**IN THE UNITED STATES DISTRICT COURT**

**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**GREEN PARTY OF PENNSYLVANIA; :**

**LIBERTARIAN PARTY OF :**

**PENNSYLVANIA; WILLIAM REDPATH**; **:**

**KENNETH V. KRAWCHUK; PAUL :**

**GLOVER; THOMAS LEE PRIGG; JOHN :**

**J. SWEENEY; and STEVE SCHEETZ :**

**: CIVIL ACTION**

**PLAINTIFFS, :**

**: No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**vs. :**

**:**

**CAROL AICHELE, Secretary of the :**

**Commonwealth of Pennsylvania; and :**

**JONATHAN MARKS, Commissioner, :**

**Bureau of Elections of the Commonwealth :**

**of Pennsylvania :**

**:**

**DEFENDANTS. :**

**COMPLAINT FOR DECLARATORY, INJUNCTIVE & MANDAMUS RELIEF**

Plaintiffs, GREEN PARTY OF PENNSYLVANIA, LIBERTARIAN PARTY OF PENNSYLVANIA, WILLIAM REDPATH, KENNETH V. KRAWCHUK, PAUL GLOVER, THOMAS LEE PRIGG, JOHN J. SWEENEY and STEVE SCHEETZ, by and through their undersigned legal counsel, file this action for emergency, temporary and permanent mandamus and prospective equitable relief against defendants, CAROL AICHELE, in her official capacity as Secretary of the Commonwealth of Pennsylvania and JONATHAN MARKS, in his official capacity as the Commissioner of the Pennsylvania Bureau of Commissions, Elections and Legislation (“BCEL”) and allege, based on information and belief, as follows:

**NATURE OF THE CASE**

1. This is an action to enforce rights guaranteed to plaintiffs under the First and Fourteenth Amendments to the United States Constitution, the Elections and Supremacy Clauses of the United States Constitution, federal statutory law, as well as pendent state law claims arising under the Constitution of Pennsylvania and the Pennsylvania Election Code.

2. At issue is defendants’ enforcement of various ancient and antiquated requirements of 25 P.S. § 2911(a), (c) and (d) of the Pennsylvania Election Code, and/or defendants’ enforcement of the Commonwealth’s unconstitutional interpretation of those challenged provisions and/or defendants imposing specific unconstitutional constraints on plaintiffs’ exercise of core political speech for which the defendants: (a) lack a modern compelling governmental interest to impose; (b) fail to narrowly tailor to effectuate a legitimate state interest; (c) enforce in an unconstitutional manner; (d) enforce in conflict with superior federal law; (e) enforce in derogation of a plain reading of the Pennsylvania Election Code; (f) enforce in derogation of their obligation to unambiguously comply with a permanent injunction of this Court with respect to certain provisions of 25 P.S. § 2911(d); (g) enforce in a manner lacking statutory authority; and/or (h) enforce in derogation of the Constitution of the Commonwealth of Pennsylvania.

3. Plaintiffs do not contest, here, that defendants have the constitutional authority to enforce different procedures for the nomination of candidates for the Commonwealth’s general election ballot. Plaintiffs accept that defendants have the constitutional authority to enforce rules establishing a primary election system for major political parties (i.e., the Republican and Democrat parties) and a separate nomination system for political bodies and minor political parties (i.e., the Green and Libertarian parties of Pennsylvania) via the circulation and filing of nomination papers.

4. Plaintiffs also do not contest, here, that the Commonwealth has the constitutional authority to require that candidates of political bodies and minor political parties must collect and file a larger number of signatures than their major political party counterparts to gain access to the Commonwealth’s general election ballot.

5. ***However, plaintiffs do challenge and assert in this action*** the established constitutional fact that the act of signing plaintiffs’ nomination papers is core political speech protected, in the absence of a modern compelling governmental interest, from state nullification under the First and Fourteenth Amendments to the United States Constitution and subject to further protection under the Elections and Supremacy Clauses of the United States Constitution, federal statutory law, as well as, state constitutional and statutory law – any and/or all of which prohibit defendants from: (a) imposing broad limits on who may circulate plaintiffs’ nomination papers; (b) striking “core political speech” involving “interactive communications concerning political change” from plaintiffs’ nomination papers of those Pennsylvania citizens who are constitutionally and statutorily qualified to register to vote for the general election for which plaintiffs’ nomination papers are circulated; (c) imposing and publishing rules and instructions designed to strike and/or threaten to strike otherwise constitutionally valid signatures from plaintiffs’ nomination papers based on “form over substance” rules for which defendants, as agents of the Commonwealth, have not narrowly tailored to advance a compelling governmental interest and/or are in direct contradiction to superior federal statutory law and/or state constitutional law, and/or state statutory law and/or for which defendants lack statutory authority to impose; (d) reducing the number of signatures that may be recorded on a “political body’s” nomination papers, thereby increasing the cost of verifying “political body” nomination papers, based on defendants’ internal administrative decision which is not narrowly tailored to advance a compelling governmental interest; (e) imposing a signature verification cost on plaintiffs in the form of a notarization requirement of the “Affidavit of Qualified Elector” denominated as section “D” of “minor political party” nomination papers and section “E” of “political body” nomination papers, for which defendants have failed to provide a non-monetary alternative; and (f) publishing on each of plaintiffs’ nomination papers an unlawful qualification of this Court’s unambiguous declaratory judgment and permanent injunction on defendants from enforcing 25 P.S. § 2911(d) of the Pennsylvania Election Code to the extent it requires a witness executing the “Affidavit of Qualified Elector” to reside within the election district specified on the nomination paper, and whose enforcement in state courts has been affirmed by the Supreme Court of Pennsylvania by instructing plaintiffs and all circulators of plaintiffs’ nomination papers that:

*Note: While the Secretary of the Commonwealth will not reject nomination papers on the basis that the circulator does not reside in the district specified in the nomination paper, the candidate(s) should be aware that the nomination papers may be challenged in Commonwealth Court on the basis that the circulator does not reside in the district*.

6. The moment a Pennsylvania citizen exercises their fulsome First Amendment right of speech, petition and association to sign plaintiffs’ nomination papers, the Commonwealth, and defendants acting under color of state law, lack plenary constitutional and/or statutory authority to legislate or otherwise impose their multitude of overlapping restrictions designed to strike citizen speech from plaintiffs’ nomination papers for the signer’s failure to comply with substantive and/or ministerial requirements (many of which no longer serve a functional purpose in the computer age) that are not narrowly tailored to advance a compelling governmental interest or are in direct conflict with controlling federal and/or state constitutional law and/or statutory law or which defendants lack statutory authority to impose.

7. Defendants’ exercise of authority, under color of state law, and under provisions of the Pennsylvania Elections Code challenged in this action, violate freedoms of speech, petition and association guaranteed by the First and Fourteenth Amendments to the United States Constitution and plaintiffs’ right to the supremacy of Congress and federal law over federal elections pursuant to the Elections and Supremacy Clauses of the United States Constitution, all enforced by 42 U.S.C. §1983.

8. Plaintiffs petition this Court for emergency, temporary and permanent declaratory and injunctive relief prohibiting defendants from enforcing the challenged provisions of the Pennsylvania Election Code now and in the future.

9. Plaintiffs also petition this Court for immediate emergency mandamus action ordering defendants to immediately re-draft and re-distribute nomination papers for the 2014 general election in accordance with the declaratory and injunctive relief requested by plaintiffs.

10. Plaintiffs also petition this Court for immediate emergency action in mandamus ordering defendants to re-draft and re-distribute defendants’ “Nomination Paper General Instructions Sheet (DSBE PB)” (which is defendants’ instruction sheet for the proper circulation of political body nomination papers) and “Instructions for Filing as a Candidate of a Minor Political Party – 2014 General Election” (which is defendants’ instruction sheet for the proper circulation of minor political party nomination papers) in accordance with the declaratory and injunctive relief requested by plaintiffs.

11. Specifically, defendants have struck in the past, and threaten to strike in the immediate future, otherwise constitutionally protected and valid signatures from plaintiffs’ nomination papers for violation of any one of the following unconstitutional ministerial restrictions imposed by of 25 P.S. § 2911(a), (c) and (d) of the Pennsylvania Election Code in violation of plaintiffs’ right to free speech, petition and association under the First and Fourteenth Amendments to the United States Constitution:

***Unconstitutional Ministerial Restrictions*:**

11(A) The “In-State Witness Restriction”:

(i) 25 P.S. § 2911(d) of the Pennsylvania Election Code prohibits non-Pennsylvania residents from executing the “Affidavit of Qualified Elector” (hereinafter sometimes the “In-State Witness Restriction” or “In-State Witness Requirement”) denominated as section “D” of minor political party nomination papers and section “E” of political body nomination papers (hereinafter sometimes the “Affidavit”). Defendants are authorized to strike and refuse to file any nomination paper when the Affidavit is executed by anyone who is not a “qualified elector” of the Commonwealth of Pennsylvania. The In-State Witness Restriction imposes an unconstitutional impairment on plaintiffs’ right to free speech, petition and association as guaranteed by the First and Fourteenth Amendments to the United States Constitution.

(ii) The In-State Witness Restriction imposed by 25 P.S. § 2911(d) imposes a severe burden on speech and is not narrowly tailored to effectuate a compelling state interest. As explained by the overwhelming majority of federal district and circuit courts of appeals, any alleged compelling governmental interest advanced by statutes identical to 25 P.S. § 2911(d) is more narrowly and fully advanced – without the need to impair any First Amendment guarantees – by requiring affiants to submit to the Commonwealth’s jurisdiction for the purpose of any subsequent investigation, prosecution and adjudication of alleged election petition fraud.

(iii) There is no regulatory interest advanced by the In-State Witness Restriction sufficient to justify the severe impairment of plaintiffs’ speech, petition and association protected under the First and Fourteenth Amendments to the United States Constitution.

(iv) Furthermore, Election Code provisions unique to Pennsylvania establishing the right of any qualified elector to object to the validity of plaintiffs’ nomination papers, triggering an immediate signature-by-signature judicial review by Pennsylvania’s Commonwealth Court to determine the validity of each signature and Affidavit, is the most robust and conclusive procedure to prevent, detect and nullify any allegation of petition fraud such that the Affidavit is rendered a complete nullity and does not, in fact, advance any actual governmental interest, let alone a compelling governmental interest necessary to permit the impairment of rights guaranteed under the First and Fourteenth Amendments; **and,**

11(B) The Sworn Affidavit Requirement:

(i) Defendants have imposed, in excess of 25 P.S. § 2911(d) (which merely requires that an affidavit be appended to each nomination paper), the further requirement that the Affidavit must be executed “in the presence of a person empowered to take acknowledgements (such as a notary public).” A notary public in Pennsylvania charges – *at a minimum* - $5.00 per affidavit. In many instances a notary public in Pennsylvania will charge up to $20.00 per executed page. Defendants’ requirement that each Affidavit be taken in the presence of a person empowered to take acknowledgements and who typically charge a commercial fee of at least $5.00 per acknowledgment, amounts to an unconstitutional signature certification fee of (at minimum) $.14285 per signature for “political body” nomination papers (defendants’ nomination papers for “political body” candidates provide space for only 35 signatures per nomination paper), and $.10 per signature for “minor political party” nomination papers (defendants’ nomination papers for “minor political party” candidates provide space for 50 signatures per nomination paper), all in clear violation of the First Amendment’s general prohibition on the imposition of any financial penalty upon those who exercise a right guaranteed by the Constitution – and, electoral signature verification fees in particular.

