

ELECTION

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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COMMONWEALTH COURT
OF PENNSYLVANIA

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IN RE: THE NOMINATION PETITIONS OF : ELECTION MATTER
BRAD WITMER AS A REPUBLICAN :
CANDIDATE FOR STATE REPRESENTATIVE : DOCKET NO:
IN THE 41ST LEGISLATIVE DISTRICT : 81 MD 2024

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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, 42 Pa. C. S. A. § 764**.
2. One Petitioner is David Dunmeyer who resides at 1665 Silver Spring Rd., Landisville, PA, 17538 and is a duly registered and enrolled Republican elector of the Commonwealth of Pennsylvania who votes and resides in the 41st Legislative District.
3. One Petitioner is Bruce Gadbois who resides at 207 E. New St., Mountville, PA 17554 and is a duly registered and enrolled Republican elector of the Commonwealth of Pennsylvania who votes and resides in the 41st Legislative District.

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4. One Respondent is Brad Witmer, a candidate for State Representative in 41st Legislative District who as of February 13, 2024, allegedly resides at 686 Church St., Landisville, PA 17538.
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, Brad Witmer, as a Republican candidate for State Representative in the 41st Legislative District.
7. The nominating Petitions are purported to consist of 11 petition pages and allegedly containing 323 lines of signatures of electors supporting the nomination of Respondent Brad Witmer.
8. Three Hundred (300) valid signatures of qualified electors who reside within the 41st Legislative District are required by statute, **25 P. S. §2872.1 (14)** to support the Nominating Petitions of Brad Witmer in the Primary Election scheduled for April 23, 2024.
9. The Nominating Petitions of Respondent Brad Witmer 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 Brad Witmer 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 41st Legislative District.

Respectfully submitted,


/s/ Lawrence M. Otter, Esq.

LAWRENCE M. OTTER, ESQUIRE
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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

**IN RE: THE NOMINATION PETITIONS OF : ELECTION MATTER
BRAD WITMER AS A REPUBLICAN :
CANDIDATE FOR STATE REPRESENTATIVE : DOCKET NO:
IN THE 41ST LEGISLATIVE DISTRICT : MD 2024**

ORDER

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

ORDERED that the Nominating Petitions of Brad Witmer, as a Candidate for State Representative in the 41st Legislative District be and hereby are stricken and dismissed, and

FURTHER ORDERED

that the name of respondent Brad Witmer not appear on the ballot for the April 23, 2024 Primary Election for the Republican Party candidate for State Representative in the 41st Legislative District.

BY THE COURT

J.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

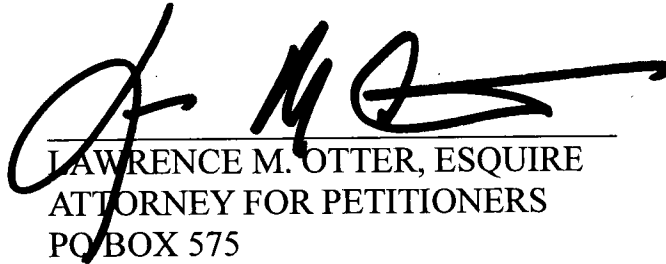
IN RE: THE NOMINATION PETITIONS OF : ELECTION MATTER
BRAD WITMER AS A REPUBLICAN :
CANDIDATE FOR STATE REPRESENTATIVE : DOCKET NO:
IN THE 41ST LEGISLATIVE DISTRICT : 81 MD 2024

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
	Page	Line	County	NR	NRA	NRCP	NRD	NRDS	OC	ILL	LIO	DUP	IHA	N/I	PRI	DCS	SAC	Other	Describe Other	S/S	V/S	S/CT	V/CT	
7																								
8																								
59	6	16	Lancaster	x																				
60	6	17	Lancaster	x																				
61	6	23	Lancaster																					
62	6	24	Lancaster																					
63	7	4	Lancaster																					
64	7	5	Lancaster																					
65	7	7	Lancaster		x																			
66	7	10	Lancaster								x													
67	7	13	Lancaster			x																		
68	7	15	Lancaster	x	x																			
69	8	1	Lancaster																					
70	8	3	Lancaster			x																		
71	8	11	Lancaster																					
72	8	12	Lancaster																					
73	8	19	Lancaster																					
74	8	20	Lancaster			x																		
75	8	26	Lancaster	x																				
76	9	6	Lancaster	x	x																			
77	9	10	Lancaster				x																	
78	9	11	Lancaster																					
79	9	13	Lancaster																					
80	9	20	Lancaster																					
81	9	24	Lancaster																					
82	9	27	Lancaster			x																		
83	9	29	Lancaster			x																		
84	9	30	Lancaster			x																		
85	10	4	Lancaster																					
86	10	6	Lancaster																					
87	10	7	Lancaster																					
88	10	10	Lancaster																					
89	10	11	Lancaster																					
90	10	16	Lancaster		x																			
91	10	22	Lancaster																					
92	10	23	Lancaster	x	x																			
93	10	25	Lancaster			x																		
94	10	26	Lancaster			x																		
95	11	1	Lancaster																					
96	11	2	Lancaster																					
97	11	6	Lancaster																					
98	11	10	Lancaster																					
99	11	15	Lancaster			x																		
100	11	19	Lancaster		x																			
101	11	23	Lancaster								x													
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Specific Grounds for Objection

Multiple voters on line

Non-sequential date