

COMMONWEALTH OF PENNSYLVANIA

IN RE: NOMINATION PETITION OF	:	
WILLIAM PARKER AS A CANDIDATE FOR	:	IN THE COMMONWEALTH
THE DEMOCRATIC NOMINATION FOR	:	COURT OF PENNSYLVANIA
REPRESENTATIVE IN CONGRESS	:	
FOR THE 12TH CONGRESSIONAL	:	No. _____ 2022
DISTRICT	:	
PRIMARY ELECTION OF MAY 17, 2022	:	Objection of DAVID COOPIE
		Petitioner-Objector

**PETITION TO SET ASIDE THE NOMINATION PETITION OF
WILLIAM PARKER AS A CANDIDATE FOR THE DEMOCRATIC NOMINATION
FOR REPRESENTATIVE IN CONGRESS IN THE 12TH CONGRESSIONAL DISTRICT
PRIMARY ELECTION OF MAY 17, 2022**

**TO: THE HONORABLE JUDGES OF THE
COMMONWEALTH COURT OF PENNSYLVANIA**

Petitioners, by and through their undersigned counsel, file this Petition to Set Aside the Nomination Petition filed to place the name of William Parker on the ballot for the May 17, 2022 Primary Election for the Democratic Party nomination for Representative in Congress in the 12th Congressional District and in support thereof, respectfully represent as follows:

INTRODUCTION, PARTIES AND JURISDICTION

1. On May 17, 2022, a Primary Election will be held in the Commonwealth of Pennsylvania (the "election") with certain candidates listed on the ballot for their respective party's nomination for a variety of offices, including the office of Representative in Congress in the 12th Congressional District.

2. Petitioner-Objector, David Coopie (the “Petitioner”) is an adult individual, citizen, qualified elector, and registered and enrolled Democratic Party voter in the Commonwealth of Pennsylvania who have a direct and substantial interest in the Democratic Party nomination for Representative in Congress from the 12th Congressional District in the Primary Election to be held May 17, 2022 and, therefore, in the success of this Petition. See generally In re Barlip, 428 A.2d 1058, 1060 (Pa. Cmwlth. Ct. 1981).
3. David Coopie resides within the 12th Congressional District at 3402 Milwaukee Street, Apt 3 Pittsburgh PA 15219.
4. Respondent is William Parker (hereafter, “Parker” or “Candidate” or “Respondent”), a candidate for the office of Representative in Congress in the 12th Congressional District, with a registered address of 4808 Brown Way, Pittsburgh, PA 15224.
5. The Pennsylvania Election Code, Act of June 3, 1937, P.L. 1333, 25 P.S. §§2600 *et seq.*, (the “Election Code,” herein cited only to Purdon’s Statutes) and cases decided thereunder govern the matters covered by this Petition.
6. This Court has original jurisdiction over this matter pursuant to 42 Pa. Cons. Stat. §764, 25 P.S. §2873 and 25 P.S. §2937.

**REQUIREMENTS FOR QUALIFICATION TO APPEAR ON THE APRIL 28, 2020 PRIMARY BALLOT
AS A CANDIDATE FOR THE DEMOCRATIC NOMINATION FOR REPRESENTATIVE IN CONGRESS
IN THE 12TH CONGRESSIONAL DISTRICT**

