

IN THE SUPREME COURT OF PENNSYLVANIA

No. 54 MAP 2010

IN RE: NOMINATION PETITIONS AND PAPERS OF CARL STEVENSON AS A
CANDIDATE FOR STATE REPRESENTATIVE IN THE 134TH LEGISLATIVE DISTRICT

APPEAL OF: CARL STEVENSON

AMICUS CURIAE BRIEF OF THE SECRETARY OF THE COMMONWEALTH

*Appeal from the Order of the Commonwealth Court of Pennsylvania Entered August 19, 2010, in
No. 643 M.D. 2010, Sustaining the Objections of Appellees Michael W. Gibson and Robert W.
Mader to the Nomination Papers of Appellant Carl Stevenson*

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DATE: September 8, 2010

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INTEREST OF *AMICUS CURIAE*

The Secretary of the Commonwealth (“Secretary”)¹ does not take a position in support of any party in the appeal before this Court. The Secretary submits this *amicus curiae* brief solely to provide information to the Court about a federal court decree and permanent injunction order issued against the Secretary in 2002 that is relevant to the issues presented in this appeal, and to respectfully request judicial guidance as to how the Secretary should administer the law in the future in the event that this Court should decide to affirm the ruling of the Commonwealth Court in this case.

Under the Pennsylvania Election Code, the Secretary of the Commonwealth, head of the Pennsylvania Department of State (“Department”), is charged with the duty, *inter alia*, to determine the forms of nomination papers that must be used by political bodies to nominate candidates for public office in the Commonwealth, including the office of State Representative in the Pennsylvania General Assembly. *See* 25 P.S. § 2621(a). The Secretary is responsible also to receive nomination papers submitted by political bodies nominating candidates for State Representative (among other offices), *see* 25 P.S. § 2913(a), and to certify to the county boards of elections the names of the candidates, *inter alia*, for the office of State Representative. *See* 25 P.S. § 2621(c).

Requirements for nomination papers are prescribed by sections 951-54 of the Pennsylvania Election Code, 25 P.S. §§ 2911-14. Section 951(d)(1) of the Election Code requires, *inter alia*, that each sheet of a nomination paper “shall have appended thereto the

¹ The office of Secretary of the Commonwealth is currently vacant. The powers and duties of the Secretary are currently being performed by the Honorable Basil L. Merenda, a Deputy Secretary of the Commonwealth whom the Governor has designated to serve as acting Secretary of the Commonwealth. The Governor’s nomination of acting Secretary Merenda for appointment as Secretary of the Commonwealth is pending before the Senate of Pennsylvania.

affidavit of some person ... setting forth ... that the affiant is a qualified elector of the State, or of the electoral district, as the case may be, referred to in the nomination paper....” 25 P.S. § 2911(d)(1).

In 2002, the U.S. District Court for the Eastern District of Pennsylvania, in *Morrill v. Weaver*, 224 F. Supp. 2d 882 (E.D. Pa. 2002), found, declared and ordered (1) that section 951(d) of the Election Code (25 P.S. § 2911(d)) does not require that affiants of nomination papers be **registered** voters; and (2) that “portions of [section 951(d) that] require affiants [to] be residents of particular electoral districts unconstitutionally violate the citizens’ rights to free political expression and association[] under the First and Fourteenth Amendments to the United States Constitution.” 224 F. Supp. at 905. Thus, the District Court in *Morrill v. Weaver* entered a “permanent injunction” against the Secretary and the Commissioner of the Department’s Bureau of Commissions, Elections and Legislation (“Commissioner”), “restraining enforcement of the portions of 25 P.S. § 2911(d) which we have declared unconstitutional.” *Id.*

The Secretary submits this brief as *amicus curiae* principally to describe for this Court the forms of nomination papers and related instructions that the Secretary prescribed for the use of political bodies² to nominate candidates for public office in the 2010 General Election, and to explain how the forms and instructions were drawn to conform with the decree of permanent injunction that was issued against the Secretary and the Commissioner by the federal court in *Morrill v. Weaver*.

² This case involves a political body. However, it should be noted that under the Election Code, certified minor political parties also nominate their candidates for public office through the use of nomination papers that conform, *inter alia*, to section 951(d) of the Election Code. *See* 25 P.S. § 2872.2 (relating to nominations by minor political parties). Thus, the decision in this case also would affect the rules applicable to minor political parties.

