

01-1914-CD
IN RE: RECOUNT, BOROUGH CONCILOR, THIRD WARD, CLEARFIELD BOROUGH

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL ACTION - LAW)

IN RE: RECOUNT OF BALLOTS
FOR THE OFFICE OF CLEARFIELD
BOROUGH COUNCILOR FOR THE
THIRD WARD OF CLEARFIELD
BOROUGH, CLEARFIELD COUNTY,
PENNSYLVANIA.

:
: - 1914-C0
: No. 2001 Misc. Pg.

:
: Type of case: Petition for Recount.

:
: Type of pleading: Petition.

:
: Filed by Petitioners:
: James E. Dohner,
: Lisa M. Dohner and
: Heather S. Farley,
: Pro Se.

FILED

NOV 21 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL ACTION – LAW)

PETITION FOR RECOUNT

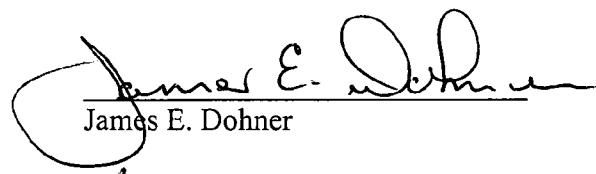
NOW, come the Petitioners, JAMES E. DOHNER, LISA M. DOHNER and HEATHER S. FARLEY and make their Petition for Recount as follows:

1. Petitioner, James E. Dohner, is a duly qualified elector of the Third Ward, Clearfield Borough, residing at 332 Turnpike Avenue, Clearfield, Clearfield County, Pennsylvania.
2. Petitioner, Lisa M. Dohner, is a duly qualified elector of the Third Ward, Clearfield Borough, residing at 332 Turnpike Avenue, Clearfield, Clearfield County, Pennsylvania.
3. Petitioner, Heather S. Farley, is a duly qualified elector of the Third Ward, Clearfield Borough, residing at 903 Martin Street, Clearfield, Clearfield County, Pennsylvania.
4. On November 6, 2001, the Petitioners voted in the general election for the office of Clearfield Borough Councilor for the Third Ward.
5. The Petitioners allege that upon information they consider reliable, errors were committed in the computation of votes cast for the office of Clearfield Borough Councilor for the Third Ward.
6. The Petitioners further allege that a hand recount of the votes cast for the above office should be held immediately to correct errors in the prior computation.

WHEREFORE, the Petitioners pray that a hand recount be made by the Election Board of Clearfield County of the official count of all ballots cast in the general election for the office of Clearfield Borough Councilor for the Third Ward in Clearfield Borough, Clearfield County, Pennsylvania.

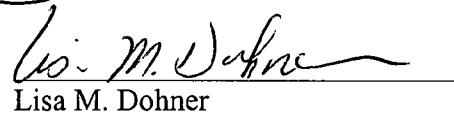
Respectfully Submitted,

Date: 11-20-01



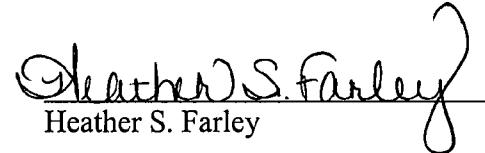
James E. Dohner

Date: 11-20-01



Lisa M. Dohner

Date: 11-20-01



Heather S. Farley

VERIFICATION

JAMES E. DOHNER, hereby states that he is a Petitioner in this action and that the statements of fact made in the foregoing Petition for Recount are true and correct upon personal knowledge. The undersigned understands that the statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

DATE: 11-20-01

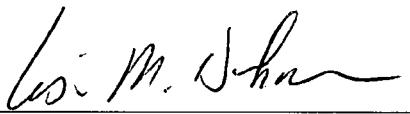


James E. Dohner
JAMES E. DOHNER

VERIFICATION

LISA M. DOHNER, hereby states that she is a Petitioner in this action and that the statements of fact made in the foregoing Petition for Recount are true and correct upon personal knowledge. The undersigned understands that the statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

DATE: 11-20-01



LISA M. DOHNER

VERIFICATION

HEATHER S. FARLEY, hereby states that she is a Petitioner in this action and that the statements of fact made in the foregoing Petition for Recount are true and correct upon personal knowledge. The undersigned understands that the statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

DATE: 11-20-01

Heather S. Farley
HEATHER S. FARLEY

FILED

NOV 21 2001

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William A. Shaw
Prothonotary