7. The Commonwealth of Pennsylvania will conduct a primary election on May 17, 2022 (hereafter, the “Primary Election”).

8. Under the Election Code 25 P.S. §2872.1(14), a candidate for a political party nomination for Representative in Congress must obtain at least 1000 signatures from a registered and enrolled members of the Democratic Party, and qualified electors within the 12th Congressional District
9. Circulation of a nomination petition were required was limited to a period commencing on February 18, 2022 and ending on March 15, 2022.
10. Such nominations petitions were required to be filed with the Secretary of the Commonwealth of Pennsylvania by no later than March 15,2022. See 25 P.S. §2873.
11. Each individual and numbered page of a nomination petition (“Signature Page”) is comprised of two sides containing fifty (30) designated lines requiring: valid signatures to include a signature of the elector; printed name of the elector; place of residence of the elector (i.e., house number, street or road, city, borough or township), and date of signing by the elector. See 25 P.S. §2868.
12. Each Signature Page requires information identifying: the year of primary election concerned; the office sought by the candidate; the name, occupation and residence of the candidate; the county of the signers; and the political party of the signers.
13. Each Signature Page also includes an affidavit supporting the aforementioned signatures and information provided by electors (hereafter, “Circulator’s Affidavit”).
14. The Circulator’s Affidavit must identify the county of petition signers’ residence, as well as the signature, printed name, and residence (i.e., house number, street or road, city, borough or township) of the circulator.

15. The Circulator's Affidavit must be signed with and sworn to according to PA Title 18 Pa. C. S. § 4909 relating to unsworn falsification. See 25 P.S. §2869.

16. Accordingly, unless the Nomination Petition submitted by Parker has been validly signed, in strict accordance with the requirements of the Election Code, by 1000 registered, qualified electors for the 12th Congressional District, William Parker name may not be printed as a candidate on the May 17, 2022 Primary Ballot.

**WILLIAM PARKER FILING AS CANDIDATE FOR THE DEMOCRATIC PARTY NOMINATION
FOR REPRESENTATIVE IN THE GENERAL ASSEMBLY FROM THE 36th LEGISLATIVE
DISTRICT FOR THE MAY 17, 2022 PRIMARY BALLOT**

17. On or about March 15, 2022, WILLIAM PARKER filed a Nomination Petition (the "Nomination Petition") with the Pennsylvania Department of State Bureau of Elections seeking to have his name printed on the Pennsylvania Election Ballot (the "Ballot" as a candidate for the Democratic Party Nomination for Representative in Congress for the 12th Congressional District.

18. The Nomination Petition consists of 95 pages, accompanied by the Candidate's affidavit. The Commonwealth of Pennsylvania's official form for the Nomination Petition has spaces for 30 signers. The original Nomination Petition and affidavit remain in the custody of the Pennsylvania Department of State Bureau of Election and are incorporated herein by reference.

19. The Nomination Petition contains 1,321 entries that purport to contain signatures, addresses and date of signing of qualified, registered electors (the "Signers") as well as unsworn affidavit supporting the circulators of each page of the Nomination

Petition (the “Circulators”). There are 697 defective signatures, leaving a 624 qualified signatures.

20. As detailed below, in the Nomination Petition, there are numerous defective signatures, illegible signatures, signatures of unregistered voters, duplicate signatures and line information that appear to be in the hand of another. As further detailed below, there are numerous defects in the supporting affidavits of the Circulators.
21. As a result of the defects, other irregularities, and outright pattern of the impropriety in the signatures, addresses and dates of the signers, as well as the signatures and statements of the Circulators, the Nomination Petition contains an insufficient number of valid signatures to qualify William Parker for inclusion on the May 17, 2022 Primary Election Ballot in the Commonwealth of Pennsylvania.
22. Accordingly, the Nomination Petition should be set aside and William Parker name should not appear on the Primary Election ballot.

SPECIFIC CHALLENGES TO NOMINATION PETITION:

SIGNATURE DEFECTS, DATE DEFECTS AND OTHER DEFECTS

23. The Election Code specifies the requirements for the circulation and signing of the Nomination Petition for a Democratic Party Nomination candidate. See 25 P.S. §2861, et seq.
24. The Election Code also sets forth the procedure by which a Nomination Petition may be set aside. See 25 P.S. §2937

