

05-356-CD

Re: P. Ford petition to set aside nom (R)

NO SET ASIDE NOMINATION PETITION (REPUBLICAN)

In Re: Robert Kiel
2005-356-CD

Date: 03/16/2005

Clearfield County Court of Common Pleas

User: BILLSHAW

Time: 10:57 AM

ROA Report

Page 1 of 1

Case: 2005-00356-CD

Current Judge: J. Michael Williamson

IN RE: Robert C. Kiel

Civil In RE

Date		Judge
03/14/2005	New Case Filed.	No Judge
	Filing: Nomination Petition of Robert C. Kiel as a Republican Candidate for the Office of MDJ 46-3-01 Paid by: Ford, Patrick N. (other party) Receipt number: 1897558 Dated: 03/14/2005 Amount: \$85.00 (Check) 7 Cert. to Petitioner.	No Judge
	Praecipe For Entry of Appearance, filed by Atty. Noble 7 Cert. to Atty. Enter appearance on behalf of Patrick N. Ford	No Judge
	Order, filed 7 Cert. to Petitioner	No Judge
	NOW, this 14th day of March, 2005, RE: Petition to Set Aside Nomination Petition. Hearing set for March 16th at Centre County Courthouse before Judge J. Michael Williamson.	
03/15/2005	Order, Filed 6 Cert. to C/A	J. Michael Williamson
	NOW, this 14th day of March, 2005. ORDER of this Court that the C/A refer the above-captioned matter to the Administrative Regional Unit II for assignment. s/Fredric J. Ammerman	
	Amendment to Petition To Set Aside Nomination Petition, filed by Petitioner 5 cert. to Petitioner.	J. Michael Williamson
03/16/2005	Order, filed 1 cert. to Atty. Kesner 4 cert. to C/A	J. Michael Williamson
	NOW, this 16th day of March 2005, RE: Prothonotary to release said file to Atty. Kesner for pupose of delivering said file to judge Williamson. Further Order of Court that Atty. Kesner shall be responsible for the return of said file to Prothonotary's Office.	

MAR 14 2005
013:25 / u
William A. Shaw
Prothonotary
7 CENT TO PETITIONER

IN RE: NOMINATION PETITION OF *
ROBERT C. KIEL AS A REPUBLICAN * NO.
CANDIDATE FOR THE OFFICE OF *
MAGISTERIAL DISTRICT COURT *
JUDGE IN MAGISTERIAL DISTRICT *
COURT 46-3-01 OF CLEARFIELD *
COUNTY,PENNSYLVANIA *

PETITION TO SET ASIDE NOMINATION PETITION

AND NOW, comes Patrick N. Ford, Petitioner who respectfully represents as follows:

1. That Patrick N. Ford, Petitioner is a Republican candidate for re-election to the Office of Magisterial District Court Judge in the Magisterial District Court 46-3-01 in Clearfield County, Pennsylvania., having filed a Republican Nominating Petition on March 2, 2005 in the Clearfield County Election Office. [REDACTED]
2. That on March 8, 2005, Robert C. Kiel filed a Petition in the Clearfield County Election Office nominating him as a Republican Candidate for the Office of Magisterial District Court Judge for the Magisterial District Court 46-3-01 in Clearfield County. (attached)
3. That said nominating Petition, of Robert C. Kiel contains the signature and oath of Robert C. Kiel, as circulator.

4. That said Petition purports to contain 107, genuine signatures of electors entitled to sign same under Pennsylvania law.
5. That your Petitioner alleges that the aforesaid Republican Nomination Petition of Robert C. Kiel does not contain the required number (100) of genuine signatures of electors entitled to sign said nominating petition under Pennsylvania Law as follows:
6. That Elector # 6, David M. Trador, 406 Pifer Street, DuBois, is registered as no official party and not a member of the Republican Party and further, Elector failed to affix his printed name to the nominating Petition as required. Petitioner asks that the Elector's signature be discounted as invalid.
7. That Elector # 7, Pluma Lingenfelter, 436 Pifer Street, DuBois, failed to affix his printed name to the Nominating Petition as required. Petitioner asks that the Elector's signature be discounted as invalid.
8. That Elector # 8, Mary Maines, 429 Pifer Street, DuBois, failed to affix her printed name to the Nominating Petition as required, Petitioner asks that the Elector's signature be discounted as invalid.
9. That Elector #10, Mary E. Bauman, 435 Pifer Street, DuBois, is registered as a member of the Democratic Party and not a member of the Republican Party, Petitioner asks that the Elector's signature be discounted as invalid.
10. That Elector # 13, C. Thomas Swauger, 513 Pifer Street, DuBois, used initials rather than full first name as required. Petitioner asks that Elector's signature be discounted as invalid.
11. That Elector # 23, W.E. Grill, 301 Olive Avenue, DuBois, used initials rather than full name as required, Petitioner asks that the Elector's signature be discounted as invalid.
12. That Elector # 48 Lloyd Johnson, Jr., 800 " ", failed to affix their full address as required. Petitioner asks that Elector's signature be discounted as invalid.
13. That Elector # 55, Nathan J. Kimberling, 320 Olive Avenue, DuBois, declared residence at an address different from the address listed on his voter registration, Petitioner asks that the Elector's signature be discounted as invalid.
14. That the Elector # 65, Ken Kielmeier, R.D. # 1, Box 6, DuBois, declared residence at an address different from the address listed on his voter registration. Petitioner asks that the Elector's signature be discounted as invalid.
15. That Elector # 67, Fred E. Walker, 248 Sanspur, DuBois, declared residence at an address different than the address listed on his voter registration, Petitioner asks that the Elector's signature be discounted as invalid.
16. That Elector # 69, Robert Britton, 7 Oakland Avenue, DuBois, is registered as a member of the Democratic Party and not a member of the Republican Party, Petitioner asks that Elector's signature be discounted as invalid.
17. That Elector # 71, Ryan Harmick, 600 Walnut Street, DuBois, is registered as no official party and not a member of the Republican Party, Petitioner asks that Elector's signature be discounted as invalid.
18. That Elector # 77, Jeffrey O. Hooten, 100 Murtland Avenue, DuBois, declared residence at an address different from the address listed on his voter registration, Petitioner asks that the Elector's signature be discounted as invalid.

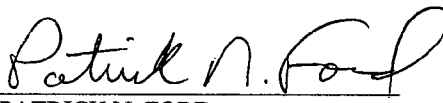
19. That Elector # 83, Gene Marripode, 323 Wrider (?), Falls Creek, is not a registered voter in Magisterial District 46-3-01, Petitioner asks that the Elector's signature be discounted as invalid.
20. That Elector # 86, Marlene Duttry, 1571 Oklahoma Salem Road, DuBois, is a member of the Democratic Party and not a member of the Republican Party, Petitioner asks that the Elector's signature be discounted as invalid.
21. That Elector #88, whose signature is illegible, also failed to affix their printed name to the Nominating Petition as required, Petitioner asks that the Elector's signature be discounted as invalid.
22. That Elector # 95, Kathy Royer, 924 Lundgren Road, DuBois, is registered as a member of the Democratic Party and not a member of the Republican Party, Petitioner asks that Elector's signature be discounted as invalid.
23. That Elector # 103, J.B. Gordon, 229 E. Park, DuBois, used initials rather than full name as required, Petitioner asks that Elector's signature be discounted as invalid.
24. That Elector # 106, James R. Waddell, 814 DuBois, DuBois declared residence at an address different from the address listed on his voter registration, Petitioner asks that the Elector's signature be discounted as invalid.

WHEREFORE, Petitioner prays that your Honorable Court order, decree and adjudge that the Republican Nomination Petition of Robert C. Kiel as a candidate for Magisterial District Court Judge 46-3-01 shall be set aside as not containing a sufficient number of genuine signatures of qualified electors entitled to sign said nominating Petition under applicable Pennsylvania law and as such that the name of Robert C. Kiel be prohibited from appearing as a Republican candidate for said office on the 2005 primary ballot and that the Clearfield County election officials should be so restrained.


PATRICK N. FORD, PETITIONER.

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

The undersigned Petitioner hereby affirms that the statements contained in the foregoing Petition are true and correct to the best of his knowledge, information and belief and are made subject to the penalties of 18 Pa. C.S. S 4904, relating to unsworn falsification to authorities.