The Secretary also submits this *amicus curiae* brief to alert the Court to the tension that he perceives between the permanent injunction decree that was entered by the federal court in 2002 against the Secretary and the Commissioner in *Morrill v. Weaver*, and the Order issued by Commonwealth Court in this case. Sustaining objections made to the nomination paper filed with the Department nominating Appellant Carl Stevenson as a candidate for State Representative in the 134th Legislative District, Commonwealth Court in this case has directed the Secretary to strike Stevenson's name from the ballot. Commonwealth Court's order is based on its finding and conclusion that the nomination paper submitted in support of Stevenson's nomination does not conform to the requirement of section 951(d)(1) of the Election Code that all affiants/circulators be qualified electors of the 134th Legislative District – the very same requirement of section 951(d) that the District Court in *Morrill* declared to be unconstitutional and permanently enjoined the Secretary and the Commissioner from enforcing. Thus, the Secretary is concerned that Commonwealth Court's order in this case, directing the Secretary to strike Stevenson's name from the ballot based on section 951(d)(1) of the Election Code, might be incompatible with the decree and permanent injunction issued by the District Court in *Morrill v. Weaver*.

Finally, in the event that this Court should decide to affirm the ruling of Commonwealth Court in this case, the Secretary would respectfully request appropriate guidance from this Court as to how he should administer the law in future elections consistent with the rulings of the federal court in *Morrill* and this Court.

I. BACKGROUND

Section 951(d) of the Election Code requires that each sheet of a nomination paper used by a political body to nominate candidates for public office

have appended thereto the affidavit of some person, not necessarily a signer, and not necessarily the same person on each sheet, setting forth—(1) **that the affiant is a qualified elector of the State, or of the electoral district, as the case may be, referred to in the nomination paper**; (2) his residence, giving city, borough or township with street and number, if any; (3) that the signers signed with full knowledge of the contents of the nomination paper; (4) that their respective residences are correctly stated therein; (5) that they all reside in the county named in the affidavit; (6) that each signed on the date set opposite his name; and (7) that, to the best of affiant's knowledge and belief, the signers are qualified electors of the State, or of the electoral district, as the case may be.

25 P.S. § 2911(d) (emphasis added).

In 2002, five candidates of the Green Party sued the Secretary and the Commissioner in the U.S. District Court for the Eastern District of Pennsylvania, requesting the court to declare parts of section 951(d) of the Election Code to be unconstitutional and to enjoin its enforcement. The plaintiffs argued that (1) the term “qualified elector” as used in section 951(d)(1) cannot constitutionally be defined to require the person to be a **registered** voter; and (2) the affiants required to sign a nomination paper cannot constitutionally be required to reside in the relevant election district. The plaintiffs claimed that these requirements severely and unjustifiably burden their rights to free political expression and association and, therefore, are unconstitutional.

The court in *Morrill* agreed.³ The District Court construed the term “qualified elector” under section 951(d) of the Election Code to mean that the affiants for a nomination paper need **not be registered** electors, but only residents of the Commonwealth who are qualified to register

³ The District Court judge in *Morrill* was Judge Franklin S. VanAntwerpen, now a judge of the U.S. Court of Appeals for the Third Circuit.

and vote in Pennsylvania elections. Additionally, the court decreed that the requirement of section 951(d)(1) that affiants of a nomination paper reside in the relevant electoral district (*e.g.*, the legislative district) is **unconstitutional** under the First and Fourteenth Amendments to the United States Constitution. Consequently, the court **permanently enjoined** the Secretary and the Commissioner from enforcing the requirement of section 951(d)(1) that affiants be residents of the electoral district. Rather, the court declared, affiants need be only qualified electors of the Commonwealth.