1 CERT TO

FARLEY
Commission
Krasner

Enc

pp
80-
ATTORNEY FEE

Date: 11/21/2001

Time: 03:24 PM

Clearfield County Court of Common Pleas

NO. 1834495

Receipt

Received of: Farley, Daniel

\$ 50.00

Fifty and 00/100 Dollars

Unapplied receipt: 50.00

Payment Method: Cash

Amount Tendered: 50.00

Clerk: BILLSHAW

Duplicate

William A. Shaw, Prothonotary/Clerk of Courts

By: _____

Deputy Clerk

BEFORE THE
COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

IN RE RECOUNT OF BALLOTS FOR
THE OFFICE OF CLEARFIELD
BOROUGH COUNCILOR FOR THE
THIRD WARD OF CLEARFIELD
BOROUGH, CLEARFIELD COUNTY,
PENNSYLVANIA : : : : :
No. 2001-1914-CD

ORDER

Upon consideration of the Petition for Recount, it is hereby ORDERED, pursuant to the Pennsylvania Election Code (25 P.S. §§ 3154(e)(1), 3261 and 3262) that the Board of Election shall make visible the ballots and absentee ballots used in the above captioned election district and shall recanvass the vote cast for the Office of Clearfield Borough Councilor for the Third Ward of Clearfield Borough, and further, the Board of Election shall give notice of the proposed recanvass, either personally or by registered mail, to each candidate that such candidate may be present at such recanvass, either in person or by his attorney, or by his duly authorized representative.

Said recanvass shall occur not later than fifteen (15) days from the date of this Order, at such time and place as the Board of Elections shall determine is appropriate and convenient, and the results of such recanvass shall be reported to the Court.

BY THE COURT:

John K. Reilly, Jr., President Judge

FILED

December 3, 2001

DEC 03 2001

William A. Shaw
Prothonotary

FILED

cc: S. Dohner

Dec 03 2001

cc: Amy Lesner

cc: Election office

William A. Shaw
Prothonotary

Q
ASP

BEFORE THE
COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

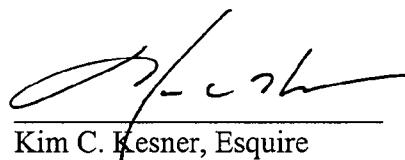
IN RE RECOUNT OF BALLOTS FOR :
THE OFFICE OF CLEARFIELD : No. 2001-1914-CD
BOROUGH COUNCILOR FOR THE :
THIRD WARD OF CLEARFIELD :
BOROUGH, CLEARFIELD COUNTY, :
PENNSYLVANIA :
:

CERTIFICATE OF SERVICE

I, KIM C. KESNER, ESQUIRE, Solicitor of Clearfield County and the Clearfield County Board of Elections, hereby certify that I served a copy of this Court's Order of December 12, 2001 on the following by U.S. Mail First Class, postage prepaid:

Daniel Farley
903 Martin Street
Clearfield, PA 16830

Rodger D. Baumgardner
126 Fulton Street
Clearfield, PA 16830



Kim C. Kesner, Esquire

Dated: December 13, 2001

FILED

DEC 13 2001

013301:ccatt, Kesner
William A. Shaw
Prothonotary



W.A. Shaw
Prothonotary

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DP
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BEFORE THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 2001-1914-CD

IN RE: RECOUNT OF BALLOTS FOR
THE OFFICE OF CLEARFIELD BOROUGH
COUNCILOR FOR THE THIRD WARD
OF CLEARFIELD BOROUGH, CLEARFIELD
COUNTY, PENNSYLVANIA

ORDER

CLEARFIELD COUNTY
COURT HOUSE
CLEARFIELD, PA 16830
KIM C. KESNER, ESQUIRE
SOLICITOR
(814) 765-2641

FILED

DEC 12 2001
012145 (u)

William A. Shaw
Prothonotary
CERT W/ CERT TO TREASUR

CERT TO FRAILTY

ELECTION OFF.
KESNER

CES

BEFORE THE
COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

IN RE RECOUNT OF BALLOTS FOR :
THE OFFICE OF CLEARFIELD : No. 2001-1914-CD
BOROUGH COUNCILOR FOR THE :
THIRD WARD OF CLEARFIELD :
BOROUGH, CLEARFIELD COUNTY, :
PENNSYLVANIA :
:

