i>	Albina Arroyo	1101	Hudson St	HBG	3/23/13
<i>Cristiane Jackson</i>	Cristiane Jackson	1143	Hudson	HARRISBURG	3-23-13
<i>James M. Maethomas</i>	JAMES M. MAETHOMAS	1124	Hudson St	HARRISBURG	3-23-13
<i>Laurel A. Fisher</i>	LAUREL A. FISHER	546	RACE ST.	HARRISBURG	3/23/13
<i>Kathleen Markley</i>	Kathleen Markley	606	RACE ST.	Harrisburg	3/23/13
<i>Rev. Harold S. Fisher</i>	Rev. Harold S. Fisher	627	S. FRONT ST	HBG, PA	3/23/13
<i>Muhammad Ashraf</i>	Muhammad Ashraf	2341	Berryhill	HBG, PA	3/24/13
<i>Ladan Blandy</i>	Ladan Blandy	426	Hale Ave	HBG PA	3-24-13
<i>Jaycel Ashington</i>	Jaycel Ashington	2410	Berryhill	Hbg PA	3/24/13
<i>LEON VAN ALDAM</i>	LEON VAN ALDAM	2420	REDFORD	HARRISBURG	3/24/13
<i>MARTY MITCHELL</i>	MARTY MITCHELL	2429	REDFORD	HARRISBURG	3/24/13
<i>Linda Morrison</i>	Linda Morrison	2465	Berryhill	Hbg	3/24/13
<i>KENNIE WEAVER</i>	KENNIE WEAVER	2457	Berryhill	Harrisburg	3/24/13
<i>Carla Terrell</i>	Carla Terrell	442	Hale Ave	Hbg.	3/24/13
<i>Carmen Russell</i>	Carmen Russell	451	Hale Ave	Hbg	3/24/13
<i>ANDREW CASTELL</i>	ANDREW CASTELL	385	HAGG AVE	Hbg	3/24/13
<i>William S. Allen</i>	William S. Allen	2411	Swatara St	Harrisburg	3/24/13

E. AFFIDAVIT OF QUALIFIED ELECTOR

COMMONWEALTH OF PENNSYLVANIA

SS:

COUNTY OF Dauphin

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Sworn to and subscribed before me this 28thday of March 20 13Jennifer S. Gill
SignatureOffice Manager
(Official Title)My commission expires July 7, 2015

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL

JENNIFER S. GILL, Notary Public
Harrisburg City, Dauphin County
My Commission Expires July 7, 2015

1. DAUPHIN
County of Paper Signers Residence2. [Signature]
Signature of Affiant3. NEVIN J. MINDCIN
Printed Name of Affiant4. 2550 N-3RD ST
Street5. HARRISBURG, PA (17110)
City, Boro or Twp. Zip Code

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960 A.2d 176
Commonwealth Court of Pennsylvania.

Ronald M. GAZZE, Petitioner

v.

Pedro A. CORTES, Secretary of the
Commonwealth of Pennsylvania, Respondent.

Heard Aug. 25, 2008. | Decided Aug. 28,
2008. | Publication Ordered Nov. 5, 2008.

Synopsis

Background: Relator, a prospective state representative candidate, filed complaint in mandamus, seeking an order directing Secretary of Commonwealth to accept and approve for filing his nomination papers.

Holding: The Commonwealth Court, No. 411 M.D. 2008, Quigley, Senior Judge, held that candidate's failure to identify a Committee to Fill Vacancies in his nomination papers was not subject to amendment.

Dismissed.

West Headnotes (1)

[1] Election Law

↔ Requisites and sufficiency

Prospective state representative candidate's failure to identify a Committee to Fill Vacancies in his nomination papers was a defect or error that could not be corrected absent competent and credible evidence showing that signers of petition to nominate were aware of any information regarding the membership of such a committee, and thus, nomination papers were appropriately rejected by Secretary of the Commonwealth; candidate admitted that no Committee to Fill Vacancies existed at the time he gathered the signatures, as he only learned of the requirement when nomination papers were rejected.

Attorneys and Law Firms

*177 Ronald M. Gazze, petitioner, pro se.

Louis L. Boyle, Deputy Chief Counsel and Shauna C. Graves, Asst. Counsel, Harrisburg, for respondent.

Opinion

OPINION BY Senior Judge QUIGLEY.

Petitioner Ronald Gazze, *pro se*, filed a complaint in mandamus, seeking an order directing Pedro A. Cortes, Secretary of the Commonwealth of Pennsylvania, to accept and approve for filing his nomination papers as a committed independent candidate for the office of Representative in the General Assembly for the 57th Legislative District. Petitioner alleges that he secured nomination papers with 520¹ signatures, and he attempted to file it on July 31, 2008. The Department of State (the Department) rejected the nomination papers, and the rejection notice listed the following reasons for the rejection: (1) insufficient number of signatures; (2) incomplete preamble; (3) invalid candidate's affidavit; and (4) no Committee to Fill Vacancies on any pages. Although the Department identified four reasons for the rejection of the nomination papers, Petitioner and the Department agree that the rejection was based upon Petitioner's failure to identify a Committee to Fill Vacancies on his nomination papers.

Petitioner argues that his failure to include a Committee to Fill Vacancies should not be considered to be a material error or defect when considered in conjunction with the other facts demonstrating his serious candidacy. Petitioner urges the Court to consider the totality of the circumstances and determine that the omission of a Committee to Fill Vacancies alone is not a sufficient reason to reject nomination papers. Alternatively, the omission constitutes an amendable error.

The Department argues that the omission of a Committee to Fill Vacancies is a fatal defect, and, as such, not amendable. In support of that position, the Department relies upon *In re Nomination Papers of Gerald R. Carlson*, 60 Pa.Cmwlth. 170, 430 A.2d 1210 (single-judge opinion by Crumlish, P.J.), *affirmed without opinion*, 494 Pa. 139, 430 A.2d 1155 (1981), and *In re Nomination Papers of Jack F. Dunmire*, 940 A.2d 538 (Pa.Cmwlth.2007) (single-judge opinion by Quigley, S.J.).



As published opinions of singles judges, the opinions are persuasive but not controlling authority.

In *Carlson*, the nomination papers were set aside after Judge Crumlish considered the "totality of the circumstances." *Carlson* involved two issues: (1) whether Carlson met the qualifications for a residence, and (2) whether the nomination papers should be set aside due to Carlson's failure to specify a committee on the nomination papers. As to the first issue, President Judge Crumlish concluded that Carlson had not established Pennsylvania residency. As to the second issue, President *178 Judge Crumlish stated that the requirement to specify a committee of at least three persons as required by the Election Code "is not a mere technicality but is required by our Legislature as one indication that a candidate is backed by a political body and is mounting a serious candidacy, with the aim of representing a constituency's views in the Congress." *Carlson*, 430 A.2d at 1211-12. However, President Judge Crumlish set aside the nomination paper based on a "totality of the circumstances," which included the fact that Carlson failed to prove residency in Pennsylvania, which in and of itself, is a fatal defect. Hence, *Carlson* does not answer the question of whether failure to identify a Committee to Fill Vacancies alone is a fatal defect.

In *Dummire*, the Court agreed with *Carlson* that the requirement of a Committee to Fill Vacancies is mandatory pursuant to the Pennsylvania Election Code,² and that such information must appear on every sheet at the time it is circulated. Nonetheless, the Court determined that such a defect is "subject to amendment if competent and credible evidence is offered to show that the signers were aware of what they were signing." *Dummire*, 940 A.2d at 540. In reaching that determination, the Court relied on two

other published, single-judge opinions by Judge Craig, *In re Castellani*, 102 Pa.Cmwlth. 170, 516 A.2d 786 (1986) (single-judge opinion by Craig, J.), and *In re Nomination Petition of Snyder*, 516 A.2d 788 (1986) (single-judge opinion by Craig, J.), *petition for allowance of appeal denied sub nom. Snyder v. Wilson*, 518 Pa. 52, 540 A.2d 264 (1988), which allowed amendment to reflect the proper legislative district.³ Ultimately, the Court in *Dummire* determined that the candidate offered no testimony in the hearing to amend the defect.

In the case at hand, we must conclude that the Department properly rejected Petitioner's nomination papers. At the hearing, Petitioner was unable to offer any competent and credible evidence to show that the signers were aware of any information regarding the membership of the Committee to Fill Vacancies. To the contrary, Petitioner admitted that no Committee to Fill Vacancies existed at the time he gathered the signatures, as he only learned of the requirement to name a Committee to Fill Vacancies when nomination papers were rejected. It was only after the papers were rejected that Petitioner selected individuals to comprise a Committee to Fill Vacancies.

Accordingly, we must dismiss Petitioner's complaint in mandamus.

ORDER

AND NOW, this 28th day of August, 2008, following a hearing, Petitioner's complaint in mandamus is dismissed.

Footnotes

- 1 An independent needs 2% of the highest vote in the last preceding election in the district. Since this is a legislative district, the last preceding election was the 2006 General Election. According to the Department of State's website, the winner in that election was Thomas Tangretti with 14,118 votes. Two percent of that is 282.36, but the number of signatures required can never be less than the amount required for a party candidate. Section 951 of the Pennsylvania Election Code, Act of June 3, 1937, P.L. 1333, *as amended*, 25 P.S. § 2911(b). The number of signers required for nomination petitions of candidates at primaries for the 57th Legislative District is 300. See Section 912.1 of the Pennsylvania Election Code, Act of June 3, 1937, P.L. 1333, *as amended*, added by the Act of December 12, 1984, P.L. 968, *as amended*, 25 P.S. § 2872.1(14). Hence 300 signatures are required.
- 2 Act of June 3, 1937, P.L. 1333, *as amended*, 25 P.S. §§ 2600-3554.
- 3 In *In re Castellani*, a candidate submitted nomination petitions as the Republican candidate for the 20th Senatorial District, while the signatures collected were all from electors in the 22nd Senatorial District, the office for which the candidate actually intended to run. Judge Craig accepted affidavits from the circulators explaining that the signers understood or appeared to understand that they were signing petitions for the 22nd Senatorial District. Judge Craig then allowed the candidate to amend all of his petitions to correctly reflect that he was a candidate for the 22nd Senatorial District. Similarly, in *In re Nomination Petition of Snyder*, Judge

Craig allowed amendment of one page of the petition that lacked the designation of the office, after testimony of the circulator that he had personally informed the signers of the correct district.

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Exhibit B

ACKNOWLEDGMENT OF PERSONAL SERVICE

**IN RE: NOMINATION PAPERS OF NEVIN MINDLIN. FOR THE OFFICE OF
MAYOR OF THE CITY OF HARRISBURG**

I, the undersigned, hereby acknowledge that on this 8th day of August, 2013, I personally accepted service of the petition filed in the above captioned matter, challenging the Nomination Papers of Nevin Mindlin for the Office of Mayor of the City of Harrisburg on behalf of: Bureau of Registration & Elections

Signature: _____

Date: 8/8/13

Exhibit C

IN RE: NOMINATION PAPERS OF : IN THE COURT OF COMMON PLEAS
NEVIN MINDLIN FOR THE OFFICE : DAUPHIN COUNTY, PENNSYLVANIA
OF MAYOR OF THE CITY OF :
HARRISBURG : NO. 2013-CV-6974-EL
: :
: CIVIL ACTION

TRANSCRIPT OF PROCEEDINGS

BEFORE: HONORABLE BERNARD L. COATES, JR.

DATE: AUGUST 12, 2013

PLACE: DAUPHIN COUNTY COURTHOUSE
COURTROOM NO. 9
HARRISBURG, PENNSYLVANIA

APPEARANCES:

RONALD M. KATZMAN, ESQUIRE
Goldberg Katzman, PC

For - Petitioner

HERSCHEL LOCK, ESQUIRE

For - Respondent

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I N D E X
W I T N E S S E S

<u>FOR RESPONDENT</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Nevin Mindlin	7	21	29	30
Keldeen Stambaugh	33	37	--	--
Brenda Barrett	41	43	--	--
Gerald Feaser, Jr.	45	52	--	--

E X H I B I T S

<u>RESPONDENT EXHIBIT NO.</u>	<u>IDENTIFIED</u>	<u>ADMITTED</u>
1 - General information about running for public office	21	21

3

1 **PROCEEDINGS**

2 **MONDAY, AUGUST 12, 2013**

3 **8:31 a.m.**

4

5

6 THE COURT: Good morning, Mr. Katzman, Mr.

7 Lock. Are we ready to proceed?

8 MR. KATZMAN: We are, Your Honor.

9 THE COURT: Let's begin.

10 MR. KATZMAN: Your Honor, I filed the

11 petition that's before you now objecting to the

12 nomination. We did not file any kind of a hearing

13 memorandum brief because we did include the relevant

14 legal case authorities and statutory authorities in

15 our petition for the Court's review.

