

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

IN RE: THE NOMINATION PETITIONS OF	:	ELECTION MATTER
STEPHEN KINSEY AS A DEMOCRATIC	:	
CANDIDATE FOR STATE REPRESENTATIVE	:	DOCKET NO:
IN THE 201 ST LEGISLATIVE DISTRICT	:	

PETITION TO SET ASIDE NOMINATING PETITIONS OF STEPHEN KINSEY

AND NOW, come Petitioners, by their counsel, Steve Masters, Esquire, and file the within Objections to the Nomination Petitions of Stephen Kinsey and, in support thereof avers as follows:

1. Exclusive jurisdiction over the subject matter of this Petition is vested in the Commonwealth Court of Pennsylvania by the provisions of the Pennsylvania Election Code, 25 P. S. § 2937, and the provisions of the Judicial Code, 42 Pa. C. S. A. § 764.

2. One Petitioner is Tonya Diane Bah who resides at 1456 West Chew Avenue, Philadelphia PA 19141 and is a duly registered and enrolled Democratic elector of the Commonwealth of Pennsylvania who votes and resides in the 201st Legislative District.

3. Another Petitioner is Bernadette Corbin who resides at 6115 N Beechwood Street, Philadelphia PA 19138 and is a duly registered and enrolled Democratic elector of the Commonwealth of Pennsylvania who votes and resides in the 201st Legislative District.

4. Another Petitioner is Sherrie Joyce Cohen who resides at 5635 N 16th

Street, Philadelphia, PA 19141 and is a duly registered and enrolled Democratic elector of the Commonwealth of Pennsylvania who votes and resides in the 201st Legislative District.

5. Another Petitioner is Laura S. Richlin who resides at 5430 Laurens Street, Philadelphia, PA 19144 and is a duly registered and enrolled Democratic elector of the Commonwealth of Pennsylvania who votes and resides in the 201st Legislative District.

6. One Respondent is Stephen Kinsey, a candidate for State Representative in the 201st Legislative District, who allegedly resides at 813 E Haines Street, Philadelphia PA 19138.

7. Another Respondent is Leigh M. Chapman, the acting Secretary of the Commonwealth, whose office is located at 305 North Office Building, Harrisburg, Pennsylvania.

8. At various times between March 23, 2022 and March 28, 2022, Nominating Petitions and Papers were filed with the Pennsylvania Department of State, Bureau of Elections, nominating Respondent, Stephen Kinsey, as a Democratic candidate for State Representative in the 201st Legislative District.

9. Eligibility to serve as a Representative in the General Assembly is governed by Article II, Section 5 of the Pennsylvania Constitution. It states as follows:

Senators shall be at least twenty-five years of age and Representatives twenty-one years of age. **They shall have been citizens and inhabitants of the State four years, and inhabitants of their respective districts**

one year next before their election (unless absent on the public business of the United States or of this State), **and shall reside in their respective districts during their terms of service.**

Pa. Const. Art. II §5 (emphasis added).

10. Section 910 of the Pennsylvania Election Code entitled “Affidavits of Candidates” requires each candidate to file an affidavit along with his nomination petition which states (a) his residence, with street and number, if any, and his post-office address; (b) his election district, giving city, borough, town or township; (c) the name of the office for which he consents to be a candidate; (d) that he is eligible for such office; and (e) that he will not knowingly violate any provision of this act, or of any law regulating and limiting nomination and election expenses and prohibiting corrupt practices in connection therewith. 25 P.S. §2870.

11. In his candidate affidavit filed along with his nomination petitions, Respondent Kinsey falsely swore that he resides at 813 E Haines Street, Philadelphia PA 19138, which is located within the 201st Legislative District. A copy of the candidate affidavit is attached hereto as Exhibit “A”.

12. Respondent Kinsey also falsely stated that he resides at 813 E Haines Street, Philadelphia PA 19138 in the preamble on his nomination petition and on line 12 of page 2 side one of his nomination petitions, where he added his false residence address alongside his signature on his own petition. A copy of the nomination petition with Kinsey’s signature is attached hereto as Exhibit “B”.

13. In fact, Respondent Kinsey has never lived at 813 E Haines Street,

which is a single family home owned and occupied by a married couple, Laverne Bosiac Jackson and James A. Jackson.

14. On information and belief, Respondent Kinsey is the single custodial parent of his minor daughter, and the residence where he lives together with his minor daughter at 1403 Cardeza Street, Philadelphia PA 19150 constitutes his family residence under the holding of *In re Nomination Petition of Driscoll*, 577 Pa. 501, 847 A.2d 44 (Pa. 2004).