ORDER

AND NOW, this 12 day of Dec, 2001, upon consideration of the Certificates of the Chief Clerk and Solicitor of Clearfield County advising this Court of the results of the recanvassing conducted by the Clearfield County Board of Elections on December 10, 2001, in compliance with this Court's Order of December 3, 2001, this Court finds as follows:

1. Due, proper and effective notice in accordance with this Court's Order of December 3, 2001 and the Pennsylvania Election Code was given by the Clearfield County Board of Election to the candidates.
2. The results of the recanvassing conducted in the presence of the two (2) candidates, as confirmed to this Court by the Clearfield County Board of Elections, evidences and confirms that no fraud or substantial error was committed in the computation of the votes cast by the Clearfield County Board of Elections.

NOW, THEREFORE, it is hereby ORDERED and DECREED that:

- a. In accordance with 25 P.S. §3261(d), this Court hereby certifies to the Prothonotary that no fraud or substantial error was committed in the computation of the votes cast on the ballots contained within the ballot box opened, nor was there any fraud in the marking of the ballots contained therein or otherwise in connection with such ballots.
- b. Therefore, the Prothonotary shall forfeit and pay to the Clearfield County Treasurer the cash deposit posted with the Petition.

This Court hereby certifies, in accordance with 25 P.S. §3263(2), to the Clearfield County Board of Elections that the votes cast in the Third Ward of the Borough of Clearfield are as follows:

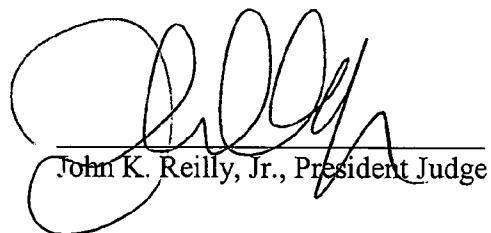
DEC 12 2001

William A. Shaw
Prothonotary

Daniel Farley – Republican	156
Rodger D. Baumgardner – Democrat	165

The Clearfield County Board of Elections shall, forthwith, correct accordingly, any entries previously made in the returns of the County being prepared by it, or which have been prepared and not yet certified.

BY THE COURT:



John K. Reilly, Jr., President Judge

1149

CLEARFIELD COUNTY PROTHONOTARY 7-83
ALLEN D. BENTZ William A. Shaw
ESCROW ACCOUNT
P.O. BOX 549
CLEARFIELD, PA 16830

60-629/313

Dec. 12, 2001

PAY
TO THE
ORDER OF County Treasurer

\$ 50.00

DOLLARS

FIFTY AND NO/100



Main Office
11 North 2nd Street
Clearfield, PA 16830

Balance Box

FOR 2001-1914. LD FORFEIT DEP. POSTED FOR

IMMA

A handwritten signature of the name IMMA.

10313062941 1 2 26577 210 1149

BEFORE THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
No. 2001-1914-CD

IN RE: RECOUNT OF BALLOTS FOR
THE OFFICE OF CLEARFIELD BOROUGH
COUNCILOR FOR THE THIRD WARD
OF CLEARFIELD BOROUGH, CLEARFIELD
COUNTY, PENNSYLVANIA

CERTIFICATE OF SERVICE

FILED

O/3/50 SCC
DEC 1 2001

William A. Shaw

Prothonotary

Atty Kesner

CLEARFIELD COUNTY
COURT HOUSE
CLEARFIELD, PA 16830
KIM C. KESNER, ESQUIRE
SOLICITOR
(814) 765-2641

BEFORE THE
COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

IN RE RECOUNT OF BALLOTS FOR
THE OFFICE OF CLEARFIELD
BOROUGH COUNCILOR FOR THE
THIRD WARD OF CLEARFIELD
BOROUGH, CLEARFIELD COUNTY,
PENNSYLVANIA

: No. 2001-1914-CD

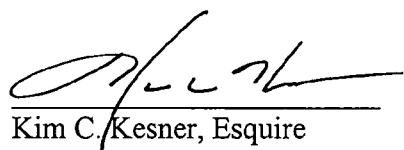
CERTIFICATE OF SERVICE

I, KIM C. KESNER, ESQUIRE, Solicitor of Clearfield County and the Clearfield County Board of Elections, hereby certify that I served a copy of this Court's Order of December 3, 2001 with written notice that the Clearfield County Board of Election would conduct the ordered recanvassing on Monday, December 10, 2001 at 9:00 a.m. at the Clearfield County Commissioner's Board Room at the Clearfield County Annex Building, 230 East Market Street, Clearfield, Pennsylvania, 16830 on the following and in the following manners:

To: Daniel Farley
By: Certified Mail, Return Receipt Request, sent to:
903 Martin Street, Clearfield, PA 16830

To: Rodger D. Baumgardner
By: Certified Mail, Return Receipt Request, sent to:
126 Fulton Street, Clearfield, PA 16830

Said certified mail and return receipts are attached hereto.