16 And under the law, we submit that this is

17 really a question of law here. There's cases from

18 the Commonwealth Court that make it very clear that

19 the section of the nomination papers that requires

20 inserting three to five names to be a committee to

21 agree on vacancies in the event that the person

22 withdraws or dies during the proceedings before the

23 election, that that's mandatory, that's the statute

24 that provides that in Section 2911: The nomination

25 papers shall be in the form prescribed by the

4

1 Secretary of the Commonwealth. The form prescribed

2 by the Secretary of the Commonwealth requires that

3 that section be filled in before any signatures are

4 obtained on the petition.

5 This clearly was not done. I have copies of

6 the petitions that I could submit. I thought someone

7 was here from the Bureau of Elections. If somebody

8 is not here -- I thought Jerry was going to be here

9 from Board of Elections to bring the file -- but

10 we've attached copies of the petitions that were

11 filed to our petition. So they're before you and it

12 clearly appears nothing under Subsection C, committee

13 to fill vacancies, there's nothing on any of them

14 that's filled in.

15 So we submit that as a matter of law the

16 candidate, Mr. Mindlin, has failed to comply with the

17 law which is a very important thing for somebody

18 running for this office and that we should get the

19 relief granted in Mr. Coles' petition to have him

20 stricken from the ballot.

21 THE COURT: All right. Thank you. Mr.

22 Lock?

23 MR. LOCK: Your Honor, I would respectfully

24 disagree with what Mr. Katzman said. What is

25 important is that Mr. Mindlin have the right or be

5

1 able to exercise his right to run for public office.

2 And people -- the 540 people who signed his

3 nominating petition, of which approximately 10 or 12

4 are here today, have the right to have a choice on

5 who to vote for.

6 With that said though, it would be my

7 thought at this matter that it is not just a matter

8 of law. It's a matter of law and fact.

9 Based upon law, there are a number of

10 reasons why this is -- should be an amendable defect.

11 Using the petition filed by Mr. Coles, using the

12 Exhibits A and C, the two cases, there are

13 significant gray areas that the Court must consider

14 before reaching a decision that would prevent this

15 man from running for public office, prevent these

16 voters from exercising or having the ability to have

17 a choice on who to vote for.

18 We have them ready to testify. And as Mr.

19 Katzman, I do not have a brief -- I just got involved

20 in this on Friday -- but I believe the facts will

21 lead the Court to a decision that would be contrary

22 to that suggested by--

23 THE COURT: Are you ready to provide

24 testimony?

25 MR. LOCK: Yes, we are.

6

1 THE COURT: Let's proceed.

2 MR. LOCK: Your Honor, am I to understand

3 Mr. Mindlin -- Mr. Katzman is not going to move

4 forward, that is moving his petition forward? You're

5 not requiring him to--

6 THE COURT: Mr. Katzman?

7 MR. KATZMAN: Well, Your Honor, I believe

8 the papers attached clearly show that Section C of

9 the nomination papers was not filled in on any of

10 them. And I think that's a defect. If you want me

11 to place those documents into evidence, I will do so

12 but--

13 THE COURT: You can do that. I'm looking at

14 the case Gazze v. Cortes that says a requirement of

15 the committee to fill vacancies is mandatory pursuant

16 to the election code. The failure to supply is

17 subject to amendment if incredible evidence is shown.

18 MR. KATZMAN: And that's okay.

19 THE COURT: That's the issue where we're at

20 at this particular point.

21 MR. KATZMAN: I'm sorry?

22 THE COURT: I think that's where we're at at

23 this particular point.

24 MR. KATZMAN: Yes, yes, I would agree.

25 THE COURT: Okay.

7

1 MR. KATZMAN: Okay. But I do suggest to you
 2 that that *Gazze* case did conclude by saying
 3 petitioner admitted that no committee to fill
 4 vacancies existed at the time he gathered the
 5 signatures as they only learned of the requirement to
 6 name a committee to fill vacancies when nomination
 7 papers were rejected. That's one where they were
 8 rejected.
 9 And then the Court concluded it was only
 10 after the papers were rejected that Petitioner
 11 selected individuals to comprise a committee to fill
 12 vacancies and they denied the petition. So we submit
 13 that's the controlling law. Thank you, Your Honor.
 14 THE COURT: Fair enough.
 15 MR. LOCK: With that said, Mr. Mindlin take
 16 the stand.
 17 NEVIN MINDLIN, being duly sworn, testified
 18 as follows:
 19 THE COURT: That's not your best start.
 20 THE WITNESS: No. Looks like it's happened
 21 before though.
 22 DIRECT EXAMINATION
 23 BY MR. LOCK:
 24 Q. Mr. Mindlin, would you give us your full
 25 name spelling your last name.

8

1 A. My name is Nevin Mindlin, M-i-n-d-l-i-n.
 2 Q. Your address, sir?
 3 A. 2550 North 3rd Street, Harrisburg,
 4 Pennsylvania.
 5 Q. Is that located in the City of Harrisburg?
 6 A. Yes, it is located within the city limits of
 7 Harrisburg.
 8 Q. And for how long have you lived there?
 9 A. I've lived inside the city for about 10
 10 years. I think I've lived at the current location
 11 for about five or six.
 12 Q. And would it be fair to say you're over 21
 13 years old?
 14 A. Yes, that would be fair to say. I'm 66.
 15 Q. When were you served with a copy of Mr.
 16 Coles' petition?
 17 A. I was -- actually I wasn't served. It was
 18 served to my partner at our house. We are not
 19 married. She was home at the time. And I can't say
 20 precisely when but sometime on Friday morning.
 21 Q. Okay. Prior to Friday morning, had you had
 22 any contact at all from the petitioner, Mr. Coles,
 23 noting that there was a defect alleged in your
 24 nominating petitions?
 25 A. I don't know who Mr. Coles is, sir.

9

1 Q. Okay. Now, you and I have gone over the
 2 petition objecting to your nominating papers, haven't
 3 we?
 4 A. We have.
 5 Q. As well as Exhibits A, B, and C attached to
 6 them. Correct?
 7 A. That's correct.
 8 Q. Now, to move this forward, what office are
 9 you running for?
 10 A. I'm running for mayor of Harrisburg,
 11 Pennsylvania.
 12 Q. And do you have the qualifications, that is,
 13 the age, the residency requirements?
 14 A. Yes, I do.
 15 Q. What is your political affiliation in this
 16 quest?
 17 A. I'm an independent. That is to say I do not
 18 belong to any political party whatsoever.
 19 Q. Now, as part of this quest to get on the
 20 ballot -- this fall's ballot as an Independent
 21 candidate for the office of mayor of the City of
 22 Harrisburg, did you file nominating petitions?
 23 A. I did.
 24 Q. Are those nominating petitions those shown
 25 as Exhibit B in the petition objecting?

10

1 A. Yes, that's Exhibit B.
 2 Q. And do you know the number of signators who
 3 signed the various petitions?
 4 A. I believe there are about 540. I know -- I
 5 don't know that I -- I did count it, and that's what
 6 I believe I remember.
 7 Q. Now, was there a certain number of
 8 signatures needed to run an independent candidacy?
 9 A. Yes. I don't recall exactly the
 10 formulation. But my recollection of it was is as was
 11 explained to me I needed 100 good signatures.
 12 Q. Now, with this said, your candidacy is a
 13 personal one; is that correct?
 14 A. That's correct. I'm running as an American
 15 citizen. I'm not aligned or affiliated with anybody
 16 other than me myself running.
 17 Q. Are you aligned with a political -- major
 18 political party?
 19 A. No, not at all.
 20 Q. Are you aligned with a minor political
 21 party?
 22 A. No.
 23 Q. Are you aligned with some political group?
 24 A. No. I'm not aligned with any group
 25 whatsoever.

1 Q. Okay. In the event you were on the ballot
 2 for this fall's election and something happened to
 3 you, you got ill, you passed away, would you expect
 4 your candidacy to continue?
 5 **A. No. You'll forgive me, but to me that's an**
 6 **absurdity because the fact is is that I am me and if**
 7 **I'm not on the ballot, there is no replacement for**
 8 **me. I'm running as myself.**
 9 Q. Now, it is true, is it not, that this
 10 committee to fill vacancies is not filled in on your
 11 nominating petitions?
 12 **A. That's correct.**
 13 Q. And is it your intention or was it your
 14 intention when you had the nominating petitions
 15 filled out if something happened to you there would
 16 be a person available to fill the vacancy left by
 17 your passing or illness, whatever?
 18 **A. No. That's a non sequitur. It doesn't**
 19 **follow. I mean, I had no intention of having me**
 20 **replaced because I was the candidate and it was only**
 21 **me.**
 22 Q. Now four years ago you ran for the office of
 23 mayor of Harrisburg, didn't you?
 24 **A. I did.**
 25 Q. Did you run as a independent?

1 **A. No. I ran as a Republican at that time.**
 2 Q. Okay. Do you know whether a Republican
 3 candidate or a Democratic candidate has to fill out
 4 those lines -- that section, committee to fill
 5 vacancies, as an independent -- or rather as another
 6 candidate -- a non-major party candidate has to?
 7 **A. No. So far as I understand, they don't**
 8 **because it's the party itself that has the ability to**
 9 **replace a candidacy. It's the party that picks the**
 10 **candidate and then puts them on the ballot as opposed**
 11 **to an individual.**
 12 **So I didn't -- I mean, my understanding is**
 13 **that doesn't even exist on the petitions that they're**
 14 **filed.**
 15 MR. KATZMAN: I object, Your Honor. What
 16 his understanding of law is I think is irrelevant.
 17 THE COURT: Sustained.
 18 MR. LOCK: If I may approach?
 19 THE COURT: You may, Mr. Lock.
 20 BY MR. LOCK:
 21 Q. Mr. Mindlin, I hand you a document and I ask
 22 that you identify it from what it says on the first
 23 page.
 24 **A. It says general information about running**
 25 **for public office. It's produced by the Department**

1 **of State, Bureau of Commission of Elections and**
 2 **Legislation.**
 3 MR. KATZMAN: Your Honor, I object unless we
 4 have some background. Is this a regulation or a duly
 5 approved statement of law? This document is called
 6 general information.
 7 THE COURT: Mr. Lock, what's your offer of
 8 proof here?
 9 MR. LOCK: Well, aside from the fact that
 10 the petitioner asked this Court to accept their
 11 petition, which is merely a pleading, without any
 12 testimony, the fact of the matter is this will tie in
 13 to the law.
 14 The law is not as cut and dry as the
 15 petitioner would have this Court to believe. In
 16 fact, there are gray areas. And that's what this is
 17 related to. It's not a long section of my testimony.
 18 THE COURT: How about if we get right to the
 19 point.
 20 MR. LOCK: Okay.
 21 BY MR. LOCK:
 22 Q. Looking at Pages 3 and 5--
 23 **A. Right.**
 24 Q. Okay. Is there a section on either of those
 25 towards the bottom that says four elements needed in

1 nominating petitions?
 2 **A. That would be on 5.**
 3 Q. And what are the four elements?
 4 **A. The paragraph reads: Each page of a**
 5 **nominating paper contains four basic components: The**
 6 **preamble, candidate information -- 1 is preamble, 2**
 7 **candidate information, 3 the signatures of electors,**
 8 **and 4 the affidavit of qualified elector.**
 9 Q. Okay. Now, were your-- After reading
 10 Coles' petition, did he have any objection to any of
 11 those four areas?
 12 **A. No, I have no objection to those.**
 13 Q. He didn't, did he?
 14 **A. No. He had no objection to any of those,**
 15 **no. It was no question as to my candidacy or the**
 16 **signatures or anything else on there.**
 17 Q. Okay. Now, I guess Page 5 -- the bottom of
 18 Page 5, is there an additional sentence or sentences
 19 dealing with one other requirement--
 20 **A. Yeah. It goes on to say each page of a**
 21 **nominating paper submitted by a political body -- and**
 22 **that is emboldened -- must also contain a fifth**
 23 **component, the names and addresses of a political**
 24 **body's committee to fill vacancies.**
 25 Q. Are you running as a political body?

1 **A. No, sir.**

2 MR. KATZMAN: Your Honor, I object. I think
3 political body is a term defined by the statute. And
4 I believe that under the *Gazze* case an independent is
5 considered a political body.

6 MR. LOCK: Again using the cases that are
7 exhibits in the petitioner's petition objecting, I
8 would respectfully submit to the Court -- and that's
9 part of the case, too -- that it's not that--

10 THE COURT: I'll allow it.

11 MR. LOCK: -- simple.

12 THE COURT: I'll allow it.

13 BY MR. LOCK:

14 Q. If I may--

15 **A. Sure.**

16 Q. Mr. Mindlin, how -- did you submit your
17 nominating petitions to a political -- I'm sorry, to
18 a particular governmental office?

19 **A. Yes, I did. I walked my petitions in**
20 **personally to the office downstairs that is headed by**
21 **Jerry Feaser who's sitting in the back, and I asked**
22 **if they -- I asked if they would--**

23 Q. Wait. Wait.

24 **A. Okay. Well, I did. I submitted them to**
25 **them and they were--**

1 did office personnel, be it Mr. Feaser or someone

2 else in the office, review the documents?