PATRICK N. FORD

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

PETITION

To have name of Candidate Printed upon the Official Ballot
or Voting Machine Ballot Label for the Primary Election

RECEIVED

MAR 8 2005

CLEARFIELD COUNTY

We, the undersigned, all of whom are qualified electors of Clearfield County and
46-3-01 and are registered and
(ELECTORAL DISTRICT IN WHICH THE NOMINATION OR ELECTION IS TO BE MADE)
enrolled members of the Republican Party or Policy, hereby
petition the County Board of Elections of Clearfield County
to have the name of Robert C. Kiel
(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 not employed Place of
Residence is 204 Olive Ave. DuBois Pa. 15801
(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 05, as a candidate for the Office of Magisterial District Judge

(TITLE OF OFFICE)

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		House No.	Street or Road	City, Borough or Township	
1 Christina M. Barley	Christina M Barley	111	Shaffer Ave	DuBois	3/4/05
2 John S. Barley	JOHN S. BARLEY	111	Shaffer Ave	DuBois	3/4/05
3 Allen Shaffer	ALLEN SHAFFER	424	Kram St	DuBois	3-4-05
4 Carol Rokosky	Carol Rokosky	306	Pifer St.	DuBois	3-5-05
5 John A. Rokosky	JOHN A. Rokosky	306	Pifer St	DuBois	3-5-05
6 Mary E. Bauman	403 Pifer St	403	Pifer	DuBois	3-5-05
7 Thomas Ingelster	436 Pifer St	436	Pifer	DuBois	3-5-05
8 Mary E. Bauman	429 Pifer St	429	Pifer	DuBois	3-5-05
9 Mary E. Bauman	435 Pifer St	435	Pifer	DuBois	3-5-05
10 Mary E. Bauman	435 Pifer St	435	Pifer	DuBois	3/5/05
11 Violette Davis	Violette Davis	503	Pifer	DuBois	3/5/05
12 Marian E. Christensen	MARIAN E. CHRISTENSEN	504	Pifer	DuBois	3/5/05
13 C. Thomas Swanson	C. THOMAS SWANSON	513	Pifer	DuBois	3/5/05
14 Nancy Swanson	NANCY SWANSON	513	Pifer	DuBois	3/5/05
15 M. Jerome Hobbs	MILVEROME HOBBS	312	Pifer St	DuBois	3/5/05
16 Ronald C. Ferguson	RONALD C. FERGUSON	322	S. Church St	DuBois	3/5/05
17 Vaughn M. Garvin	Vaughn M. Garvin	19 1/2	Olive Ave	DuBois	3/6/05
18 Vaughn M. Garvin	Vaughn M. Garvin	19 1/2	Olive Ave	DuBois	3/6/05
19 Stephen D. Grice	Stephen D. Grice	105	Olive Ave	DuBois	3/6/05
20 Karen L. Ford	KAREN L. FORD	110	Olive Ave	DuBois	3/6/05
21 Barbara L. London	BARBARA LONDON	109	Olive Ave	DuBois	3/6/05
22 Ronald L. London	RONALD LONDON	109	Olive Ave	DuBois	3/6/05
23 W.E. Grice	W.E. Grice	301	Olive Ave	DuBois	3/6/05
24 Dorothy Grill	Dorothy Grill	301	Olive Ave	DuBois	3/6/05
25 Brenda Saricks	Brenda Saricks	326	Olive Ave	DuBois	3/6/05

	SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
			House No.	Street or Road	City, Borough or Township	
26	<i>Joseph C. Sankes Jr</i>	Joseph C. Sankes Jr	326	Olive Ave	DuBois	3/6/05
27	<i>Richard Heffner</i>	Richard Heffner	337	Olive Ave	DuBois	3/6/05
28	<i>Low Kiehlmeier</i>	Low Kiehlmeier	323	olive Ave	DuBois	3-6-05
29	<i>Dallas L. Sankes</i>	Dallas L. Sankes	306	OLIVE AVE	DuBois	3/8/05
30	<i>HARRIOT SCHMATT</i>	HARRIOT SCHMATT	304	OLIVE AVE	DuBois	3/8/05
31	<i>Michelle Crispien</i>	Michelle Crispien	600	Green Glend	DuBois	3/6/05
32	<i>Andrew Hordchen</i>	Andrew Hordchen	130	East Long Ave	DuBois	3/6/05
33	<i>MARTHA G. DUFFICE</i>	MARTHA G. DUFFICE	900	GREEN GLADE	DuBois	3/6/05
34	<i>Robert J. Duffice</i>	Robert J. Duffice	900	Green Glade	DuBois	3/6/05
35	<i>Michael A. Soder Jr</i>	Michael A. Soder Jr	1239	South Main St	DuBois	3/6/05
36	<i>Jenni Kruk</i>	Jenni Kruk	10	Nathan Ct	DuBois	3/6/05
37	<i>David Moulthrop</i>	David Moulthrop	1	Lakeside Ave	DuBois Pa	3/6/05
38	<i>Dixie Moulthrop</i>	Dixie Moulthrop	1	Lakeside	DuBois Pa	3-6-05
39	<i>Greg L. Stemmura</i>	Greg L. Stemmura	7	Lakeside	DuBois	3/6/05
40	<i>Mary E. Corby</i>	Mary E. Corby	3	E. Garfield	DuBois	3/7/05
41	<i>Mary Lou Miller</i>	Mary Lou Miller	805	GREEN GLADE	DuBois	3/7/05
42	<i>ROBERT W. MILLER</i>	ROBERT W. MILLER	805	GREEN GLADE	DuBois	3/7/05
43	<i>Gina M. Cherny</i>	Gina M. Cherny	9	Nathan Ct.	DuBois	3/7/05
44	<i>Mark J. Segerberg</i>	Mark J. Segerberg	120	W. Main St	DuBois	3-7-05
45	<i>GERALD GAETA</i>	GERALD GAETA	204	N 3RD	DuBois	3-7-05
46	<i>Elizabeth Gaeta</i>	Elizabeth Gaeta	204	N 3RD ST	DuBois	3-7-05
47	<i>MARY LOU JOHNSON</i>	MARY LOU JOHNSON	800	GREEN GLADE	DuBois	3-7-05
48	<i>Robert J. Ball</i>	Robert J. Ball	713	GREEN GLADE	DuBois	3-7-05
49	<i>Kelly J. Ball</i>	Kelly J. Ball	713	GREEN GLADE	DuBois	3-7-05
50	<i>John M. Yount</i>	John M. Yount	6	Nathan Ct	DuBois	3-7-05
51	<i>Kristie J. Yount</i>	Kristie J. Yount	6	Nathan Ct.	DuBois	3-7-05
52	<i>JAMES CORBY</i>	JAMES CORBY	3	E. Garfield	DuBois	3-7-05
53	<i>Edgar W. Hooghan</i>	Edgar W. Hooghan	7	E. Garfield	DuBois	3-7-05
54	<i>Nathan J. Kimberling</i>	Nathan J. Kimberling	320	OLIVE AVE	DuBois	3-7-05
55	<i>Robert C. Burns Jr.</i>	Robert C. Burns Jr.	1356	T.L.	DuBois	3-7-05
56	<i>Joe Sinleck</i>	Joe Sinleck	1106	S. Main St	DuBois	3-7-05
57	<i>Jim Luther</i>	Jim Luther	524	FIRST ST	DuBois	3-7-05
58	<i>STEPHEN LUCHUCK</i>	STEPHEN LUCHUCK	437	E. SCRIBNER	DuBois	3/7/05
59	<i>Anthony T. Lay</i>	Anthony T. Lay	764	Juniata St	DuBois	3/7-05
60	<i>Robert L. Foches</i>	Robert L. Foches	121	W. Garfield	DuBois	3-7-05
61	<i>Shelly Folders</i>	Shelly Folders	121	W. Garfield	DuBois	3-7-05
62	<i>DANIEL SHELKLE</i>	DANIEL SHELKLE	602	JUNIATA ST	DuBois	3-7-05
63	<i>LEORA SHENKLE</i>	LEORA SHENKLE	602	Juniata St	DuBois	3-7-05
64	<i>Ken Kiehlmeier</i>	Ken Kiehlmeier	RDI Box 6	DuBois Pa	Sandy Twp.	3-07-05
65	<i>Shelly M. Spicke</i>	Shelly M. Spicke	611	LOCUST ST	DuBois	3-07-05
66						

	SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
			House No.	Street or Road	City, Borough or Township	
67	<i>Fred E Walker</i>	FRED E WALKER	248	SANSPUR	DuBois	3/7/05
68	<i>Paul Bettan</i>	PAUL BETTON	7	OAKLAND AVE	DuBois	3/7/05
69	<i>Robert Bettan</i>	ROBERT BETTON	7	OAKLAND AVE	DuBois	3/7/05
70	<i>Robert L Javens</i>	ROBERT L JAVENS	105	CHURCH ST	TRULVILLE	3/7/05
71	<i>Ryan Harman</i>	RYAN HARMAN	600	WALNUT	DuBois	3/7/05
72	<i>Deanne Harman</i>	DEANNE HARMAN	687	WAINUT	DuBois (Pa)	3/7/05
73	<i>Donald E Gytar</i>	DONALD E GYTAR	1207	DEERHUNTER	DuBois PA 17821	3/8/05
74	<i>Vincent E Anderson</i>	VINCENT E ANDERSON	1572	T. LAKE	DuBois, PA	3-8-05
75	<i>David Neffon</i>	DAVID NEFFON	631	chestnut Ave	DuBois PA	3/8/05
76	<i>Greg Murray</i>	GREG MURRAY	623	Lincoln St	DuBois PA	3/8/05
77	<i>Jeff Hooten</i>	JEFF HOOTEN	100	MONTANA AVE	DuBois PA	3/8/05
78	<i>Bill Good</i>	BILL GOOD	124	Hill St.	DuBois PA	3/8/05
79	<i>Virginia Good</i>	VIRGINIA GOOD	124	Hill ST	DuBois Pa	3/8/05
80	<i>Robert Liddle</i>	ROBERT LIDDLE	814	Cent. Chest Rd	DuBois PA	3/8/05
81	<i>Patricia C McAllister</i>	PATRICIA C McALLISTER	891	T. L	DuBois PA	3/7/05
82	<i>Paul R Fotta</i>	PAUL R FOTTA	214	Quincy Ave	DuBois PA	3-8-05
83	<i>Gene Mannapole</i>	GENE MANNAPOLE	323	W.R. Lee	F. Creek PA	3-8-05
84	<i>Richard E Handicks</i>	RICHARD E HANDICKS	P.O.	5	Rockton	3-8-05
85	<i>Kevin Shennen</i>	KEVIN SHENNEN	205	Old woods Rd	DuBois	3-8-05
86	<i>Marlene Dutton</i>	MARLENE DUTTON	1571	OKLAHOMA - SALEM Rd	DuBois	3-8-05
87	<i>Gretchen Bloomer</i>	GRETCHEN BLOOMER	528	STATION RD	KATHERSBURG	3-8-05
88	<i>Frank Casper</i>	FRANK CASPER	1460	T. Lake	DuBois	3-8-05
89	<i>Patricia J Kelly</i>	PATRICIA J KELLY	50 N. COURT	50 N. COURT	DuBois	3-8-05
90	<i>Kurt Johnson</i>	KURT JOHNSON	570	TREASURY LAKE	DuBois PA	3-8-05
91	<i>Paula L DuBois</i>	PAULA L. DUBOIS	488	Treasure Lake	DuBois PA	3-8-05
92	<i>Ronald J Tazy</i>	RONALD J TAZY	120	South Ave	DuBois	3-8-05
93	<i>Brian LaMorti</i>	BRIAN LAMORTI	1627	Treasure Lake	DuBois	3-8-05
94	<i>Dan Turner</i>	DAN TURNER	1575	T. L	DuBois	3-8-05
95	<i>Cathy Kayer</i>	CATHY KAYER	924	Lindgren Rd	DuBois	3-8-05
96	<i>David W. Krik</i>	DAVID W. KRICK	9776	Redneiths Valley	PENFIELD	3/8/05
97	<i>Patrick J Rally Jr.</i>	PATRICK J RALLY JR.	311	ESCAMO AVE	DuBois	3/8/05
98	<i>Steven C Bearfield</i>	STEVEN C BEARFIELD	114	Shaffer Ave	DuBois	3/8/05
99	<i>Marilla Ditts</i>	MARILLA DITTS	803	S. BRADLEY	DuBois	3/8/05
100	<i>Deborah Fulkerson</i>	DEBORAH FULKERSON	314	E. SHENKENTON	DuBois	3/8/05
101	<i>Robert Morgan</i>	ROBERT MORGAN	915	T.L.	DuBois PA	3/8/05
102	<i>Stephanie Siman</i>	STEPHANIE SIMAN	292	OKLAHOMA SALEM Rd	DuBois Pa	3/8/05
103	<i>JB Gordon</i>	JB GORDON	239	E. PARK	DUBOIS PA	3/8/05
104	<i>Ronald Lucas</i>	RONALD LUCAS	1095	Treasure Lake	DuBois PA	3/8/05
105	<i>Craig Lucas</i>	CRAIG LUCAS	291	Treasure Lake	DuBois Pa	3/8/05
106	<i>James R. Waddell</i>	JIM WADDALL	814	DUBOIS	DuBois PA	3/8/05
107	<i>Shirley M Conrad</i>	SHIRLEY M CONRAD	874	DUBOIS ROCKTON ROAD	DuBois PA	3/8-05

AFFIDAVIT OF CIRCULATOR

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF Ceph

SS:

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 Magisterial District Judge.)

Sworn to and subscribed before me

this 8 day of March, 2005

Notary Seal
Linda L. Clark, Notary Public
Clearfield County
My Commission Expires Oct. 22, 2006
Member, Pennsylvania Association Of Notaries

(SIGNATURE OF CIRCULATOR)
Robert C. Kiel
(PRINTED NAME OF CIRCULATOR)
Robert C. Kiel
(STREET ADDRESS) (POST OFFICE)
204 Olive Ave. DuBois, Pa.
(CITY, BOROUGH OR TOWNSHIP)

CANDIDATE'S AFFIDAVIT AND LOYALTY OATH

COMMONWEALTH OF PENNSYLVANIA } SS:
COUNTY OF Ceph

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 consents to be a candidate is

Magisterial District Judge

(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 Magisterial District Judge.)

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 8 day of March, 2005

Notary Seal
Linda L. Clark, Notary Public
Clearfield County
My Commission Expires Oct. 22, 2006
Member, Pennsylvania Association Of Notaries

(SIGNATURE OF CANDIDATE)
Robert C. Kiel
(PRINTED NAME OF CANDIDATE)
Robert C. Kiel
(STREET ADDRESS) (POST OFFICE)
204 Olive Ave. DuBois, Pa.
(CITY, BOROUGH OR TOWNSHIP)

Election District of Candidate DuBois Ward 4th District

WAIVER OF EXPENSE ACCOUNT REPORTING AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA } SS:
COUNTY OF

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 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 _____ day of _____, 20____

(OFFICIAL TITLE)

My commission expires _____

Election District of Candidate _____ 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.

Party <u>Republican</u>	Office of <u>Magisterial District Judge</u>	Term <u>Six</u>	PETITION To Have Name of <u>Robert C. Kiel</u> (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, For the PRIMARY For the Year 20 <u>05</u>	Filed in the Office of the County Board of Elections of _____ County <div style="border: 1px solid black; padding: 5px; text-align: center;"> RECEIVED MAR 8 2005 CLEARFIELD COUNTY </div>

FILED

MAR 14 2005

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY,
PENNSYLVANIA
(CIVIL DIVISION)

IN RE: NOMINATION PETITION OF)
ROBERT C. KIEL AS A REPUBLICAN)
CANDIDATE FOR THE OFFICE OF)
MAGISTERIAL DISTRICT COURT JUDGE IN)
MAGISTERIAL DISTRICT COURT 46-3-01 OF)
CLEARFIELD COUNTY, PENNSYLVANIA)

No. 05 - 356 -CD

PATRICK N. FORD,)
PETITIONER)
)
)
)

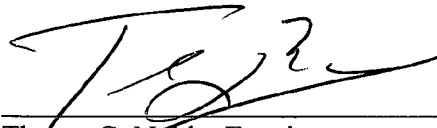
ENTRY OF APPEARANCE

TO: William A. Shaw, Prothonotary

Date: March 14, 2005

Kindly enter my appearance of record for Patrick N. Ford, Petitioner, in the above
captioned matter.

