M. Abbegael Giunta
PA ID No. 94059
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Attorneys for Petitioners

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

IN RE: NOMINATION PETITION OF : Election Matter

NATHAN A. TUROCK : AS REPUBLICAN CANDIDATE FOR : SENATOR IN THE 20TH SENATORIAL : DISTRICT :

PETITION TO SET ASIDE NOMINATION PETITION

Petitioners, Dale C. Butler, Fred O. Benson, and Matthew R. Mitchell, by and through undersigned counsel, respectfully object to the nomination petition for Republican Senatorial Candidate, Nathan A. Turock, and in support, aver as follows:

1. The Petitioners, Dale C. Butler (167 Stonetown Road, Noxen, PA 18636-7812), Fred O. Benson (1889 W. Lenox Church Road, Kingsley, PA 18826-6712), and Matthew R. Mitchell (148 Lathrop Street, Kingston, PA 18704-5355) (hereafter collectively "Petitioners") are qualified electors and registered voters in the 20th Senatorial District of the Commonwealth of Pennsylvania, who have a direct

and substantial interest in the 2022 primary election, and in obtaining compliance with the election laws by any candidate for whom they may vote. *In re Barlip*, 428 A.2d 1058, 1060 (Cmwlth. Ct. 1981).

- 2. The Respondent is Nathan A. Turock ("Turock"), a Republican candidate for Senator in the Commonwealth's 20th Senatorial District.
- 3. On March 28, 2022, Turock filed a Nomination Petition with the Secretary of the Commonwealth seeking to have his name certified to the County Boards of Elections to be printed on the Primary Ballot of the Republican Party for the 2022 election for Senator for the 20th Senatorial District.
- 4. The Nomination Petition purports to contain 585 signatures, addresses, and dates of signing of qualified, registered electors (the "Signers") as well as supporting statements of the circulators signed pursuant to 18 Pa.C.S. § 4904.
- 5. As detailed below and within the attached Election Spreadsheet, Petitioners object to 304 signature lines within the Nomination Petition as illegible, defective for missing required line item information or using abbreviations, duplicative, signed by voters who are not registered or are not registered Republican, or signed by voters from outside the district or from outside the county listed on the form. *See* Election Spreadsheet attached hereto and marked as Exhibit A.

- 7. On February 4, 2022, the Pennsylvania Legislative Reapportionment Commission filed its Final Reapportionment Plan for the redistricting of the state Senate and state House of Representatives.
- 8. As a result of the new redistricting plan, the 20th Senatorial District was altered. Petitioners further object to Turock's Nomination Petition as it includes Line Signatures from Signers no longer located within the new 20th Senatorial District.
- 9. Because of these defects, or other irregularities in the signatures, addresses, and dates, the Nomination Petition contains insufficient valid signatures to qualify Nathan Turock for inclusion on the May Primary Election Ballot in the Commonwealth of Pennsylvania.
- 10. This Court has original jurisdiction over this matter pursuant to 42 P.S. § 764(2) and 25 P.S. § 2937.
- 11. The Pennsylvania Election Code, Act of June 3, 1937, P.L. 1333, 25 P.S. §§ 2600, et seq., (the "Election Code") and cases decided thereunder, govern the matters covered by this Petition.

Deficiencies of the Nomination Petition

12. The Nomination Petition consists of 35 petition pages. The Commonwealth of Pennsylvania's official petition form contains two sides and has spaces for 30 signatures. The official form is county specific. The original

nomination petitions remain in the custody of the Secretary of the Commonwealth and are incorporated herein by reference.

- 13. Signers of Nomination Petitions shall sign one petition for each office to be filled and declare that they are a registered and enrolled member of the designated party in the petition. *See* 25 P.S. § 2868.
- 14. Signers shall declare that they are a qualified elector of the county and district named on the petition. *Id*.
- 15. Different petition sheets must be used for signers residing in different counties. 25 P.S. § 2869.
- 16. Signers must provide their address where they are duly registered and enrolled, giving city, borough or township, with street and number, if any. However, if the political district named in the petition lies wholly within any city, borough or township, or is coextensive with same, it is not necessary for the Signer to state the city, borough or township of his residence. 25 P.S. § 2868.
 - 17. Signers shall legibly print their name and add the date of signing. *Id*.
- 18. Petitioners, their counsel, and/or volunteers who supported their efforts reviewed the signature lines of each page of the submitted Nomination Petition according to the criteria and categories set forth in this Court's March 17, 2022 Order and the Election Code. *See Notice and Order re: Objections to Nomination Petitions*

for Pennsylvania General Assembly and State Party Committees – General Primary Election 2022, 126 Mics. Dkt. No. 3 (Mar. 17, 2022).

- 19. As set forth more fully in Exhibit A, Petitioners challenge 304 signature lines within Candidate Turock's Nomination Petition as invalid. Several signature lines are objected to for multiple reasons, but Petitioners' objections include:
 - a.) 110 Signers are not registered to vote, are unaffiliated, or are registered with a party other than the Republican Party;
 - b.) 17 Signers were not registered at the address written on the Nomination Petition;
 - c.) 116 Signers were not registered in the 20th Senatorial District;
 - d.) 20 Signers are registered in a county different than the county listed on the Nomination Petition page;
 - e.) 7 signatures were illegible;
 - f.) 12 Signers omitted Line Information;
 - g.) 1 Signer was duplicative, having signed on page 3 and on page 5; and
 - h.) 10 Signers improperly used a nickname or initials;
- i.) 73 Signature Lines are objected to for other reasons, including abbreviation of the municipality and registration under a different last name.
 See Exhibit A.