3 **A. Well, there was a review of the documents at**
4 **some point because at one point along the way I was**
5 **called by Jerry Feaser to tell me that there was a**
6 **document that I did not have.**

7 **And I consequently brought that document in**
8 **to make sure that I was completely -- that I had**
9 **completely satisfied everything that was required of**
10 **me.**

11 Q. Okay. Focusing on the nominating petitions
12 only--

13 **A. Okay.**

14 Q. -- were they reviewed -- visually reviewed
15 by personnel of that office prior to them accepting
16 it?

17 **A. Oh, absolutely so.**

18 Q. When you said you wanted to see if it was
19 okay, you asked them to see if they were okay?

20 **A. Yes. I repeatedly -- because I -- I tried**
21 **in every instance to make sure that I was doing**
22 **things correctly. And I wanted to make sure that**
23 **there was nothing that I was filing that was**
24 **incorrect or invalid.**

25 **And I did the process that I did starting**

1 Q. What office?

2 **A. County Bureau of Elections.**

3 Q. Okay. Now, how many petitions -- nominating
4 petitions -- well, how many times did you go in to
5 file your nominating petitions?

6 **A. I went in four different times.**

7 Q. And to file various nominating petitions?

8 **A. I filed initially I believe it was back in**
9 **April and then consequently three other times.**

10 Q. Okay. Different nominating petitions each
11 time?

12 **A. Additional ones. I essentially -- as was**
13 **explained to me, I was amending what was my initial**
14 **accepted filing.**

15 Q. And how were you amending it?

16 **A. By adding signatures.**

17 Q. Okay. Now, when you were there, did you
18 speak with the office personnel, the office director
19 to see -- to determine if what you were filing was
20 acceptable to them for filing?

21 **A. Yes, I did. Each time I went in I asked**
22 **them if I had submitted what were properly filed**
23 **documents, whether they were valid, and they accepted**
24 **them as valid.**

25 Q. Prior to accepting them, did an office --

1 **out early on so that if there were any issues along**
2 **the way that I had the opportunity to correct them.**

3 Q. From your conversations with that office,
4 did you think -- was it your understanding there was
5 any defect in what you filed?

6 MR. KATZMAN: I object, Your Honor. That's
7 a question that -- there's no basis for what he was
8 told or what the office--

9 THE COURT: Sustained.

10 MR. KATZMAN: -- actually did.

11 MR. LOCK: That's-- Okay.

12 BY MR. LOCK:

13 Q. Based on your conversations with that
14 office, did you believe the documents were in the
15 form necessary to be filed?

16 **A. Based on the conversations I had with that**
17 **office, it was my understanding that I had filed**
18 **everything correctly and timely and that there was**
19 **nothing that I had done that would have disqualified**
20 **me on the basis of those filings for being able to be**
21 **on the ballot.**

22 Q. Did you have one or did you have more such
23 conversations with that office?

24 **A. I had several conversations with that**
25 **office. I had conversations with it every time I**

1 brought another set of petitions in. I had
2 additional conversation with Mr. Feaser regarding the
3 fact that I hadn't filed properly a financial
4 disclosure form.

5 I had gone in to make sure that my
6 committee -- that a report that I had to put in for
7 financial work and set up a committee -- there's a
8 requirement for that -- I did that to make sure that
9 that was up to date and properly filed.

10 And my campaign coordinator Keldeen
11 Stambaugh called on numerous occasions to be able to
12 verify that things were done properly along the way
13 as well.

14 Q. Do you know where you picked up the blank
15 nominating petitions to be circulated?

16 A. Um, I believe that Keldeen Stambaugh got
17 those. But I also believe that I got copies myself
18 as well.

19 Q. From where?

20 A. From the county office.

21 Q. The election bureau?

22 A. The election bureau, yes, the county
23 election bureau.

24 Q. Did you take any of these nominating
25 petitions around? Did you circulate them?

1 A. Yes, I did.

2 Q. When you went there-- And did you go to
3 various houses?

4 A. I went to several hundred houses I suspect.

5 Q. When you went there, did you identify
6 yourself?

7 A. I identified myself.

8 Q. Did you identify the office you were running
9 for?

10 A. Yes, I identified the office that I was
11 running for, that I was for the mayor of Harrisburg,
12 Pennsylvania. I explained that the petition was
13 required for me to be able to get on the ballot.

14 Q. And did you identify your political
15 affiliation?

16 A. Yes. I indicated that I was doing this at
17 the time I was doing it -- because it was not the
18 normal time that people expected petitions. This was
19 after the filing for the party nominating petitions
20 because these are actually nominating papers --

21 people were unaware that I would be coming around.
22 So I was explaining the distinction between
23 running as an independent not affiliated with a party
24 which is why I was coming to their door at the time
25 that I did.

1 Q. Thank you. Nothing further.

2 THE COURT: Mr. Katzman?

3 CROSS-EXAMINATION

4 BY MR. KATZMAN:

5 Q. Mr. Mindlin, would you refer to the document
6 that Counsel gave you called general information.

7 MR. KATZMAN: And Your Honor, I would ask it
8 be admitted as an exhibit.

9 THE COURT: Any objection, Mr. Lock?

10 MR. LOCK: I have no objection.

11 THE COURT: It's admitted.

12 (Respondent's Exhibit Number 1 was marked
13 and admitted.)

14 BY MR. KATZMAN:

15 Q. I refer you to Page 1. The next to the last
16 item identified in heavy type says what is a
17 political body. What's the answer there?

18 A. Political body is any party or body that
19 does not qualify as a political party as defined in
20 the preceding section.

21 Q. Okay. Now, it's clear you were not a
22 political party; is that correct?

23 A. That's correct.

24 Q. Under that definition, however, you're a
25 political body, are you not?

1 A. I wouldn't say so, sir.

2 Q. You wouldn't?

3 A. No.

4 Q. Okay.

5 A. Let me read it again. Excuse me. Well, it
6 says a political body is not a party where a body
7 does not qualify. I'm neither a party nor a
8 political body. So I can't be either one of those
9 two. I'm sorry, my understanding is no, I am not.

10 Q. Okay. So you say you're not a body?

11 A. No. I'm not. I'm a--

12 Q. Well, it seems to me you are but that's
13 okay.

14 MR. LOCK: Objection to what seems to you as
15 far as testimony.

16 THE COURT: Sustained.

17 MR. KATZMAN: He looks like a body.

18 BY MR. KATZMAN:

19 Q. Were you aware of the provisions of the
20 nomination paper? Do you have one in front of you?

21 A. The nominating paper, no, I don't have one
22 in front of me, sir.

23 Q. Let me show you one that's attached to the
24 petition. This is one of yours that you filed. The
25 first line there, would you read that into the

1 record.

2 **A. Note, you must fill in all information in A,**
3 **B, and C before you begin collecting for signatures.**

4 Q. Okay. And what is Section C entitled?

5 **A. It says committee to fill vacancies.**

6 Q. Okay. And is there anything filled in on
7 that?

8 **A. No, there isn't.**

9 Q. Okay. So did you intentionally ignore that
10 provision?

11 **A. No. It seemed inapplicable. So therefore I**
12 **had a conversation with the election bureau to make**
13 **sure that I was filling things out properly.**

14 Q. And the election bureau told you you're
15 saying that you didn't have to fill that in even
16 though the document says you must?

17 **A. No. The election bureau reviewed the**
18 **document as I had previously testified and accepted**
19 **it as properly filled in. They said that I had not**
20 **filled it in in error. They explained to me that I**
21 **had -- and they accepted it as a valid document.**

22 Q. And do you know what kind of review they
23 made?

24 **A. Well, I'm assuming that -- I mean, they**
25 **looked at it. They're the experts on this. They're**

1 **supposed to be the ones as I understand it that look**
2 **to see if facially it contains the information that's**
3 **required.**

4 Q. Do you think they're there to provide you
5 with legal advice as to how you fill out a petition?

6 **A. I don't think that that was legal advice. I**
7 **think that was simple regulatory advice, sir.**

8 Q. Well, it was simply following an
9 instruction, isn't it? You must fill in the
10 information in A, B, and C before you begin
11 collecting the signatures.

12 **A. Well--**

13 Q. You couldn't read that?

14 **A. I did read that. And it was a little**
15 **confounding to me to be honest with you because I**
16 **didn't understand myself as a political body. I was**
17 **not an alternative to a political party. I had**
18 **nobody that was going to be replacing me.**

19 **So I went and filed the papers and asked to**
20 **see whether or not I had filed them correctly. I**
21 **didn't ask them whether or not the information I put**
22 **on was accurate or not. I wasn't asking them for**
23 **that kind of advice. All I asked was did I submit**
24 **what I properly needed to submit.**

25 Q. Did you ask any attorneys that you might

1 have employed to give you that advice?

2 **A. I didn't engage any attorney until I engaged**
3 **Herschel Lock to review this because my understanding**
4 **was on the face of it I was doing what I was required**
5 **to do. And I'm not an attorney.**

6 Q. I understand that. Who was the they that
7 you say reviewed these petitions I think you said you
8 brought in four different times?

9 **A. There are two or three women that routinely**
10 **are behind the glass in the lobby of the building**
11 **that had been a bank over on the corner of Market**
12 **Square where the offices of the Bureau for Elections**
13 **are. And I took them there.**

14 **And as I said before, at least in one**
15 **instance I got a phone call from Mr. Feaser to**
16 **explain to me that there was something that I had**
17 **missed doing and that I had to get done.**

18 Q. But that had nothing to do with these
19 nomination papers, did it? That was some additional
20 thing that you had to file that he reminded you of?

21 **A. Well, that's true. But the fact of the**
22 **matter is if I may, sir, that if he was going to find**
23 **something that was remiss there, wouldn't I expect**
24 **that if it was remiss somewhere else he would have**
25 **said the same thing especially on the face of it?**

1 Q. Well, what the law might expect is the issue
2 here. Who were the women that you referred to?

3 **A. I don't recall their names.**

4 Q. You don't even know their names?

5 **A. No. But if you want to bring them, I'm sure**
6 **I can identify them.**

7 Q. And what did they say to you? They said
8 it's okay that you don't fill in Subsection C? Is
9 that what they said to you?

10 **A. No. They looked at the front, they looked**
11 **at the back. I asked them if it was submitted**
12 **properly so that I had no problems with the filing.**
13 **They said this is fine, they stamped it and accepted**
14 **it as a valid document.**

15 Q. Okay. And you didn't go any further with
16 getting anything specific from anybody in the Bureau
17 of Elections; is that correct?

18 **A. No. I mean, we've had repeated**
19 **conversations and my campaign coordinator had**
20 **repeated conversations which I believe at times were**
21 **with Mr. Jerry Feaser, you know, and we repeatedly**
22 **sought to make sure that we had properly filled out**
23 **the documents.**

24 **And frankly, if I had known early on this**
25 **was not right, I'd had filled it out right. I had**

1 **plenty of opportunity to do it. If I was told back**
 2 **in April that this was failed, I had till August 1st**
 3 **to correct it.**

4 Q. Exactly. And you didn't correct it, did
 5 you?

6 **A. No, I didn't know I had to.**

7 Q. And you didn't-- Okay. Let me ask you
 8 this. You said I believe that you're not aligned
 9 with any group and therefore there's no reason to
 10 fill a vacancy or to have a replacement; is that
 11 correct?

12 **A. Yeah. I'm running as an independent single**
 13 **American citizen.**

14 Q. So would you say that you were not backed by
 15 a political body?

16 **A. No, I am not backed by a -- there is no**
 17 **political body. I have a required political**
 18 **committee that has to handle my finances. And I have**
 19 **properly filled that out. And it is organized as it**
 20 **should be by law.**

21 Q. And the documents attached as Exhibit B to
 22 the petition, are they to your knowledge true and
 23 correct copies of what you filed with the Bureau of
 24 Elections?

25 **A. I haven't gone to look to see if they match**

1 **my files precisely, but they appear to be the forms**
 2 **that I filed, yes.**

3 Q. And it's true none of them have Section C
 4 filled out; is that correct?

5 **A. We agree to that, sir.**

6 Q. Is that correct?

7 **A. That's correct.**

8 **MR. KATZMAN: No further questions.**

9 THE COURT: Mr. Mindlin, is it your
 10 testimony that you didn't know of this requirement at
 11 the time of the filing?

12 THE WITNESS: No, sir, I was not aware of
 13 the requirement. It didn't appear to apply to me.

14 And that's why I repeatedly asked to find out what
 15 was required of me.

16 THE COURT: And so obviously you never put
 17 any individuals down on those lines.

18 THE WITNESS: No, I didn't. And had -- I
 19 mean, quite frankly, had I, there are plenty of
 20 people who would have been more than willing to do it

21 as has been evidenced by the support I've had in this
 22 community going back to the last election quite
 23 frankly.

24 THE COURT: All right. Fair enough.

25 Mr. Lock, do you have any follow up?

1 MR. LOCK: Yes, please. If I may approach.

2 THE COURT: You may.

3 REDIRECT EXAMINATION

4 BY MR. KATZMAN:

5 Q. Referring to Mr. Coles' petition objecting,
 6 Exhibit A, will you agree Exhibit A is the front page
 7 of a legal decision -- a federal court decision
 8 titled Constitution Party v. Aichele--

9 **A. Carol Aichele, yes.**

10 Q. Okay. Now, looking at the right side of
 11 that page, the last full paragraph in that right-hand
 12 column, front page, do you see it?