Respectfully Submitted,



Theron G. Noble, Esquire
Ferraraccio & Noble
Counsel for Petitioner
301 E. Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED

MAR 14 2005
0/3:20/1
William A. Shaw
Prothonotary
7 CEN + to Petitioner

FILED

MAR 14 2005

0/4:00/w

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

7 CENT TO PETITION

IN RE: NOMINATION PETITION OF :
ROBERT C. KIEL AS A REPUBLICAN :
CANDIDATE FOR THE OFFICE OF :
MAGISTERIAL DISTRICT COURT :
JUDGE IN MAGISTERIAL DISTRICT :
COURT 46-3-01 OF CLEARFIELD :
COUNTY, PENNSYLVANIA :
PATRICK N. FORD, PETITIONER : NO. 05-356-CD

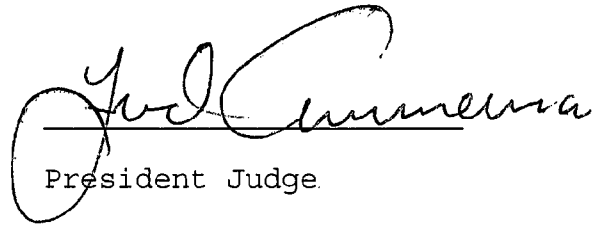
O R D E R

NOW, this 14th day of March, 2005, upon presentation of Petitioners' PETITION TO SET ASIDE NOMINATION PETITION, it is the ORDER of this Court that hearing on the same, pursuant to 25 Pa.C.S.A. 2937, is set for the 16th day of March, 2005, commencing at 2:00 p.m., Courtroom No. 3, Centre County Courthouse, Bellefonte, Pennsylvania, before the Honorable Judge J. Michael Williamson.

Furthermore, Respondent, Robert C. Kiel, shall file written response to said PETITION no later than fifteen minutes prior to the commencement of said hearing. Petitioner shall immediately attempt to serve a true and correct copy of said PETITION on Respondent by making all reasonable efforts and in

the absence of handing the same to Respondent, shall serve at Respondent's purported address, by posting if necessary, of 204 Olive Avenue, Dubois, Clearfield County, Pennsylvania.

BY THE COURT:


President Judge

CA

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

IN RE: NOMINATION PETITION OF :
ROBERT C. KIEL AS A REPUBLICAN :
CANDIDATE FOR THE OFFICE OF : No. 05-356-CD
MAGISTERIAL DISTRICT COURT :
JUDGE IN MAGISTERIAL DISTRICT :
COURT 46-3-01 OF CLEARFIELD :
COUNTY, PENNSYLVANIA :
PATRICK N. FORD, :
PETITIONER :

ORDER

NOW, this 14th day of March, 2005, upon consideration of recusal of both Judges sitting in the 46th Judicial District, it is the ORDER of this Court that the Court Administrator of Clearfield County refer the above-captioned civil matter to Administrative Regional Unit II for assignment of a specially presiding judicial authority.

FILED

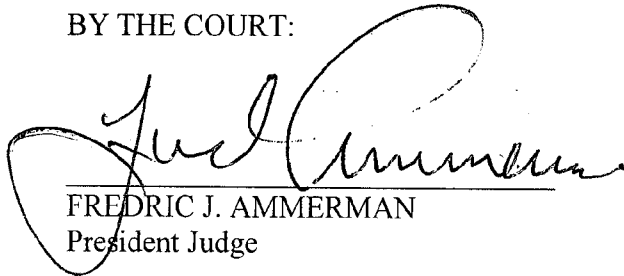
MAR 15 2005

0/12:30/1

William A. Shaw
Prothonotary

6 sent to C/A

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

IN RE: NOMINATION PETITION OF
ROBERT C. KIEL AS A REPUBLICAN
CANDIDATE FOR THE OFFICE OF
MAGISTERIAL DISTRICT COURT
JUDGE IN MAGISTERIAL DISTRICT
COURT 46-3-01 OF CLEARFIELD
COUNTY, PENNSYLVANIA

[illegible]

AMENDMENT TO
PETITION TO SET ASIDE NOMINATION PETITION

5 CERT. TO PETITIONER

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

IN RE: NOMINATION PETITION OF
ROBERT C. KIEL AS A REPUBLICAN
CANDIDATE FOR THE OFFICE OF
MAGISTERIAL DISTRICT COURT
JUDGE IN MAGISTERIAL DISTRICT
COURT 46-3-01 OF CLEARFIELD
COUNTY, PENNSYLVANIA

NO. 2005-00356-CD

PATRICK N. FORD,
PETITIONER

AMENDMENT TO
PETITION TO SET ASIDE NOMINATION PETITION

TO THE COURT:

AND NOW, comes Patrick N. Ford, Petitioner who respectfully represents as follows:

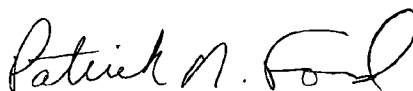
1. That Patrick N. Ford, Petitioner files this amendment to his PETITION TO SET ASIDE NOMINATION PETITION, of Robert C. Kiel, a Republican candidate for election to the Office of Magisterial District Court Judge in the Magisterial District Court 46-3-01 in Clearfield County, Pennsylvania., to correct a typographical error in paragraph 16 of said Petition in that said paragraph 16 should read as follows:
16. That Elector # 69, Robert Betton, 7 Oakland Avenue, DuBois is registered as a member of the Democratic Party and not a member of the Republican Party, Petitioner asks that Elector's signature be discounted as invalid.

WHEREFORE, Petitioner prays that your Honorable Court accept this correction of a typographical error as an amendment to his PETITION TO SET ASIDE NOMINATION PETITION in the above captioned matter.


PATRICK N. FORD, PETITIONER

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

The undersigned Petitioner hereby affirms that the statements contained in the foregoing Petition are true and correct to the best of his knowledge, information and belief and are made subject to the penalties of 18 Pa. C.S. S 4904, relating to unsworn falsification to authorities.



PATRICK N. FORD

FILED

MAR 15 2005

William A. Shaw
Prothonotary

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

IN RE: NOMINATION PETITION OF :
ROBERT C. KIEL AS A REPUBLICAN :
CANDIDATE FOR THE OFFICE OF : No. 05-356-CD
MAGISTERIAL DISTRICT COURT :
JUDGE IN MAGISTERIAL DISTRICT :
COURT 46-3-01 OF CLEARFIELD :
COUNTY, PENNSYLVANIA :

PATRICK N. FORD,
PETITIONER :

ORDER

FILED

MAR 16 2005

0/10/30/12

William A. Shaw
Prothonotary

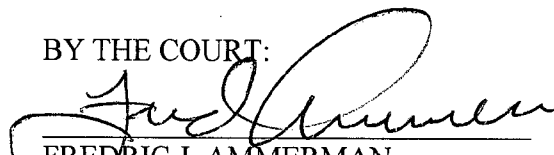
1 CENT TO KESNER

4 CENT TO CIA

NOW, this 16TH day of March, 2005, the Court noting that a

Hearing relative to the Petition to Set Aside Nomination Petition in the above-captioned Civil matter is scheduled this day and date, to be heard before the Honorable J. Michael Williamson in the Centre County Court, Bellefonte, PA, it is the ORDER of this Court that the Prothonotary of Clearfield County release the original file in this matter to the County Solicitor, Kim C. Kesner, Esquire, for purpose of delivering said file to Judge Williamson. It is the further ORDER of this Court that Solicitor Kesner shall be responsible for the return of said file to the Prothonotary's Office of Clearfield County immediately following said proceeding.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

**IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY,
PENNSYLVANIA
(CIVIL DIVISION)**

IN RE: NOMINATION PETITION OF)
ROBERT C. KIEL AS A REPUBLICAN)
CANDIDATE FOR THE OFFICE OF)
MAGISTERIAL DISTRICT COURT JUDGE IN)
MAGISTERIAL DISTRICT COURT 46-3-01 OF)
CLEARFIELD COUNTY, PENNSYLVANIA)

No. 05 356 -CD

PATRICK N. FORD,
PETITIONER

FILED

MAR 16 2005

6/11:45/243
William A. Shaw

Prothonotary/Clerk of Courts

AFFIDAVIT OF SERVICE

I, Theron G. Noble, Esquire, counsel for Petitioner Patrick N. Ford, in the above captioned matter, do hereby swear and affirm as follows:

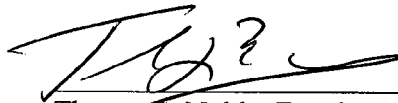
1. That on March 14, 2005, at approximately 4:00 P.M., I received a phone call at my DuBois number (814)-375-2221, from someone identifying themselves as Robert C. Kiel, who is known to me;
2. That Mr. Kiel stated he had received a call from the Court Administrator of Clearfield County indicating that legal action had been taken against his nomination petitions;
3. That I informed that he was correct and the I would need to serve him with the petition and resulting Order;
4. That I should have the same within a few hours when they came back to DuBois from Clearfield;
5. That Mr. Kiel and I agreed that he would be at his residence at 204 Olive Avenue, DuBois, Clearfield County, Pennsylvania on March 14, 2005;
6. That I walked to Mr. Kiel's location on March 14, 2005, at approximately 5:45 P.M., knocked at the door;
7. Robert C. Kiel, who is known to me, answered the door and invited me into his home at which point I handed him certified copies of the PETITION, ORDER and my ENTRY

OF APPEARANCE.