The Secretary and Commissioner were represented in *Morrill v. Weaver* by the Office of Attorney General. Based on advice of the Attorney General, the Secretary and the Commissioner did not appeal the final decree and permanent injunction issued by the District Court in *Morrill*.⁴

In accordance with the court's injunction order in *Morrill*, the Secretary revised the Department's forms and instructions to political bodies and minor political parties for the circulation and filing of nomination papers. As required by *Morrill*, the form prescribed for nomination papers includes an affidavit on each page to be completed by a "qualified elector of the Commonwealth of Pennsylvania," who must swear or affirm as to information about the signers of that page of the nomination paper. *See* Attachment 1. Additionally, the general instruction sheet accompanying the nomination paper forms states as follows:

7. AFFIDAVIT OF QUALIFIED ELECTOR: Any person who signs the "Affidavit of Qualified Elector" on the nomination paper must be a qualified elector of the Commonwealth of Pennsylvania. Every sheet of the nomination paper must have the

⁴ At the time that *Morrill* was decided, the Secretary of the Commonwealth was C. Michael Weaver and the Commissioner was Richard Filling. The Attorney General of the Commonwealth at that time was D. Michael Fisher, now a judge of the U.S. Court of Appeals for the Third Circuit.

“Affidavit of Qualified Elector” filled in, signed and notarized in the presence of a person empowered to take acknowledgments after all signatures have been obtained.

See Attachment 2.

Consistent with *Morrill*, but not with section 951(d)(1) of the Election Code, neither the nomination paper forms prescribed by the Secretary nor the instructions issued by the Department require the affiant for the nomination paper sheet to state that he is a qualified elector **of the electoral district** of the candidates named therein (*e.g.*, a legislative district).

In this case, the political body supporting Stevenson’s nomination filed with the Department a nomination paper on the form prescribed by the Secretary. On each sheet of the nomination paper containing signatures appeared the affidavit of a person stating, *inter alia*, that he is “a qualified elector of the Commonwealth.” This statement is all that can be required by the District Court’s decree in *Morrill*. The Secretary would not have been permitted under *Morrill* to require an affiant signing Stevenson’s nomination papers to state that he or she is a qualified elector of the 134th Legislative District. Because the nomination paper submitted in support of Stevenson’s nomination facially conformed to the requirements of the Election Code (as modified by *Morrill*), the Department accepted the nomination paper for filing.

II. COMMONWEALTH COURT ORDER

Acting under section 977 of the Election Code, 25 P.S. § 2937, the Objectors (Appellees in this Court) filed objections to the Stevenson nomination paper. Among other claims, the Objectors challenged signatures included on pages signed by an affiant who is **not** a resident of the 134th Legislative District.

The Honorable James R. Kelley, sitting as a single judge of Commonwealth Court, sustained the objection to those challenged pages of the Stevenson nomination paper, set aside the Stevenson nomination paper because without those pages the nomination paper lacks the required number of valid signatures, and ordered the Secretary to strike Stevenson's name from the ballot. The court granted the Objectors' petition because the affiant who signed the challenged pages of the nomination paper, though a qualified elector of the Commonwealth, concededly did not reside in the 134th Legislative District as required by section 951(d)(1) of the Election Code, 25 P.S. § 2911(d)(1).

Stevenson appeared *pro se* in Commonwealth Court.⁵ Though Stevenson asked Commonwealth Court to reject the objections made under section 951(d)(1) of the Election Code based on the decree and injunction issued in *Morrill*, Judge Kelley ruled that *Morrill* is not binding on the Commonwealth Court and declined to follow it. Though the Secretary is permanently enjoined by federal court decree from enforcing section 951(d)(1) of the Election Code and had prescribed forms and instructions consistent with the *Morrill* decree, Commonwealth Court entered an order directing the Secretary to strike Stevenson's name from the ballot based on section 951(d)(1).

III. THE SECRETARY'S REQUEST FOR JUDICIAL GUIDANCE

As noted at the outset of this *amicus* brief, the Secretary does not take a position as to whether Commonwealth Court should have sustained the objections to Stevenson's nomination paper. The Secretary also takes no position as to whether *Morrill* was correctly decided, or as to

⁵ In accord with long-standing policy, neither the Secretary nor the Department appeared or otherwise participated in the objection case in Commonwealth Court.

whether Commonwealth Court was correct in rejecting *Morrill* and, on its own authority, enforcing section 951(d)(1) of the Election Code.

The goal of the Secretary in this case rather is to alert this Court to the tenuous position in which the Secretary finds himself and to request this Court's guidance as to the proper manner for the Secretary to proceed. The Secretary's concerns are described below.