13 **A. Yes, I see it.**

14 Q. Several lines down from the top, does the
 15 judge in his opinion-- Strike that. That paragraph
 16 seems to deal with other than major political
 17 parties. Correct?

18 **A. That's correct. Do you want me to read the**
 19 **sentence?**

20 Q. And is there anything the judge wrote in
 21 that decision where he identifies other than major --
 22 what entities are other than major political parties?

23 **A. Yes. In fact, he says all candidates who**
 24 **are not members of a major political party (e.g.**
 25 **minor political parties, political bodies, and**

1 **independents) must file nominating petitions to have**
 2 **their names placed on the general and municipal**
 3 **election ballot.**

4 **And that, in fact, was part of the filing by**
 5 **Mr. Coles. And he, in fact, capitalized if I recall**
 6 **and underlined independent to make the distinction**
 7 **himself in his pleadings to the distinction between**
 8 **myself as an independent and a political body.**

9 Q. If I may--

10 **A. It's Paragraph 6 in the pleading.**

11 Q. Okay. Just answer the question, please.
 12 And just for clarification, where on that paragraph
 13 on the right side of the front page lists what
 14 entities are other than major political parties, is
 15 there a comma--

16 **A. Yes.**

17 Q. -- before independents?

18 **A. Yes, it's political bodies comma and**
 19 **independents.**

20 Q. Okay. Thank you.

21 MR. LOCK: Nothing further.

22 RECROSS-EXAMINATION

23 BY MR. KATZMAN:

24 Q. When did you read that part of the case
 25 cited as Exhibit A for the first time?

1 **A. I don't mean to be facetious but when it was**
2 **handed to me after I had a chance to read the**
3 **documents is the first that I'm aware of this as case**
4 **law.**

5 Q. So you didn't see that before; is that
6 right?

7 **A. No. I'm not an attorney. I wouldn't have**
8 **read case law to figure out that.**

9 Q. I understand that. And you did not engage
10 an attorney to advise you on these matters, did you?

11 **A. No. I didn't think it was required that an**
12 **American citizen would have to engage an attorney in**
13 **order to be able to file for office.**

14 Q. Um, I don't think there's--

15 MR. KATZMAN: Oh, that's all I have, Your
16 Honor.

17 THE COURT: All right.

18 MR. LOCK: Nothing further.

19 THE COURT: You may step down.

20 THE WITNESS: I apologize profusely for the
21 microphone.

22 THE COURT: That's not your fault. We'll
23 take care of that.

24 Mr. Lock, what do you have next?

25 MR. LOCK: Well, I have a witness who would

1 testify as to her dealings with the county election
2 bureau and the state election bureau concerning these
3 nominating petitions.

4 That testimony would with more specificity,
5 I believe giving names, indicate that she, too, as
6 did Mr. Mindlin, asked on more than one occasion are
7 we doing it right, is this done right again to the
8 people in the election bureau who aren't attorneys
9 but are the gatekeepers of what is filed there.

10 THE COURT: How long-- Is this really the
11 issue here today?

12 MR. LOCK: Well, Your Honor, there is law
13 that indicates, if the Court accepts it, that a
14 defect on a nominating petition can't be set aside
15 merely on the allegation that it was caused by a
16 misunderstanding.

17 However, conversely that court goes on to
18 say that the defect can be set aside and amended when
19 the party's defective petition is a result of a
20 party's reasonable reliance on a representation,
21 misrepresentation, or mistake by an employee,
22 representative of the Bureau of Elections.

23 THE COURT: All right. I'll allow it but be
24 brief.

25 MR. KATZMAN: I'm sorry, what case were you

1 taking out of context and reading from?

2 MR. LOCK: I'm taking no case out of
3 context.

4 MR. Katzman: Well, okay. Give me the case
5 then if you would. I think the judge would like it,
6 too.

7 THE COURT: I was aware of it. Go ahead.

8 MR. LOCK: It's from the client. Primary
9 election -- well, Fairview Associates, Inc.,
10 appellant, 433 A.2d 929 and Hall, H-a-I-I, nomination
11 petition, 362 A.2d 475.

12 KELDEEN ZELLERS STAMBAUGH, being duly sworn,
13 testified as follows:

14 DIRECT EXAMINATION

15 BY MR. LOCK:

16 Q. Ma'am, would you give us your full name,
17 please.

18 **A. Keldeen Zellers Stambaugh.**

19 Q. And your address?

20 **A. 15 North Paxtang Avenue, Harrisburg, PA.**

21 Q. Were you involved with the nominating
22 petitions -- dealing with the nominating petitions
23 Mr. Mindlin circulated in an attempt to get on the
24 fall's ballot as an independent candidate for the
25 office of mayor of the City of Harrisburg?

1 **A. Yes. My job duties included preparing the**
2 **packets that would be circulated by the circulators**
3 **on behalf of Nevin Mindlin.**

4 Q. As a result of your dealings, did you have
5 opportunities to review those documents and have
6 discussions with the Dauphin County office Bureau of
7 Elections or Voter Registration and Elections?

8 **A. Yes. Dauphin County Bureau of Elections and**
9 **the Department of State Bureau of Elections.**

10 Q. Focussing on Dauphin County Bureau of
11 Elections, do you know whether they or the state
12 generated the nominating petitions that were to be
13 circulated?

14 **A. The-- I was told by the Department of State**
15 **that--**

16 MR. KATZMAN: I object, Your Honor. It's
17 hearsay.

18 THE COURT: Sustained.

19 BY MR. LOCK:

20 Q. Do you know without who told you who
21 generated those documents?

22 **A. The Dauphin County Bureau of Elections.**

23 Q. Now, did you pick up any blank nominating
24 petitions from them yourself?

25 **A. Yes, I did.**

1 Q. Okay. And were those nominating petitions
2 you picked up in the same format as what is on
3 petitioner's objection petition Exhibit B?
4 **A. Um, if I could see that, I'm -- I didn't get**
5 **a chance to see that.**
6 Q. Were these the same format but not filled
7 in?
8 **A. Yes, correct.**
9 Q. Okay. Now, what conversations did you have
10 with the Dauphin County office to determine whether
11 these nominating petitions were correctly filled out?
12 **A. Sure.**
13 MR. KATZMAN: Your Honor, I'm going to
14 object about conversations with an office.
15 Conversations occur with a person and--
16 THE WITNESS: I'd be happy to--
17 THE COURT: Please.
18 MR. KATZMAN: -- if she can't identify the
19 person, I would ask that the question be restated or
20 withdrawn.
21 THE COURT: Mr. Lock?
22 MR. LOCK: Okay.
23 BY MR. LOCK:
24 Q. Well, same question. What conversation did
25 you have about the correctness of the nominating

1 petitions to be filed there with personnel from the
2 office of the Bureau of Elections?
3 **A. Certainly. The original document was handed**
4 **to me by Mary Ann, staff person of the Dauphin County**
5 **Bureau of Elections.**
6 **As we reviewed it together, she indicated**
7 **that the preamble and the candidate section was to be**
8 **filled out. Being as this is a different form, we**
9 **went over it together.**
10 **And the next section was presidential, which**
11 **she indicated was not applicable, that Nevin is not**
12 **running for president.**
13 **And the committee section, which we are not**
14 **forming a committee, followed by the signatures which**
15 **would be gathered as usual as in the Republican and**
16 **Democrat petition form and notarized following the**
17 **signatures within the time line indicated by the**
18 **Dauphin County Bureau of Elections.**
19 Q. Did you have one or more than one such
20 discussion with personnel of that office?
21 **A. Multiple discussions, three to four off the**
22 **top of my head. It may have been an additional one**
23 **with Jerry, Mary Ann, and Lisa.**
24 Q. Of that office?
25 **A. Yes.**

1 Q. Jerry being whom?
2 **A. Jerry Feaser, the new director that replaced**
3 **Steve Chiavetta.**
4 Q. Were those conversations prior to August 1,
5 the last submission of a nominating petition?
6 **A. Yes. Prior to circulation start date,**
7 **during circulation time, and following the deadline**
8 **of August 1.**
9 Q. Thank you.
10 MR. LOCK: Nothing further.
11 THE WITNESS: You're welcome.
12 CROSS-EXAMINATION
13 BY MR. KATZMAN:
14 Q. Can you give us the dates when you had these
15 discussions?
16 **A. I'm impressed by your memory. I do not know**
17 **them off the top of my head but I'm sure that they**
18 **will confirm that we've had those conversations. I**
19 **may have some in my notes back in my file folders but**
20 **I do not have them at hand.**
21 Q. Okay. And you say there were four
22 situations -- four times?
23 **A. Yes. Some in person and some on the phone,**
24 **mostly over the phone.**
25 Q. Okay. Was there any conversation related

1 specifically to Section C?
2 **A. I just told you that there was.**
3 Q. What was it?
4 **A. The committee section following the**
5 **presidential section, if you refer to the--**
6 Q. I'm looking at it.
7 **A. -- paper in front of you, yes.**
8 Q. And somebody you're saying told you you
9 didn't have to fill that out?
10 **A. Yes. I indicated her name is Mary Ann.**
11 Q. Mary Ann.
12 **A. We reviewed the form together, the form**
13 **issued and accepted by the Dauphin County Bureau of**
14 **Elections.**
15 Q. Okay. And was that on one occasion or more
16 than one?
17 **A. We discussed the form acceptance following.**
18 **As a matter of fact-- If I could continue?**
19 Q. Please do.
20 **A. Thank you. So before circulation, I visited**
21 **the Commonwealth because the form was a sample form**
22 **of theirs.**
23 **They indicated they could not answer any**
24 **questions, that it has to come from Dauphin County**
25 **because the individual counties only decide what form**

1 **is used in this case and they're the ones that will**
 2 **accept it as such.**
 3 Q. Okay. So you then got to use this form
 4 called Commonwealth of Pennsylvania Nomination Paper
 5 which you have identified?
 6 **A. Yes. Which I, following the visit to the**
 7 **Department of State physically, I called Mary Ann as**
 8 **it was close to the end of the day and we spoke again**
 9 **specifically about a line item up in Section B in**
 10 **which case she had already referred to an attorney in**
 11 **regards to the form.**
 12 Q. Excuse me. She referred to an attorney?
 13 **A. She had question I guess. I don't know.**
 14 Q. Oh, okay. So you're repeating hearsay that
 15 she told you?
 16 **A. Correct.**
 17 Q. Now, did you look at these papers and see
 18 the note at the top? You can read that into the
 19 record, please.
 20 **A. Oh, yes. You must fill in the information**
 21 **in A, B, and C before you begin collection of the**
 22 **signatures. By the Dauphin County Bureau of Election**
 23 **who has instructed me--**
 24 Q. Well no, I asked you to read it. Is all the
 25 rest of that in there?

1 Q. Okay.
 2 MR. KATZMAN: I have nothing further.
 3 THE COURT: Thank you.
 4 MR. LOCK: Nothing further.
 5 THE COURT: You may step down.
 6 THE WITNESS: Thank you.
 7 THE COURT: Anything else, Mr. Lock?
 8 MR. LOCK: Yes, Your Honor. Your Honor, I
 9 have Brenda Bennett as my next witness. She is one
 10 of the signators of the nominating petition for Mr.
 11 Mindlin.
 12 I also have I believe 12 or 13 additional
 13 signators. And after her testimony, I am going to
 14 give you the names except I believe their testimony
 15 would mirror her testimony.
 16 THE COURT: Can we have counsel approach
 17 just for a second?
 18 (A discussion was held at sidebar off the
 19 record.)
 20 BRENDA BARRETT, being duly sworn, testified
 21 as follows:
 22 DIRECT EXAMINATION
 23 BY MR. LOCK:
 24 Q. Ms. Barrett, please give us your full name
 25 for the record, spell your last name and give us your

1 **A. No.**
 2 Q. Okay. Where does it stop, collecting for
 3 signatures. Right?
 4 **A. For signatures, sir.**
 5 Q. And was this section filled in before you
 6 collected signatures, Section C?
 7 **A. No. I followed the instructions.**
 8 Q. These instructions?
 9 **A. The instructions given to me by the Dauphin**
 10 **County Bureau of Election who issues and accepts the**
 11 **form.**
 12 Q. By Mary, is that it?
 13 **A. Mary Ann is her name -- is her proper name.**
 14 Q. And what's her position, do you know that?
 15 **A. I do not know her title or her pay rate.**
 16 **But her name is Mary Ann.**
 17 Q. Okay. Did you make any attempt to check
 18 with an attorney or anybody experienced in election
 19 matters?
 20 **A. No, I did not. For 20 years I've been**
 21 **dealing with that office and they've always--**
 22 Q. No, I did not will do it.
 23 **A. Oh, okay.**
 24 Q. You didn't in this case. Right?
 25 **A. Correct.**

