

03-382-cd  
IN RE: OBJECTING NOMINATION PETITION (Carl T. Baer)  
vs. Josephine Bowman

1

MARCH 18 2003

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY

2003-382-CV

CIVIL DIVISION

TO RE: OBJECTING NOMINATION PETITION IN MAY 20  
2003 GENERAL ELECTION OF COALPORT BORO  
OFFICE OF COUNCIL CARL T BAER APPLICANT

TYPE OF PLEADING

PETITION FOR OBJECTION OF FILING  
COUNCIL PETITION FOR CARL T. BAER - DEMOCRAT  
SIGNATURES WERE SOLICITED FOR HIM BY GERALD  
W. SPAID SR WHO IS A REPUBLICAN AS ATTACHED  
EXHIBIT A.

Filed By

Josephine Bowman  
JOSEPHINE BOWMAN  
639 Main St.

Box 24

Coalport, Pa. 16627.

814-672-3384 Home  
672-5955 Work

FILED

MAR 18 2003

01/31/03 WAP

William A. Shaw  
Prothonotary

PD

1 COPY TO  
Bowman

851-  
CASH

COPY TO C/P.

2 - VOTER REG.

**FILED**

MAR 18 2003

**William A. Snaw  
Prothonotary**

050 - 81760

✓ 3/12/03 LLC

Signatures must be procured within the legal period for securing same: and this Petition must be filed in the office of the County Board of Elections on or before the last day prescribed by law.

EACH SIGNER MAY SIGN PETITIONS FOR AS MANY CANDIDATES FOR EACH OFFICE AS HE CAN VOTE FOR, AND NO MORE

COMMONWEALTH OF PENNSYLVANIA

RECEIVED

FEB 26 2003

# PETITION

CLEARFIELD COUNTY

To Have Name of Candidate Printed upon the Official Ballot or Voting Machine Ballot Label for the Primary Election

(NO FEE LLC)

672-3347  
672-3225

We, the undersigned, all of whom are qualified electors of Clearfield County and

Coalport Borough

(ELECTORAL DISTRICT IN WHICH THE NOMINATION OR ELECTION IS TO BE MADE)

and are registered and

enrolled members of the Democrat

Party or Policy, hereby

petition the County Board of Elections of Clearfield

County

to have the name of CARL T. BAER

(TYPEWRITE, PRINT OR WRITE PLAINLY THE ABOVE NAME AS YOU WISH IT TO APPEAR ON THE OFFICIAL BALLOT OR VOTING MACHINE BALLOT LABEL)

whose Profession, Business or Occupation is LABORER

Place of

Residence is PO Box 322 1229 MAIN ST Coalport PA 16627

(WITH STREET, NUMBER (WHERE POSSIBLE) AND ZIP CODE)

Printed upon the Official Ballot or Voting Machine Ballot Label of the aforesaid Party in the said District, for the Municipal Primary

for the year 20 as a candidate for the Office of

Borough Councilman

(TITLE OF OFFICE)

## SIGNERS ARE CAUTIONED TO AVOID THE USE OF DITTO MARKS

SIGNATURE OF ELECTOR	PLACE OF RESIDENCE			OCCUPATION Profession or Business	DATE OF SIGNING
	House No.	Street or Road	City, Borough or Township		
1 <u>Angela Burdala</u>	87	Water St.	Coalport	Student	2-18-03
2 <u>Jim Spilner</u>	620	Box 240	Coalport	Ret	2-18-03
3 <u>Jack Kutz</u>	660	Box 305	Coalport	Ret	2-18-03
4 <u>Donna Schaeffer</u>	990	Wood St	Coalport	Housewife	2-18-03
5 <u>Paul L. Koch</u>	1429	Box 267	Coalport	Ret	2-20-03
6 <u>Joe Balegini</u>		366 C YORK	Coalport	Miner	2-21-03
7 <u>Hyatt Kuhn</u>	Main Street	MAIN ST	Coalport	Retired	2-20-03
8 <u>Gregg Peters</u>	220	Walnut St	Coalport	Retired	2-21-03
9 <u>Bonnie Zupich</u>	972	Clark St	Coalport	Housewife	2-25-03
10 <u>Paul J. Myers</u>	820	Union St	Coalport	Retired	2-25-03
11 <u>Barbara Davidson</u>	110	Franklin St	Coalport	Barber	2-25-03
12 <u>Hessie Duncan</u>	110	Franklin St	Coalport	Correctional officer	2-25-03
13					
14					
15					