(ii) Defendants’ sworn affidavit requirement imposes a severe burden on plaintiffs’ speech, is not narrowly tailored to advance a compelling governmental interest and there is no regulatory interest advanced by the sworn affidavit requirement sufficient to justify the severe impairment of plaintiffs’ rights under the First and Fourteenth Amendments to the United States Constitution.

(iii) Defendants’ requirement that the Affidavit must be executed by a notary public, in combination with the number of nomination paper signatures required by 25 P.S. § 2911(b) and the maximum number of signatures permitted by defendants to be recorded on each nomination paper results in a minimum signature certification fee of $2,380.00 for “political body” gubernatorial candidates ([16,639 required signatures ÷ 35 signature permitted per “political body” nomination paper] x $5.00) and a minimum signature certification fee of $1,665.00 for “minor political party” gubernatorial candidates ([16,639 required signatures ÷ 50 signatures permitted per “minor political party” nomination paper] x $5.00).

(iv) Defendants refuse to offer any non-monetary alternative to the sworn affidavit requirement. Pennsylvania law, however, provides for a “free” unsworn affidavit alternative pursuant to18 Pa. Cons. Stat. § 4904(a)(1) which provides that: “A person commits a misdemeanor of the second degree if, with the intent to mislead a public servant in performing his official function, he: (1) makes any written false statement which he does not believe to be true.” Defendants, in excess of their statutory authority, refuse to permit Affidavits to be made pursuant to, and subject to the penalties of, 18 Pa. Cons. Stat.§ 4904(a)(1).

(v) While Affidavits made pursuant to 18 Pa. Cons. Stat §4904(a)(1) would not require the payment of any fees to a notary public, such Affidavits would, nevertheless, impose a criminal penalty for an intentional misstatement to defendants that the affiant does not believe to be true and would protect any vestigial state interest alleged to be advanced by defendants’ notarized Affidavit requirement.

(vi) Defendants cannot argue that the requirement they have imposed on plaintiffs to execute the Affidavit in the “presence of a person empowered to take acknowledgements (such as a notary public)” is anything other than a signature verification fee of the kind held unconstitutional by the United States Supreme Court. Defendants’ predecessors-in-office specifically argued to this Court in *Morrill v. Weaver*, 224 F.Supp.2d 882 (2002), that one of the alleged compelling governmental interests in favor of the election district residency requirement, ultimately rejected and struck down as unconstitutional, was that the Affidavit was necessary to validate petitioners’ signatures.

(vii) Accordingly, owing to: (a) the unconstitutionality of all signature verification fees imposed on election petitions; (b) the availability of an alternative statutory provision providing for acknowledgements imposing criminal sanctions for willful written false statements to defendants which does not impose any monetary burden on plaintiffs or the electoral process; (c) unchallenged provisions of the Pennsylvania Election Code establishing the right of any qualified elector to challenge plaintiffs’ nomination papers triggering an immediate signature-by-signature *judicial review* of the validity of every challenged signature recorded on plaintiffs’ nomination papers; and (d) the lack of any statutory mandate that the Affidavit be executed in the presence of a person empowered to take acknowledgements – defendants’ imposition of the sworn Affidavit requirement must be declared unconstitutional and permanently enjoined for defendants’ lack of statutory authority and because defendants’ exercise of any permissible administrative discretion violates plaintiffs’ First Amendment right against signature verification fees and fails to narrowly advance the Commonwealth’s legitimate interest in the prevention of petition fraud in the electoral process in violation (again) of rights guaranteed to plaintiffs under the First and Fourteenth Amendments; **and,**

11(C) Requirement of Separate Nomination Papers for Residents of Different Counties:

(i) 25 P.S. § 2911(d) imposes the requirement on the circulation of nomination papers that: “different sheets must be used for signers resident in different counties….” Pursuant to 25 P.S. § 2911(d) defendants refuse to permit plaintiffs to file any signature of a “qualified elector” who is a resident of a county different from the county recorded on line #1 of the Affidavit. The requirement that different sheets must be used for signers resident in different counties no longer narrowly advances a compelling governmental interest in the modern era where Pennsylvania has established, as required by federal law and adopted by Pennsylvania through amendments to the Pennsylvania Election Code, a statewide searchable computer database of all registered voters in the Commonwealth of Pennsylvania (i.e., the SURE system, defined in 11(C)(iii), below).

(ii) The requirement of 25 P.S. § 2911(d) that plaintiffs’ circulate separate nomination papers for residents of different counties imposes a severe burden on plaintiffs’ speech, is no longer narrowly tailored to advance a compelling governmental interest and there is no regulatory interest advanced by the requirement sufficient to justify the severe impairment of plaintiffs’ rights under the First and Fourteenth Amendments to the United States Constitution.

(iii) Prior to the computer era (when 25 P.S. § 2911(d) was first signed into law), challenged nomination papers had to be sent to each individual county so that each county voter registrar could validate challenged signatures of qualified electors resident in their county against the physical voter registration cards indexed by name and address in vast files maintained by the county registrar. (iv) Passage of the National Voter Registration Act required Pennsylvania to develop and maintain a central computer database containing every voter registration record in the Commonwealth of Pennsylvania. With the passage of Act 3 of 2002, Pennsylvania directed defendant Secretary of the Commonwealth to implement the Statewide Uniform Registry of Elections (hereinafter “SURE”).

(v) SURE permits defendants and election officials to search and display any voter registration record, including name, address, signature, date of registration, and voting record from any SURE computer portal in the state.

(vi) By defendants’ own admission, SURE is “[a] centralized, uniform statewide registry, as opposed to a collection of disparate county level voter files” that “greatly enhances overall accuracy and integrity of the voter roll….protecting against potential voter fraud, and promoting consistency among counties in their data management practices.” Accordingly, the days of sending challenged nomination papers segregated by county to each individual county to determine the validity of challenged signatures has been relegated to the same historical heap as the buggy-whip.

(vii) Defendants’ requirement that plaintiffs segregate nomination paper signatures on separate sheets is a bizarre vestige of the pre-computer era that currently imposes an unconstitutional restriction on plaintiffs’ right to free speech, petition and association that is no longer required to advance any governmental interest, let alone one that is narrowly tailored to advance a compelling governmental interest.

(viii) By way of example and practical application, the First Amendment prohibits defendants from exercising their authority to strike an otherwise valid signature of a qualified elector from Lancaster County who signed plaintiffs’ nomination papers while walking down a sidewalk in Philadelphia for the sole reason that the circulator did not have a separate nomination paper dedicated for Lancaster County residents. Absent a compelling state interest, requiring circulators to either manage 67 nomination papers (while out on the street) or deny otherwise willing and qualified electors from signing plaintiffs’ nomination papers impair rights guaranteed to plaintiffs and “willing speakers” by the First and Fourteenth Amendments to the United States Constitution.

(ix) Furthermore, the First Amendment prohibits defendants from requiring that the qualified elector who is a “willing speaker” from Lancaster County in the above example, to expend the time necessary to search out a circulator who has a Lancaster County specific nomination paper (if one exists) before he/she may engage in the “interactive communication concerning political change” implicated by the act of signing plaintiffs’ nomination papers; **and,**

11(D) Requirement That Signer Record the Year of Recordation:

(i) 25 P.S. § 2911(c) of the Pennsylvania Election Code imposes the requirement that each signer of plaintiffs’ nomination papers record, as part of the date, the year the “qualified elector” signed the nomination paper.

(ii) The requirement of 25 P.S. § 2911(c) that mandates that signers of plaintiffs’ nomination papers record the year in which they sign the nomination paper, imposes a severe burden on plaintiffs’ speech and the speech of qualified electors willing to sign plaintiffs’ nomination papers, is not narrowly tailored to advance a compelling governmental interest and there is no regulatory interest advanced by the requirement sufficient to justify the severe impairment of plaintiffs’ rights under the First and Fourteenth Amendments to the United States Constitution.

(iii) While defendants, as agents of the Commonwealth, have a compelling governmental interest in making sure that each signature on plaintiffs’ nomination papers are secured during the time period established by law to gather nomination paper signatures, the requirement that each signer record the year in which they sign a nomination paper is not narrowly tailored to effectuate that interest where the Supreme Court of Pennsylvania prohibited the striking of nomination paper signatures in 2012 where defendant Secretary of State had pre-printed “(rev. 1/12)” at the bottom of each nomination paper making it impossible that any signature was obtain in any year other than the year in which the nomination papers were both revised, distributed and required to be filed with defendants (August 1 of the same year) – events which all fall within the same calendar year.

(iv) On such facts, the Supreme Court of Pennsylvania recognized that it is a metaphysical impossibility that any signature recorded on nomination paper could have been recorded in any year other than the year of the election for which the nomination papers were circulated.

(v) Defendants have revised plaintiffs’ nomination papers for the 2014 election cycle. Just as in 2012, defendants have pre-printed at the bottom of each nomination paper “(rev. 2/14)”. Furthermore, just as in 2012, defendants did not release the newly revised nomination papers to plaintiffs until 6:05 pm on March 11, 2014 – less than 6 hours before plaintiffs were legally permitted to circulate and file nomination papers for the 2014 election cycle.

(vi) Nevertheless, defendants continue to impose the requirement that signers of nomination papers for political body candidates express the date of signing “in words or numbers, e.g. – March 12, 2012 or 3/12/12” as detailed in ¶5 of the “Nomination Paper General Instructions Sheet (DSBE PB)” published by defendants on the same day that plaintiffs’ nomination papers were published and distributed to plaintiffs.

(vii) Accordingly, defendants continue to impose the requirement that signers of nomination paper must record the year in which they sign plaintiffs’ nomination papers in violation of rights guaranteed to plaintiffs’ under the First and Fourteenth Amendments to the United States Constitution.

(viii) Furthermore, to the extent that defendants refuse to revise and pre-print the year of each election cycle at the bottom of nomination papers in future elections, as defendants now threaten, the challenged provision of 25 P.S. § 2911(c) no longer narrowly advance any compelling governmental interest where pre-printing the year on each nomination paper is a more narrow effectuation of the Commonwealth’s interest such that enforcement of the challenged mandate under § 2911(c) is no longer constitutionally valid under any set of facts.

(ix) In short, defendants cannot willfully refuse to print the year of the election cycle on nomination papers in order to preserve their right to strike otherwise valid signatures from plaintiffs’ nomination papers for the failure of the signer to record the year in which they signed plaintiffs’ nomination papers.