Kim C. Kesner, Esquire

Dated: December 11, 2001

FILED

DEC 11 2001

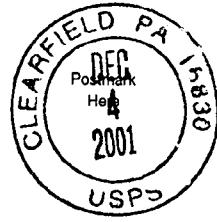
William A. Shaw
Prothonotary

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

7600 1670 0002 4682 5725

Postage	\$ 34
Certified Fee	2.10
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 3.94



Sent To
 Mr. Daniel Farley
 Street, Apt. No.; or PO Box No.
 903 Martin Street
 City, State, ZIP+4
 Clearfield, PA 16830

PS Form 3800, May 2000

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Daniel Farley
 903 Martin Street
 Clearfield, PA 16830

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery
 12-5-01

C. Signature

X Heather Farley Agent Addressee

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label)

7600 1670 0002 4682 5725

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

5718	4682	0002	1670	7000	
PA					
CLEARFIELD PA 16830					
Postmark 4 Dec 2001					
USPS					
Postage	\$.34				
Certified Fee	2.18				
Return Receipt Fee (Endorsement Required)	1.50				
Restricted Delivery Fee (Endorsement Required)					
Total Postage & Fees	\$ 3.94				
Sent To Mr. Rodger D. Baumgardner <small>Street, Apt. No., or PO Box No.</small> 126 Fulton Street <small>City, State, ZIP+4</small> Clearfield, PA 16830					See Reverse for Instructions

PS Form 3800, May 2000

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Rodger D. Baumgardner
 126 Fulton Street
 Clearfield, PA
 16830

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

5 2001

C. Signature

X *Rodger D. Baumgardner*

Agent
 Addressee

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

2. Article Number (Copy from service label)

7000 1670 0002 4682 5718

BEFORE THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 2001-1914-CD

IN RE: RECOUNT OF BALLOTS FOR
THE OFFICE OF CLEARFIELD BOROUGH
COUNCILOR FOR THE THIRD WARD
OF CLEARFIELD BOROUGH, CLEARFIELD
COUNTY, PENNSYLVANIA

CERTIFICATE

FILED 500

03/52 AM
ECS 11/2001

ATTY Kesner

William A. Shaw
Prothonotary

CLEARFIELD COUNTY
COURT HOUSE
CLEARFIELD, PA 16830
KIM C. KESNER, ESQUIRE
SOLICITOR
(814) 765-2641

BEFORE THE
COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

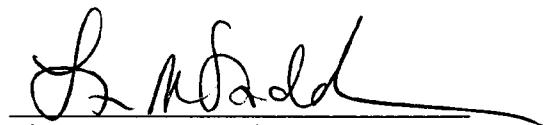
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THE OFFICE OF CLEARFIELD : No. 2001-1914-CD
BOROUGH COUNCILOR FOR THE :
THIRD WARD OF CLEARFIELD :
BOROUGH, CLEARFIELD COUNTY, :
PENNSYLVANIA :
:

CERTIFICATE

I, LISA MCFADDEN, hereby certify that I am Chief Clerk of Clearfield County and that in that capacity and as the delegate of the Clearfield County Commissioners acting as the Clearfield County Board of Elections, I hereby certify to President Judge John K. Reilly, Jr. of the Court of Common Pleas of Clearfield County, Pennsylvania, as follows:

1. That the Clearfield County Board of Elections conducted a recanvass of votes for the Office of Clearfield Borough Councilor for the Third Ward of Clearfield Borough, Clearfield County, Pennsylvania on Monday, December 10, 2001.
2. That both the candidates appeared in person and were present during the recanvassing.
3. That the recanvass confirmed that no fraud or substantial error was committed in the original computation of votes.
4. That the results of the recanvassing were as follows:

Daniel Farley – Republican	156
Rodger D. Baumgardner – Democrat	165



Lisa McFadden, Chief Clerk
Clearfield County

“Seal”

FILED

DEC 11 2001

William A. Shaw
Prothonotary