A. Competing Court Orders

In this case, Commonwealth Court has ordered the Secretary to take an administrative action based solely on section 951(d)(1) of the Election Code, which a federal court has declared to be unconstitutional and specifically and permanently ordered the Secretary not to enforce. The Secretary is concerned about the apparent conflict between his duty to comply with Commonwealth Court's order in this case and the federal court permanent injunction order issued against him in *Morrill v. Weaver* eight years ago.

In his Opinion and Order, Judge Kelley indicated that Commonwealth Court has always upheld the requirement that affiants who sign a nomination petition must be qualified registered electors of the electoral district referred to in the nomination petition. *See* Opinion and Order, at 5-6. For this point, Judge Kelley cited three cases: *In re Nomination Papers of Mann*, 944 A.2d 119 (Pa. Commw. Ct. 2008); *In re Nomination Petition of Shannon*, 573 A.2d 638 (Pa. Commw. Ct. 1990); and *In re Nomination Petition of McDermott*, 431 A.2d 1180 (Pa. Commw. Ct. 1981). Judge Kelley clearly is correct about Commonwealth Court jurisprudence. However, it is also true that **none of the cases cited by Judge Kelley involved nomination papers filed by a political body seeking to nominate candidates for a November election.** In each of those

cases, the court was considering objections to nomination **petitions** filed by candidates seeking to appear on the primary ballot to compete for a political party's nomination.

Unlike the requirement for nomination papers, circulators of nomination petitions supporting candidates seeking to run in a primary for a political party's nomination must be qualified electors of the electoral district referred to in the petition **and** registered and enrolled members of the relevant political party. See 25 P.S. § 2869(a) ("Each sheet [of a nomination petition] shall have appended thereto the affidavit of the circulator of each sheet, setting forth ... that he or she is a qualified elector duly registered and enrolled as a member of the designated party of the State, or of the political district, as the case may be, referred to in said petition."). The District Court in *Morrill v. Weaver* did not address this requirement of the Election Code, and the Secretary has continued to administer the law (*i.e.*, prescribing nomination petition forms and instructions) in strict accordance with section 909 of the Election Code, 25 P.S. § 2869.

This case is the **first one** to come to the attention of the Department in which Commonwealth Court has sustained an objection to a nomination **paper** and directed the Secretary to strike the name of a candidate because an affiant/circulator of the nomination **paper** did not meet the district residency requirement of section 951(d)(1) of the Election Code – the very section that the federal court in *Morrill* declared to be unconstitutional and permanently enjoined the Secretary and the Commissioner from enforcing.

In deciding Stevenson's appeal from Commonwealth Court's order in this case, the Secretary would respectfully request this Court to consider the difficult position in which the Secretary has been placed in complying with Judge Kelley's order while continuing to adhere to the decree issued by the federal court in *Morrill v. Weaver*. The Secretary would respectfully

request this Court to provide appropriate guidance to the Secretary respecting his duty in cases such as this to follow multiple lawful orders of court, when those court orders appear on their face to conflict with one another in their direction and instruction to the Secretary.

B. Administration of the Election Code

Ever since the federal court decree and permanent injunction were issued in 2002 against the Secretary and the Commissioner in *Morrill v. Weaver*, the Secretary has prescribed a nomination paper form and instructions that require the affiants signing a nomination paper to be simply “a qualified elector of the Commonwealth of Pennsylvania.” In adherence to the *Morrill* decree and injunction order, the Secretary’s forms and instructions do **not** require affiants of nomination papers to be qualified electors and residents of the electoral district or districts relating to the candidates named in the nomination paper. That was true of the nomination paper form and instructions used in this case by the political body that filed a nomination paper nominating Carl Stevenson.

With Judge Kelley’s unpublished Opinion and Order issued in this case, and absent further judicial guidance and clarity, the Secretary is uncertain how he may or should prescribe the nomination paper forms and instructions for future elections. May the Secretary revise the forms and instructions to conform to the requirements of section 951(d)(1) of the Election Code, as enforced by Commonwealth Court in this case? Should he continue to adhere strictly to the decree and permanent injunction order issued by the federal court in *Morrill v. Weaver*? Or should the Secretary endeavor to prescribe a form and instructions that would seek to comply with the rulings of **both** courts, informing political bodies and their candidates about the

conflicting views of the two court systems so that they might act as they see fit based on the conflicting judicial decisions?