1 address.
 2 **A. Brenda Barrett, B-a-r-r-e-t-t. And I live**
 3 **at 2260 Rudy Road in the city of Harrisburg.**
 4 Q. Are you a registered voter in the city of
 5 Harrisburg?
 6 **A. Yes.**
 7 Q. And did you sign a nominating petition for
 8 Nevin Mindlin?
 9 **A. Yes.**
 10 Q. When you signed that nominating petition,
 11 did you know which candidate -- the name of the
 12 candidate you were signing for?
 13 **A. Yes.**
 14 Q. Did you know the office he was attempting to
 15 get on the ballot for?
 16 **A. Yes.**
 17 Q. Did you know his political affiliation?
 18 **A. Yes.**
 19 Q. Which was?
 20 **A. Independent.**
 21 Q. At that time, did you give any thought to
 22 what would happen to his candidacy if he died between
 23 when you signed it and he got on the ballot and the
 24 election, whether there'd be a successor?
 25 **A. I assumed he was running as an individual so**

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1 **it never would have occurred to me that there would**
 2 **be a successor to someone who was running as an**
 3 **independent.**
 4 Q. Thank you.
 5 THE COURT: Mr. Katzman, any questions?
 6 CROSS-EXAMINATION
 7 BY MR. KATZMAN:
 8 Q. So would it be correct to say that when you
 9 signed the nomination paper, Section C was not filled
 10 out? Or didn't you even look to see if it was filled
 11 out?
 12 **A. No, I looked at the individual sheet.**
 13 Q. Did you look at all of the areas or just--
 14 **A. No, no.**
 15 Q. -- just where you were to sign?
 16 **A. I looked at where I was to sign and--**
 17 Q. Someone said sign and you signed, is that
 18 it?
 19 **A. Well, of course I knew Nevin Mindlin**
 20 **personally and was supporting him.**
 21 Q. Sure. Okay. But you didn't really review
 22 the rest of the document, did you?
 23 **A. No. I was very careful to fill out all of**
 24 **the required information. I've signed many petitions**
 25 **and I know how important it is that your signature be**

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1 **clear and you have the specific information as to**
 2 **when you signed.**
 3 Q. Right. So you're referring for example
 4 where it says -- past your signature it says printed
 5 name of the elector. You printed your name--
 6 **A. Um-hum.**
 7 Q. -- and the place of residence, house number
 8 and so forth, you made sure all that was correct; is
 9 that correct?
 10 **A. Correct.**
 11 **MR. KATZMAN: Thank you.**
 12 THE COURT: Anything else, Mr. Katzman?
 13 MR. KATZMAN: No, sir, I'm sorry.
 14 THE COURT: You may step down.
 15 MR. LOCK: Your Honor, I would like to put
 16 on the record the dozen or 13 additional people who
 17 signed and whose testimony would mirror Ms. Barrett's
 18 testimony if the Court would accept the names and
 19 with the understanding the testimony would be the
 20 same.
 21 THE COURT: I think based upon our
 22 discussion at sidebar, Mr. Katzman doesn't have any
 23 objection to that. Is that correct?
 24 MR. KATZMAN: Correct.
 25 THE COURT: We'll accept those names. Would

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1 you like to read them into the record?
 2 MR. LOCK: Yes, if I may, please: Dan
 3 Stern, S-t-e-r-n; Claire, C-l-a-i-r-e, Powers; Joe
 4 McLaughlin, M-c-L-a-u-g-h-l-i-n; Sloan, S-l-o-a-n,
 5 last name A-u-c-h-i-n-c-l-a-u-s--
 6 A VOICE FROM THE AUDIENCE: --o-s-s.
 7 MR. LOCK: The last two letters o-s not u-s;
 8 Manuel, M-a-n-u-e-l, Valentin, V-a-l-e-n-t-i-n;
 9 Robert Drum, D-r-u-m; Jean, J-e-a-n, Cutler,
 10 C-u-t-l-e-r; Rhonda Mays, M-a-y-s; Peggy Nissly,
 11 N-i-s-s-l-y; Anne, A-n-n-e, Yellot, Y-e-l-l-o-t;
 12 Maureen Maxwell, James Thompson, Dee, D-e-e,
 13 Lurette, L-u-c-k-e-t-t-e. Thank you.
 14 THE COURT: All right. Anything else, Mr.
 15 Lock?
 16 MR. LOCK: With the Court's indulgence, I
 17 would ask Mr. Feaser -- Jerry Feaser to take the
 18 stand.
 19 GERALD D. FEASER, JR., being duly sworn,
 20 testified as follows:
 21 DIRECT EXAMINATION
 22 BY MR. LOCK:
 23 Q. Mr. Feaser, will you state your full name,
 24 spelling your last name and give us your employment.
 25 **A. My name is Gerald D. Feaser, Jr. I'm the**

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1 **director of the Dauphin County Bureau of Voter**
 2 **Registration and Elections since February 1st.**
 3 Q. In that capacity, do you deal with
 4 accepting, reviewing nominating petitions for persons
 5 running for office -- political office in Dauphin
 6 County or in its political subdivisions?
 7 **A. Yes, I do.**
 8 Q. Is that a normal and regular function of
 9 your office?
 10 **A. Yes, it is.**
 11 Q. Now, are you an attorney?
 12 **A. No, I'm not.**
 13 Q. Are the people in your office an attorney or
 14 attorneys?
 15 **A. The people who work in my office on a**
 16 **day-to-day basis are not attorneys.**
 17 Q. Now, with that said, would it be fair to say
 18 you, your personnel, your office is a gatekeeper for
 19 filings to be allowed such as nominating petitions?
 20 **A. Yes.**
 21 Q. Before accepting any nominating petitions or
 22 any documents, do you -- and when I say "you",
 23 plural, your personnel -- review them?
 24 **A. Yes.**
 25 Q. Look them over?

1 **A. Correct.**

2 Q. «Not offering political legal advice?

3 **A. Correct.**

4 Q. But to see if they're filled out correctly?

5 **A. And that supporting documentation that's**

6 **required by law is attached or made available shortly**

7 **thereafter, yes.**

8 Q. Does your office have to take any document

9 brought to it for filing or can it reject documents?

10 **A. We have the authority to reject.**

11 Q. Would you reject documents if you thought

12 they were not filled out correctly?

13 **A. Yes. And we have.**

14 Q. Would you work with candidates trying to --

15 or people working for candidates for office

16 attempting to file documents that were not to your

17 satisfaction -- would you work with them to try to

18 help them make sure the documents were acceptable --

19 became acceptable?

20 **A. We do and we have in recent months. And I'm**

21 **sure they did during the tenure of my predecessor.**

22 Q. Mr. Chiavetta?

23 **A. Correct.**

24 Q. During this year, have you had occasion to

25 speak with Mr. Mindlin about his nominating

1 petitions?

2 **A. I--**

3 Q. Excuse me. You or members of your office if

4 you know?

5 **A. My staff had talked with Mr. Mindlin and his**

6 **campaign team on numerous occasions. I have had at**

7 **least three personal conversations between Mr.**

8 **Mindlin and myself.**

9 Q. About the nominating petitions and their

10 satisfaction -- whether they were satisfactory to

11 file?

12 **A. About the submission as a whole.**

13 Q. Explain.

14 **A. What I mean by that is I did speak to Mr.**

15 **Mindlin on just a greeting as we had worked together**

16 **in the past in the House of Representatives. It was**

17 **just sort of a reacquaintance conversation.**

18 **The second time was I called him -- and I**

19 **believe he was in France at the time -- to let him**

20 **know that the candidate affidavit, which is a**

21 **separate document filed with his nomination papers,**

22 **was not attached and that he needed to complete that**

23 **before the deadline.**

24 **And then a third call when it was discovered**

25 **that he did not submit the statement of financial**

1 **interest which is also a required document.**

2 Q. Did Mr. Mindlin or anyone working on his

3 behalf ask you or your office personnel whether the

4 nominating petitions were filled out to your

5 satisfaction -- your office's satisfaction so they

6 could be filed?

7 **A. While I can't speak to what the details of**

8 **those conversations are, I can attest to the fact**

9 **that just about every candidate that comes to my**

10 **office when they give us the paperwork, they say is**

11 **everything okay.**

12 **And our routine answer is as long as the**

13 **minimum number of signatures are there and, you know,**

14 **if there's a filing fee that's required is paid and**

15 **things like that that, you know, we accept them.**

16 **If there is something that is obvious, we**

17 **give them back to them and tell them what needs to be**

18 **done or we say we'll hold these but you need to**

19 **complete this document or that document.**

20 **We work with candidates to try and provide**

21 **access to the ballot to whoever chooses to put their**

22 **name forward for the voters to choose.**

23 Q. To make it easier rather than more difficult

24 for someone to run for public office?

25 **A. Our office is supposed to provide the**

1 **paperwork, the people, and, you know, do the**

2 **functions required to hold elections. Our office's**

3 **objective is not to block access to anyone.**

4 Q. Who printed the forms that constitute the

5 nominating petitions submitted by Nevin Mindlin?

6 **A. We actually, when Keldeen Zellers Stambaugh**

7 **contacted our office earlier in the cycle asking for**

8 **the petitions, asked her to hold off until we checked**

9 **with the Department of State to make sure we had the**

10 **right forms. And then we provided the copies that we**

11 **were given by the Department of State for nomination**

12 **papers.**

13 **MR. LOCK: If I may approach.**

14 **THE COURT: You may.**

15 **THE WITNESS: I have the originals with me**

16 **if that's what you're about to show me.**

17 **BY MR. LOCK:**

18 Q. Oh, okay. Well, if I may just say picking

19 the first one, Exhibit B--

20 **A. Yeah, that's exactly correct.**

21 Q. Okay. Is this the document?

22 **A. Yes.**

23 Q. Okay.

24 **A. One of.**

25 Q. Right. Prior to handing these documents out

1 not just to Mr. Mindlin but I guess to a variety of
2 candidates--
3 **A. In fact, there were four who filed
4 independent candidacies for various offices.**
5 Q. Did you look at the document -- the blank
6 document you were giving them? Were you familiar
7 with it?

8 **A. Um, in fact this is the first time I'd ever
9 seen this document this cycle.**

10 Q. You got it from where?

11 **A. The Department of State.**

12 Q. And did you see it and look at it prior to
13 handing it out this cycle?

14 **A. We reviewed it in terms of taking a look at
15 it to make sure we were making correct copies because
16 it has to be made copies front and back. So we were
17 diligent in that regard and to make sure that the
18 candidates were given the correct form.**

19 Q. And do you have a woman named Mary Ann
20 working in your office?

21 **A. Yes, Mary Ann Boyer who is my office
22 manager.**

23 Q. And a Lisa?

24 **A. Lisa Walk who is the administrative
25 assistant.**

1 Q. Again, just to make sure I'm certain, you
2 personally, were you asked by Nevin Mindlin, Miss
3 Stambaugh, anybody for Mr. Mindlin's candidacy prior
4 to the documents being filed whether they were
5 correct?

6 **A. Again, as -- I seem to recall asking --
7 being asked is everything in order. And I said once
8 we got those final forms that I brought to Mr.
9 Mindlin's attention needed to be filed that I felt it
10 was filed properly. He had sufficient number of
11 petitions, signatures, so yes.**

12 Q. And the petition being filled out
13 correctly -- the nominating petition being filled out
14 correctly seemed right to you?

15 **A. Again, this is the first time I had ever
16 seen this document this cycle when we received it
17 from the Department of State, yes.**

18 Q. Thank you. Nothing further.

19 CROSS-EXAMINATION

20 BY MR. KATZMAN:

21 Q. Mr. Feaser, did you -- in your office
22 administration, do you have any guidelines as to who
23 may give answers to questions relative to whether
24 petitions are appropriate or proper?

25 **A. We don't give legal advice, but, you know,**

1 **as I said -- and I know it's not just under my
2 tenure. I know it's happened ever since there were
3 candidates filing petitions -- they always ask is
4 everything in order? Do I need anything else?**

5 Q. And before an answer is made, what kind of
6 review occurs?

7 **A. Generally it's a cursory review, looking
8 again for the obvious things, is there the correct
9 number of signatures, are all the supporting
10 documents that are required to be filed, if
11 there's a filing fee to be paid, is it paid, those
12 types of things.**

13 Q. Okay. And the three items that you had
14 mentioned to Mr. Mindlin's people that you needed,
15 these were not errors in the form itself but in --
16 you needed additional documents?

17 **A. They were omissions of the entire document,
18 correct.**

19 Q. Okay. Did you give any advice to your
20 recollection concerning whether or not Section C had
21 to be filled out?

22 **A. I was unasked personally about Section C.**

23 Q. You were not?

24 **A. I was not asked personally about Section C.**

25 Q. And so you didn't make any comments with

1 respect to that part of the nomination papers?

2 **A. Again, having only seen this document for
3 the first time this year when we received it from the
4 Department of State, I did not have a full working
5 knowledge of what all parts and the significance of
6 each part.**

7 **The signator part where the signatures of
8 electors, very familiar with that as that is
9 consistent with other documents.**

10 Q. Okay. So your review was primarily with
11 respect to that part of the document, that is the
12 signatures and the number and so forth?