(x) Accordingly, the requirement that each signer of plaintiffs’ nomination papers record the year that he/she affixed their signature imposes a facially unconstitutional restriction on plaintiffs’ right to free speech, petition and association as guaranteed by the First and Fourteenth Amendments to the United States Constitution under any set of facts; **and,**

11(E) Prohibition Limiting Qualified Electors From Signing More Than One Nomination Paper:

(i) 25 P.S. § 2911(c) prohibits “qualified electors” from signing more than one nomination paper.

(ii) Defendants’ enforcement of the prohibition on qualified electors from signing more than one nomination paper contained in 25 P.S. § 2911(c) is a presumptively invalid content based restriction on speech in violation of the First and Fourteenth Amendments to the United States Constitution. A blanket prohibition on speech petitioning the Commonwealth of Pennsylvania for more than one candidate from a “minor political party” and/or “political body” to appear on the Commonwealth’s general election ballot is a restriction of speech based solely on its content.

(iii) The restriction of 25 P.S. § 2911(c) prohibiting willing “qualified electors” from signing more than one nomination paper imposes a severe burden on plaintiffs’ speech – and the speech of willing “qualified electors” – that is not narrowly tailored to advance a compelling governmental interest and there is no regulatory interest advanced by the restriction sufficient to justify the severe impairment of plaintiffs’ rights under the First and Fourteenth Amendments to the United States Constitution.

(iv) Since 25 P.S. § 2911(c) also provides that: “[m]ore than one candidate may be nominated by one nomination paper and candidates for more than one office may be nominated by one nomination paper,” the challenged provision of 25 P.S. § 2911(c) prohibits a qualified elector from petitioning the Commonwealth to place a gubernatorial candidate from one “political body” or “minor political party” on the general election ballot and a congressional or other “down ballot” candidate from a different “political body” or “minor political party” on the Commonwealth’s general election ballot. Such a blanket prohibition on speech petitioning the Commonwealth of Pennsylvania to place candidates from different political parties and/or bodies on the Commonwealth’s general election ballot is a presumptively invalid content based restriction on speech in violation of the First and Fourteenth Amendments to the United States Constitution; **and,**

11(F) Defendants’ 2014 Nomination Paper for “Political Body” Candidates Impair “Political Body” Plaintiffs’ First Amendment Rights:

(i) 25 P.S. § 2911(a) delegates to defendants the authority to promulgate the form of the nomination papers that “political body” and “minor political party” candidates are required to use and file with defendants.

(ii) Defendants’ have exercised their authority under 25 P.S. § 2911(a) in an unconstitutional manner, imposing a sever burden on political speech which is not narrowly tailored to advance a compelling governmental interest and for which there is no regulatory interest sufficient to justify the impairment of plaintiffs’ rights under the First and Fourteenth Amendments to the United States Constitution.

(iii) Defendants’ 2014 “political body” nomination papers retain the space to record the names of “Presidential Electors” for the 2014 general election which does not vote for presidential candidates. Defendant Marks explained to plaintiffs’ legal counsel on March 13, 2014, that defendants have decided to avoid revision of nomination papers for each election cycle which defendants allege require them to retain the “Presidential Electors” block on nomination papers for a “political body” who may not submit such information directly to defendants and are required to list them directly on the nomination paper.

(iv) Defendants’ retention of the “Presidential Electors” block for the 2014 general election reduces the number of signatures that “political body” plaintiffs are permitted by defendants to gather on each nomination paper – increasing the total number and cost of filing nomination papers with defendants. Costs for “political body” candidates are increased pursuant to defendants’ unconstitutional mandate (also challenged in this action) that the Affidavit be executed in the “presence of a person empowered to take acknowledgements” who typically charge, *at minimum*, $5.00 per acknowledgement. A forced reduction by defendants of the number of signatures that can be recorded on each nomination paper increases the total number of nomination papers and acknowledgements that must be filed with defendants and imposes upon “political body” plaintiffs a direct increase in the cost of their filing nomination papers with defendants.

(v) Defendants’ sudden desire to avoid the very simple process of revising nomination papers (a few seconds to revise and print a Word document once every two years) may be directly related to defendants’ desire to retain, for those who routinely challenge plaintiffs’ nomination papers, the ability to challenge otherwise valid signatures of qualified electors that merely failed to record the year in which they signed a nomination paper (i.e., avoid the Pennsylvania Supreme Court’s decision in *In re Nomination Papers of Robertson*, No. 43 EAP 2012 in future elections).

(vi) Defendants’ retention of the “Presidential Electors” block on “political body” nomination papers in a non-presidential election year, thereby increasing the costs for “political body” candidates to file nomination papers, is not narrowly tailored to advance a compelling governmental interest (rather than a mere administrative choice designed to benefit defendants’ own political agenda) and is an unconstitutional exercise of authority granted to defendants in 25 P.S. § 2911(a), in violation of rights guaranteed to “political body” plaintiffs under the First and Fourteenth Amendments to the United States Constitution; **and,**

11(G) Defendants’ Notation Below the Affidavit Related to Circulators Who Do Not Reside Within the Election District is Without Legal Merit, Chilling of Established First Amendment Rights and Contrary to an Order of this Court Enjoining Defendants from Enforcing the Out-of-District Circulator Restriction:

(i) In an Opinion and Order issued on April 19, 2002, Judge Franklin S. VanAntwerpen of this Court (prior to his elevation to the United States Court of Appeals for the Third Circuit) declared unconstitutional and permanently enjoined defendants from enforcing those portions of 25 P.S. § 2911(d) which require that nominating paper affiants in Pennsylvania be residents within the same electoral district as the candidate named on the nomination paper. The Supreme Court of Pennsylvania conclusively ruled in *In re Stevenson*, 615 Pa. 50, 40 A.3d 1212 (2012), that injunctions issuing from this Court are binding upon the entire Commonwealth (including defendants and the state judiciary).

(ii) On January 22, 2014, in a letter from Senior Deputy Attorney General Kevin R. Bradford to Kathleen M. Kotula, defendant Aichele’s Deputy Chief Counsel, the Office of Attorney General advised defendants that there was no legal basis to support the circulator residency requirement and instructed defendants to cease enforcement “for all offices.”

(iii) Despite the permanent federal injunction against defendants, the Supreme Court of Pennsylvania’s decision in *In re Stevenson*, and the Attorney General of Pennsylvania’s advice to defendants to cease enforcement (even for major party nomination petitions which were not technically subject to the federal injunction) of the circulator residency requirement of 25 P.S. § 2911(d), defendants continue to print at the bottom of plaintiffs’ nomination papers the following threat:

*Note: While the Secretary of the Commonwealth will not reject nomination papers on the basis that the circulator does not reside in the district specified in the nomination paper, the candidate(s) should be aware that the nomination papers may be challenged in Commonwealth Court on the basis that the circulator does not reside in the district*

(hereinafter “Printed Threat”).

(iv) Defendants have not printed any such Printed Threat at the bottom of the 2014 nomination petitions for major political parties (i.e., the nomination petitions for Republican and Democrat primary election candidates) despite the fact that defendants have merely entered into a private consent agreement to cease enforcement of the circulator residency requirement for nomination petitions for Republican and Democrat primary candidates. In contrast, defendants have been expressly enjoined from enforcing this provision in the context of plaintiffs’ nomination papers!

(v) Defendants have been: (a) ***permanently enjoined*** by this Court with respect to enforcement of the circulator residency requirement of 25 P.S. § 2911(d) for nomination papers; (b) are bound by the Supreme Court of Pennsylvania’s decision in *In re Stevenson* that this Court’s injunction is binding on the Commonwealth (including defendants and all courts of the Commonwealth of Pennsylvania); and (c) were recently advised by the Attorney General of Pennsylvania that the circulator residency requirement is not enforceable and that defendants should cease enforcement even with respect to political parties not subject to this Court’s injunction. Despite all of the foregoing, defendants continue to publish the Printed Threat on each of plaintiffs’ nomination papers.

(vi) The Printed Threat imposes a severe burden on plaintiffs’ speech, is not narrowly tailored to advance any governmental interest and there is no regulatory interest advanced by the Printed Threat sufficient to justify the severe impairment of plaintiffs’ rights under the First and Fourteenth Amendments to the United States Constitution.

(vii) Defendants’ Printed Threat of possible objections for failure to comply with the circulator residency requirement of 25 P.S. § 2911(d) is chilling on plaintiffs’ First Amendment right to use any Pennsylvania circulator causing significant uncertainty as to whether or not plaintiffs can confidently use non-resident circulators to collect signature of qualified electors for their nomination papers.

(viii) This Court must clearly understand that the mere threat of conduct which might trigger objections is uniquely traumatic in the minds of “minor political party” and “political body” candidates. These plaintiffs are uniquely threatened with the prospect that any successful objection to their nomination papers will expose each candidate, and their legal counsel, to the prospect of tens of thousands of dollars of legal fees – a practice this Court has heretofore avoided addressing on the merits in prior litigation.

(ix) Owing to the constant threat that their nomination papers will be subject to costly legal challenges, plaintiffs must conduct themselves in a manner designed to prevent any objections from being successfully filed.

(x) Furthermore, defendants’ Printed Threat that objections could be filed against plaintiffs’ nomination papers if they use non-resident circulators, is considered by plaintiffs as both:

(a) an invitation to the Republican and Democrat parties to continue to file objections based on the legally defunct circulator residency requirement of 25 P.S. § 2911(d) – threatened objections which plaintiffs would be required to defend in court, draining plaintiffs of finite financial resources otherwise dedicated for the advancement of plaintiffs’ political campaigns;

(b) imposes upon plaintiffs the constant need to engage in educational efforts to instruct circulators that, despite defendants’ Printed Threat, they do not need to reside in an electoral district to circulate nomination papers for plaintiffs’ local candidates – an educational effort that is both time consuming and one that plaintiffs may not get to communicate to a prospective circulator who may, *sua sponte*, constrain his or her circulation efforts to his/her electoral district, thereby depriving plaintiffs of the benefit of the federal injunction; and

(c) an effort by defendants to force plaintiffs to comply with the circulator residency requirement of 25 P.S. § 2911(d) in violation of this Court’s permanent injunction against defendants and rights guaranteed to plaintiffs under the First and Fourteenth Amendments to the United States Constitution.

12. Additionally, defendants have struck, and threaten to strike in the immediate future, otherwise constitutionally protected and valid signatures from plaintiffs’ nomination papers for violation of any one of the following unconstitutional restrictions as to who may sign and/or what information must be recorded on plaintiffs’ nomination papers imposed by 25 P.S. § 2911(a) and (c) of the Pennsylvania Election Code in violation of plaintiffs’ right to free speech, petition and association under the First and Fourteenth Amendments to the United States Constitution and rights established under federal law pursuant to the Elections and Supremacy Clauses of the United States Constitution:

***Unconstitutional Restrictions on Who May Sign and/or Record Information on Plaintiffs’ Nomination Papers*:**

12(A) Unregistered Qualified Electors Cannot Be Barred from Signing Plaintiffs’ Nomination Papers:

(i) 25 P.S. § 2911(a) provides that only “qualified electors” may sign plaintiffs’ nomination papers.