No matter what course the Secretary might choose in the absence of explicit judicial instruction, candidates and their supporters are likely to be confused, and some may even claim that the Secretary is acting in violation of the decree in *Morrill v. Weaver*. Consequently, in the event that this Court should decide to affirm the ruling of Commonwealth Court in this case, the Secretary would respectfully request appropriate guidance as to the manner in which the Secretary should administer his responsibilities under the law in future elections.

IV. CONCLUSION

Judge Kelley's decision has left the Secretary in a difficult position. The Secretary must adhere to the permanent injunction decree in *Morrill v. Weaver*, but Commonwealth Court clearly has jurisdiction under the Election Code to decide objections made to nomination papers filed with the Secretary and to direct the Secretary to act in accordance with the disposition of such objections. Commonwealth Court in this case has decided that it is not bound by *Morrill*. Moreover, the court has reached a contrary conclusion about the constitutionality of section 951(d)(1) of the Election Code, 25 P.S. § 2911(d)(1), and has issued an order directing action by the Secretary that appears to conflict with his duty under the federal court decree in *Morrill v. Weaver*.

Should this Court decide to affirm the ruling of Commonwealth Court, the Secretary respectfully would ask this Court to provide appropriate guidance so that he might now and in the future administer the Election Code in a clear and coherent manner consistently with the rulings of this Court and the federal court in *Morrill v. Weaver*.

Respectfully submitted,

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DATE: September 8, 2010

Commonwealth of Pennsylvania NOMINATION PAPER

OFFICIAL USE ONLY

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

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 _____
2. County of Signers _____

B. CANDIDATE INFORMATION

OFFICE TITLE	DISTRICT	NAME OF CANDIDATE	PLACE OF RESIDENCE			OCCUPATION
			House No.	Street or Road	City, Boro or Twp.	

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.	
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					

D. SIGNATURES OF ELECTORS (Continued)

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
9.					
10.					
11.					
12.					
13.					
14.					
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38.					
39.					
40.					

E. AFFIDAVIT OF QUALIFIED ELECTOR

Instructions: The qualified elector who makes this affidavit must complete lines 1-5 below in the presence of a person empowered to take acknowledgements, (such as a notary public). The affidavit may not be completed until after circulation (in other words, after the last signature is obtained in Section D).

COMMONWEALTH OF PENNSYLVANIA

SS:

COUNTY OF _____

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 _____ 1 _____
 day of _____ 20____ 2 _____
 _____ 3 _____
 _____ (Official Title) _____ 4 _____
 My Commission expires _____ 5 _____
 _____ County of Paper Signers Residence
 _____ Signature of Affiant
 _____ Printed Name of Affiant
 _____ Street
 _____ City, Boro or Twp. _____ Zip Code

POLITICAL BODY

NOMINATION PAPER GENERAL INSTRUCTIONS SHEET (DSBE PB-G)

PLEASE READ CAREFULLY

In addition to political party nominations made at primaries, the Election Code permits political bodies to nominate candidates for public offices by filing political body nomination papers. Political body nomination papers should not be used to nominate political party candidates for the primary or to nominate minor political party candidates.