13 **A. Right. I mean, it's important to remember,
14 too -- I know there were some numbers being thrown
15 around -- in this type of situation a candidate
16 running as an independent needs to meet one of two
17 thresholds for the number of signatures.**

18 **They need to have the two percent of the
19 election -- the number of votes cast in the prior
20 election or the same number of signatures required
21 for a candidate of that office and the major parties.**

22 **So we had to look at whether it was X or Y.
23 And we figured that based on prior elections the
24 minimum number was 66.**

25 **So being that 100 is the minimum number for**

1 mayoral candidates for the Republican and Democratic
2 primaries, we had to make sure that these individuals
3 filing as independent candidates for mayor had at
4 least a hundred.

5 Q. Okay.

6 MR. KATZMAN: Your Honor, in order to be
7 accurate here, can we stipulate that the documents
8 attached to our petition as Exhibit B are the
9 official accurate copies of what was filed with the
10 Election Bureau or do we have to have Mr. Feaser--

11 THE COURT: Mr. Lock, I don't think--

12 MR. LOCK: Well, I don't know if Mr.
13 Feaser--

14 Did you review these?

15 THE WITNESS: Well, I -- I -- when Mrs.
16 Bennett testified, I quickly perused and I found her
17 name, Brenda Barrett -- Barrett, I'm sorry. So I did
18 find Ms. Barrett's name in the petitions.

19 MR. LOCK: The petition objecting, was that
20 served on you last week?

21 THE WITNESS: Yes, it was.

22 MR. LOCK: And I guess my question is
23 Exhibit B, are they correct? Are they--

24 THE WITNESS: Yes.

25 MR. LOCK: Okay. We--

1 case, relying on court cases -- I mentioned one

2 already -- that being the case of Fairview

3 Associates, Inc. which is the appellant 433 A.2d 929

4 which refers to Hall nomination petition 362 A.2d 475

5 and as I said before that those cases stand for the

6 proposition that even though a mistake by the

7 candidate -- a misunderstanding of the candidate is

8 not sufficient ground to amend the nominating

9 petition, if they are getting incorrect information,

10 not complete information from the Bureau of Elections

11 or their employees, a mistake, and then they rely on

12 them reasonably, that is grounds for an amendment.

13 Now, in this particular case, using the

14 petition objecting filed by Mr. Cole and looking at

15 its Exhibits A, B, and C, A is that case Constitution

16 Party v. Aichele. And that's the case that does say

17 even independents have to file nominating petitions.

18 But it also says the verbiage of what is

19 other than a major political party. And one of those

20 entities is a individual. An individual. Another is

21 a political group separated by a coma. Two separate

22 items.

23 Now, the reason I dealt with the nomination

24 petition packet given me by or produced by the state

25 election bureau is looking at the bottom of several

1 THE COURT: We'll accept that stipulation.

2 MR. KATZMAN: Thank you, Your Honor. That's
3 all I have.

4 THE COURT: Anything else? Any follow up?

5 MR. LOCK: Nothing further, Your Honor.

6 MR. KATZMAN: No, sir.

7 THE COURT: Mr. Feaser, you may step down.

8 Mr. Lock, you didn't have an opportunity to
9 file anything. Do you wish to do that?

10 MR. LOCK: Well, Your Honor--

11 THE COURT: Or do you want to make an
12 argument?

13 MR. LOCK: -- I'm prepared--

14 THE COURT: I'm going to take it under
15 advisement in case you wanted -- you said you didn't
16 have an opportunity to file something with respect to
17 the case.

18 Obviously you would have an opportunity to
19 file something by 12 tomorrow because I know we're
20 under time constraints to file my opinion and I want
21 to get that done.

22 MR. LOCK: Well, Your Honor, if I may, given
23 the time constraints may I make oral argument now?

24 THE COURT: You may. Please begin.

25 MR. LOCK: Your Honor, in this particular

1 of the pages that Mr. Mindlin quoted, it indicates

2 the extra fifth requirement fill in this section

3 committee to fill vacancies is for political groups.

4 It doesn't say individuals.

5 And even though Mr. Katzman took the

6 position that well, it says anything other than a

7 political party is a political group.

8 THE COURT: I think it was body -- political
9 body.

10 MR. LOCK: Okay. The federal judge in their

11 Exhibit 1, that case differentiates between the group

12 and an individual. Okay.

13 Secondly, in their Exhibit C, that case,

14 there are differences it is distinguishable but --

15 from our case -- but I think there's a -- several

16 things there that are very important.

17 First of all, it indicates -- while it says,

18 gee, not having the committee to fill vacancies is a

19 material fact, one of the cases they relate to in

20 that even though it's a material fact you have to

21 look at the totality of the circumstances. Judge

22 Crumlish wrote that in one of the cases.

23 And there was an instance where someone

24 didn't fill that in for an office -- not this local

25 office -- and also had a problem proving they were a

1 resident of the Commonwealth of Pennsylvania. In
2 fact, I believe if memory served me correct the judge
3 found the person did not prove they were a resident
4 of this Commonwealth.

5 And the judge indicated that totality of the
6 circumstances -- he did not knock it out on -- this
7 Exhibit C case says he didn't knock it out -- that
8 Judge Crumlsh did not knock it out for the failure
9 to fill in the committee to fill vacancies.

10 He knocked it out totality of the
11 circumstances focusing on solely -- solely the
12 respective candidate didn't live here -- didn't live
13 here.

14 Likewise, they refer to another case that
15 also says, well, gee, not having this committee to
16 fill vacancies is a big, big defect -- fatal defect.
17 But even there -- even there they said, however, it
18 can be cured if it can be shown that the signatories
19 of the petitions knew what they were signing.

20 Now, in this particular -- in this
21 particular case, Exhibit C, the election bureau of
22 the state didn't accept the petition unlike Dauphin
23 County. And there's no evidence of any discussion
24 between the election bureau personnel and the
25 candidate.

1 However, in both instances of the cases
2 submitted there, the first one didn't focus on this
3 not being filled out. I submit to the Court that
4 that goes along with the legal proposition that
5 election law is to be interpreted not conservatively,
6 not restrictively, but liberally so as to allow
7 people to run for office.

8 This Judge Crumlsh, he didn't focus on
9 whether it was filled out. He denied the nominating
10 petition on another ground.

11 The second judge, he says give me a way
12 around it. Give me a way around it to prove that the
13 nomin-- that the people signing knew what they were
14 signing.

15 Now, in this case, Exhibit C, Judge Quigley
16 I believe was the judge wrote, look, there's no
17 evidence of that so I'm rejecting it. Well, in this
18 particular instance, Judge Quigley stated that --
19 in -- towards the end of his decision that that
20 referred to the -- the people signing knew about the
21 committee, knew who was on the committee to fill
22 vacancies.

23 But I read the case coming in here early
24 this morning and reading in the dark of the
25 library -- they hadn't turned their lights on yet --

1 it's unclear to me whether or not it's just about
2 that, about the committee, or whether they knew what
3 they were signing, who's running for what, what their
4 political affiliation.

5 Now, there are facts in this case that are
6 indisputable. Mr. Mindlin, Miss Stambaugh testified
7 what they did. Single candidate, independent,
8 running for this office mayor of City of Harrisburg.

9 And making -- to make sure he did it right
10 with his filing, he talked to Mr. Feaser or people of
11 Mr. Feaser's office. And he said, Miss Stambaugh
12 said, yes, we were told what they were filling was
13 done correctly.

14 Now, just like-- There are not lawyers in
15 that office. But just like clerks -- I'll analogize
16 to clerks at the recorder of deeds office in this
17 county -- they look at what you file before they file
18 a deed or a mortgage. The clerks are not lawyers
19 either, but they want to see if the thing is filled
20 in correctly. And that's what happened with the
21 Bureau of Elections.

22 Now, they're a gatekeeper. And the
23 gatekeeper said, looks good. Reasonable reliance.
24 Reasonable reliance.

25 Now let's go a step further. What can be

1 the purpose of having this committee to fill
2 vacancies? Well, it could be as one of the cases
3 cited states it shows you're a serious candidate.
4 You're a serious candidate for this office.

5 Well, perhaps. But having three people sign
6 something I dare say is less of an indication of a --
7 of being a serious candidate than a person walking
8 the street going to houses to get signatures.

9 I was involved in politics one time. And
10 quite frankly, it's very difficult to do, house to
11 house, person to person. That shows a seriousness.
12 You heard Mr. Mindlin testify today. You can judge
13 whether or not he is a serious candidate.

14 Now then, let's go a step further. Perhaps
15 the caption of the section, committee to fill
16 vacancies, means what it says. If something happens
17 to him and he can't be a candidate after qualifying
18 for the ballot, someone has to fill in for him.

19 Well, I respectfully submit that the Court
20 take judicial notice that Mr. Mindlin sits beside me
21 now, sits upright, you heard him testify. He is with
22 us. He is not unavailable to run for this office.

23 Now, quite frankly even though the law will
24 state, well, it has to be filled in when the
25 signatories sign the nominating petitions, again,

1 what is its purpose? To show he's serious? To show
 2 he'll be alive on election today?
 3 It can be remedied today because I have
 4 three qualified voters -- qualified and residents of
 5 the City of Harrisburg who have the qualifications,
 6 that is, age, residency, registration to be on that
 7 committee.

8 Now, there could be one other argument made
 9 that if you can't fill in this one two-page election
 10 form -- maybe this is what they mean by serious --
 11 how in the world can you then be a mayor of the City
 12 of Harrisburg?

13 Well, that is a non-story, Your Honor,
 14 because for the last 32 years presumably the
 15 mayors -- the elected mayors of the City of
 16 Harrisburg have filed their paperwork with the
 17 election bureau correctly, served in office, and now
 18 we're a billion dollars in the hole. So much for
 19 abilities.

20 We have 540 voters -- signatories on this
 21 petition. What that amounts to is that's 8.46
 22 percent of the number of people who voted in the
 23 spring primary for the office of mayor for three
 24 candidates -- top three candidates.

25 Those people testified they knew who they

1 were voting for, what the office was, and that he was
 2 an independent.

3 They testified -- Miss Barrett's testimony
 4 was a representation of each of their testimony --
 5 that they did not expect anyone else to run. This
 6 was Nevin Mindlin running, no successor. He's not
 7 the head of a political dynasty. His candidacy is
 8 related to him alone.

9 So you have a situation whereby they want
 10 him on the ballot. And I respectfully submit to the
 11 Court that to deny them the choice -- I have no idea
 12 who they'd vote for -- to deny them the choice of
 13 having him on the ballot is a very serious effort --
 14 a very serious decision. To deny him the right to
 15 seek public office likewise is serious.

16 One of the cases said the reason you have
 17 these defects that can make nominating petitions no
 18 good is -- they used this term -- protect the
 19 integrity of the election system.

20 Quite frankly, does that make sense in this
 21 case? An individual candidate running, the candidacy
 22 starts and ends with him. It does not go beyond.

23 When you add that to the Exhibit A verbiage
 24 of the judge saying there's two separate entities
 25 being the political group and the individual -- two

1 separate entities -- and you can see that's different
 2 from what that state election bureau document says.
 3 There's confusion.
 4 For that reason, for all these reasons, I
 5 respectfully ask the Court to allow Mr. Mindlin to
 6 amend his petition by allowing people who I present
 7 to the Court today to sign on as that committee to
 8 fill vacancies so that his name can appear on the
 9 ballot, so that the 540 voters and the rest of the
 10 voters in the City of Harrisburg have a choice this
 11 fall. Thank you.

12 THE COURT: Thank you, Mr. Lock.

13 Mr. Katzman.

14 MR. KATZMAN: Your Honor, just on the issue
 15 of amendment, there's no amendment that can be made
 16 at this time so that the document -- the nomination
 17 paper is complied with that says that this section
 18 must be filled out before the person sign. That's
 19 right at the top. Each person read that and
 20 indicated that that was part of the papers that were
 21 filed.

22 Now, the statute at Section 2911(a) speaks
 23 of the nomination papers shall be in the form
 24 prescribed by the Secretary of the Commonwealth. And
 25 that's what we have here. There's testimony of the

1 Commonwealth's Bureau sent it down to Dauphin County.

2 So this form irrespective of arguments like,
 3 gee, everybody ought to be allowed to run for office
 4 and democracy and all that kind of stuff, the thing
 5 is we have to have a system whereby this happens in a
 6 controlled manner.

7 The definition of political party and
 8 political body in Section 2831 of 25 P.S. makes the
 9 distinction that there's a political body and a
 10 political party. And we went into that in the
 11 definition.

12 The reason that it's a political body, even
 13 though he says he's running as an independent, is
 14 pretty well encapsulated in the *Gazze* opinion. And I
 15 call your attention to it at Page 178 of 960 A.2d
 16 where the court quotes from Judge Crumlish in the
 17 prior Carlson case.

