

OTC

ELECTION

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

IN RE: THE NOMINATION PETITIONS OF : ELECTION MATTER
 BILL MESSNER AS A REPUBLICAN :
 CANDIDATE FOR STATE REPRESENTATIVE : DOCKET NO:
 IN THE 9TH LEGISLATIVE DISTRICT : 79 MD 2024

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 COMMONWEALTH COURT
 OF PENNSYLVANIA

PETITION TO SET ASIDE NOMINATING PETITIONS

AND NOW, come Petitioners, by their counsel, Lawrence M. Otter, Esquire, and file the within Petition 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, 4**
2. One Petitioner is Angelo Papa, who resides at 234 E. Northview Ave, New Castle, PA 16015 is a duly registered and enrolled Republican elector of the Commonwealth of Pennsylvania who votes and resides in the 9th Legislative District.
3. One Petitioner is Dale Turner, who resides at 315 E. Lincoln Ave., New Castle, PA 16101 and is a duly registered and enrolled Republican elector of the Commonwealth of Pennsylvania who votes and resides in the 9th Legislative District.

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DEPARTMENT OF STATE
EXECUTIVE OFFICE

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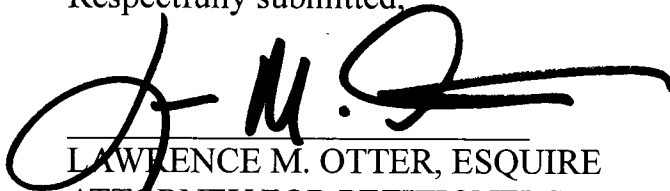
4. One Respondent is Bill Messner, a candidate for State Representative in 9th Legislative District who as of February 13, 2024, allegedly resides at 407 E. Northview Ave., New Castle, PA 16105.
5. One Respondent is Al Schmidt, the Secretary of the Commonwealth, whose office is located at 305 North Office Building, Harrisburg, Pennsylvania.
6. On or about February 13, 2024, Nominating Petitions were filed with the Pennsylvania Department of State, Bureau of Elections, nominating Respondent, Bill Messner, as a Republican candidate for State Representative in the 9th Legislative District.
7. The nominating Petitions and Papers are purported to consist of 15 petition pages and allegedly containing 311 lines of signatures of electors supporting the nomination of Bill Messner, Respondent.
8. Three Hundred (300) valid signatures of qualified electors who reside within the 119th Legislative District are required by statute, **25 P. S. §2872.1 (14)** to support the Nominating Petitions of Bill Messner in the Primary Election scheduled for April 23, 2024.
9. The Nominating Petitions of Respondent Bill Messner are invalid and inadequate in that they contain less than 300 valid signatures and because

of various inadequacies and deficiencies as outlined in a spreadsheet attached hereto and incorporated as **Exhibit A**.

10. Service upon the candidate was effectuated pursuant to the Order of this Court by the posting of this petition on the Commonwealth Court Docket.

WHEREFORE, Petitioner prays this Honorable Court to set aside the Nominating Petitions of Respondent Bil Messner since he lacks the minimum number of valid signatures (300) for the office of State Representative and to order that his name not appear on the ballot for nomination as the Republican Party candidate for State Representative in the 9th Legislative District.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L.M. Otter', with a large, sweeping flourish extending to the right.

LAWRENCE M. OTTER, ESQUIRE
ATTORNEY FOR PETITIONERS
PA ATTORNEY ID 31383
PO Box 575
Silverdale, PA 18962
267-261-2948
Email: larryotter@hotmail.com

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

**IN RE: THE NOMINATION PETITIONS OF : ELECTION MATTER
BILL MESSNER AS A REPUBLICAN :
CANDIDATE FOR STATE REPRESENTATIVE : DOCKET NO:
IN THE 9TH LEGISLATIVE DISTRICT : MD 2024**

ORDER

AND NOW, this _____ day of _____, 2024, it is hereby

ORDERED that the Nominating Petitions of Bill Messner, as a Candidate for State Representative in the 9th Legislative District be and hereby are stricken and dismissed, and

FURTHER ORDERED

that the name of respondent Bill Messner not appear on the ballot for the April 23, 2024 Primary Election for the Republican Party candidate for State Representative in the 9th Legislative District.

BY THE COURT

J.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

**IN RE: THE NOMINATION PETITIONS OF : ELECTION MATTER
BILL MESSNER AS A REPUBLICAN :
CANDIDATE FOR STATE REPRESENTATIVE : DOCKET NO:
IN THE 9TH LEGISLATIVE DISTRICT : MD 2024**

CERTIFICATE OF SERVICE

Lawrence M. Otter, Esquire, counsel for Petitioner, hereby certifies that a true and correct copy of the within Petition with proposed order affixed thereto was duly served on February 20, 2024 upon the following:

BY HAND

Secretary of the Commonwealth
305 North Office Building
Harrisburg, PA 17120-0029



LAWRENCE M. OTTER, ESQUIRE
ATTORNEY FOR PETITIONERS
PO BOX 575
SILVERDALE, PA 18962

267-261-2948

Email: larryotter@hotmail.com

EXHIBIT A

The objection petition shall specify objections to individual signature lines in nomination petitions or papers and these shall be set forth in an EXCEL® or other similar spreadsheet format. Objector may use the downloadable spreadsheet provided on the Court's website at: <http://www.pacourts.us/courts/commonwealth-court/>.

Spreadsheet columns shall include, for each challenged signature line on the nomination petition/paper: page number, line number, county, and the reason or reasons for each challenge. The spreadsheet shall designate the grounds for objection using the following abbreviations (challenge codes key):

NR –	Not Registered
NRA –	Not Registered at Address
NRCP –	Not Registered in Candidate's Party
NRD –	Not Registered in District
NRDS –	Not Registered on Date Signed
OC –	Out of County
ILL –	Illegible
LIO –	Line Information Omitted
DUP –	Duplicate
IHA –	Line Information in Hand of Another
N/I –	Nickname/Initial
PRI –	Printed Signature
DCS –	Defective Circulator Statement
SAC –	Signed After Circulator's Statement Dated
Other –	Any ground for objection not listed above

SEE EXCEL SPREADSHEET FOLLOWING

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X		
1	Directions for completing spreadsheet:																									
2	1. For each signature line that is challenged as invalid complete the information indicated for columns A through C.																									
3	2. Indicate the ground or grounds that allegedly render the signature line invalid by inserting an "X" in the appropriate column (columns D through R).																									
4	3. When "Other" (column R) is used, specify the exact nature of the objection in the "Describe Other" cell (column S).																									
5	4. Do not make any marks in columns T through V.																									
6	5. See the Election Spreadsheet Directions tab below for detailed directions and a legend of the objection codes.																									
7																										
Page	Line	County	NR	NRA	NRCP	NRD	NRDS	OC	ILL	LIO	DUP	Specific Grounds for Objection										Describe Other	S/S	V/S	S/CT	V/CT
												IHA	N/I	PRI	DCS	SAC	Other									
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Signed Maria Brown petition on earlier date (Page 25, Line 2)

Signed Maria Brown petition on earlier date (Page 16, Line 30)

Signed Maria Brown petition on earlier date (Page 24, Line 4)

Cross Out

Inactive