1. **INSTRUCTIONS FOR COMPLETING PREAMBLE (Section A):** *Name of Political Body* -- All nomination papers must specify the name of the Political Body which the candidate(s) represent. Such name cannot be more than three (3) words and cannot use words identical with, or deceptively similar to, any words used in the name of an existing political party, or of any political body which has already filed nomination papers for the same office(s). *County of Signers* -- Nomination papers may be on one or more sheets (each copy of the two-sided form is considered a "sheet"). However, different sheets must be used for signers residing in different counties. Insert the county of residence (only one) of the electors signing each sheet.
2. **INSTRUCTIONS FOR COMPLETING CANDIDATE INFORMATION (Section B):** The name of each candidate, and his/her occupation and place of residence must be listed. The correct title of the office which each such candidate is seeking must be indicated with the appropriate district number. **NOTE:** More than one candidate may be nominated by one set of nomination papers, provided that all the signers are eligible to vote for all offices for which such nominations are made. If candidates for the offices of President and Vice-President of the United States are being nominated, the nomination paper must contain the names, residences and occupation of 21 presidential electors.
3. **INSTRUCTIONS FOR COMPLETING COMMITTEE TO FILL VACANCIES (Section C):** A committee of three (3) to five (5) persons must be listed on the nomination papers in the spaces provided. The names of the committee members must be listed on each page of the nomination paper. This committee is empowered to nominate persons to fill a vacancy in the nomination should it occur. The Pennsylvania Election Code does not specify the qualifications of the members of this committee.
4. **CIRCULATION OF NOMINATION PAPERS:** Signatures may be secured only between the tenth Wednesday before the primary and August 1 of each year (see the Important Dates to Remember). This year the deadline falls on August 2nd.
5. **SIGNERS:** Signers must be qualified, registered electors of the Commonwealth and of all electoral districts referred to in the nomination paper sheet they have signed. They may sign only as many nomination papers as there are persons to be elected and offices to be filled. Each signer must personally sign his/her name, insert his/her printed name, place of residence and the date of signing. (**NOTE:** The name of the City, Borough or Township must be given, as well as the street address, if any. The date of signing may be expressed in words or numbers, e.g. -- March 12, 2010 or 3/12/10.)
6. **NUMBER OF SIGNERS:** For an office to be filled by the voters of the entire State, the minimum number of signatures required is two percent of the largest entire vote cast for any candidate elected to a statewide office in the last preceding election at which statewide candidates were voted for. For all other nominations, the minimum number of signatures required is two percent of the largest entire vote cast for any officer (except a judge of a court of record) elected at the last preceding election held in the same electoral district, but it may not be less than the number required for nomination petitions for political party candidates for the same office (exceptions to this rule apply to new electoral districts.) The Bureau of Commissions, Elections and Legislation will furnish the figures for all offices for which nomination papers are filed with the Secretary of the Commonwealth. For other offices, consult your County Board of Elections.
7. **AFFIDAVIT OF QUALIFIED ELECTOR:** Any person who signs the "Affidavit of Qualified Elector" on the nomination paper must be a qualified elector of the Commonwealth of Pennsylvania. *Every* sheet of the nomination paper must have the "Affidavit of Qualified Elector" filled in, signed and notarized in the presence of a person empowered to take acknowledgments *after* all signatures have been obtained.
8. **ASSEMBLING NOMINATION PAPERS:** When more than one page is used, they must be fastened or bound together, and each page must be numbered consecutively.
9. **CANDIDATE'S AFFIDAVIT AND ETHICS STATEMENT:** Each candidate for public office must sign and submit *one* CANDIDATE'S AFFIDAVIT per set of nomination papers. The CANDIDATE'S AFFIDAVIT is a separate form and may be obtained from the **Bureau of Commissions, Elections and Legislation, Room 210 North Office Building, Harrisburg, PA 17120**. Each candidate for public office, except President and Vice-President of the United States, United States Senator and Representative in Congress, must submit with their nomination papers a copy of the Statement of Financial Interests required to be filed with the State Ethics Commission. The original copy of the Statement of Financial Interests must be filed with the State Ethics Commission.
10. **FILING FEES:**
 - a) For Statewide offices (United States Senator, Governor, and Lieutenant Governor) -- \$200.00; Representative in Congress -- \$150.00; and Senator or Representative in the General Assembly - \$100.00.
 - b) The filing fee for offices specified in (a) must be presented with the nomination paper and must be made by CASHIER'S CHECK or MONEY ORDER payable to the Commonwealth of Pennsylvania. A separate filing fee must be submitted for each candidate named in the nomination paper.
11. **TIME AND PLACE TO FILE:** Nomination papers for all offices listed in 10 (a) are filed in the office of the Secretary of the Commonwealth, at Room 210 North Office Building, Harrisburg, PA 17120, and must be filed by 5:00 P.M. on the deadline to file nomination papers. Nomination papers for local offices are filed in the office of the County Board of Elections.

IN THE SUPREME COURT OF PENNSYLVANIA

In Re: Nomination Petitions and Papers :
Of Carl Stevenson as Candidate for State :
Representative in the 134th Legislative :
District : No. 54 MAP 2010
:
Objection of: Michael W. Gibson and :
Robert W. Mader :
:
:
:

CERTIFICATE OF SERVICE

I, Shauna C. Graves, attorney for Basil L. Merenda, acting Secretary of the Commonwealth, hereby certify that I served, via e-mail and regular mail, on September 8, 2010, the *Amicus Curiae* Brief of the Secretary of the Commonwealth upon the following parties in the above captioned matter:

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Date: September 8, 2010