

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

IN RE: NOMINATION PETITION OF	:	:
	:	
JOSEPH GREEN	:	ELECTION MATTER
	:	
CANDIDATE FOR JUDGE OF COURT	:	
OF COMMON PLEAS, FIRST JUDICIAL	:	
DISTRICT OF PENNSYLVANIA,	:	
DEMOCRATIC PARTY	:	
	:	
Petition of: Joseph McAteer	:	

SECOND AMENDED PETITION TO SET ASIDE NOMINATION PETITION

The Petitioner, by and through counsel, respectfully avers that:

1. The Petitioner, Joseph McAteer, is a duly qualified elector, lives at 457 E. Wildey St., Philadelphia, PA, and is registered in First Judicial District of Pennsylvania.
2. The Respondent is the above referenced Candidate for the stated position.
3. On March 7, 2023, the above captioned Candidate filed a Candidate Affidavit and Nomination Petition for the Office of Judge of Court of Common Pleas, First Judicial District of Pennsylvania with the Department of State. A copy of the Nominating Petition is attached as Exhibit "A."
4. For the reasons set forth in greater detail in the attached Exhibit "B", in the Candidate's Nomination Petition or other required filing is improperly drawn, fails to contain the required number of properly ascribed signatures, and/or was improperly filed.
5. The Respondent submitted 1,751 signatures, of which 854 are defective for the reasons set forth in Exhibit "B." This leaves respondent with 897 valid signatures, which is fewer than the 1,000 signatures required to secure a place on the May 16, 2023 Primary Election Ballot
6. Section 977 of the Election Code, 25 P.S. §2937, provides that a court shall set aside nomination petitions which are defective.
7. The Nomination Petition therefore fails to conform to the requirements of the Election Code, 25 P.S. §2867 et seq., and must be set aside and the Candidate's name not be placed on, or stricken from, the ballot. Candidate has not submitted the requisite 1,000 valid signatures from registered Democrats in the First Judicial District of Pennsylvania.
8. The Nomination Petition or other required filing is defective as a matter of law and fails to conform to the requirements of the Election Code because:

a. Defective Circulator Statements

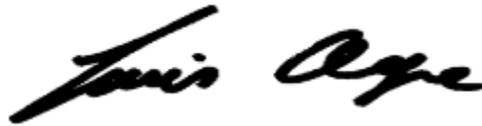
i. Page 8 – Circulator did not sign the circulator statement.

ii. Page 15 – 28 of the signatures on this page were signed after the circulator signed the page.

iii. Page 30 – Circulator did not sign the circulator statement.

9. The Petitioner respectfully reserves the right to add such additional objections as are appropriate at the time of hearing.

Wherefore, Petitioner prays this Honorable Court to GRANT this Petition and set aside the Nomination of Respondent as a Democratic Candidate for the Office of Judge of Court of Common Pleas, First Judicial District of Pennsylvania for the Primary Election to take place on May 16, 2023



DATE: March 14, 2023

Petitioner/Attorney for Petitioner

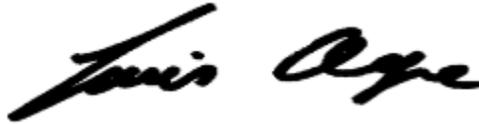
Louis Agre
PO Box 35144
Philadelphia, PA 19128
215 852 6548
PA Bar ID# 52428

VERIFICATION

I, Louis Agre, hereby verify that the facts contained in the within Petition are true and correct to the best of my knowledge or information and belief.

I understand that the statements made herein are made subject to the provisions of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

BY:

A handwritten signature in black ink that reads "Louis Agre". The signature is written in a cursive style with a large, sweeping initial "L".

Petitioner/Counsel

DATE: March 14, 2023