

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

**IN RE: NOMINATION PETITIONS :
OF CHRISTINE YERIN BAIK AS A :
CANDIDATE FOR THE REPUBLICAN : NO.
STATE COMMITTEE : ELECTION LAW MATTER**

**PETITION TO SET ASIDE THE NOMINATION PETITIONS OF
CHRISTINE YERIN BAIK AS A CANDIDATE FOR THE REPUBLICAN
STATE COMMITTEE, 46th DISTRICT, MONTGOMERY COUNTY IN
THE MAY 17TH, 2022 PRIMARY ELECTION**

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

Objector, David J. Shaw, files this Petition to Set Aside the Nomination Petitions of Christine Yerin Baik as a candidate for the Republican State Committee for the 46th District, Montgomery County in the May 17th, 2022 Primary Election, and in support thereof, respectively represent as follows:

PARTIES, JURISDICTION AND VENUE

1. Objector, David J. Shaw, 1008 Northridge Drive, Norristown, PA 19403 is an adult individual, citizen, qualified Pennsylvania elector and registered Republican voter in the 46th District, Montgomery County who has a direct and

substantial interest in the 2022 Primary Election and, therefore, in the success of this Petition. See generally, In re Duncan, 516 A.2d 776, 778 (Pa. Cmmw. 1982).

2. Objector is a current candidate for the Republican State Committee, 46th District, Montgomery County in the May 17th, 2022 Primary Election and is a duly qualified elector and registered Republican voter in the 46th District, Montgomery County.

3. Respondent, Christine Yerin Baik, has filed nomination petitions seeking a ballot position for herself in the Republican primary to vie for election as a candidate for the Republican State Committee.

4. Challenges to such nomination petitions may be filed by any qualified elector under 25 P.S. § 2937, which governs the procedures for such challenges.

5. Pursuant to 42 P.S. § 764, the Commonwealth Court of Pennsylvania is the proper venue for a challenge to the nomination petitions of a candidate for statewide office.

FACTUAL BACKGROUND

6. Christine Yerin Baik filed nomination petitions on March 28, 2022, seeking placement on the Republican primary ballot for the Republican State Committee.

7. To appear as a candidate on the 2022 primary election ballot, Baik must present at least 100 valid signatures from registered Pennsylvania Republican voters by the filing deadline of March 28, 2022. See 25 P.S. § 2872.1 and

the Supreme Court of Pennsylvania's March 16, 2022 Order in In re Petitions for Review Challenging the Final 2021 Legislative Reapportionment Plan, No. 569 Admin. Dkt.

8. Baik's nomination petitions contain 6 pages, the original Baik Nomination Petition and Candidate's affidavits remain in the custody of the Secretary of the Commonwealth and are incorporated herein by reference and are included as Exhibit A.

**BAIK DID NOT SUBMIT 100 VALID SIGNATURES ON HER
NOMINATING PETITIONS, AND MUST BE REMOVED FROM THE
BALLOT**

9. Section 908 of the Election Code, 25 P.S. §2868, lists the requirements for each signer of a Nomination Petition. Each signer must:

- a) sign but one such petition for each office to be filled;
 - b) declare therein that he is a registered and enrolled member of the party designated in such petition;
 - c) declare therein that he is a qualified elector of the county therein named, and in case the nomination is not to be made or candidates are not to be elected by the electors of the State at large, of the political district therein named, in which the nomination is to be made or the election is to be held; and
 - d) add his residence, giving city, borough or township, with street and number, if any, and shall legibly print his name and add the date of signing, expressed in words or numbers. Provided, however, that if the said political district named in the petition lies within any city, borough or township, or is coextensive with same, it shall not be necessary for any
10. Having thoroughly reviewed the Petitions attached as Exhibit A,

Objector asserts that Baik has failed to meet the requirement of presenting 100 valid signatures of qualified Pennsylvania elector and registered Republican voters in the 46th District, Montgomery County, collected by circulators who themselves are legally qualified to do so.