(ii) Defendants enforce 25 P.S. § 2911(a) to require that only “qualified electors” who are registered to vote on the day they sign plaintiffs’ nomination papers may record valid signatures on plaintiffs’ nomination papers.

(iii) Defendants’ enforcement of 25 P.S. § 2911(a) is unconstitutional and places a severe burden, which is not narrowly tailored to advance any compelling governmental interest, on plaintiffs’ speech and the speech of Pennsylvania citizens who both wish to sign plaintiffs’ nomination papers to effect political change and exercise their right to engage in protected speech to refuse to register to vote, all protected under the First and Fourteenth Amendments to the United States Constitution.

(iv) Defendants’ enforcement of 25 P.S. § 2911(a) is not justified by any regulatory interest sufficient to permit the impairment of plaintiffs’ rights and the rights of Pennsylvania’s unregistered “qualified electors” under the First and Fourteenth Amendments to the United States Constitution.

(v) Defendants’ requirement and enforcement that only registered “qualified electors” may sign plaintiffs’ nomination papers “produces a speech diminution” that limits “the number of voices” and cuts down “the size of the audience” that plaintiffs can reach in the circulation of their nomination papers, imposing a severe restriction on plaintiffs’ right to access the Commonwealth’s general election ballot without narrowly advancing a compelling governmental interest in violation of rights guaranteed to plaintiffs under the First and Fourteenth Amendments to the United States Constitution.

(vi) The Supreme Court’s analysis in *Buckley v. American Constitutional Law Found*., 525 U.S. 182 (1999), striking as unconstitutional the requirement that circulators of election petitions be registered qualified electors applies with equal force to defendants’ registration requirement for qualified electors before they may validly sign plaintiffs’ nomination papers. In fact, in *Buckley*, the Supreme Court, noting with approval, the district court’s finding that “the requirement of registration limits the number of persons available ***to circulate and sign [initiative] petitions and, accordingly restricts core political speech***.” Likewise, defendants’ imposition of a registration requirement on qualified electors before they may sign plaintiffs’ nomination papers limits the number of persons available to sign plaintiffs’ nomination papers and therefore is a restriction on core political speech – a registration requirement that is not narrowly tailored to advance any compelling governmental interest.

(vii) Additionally, in rejecting the registration requirement for petition circulators in *Buckley*, the United States Supreme Court accepted that there are qualified electors for whom “the choice not to register implicates political thought and expression.” The Supreme Court’s analysis that the refusal of qualified electors to register to vote is, itself, an act of protected speech, is binding on this Court. The Supreme Court’s analysis applies with even greater force to the population of “qualified electors” seeking to sign plaintiffs’ nomination papers as an act of “interactive communication concerning political change” to permit additional electoral choices and, as such, are citizens less likely to be involved in normal partisan politics and/or registered to vote because they do not approve of the virtual monopoly of the two-party system in Pennsylvania.

(viii) Once the refusal to register to vote is accepted as a form of protected speech and/or “political thought and expression” the failure of a qualified elector to register to vote cannot be utilized by defendants to diminished and/or impair the right of unregistered qualified electors to exercise their First Amendment right to sign plaintiffs’ nomination papers.

(ix) Defendants’ prohibition, therefore, constitutes the imposition of an impermissible “unconstitutional condition” on the exercise of speech without advancing a countervailing governmental interest in violation of rights guaranteed to plaintiffs and those who wish to sign plaintiffs’ nomination papers under the First and Fourteenth Amendments to the Constitution. Defendants cannot force otherwise qualified electors to abandon their right to engage in their chosen avenue of “political thought and expression” (i.e., the act of refusing to register to vote) as a condition precedent to exercise their constitutional and statutory right to sign plaintiffs’ nomination papers to expand Pennsylvania’s ballot beyond candidates representing the two major political parties.

(x) While registration of qualified electors before they may cast a ballot does advance a compelling governmental interest in the orderly administration of elections in the time-compressed environment of Election Day (registration of qualified electors provides *prima facie* evidence to polling officials that the person seeking to cast a ballot is a qualified elector of the Commonwealth and of the respective electoral district), the registration requirement does not narrowly advance a compelling governmental interest in the factually different circumstances of the much longer time frame of circulating, signing and verifying plaintiffs’ nomination papers. In fact, as the United States Supreme Court explained in *Buckley*, the requirement of circulators (and, in this case, anyone who signs plaintiffs’ nomination papers) to set forth:

“the address at which he or she resides, including the street name and number, the city or town and county….has an immediacy, and corresponding reliability, that a voter’s registration may lack…. attestation is made at the time a petition section is submitted; a voter’s registration may lack that currency.”

Accordingly, the challenged registration requirement in this action is a ***less reliable*** method for determining whether signatures recorded on plaintiffs’ nomination papers are executed by a “qualified elector” than the more reliable, and independently verifiable, name and address information already required by defendants to be recorded on plaintiffs’ nomination papers such that the registration requirement not only *fails* toadvance any governmental interest, it *actually* *retards* the Commonwealth’s legitimate interest in limiting signatures to those of “qualified electors” who are adult citizens and residents of the Commonwealth permitted to register to cast a ballot.

(xi) Furthermore, Election Code provisions setting forth that any voter may challenge the validity of any signature on plaintiffs’ nomination papers – triggering an immediate and exhaustive signature-by-signature judicial review of each challenged signature – ***a judicial review where challengers have a fulsome opportunity to present any evidence in support of their challenge to any signature recorded on plaintiffs’ nomination papers*** – fully protects and advances any governmental interest in policing any alleged instance(s) of petition fraud. (xii) Further, short of a full-blown judicial review of plaintiffs’ nomination papers, the attested name and address for each corresponding signature on plaintiffs’ nomination papers (attestation subject to criminal penalty) provides not only facially dispositive evidence as to the validity of each signature, but also sufficient data amenable to independent verification by any voter seeking to challenge signatures recorded on plaintiffs’ nomination papers.

(xiii) Furthermore, this Court was compelled in *Morrill v. Weaver*, 224 F.Supp.2d 882 (E.D. Pa. 2002), by the Supreme Court’s decision in *Buckley*, to define a “qualified elector” without a registration requirement. The Election Code, as drafted, requires both circulators and signers of nomination papers to be “qualified electors.” The Supreme Court held that a registration requirement for circulators was unconstitutional. As applied to the Election Code, this Court in *Morrill* defined “qualified elector” without a registration requirement in order to comply with *Buckley*. Defendants cannot give the exact same term (using the exact same words), applied to the same process of gathering signatures for nomination papers, different meanings where this Court has defined a “qualified elector” in a manner to give a companion provision of the Election Code a constitutional construction.

(xiv) In fact, defendants’ Affidavit is evidence of the unworkable and irrational conflict that defendants’ dual definition of “qualified elector” imposes on the nomination paper process. Defendants’ Affidavit mandates that circulators are required to affirm under penalty of perjury: (a) that the circulator is a “***qualified elector***” (which under *Morrill* & *Buckley* cannot require registration); and (b) that to the best of the circulator’s “knowledge and belief” that “the signers are ***qualified electors*** of the electoral districts designated in this nomination paper” (which under defendants’ enforcement requires registration).

(xv) Defendants provide no explanation (or statutory support) on the nomination paper of the dual definition given to the term “qualified elector” by defendants.

(xvi) Further, defendants’ dual definition of “qualified elector” imposes an impossible Affidavit on circulators because no circulator can “believe” or “know” that any or most of the signers of plaintiffs’ nomination papers are qualified electors who are also registered to vote, because circulators, in the modern era, cannot personally know who the registered voters are within any electoral district of the Commonwealth, let alone the population of registered qualified electors for the entire Commonwealth in a statewide election contest of the kind plaintiffs are presently seeking to contest.

(xvii) However, if the registration requirement for “qualified elector” is stricken by this Court, circulators can, based upon their direct observation of individuals signing plaintiffs’ nomination papers and a review of the names and addresses recorded with each corresponding signature properly determine and properly execute defendants’ Affidavit that to the “best of my knowledge and belief, the signers are qualified electors of the electoral districts designated in this nomination paper.”

(xviii) Therefore, defendants’ registration requirement on a “qualified elector” who may sign plaintiffs’ nomination paper either renders defendants’ Affidavit a meaningless and unconstitutional ministerial requirement which fails to advance any compelling governmental interest; or, imposes on circulators the requirement that they attest to an impossible level of knowledge verging on mandated perjury as an unconstitutional bar to protected First Amendment speech in the right to circulate election petitions free from unreasonable government restrictions.

(xix) Furthermore, defendants lack statutory authority for imposing the registration requirement on “qualified electors” who may sign plaintiffs’ nomination papers. As this Court properly noted and explained in *Morrill*:

The Election Code in 25 P.S. §2602(t) defines “qualified elector” with reference to the Pennsylvania Constitution. The Commonwealth Constitution, in its provision regarding qualifications of electors (Pa. Const. Art.VII, § 1), has requirements concerning age, citizenship, state residency and residency in an electoral district 60 days before an election – which would not impact petition circulation, a process completed before August 1.

*Morrill*, at footnote 16. In fact, the Commonwealth argued to this Court in *Morrill* that the Election Code expressly distinguishes between a “qualified elector” and a “registered elector.” The Commonwealth specifically argued in *Morrill* (in order to give the circulator requirement a constitutional construction under *Buckley*) that while the definition of a “qualified elector” is defined by reference to the definition contained in the Pennsylvania Constitution, the definition of a “registered elector” is: “a qualified elector who is registered to vote.” As this Court further explained in *Morrill*: “This distinction suggests that there are qualified electors who are not registered to vote, and we now interpret § 2911(d) accordingly.” *Morrill*, at footnote 16.

(xx) Accordingly, for all of the foregoing reasons, defendants’ registration requirement on a “qualified elector” who may sign plaintiffs’ nomination papers is:

(a) a violation of “core political speech” which is not narrowly tailored to advance a compelling governmental interest in violation of the First and Fourteenth Amendments;

(b) a violation of the “unconstitutional conditions” doctrine; (c) render’s defendants’ Affidavit unconstitutional;

(d) is not supported by a plain reading the Election Code; and,

(e) is in direct conflict with this Court analysis in *Morrill*  - an analysis required by the Supreme Court’s decision in *Buckley*.

**IN THE ALTERNATIVE**:

12(B) Evidence of a Signature Match Between the Commonwealth’s SURE System and Plaintiffs’ Nomination Papers & Recorded Within the Time Period Established by Law for the Circulation of Nomination Papers is Protected Speech That May Not Be Struck From Plaintiffs’ Nomination Papers by Defendants:

(i) To the extent that a “qualified elector” must also be a registered “qualified elector” defendants cannot articulate any compelling interest to strike any signature, based on ministerial “form-over-substance” requirements, and recorded on plaintiffs’ nomination papers within the statutory time period that can also be matched to a signature on file in defendants’ SURE system of registered voters.

