

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

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IN RE: NOMINATION PETITION OF	:	:
	:	:
Caroline Turner	:	ELECTION MATTER
	:	:
CANDIDATE FOR JUDGE OF	:	
MUNICIPAL COURT, FIRST JUDICIAL	:	
DISTRICT OF PENNSYLVANIA,	:	
DEMOCRATIC PARTY	:	
	:	:
Petition of: Esther Jones	:	

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**PETITION TO SET ASIDE NOMINATION PETITION**

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

1. The Petitioner, Esther Jones, is a duly qualified elector, lives at 1600 W Butler, 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 or about March 7, 2023, the above captioned Candidate filed a Candidate Affidavit and Nomination Petition for the Office of Judge of Municipal Court, First Judicial District of Pennsylvania with the Department of State.
4. In connection with the filing of the nomination petition, Caroline Turner filed a document, on the form for candidates’ affidavits, which was not executed before a notarial officer (the “Purported Affidavit”), stating that she is eligible for the office of Judge of Court of Common Pleas, First Judicial District of Pennsylvania. *See Exhibit A.*
5. Caroline Turner also completed and submitted a form entitled “CANDIDATE DECLARATION to be attached to CANDIDATE’S AFFIDAVIT where notarized statement is not available.” *See Exhibit B.*
6. Candidates for office in Pennsylvania are expressly required to file an affidavit. *See 25 P.S. § 2870.* Notarization is a mandatory element of an affidavit.
7. Where an affidavit contains a material defect or error, it must be set aside. *See 25 P.S. § 2937.*
8. Failure to file an affidavit, and failure to explain why the candidate was unable to provide a bona fide affidavit prior to the filing deadline, requires removal of the candidate from the ballot.
9. Although Caroline Turner did include a declaration, that is an insufficient replacement for an affidavit.

10. Caroline Turner has not provided any reason, other than pure preference or convenience, why a notarization could not have been obtained.

11. Even if a declaration were legally sufficient, which it is not, the declaration submitted by Caroline Turner must be set aside because it is false.

12. Specifically, Caroline Turner asserted that an affidavit was not available, which is, and was, untrue.

13. A knowingly false affidavit or declaration is a nullity and thus it is as if Caroline Turner failed to file an affidavit or declaration at all.

14. 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.

BY: /s/ Rick Cataldi  
Petitioner/Attorney for Petitioner

DATE: March 14, 2023

**VERIFICATION**

I, Rick Cataldi, 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: /s/ Rick Cataldi  
Petitioner/Counsel

DATE: March 14, 2023

# EXHIBIT A

**CANDIDATE'S  
AFFIDAVIT**

**PENNSYLVANIA DEPARTMENT OF STATE  
BUREAU OF ELECTIONS**  
210 NORTH OFFICE BLDG.  
HARRISBURG, PA 17120

OFFICE USE ONLY

2023000398



Name: Turner, Caroline, M.  
Last Name First Name Middle Name or Initial Suffix

Residential Address: 931 Federal Street  
Street Address

City: Philadelphia State: PA Zip Code: 19147

Municipality (City, Boro, or Township): Philadelphia Gender: F  M  NB

Mailing Address (if different from residential): \_\_\_\_\_  
Street Address

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Voting Precinct Name (including Ward & Division, if applicable): Ward 2, Div. 5

Office for which you are seeking nomination: JUDGE OF THE MUNICIPAL COURT

District Number (if applicable): 1st Judicial District (Philadelphia County)

Email address: cturner@swartzculleton.com

Name as it is to appear on the Ballot: Caroline Turner

**CANDIDATE AFFIDAVIT** - I do swear (or affirm) that my residence, my election district and the title of the office for which I desire to be a candidate are as specified above, that I am eligible for said office, that I will not knowingly violate any election law or any law regulating and limiting nomination and election expenses, and prohibiting corrupt practices in connection therewith; that I am aware of the provisions of Section 1626 of the Pennsylvania Election Code requiring pre-election and post-election reporting of campaign contributions and expenditures; that unless I am a candidate for Judge of a Court of Common Pleas, the Philadelphia Municipal Court or the office of school board in a district where that office is elective or the office of magisterial district judge, my name has not been presented as a candidate by nomination petitions of any other party for the same office; that if I am a candidate for any office of a political party I am a registered and enrolled member of such party; that if I am a candidate for Committee Delegate or Alternate Delegate to the National Convention the name of the candidate to whom I am committed is as indicated on my nomination petition and that my signature on the Delegate's Statement was affixed to each page of my nomination petition prior to circulation of same; that I am not a candidate for an office which I already hold, the term of which is not set to expire on the same year as the office subject to this affidavit.

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

I swear (or affirm) to the above part(s) as required by the law(s) applicable to the office I am seeking.

\_\_\_\_\_  
Signature of Officer Administering Affirmation

Caroline Turner  
Signature of Candidate

\_\_\_\_\_  
Official Title

610-322-3353  
Telephone Number

My commission expires \_\_\_\_\_

PHILADELPHIA  
County of Residence

# EXHIBIT B



**pennsylvania**  
DEPARTMENT OF STATE

Bureau of Elections

717-787-5280

**CANDIDATE DECLARATION to be attached to CANDIDATE'S AFFIDAVIT  
where notarized statement is not available**

CANDIDATE DECLARATION - I declare that my residence, my election district and the title of the office for which I desire to be a candidate are as contained in the attached document, that I am eligible for said office, that I will not knowingly violate any election law or any law regulating and limiting nomination and election expenses, and prohibiting corrupt practices in connection therewith; that I am aware of the provisions of Section 1626 of the Pennsylvania Election Code requiring pre-election and post-election reporting of campaign contributions and expenditures; that unless I am a candidate for Judge of a Court of Common Pleas, the Philadelphia Municipal Court or the office of school board in a district where that office is elective or the office of magisterial district judge, my name has not been presented as a candidate by nomination petitions of any other party for the same office; that if I am a candidate for any office of a political party I am a registered and enrolled member of such party; that if I am a candidate for Committee Delegate or Alternate Delegate to the National Convention the name of the candidate to whom I am committed is as indicated on my nomination petition and that my signature on the Delegate's Statement was affixed to each page of my nomination petition prior to circulation of same; that I am not a candidate for an office which I already hold, the term of which is not set to expire on the same year as the office subject to the accompanying affidavit.

I declare under penalty of perjury under the law of the Commonwealth of Pennsylvania that the foregoing is true and correct.

Signed on the 7th (date) day of MARCH (month), 2023 (year), at  
PHILADELPHIA PA (county or other location, and state), U.S.A. (country).

CAROLINE TURNER  
(printed name)

Caroline Turner  
(signature)