

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In re: Nomination Petition of Billy A. :
Cortes as Candidate for Member of :
Democratic State Committee from :
Philadelphia County Representing the : No. 156 M.D. 2022
Third Senatorial District :
: :
: :
Objections of: Michael Quinonez and :
Yelitza Quinonez : Heard: April 6, 2022

BEFORE: HONORABLE ELLEN CEISLER, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE CEISLER

FILED: April 7, 2022

Before this Court is the Petition to Set Aside the Nomination Petition of Billy A. Cortes (Candidate) as a Candidate for Member of the Democratic State Committee from Philadelphia County Representing the Third Senatorial District. Michael Quinonez and Yelitza Quinonez (Objectors) submitted the Petition to Set Aside on April 3, 2022.

Pursuant to Section 912.1(30) of the Pennsylvania Election Code,¹ a candidate for Member of a state party committee must present at least 100 valid signatures of registered and enrolled electors of the candidate's political party. Candidate submitted nomination petitions containing 106 signatures. Objectors seek to invalidate some of the 106 signatures contained in Candidate's nomination petition.

On April 4, 2022, this Court issued a Scheduling and Case Management Order (Case Management Order), through which this Court scheduled a hearing regarding

¹ Act of June 3, 1937, P.L. 1333, added by the Act of December 12, 1984, P.L. 968, *as amended*, 25 P.S. § 2872.1(30).

the Petition to Set Aside for April 6, 2022, and imposed certain duties upon both Candidate and Objectors. Pursuant to an Order of this Court, *In Re: Objections to Nomination Petitions for Pennsylvania General Assembly and State Party Committees—General Primary Election 2022* (Pa. Cmwlth., No. 126 Miscellaneous Docket Number 3, filed March 25, 2022), this Case Management Order constituted proper service upon the candidate. Additional notice was given when Objectors’ counsel sent a message to Candidate’s personal e-mail address on April 4, 2022. In the message, Objectors’ counsel informed Candidate that Objectors were challenging 60 of the signatures contained in his Nomination Petition, and that this Court had required Candidate and Objectors to meet before the scheduled hearing. As of April 6, 2022, Objectors’ counsel had not received a response to that message.

This Court convened the aforementioned hearing at 9:30 a.m. on April 6, 2022. Candidate never appeared for the hearing. By querying the SURE database with the assistance of a qualified operator, Objectors submitted challenges on various grounds to 12 of the first 22 signatures on the Nomination Petition.²

Section 907 and 908 of the Election Code, 25 P.S. §§ 2867, 2868, provide that in a primary election, only those persons registered to vote, enrolled in the political party of the candidate, and residing in the candidate’s district may lawfully sign his petition. *In re Flaherty*, 770 A.2d 327 (Pa. 2001); *In re Payton*, 945 A.2d 279 (Pa. Cmwlth.), *aff’d*, 945 A.2d 162 (Pa. 2008); *In re Morrison-Wesley*, 946 A.2d 789 (Pa. Cmwlth.), *aff’d*, 944 A.2d 78 (Pa. 2008); *In re Thompson*, 516 A.2d 1278 (Pa. Cmwlth. 1984). Each signature line contains a space where the following information must be provided: the signature of the elector, the printed name of the elector, the elector’s place of residence (including house number; street or road; city,

² Two additional objections, to the signatures on Page 1, lines 1 and 21 were withdrawn by Objectors after queries to the SURE database refuted the grounds for objection.

borough or township) and date, all of which must be filled out in the hand of the signing elector. *In re Vodvarka*, 994 A.2d 25, 26 (Pa. Cmwlth. 2010). Failure to meet these requirements may cause the signatures to be stricken as invalid. *See In re Petition of Thompson*, 516 A.2d 1278, 1280-81 (Pa. Cmwlth. 1984) (striking challenged signatures where signatories were not registered at all, were not enrolled members of the appropriate party, or were not registered at the given address); *see also In re Scott*, 138 A.3d 687, 696 (Pa. Cmwlth. 2016) (striking signatures of voters not registered in the appropriate district at the time of signing).

Upon examination of the original Nomination Petition and information obtained from the SURE database, this Court finds as fact that 12 signature lines, all on page 1 of the Nomination Petition, are invalid for the following reasons. Lines 2, 7, and 8 do not bear the signatures of registered voters (NR). Lines 4, 5, 6, 7, 10, 15, 20, and 22 do not bear those of voters registered at the given address (NRA). Lines 4 and 10 are not those of voters registered in the appropriate district (NRD). Line 12 bears the signature of a voter who is not a registered member of Candidate's political party. (In addition, the Court finds that lines 5 and 8 bear illegible information.) When these 12 signature lines are subtracted from the total included in the Nomination Petition, there are no more than 94 valid signatures remaining, six fewer than the 100 required by Section 912.1(30) of the Election Code, 25 P.S. § 2872.1(30).

In light of the foregoing, this Court grants Objectors' Petition to Set Aside and dismisses Candidate's Nomination Petition.



ELLEN CEISLER, Judge

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ORDER

AND NOW, this 7th day of April, 2022, it is hereby ORDERED that the Petition to Set Aside the Nomination Petition of Billy A. Cortes as Candidate for Member of Democratic State Committee from Philadelphia County Representing the Third Senatorial District in the above-captioned matter is GRANTED, and the Nomination Petitions of Billy A. Cortes are hereby SET ASIDE.

The Secretary of the Commonwealth is directed to REMOVE the name of Billy A. Cortes as Candidate for Member of Democratic State Committee from Philadelphia County Representing the Third Senatorial District from the May 17, 2022 primary ballot, and to transmit this order promptly to the Board of Elections of Philadelphia County. The Chief Clerk is directed to send a copy of this Order to the Secretary of the Commonwealth.



ELLEN CEISLER, Judge