(ii) There is no regulatory interest sufficient to justify the striking of a nomination paper signature from plaintiffs’ nomination papers which matches the signature of a qualified elector on file in defendants’ SURE system.

(iii) Accordingly, defendants’ enforcement of the ministerial restrictions imposed by 25 P.S. § 2911(c), and those additional restrictions imposed by defendants, that deviate beyond those necessary to police election petition fraud, are not narrowly tailored to advance a compelling governmental interest and must be permanently enjoined.

**SPECIFICALLY –**

(a) The science of handwriting analysis is based on the judicially accepted premise that a third party cannot forge the signature of a stranger, especially where the alleged forger does not have access to an exemplar of the signature sought to be forged. Every signature in the SURE system corresponds to a signature of an active registered qualified elector. The SURE system also permits voter registration officials to locate any voter record (and their accompanying signature) based on less than complete name and address information. To the extent that a signer of plaintiffs’ nomination papers records sufficient information on the nomination paper (but less than the full information and/or in the format required imposed by 25 P.S. §2911(c)) to quickly pull a voter record with a signature that is a match between the voter registration record in the SURE system and the signature recorded on plaintiffs’ nomination papers, defendants lack any interest, let alone a compelling governmental interest to strike that signature from plaintiffs’ nomination papers. In other words, signers of plaintiffs’ nomination papers need not, in the modern era, perfectly comply with the full array of nit-picky, “form-over-substance” ministerial requirements imposed both by defendants and 25 P.S. §2911(c) in order for signatures recorded by otherwise registered qualified electors on plaintiffs’ nomination papers to be valid.

(b) To the extent that a “qualified elector” must be a registered qualified elector, another “form over substance” ministerial requirement imposed on signatures recorded on plaintiffs’ nomination papers, for which defendants lack any compelling governmental interest to impose or enforce in derogation of rights guaranteed to plaintiff under the First and Fourteenth Amendments to the United States Constitution, is defendants’ prohibition that anyone other than the signer record information on the line on which they signed plaintiffs’ nomination paper. Defendants strike any signature of a registered qualified elector recorded on plaintiffs’ nomination papers where there is evidence that someone other than the signer recorded any of the information required to be recorded by 25 P.S. §2911(c). Where a signature on plaintiffs’ nomination papers can be matched to a signature of an active voter registration record in defendants’ SURE system, defendants’ compelling governmental interest in policing against election petition fraud is fully satisfied and complete – any additional restrictions placed on nomination paper signatures fails to advance any compelling interest and is invalid as an unconstitutional impairment of core political speech protected under the First and Fourteenth Amendments.

For instance, the Commonwealth’s lack of compelling interest in prohibiting petition circulators, or spouses or any other third party from assisting a signer in completing plaintiffs’ nomination paper signature line is demonstrated by the fact that the Commonwealth of Pennsylvania and defendants do not prohibit voter registration forms from being completed by persons other than the signer of the voter registration card. In the circumstance of a nomination paper, unlike a new voter registration form, an exemplar of the qualified elector’s signature is on file in defendants’ SURE system which can be matched with nomination paper signatures establishing conclusive evidence as to the signature’s validity. Accordingly, secondary information (other than the signature, such as printed name, address and/or date) recorded by someone other than the signer of a nomination paper does nothing to corrupt or call into question the validity of the signature. Such is not the case in the context of completing and filing a new voter registration form where defendants have not imposed any restriction on someone other than the signer from completing a voter registration form with accurate voter information. Defendants’ failure to impose any restrictions on voter registration forms being completed by someone other than the signer of the voter registration form is evidence defendants’ restriction placed on plaintiffs’ nomination paper signatures fails to advance a compelling governmental interest and is an invalid impairment of core political speech in violation of plaintiffs’ rights under the First and Fourteenth Amendments.

(c) Furthermore, to the extent that a “qualified elector” must be a registered qualified elector to sign plaintiffs’ nomination papers, defendants also lack any compelling governmental interest to strike any signature from plaintiffs’ nomination papers where the signature recorded on the nomination papers can be quickly matched to a signature of a registered voter in the SURE system but where the registration was lawfully made after the date the qualified elector signed plaintiffs’ nomination papers.

Defendants unconstitutionally impose the additional requirement that a registered “qualified elector” must also have a voter registration date on or before the date the qualified elector signs plaintiffs’ nomination papers. The deadline imposed by state law for a qualified elector to register to vote is 30 days before the election. By consent decree, plaintiffs must file their nomination papers on or before August 1st – a filing deadline which is well before the deadline for qualified electors to register to vote. To the extent that a qualified electors’ registration is recorded in the SURE system in sufficient time for any judicial review to determine that the qualified elector is a registered qualified elector at the time the signature is reviewed for validity, and that the signature recorded on plaintiffs’ nomination papers matches the voter record in the SURE system, defendants lack any compelling governmental interest to strike signatures of registered qualified electors who registered to vote within the time permitted by state law but after the date the qualified elector signed plaintiffs’ nomination papers.

Defendants’ additional requirement that qualified electors be registered on or before the date electors sign plaintiffs’ nomination papers imposes a severe restriction on the ability of plaintiffs to exercise their First Amendment rights in circulating their nomination papers to unregistered qualified electors. Because voter registration offices in Pennsylvania are closed on weekends and (at the latest) after 5:00 pm on weekdays and because most (if not all) local post offices refuse to postmark voter registration forms mailed after 7:00 p.m. (at the latest), plaintiffs are not able to circulate their nomination papers to most unregistered qualified electors outside of weekday business hours (times which are not advantageous for circulation because most people are unavailable due to work or other normal daily commitments). Logistics prevent plaintiffs from being able to file new registrations or get new registrations mailed and postmarked by the U.S. Postal Service for unregistered qualified electors on the date they signed plaintiffs’ nomination papers. Defendants “same day” registration requirement effectively prohibits virtually ***any*** unregistered qualified elector from successfully signing plaintiffs’ nomination papers without extraordinary effort on the part of plaintiffs to comply with defendants’ “same day” registration requirement for qualified electors who sign plaintiffs’ nomination papers. Defendants’ “same day” registration requirement on qualified electors flatly prohibits ***any*** unregistered qualified elector from signing plaintiffs’ nomination papers after 7:00 pm on weekday evenings or on Saturday and Sundays – ever!

(d) Also, to the extent that a “qualified elector” must be a registered qualified elector, defendants lack a compelling governmental interest in striking an otherwise valid signature, matched to the SURE system, of a registered qualified elector who records an address on plaintiffs’ nomination papers different from the address recorded in defendants’ SURE system on the same day that the signer signed plaintiffs’ nomination papers. The SURE system can quickly locate a voter’s record based on name alone and/or any fraction of a full name. Where the SURE system can pull a voter record based on the name of the registered qualified elector recorded on plaintiffs’ nomination papers, and where there is a signature match between the signature recorded on the voter record and the signature recorded on plaintiffs’ nomination paper, and where the voters’ record has not been purged according to state law, then defendants lack any compelling governmental interest to strike such a signature from plaintiffs’ nomination papers.

Defendants have drafted nomination papers that fail to instruct qualified electors who have moved from their original address of registration as to which address they are required to record on plaintiffs’ nomination papers – the address they resided at the time they registered to vote, or the address at which they currently reside. Plaintiffs will testify that signers typically record their current residence on plaintiffs’ nomination papers. Where signers have recently moved, signers very often sign plaintiffs’ nomination papers without having first updated their voter record. In such circumstances, defendants require that such signatures be stricken from plaintiffs’ nomination papers even though the signer signed plaintiffs’ nomination papers at a time when the signer was a registered qualified elector and where the information recorded on plaintiffs’ nomination paper is sufficient to determine that the signer was registered on the day the signer signed plaintiffs’ nomination paper and the signature recorded on plaintiffs’ nomination paper matches the signature recorded for an active voter registration record identified via the SURE system. Defendants’ sole compelling governmental interest to police election petition fraud is fully satisfied where a signature on plaintiffs’ nomination papers can be matched to a signature recorded by a registered qualified elector as identified by the Commonwealth’s SURE system. Accordingly, defendants’ requirement that registered qualified electors must record the same address on plaintiffs’ nomination papers as the address recorded in defendants’ SURE system on the “same day” that the registered qualified elector signed plaintiffs’ nomination papers is an unconstitutional impairment of rights guaranteed to plaintiffs under the First and Fourteenth Amendments to the United States Constitution.

12(C) The *National Voter Registration Act* Prohibits Defendants from Striking Otherwise Valid Signatures of Registered Qualified Electors Who Record an Address on Plaintiffs’ Nomination Papers for Federal Office that is Different from the Address on Record with the Voter Registration Board of the County in Which the Registered Qualified Elector Resides:

(i) The “National Voter Registration Act” 42 U.S.C. § 1973gg-6 (“NVRA”) prohibits the Commonwealth from removing a registered qualified elector from the official list of eligible voters for federal office on the ground that the registrant has changed residence within the county in which the registrant is registered to vote unless the Commonwealth first complies with the process set forth in 42 U.S.C. § 1973gg-6(d) to purge a registered qualified elector from the voter rolls.

(ii) Accordingly, to the extent that a “qualified elector” must be a registered “qualified elector” the Elections and Supremacy Clauses of the United States Constitution dictate that provisions of the NVRA govern who is an eligible, registered voter with respect to candidates seeking federal office. U.S. Const. art VI, cl. 2; U.S. Const. art. I, § 4, cl. 1. Therefore, federal statutory and constitutional law prohibits defendants from striking the signatures of registered qualified electors from plaintiffs’ nomination papers for federal office who have moved within the county in which they are registered to vote, but have failed to re-register at their new address at the time a signer signed plaintiffs’ nomination papers.

12(D) Amendments to the Pennsylvania Election Code to Conform State Law with the NVRA to Establish a Unitary Election System for Federal and State Offices Extends Application of the NVRA to Plaintiffs’ Nomination Paper Signatures for State Offices:

(i) Pennsylvania amended the Pennsylvania Election Code in 2002 to conform Pennsylvania election law to the mandates of the NVRA. The Pennsylvania Supreme Court made clear in 2006 that Pennsylvania’s Election Code provides a unitary election system for federal and state offices.

(ii) Therefore, the registration status of a “qualified elector” for federal elections extends to govern the definition of a registered “qualified elector” for purposes of elections for state office.

**JURISDICTION**

13. Jurisdiction lies in this court under 28 U.S.C. § 1331, providing that district courts shall have original jurisdiction of all civil actions arising under the Constitution of the United States.

14. Moreover, jurisdiction lies under 42 U.S.C. § 1983 and 28 U.S.C. §1343(a), the jurisdictional counterpart of 42 U.S.C. § 1983 as plaintiffs allege violation of rights of free speech under the Elections and Supremacy Clauses of the United States Constitution and the First and Fourteenth Amendments to the United States Constitution.

15. Jurisdiction of this court to adjudicate pendent state law claims in this action arise under 28 U.S.C. §1367(a), is authorized by Fed.R.Civ.P. 18(a) and is mandatory under the doctrine of supplemental jurisdiction as set forth in *United Mine Workers v. Gibbs*, 383 U.S. 715 (1966). The pendent state law claims in this action arise out of a common nucleus of operative facts as the federal questions in this complaint and the state law claims form part of the same case or controversy.