25. Petitioner have reviewed the Nomination Petition and based upon such review believe, and therefore aver, that the Nomination Petition is defective, does not contain a sufficient number of genuine signatures of qualified electors entitled to sign the same under the Election Code, and otherwise fails to comply with the Election Code.
26. The Nomination Petition should, therefore, be set aside and William Parker name may not be printed as a candidate on the Primary Election Ballot. See 25 P.S. §2937
27. The Petitioner, his representatives and/or volunteers examined each signed line on each page of the Nomination Petition. The name of each purported Signer (other than those that had earlier been determined by the Secretary of the Commonwealth to be facially invalid) was checked against the database of registered Pennsylvania voters maintained by the Commonwealth of Pennsylvania Secretary of State.
28. Each of the 697 purported Signers' entries on the Nomination Petition was also examined with respect to the signature, printed name, address, city and date, to determine if any line or part of a line was missing, unreadable or forged.
29. In the case of signatures and printed names, volunteers supporting the efforts for the Petitioners also examined each of the entries to determine if initials or nicknames appear in any signature or printed name.
30. The entries on the individual lines of the Nomination Petition were examined and any defects were identified in the "Individual Line Challenges" attached hereto as Exhibit 1 according to the following criteria:

NR = Not Registered

NRA = Not Registered at Address

NRD= Not Registered In District

NRDS = Not in Registered on Date Signed

BP = Not Registered Democrat

ILL = Illegible

LIO = Line Information Omitted

DUP = Duplicate

IHA = Line Information in Hand of Another

N/I = Nickname/Initial

PRI = Printed Signature

BD= Bad date/ Out of sequence Other= Any ground for Objection not listed above

ST= Struck by the State Other= Any ground for Objection not listed above

31. Each challenge as to each item entered by each Signer to the Nomination Petition is set forth with particularity in the Individual Line Challenges, which is incorporated by reference as if fully set forth herein. See Exhibit 1.
32. The Petitioners' challenges to the signature lines identified in the Individual Line Challenges on Exhibit 1 totals 697 signatures.
33. None of the page and line entries challenged in the Individual Line Challenges, or in the Global Challenges identified below, may be counted in support of the nomination, and without them, the Nomination Petition does not contain the requisite number of signatures and must be set aside.

34. The Election Code requires that the Circulator affirming a nomination petition page must be aware of five criteria about each individual signer: (1) the signer had full knowledge of contents of the petition; (2) the signer's address is correct; (3) the signer resides in the county in the affidavit; (4) the signer signed the petition on the date set forth; and (5) to the best of the Circulator's knowledge and belief, the signer was qualified elector and a member of the party claimed on the petition. See 25 P.S. §2869.
35. The Circulator affirming each Signature Page must be present when each elector signs his or her name and provides the necessary supplementary information. See In Re: Nomination of Flaherty, 770 A.2d 327 (Pa. 2001).
36. Upon information and belief, the circulators utilized by Candidate ignored the requirements imposed by the Election Code, submitted numerous false signatures and Signer information, and/or falsely attested to many of the Circulator Affidavits within the Nomination Petition.
37. Petitioner and/or his representatives and/or volunteers have examined the signatures, Signer information, and sworn affidavit of each Circulator to determine whether each Signature Page of the Nomination Petition conforms to legal requirements.
38. As filed, the Nomination Petition contains 597 purported signatures of registered, Democratic Party voters, collected by Circulated who attested under oath in a unsworn statement (i) the correctness of the information they as Circulators of the

individual petitions each circulated, and of the Signers' information contained thereon, and (ii) that the Signers signed with full knowledge of the contents of the nomination petition. See 25 P.S. §2869.

39. Therefore, William Parker Nomination Petition must be set aside and his name must not appear on the ballot as a candidate for the Democratic Party Nomination for Representative in Congress in the 12th Congressional District in the May 17, 2022 Primary Election.