8. I briefly explained the nature of the proceedings and requested him to contact me if he, or if he elected to be represented by counsel, counsel to contact me regarding any stipulations we might be able to agree upon prior to hearing.

9. I left the Kiel residence, walked back home and had dinner.

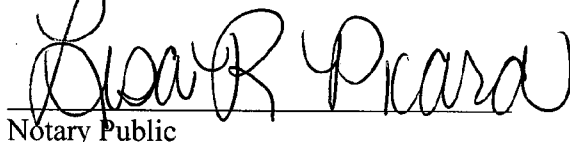
Respectfully Submitted,



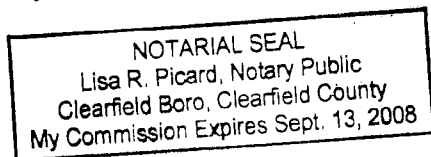
Theron G. Noble, Esquire
Ferraraccio & Noble
Counsel for Petitioner
301 E. Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

So Sworn and Subscribed before me this

16th day of March, 2005.



Notary Public



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

IN RE: NOMINATION PETITION OF :
ROBERT C. KIEL, AS A REPUBLICAN :
CANDIDATE FOR THE OFFICE OF :
MAGISTERIAL DISTRICT COURT : No. 05-356-CD
JUDGE IN MAGISTERIAL DISTRICT :
COURT 46-3-01 OF CLEARFIELD :
COUNTY, PENNSYLVANIA :
PATRICK N. FORD, :
Petitioner :

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY OF SAID COURT:

Kindly enter my appearance on behalf of the Respondent, Robert C. Kiel, to the above captioned matter. All papers may be served upon the Respondent at my law offices located at 107 East Main Street, P. O. Box 551, Millheim, PA 16854.

BRYANT & CANTORNA, P.C.

By: 

James N. Bryant, Esq.

PA ID No. 14084

Attorney for Respondent

107 East Main Street, P.O. Box 551

Millheim, PA 16854

(814) 349-5666

(814) 349-2212 (fax)

jnbryant1@verizon.net

DATED: March 16, 2005

FILED

MAR 16 2005

0/3:45/w

William A. Shaw
Prothonotary

no c/c

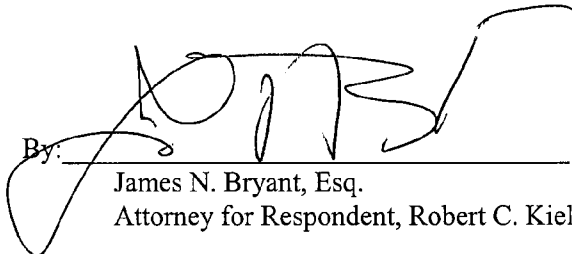
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

IN RE: NOMINATION PETITION OF	:	
ROBERT C. KIEL, AS A REPUBLICAN	:	
CANDIDATE FOR THE OFFICE OF	:	
MAGISTERIAL DISTRICT COURT	:	No. 05- 356-CD
JUDGE IN MAGISTERIAL DISTRICT	:	
COURT 46-3-01 OF CLEARFIELD	:	
COUNTY, PENNSYLVANIA	:	
PATRICK N. FORD,	:	
Petitioner	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within PRAECIPE FOR ENTRY OF
APPEARANCE was served by hand delivering the same to the following:

Theron G. Noble, Esq.
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

By: 
James N. Bryant, Esq.
Attorney for Respondent, Robert C. Kiel

DATED: March 16, 2005

FILED

MAR 16 2005

William A. Shaw
Prothonotary

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

IN RE: NOMINATION PETITION OF : NO. 2005-356-CD
ROBERT C. KIEL AS A REPUBLICAN :
CANDIDATE FOR THE OFFICE OF :
MAGISTERIAL DISTRICT COURT :
JUDGE IN MAGISTERIAL DISTRICT :
COURT 46-3-01 OF CLEARFIELD :
COUNTY, PENNSYLVANIA :

ORDER

AND NOW, March 16, 2005, pending a further hearing if necessary to be held in Clearfield County, it is hereby ORDERED as follows:

1. Counsel for ROBERT C. KIEL shall present to the Court and to Attorney Noble prior to 5:00 p.m. on Friday, March 18, 2005, affidavits from those electors numbered 7, 8, 13, 23, 48, 55, 65, 77, 88, 103 and 106 on his Nominating Petitions setting forth that they personally signed those Petitions in the presence of the named circulator, that they intended to nominate ROBERT C. KIEL for the position of Magisterial District Judge and explaining why the address on the Nominating Petition is not the address contained in the official records of the Voter Registrar of Clearfield County or why they used their initials.

2. Counsel shall submit to the Court by 5:00 p.m. on Friday, March 18, 2005, briefs addressing the issues raised in this proceeding.

BY THE COURT:



J. Michael Williamson, Judge
25th Judicial Presiding
Specially Presiding

FILED

MAR 18 2005

0/2:30/143
William A. Shaw
Prothonotary

sent to Noble, Brennan,
KESNER & CORY TO
C/A

IN RE: [illegible]

FILED
MAR 18 2005
[illegible]

FILED

MAR 18 2005

William A. Shaw
Prothonotary

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

IN RE: NOMINATION PETITION OF) NO. 2005-356-CD
ROBERT C. KIEL AS A REPUBLICAN)
CANDIDATE FOR THE OFFICE OF)
MAGISTERIAL DISTRICT COURT)
JUDGE IN MAGISTERIAL DISTRICT)
COURT 46-3-01 OF CLEARFIELD)
COUNTY, PENNSYLVANIA)

FILED

MAR 21 2005

William A. Shaw
Prothonotary/Clerk of Courts

Fax
Filed per
\$11.25 Judge Williamson
3/21/05
Orig. to follow
(98)

ORDER

Petitioner, Patrick N. Ford, seeks to set aside the Nomination Petition of Robert C. Kiel as Republican candidate for the office of Magisterial District Judge for Magisterial District No. 46-3-01 in Clearfield County. For the reasons set forth hereafter, we grant Petitioner relief.

Initially, we note the parties are in agreement that Candidate Kiel had only one hundred seven signatures on his Nominating Petition when originally filed. At the beginning of the hearing held on Wednesday, March 16, 2005, Candidate Kiel acknowledged that Ford's challenges to Electors No. 6, 9, 16, 17, 19, 20, and 22 were valid because those Electors were not registered members of the Republican party. Based upon such stipulation, should even one additional signature be subject to challenge, Candidate Kiel would not have sufficient signatures to appear on the Republic ballot.

Both the Supreme and Commonwealth Courts have recently had an opportunity to opine at length with regard to the standards for Nominating Petitions. While the Commonwealth Court has written in In Re: Nader (865 A.2d 8 (2004)) that the Election Code must be liberally construed to protect a candidate's right to run for office and the voters' right to elect the candidate of their choice, and that an Objector has the burden of proving that a Nominating

I. MICHAEL WILLIAMSON
JUDGE

COURT OF COMMON PLEAS
20TH JUDICIAL DISTRICT
OF PENNSYLVANIA
COURT HOUSE
LOCK HAVEN, PA 17745

Petition is invalid, we are also guided by our reading of the language of our Supreme Court in In Re: Nader (858 A.2d 1167 (2004)), which appears not to retreat in any degree from prior appellate decisions strictly construing the provisions of the Election Code. While we have given Candidate Kiel an opportunity to present affidavits from the challenged Electors attempting to resolve questions concerning the manner in which their names and addresses appear on the Nominating Petitions, such affidavits, even to the extent they manifest the intention of the Electors, cannot overcome the clear discrepancies between the information contained in the Nominating Petition and the information in the Voter Registration records.