**VENUE**

16. Venue is proper in the United States District Court for the Eastern District of Pennsylvania under 28 U.S.C. § 1391. Plaintiffs Glover and Krawchuk both reside and headquarter their campaign committees within the Eastern District of Pennsylvania. Plaintiffs Green Party of Pennsylvania and Libertarian Party of Pennsylvania have active registered voters within the Eastern District of Pennsylvania. Plaintiffs Green Party of Pennsylvania and Libertarian Party of Pennsylvania will circulate nomination papers within the Eastern District of Pennsylvania. Defendants’ official authority extends to cover the entire Eastern District of Pennsylvania and their official conduct is subject to the jurisdiction of the Eastern District of Pennsylvania.

**PARTIES**

17. Plaintiff, the Libertarian Party of Pennsylvania (hereinafter sometimes “LPPA”), is the recognized Pennsylvania affiliate of the national Libertarian Party, and maintains a business address at 3915 Union Deposit Road #223, Harrisburg, Pennsylvania in the County of Dauphin. Pursuant to 25 P.S. § 2831(a) and § 2872.2(a) of the Pennsylvania Election Code, the LPPA is defined as a “minor political party” entitled to nominate their candidates who must then file nomination papers that comply with provisions of 25 P.S. § 2911 to gain access to the Commonwealth’s general election ballot.

The LPPA is the third-largest party by membership in both the United States and Pennsylvania and it is the third-largest political party in the United States and Pennsylvania both in terms of the popular vote secured in federal and state elections and the number of candidates who run as Libertarians for federal, state and municipal political office per election. According to “American Government and Politics” the Libertarian Party is the fastest growing political party in the United States.

The mission of the LPPA is to engage in political and educational activities in the Commonwealth of Pennsylvania and to elect candidates at all levels of government in support of civil and economic liberty by shrinking the size, power and intrusiveness of state and federal governments to constitutionally prescribed limits. In furtherance of the LPPA’s mission, candidates representing the LPPA, with the direct economic and/or political support of the LPPA, have run in every election cycle within, at least, the past thirty years in the Commonwealth of Pennsylvania – including routinely placing the Libertarian Party’s national candidates for President and Vice-President on the Commonwealth’s general election ballot every four years.

However, LPPA candidates have, in the past, had their nomination papers rejected pursuant to 25 P.S. § 2911 and refused access to the ballot as a direct and proximate result of all of the restrictions challenged as unconstitutional in this action.

The LPPA is actively organizing, preparing and circulating nomination papers to secure a spot on the Commonwealth’s ballot for the 2014 General Election for the office of Governor of Pennsylvania, as well as, state legislative offices.

Pursuant to the Pennsylvania Election Code, the LPPA is subject to the restrictions imposed on core political speech by 25 P.S. § 2911 (a), (c) and (d) and challenged herein as violating rights guaranteed to all plaintiffs under the First and Fourteenth Amendments to the United States Constitution. The challenged provisions of 25 P.S. § 2911 (a), (c) and (d) are improperly enforced by defendants to strike signatures from the LPPA’s nomination papers – both in the past, and reasonably threaten to strike otherwise valid signatures from their candidates’ nomination papers in 2014 election cycle. Instructions to the nomination papers published by defendants evince defendants’ unconstitutional enforcement of the challenged provisions of 25 P.S. § 2911 (a), (c) and (d) imposing significant additional costs on the LPPA, both in terms of the direct expenditure of party and candidate funds and the allocation and expenditure of limited volunteer resources, in the circulation and filing of nomination papers – all in violation of rights guaranteed to plaintiff LPPA and the LPPA membership under the First and Fourteenth Amendments to the United States Constitution.

Furthermore, as a direct and proximate result of the unconstitutional restrictions imposed on plaintiffs’ core political speech by 25 P.S. § 2911(a), (c) and (d) and defendants’ improper enforcement of these challenged provisions, plaintiff LLPA is presently required to budget to spend its limited economic and volunteer resources to gather a larger number of signatures in excess of the number of signatures required by law to secure a place for the LPPA’s candidates on the Commonwealth’s general election ballot – economic and volunteer resources necessarily diverted from other core political speech directed at the Commonwealth’s electorate.

18. Plaintiff Steve Scheetz presently resides at 68 Lavender Lane, Levittown in Bucks County, Pennsylvania, and files this Complaint both in his capacity as Chairman of the Libertarian Party of Pennsylvania whose ability to effectively reach as many voters as possible with the Libertarian message is directly impaired by the restrictions imposed by the challenged provisions of 25 P.S. § 2911(a), (c) and (d), and as a candidate for the 140th state house district in Bucks County, Pennsylvania.

As LPPA party chair, Plaintiff Scheetz is charged with the responsibility to expand party membership and to recruit candidates to run for public office within the Commonwealth – responsibility directly and proximately impaired by the challenged provisions of 25 P.S. § 2911(a), (c) and (d). Plaintiff Scheetz’s effort to recruit candidates to run for public office as endorsed candidates of the LPPA is directly impaired by defendants’ unconstitutional enforcement of the challenged provisions of 25 P.S. § 2911(a), (c) and (d) because prospective candidates often refuse to run as a direct and proximate result of the increased expense, time and effort necessary to secure a sufficient number of valid nomination paper signatures to satisfy and overcome defendants’ unconstitutional enforcement of the challenged provisions of 25 P.S. § 2911(a), (c) and (d) which strike and invalidate large numbers of valid nomination paper signatures protected by the First and Fourteenth Amendments to the United States Constitution.

As a candidate for the 140th state house district, the challenged provisions of 25 P.S. § 2911(a), (c) and (d), and defendants’ improper enforcement of these challenged provisions, impose upon plaintiff Scheetz: (1) significant additional time constraints in the gathering of signatures for his nomination papers; (2) the expenditure of additional financial and volunteer resources; and (3) a direct impairment on his ability to extend the LPPA’s political message to a broader pool of Pennsylvania citizens because the extra time and money required to be spent by plaintiff Scheetz on the process of gathering a significant number of additional signatures than required by law as a direct and proximate result of defendants’ improper enforcement of the challenged provisions of 25 P.S. § 2911(a), (c) and (d) reduce the amount of time plaintiff Scheetz is able to dedicate toward campaigning and articulating the LPPA’s political agenda directly to the qualified electors of Pennsylvania.

19. Plaintiff Green Party of Pennsylvania is a member of the Green Party of the United States, a coalition of 33 state Green Parties, and maintains a business address in Dauphin County, Pennsylvania at P.O. Box 11962 Harrisburg, PA, 17108. Pursuant to 25 P.S. § 2831(a) of the Pennsylvania Election Code, the Green Party of Pennsylvania is defined as a “political body” whose candidates must file nomination papers that comply with provisions of 25 P.S. § 2911 to gain access to the Commonwealth’s general election ballot.

The mission of the Green Party of Pennsylvania is to elect candidates at all levels of government who support ten key values: (1) grassroots Democracy; (2) social justice and equal opportunity; (3) ecological wisdom; (4) nonviolence; (5) decentralization; (6) community-based economics and economic justice; (7) feminism and gender equality; (8) respect for diversity; (9) global responsibility; and, (10) future focus.

In furtherance of the Green Party of Pennsylvania’s stated values, Plaintiff Green Party of Pennsylvania has supported, both economically and politically, candidates for federal and state office – including placing the Green Party’s candidates for President and Vice President on the Commonwealth’s ballot for the 2012 General Election. However, Green Party candidates have had their nomination papers rejected pursuant to 25 P.S. § 2911 and refused access to the ballot as a direct and proximate result of all of the restrictions challenged as unconstitutional in this action.

The Green Party is actively organizing, preparing and circulating nomination papers to secure a spot on the Commonwealth’s ballot for the 2014 General Election for the office of Governor of Pennsylvania, as well as, candidates for federal congressional and state legislative office.

The mission of the Green Party of Pennsylvania is to engage in political and educational activities in the Commonwealth of Pennsylvania and to elect candidates at all levels of government in support of the Green Party’s values. In furtherance of the Green Party of Pennsylvania’s mission, candidates representing the Green Party of Pennsylvania, with the direct economic and/or political support of the Green Party of Pennsylvania, intend to run for federal and state office in 2014.

Pursuant to the Pennsylvania Election Code, the Green Party of Pennsylvania is subject to the restrictions imposed on core political speech by 25 P.S. § 2911(a), (c) and (d) and challenged herein as violating rights guaranteed to all plaintiffs under the First and Fourteenth Amendments to the United States Constitution. The challenged provisions of 25 P.S. § 2911(a), (c) and (d) are improperly enforced by defendants to strike signatures from the Green Party of Pennsylvania’s nomination papers – both in the past, and reasonably threaten to strike otherwise valid signatures from their candidates’ nomination papers in the 2014 election cycle. Instructions to the nomination papers published by defendants evince defendants’ unconstitutional enforcement of the challenged provisions of 25 P.S. § 2911 (a), (c) and (d) imposing significant additional costs on the Green Party of Pennsylvania, both in terms of the direct expenditure of party and candidate funds and the allocation and expenditure of limited volunteer resources, in the circulation and filing of nomination papers – all in violation of rights guaranteed to plaintiff Green Party of Pennsylvania and the Green Party’s membership under the First and Fourteenth Amendments to the United States Constitution.

Furthermore, as a direct and proximate result of the unconstitutional restrictions imposed on plaintiff Green Party of Pennsylvania’s core political speech by 25 P.S. § 2911(a), (c) and (d), plaintiff Green Party of Pennsylvania is presently required to budget to spend its limited economic and volunteer resources to gather a large number of signatures in excess of the number of signatures required by law to secure a place for the Green Party of Pennsylvania’s candidates on the Commonwealth’s general election ballot – economic and volunteer resources necessarily diverted from other core-political speech that would otherwise have been directed at the Commonwealth’s electorate to win vote for the Green Party’s candidates.

20. Plaintiff Jay Sweeney resides at 303 How Kola Road #1, Dalton in the County of Wyoming, Pennsylvania, and files this Complaint in his capacity both as Chair of the Green Party of Pennsylvania and as the 2014 endorsed Green Party candidate for the 20th Senatorial District of Pennsylvania. Plaintiff Sweeney’s ability to effectively reach as many voters as possible with the Green Party message is directly impaired by the restrictions imposed by the challenged provisions of 25 P.S. § 2911(a), (c) and (d). As party chair, Jay Sweeney is charged with the responsibility to expand party membership and to recruit party members to run for public office within the Commonwealth – responsibility directly and proximately impaired by the challenged provisions of 25 P.S. § 2911 (a), (c) and (d). Plaintiff Sweeney’s effort to recruit candidates to run for public office as endorsed candidates of the Green Party of Pennsylvania is directly impaired by defendants’ unconstitutional enforcement of the challenged provisions of 25 P.S. § 2911(a), (c) and (d) because prospective candidates often refuse to run as a direct and proximate result of the increased expense, time and effort necessary to secure a sufficient number of valid nomination paper signatures to satisfy and overcome defendants’ unconstitutional enforcement of the challenged provisions of 25 P.S. § 2911(a), (c) and (d) which strike and invalidate large numbers of valid nomination paper signatures protected by the First and Fourteenth Amendments to the United States Constitution.