15. Respondent Kinsey also falsely swore in his candidate affidavit that he is eligible to serve as the Representative in the General Assembly for the 201st Legislative District. The family residence where Respondent Kinsey actually lives together with his minor daughter, Myla Kinsey, 1403 Cardeza Street, Philadelphia PA 19150, is not now nor has it ever been located within the 201st Legislative District.

16. Not only is Respondent Kinsey ineligible to serve for the term he now seeks with these nominating petitions, he is in fact not currently eligible to serve as the Representative of the 201st Legislative District for the current term to which he was previously elected.

17. A false candidate's affidavit is a fatal defect that cannot be amended. *In re Beyer*, 115 A.3d 835 (Pa. 2015); *Petition of Pippy*, 711 A.2d 1048 (Pa. Cmwlth.), *aff'd*, 709 A.2d 905 (Pa. 1998); *In re Nomination Petition of Cianfrani*, 359 A.2d 383 (Pa. 1976).

18. Pursuant to 25 P.S. §2937, Objectors hereby object to the nominating

petitions of Respondent Stephen Kinsey, are prepared to substantiate these objections via testimony and evidence presented at a prompt hearing as mandated by 25 P.S. § 2937, and seek to have the Respondent Kinsey's nomination petitions set aside in accordance with the governing law and Kinsey removed from the May 17, 2022 primary ballot as a Democratic Party candidate for the Pennsylvania State House for the 201st Legislative District, in addition to all other relief in law and equity which may be deemed just, including costs.

Respectfully submitted,

JustLaws PLLC

By:



Steve Masters, Esquire
Attorney ID No. 52060
621 West Mount Airy Avenue
Philadelphia PA 19119
484.483.3344
steve@justlaws.org

Date: April 1, 2022

CERTIFICATE OF SERVICE

I, Steve Masters, Esquire, hereby certify that I am this day serving copies of the foregoing PETITION TO SET ASIDE NOMINATING PETITIONS OF STEPHEN KINSEY upon the persons and in the manner indicated below, which service satisfies the requirements of the March 25, 2022 order of the Commonwealth Court, Docket No. 126 Misc. Dkt. No. 3:

Service by both hand delivery and by email on or before April 4, 2022 addressed as follows:

Kathleen Marie Kotula, Esquire
Room 306 North Office Building
401 North Street
Harrisburg, PA 17120-0500
kkotula@pa.gov

Counsel for Respondent, Secretary of the Commonwealth

Stephen Kinsey
1403 Cardeza Street
Philadelphia PA 19150
KINSGP@AOL.COM

I understand that any false statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann. § 4904 (relating to unsworn falsification to authorities).

Respectfully submitted,

JustLaws PLLC

By: 

Steve Masters, Esquire
Attorney ID No. 52060
621 West Mount Airy Avenue
Philadelphia PA 19119
484.483.3344
steve@justlaws.org

Date: April 1, 2022

EXHIBIT "A"

CANDIDATE'S AFFIDAVIT	PENNSYLVANIA DEPARTMENT OF STATE BUREAU OF ELECTIONS 210 NORTH OFFICE BLDG. HARRISBURG, PA 17120	OFFICE USE ONLY
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Name: Kinsey Stephen _____
Last Name First Name Middle Name or Initial Suffix

Residential Address: 813 E. Haines Street
Street Address

City: Philadelphia State: PA Zip Code: 19138

Municipality (City, Boro, or Township): Philadelphia Gender: F M NB

Mailing Address (if different from residential): _____
Street Address

City: _____ State: _____ Zip Code: _____

Voting Precinct Name (including Ward & Division, if applicable): Philadelphia 59th ward 4th Div

Office for which you are seeking nomination: Representative in the General Assembly

District Number (if applicable): 201st Legislative District

Email address: Kinsgp@aol.com

Name as it is to appear on the Ballot: Stephen Kinsey

CANDIDATE AFFIDAVIT - I do swear (or affirm) that my residence, my election district and the title of the office for which I desire to be a candidate are as specified above, that I am eligible for said office, that I 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 I am aware of the provisions of Section 1626 of the Pennsylvania Election Code requiring pre-election and post-election reporting of campaign contributions and expenditures; that unless I am a candidate for Judge of a Court of Common Pleas, the Philadelphia Municipal Court or the office of school board in a district where that office is elective or the office of magisterial district judge, my name has not been presented as a candidate by nomination petitions of any other party for the same office; that if I am a candidate for any office of a political party I am a registered and enrolled member of such party; that if I am a candidate for Committee Delegate or Alternate Delegate to the National Convention the name of the candidate to whom I am committed is as indicated on my nomination petition and that my signature on the Delegate's Statement was affixed to each page of my nomination petition prior to circulation of same; that I am not a candidate for an office which I already hold, the term of which is not set to expire on the same year as the office subject to this affidavit.