- 20. Candidates for nomination to the office of Senator in the General Assembly for the Republican Primary Ballot must present a petition containing at least 500 valid signatures of registered and enrolled members of the Republican party. 25 P.S. § 2872.1(13).
- 21. The challenged signature lines cannot be counted toward the requisite 500 to support nomination, and without them, Candidate Turock lacks the signatures required to qualify for the May 2022 Primary Election.
- 22. The Nomination Petition should, therefore, be set aside. *See* 25 P.S. § 2937.

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

- 1. Setting aside the Nomination Petition of Nathan A. Turock;
- 2. Declaring that Nathan A. Turock does not have the requisite valid number of signatures as required under the Election Code to have his name placed on the Ballot in the Primary Election to be held May 17, 2022;
 - 3. Sustaining the objections of the Petitions to the Nomination Petition;
- 4. Directing the appropriate officers of the Commonwealth of Pennsylvania to strike and set aside the Nomination Petition of Nathan A. Turock;
- 5. Ordering Nathan A. Turock and to make payment for the costs of these proceedings, including witness fees and such other reasonable costs and attorney's

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:

By: /s/M. Abbegael Giunta
M. Abbegael Giunta
PA ID No. 94059
J. Andrew Crompton
PA ID No. 69227
MCNEES WALLACE & NURICK LLC
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agiunta@mcneeslaw.com
dcrompton@mcneeslaw.com

Attorneys for Petitioners

Dated: April 4, 2022

VERIFICATION

I, Fred O. Benson, verify that the statements contained in the foregoing Petition to Set Aside Nomination Papers 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. § 4904 relating to unsworn falsification to authorities.

Date:	4-1-2022	Fred O Benson

Fred O. Benson

VERIFICATION

I, Matthew R. Mitchell, verify that the statements contained in the foregoing Petition to Set Aside Nomination Papers 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. § 4904 relating to unsworn falsification to authorities.

Date: 4/1/2022

Matthew R. Mitchell

VERIFICATION

I, Dale C. Butler, verify that the statements contained in the foregoing Petition to Set Aside Nomination Papers 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. § 4904 relating to unsworn falsification to authorities.

Date: 04-01-2032

Dale C. Butler

CERTIFICATE OF SERVICE

I, M. Abbegael Giunta, hereby certify that on this date, I served a true and correct copy of the foregoing Petition to Set Aside Nomination Petition, upon the following parties:

PURSUANT TO NOTICE AND ORDER RE: OBJECTIONS TO NOMINATION PETITIONS FOR PENNSYLCANIA GENERAL ASSEMBLY AND STATE PARTY COMMITEES – GENERAL PRIMARY ELECTION & E-MAIL: Nathan A. Turock nturock@gmail.com

HAND DELIVERY VIA COURIER: The Honorable Leigh M. Chapman Secretary of the Commonwealth 210 North Office Building Harrisburg, PA

Date: April 4, 2022 /s/M. Abbegael Giunta
M. Abbegael Giunta

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269	31		Wayne			Х														
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275	31		Wayne			Х														
276	31		Wayne			Х								-						
277	31		Wayne			Х								-						
278	31		Wayne			Х														
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280	31	25	Wayne			Х														

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8	Page L	ine	County	NR	NRA	NRD	NRDS	OC	ILL	LIO	DUP	IHA	N/I	PRI	Other	Describe Other	S/S	V/S	S/CT	V/CT
281	31	26	Wayne	Х		X														
282	31	27	Wayne			X														
283	31	28	Wayne			X														
284	32	1	Wayne			X														
285	32	2	Wayne	X		X														
286	32	4	Wayne					Χ												
287																				
288	32		Wayne					X												
289	32		Wayne					X												
290	32		Wayne	X						Х										
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292	32		Wayne			X														
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295	32		Wayne			Х														
296	32		Wayne			X				X										
297	32		Wayne			X														
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299	32		Wayne	Х																
300	33		Wayne			X														
301	33		Wayne			X														
302	33		Wayne			X														
303	33		Wayne			X														
304	33		Wayne	X																
305	33		Wayne	Х																
306	33		Wayne	Х																
307	33		Wayne	Х																
308	33		Wayne	Х		X														
309	33		Wayne		Х			X												
310	34		Wayne	X		X														
311	35		Wyoming	Х																
312	35		Wyoming						Х											
313	35		Wyoming	Х																
314	35	22	Wyoming					Χ												

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7					•		•			Spe	cific Grou	unds for	Objection		•	•	•			
8	Page	Line	County	NR	NRA	NRD	NRDS	OC	ILL	LIO	DUP	IHA	N/I	PRI	Other	Describe Other	S/S	V/S	S/CT	V/CT
315	35	5 23	Wyoming					Х												
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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

IN RE: NOMINATION PETITION OF : Election Matter NATHAN A. TUROCK :

AS REPUBLICAN CANDIDATE FOR : SENATOR IN THE 20TH SENATORIAL : DISTRICT :

ORDER RE: PETITION TO SET ASIDE NOMINATION PETITION

AND NOW, this the _____day of _____, 2022, the Petition to Set Aside Nomination Petition of Nathan A. Turock filed by Petitioners, Dale C. Butler, Fred O. Benson and Matthew R. Mitchell is hereby GRANTED as the Nomination Petition of Nathan A. Turock does not contain the requisite valid number of signatures as required under the Pennsylvania Election Code to have his name placed on the Ballot in the Primary Election to be held on May 17, 2022.

This Court hereby ORDERS that the objections to the Nomination Petition of Nathan A. Turock are SUSTAINED. IT IS FURTHER ORDERED that the officers of the Commonwealth of Pennsylvania are to strike and set aside the Nomination Petition of Nathan A. Turock.

Costs of this action, including witness fees and such other reasonable costs and attorney's fees incurred by the Petition to bring forth this Petition are assessed against Nathan A. Turock.