As the Green Party of Pennsylvania’s endorsed candidate for the 20th Senatorial District of Pennsylvania, defendants’ enforcement of the challenged provisions of 25 P.S. §2911 (a), (c) and (d) impose upon plaintiff Sweeney: (1) significant additional time constraints in the gathering of signatures for his nomination papers; (2) the expenditure of additional financial and volunteer resources; and (3) a direct impairment on his ability to extend the Green Party of Pennsylvania’s political message to a broader pool of Pennsylvania citizens because the extra time and money required to be spent by plaintiff Sweeney on the process of gathering a significant number of additional signatures than required by law as a direct and proximate result of defendants’ improper enforcement of the challenged provisions of 25 P.S. § 2911(a), (c) and (d) reduces the amount of time plaintiff Sweeney is able to dedicate toward campaigning and articulating the Green Party of Pennsylvania’s political agenda and message directly to the qualified electors of Pennsylvania. *See*, Exhibit #1.

21. Plaintiff Bill Redpath is an at-large member of the Libertarian National Committee, and resides less than fifty (50) miles from Pennsylvania at 827 Anthony Court, SE, Leesburg, VA, 20175. Plaintiff Bill Redpath has, and continues to be a willing volunteer to travel to Pennsylvania for the purpose of circulating nomination papers for the LPPA’s candidates but is forbidden from circulating nomination papers on his own as a direct and proximate result of the challenged provision of 25 P.S. § 2911(d) for the sole reason that he is not a “qualified elector” of the Commonwealth of Pennsylvania. Because plaintiff Redpath is required to co-ordinate the circulation of nomination papers with a resident of the Commonwealth of Pennsylvania to witness the nomination papers he circulates plaintiff Redpath’s ability to expand the reach of the Libertarian message in the Commonwealth of Pennsylvania is impaired and hampered as a direct and proximate result of 25 P.S. § 2911(d).

Plaintiff Bill Redpath is willing to submit himself to the jurisdiction of the Commonwealth of Pennsylvania for the purpose of any investigative and/or judicial procedure seeking to uncover violations of Pennsylvania election law as a condition precedent to circulate and witness LPPA’s nomination papers in the Commonwealth of Pennsylvania. *See*, Exhibit #2.

22. Plaintiff Thomas Lee Prigg resides at 9017 Woodview Drive, Pittsburgh in the County of Allegheny, Pennsylvania and filed this Complaint in his capacity as the 2014 endorsed Green Party candidate for the 12th Congressional District of Pennsylvania. Plaintiff Prigg’s ability to effectively reach as many voters as possible with the Green Party message is directly impaired by the restrictions imposed by the challenged provisions of 25 P.S. § 2911(a), (c) and (d).

As the Green Party of Pennsylvania’s endorsed candidate for the 12th Congressional District of Pennsylvania, defendants’ enforcement of the challenged provisions of 25 P.S. §2911 (a), (c) and (d) impose upon plaintiff Prigg: (1) significant additional time constraints in the gathering of signatures for his nomination papers; (2) the expenditure of additional financial and volunteer resources; and (3) a direct impairment on his ability to extend the Green Party of Pennsylvania’s political message to a broader pool of Pennsylvania citizens because the extra time and money required to be spent by plaintiff Prigg on the process of gathering a significant number of additional signatures than required by law as a direct and proximate result of defendants’ improper enforcement of the challenged provisions of 25 P.S. § 2911(a), (c) and (d) reduces the amount of time plaintiff Prigg is able to dedicate toward campaigning and articulating the Green Party of Pennsylvania’s political agenda and message directly to the qualified electors of Pennsylvania. *See*, Exhibit #3.

23. Plaintiff Paul Glover resides at 431 West Walnut Lane, in the County of Philadelphia, Pennsylvania and files this Complaint in his capacity as the 2014 endorsed Green Party candidate for Governor of Pennsylvania. Plaintiff Glover’s ability to effectively reach as many voters as possible with the Green Party message is directly impaired by the restrictions imposed by the challenged provisions of 25 P.S. § 2911(a), (c) and (d).

As the Green Party of Pennsylvania’s endorsed candidate for Governor of Pennsylvania, defendants’ enforcement of the challenged provisions of 25 P.S. §2911 (a), (c) and (d) impose upon plaintiff Glover: (1) significant additional time constraints in the gathering of signatures for his nomination papers; (2) the expenditure of additional financial and volunteer resources; and (3) a direct impairment on his ability to extend the Green Party of Pennsylvania’s political message to a broader pool of Pennsylvania citizens because the extra time and money required to be spent by plaintiff Glover on the process of gathering a significant number of additional signatures than required by law as a direct and proximate result of defendants’ improper enforcement of the challenged provisions of 25 P.S. § 2911(a), (c) and (d) reduces the amount of time plaintiff Glover is able to dedicate toward campaigning and articulating the Green Party of Pennsylvania’s political agenda and message directly to the qualified electors of Pennsylvania. *See*, Exhibit #4.

24. Plaintiff Kenneth V. Krawchuk resides at 117 West Avenue, Elkins Park, in the County of Montgomery, Pennsylvania and files this Complaint in his capacity as the 2014 endorsed candidate of the Libertarian Party of Pennsylvania for Governor of Pennsylvania. Plaintiff Krawchuk’s ability to effectively reach as many voters as possible with the Libertarian Party of Pennsylvania’s message is directly impaired by the restrictions imposed by the challenged provisions of 25 P.S. § 2911(a), (c) and (d).

As the Libertarian Party of Pennsylvania’s endorsed candidate for Governor of Pennsylvania, defendants’ enforcement of the challenged provisions of 25 P.S. §2911 (a), (c) and (d) impose upon plaintiff Krawchuk: (1) significant additional time constraints in the gathering of signatures for his nomination papers; (2) the expenditure of additional financial and volunteer resources; and (3) a direct impairment on his ability to extend the Libertarian Party of Pennsylvania’s political message to a broader pool of Pennsylvania citizens because the extra time and money required to be spent by plaintiff Krawchuk on the process of gathering a significant number of additional signatures than required by law as a direct and proximate result of defendants’ unconstitutional enforcement of the challenged provisions of 25 P.S. § 2911(a), (c) and (d) reduces the amount of time plaintiff Krawchuk is able to dedicate toward campaigning and articulating the Libertarian Party of Pennsylvania’s political agenda and message directly to the qualified electors of Pennsylvania.

Plaintiff Krawchuk has direct knowledge of the application of the challenged provisions of 25 P.S. § 2911(a), (c) and (d) and defendants’ enforcement of these challenged provisions because he has had nomination papers, and otherwise valid signatures stricken from his nomination papers, in past elections as a direct and proximate result of defendants’ enforcement of all of the provisions challenged in this action. *See*, Exhibit #5.

25. Defendant Carol Aichele is the Secretary of State of the Commonwealth of Pennsylvania. Secretary Aichele is the Commonwealth’s chief election official and has ultimate authority over the enforcement of the Pennsylvania Election Code and, more specifically, 25 P.S. § 2911 (a), (c) and (d) challenged herein. Plaintiffs assert their claims against Defendant Aichele in her official capacity only. Defendant Aichele’s address is One Penn Center, 2601 North 3rd Street, Harrisburg, PA 17110.

26. Defendant Jonathan M. Marks is Commissioner of the Pennsylvania Bureau of Commissions, Elections and Legislation. Commissioner Marks oversees, in relevant part: (a) enforcement of the Commonwealth’s electoral process; (b) voter registration; (c) the Commonwealth’s SURE system; (d) the content, instructions and requirements for filing of nomination papers; and (e) the striking of nomination paper signatures and nomination papers that do not comply with defendants’ enforcement of 25 P.S. § 2911(a), (c) and (d) at the time nomination papers are filed with defendant Marks’ office. Plaintiffs assert their claims against Commissioner Marks in his official capacity only. Commissioner Marks’ address is 210 N. Office Building, Harrisburg, Pennsylvania, 17120.

**ADDITIONAL FACTUAL BACKGROUND**

27. Plaintiffs hereby incorporate by reference all stated paragraphs as though fully set forth herein.

28. The Pennsylvania Election Code defines a political party as: “Any party or political body, one of whose candidates at the general election next preceding the primary polled in each of at least ten counties of the State not less than two per centum of the largest entire vote cast in each of said counties for any elected candidate, and polled a total vote in the State equal to at least two per centum of the largest entire vote cast in the State for any elected candidate. 25 P.S. § 2831(a).

29. The Pennsylvania Election Code further defines a minor party as a: “political party…whose state-wide registration is less than fifteen per centum of the combined state-wide registration for all state-wide political parties as of the close of the registration period immediately preceding the most recent November election. 25 P.S. § 2872.2.

30. Political organizations or a group of electors seeking to place candidates on the Commonwealth’s general election ballot that do not qualify as a political party or minor political party are classified by the Pennsylvania Election Code as a political body.

31. The Green Party of Pennsylvania is classified by defendants as a “political body” for the 2014 general election.

32. The Libertarian Party of Pennsylvania is classified by defendants as a “minor political party” for the 2014 general election.

33. Candidates of “minor political parties” and “political bodies” seeking to be placed on the Commonwealth’s general election ballot must file nomination papers.

34. The Supreme Court of the United States has established that the circulation of election petitions is core political speech protected by the First and Fourteenth Amendments to the United States Constitution.

35. The act of signing a nomination paper is core political speech protected by the First and Fourteenth Amendments to the United States Constitution.

36. As a “political body” candidates for plaintiff Green Party of Pennsylvania for the 2014 general election must file “nomination papers ***signed by qualified electors of the State***, or of the electoral district for which the nomination is made and filed in the manner” provided by the Election Code with defendants on or before August 1, 2014.

37. As a “minor political party” candidates for plaintiff Libertarian Party of Pennsylvania for the 2014 general election must file “nomination papers ***signed by qualified electors of the State***, or of the electoral district for which the nomination is made and filed in the manner” provided by the Election Code with defendants on or before August 1, 2014.

38. The nomination papers filed by plaintiffs must be on the form prescribed by the Secretary of the Commonwealth, and “***no other forms than the ones so prescribed shall be used for such purposes***.” 25 P.S. § 2911(a).

39. The Pennsylvania Election Code further provides, in relevant part, that: “Where the nomination is for any office to be filled by the electors of the State at large, the number of qualified electors of the State signing such nomination paper shall be at least equal to two per centum of the largest entire vote cast for any elected candidate in the State at large at the last preceding election at which State-wide candidates were voted for.” 25 P.S. § 2911(b).