Sworn to and subscribed before me this _____ day of _____ 20____

Signature of Officer Administering Affirmation

Official Title

My commission expires _____

I swear (or affirm) to the above part(s) as required by the law(s) applicable to the office I am seeking.

Stephen Kinsey
Signature of Candidate

267-258-3673
Telephone Number

Philadelphia
County of Residence



Bureau of Elections and Notaries
717-787-5280

**CANDIDATE DECLARATION to be attached to CANDIDATE'S AFFIDAVIT
where notarized statement is not available**

CANDIDATE DECLARATION - I declare that my residence, my election district and the title of the office for which I desire to be a candidate are as contained in the attached document, that I am eligible for said office, that I 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 I am aware of the provisions of Section 1626 of the Pennsylvania Election Code requiring pre-election and post-election reporting of campaign contributions and expenditures; that unless I am a candidate for Judge of a Court of Common Pleas, the Philadelphia Municipal Court or the office of school board in a district where that office is elective or the office of magisterial district judge, my name has not been presented as a candidate by nomination petitions of any other party for the same office; that if I am a candidate for any office of a political party I am a registered and enrolled member of such party; that if I am a candidate for Committee Delegate or Alternate Delegate to the National Convention the name of the candidate to whom I am committed is as indicated on my nomination petition and that my signature on the Delegate's Statement was affixed to each page of my nomination petition prior to circulation of same; that I am not a candidate for an office which I already hold, the term of which is not set to expire on the same year as the office subject to the accompanying affidavit.

I declare under penalty of perjury under the law of the Commonwealth of Pennsylvania that the foregoing is true and correct.

Signed on the 22 (date) day of March (month), 2022 (year), at
Phila (county or other location, and state), Phila PA (country).

Stephen Kinsey
(printed name)

Stephen Kinsey
(signature)

EXHIBIT “B”

Commonwealth of Pennsylvania
DEPARTMENT OF STATE

OFFICIAL USE ONLY



ATTENTION!

- A. This Petition may be used to submit for Nomination the Name of One Candidate for One Office Only.
- B. Please refer to the instruction page provided with this petition for detailed information about completion of this form.

NAME OF OFFICE: REPRESENTATIVE IN THE GENERAL ASSEMBLY

DISTRICT NUMBER: 201st Legislative District

YEAR OF PRIMARY: 2022

CANDIDATE'S NAME (PRINT OR TYPE NAME): Stephen Kinsey

OCCUPATION: State Representative

RESIDENTIAL STREET ADDRESS: 813 E. Haines Street

CITY, BOROUGH OR TWP.: Philadelphia

COUNTY OF SIGNERS: PHILADELPHIA 51

PARTY OF SIGNERS: Democratic

To the SECRETARY OF THE COMMONWEALTH:

We, the undersigned, all of whom severally declare that we are qualified electors of the County and of the political district set forth above, that we are registered and enrolled members of the Political Party set forth above, and have signed no petition inconsistent herewith, do hereby petition the Secretary of the Commonwealth to have the candidate whose Name, Occupation and Residence are as set forth above, certified to the County Board of Elections of said County or Counties in said District, to be printed on the Primary Ballot of said Party, for the Year and Office set forth above.

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	ADDRESS WHERE REGISTERED AND ENROLLED			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
	Joseph Johnson	632D	Bayard	Phila	3-21-22
	Margaret Ellis	5244N.	15 th ST	Phila.	3-21-22
	Robert Fuller	2010	Widener Pl	Phila	3-21-22
	Eyvette Betha	112 W	Tulpecken	Phila	3-21-22
	Vernon Smith	6505N	17 th St	Phila	3-21-22
	Diane McCrory	1513	Beverly Rd	Phila	3-21-22
	Owen Peters	633	W Rittenhouse	PHILA	3-21-22
	Cornell W. Dillard	246-9	E Rittenhouse St	Phila	3-21-22
	David Logan	6361	Ross	Phila	3-21-22
	Emmitt Jenkins	12 W	BONDAS	Phila	3/21/22
	Elena F. Rabeen	5816 W	AKEFIELD	PHILA. PA.	3/22/22
	Stephen Kinsey	813	E-Haines St	Phila	3-22-22
	James Jackson	813	E.HAINES ST	Phila	3-22-22
	Laverne Bostic Jackson	813	E. Haines St.	Phila	3-22-22