25 P.S. § 2868 provides that each Elector shall sign the Nomination Petition and "shall add his residence, giving city, borough or township, with street and number, if any, and shall legibly print his name and add the date of signing, expressed in words or numbers..." The standard Nomination Petition itself contains four categories, one for "Signature of Elector," one for "Printed Name of Elector," one for "Place of Residence," and one for "Date of Signing." With respect to Elector 7, Pluma Lingenfelter, Elector 8, Mary Maines, and Elector 88, the Elector did not print her or his name in the column headed "Printed Name of Elector" as required by the statute. In Nader, supra, the Commonwealth Court, referring to the above-quoted section of the Election Code, ruled that the language of the statute "clearly requires (emphasis added) the Elector to add the information concerning his "legibly printed name" and because, when the words of the statute are clear and free from ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit, struck signatures which did not contain the required

MICHAEL WILLIAMSON
JUDGE
COURT OF COMMON PLEAS
18TH JUDICIAL DISTRICT
OF PENNSYLVANIA
COURT HOUSE
LOCK HAVEN, PA 17745

information. Here, we are satisfied that because Elector 7, Elector 8, and Elector 88 failed to affix their printed names to the Nominating Petition, their signatures must be stricken.

Petitioner also alleges that the signature of Elector 88 is "illegible." While someone unfamiliar with the Elector may well have been unable to identify his signature, testimony was presented from the Voter Registrar identifying the Elector as Lindo Cristini who is a registered voter in the Republic party. Under such circumstances, we specifically find that the signature is not "illegible."

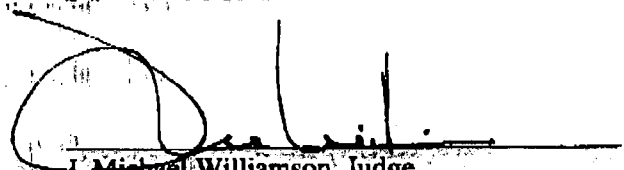
With respect to the remaining objections (Petitioner's objection to Elector 67 was withdrawn), the problem appears to be either that the Elector did not sign the Petition consistent with the name set forth on the Voter Registration Card and/or did not write an address consistent with the address on the Voter Registration Card. As noted previously, we permitted Candidate Kiel to submit affidavits from the Electors in question indicating their intention to sign his Nomination Petition. Unfortunately for Candidate Kiel, our interpretation of Nader, supra, is that the Supreme Court reaffirmed its prior decisions that, "absent extraordinary circumstances, an individual who signs a Nomination Petition that lists an address other than the one provided on his Voter Registration Card is not a qualified elector." Justice Newman specifically cites In Re: Nomination Petition of Flaherty, 564 Pa. 671, 770 A.2d 327 (2001) for the proposition that signatures must be stricken when printed names on a Nominating Petition did not match the Electors' signatures on their Voter Registration Card or where the Electors' addresses did not match the addresses on their Voter Registration Card. None of the submitted affidavits suggest "extraordinary circumstances" or even suggest the elector attempted to notify the Election Board

MICHAEL WILLIAMSON
JUDGE
COURT OF COMMON PLEAS
28TH JUDICIAL DISTRICT
OF PENNSYLVANIA
COURT HOUSE
LOCK HAVEN, PA 17748

of their change of address. Therefore, regardless of the content of the affidavits, we believe the signatures of Electors 13, 23, 48, 55, 65, 77, 103, and 106 are defective and must be stricken.

NOW, this 17th day of March, 2005, for the reasons set forth herein, and because Robert C. Kiel does not have one hundred valid signatures on his Republican Petition for Magisterial District Judge in Magisterial District Court No. 46-3-01, the Petition of Patrick N. Ford is GRANTED and the Election Board of Clearfield County is directed to reject said Nominating Petition and is instructed not to place the name of Robert C. Kiel on the ballot as a Republic candidate for Magisterial District Court Judge 46-3-01.

BY THE COURT:



J. Michael Williamson, Judge
Specially Presiding
25th Judicial District of Pennsylvania

xc: Theron G. Noble, Esquire
James N. Bryant, Esquire
Clearfield County Election Board
Court Administrator

J. MICHAEL WILLIAMSON
JUDGE

COURT OF COMMON PLEAS
25TH JUDICIAL DISTRICT
OF PENNSYLVANIA
COURT HOUSE
LOCK HAVEN, PA 17740

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

IN RE: NOMINATION PETITION OF) NO. 2005-356-CD
ROBERT C. KIEL AS A REPUBLICAN)
CANDIDATE FOR THE OFFICE OF)
MAGISTERIAL DISTRICT COURT)
JUDGE IN MAGISTERIAL DISTRICT)
COURT 46-3-01 OF CLEARFIELD)
COUNTY, PENNSYLVANIA)

FILED No cc-
01:30/07 copies
MAR 22 2005 distributed
per Judge
William A. Shaw
Prothonotary/Clerk of Courts
Williamson's
letter

ORDER

Petitioner, Patrick N. Ford, seeks to set aside the Nomination Petition of Robert C. Kiel as Republican candidate for the office of Magisterial District Judge for Magisterial District No. 46-3-01 in Clearfield County. For the reasons set forth hereafter, we grant Petitioner relief.

Initially, we note the parties are in agreement that Candidate Kiel had only one hundred seven signatures on his Nominating Petition when originally filed. At the beginning of the hearing held on Wednesday, March 16, 2005, Candidate Kiel acknowledged that Ford's challenges to Electors No. 6, 9, 16, 17, 19, 20, and 22 were valid because those Electors were not registered members of the Republican party. Based upon such stipulation, should even one additional signature be subject to challenge, Candidate Kiel would not have sufficient signatures to appear on the Republic ballot.

Both the Supreme and Commonwealth Courts have recently had an opportunity to opine at length with regard to the standards for Nominating Petitions. While the Commonwealth Court has written in In Re: Nader (865 A.2d 8 (2004)) that the Election Code must be liberally construed to protect a candidate's right to run for office and the voters' right to elect the candidate of their choice, and that an Objector has the burden of proving that a Nominating

J. MICHAEL WILLIAMSON
JUDGE

COURT OF COMMON PLEAS
25TH JUDICIAL DISTRICT
OF PENNSYLVANIA
COURT HOUSE
LOCK HAVEN, PA 17745

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25 P.S. § 2868 provides that each Elector shall sign the Nomination Petition and “shall add his residence, giving city, borough or township, with street and number, if any, and shall legibly print his name and add the date of signing, expressed in words or numbers...” The standard Nomination Petition itself contains four categories, one for “Signature of Elector,” one for “Printed Name of Elector,” one for “Place of Residence,” and one for “Date of Signing.” With respect to Elector 7, Pluma Lingenfelter, Elector 8, Mary Maines, and Elector 88, the Elector did not print her or his name in the column headed “Printed Name of Elector” as required by the statute. In Nader, supra, the Commonwealth Court, referring to the above-quoted section of the Election Code, ruled that the language of the statute “clearly requires (emphasis added) the Elector to add the information concerning his “legibly printed name” and because, when the words of the statute are clear and free from ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit, struck signatures which did not contain the required

J. MICHAEL WILLIAMSON
JUDGE
—
COURT OF COMMON PLEAS
25TH JUDICIAL DISTRICT
OF PENNSYLVANIA
COURT HOUSE
LOCK HAVEN, PA 17745

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Petitioner also alleges that the signature of Elector 88 is "illegible." While someone unfamiliar with the Elector may well have been unable to identify his signature, testimony was presented from the Voter Registrar identifying the Elector as Lindo Cristini who is a registered voter in the Republic party. Under such circumstances, we specifically find that the signature is not "illegible."

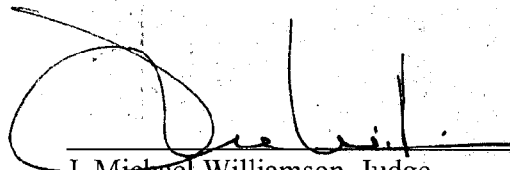
With respect to the remaining objections (Petitioner's objection to Elector 67 was withdrawn), the problem appears to be either that the Elector did not sign the Petition consistent with the name set forth on the Voter Registration Card and/or did not write an address consistent with the address on the Voter Registration Card. As noted previously, we permitted Candidate Kiel to submit affidavits from the Electors in question indicating their intention to sign his Nomination Petition. Unfortunately for Candidate Kiel, our interpretation of Nader, supra, is that the Supreme Court reaffirmed its prior decisions that, "absent extraordinary circumstances, an individual who signs a Nomination Petition that lists an address other than the one provided on his Voter Registration Card is not a qualified elector." Justice Newman specifically cites In Re: Nomination Petition of Flaherty, 564 Pa. 671, 770 A.2d 327 (2001) for the proposition that signatures must be stricken when printed names on a Nominating Petition did not match the Electors' signatures on their Voter Registration Card or where the Electors' addresses did not match the addresses on their Voter Registration Card. None of the submitted affidavits suggest "extraordinary circumstances" or even suggest the elector attempted to notify the Election Board

J. MICHAEL WILLIAMSON
JUDGE
—
COURT OF COMMON PLEAS
25TH JUDICIAL DISTRICT
OF PENNSYLVANIA
COURT HOUSE
LOCK HAVEN, PA 17745

of their change of address. Therefore, regardless of the content of the affidavits, we believe the signatures of Electors 13, 23, 48, 55, 65, 77, 103, and 106 are defective and must be stricken.