18 And let me read it because I think it's
 19 really the hub of what we're talking about. The
 20 requirement to specify a committee of at least three
 21 persons as required by the Election Code is not a
 22 mere technicality but is required by our legislature
 23 as one indication that a candidate is backed by a
 24 political body and is mounting a serious candidacy.

25 Now, the court feels that that's the

1 important part of having a vacancy committee rather
 2 than having people just helter-skelter run just by
 3 themselves. And it shows that you've got a
 4 collective body that's in back of you.

5 And that's encapsulated in that quote in the
 6 *Gazze* case which is actually taken by the prior case.
 7 So we have Commonwealth Court authority that supports
 8 the situation where if you're not running as a member
 9 of a political party, you by definition are running
 10 as a political body.

11 And while Mr. Nevin disdains the fact that
 12 he is, by law he has to be. And if he wants to take
 13 the position and say he doesn't have to fill out the
 14 vacancy committee, which is the position that he
 15 took, then an amendment really serves no purpose
 16 because he doesn't want anybody to be there.

17 So amendment doesn't matter to him. He's
 18 trying to say I just want to run as sort of one
 19 person without any official backing. And under the
 20 law as defined in the Commonwealth Court, that's not
 21 the way the elections work in Pennsylvania.

22 And so I submit if the Court takes into
 23 consideration the Commonwealth Court decisions and
 24 the facts of this case that while it might be
 25 disappointing to his supporters, Mr. Mindlin should

1 not be allowed to be on the ballot. Thank you.

2 THE COURT: Mr. Katzman, do you expect to be
 3 filing anything by 12 tomorrow?

4 MR. KATZMAN: I don't know that there's
 5 anything more I can file, Your Honor. If I think
 6 about--

7 THE COURT: I'm giving you that opportunity.

8 MR. KATZMAN: Thank you.

9 THE COURT: But 12 is 12.

10 MR. KATZMAN: Yeah, I understand that.

11 THE COURT: Mr. Lock, do you expect to be
 12 filing anything?

13 MR. LOCK: I've talked to Mr. Mindlin. But
 14 I would like to say Mr. Katzman did quote from
 15 Exhibit C decision. But as part of that decision,
 16 the court notes the opinions are single-judge
 17 decisions. They are not controlling authority.

18 THE COURT: All right. 12 is 12. All
 19 right? If I get something by 12, we'll consider it.
 20 If not, we'll take it under advisement. We'll have a
 21 decision for you shortly under the time constraints.
 22 Thank you, folks.

23 Take a 15-minute recess.

24 (A recess was taken.)

25 (The proceedings concluded at 9:59 a.m.)

1 I hereby certify that the proceedings and
2 evidence are contained fully and accurately in the
3 notes taken by me on the hearing of the above cause,
4 and that this is a correct transcript of the same.

5
6
7
8
9

10 Date

Debra L. Heary, RPR
Official Court Reporter

11
12
13

14 The foregoing record of the proceedings
15 upon the hearing of the above cause is hereby
16 approved and directed to be filed.

17
18
19

20 Date

BERNARD L. COATES, JR. JUDGE

21
22
23
24
25

COPY

Exhibit D

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2013 AUG 13 AM 11:25

DAUPHIN COUNTY
PENNA

Goldberg Katzman, P.C.
Ronald M. Katzman, Esquire
Attorney I.D. #07198
S. Baker Kensinger, Esquire
Attorney I.D. #208305
4250 Crums Mill Road
P.O. Box 6991
Harrisburg, PA 17112
Attorneys for Petitioner

IN RE: NOMINATION PAPERS : IN THE COURT OF COMMON PLEAS
OF NEVIN MINDLIN FOR THE : DAUPHIN COUNTY, PENNSYLVANIA
OFFICE OF MAYOR OF THE CITY :
OF HARRISBURG : 2013 CV 6974
: (ELECTION LAW)
:
:

MEMORANDUM OF LAW IN SUPPORT
OF DONALD LEE COLES, SR.'S PETITION

At the conclusion of the hearing held on Monday, August 12, 2013 in the above matter, this Honorable Court permitted the parties to file supplementary materials prior to noon on Tuesday, August 13, 2013. This memorandum of law is filed in accordance with this Court's permission.

At the hearing, counsel for Nevin Mindlin relied upon two cases in support of his position that his reliance on general comments from clerks at the Dauphin County Board of Elections should excuse his noncompliance with clear statutory provisions. However, a review of those cases, copies of which are attached hereto as Exhibits A and B, show that the case law, in fact, supports Mr. Coles' position.

In Appeal of Fairview Associates, Inc., 61 Pa. Cmwlth. 404, 433 A.2d 929 (1981), the Commonwealth Court unequivocally stated that "It is well settled, moreover, that when a party presents an election petition containing a fatal defect, amendment may not then be permitted on

allegation that the defect was caused by a misunderstanding or misreading of the Election Code.” Id. at 406-407. (Exhibit A). The Fairview Associates’ court only permitted amendment where the Board of Elections had provided a candidate with the incorrect number of voters’ signatures which needed to be collected. The Fairview Associates’ court explained that “The electors therefore had to refer to sources outside the statute.” Id. at 407. As such, the Fairview Associates’ case is easily distinguishable where the court explicitly explained that the reasonable reliance on direction from the Board of Elections was for material which was outside of the statute. The court pointed out that a defect in a nominating petition caused by a misunderstanding or a misreading of the Election Code was a fatal defect not subject to amendment.

In Petition of Hall, 26 Pa. Cmwlth. 54, 362 A.2d 475 (1976), attached hereto as Exhibit B, the second case cited by Mr. Mindlin’s counsel at the hearing, a candidate attempted to file several petitions containing signatures necessary to obtain a spot on the ballot. Upon review, a representative of the Bureau of Elections determined that one of the pages was deficient and attempted to return said deficient page to the candidate. However, the Bureau of Elections’ employee mistakenly returned one of the valid petitions to the candidate, instead of the one which had been deemed deficient. As such, the Commonwealth Court allowed the signatures on the valid petition which was inadvertently returned instead of being filed to count towards the candidate’s total because the error involved was on the part of the Bureau of Elections. No “amendment” was even involved. As such, the Hall case is completely distinguishable and has no bearing on the issue at hand.

In the instant case, Mr. Mindlin has admitted through his own testimony that he misunderstood and misinterpreted the statutory provision requiring him to name a vacancy

committee. Mr. Mindlin's misunderstanding or misreading of the Election Code cannot be excused by alleged reliance on generalized representations made by ministerial personnel in the Dauphin County Bureau of Elections.

Further, as was made clear at the hearing, amendment of Mr. Mindlin's nomination papers is unwarranted where Mr. Mindlin himself has admitted that his deficient filings were based upon the fact that he was running not as a member of any political body, but rather as an individual American citizen. Mr. Mindlin testified that *he did not want a nominating committee* as he did not intend for anyone to replace him should he die or otherwise be unavailable to run in the election.¹

The good news for Mr. Mindlin is that he is free to continue running as an individual American citizen by virtue of a write-in campaign. *See* 25 P.S. §§ 3063 and 3031.12. Because Mr. Mindlin decided that he did not want to follow the applicable Election Code, he therefore cannot be listed on the ballot. However, nothing prevents him from running as a write-in candidate and he is, thus, not deprived of his opportunity to seek election for the Office of Mayor of Harrisburg, nor are his supporters deprived of the opportunity to vote for him. In this way, Mr. Mindlin, in fact, can achieve his goal of running as an independent American citizen unaffiliated with any political party, political group, or political body.

The statutory provisions requiring Mr. Mindlin to complete subsection C of his nominating papers is clear. The wording on the very top of the form clearly states that

¹ The suggestion by Mr. Mindlin's counsel that he be allowed to amend his Nomination Papers by inserting names in section C is, therefore, totally inconsistent with his testimony, that he intentionally chose to ignore section C. Amendment would not be remediating an error or mistake. Moreover, such an amendment would be futile since, as the Nomination Papers clearly state, section C is required to be completed before any signatures may be obtained. No testimony was offered in the hearing to cure the defect; nor was there any evidence to "show that the signers were aware of any information regarding the membership of the Committee to Fill Vacancies" at the time they signed the Papers. In accordance with the holdings of Gazze and Dunmire, this failure to produce evidence is likewise fatal to Mindlin.

completion of sections A, B, and C is required. As evidenced by the applicable case law, cited both by Petitioner, Donald C. Coles, Sr., and by Mr. Mindlin's own counsel, his failure to do so, as a matter of law, requires that his nominating papers be rejected and his name be stricken from the ballot in the November 5, 2013 election.

Respectfully submitted,

GOLDBERG KATZMAN, P.C.

By: Ronald M. Katzman
Ronald M. Katzman, Esquire
Attorney I.D. #07198
S. Baker Kensinger, Esquire
Attorney I.D. #208305
4250 Crums Mill Road
P.O. Box 6991
Harrisburg, PA 17112
Attorneys for Petitioner

Dated: August 13, 2013

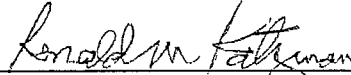
CERTIFICATE OF SERVICE

I hereby certify that I am this date serving a copy of the foregoing document upon the person(s) and in the manner indicated below, which service satisfies the requirements of the Pennsylvania Rules of Civil Procedure, by depositing a copy of same in the United States Mail, with first-class postage, prepaid as follows:

Herschel Lock, Esquire
3107 N. Front Street
Harrisburg, PA 17110
Attorney for Nevin Mindlin

GOLDBERG KATZMAN, P.C.

By:



Ronald M. Katzman, Esquire
Attorney I.D. #07198
S. Baker Kensinger, Esquire
Attorney I.D. #208305
4250 Crums Mill Road
P.O. Box 6991
Harrisburg, PA 17112
Attorneys for Petitioner

Dated: August 13, 2013

61 Pa.Cmwlth. 404
Commonwealth Court of Pennsylvania.

In re Petition to have the Question of Local Option
for the Granting of Malt and Brewed Beverage
Wholesale Distributor's and Importing Distributor's
Licenses Placed upon the Official Ballot for the
Primary Election in the Borough of Sharon Hill.
Appeal of FAIRVIEW ASSOCIATES, INC.

Submitted on Briefs April 6,
1981. | Decided Aug. 24, 1981.

Appeal was taken from order entered by the Court of
Common Pleas, Delaware County, Louis A. Bloom, J., which
granted leave to certain electors to file additional signatures
nunc pro tunc on their petition to place a local liquor
referendum on primary election ballot. The Commonwealth
Court, No. 560 C. D. 1979, Blatt, J., held that certain electors
were properly granted leave to file additional signatures
nunc pro tunc on their petition, where electors' error in
obtaining insufficient number of signatures on the petition by
date of filing was made in reasonable reliance on incorrect
information provided by the board of elections, which advised
electors that only 345 signatures were required, when in fact
573 signatures were required, and where electors attempted
to verify such figure and were again advised by an employee
of the board of elections that they needed 345 signatures.

Affirmed.

West Headnotes (3)

[1] **Intoxicating Liquors**

⇌ Application

When a party presents an election petition
containing a fatal defect, amendment may not be
permitted on an allegation that the defect was
caused by misunderstanding or misreading of the
Election Code. 25 P.S. § 2601 et seq.

[2] **Intoxicating Liquors**

⇌ Application

A court may allow later amendment when
a party's defective election petition is a
result of that party's reasonable reliance on a
representation, misrepresentation or mistake by
an employee or representative of the board of
elections.

3 Cases that cite this headnote

[3] **Intoxicating Liquors**

⇌ Application

Certain electors were properly granted leave to
file additional signatures nunc pro tunc on their
petition to place a local liquor referendum on the
primary election ballot of May 15, 1979, where
electors' error in obtaining a sufficient number
of signatures on the petition by date of filing
was made in reasonable reliance on incorrect
information provided by the board of elections,
which advised electors that only 345 signatures
were required, when in fact 573 signatures were
required, and where electors attempted to verify
such figure and were again advised by employee
of the board of elections that they needed 345
signatures. 25 P.S. § 2601 et seq.

2 Cases that cite this headnote

Attorneys and Law Firms

**930 *405 Michael P. Dignazio, Media, for appellant.

Richard C. Tinucci, Media, for appellee.

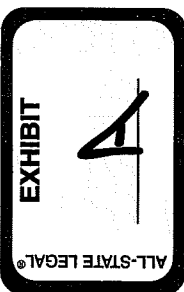
Before MENCER, BLATT and MacPHAIL, JJ.

Opinion

OPINION

BLATT, Judge.

This is an appeal from an order of the Court of Common
Pleas of Delaware County which granted leave to certain
electors¹ of the Borough of Sharon Hill to file additional
signatures nunc pro tunc on their petition to place a local
liquor referendum on the primary election ballot of May 15,
1979.



The referendum, authorized by Section 472 of the Liquor Code,² 47 P. S. s 4-472, permits municipal electorates to decide whether or not liquor licenses shall be granted to wholesale distributors of malt and brewed beverages within the municipality. On March 6, 1979, the final day for the filing of referendum petitions, the electors filed their liquor referendum petition with the Delaware County Board of Elections. The petition contained 498 signatures. Within the time permitted by statute, Fairview Associates, Inc., *406 a beer distributor licensed to operate in the Borough, filed a motion to strike the petition on the ground that it contained an insufficient number of signatures.