11. While Baik submitted 112 signatures, only 74 of those 112 signatures meet the legal requirements to be counted towards the 100 signatures required by statute for Baik to have her name placed on the ballot as a candidate for Republican State Committee. Fully 38 of the signatures Baik collected are defective in at least one way, and often in multiple ways.

12. Exhibit B to this Petition is a spreadsheet prepared pursuant to this Court's March 25, 2022 Order in In re Objections to Nomination Petitions for Pennsylvania General Assembly and State Party Committees – General Primary Election 2022, No. 126 Misc. Dkt. No. 3, listing by line and number the specific signatures being objected to, applying the following codes:

NR = Not Registered
NRA = Not Registered at Address
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
Other = Any ground for objection not listed above

Indisputably Defective Signatures

13. Many of the signatures gathered are defective on grounds that are easily assessed by the Court, being either facially defective or which can be confirmed through verification with the Commonwealth's SURE system. These signatures fall into one or more of the following categories:

14. **Signer Not Registered.** Upon information and belief, the 10 signatures in Exhibit B with code NR represent signers who are not registered to vote or not registered to vote as Republicans and who thus are not qualified to sign nomination petitions pursuant to 25 P.S. § 2937 and must be stricken.

15. **Signature Line Is Missing Data.** Upon information and belief, the 23 signatures in Exhibit B with code LIO represent signers whose signature line is missing some data required by 25 P.S. § 2868, and whose signatures must therefore be stricken as invalid. Note: one is concurrently being challenged as NR and another as IHA.

Additionally Defective Signatures

16. A further number of signatures gathered by Baik reflect additional errors based on Objector's review but which will require further testimony or the judgment of the Court in order to confirm the invalidity of these lines.

17. **Not Registered at Address.** Upon information and belief, the 2 signatures in Exhibit B with code NRA represent signers who have been found to be registered Republicans in Montgomery County but not at the address provided on the petition. Given that residence is not clearly provided by these voters, these

signatures must be struck as invalid pursuant to 25 P.S. § 2937.

18. **Duplicate.** Upon information and belief, the 1 signature in Exhibit B with code DUP represents a signer whose information is a duplicate of an earlier signer which therefore requires that the signature must be struck as invalid pursuant to 25 P.S. § 2937.

19. **Illegible.** Upon information and belief, the 1 signature in Exhibit B with code Ill, which is also being challenged as NR due to multiple failed attempts to discern registration, is sufficiently illegible as to be impossible for an average observer to determine if this signer is a qualified elector or determine the signer's residency, therefore this signature must be struck as invalid pursuant to 25 P.S. § 2937.

20. **In Hand of Another.** Upon information and belief, the 4 signatures in Exhibit B with code IHA have been completed in the same handwriting as the preceding line. As the lines were not personally completed by the voter, they must be struck as invalid pursuant to 25 P.S. § 2937.

21. In all, 38 signatures must be stricken as invalid on all the aforementioned bases.

22. Having presented 74 valid signatures, and needing 100 valid signatures, Baik has not qualified under the terms of the Election Code to appear on the May 17 Republican Primary ballot as a candidate for the Republican State Committee.

RELIEF

23. Pursuant to 25 P.S. § 2937, Objector:

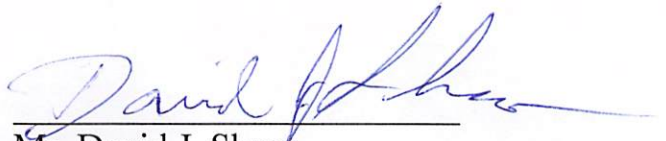
1) hereby objects to the nomination petitions of Christine Yerin Baik;

2) is prepared to substantiate these objections via testimony and evidence presented at a prompt hearing as mandated by 25 P.S. § 2937;

3) asks this court to set aside the Baik nomination petitions in accordance with applicable governing law; and,

4) asks this court to remove Baik from the May 17 ballot as a candidate for the Republican State Committee, in addition to all other relief in law and equity which may be deemed just, including costs.

Respectfully submitted,



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