EXHIBIT A

COMMONWEALTH OF PENNSYLVANIA } SS:  
COUNTY OF CLEARFIELD

Before me, the undersigned authority in and for said State and County, personally appeared the undersigned, who, being duly sworn according to law, did depose and say that he or she is a qualified elector duly registered and enrolled as a member of the political party and of the political district referred to in this petition; that his or her residence is as set forth below; that the signers to the foregoing petition signed the same with full knowledge of the contents thereof; that their respective residences are correctly stated therein; that they all reside in the said political district; that each signed on the date set opposite his or her name; and that, to the best of deponent's knowledge and belief, the signers are qualified, registered and enrolled electors of the designated party of the aforesaid political district. (Underlined portion not applicable to Circulator for the office of District Justice.)

Sworn to and subscribed before me

this 26<sup>th</sup> day of February, 2003

WILLIAM A. SHAW

Prothonotary

My Commission Expires

My Commission expires 1st Monday in Jan. 2006  
Clearfield Co., Clearfield, PA

Gerald W. Spaid Sr.

(SIGNATURE OF CIRCULATOR)

GERALD W. SPAID SR

(PRINTED NAME OF CIRCULATOR)

712 MAIN ST.

(STREET ADDRESS)

PO Box 145

(POST OFFICE)

Coalport PA 16627

(CITY, BOROUGH OR TOWNSHIP)

### CANDIDATE'S AFFIDAVIT AND LOYALTY OATH

COMMONWEALTH OF PENNSYLVANIA } SS:  
COUNTY OF CLEARFIELD

Before me, the undersigned in and for said State and County, personally appeared the undersigned, who, being duly sworn according to law, did depose and say that his or her residence is as set forth below; that his or her election district is as set forth below; that the name of the office for which he or she desires to be a candidate is

Borough Councilman

(Title of Office)

that he or she is eligible for said office; that he or she will not knowingly violate any election law, or any law regulating and limiting nomination and election expenses, and prohibiting corrupt practices in connection therewith; that he or she is aware of the provisions of Section 1626 of The Pennsylvania Election Code requiring pre-election and post-election reporting of campaign contributions and expenditures; and that he or she is not a candidate for nomination for the same office of any political party other than the one designated in this petition. (Underlined portion not applicable to Candidates for the offices of School Director or District Justice.)

And, the undersigned, being fully aware that this statement is subject to the penalties of perjury under the laws of the Commonwealth of Pennsylvania, does further swear (or affirm) that he or she is not a subversive person as defined in the "Pennsylvania Loyalty Act" Act of December 22, 1951. (Pamphlet Laws 1726).

Any candidate for local office shall file a statement of financial interests for the preceding calendar year with the governing authority of the political subdivision in which he is a candidate on or before the last day for filing a petition to appear on the ballot for election. A COPY OF THE STATEMENT OF FINANCIAL INTERESTS SHALL ALSO BE APPENDED TO THIS PETITION.

Sworn to and subscribed before me

this 25 day of FEBRUARY, 2003

Carl T Baer

(SIGNATURE OF CANDIDATE)

Carl T Baer

(PRINTED NAME OF CANDIDATE)

1229 MAIN ST

(STREET ADDRESS)

PO Box 332

(POST OFFICE)

Coalport PA 16627

(CITY, BOROUGH OR TOWNSHIP)

My commission expires Notary Seal  
Gerald W. Spaid, Sr., Notary Public  
Coalport Boro, Clearfield County  
My Commission Expires Sept. 9, 2004

Election District of Coalport Boro, Clearfield County

Coalport Boro Ward Coalport Borough District

### WAIVER OF EXPENSE ACCOUNT REPORTING AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA } SS:  
COUNTY OF CLEARFIELD