Section 472 of the Liquor Code requires that a petition for a liquor referendum shall have a number of signatures "equal to at least twenty-five per centum of the highest vote cast for any office in the municipality ... at the last preceding general election." It is undisputed that the highest number of votes cast in the Borough in the relevant preceding election was 2,292 votes, and that the referendum petition, therefore, needed a minimum of 573 signatures, of which it was 75 signatures shy at the time of filing.

The court below allowed an amendment nunc pro tunc on the ground that the electors' error was made in reasonable reliance on incorrect information provided by the Board of Elections, having found that the electors, prior to filing their petition, were advised by the Board of Elections that only 345 signatures were required. The electors attempted to verify this figure and were again advised by an employee of the Board of Elections that they needed 345 signatures, and, in reliance on the Board's information, the electors filed a petition containing only 498 signatures. Fairview Associates, Inc., has appealed the court's order which permitted an amendment, contending that the electors' failure to obtain the proper number of signatures was a fatal, non-amendable defect.

[1] [2] [3] Section 977 of the Election Code³ 25 P. S. s 2937, provides that nomination petitions shall be set aside when they contain an insufficient number of signatures. It is well settled, moreover, that when a party presents an election petition containing a fatal defect, amendment may not then be permitted on an allegation that the defect was caused by a misunderstanding *407 or misreading of the Election Code. Upper Allen Township Referendum, 31 Pa.D. & C.2d 78 (1963); Montoursville Referendum, 72 Pa.D. & C. 500 (1949). It is also true, however, that a

court may allow later amendment when a party's defective petition is the result of that party's reasonable reliance on a representation, misrepresentation or mistake by an employee or representative of the Board of Elections. Hall Nomination Petition, 26 Pa.Cmwth. 54, 362 A.2d 475 (1976); Lewis' Petition, 57 Pa.D. & C. 53 (1939); see Carter Appeal, 398 Pa. 548, 159 A.2d 691 (1960). It is undisputed here that the electors in this case relied upon incorrect information provided by the Board of Elections. The only issue presented **931 here, therefore, is whether or not that reliance was reasonable. We hold that it was.

It is clear that the actual number of signatures required for the electors' petition was not evident from the statute. The electors therefore had to refer to sources outside the statute, and although it may have been possible to ascertain from sources⁴ other than the Board of Elections the number of signatures "equal to twenty-five per centum of the highest vote cast for any office in the municipality ... at the last preceding general election," the Board of Elections is required to maintain official records of the relevant election pursuant to Section 309 of the Election Code, 25 P. S. s 2649, and it was therefore an obvious and reasonable source from which to seek the required information.

We believe that the clear public policy favoring access to the voting franchise militates in favor of a conclusion that the public should reasonably be expected to rely on statements from Board of Election employees acting in their official capacities. *408 Carter Appeal, supra; Lewis' Petition, supra. We also note that the Court below found that the electors here attempted to verify the incorrect information they had received from the Board by contacting it at a later date, when they again received the same incorrect information from the Board. We believe, therefore, that the electors' reliance on the statements of employees of the Board of Elections was reasonable, and that the court below properly permitted the electors to file additional signatures on their petition nunc pro tunc.

ORDER

AND NOW, this 24th day of August, 1981, the order of the Court of Common Pleas of Delaware County in the above-captioned case is affirmed.

Parallel Citations

433 A.2d 929

Footnotes

- 1 The electors who circulated the referendum petition were the Mayor and the Secretary of the Borough of Sharon Hill.
- 2 Act of April 12, 1951, P. L. 90, as amended.
- 3 Act of June 3, 1937, P. L. 1333, as amended.
- 4 The Secretary of the Commonwealth maintains results of elections in the Commonwealth. Section 302(k) of Election Code, 25 P. S. s 2642(k).

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26 Pa.Cmwth. 54
Commonwealth Court of Pennsylvania.

In the Matter of Nomination
Petition of William D. HALL.

Argued Feb. 27, 1976. | Decided March 12, 1976.

Candidate for political party's nomination for office of state senator petitioned to have nomination petitions of another candidate set aside. The Commonwealth Court, No. 293 C.D., 1976, Blatt, J., held that petition, which was presented for filing within deadline for filing such petitions for candidates in primary election but which was not properly filed due to bureau of elections' inadvertent error, was a petition, which should have been considered properly filed nunc pro tunc, and thus was valid.

Petition dismissed.

West Headnotes (3)

[1] **Election Law**
⇒ Requisites and sufficiency
Election Law
⇒ Effect of irregularities or defects
Generally, nomination petition not timely filed is invalid and must be set aside. 25 P.S. § 2861 et seq.

2 Cases that cite this headnote

[2] **Election Law**
⇒ Liberal or strict construction
Officers and Public Employees
⇒ Constitutional and statutory provisions
Election code must be liberally construed so as not to deprive individual of his right to run for office or voters of their right to elect candidate of their choice. 25 P.S. § 2861 et seq.

2 Cases that cite this headnote

[3] **Election Law**
⇒ Filing certificate or nomination papers

Nominating petition, which was presented for filing within deadline for filing such petitions for candidate in primary election for political party's nomination for office of state senator but which was not properly filed due to bureau of elections' inadvertent error in returning petition to candidate, was a petition, which should have been considered properly filed nunc pro tunc, and thus was valid. 25 P.S. § 2861 et seq.

4 Cases that cite this headnote

Attorneys and Law Firms

**475 *55 William R. Balaban, Thomas R. Balaban, Harrisburg, for petitioner.

R. J. Woodside, Harrisburg, for respondent.

Opinion

BLATT, Judge.

Eugene Kelly, a candidate for the Democratic nomination for the office of State Senator in the General Assembly of the Commonwealth for the 23rd Senatorial District, has filed a Petition objecting to the Nomination Petitions of William D. Hall as a candidate for nomination to the same office in the Primary Election to be held on April 27, 1976. Pursuant to Section 901 et seq. of The Election Code¹, 25 P.S. s 2861 et seq., Hall filed six nomination petitions containing 380 signatures with the Bureau of Elections in the office of the Secretary of the Commonwealth. Kelly has raised 338² objections to signatures on the Hall petitions, in some cases objecting for more than *56 one reason to certain signatures, and, if those objections were sustained the number of valid signatures filed by Hall would be reduced to a number less than the 200 minimum required to gain a position on the primary **476 ballot. A hearing was held, therefore, on February 27, 1976 to consider these objections.

It was agreed at the hearing that the photocopies of the challenged nomination petitions submitted by Kelly were accurate reproductions of the originals on file with the Secretary of the Commonwealth. Referring to these copies, Kelly specifically objected that 204 of the signatures appearing on the nomination petitions were not those of the qualified electors that they purportedly represent; that 26



signatures have listed addresses different from those found on the official voter registration cards; that one of the nomination petitions containing 47 signatures was circulated by an individual who was not qualified to do so; that 15 signatures do not represent registered Democratic voters on the date of the signature; that 6 signatures have used ditto marks to indicate required information; that one signature is duplicated on another nomination petition; that 14 signatures have listed occupations different from those found on the official voter registration cards; and that one of the nomination petitions containing 25 signatures was filed after the closing date for the filing of such petitions.

Appearing as witnesses were representatives of the local Bureaus of Elections from Clinton and Tioga counties wherein the above petitions were circulated, a representative

of the Bureau of Elections in the office of the Secretary of the Commonwealth, and Mr. Hall, the candidate whose nomination petitions were being challenged. The local Election Bureau representatives presented original voter registration cards to the Court to help the Court resolve the objections, *57 and the parties themselves further aided the Court by resolving some of the objections by stipulation.

Having now considered the stipulations and having examined the original registration cards, the corresponding signature lines which were subjected to objection and the amended signatures submitted with the Court's permission, we find as follows:

1) By stipulation, the parties have agreed to strike, and the following signatures will be stricken as invalid:

Petition #1	Petition #2	Petition #3
Line 25	Line 28	All 47 Signatures
48	39	
58	51	
85	95	
92		

Petition #4	Petition #5
Line 38	Line 8
	17

2) By the Court's examination, the following signatures do not conform with the signatures and information on the registration cards and will be stricken as invalid:

Petition #1	Petition #2 Cont'd.	
Line 8	Line 32	Line 77
27	35	81
30	36	82
55	41	83

362 A.2d 475

68	42	84
71	43	85
74	44	86
86	45	87
87	46	88
	53	92
	54	93

Petition #2 **55** **97**

	56	98
Line 5	57	100
6	59	101
10	61	102
15	62	105
17	63	108
18	64	
20	65	
22	66	
23	68	
24	69	
25	71	
29	72	

.....
Petition #4

Petition #4 Cont'd.

Petition #5

Line 13

Line 49

Line 15

25

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28

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3) By the Court's examination, the signature found on line 13 of Petition Number 4 is a duplicate of that found on line 25 of Petition Number 1. The signature on line 10 of Petition Number 4 is, therefore, stricken as invalid.

4) By the Court's examination, the signature found on line 13 of Petition Number 4 was made by the same person signing

Petition #1

Petition #1 Cont'd.

Petition #2

Line 1

Line 51

Line 12

18

56

27

26

57

40

32

61

74

38

62

39

82

45

91

50

Petition #4

Petition #4 Cont'd.

Petition #5

Line 17

Line 44

Line 13

20

45

18

29

59

19

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31

62

28

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71

line 14 of Petition Number 4. The signature on Line 13 is, therefore, stricken, as invalid.

5) By the Court's examination, the following signatures do not conform with the signatures and information on the original voter registration cards, but, upon allowance by the Court, corrective amendments were submitted and, after our review thereof, the following signatures are held valid as amended:

[1] [2] [3] And, finally, having considered the oral arguments and briefs filed regarding **477 the objections to the unnumbered petition containing 25 signatures, and upon consideration of the testimony of the candidate William D. Hall and the representative of the Bureau of Elections from the Secretary of the Commonwealth, the Court concludes a) that the candidate presented a petition, which was validly circulated and contained valid signatures, to the Bureau of Elections on February 17, 1976 along with the five other numbered petitions *60 here under consideration; b) that both Hall and the Bureau realized that Petition Number 3 was circulated by an unqualified individual and was to be returned to Hall; c) that the Bureau inadvertently returned the unnumbered petition here in question to Hall rather than Petition Number 3; and d) that, immediately upon realizing the error, Hall mailed the unnumbered petition back to the Bureau of Elections and it was marked as received on February 23, 1976, six days after the last day for filing on February 17, 1976. Generally speaking, of course, a nomination petition not timely filed is invalid and must, therefore, be set aside. In this case, however, the petition in question was presented for filing within the deadline established by the Election Code but was not properly filed due to an error by the Election Bureau and not by the candidate himself. Keeping in mind that the Election Code must be liberally construed so as not to deprive an individual of his right to run for office or the voters their right to elect a candidate of their choice, Ross Appeal, 411 Pa. 45, 190 A.2d 719 (1963), the Court believes this is a proper case where the unnumbered petition of William D. Hall should be considered properly filed nunc pro tunc. See Carter Appeal, 398 Pa. 548, 159 A.2d 691 (1960); Geyer v. Ausherman, 32 Pa.D. & C.2d 405 (1963); Lewis' Petition, 57 Pa.D. & C. 53 (1939). This

petition is, therefore, held valid, as are the 25 signatures it contains.

The parties have stipulated that 32 signatures³ originally contested should be considered as valid, *61 and our examination of the remaining contested signatures persuades us that these, too, should be considered valid and that only the 136 signatures noted above as invalid should be removed. This leaves a total of 244 valid signatures in the nomination petitions, or 44 more than the minimum required.

We, therefore, issue the following

ORDER

AND, NOW, this 12th day of March, 1976, the petition of Eugene Kelly to set aside the nomination petition of William D. Hall is hereby dismissed. The Secretary of the Commonwealth is directed to certify the name of William D. Hall to the proper officials for inclusion on the ballot of the Democratic Party at the Primary Election on April 27, 1976, as a candidate for the office of State Senator in the General Assembly of the Commonwealth of Pennsylvania for the 23rd Senatorial District.

The Prothonotary is directed to notify forthwith the parties hereto and their counsel of this order, and also to certify a copy thereof to the Secretary of the Commonwealth of Pennsylvania.

Parallel Citations

362 A.2d 475

Footnotes

- 1 Act of June 3, 1937, P.L. 1333, As amended.
- 2 Kelly states that there are 339 objections, however, we can count only 338.
- 3

Petition #1 -----	Petition #1 Cont'd -----	Petition #2 -----
Line 34	Line 66	Line 1
44	80	70
64	81	90
65		99
.....		
Petition #4 -----	Petition #4 Cont'd. -----	Petition #5 -----
Line 5	Line 57	Line 1

Petition of Hall, 26 Pa.Cmwlt. 54 (1976)

362 A.2d 475

6	58	2
15	75	5
23	76	6
24	77	10
47		16
55		20
56		30

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