

THE FIRST JUDICIAL DISTRICT OF PENNSYLVANIA, PHILADELPHIA COUNTY
IN THE COURT OF COMMON PLEAS

In Re:	: March Term, 2009
Nominating Petition of:	:
MICHAEL TURNER, Candidate	: No. 2773
for Philadelphia District Attorney in the	:
May 2009 Democratic Primary	:
	: Control # 09035146
Objection of: Theresa R. Marley,	:
Vivian Crawford, Helen-Hellon Divers,	:
Clarence Bowser	:

FINDINGS and ORDER

The matter now pending before this Court is the Petition to Set Aside the Nominating Petition of Michael Turner for the Democratic Nomination for District Attorney for the City of Philadelphia in the May 2009 Primary.

The gravamen of the Petition alleges that Mr. Turner has an insufficient number of signatures to maintain his position on the May 2009 Primary Ballot.

It is undisputed that the number of signatures required for this office is 1000.

Mr. Turner submitted 1842 signatures in his Nominating Petition.

In determining the number of valid signatures to reach the statutorily required number of 1000, the Court first began with the number of uncontested signatures. This was determined by taking the total number of signatures and subtracting the number of contested signatures.

Total Number of Signatures:	1842
Contested Number of Signatures:	<u>- 984</u>
Valid Uncontested Signatures:	858

Of the total amount of contested signatures, 33 were based upon the fact that a Notary from the State of New Jersey notarized the Affidavit on certain pages of the Petition therein.

This Court overruled the Objections to these signatures because the Election Code 25 Pa.CSA § 2600 et seq, does not prohibit the use of same as evidence in any Court hearing and 42 Pa. CSA § 6105 provides:

§ 6105. Acts of notaries public
(a)General rule - The official acts, protests and attestations of all notaries public, certified under their respective hands and seals of office, including the dishonor of all bills and promissory notes, and of notice to the drawers, acceptors or endorsers thereof, may be received and read in evidence, as proof of the facts therein stated. Any litigant may be permitted to contradict by other evidence any such certificate.

Because the validity of the Notary Seal was not contradicted, the Seal was considered valid and the signatures on the pages so sealed were allowed.

The number of valid signatures then rose accordingly:

Uncontested Signatures: 858
Allowed Signatures: +33
891

This Court then conducted a line-by-line evaluation of the remaining contested signatures. In considering all objections and based upon its notes and the notes of the Acting Supervisor of Elections, Mr. William Rubin, who was of able assistance along with all of the County Commissioner’s Staff, this Court decided that Candidate Turner was entitled to 191 additional signatures. The specific number of rulings on each of the 63 Pages of the Petition are appended to this Order.

The number of valid signatures then became:

Uncontested Signatures: 858
Allowed Signatures: 33
Allowed Signatures: 191
1082

Considering this, and the record as a whole, the valid number of signatures exceeds the statutory requirement and the Petition herein is Denied. Mr. Turner shall remain as a

Candidate for the Office of the District Attorney of the City of Philadelphia in the May 2009 Democratic Primary.

BY THE COURT:

MARCH 27, 2009

DATE

ALLAN L. TERESHKO, J.