WHEREFORE, the Petitioners pray that this Honorable Court enter an Order as follows:

1. Setting aside the Nomination Petition of William Parker;
2. Sustaining the objections of the Petitioners to the Nomination Petition;
3. Declaring that William Parker did not submit, and has not obtained, at least the minimum number of valid signatures required by the Election Code to have her name placed on the May 17, 2022 ballot for the Democratic Party Nomination for Representative in Congress in the 12th Congressional District
4. Directing the appropriate officers of the Commonwealth of Pennsylvania and its political subdivisions to strike and set aside the Nomination Petition and further directing them not to place the name of William Parker on the May 17, 2022 ballot for the Democratic Party Nomination for Representative in Congress in the 12th Congressional District.

5. Ordering William Parker and/or his official campaign and/or campaign committee to make payment for the costs of these proceedings, including witness fees and such other reasonable costs and attorneys' fees incurred by the Petitioners in bringing forth this Petition. See the Pennsylvania Election Code at 25 P.S. §2937; and
6. Granting such other and further relief as this Court deems necessary and just.

Respectfully submitted,

Dean A. Birdy /s/
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Counsel for Petitioner-Objector

IN RE: NOMINATION PETITION OF	:	
WILLIAM PARKER AS A CANDIDATE FOR	:	IN THE COMMONWEALTH
THE DEMOCRATIC NOMINATION FOR	:	COURT OF PENNSYLVANIA
REPRESENTATIVE IN CONGRESS	:	
FOR THE 12TH CONGRESSIONAL	:	No. _____ 2022
DISTRICT	:	
PRIMARY ELECTION OF MAY 17, 2022	:	Objection of DAVID COOPIE
		Petitioner-Objector

ORDER OF COURT

Now, this ____ day of _____, 2022, upon consideration of the petition to set aside nomination petition, it is hereby ordered that said petition is granted. It is further hereby:

1. Ordered that the Nomination Petition of William Parker is set aside;
2. Held that he objections of the Petitioners to the Nomination Petition are sustained;
3. Held that William Parker did not submit, and has not obtained, at least the minimum number of valid signatures required by the Election Code to have his name placed on the May 17, 2022 ballot the Democratic Party Nomination for Representative in Congress for the 12th Congressional District
4. Ordered that the appropriate officers of the Commonwealth of Pennsylvania and its political subdivisions are hereby directed to strike and set aside the Nomination Petition and further directed not to place the name of William Parker on the May 17, 2022 ballot for the Democratic Party Nomination for Representative in Congress for the 12th Congressional District
5. Ordered that William Parker and/or his official campaign and/or campaign committee shall make payment for the costs of these proceedings, including witness fees and such other reasonable costs and attorneys’ fees incurred by the Petitioners in bringing forth this Petition. See the Pennsylvania Election Code at 25 P.S. §2937.

BY THE COURT:

_____, J.

COMMONWEALTH OF PENNSYLVANIA

IN RE: NOMINATION PETITION OF :
WILLIAM PARKER AS A CANDIDATE FOR : IN THE COMMONWEALTH
THE DEMOCRATIC NOMINATION FOR : COURT OF PENNSYLVANIA
REPRESENTATIVE IN CONGRESS :
FOR THE 12TH CONGRESSIONAL : No. _____ 2022
DISTRICT :
PRIMARY ELECTION OF MAY 17, 2022 : Objection of DAVID COOPIE
Petitioner-Objector

PER CURIAM SCHEDULING AND CASE MANAGEMENT ORDER

NOW, this ____ day of _____, 2022 upon consideration of the petition to set aside nomination petition:

1. IT IS HEREBY ORDERED:

A. Hearing on the petition to set aside nomination petition is scheduled for _____, in Courtroom Number _____, _____, Pennsylvania. Objector is directed to secure the services of a court stenographer for hearing. Failure of Objector to secure the services of a court stenographer may result in the dismissal of this matter.

B. If signature lines are challenged, Objector shall secure, by request or subpoena, the presence of a Statewide Uniform Registry of Electors (SURE) system operator at the hearing.

C. A pre-trial conference may be scheduled at any time after _____.

D. No later than 5:00 p.m., _____, Objector shall personally serve upon Candidate: 1) a copy of this order; 2) a copy of the petition to set aside nomination petitions(or papers) if the petition to set aside has not previously been served; and 3) if signature line challenges are at issue, one digital media device (CD or USB Flash Drive) containing the objections in the spreadsheet format and a key to the abbreviations used in the spreadsheet.