Before me, the undersigned authority in and for the said State and County, personally appeared the undersigned, who, being duly sworn according to law, did depose and say that as a candidate, he or she does not intend to form a political committee or to receive contributions or make expenditures in excess of Two Hundred Fifty Dollars (\$250) during any reporting period, that, as a candidate, he or she will keep records of contributions and expenditures as required by law; that, as a candidate, he or she will file reports as required by law if contributions or expenditures exceed Two Hundred Fifty Dollars (\$250). (Act No. 1980-127)

Sworn to and subscribed before me

this 25 day of FEBRUARY, 2003

Carl T Baer

(SIGNATURE OF CANDIDATE)

Carl T Baer

(PRINTED NAME OF CANDIDATE)

PO Box 332 Coalport PA 16627

(STREET ADDRESS)

(POST OFFICE)

Coalport

(CITY, BOROUGH OR TOWNSHIP)

My commission expires Notary Seal  
Gerald W. Spaid, Sr., Notary Public  
Coalport Boro, Clearfield County  
My Commission Expires Sept. 9, 2004

Election District of Coalport Boro, Clearfield County

Coalport Boro Ward District

### FILING FEES

Each person filing any nomination petition shall pay, for each petition at the time of filing, a filing fee, and no nomination petition shall be accepted or filed, unless and until such filing fee is paid by a certified check or money order or also by cash when filed with the county board. Whenever a petition is to be filed with the county board the person filing the same shall pay the filing fee in cash or by certified check or money order to the county board. All moneys paid on account of filing fees shall be transmitted by the county board to the county treasurer and shall become part of the General Fund. Certified checks or money orders in payment of filing fees shall be made payable to the county, and shall be transmitted to the County Treasurer, and shall become part of the General Fund.

No filing fee shall be paid for any public office for which no compensation is provided by law, nor for any public office in any township of the second class.

Party Democrat  
Office of Borough Council  
City of Coalport  
Borough  
Township  
District  
Ward  
For a 4 Year Term

### PETITION

To Have Name of

CARL T BAER

(Write or print name plainly as you wish it to appear on ballot or voting machine ballot label)

As Candidate Printed  
On the Official Ballot or  
Voting Machine Ballot Label

of  
The Above Named Party.  
District and Office

For the

MUNICIPAL PRIMARY

For the Year 20 03

Filed in the Office of the County Board of Elections.

RECEIVED

20

FEB 26 2003

CLEARFIELD COUNTY

Clerk

C

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED  
PURDON'S PENNSYLVANIA STATUTES ANNOTATED  
TITLE 25. ELECTIONS & ELECTORAL DISTRICTS  
CHAPTER 14. ELECTION CODE  
ARTICLE IX. NOMINATION OF CANDIDATES  
(A) NOMINATION OF PARTY CANDIDATES AT PRIMARIES

Copr. © West Group 2003. All rights reserved.

Current through Act 2002-237 (End)

§ 2869. Petition may consist of several sheets; affidavit of circulator.

Said nomination petition may be on one or more sheets, and different sheets must be used for signers resident in different counties. If more than one sheet is used, they shall be bound together when offered for filing if they are intended to constitute one petition, and each sheet shall be numbered consecutively beginning with number one, at the foot of each page. In cases of petitions for delegate or alternate delegate to National conventions, each sheet shall contain a notation indicating the presidential candidate to whom he is committed or the term "uncommitted." Each sheet shall have appended thereto the affidavit of the circulator of each sheet, setting forth--(a) 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, unless said petition relates to the nomination of a candidate for a court of common pleas, for the Philadelphia Municipal Court or for the Traffic Court of Philadelphia or for justice of the peace, in which event the circulator need not be a duly registered and enrolled member of the designated party; (b) his residence, giving city, borough or township, with street and number, if any; (c) that the signers thereto signed with full knowledge of the contents of the petition; (d) that their respective residences are correctly stated therein; (e) that they all reside in the county named in the affidavit; (f) that each signed on the date set opposite his name; and (g) that, to the best of affiant's knowledge and belief, the signers are qualified electors and duly registered and enrolled members of the designated party of the State, or of the political district, as the case may be.