NOW, this 17th day of March, 2005, for the reasons set forth herein, and because Robert C. Kiel does not have one hundred valid signatures on his Republican Petition for Magisterial District Judge in Magisterial District Court No. 46-3-01, the Petition of Patrick N. Ford is GRANTED and the Election Board of Clearfield County is directed to reject said Nominating Petition and is instructed not to place the name of Robert C. Kiel on the ballot as a Republic candidate for Magisterial District Court Judge 46-3-01.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'J. Michael Williamson', is written over a horizontal line.

J. Michael Williamson, Judge
Specially Presiding
25th Judicial District of Pennsylvania

xc: Theron G. Noble, Esquire
James N. Bryant, Esquire
Clearfield County Election Board
Court Administrator

J. MICHAEL WILLIAMSON
JUDGE

COURT OF COMMON PLEAS
25TH JUDICIAL DISTRICT
OF PENNSYLVANIA
COURT HOUSE
LOCK HAVEN, PA 17745

FILED

MAR 22 2005

William A. Shaw
Prothonotary/Clerk of Courts

Commonwealth of Pennsylvania
County of Clearfield

} SS

FILED

MAR 22 2005

NO
cc
64

05-356-CD

William A. Shaw
Prothonotary/Clerk of Courts

The following signatures / statements were gathered by Robert C. Kiel so as to be respectfully submitted to the Honorable J. Michael Williamson, Clinton County Judge, at a hearing to be held at the Centre County Courthouse, Courtroom #3, at 2:00 p.m. Wednesday March 16th.

I, Pluma Lingenfelter, of 436 Pifer St. DuBois, Pa. 15801, agree to the following statements.

- 1) That I am a resident of voting district 46-3-1
- 2) That it is my desire to have Robert C. Kiel on the Ballot for Magisterial District Judge for the voting district of 46-3-1
- 3) That I mistakenly wrote my address in the "print name" box section of Petition.

Pluma Lingenfelter

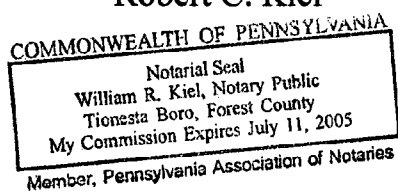
Signature:

PLuma Lingenfelter

Printed Name

Robert C. Kiel

Robert C. Kiel



William R. Kiel, notary public

Sworn and subscribed
to me this
15th Day of March, 2005

FILED

MAR 22 2005

William A. Shaw
Prothonotary/Clerk of Courts

05-356-CD

The following signatures / statements were gathered by Robert C. Kiel so as to be respectfully submitted to the Honorable J. Michael Williamson, Clinton County Judge, at a hearing to be held at the Centre County Courthouse, Courtroom #3, at 2:00 p.m. Wednesday March 16th.

I, Mary Main^{wak}s, of 429 Pifer St. DuBois, Pa. 15801, agree to the following statements.

- 1) That I am a resident of voting district 46-3-1
- 2) That it is my desire to have Robert C. Kiel on the Ballot for Magisterial District Judge for the voting district of 46-3-1
- 3) That I mistakenly wrote my address in the "print name" box section of Petition.

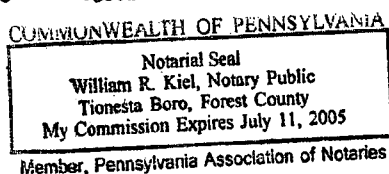
Mary K. Mains
Signature:

MARY K. MAINS
Printed Name

Robert C. Kiel
Robert C. Kiel

Sworn and subscribed
before me on
16th Day of March, 2005

William R. Kiel, notary public



Commonwealth of Pennsylvania } ss
County of Clearfield

05-356-CD

FILED NO CC
m/1:30 PM
MAR 22 2005 6K

William A. Shaw
Notary/Clerk of Courts

The following signatures / statements were gathered by Robert C. Kiel so as to be respectfully submitted to the Honorable J. Michael Williamson, Clinton County Judge, at a hearing to be held at the Centre County Courthouse, Courtroom #3, at 2:00 p.m. Wednesday March 16th.

I, C. Thomas Swauger, of 513 Pifer St. DuBois, Pa. 15801, agree to the following statements.

- 1) That I am a resident of voting district 46-3-1
- 2) That it is my desire to have Robert C. Kiel on the Ballot for Magisterial District Judge for the voting district of 46-3-1
- 3) That I use an Initial within my legal signature and therefore I signed as such.

C. Thomas Swauger

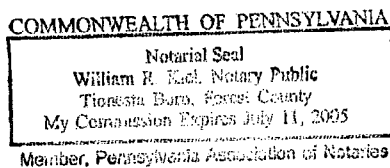
Signature:

C. THOMAS SWAUGER

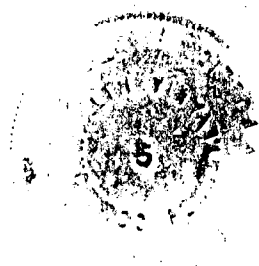
Printed Name

Robert C. Kiel

Robert C. Kiel



William R. Kiel, notary public



Sworn and subscribed
to ~~me~~ before me

15th day of March, 2005

FORM OF AFFIDAVIT

05-356-C3

Commonwealth of Pennsylvania }
County of Clearfield } SS:

FILED^{NO CC}
MAR 22 2005
11:30 AM
GK

William A. Shaw
Prothonotary/Clerk of Courts

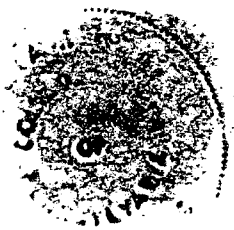
Before me the subscriber personally appeared Winfred E. Grill
_____ to me known, who being duly sworn according to
law, doth depose and say that I reside at 301
Olive Ave. DuBois, PA, that I am a registered
Republican, that I wish for Robert C. Kiel
to be on the Republican ballot, and that I use
the initials "W.E." in my official signature.

and further deponent sayeth not.

Winfred E. Grill
Signature of Affiant

Sworn and subscribed to before me this

18th day of March 2005



William R. Kiel

Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
William R. Kiel, Notary Public
Tionesta Boro, Forest County
My Commission Expires July 11, 2005

Member, Pennsylvania Association of Notaries

PAN

PENNSYLVANIA ASSOCIATION OF NOTARIES

PAN-7 (04/02)

FORM OF AFFIDAVIT

05-356-02

Commonwealth of Pennsylvania }
County of Clearfield } SS:

FILED No CC
MAR 22 2005 GK
William A. Shaw
Prothonotary/Clerk of Courts

Before me the subscriber personally appeared Lloyd O. Johnson, Jr.

_____ to me known, who being duly sworn according to
law, doth depose and say I live at 800 Greenglen
Drive, DuBois, PA 15801; that I used ditto
signs in lieu of my residence on the
petition.

and further deponent sayeth not.

[Signature]
Signature of Affiant

Sworn and subscribed to before me this

18th day of March 2005

William R. Kiel

Notary Public
COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
William R. Kiel, Notary Public
Tionesta Boro, Forest County
My Commission Expires July 11, 2005

Member, Pennsylvania Association of Notaries

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PENNSYLVANIA ASSOCIATION OF NOTARIES

PAN-7 (04/02)

Commonwealth of Pennsylvania } ss
County of Clearfield

05-356-CD

The following signatures / statements were gathered by Robert C. Kiel so as to be respectfully submitted to the Honorable J. Michael Williamson, Clinton County Judge, at a hearing to be held at the Centre County Courthouse, Courtroom #3, at 2:00 p.m. Wednesday March 16th.

I, Nathan Kimberling of 320 Olive Ave. DuBois, Pa. 15801, agree to the following statements.

