

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW

ALBERT VAGNOZZI :  
 :  
 v. :  
 :  
 LAUREN LAMBRUGO, CHIEF CLERK : No. 2017-20079  
 MONTGOMERY COUNTY ELECTION :  
 BOARD :  
 :  
 and :  
 :  
 JENNIFER MOORE :

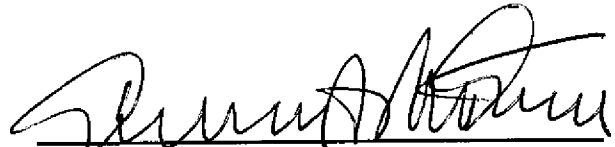
**ORDER**

And now, this 17<sup>th</sup> day of August, 2017, upon considering the petition of Albert Vagnozzi’s Petition to Remove Jennifer Moore from the General Election Ballot for November 7, 2017 as Libertarian Candidate for Auditor for Upper Providence Township, Montgomery County,, and after hearing in open Court, it is hereby Ordered that this Petition is **DENIED**. It is further **ORDERED** that Candidate Moore may submit an Amended Nominating Petition with the correct number of signatures by September 8, 2017.

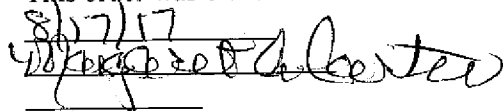
According to the testimony and evidence presented, Ms. Moore was informed by election officials that pursuant to 25 P.S. 2911 (b), she was required to obtain ten signatures. All parties agree that forty- six signatures are required. The Commonwealth Court’s decision in *Appeal of Fairview Associates*, 61 Pa Cmwlth 404, 433 A2d. 929, 930 (1980) is dispositive of the issue presented in this case. In *Fairview*, as here, a party obtained fewer signatures than required based on admittedly incorrect information provided by election officials. The *Fairveiw* court ruled that a court must allow a *nunc pro tunc* 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. It is undisputed here that here Ms. Moore relied upon incorrect information provided by the Board of Elections concerning how many signatures she needed to obtain. Therefore, Ms. Moore is entitled to be given an additional period of twenty days from the date this Order is entered to obtain the signatures required.

**BY THE COURT:**

  
EMANUEL A. BERTIN, S. J.

This order was e-filed on:

8/17/17  


Judicial Assistant