CREDIT(S)

1994 Main Volume

1937, June 3, P.L. 1333, art. IX, § 909. Amended 1961, Sept. 15, P.L. 1327, § 1, effective Aug. 1, 1961; 1971, Dec. 22, P.L. 615, No. 165, § 8; 1986, Feb. 19, P.L. 29, No. 11, § 6, imd. effective.

<General Materials (GM) - References, Annotations, or Tables>

HISTORICAL AND STATUTORY NOTES

1994 Main Volume

The 1986 amendment substituted "candidate for a court of common pleas, for the Philadelphia Municipal Court or for the Traffic Court of Philadelphia or for justice of the peace" for "judicial candidate".

LIBRARY REFERENCES

1994 Main Volume

Elections ☞ 144.  
Westlaw Topic No. 144.  
C.J.S. Elections §§ 108, 135.

Law Office  
BELL, SILBERBLATT & WOOD  
318 East Locust Street  
P.O. Box 670  
Clearfield, PA 16830

e-mail: [bswlaw@pennswoods.net](mailto:bswlaw@pennswoods.net)  
Writer's direct e-mail: [rbell@pennswoods.net](mailto:rbell@pennswoods.net)

RECEIVED MAR 18 2003

RICHARD A. BELL  
ANN B. WOOD  
F. CORTEZ BELL, III

(814) 765-5537

Fax (814) 765-9730

PAUL SILBERBLATT 1954-1985  
F. CORTEZ BELL, JR. 1954-2002

OF COUNSEL:  
DANIEL C. BELL

March 18, 2003

John Sughrue  
County Board Of Elections  
Clearfield County Courthouse  
Clearfield, PA 16830

Dear John:

You called me and raised a question about a nominating petition based on the following facts. A nominating petition had been circulated by an individual who was of a different political party than the candidate. This however did not show this difference on the petition itself. An individual had called and reported to you that the circulator was of a different political party. Your question was since the County Board Of Elections has now had this reported to them, does the board have the duty to file an objection to the petition itself.

In my opinion the board does not have that duty. Section 302 of the Election Code which appears at 25 P.S. 2642 lists various duties of the County Board Of Elections, one of which is to receive and determine the sufficiency of nomination petitions.... Sufficiency is not the same as validity. To me the word sufficiency means that the petition is complete and does not have any obvious defects on the face of it. Furthermore 25 P.S. 2937 sets out that when a petition is filed, the person filing it must serve a copy on the board which certainly indicates that the board is not the one filing the objections.

If this defect was apparent from the petition itself, then that would raise a different question, but if that were true then it should not have been accepted for filing in the first place.

I hope this supplies you with what you needed.

Very truly yours,



Richard A. Bell  
Solicitor

RAB/sai

Judge Kelly,  
For your info. I don't know the ~~site~~ <sup>city</sup> had a simulator  
25 P.S.  
32869

for course must be the same party  
as the candidate on the nominating  
petition. i.e. Republicans can't nominate  
democratic candidates.



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

IN Re: OBJECTING NOMINATION :  
PETITION IN MAY 20, 2003, GENERAL : NO. 03-382-CD  
ELECTION OF COALPORT BORO OFFICE :  
OF COUNCIL CARL T. BAER, Applicant:

O R D E R

NOW, this 9th day of April, 2003, this being the day and date set for hearing into the above-captioned objections to nomination petition, it is the ORDER of this Court that said objections be and are hereby sustained and the petition filed on behalf of Carl T. Baer for the Office of Borough Councilman in the Precinct of Coalport Borough, Clearfield County, shall be and is hereby declared null and void.

BY THE COURT

President Judge

**FILED**

APR 10 2003

William A. Shaw  
Prothonotary

FILED

ICC Election office

10/3/10 ~~20~~  
APR 10 2003

ICC Josephine Bowman  
~~ICC~~ 639 Main St.  
Coalport, PA 16627

William A. Shaw  
Prothonotary

ICC Carl Boer  
PO Box 322  
1224 Main St.  
Coalport, PA 16627