- 1) That I am a resident of voting district 46-3-1
- 2) That it is my desire to have Robert C. Kiel on the Ballot for Magisterial District Judge for the voting district of 46-3-1
- 3) That the address as stated on the petition is currently correct as I await the changes to my voter registration.

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MAR 22 2005 OK

William A. Shaw
Prothonotary/Clerk of Courts

Nathan J. Kimberling

Signature:

Nathan J. Kimberling

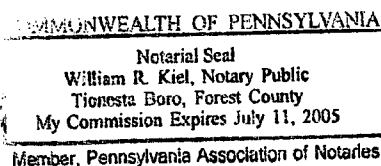
Printed Name

Robert C. Kiel

Robert C. Kiel

Sworn and subscribed before me
this 16th Day of March 2005

William R. Kiel, notary public



FORM OF AFFIDAVIT

05-356-CJ

Commonwealth of Pennsylvania }
County of Clearfield } SS:

FILED ^{NO CC}
MAR 22 2005 ^{61C}

William A. Shaw
Prothonotary/Clerk of Courts

Before me the subscriber personally appeared Kenneth J.
Kiehlmeier to me known, who being duly sworn according to
law, doth depose and say I am a registered Republican
in voting district 46-3-1, that my correct
address is 572 #2 Shaft Road DuBois, PA
15801, formerly RD1 Box 6 DuBois, PA 15801, and I
wish to have Robert C. Kiel on the Republican ballot,
and further deponent sayeth not.

Kiehlmeier
Signature of Affiant

Sworn and subscribed to before me this

18th day of March 20 05

William R. Kiel
Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
William R. Kiel, Notary Public
Tionesta Boro, Forest County
My Commission Expires July 11, 2005
Member, Pennsylvania Association of Notaries

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PENNSYLVANIA ASSOCIATION OF NOTARIES

PAN-7 (04/02)

FORM OF AFFIDAVIT

05-356-CD

Commonwealth of Pennsylvania }
County of Clearfield } SS:

FILED ^{NO}
^{ml:30/04}
MAR 22 2005 ^{GR}
William A. Shaw
Prothonotary/Clerk of Courts

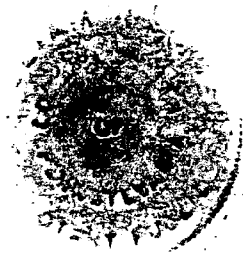
Before me the subscriber personally appeared Dawn Burnside
_____ to me known, who being duly sworn according to
law, doth depose and say I am an authorized United States
Postal Service employee, stipulate according to our
records, that Jeff Hooten resides at 108 Murkland
Avenue, DuBois, PA 15801

and further deponent sayeth not.

Dawn R. Burnside LDB 3/18/05
Signature of Affiant

Sworn and subscribed to before me this

18th day of March 2005



William R. Kiel
Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
William R. Kiel, Notary Public
Tionesta Boro, Forest County
My Commission Expires July 11, 2005
Member, Pennsylvania Association of Notaries

PAN

PENNSYLVANIA ASSOCIATION OF NOTARIES

PAN-7 (04/02)



JUDGES CHAMBERS
TWENTY-FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA
LOCK HAVEN, PENNSYLVANIA 17746

J. MICHAEL WILLIAMSON
Judge

Clinton County Courthouse
230 E. Water Street
Lock Haven, PA 17745
570-893-4016
FAX 570-893-4126

FAX SUMMARY SHEET

We are faxing to you 1 page(s), not including this summary sheet. Please deliver as soon as possible to:

Person(s): USPS Dept.: _____

Fax#: 814-371-9209

Description of material sent: Authorization letter
- address of Jeffrey Rooten

Sent by: Carol Miller

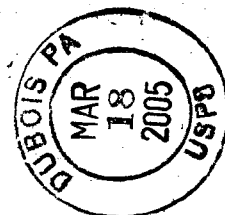
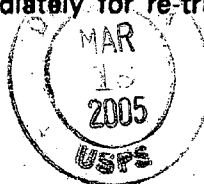
FAX #: 570-893-4126 Phone: 570-893-4014

Date: 3/18/05 Time: _____

Additional Instructions/Comments: _____

Listed as 100 Martland as delivery
address for physical location alrb

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FORM OF AFFIDAVIT

05-356-CD

Commonwealth of Pennsylvania }
County of Clearfield } SS:

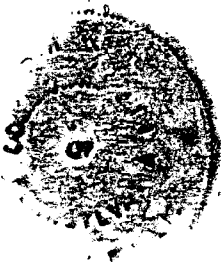
FILED *N8c*
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MAR 22 2005 *GK*
William A. Shaw
Prothonotary/Clerk of Courts

Before me the subscriber personally appeared Lindo Cristini
_____ to me known, who being duly sworn according to
law, doth depose and say my address is 143 Castleton
Count, Treasure Lake, DuBois, PA 15801;
that I am a registered Republican, and wish
to have Robert C. Kiel on the Republican
ballot, as was signed on petition on 3-8-05
and further deponent sayeth not.

Lindo Cristini
Signature of Affiant

Sworn and subscribed to before me this

18th day of March 2005



William R. Kiel
Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
William R. Kiel, Notary Public
Tionesta Boro, Forest County
My Commission Expires July 11, 2005
Member, Pennsylvania Association of Notaries

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PENNSYLVANIA ASSOCIATION OF NOTARIES

PAN-7 (04/02)

FORM OF AFFIDAVIT

05-356 CD

Commonwealth of Pennsylvania }
County of Clearfield } SS:

FILED NO CC
m/1: 30261
MAR 22 2005 GK
William A. Shaw
Prothonotary/Clerk of Courts

Before me the subscriber personally appeared Daniel R. Myers, Jr.
_____ to me known, who being duly sworn according to
law, doth depose and say that I am an employee of
Joseph B. Gordon, owner of Mr. Joe's Used Cars
and that he has directed me to swear that I
received a facsimile "fax" confirming his signature
and address, because of Joseph's Gordon's absence. (fax attached)
and further deponent sayeth not.

Daniel R. Myers Jr.
Signature of Affiant

Sworn and subscribed to before me this
18th day of March 20 05

William R. Kiel
Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
William R. Kiel, Notary Public
Tionesta Boro, Forest County
My Commission Expires July 11, 2005
Member, Pennsylvania Association of Notaries

PAN

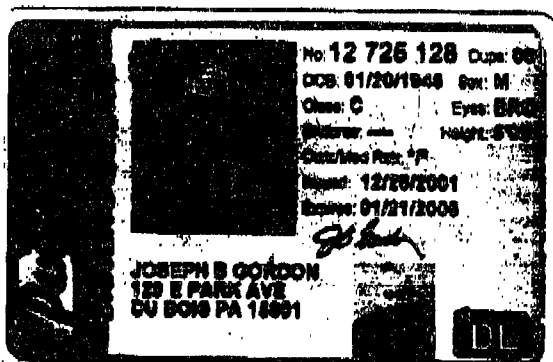
PENNSYLVANIA ASSOCIATION OF NOTARIES

PAN-7 (04/02)

TO WHOMEVER IT MAY CONCERN,

I, Joseph B. Gordon certify that
I have personally signed a petition for
office for Robert "Bob" Keihl. My current
ADDRESS IS 129 E PARK AVE. DUBOIS PA 15801
& I DO SIGN MY NAME AS J.B. Gordon

Sincerely,
J.B. Gordon
3/18/05



FORM OF AFFIDAVIT

05-356-CD

Commonwealth of Pennsylvania }
County of Clearfield } SS:

FILED ^{NOCC}
m/d: 3081
MAR 22 2005 _{CK}

William A. Shaw
Prothonotary/Clerk of Courts

Before me the subscriber personally appeared James R. Waddell

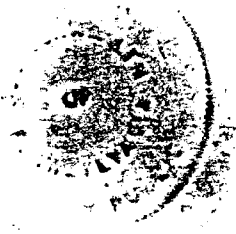
_____ to me known, who being duly sworn according to
law, doth depose and say my correct address is
130 Wilson Avenue, DuBois, PA 15801, and
that I am a registered Republican, and I
wish to have Robert C. Kiel on the Republican
ballot.

and further deponent sayeth not.

James Ross Waddell
Signature of Affiant

Sworn and subscribed to before me this

18th day of March 2005



William R. Kiel

Notary Public
COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
William R. Kiel, Notary Public
Tionesta Boro, Forest County
My Commission Expires July 11, 2005

Member, Pennsylvania Association of Notaries

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PENNSYLVANIA ASSOCIATION OF NOTARIES

PAN-7 (04/02)