Personal service of these items upon Candidate shall be made 1) by handing a copy to Candidate; or 2) by handing a copy at Candidate’s residence to an adult member of the family with whom Candidate resides, but if no adult member of the family is found, then to an adult person in charge of such residence; or 3) by handing a copy at Candidate’s office or usual place of business to the person for the time being in charge thereof or to Candidate’s agent; or by handling a copy at Candidate’s campaign office to a person in charge thereof. Objector shall file a proof of service with Prothonotary promptly thereafter.

E. Objector shall personally or by registered mail serve a copy of this order on the Secretary of the Commonwealth and promptly thereafter file a proof of service with the Chief Clerk.

F. At the time of hearing, Objector shall offer proof of timely service of the petition to set aside on the Secretary of the Commonwealth.

G. All counsel are under a continuing obligation and are hereby ordered to serve a copy of this order upon all unrepresented parties, if any, and upon all counsel entering an appearance subsequent to the entry of this order.

2. It is FURTHER ORDERED:

A. Objector shall file a list of all witnesses to be called at the hearing and the curriculum vitae and expert reports of all expert witnesses. Any witness not identified shall be precluded from testifying except for good cause shown.

B. Candidate shall file a list of all witnesses to be called at the hearing and the curriculum vitae and expert reports of all expert witnesses. Any witness not identified shall be precluded from testifying except for good cause shown.

3. If signature line challenges are at issue, it is FURTHER ORDERED:

A. Objector shall immediately arrange to meet with Candidate or Candidate's representative and, if appropriate, with a SURE system operator, to review before the hearing each and every challenged signature line.

B. Objector and Candidate shall file a stipulation of the parties that identifies:

(a) The total number of completed signature lines submitted;

(b) The total number of uncontested signature lines submitted;

(c) The total number of signature lines challenged;

(d) Each and every signature line to which there is an objection, identified by page number and line number, and the basis for the objection;

(e) Each and every signature line to be stricken as invalid or for which an objection is to be withdrawn, identified by page number and line number, if the parties can reach such a stipulation.

C. Candidate shall file a list of all signature lines, identified by page number and line number, that are facially defective and that Candidate intends to rehabilitate. Candidate shall also state the manner in which Candidate intends to rehabilitate the signature lines.

4. Objector and Candidate may each file a memorandum of law in support of their respective positions by the time and date specified in paragraph 5 of this order. No further memoranda will be permitted unless ordered by the Court.

5. Unless otherwise ordered, all filings required or permitted by paragraphs 2, 3 and 4 of this order shall be filed no later than 12:00 o'clock noon on _____ with the Prothonotary at the Pennsylvania Judicial Center, Suite 2100, 601 Commonwealth Avenue, P.O. Box 69185, Harrisburg

VERIFICATION

I verify that the statements contained in the foregoing Petition to Set Aside the Nomination Petition of William Parker are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4909, relating to unsworn falsification to authorities.

_____ David Coopie /s/ _____

Dated: _____ 3/22/2022 _____

COMMONWEALTH OF PENNSYLVANIA

IN RE: NOMINATION PETITION OF :
HEATHER KASS AS A CANDIDATE FOR : IN THE COMMONWEALTH
THE DEMOCRATIC NOMINATION FOR : COURT OF PENNSYLVANIA
REPRESENTATIVE IN THE GENERAL :
ASSEMBLY FROM THE 36TH : No. _____ 2020
LEGISLATIVE DISTRICT IN THE :
PRIMARY ELECTION OF APRIL 28, 2020 : Objection of Jacob Nixon
Petitioner-Objector

EXHIBIT No. 1

Registration card of Alexander Jay Pastor

EXHIBIT No. 2

INDIVIDUAL LINE CHALLENGES