40. The Pennsylvania Election Code further provides, in relevant part, that: “In the case of all other nominations, the number of qualified electors of the electoral district signing such nomination papers shall be at least equal to two per centum of the largest entire vote cast for any officer, except a judge of a court of record, elected at the last preceding election in said electoral district for which said nomination papers are to be filed, and shall be not less than the number of signers required for nomination petitions for party candidates for the same office.” 25 P.S. § 2911(b).

41. The Pennsylvania Election Code further provides, in relevant part, that: “Each person signing a nomination paper shall declare therein that he is a qualified elector of the State or district, as the case may be, ***and shall add to his signature his legibly printed name and residence, giving city, borough or township, with street and number, if any, and shall also add the date of signing, expressed in words or numbers***: Provided, however, [t]hat if said political district named in the papers lies wholly within any city, borough or township, or is coextensive with same, it shall not be necessary for any signer of a paper to state therein the city, borough or township of his residence. ***No elector shall sign more than one nomination paper for each office to be filled***, unless there are two or more persons to be elected to the same office, in which case he may sign nomination papers for as many candidates for such office as, and no more than, he could vote for at the succeeding election. ***More than one candidate may be nominated by one nomination paper and candidates for more than one office may be nominated by one nomination paper: Provided, [t]hat each political body nominating does not nominate more candidates than there are offices to be voted for at the ensuing election: And provided, [t]hat all signers on each nomination paper are qualified to vote for all the candidates nominated therein***.” 25 P.S. § 2911(c).

42. Additionally, the Pennsylvania Election Code further provides, in relevant part that: “Nomination papers may be on one or more sheets ***and different sheets must be used for signers resident in different counties***. If more than one sheet is used, they shall be bound together when offered for filing if they are intended to constitute one nomination paper, and each sheet shall be numbered consecutively, beginning with number one (1) at the foot of each page. Each sheet shall have appended thereto the affidavit of some person, not necessarily a signer, and not necessarily the same person on each sheet, setting forth – (1) ***that the affiant is a qualified elector of the State***, or of the electoral district, as the case may be, referred to in the nomination paper; (2) his residence, giving city, borough or township with street and number, if any; (3) that the signers signed with full knowledge of the contents of the nomination paper; (4) that their respective residences are correctly stated therein; (5) ***that they all reside in the county named in the affidavit***; (6) that each signed on the date set opposite his name; and (7) ***that, to the best of affiant’s knowledge and belief, the signers are qualified electors of the State, or of the electoral district, as the case may be***. 25 P.S. § 2911(d).

43. Pursuant to 25 P.S. § 2911, plaintiffs LPPA and the Green Party of Pennsylvania will be required to circulate nomination papers and file with defendant Secretary of State approximately 16,639 signatures to secure access to the Commonwealth’s 2014 general election ballot for their state-wide candidates.

44. Vic Stabile, the 2013 Republican candidate for Judge of the Superior Court, received 831,906 votes in the general election and received the highest number of votes cast for any elected candidate in the State at large (which will for 2014 be the last preceding election at which State-wide candidates were voted for). Two per centum of 831,906 is16,639 signatures. 25 P.S. § 2911(b).

45. Nomination papers for candidates for presidential electors, United States Senators, Representatives in Congress, and State offices, including senators, representatives and judges of courts of record are required to be filed with defendant Secretary of the Commonwealth. 25 P.S. § 2913(a).

46. No nomination paper may be circulated prior to the tenth Wednesday prior to the primary, and no signature shall be counted unless it bears a date affixed not earlier than the tenth Wednesday prior to the primary. 25 P.S. 2913(b).

47. Accordingly, the first day that nomination papers were permitted to be circulated and filed by candidate for plaintiffs LPPA and the Green Party of Pennsylvania for the 2014 general election ballot is March 12, 2014.

48. Defendant Marks published and distributed, by email, plaintiffs’ nomination papers (both “minor political party” and “political body” nomination papers), and instructions attached thereto, at 6:05 pm on Tuesday, March 11, 2014 – less than 6 hours before plaintiffs were permitted, by law, to circulate and collect signatures of qualified electors on their 2014 nomination papers.

49. By virtue of a consent decree entered into by the Secretary of the Commonwealth in the United States District Court for the Middle District of Pennsylvania on June 13, 1984 in *The Libertarian Party of Pennsylvania v. Davis* and in the United States District Court for the Eastern District of Pennsylvania on June 15, 1984 in *Hall v. Davis*, plaintiffs’ nomination papers may be filed with defendant Secretary of State on or before August 1st of the year of the general election for which the nomination papers are circulated.

50. All nomination papers, therefore, are printed and distributed by defendants and circulated and filed by plaintiffs within the calendar year in which the office for which the nomination papers are circulated is conducted.

51. In 2012, defendants revised and printed the nomination papers to be circulated for the 2012 general election in January of 2012 and pre-printed “(rev. 1/12)” on the bottom, front and back, of each nomination paper.

52. Defendants revised and published 2014 “minor political party” nomination papers permitting 50 signatures per nomination paper and pre-printed “DSBE-MPP (Rev. 2/14)” on the bottom, front and back, of each nomination paper. *See*, Exhibit #6.

53. Defendants printed and published the “Affidavit of Qualified Elector” as Section “D” of the “minor political party” nomination paper requiring: “Instructions: The qualified elector who makes this affidavit must complete lines 1-5 below in the presence of a person empowered to take acknowledgements (such as a notary public). The affidavit may not be completed until after circulation (in other words, after the last signature is obtained in Section C).”

54. The person executing the “Affidavit of Qualified Elector” for “minor political party” nomination papers must swear (or affirm): “…that I am a qualified elector of the Commonwealth of Pennsylvania; that my residence is as set forth below; that the signers to the foregoing nomination paper signed the same with full knowledge of the contents thereof; that their residences are correctly stated therein; that they all reside in the county specified in number one below; that each signed on the date set opposite his or her name; and that to the best of my knowledge and belief, the signers are qualified electors of the electoral districts designated in this nomination papers.”

55. Defendants print and publish on the bottom of side 2 of each “minor political party” nomination paper the following warning: “***Note****: While the Secretary of the Commonwealth will not reject nomination papers on the basis that the circulator does not reside in the district specified in the nomination paper, the candidate(s) should be aware that the nomination papers may be challenged in Commonwealth Court on the basis that the circulator does not reside in the district.*”

56. Defendants’ revision of the 2014 “minor political party” nomination papers deleted the “Presidential Electors” section that was necessary for the 2012 general election, but is not necessary for the 2014 general election.”

57. Defendants also published and distributed with the 2014 “minor political party” nomination papers “Instructions for Filing as a Candidate of a Minor Political Party – 2014 General Election” (hereinafter sometimes “Minor Party Instructions”). *See*, Exhibit #7.

58. Defendants’ Minor Party Instructions requires that: “Individuals who wish to be candidates of minor political parties must file nomination papers, Form DSBE MPP (2/14).”

59. Defendants’ Minor Party Instructions also provides: “More than one candidate, and candidates for more than one office, may be nominated by one set of nomination papers, provided that all signers on each nomination paper are qualified to vote for all candidates nominated by such nomination papers.”

60. Defendants impose the requirement in the Minor Party Instructions that: “Signers of nomination papers must be qualified registered electors of the Commonwealth and district and of the respective county in which the nomination papers are circulated. Different pages must be circulated for residents of different counties. Each elector must personally sign his/her name. Each signer must also insert his/her printed name, residence and the date of signing on the nomination papers. The elector’s signature and residence should match the information that appears on his/her voter registration card. *NOTE:* In the case of an elector having a Rural Route or Rural Delivery address, the township should be listed.”

61. Defendants also further instruct in the Minor Party Instructions that: “Affidavit of Qualified Elector – Each page of the nomination paper must include the affidavit of one qualified elector, not necessarily a signer and not necessarily the same person on each page, attesting to the validity of all signatures and the residences of the signers on that page. The Affidavit of Qualified Elector must be signed and notarized after all the electors’ signatures have been obtained. **The qualified elector signing such affidavit must be a qualified elector of the Commonwealth of Pennsylvania.**”

62. Defendants revised and published 2014 “political body” nomination papers permitting only 35 signatures per nomination paper and pre-printed “DSBE PB (rev. 2/14)” on the bottom, front and back, of each nomination paper. *See*, Exhibit #8.

63. Defendants’ revision of the 2014 “political body” nomination papers retains the “Presidential Electors” section which is not necessary for the 2014 general election and takes up sufficient space so as to reduce the number of signatures that candidates of a “political body” such as plaintiff Green Party of Pennsylvania may record and certify via the “Affidavit of Qualified Electors” for each nomination paper.

64. Defendants’ revision of the 2014 “political body” nomination papers, retaining the “Presidential Electors” section thereby reducing the number of signatures that may be recorded on each nomination paper to 35 signatures, directly increases the cost to plaintiffs Glover, Prigg, Sweeney and the Green Party of Pennsylvania in certifying the “Affidavit of Qualified Electors” that must be executed for each nomination paper before plaintiffs file their nomination papers with defendants.

65. Defendants printed and published the “Affidavit of Qualified Elector” as Section “E” of the “political body” nomination paper requiring: “Instructions: The qualified elector who makes this affidavit must complete lines 1-5 below in the presence of a person empowered to take acknowledgements (such as a notary public). The affidavit may not be completed until after circulation (in other words, after the last signature is obtained in Section D).”

66. The person executing the “Affidavit of Qualified Elector” for “political body” nomination papers must swear (or affirm): “…that I am a qualified elector of the Commonwealth of Pennsylvania; that my residence is as set forth below; that the signers to the foregoing nomination paper signed the same with full knowledge of the contents thereof; that their residences are correctly stated therein; that they all reside in the county specified in number one below; that each signed on the date set opposite his or her name; and that to the best of my knowledge and belief, the signers are qualified electors of the electoral districts designated in this nomination papers.”

67. Defendants print and publish on the bottom of side 2 of each “political body” nomination paper the following warning: “***Note****: While the Secretary of the Commonwealth will not reject nomination papers on the basis that the circulator does not reside in the district specified in the nomination paper, the candidate(s) should be aware that the nomination papers may be challenged in Commonwealth Court on the basis that the circulator does not reside in the district.*”

68. Defendants also published and distributed with the 2014 “political body” nomination papers “Nomination Paper General Instructions Sheet (DSBE PB)” (hereinafter sometimes “Political Body Instructions”). *See*, Exhibit #9.

69. Defendants’ Political Body Instructions require that: “In addition to political party nominations made at primaries, the Election Code permits political bodies to nominate candidates for public offices by filing political body nomination papers. Political body nomination papers should not be used to nominate political party candidates for the primary or to nominate minor political party candidates.”

70. Defendants’ Political Body Instructions also provide: “NOTE: More than one candidate may be nominated by one set of nomination papers, provided that all the signers are eligible to vote for all offices for which such nominations are made.”

71. Defendants impose the additional requirements in the Political Body Instructions that: “Signers must be qualified, registered electors of the Commonwealth and of all electoral districts referred to in the nomination paper sheet they have signed. They may sign only as many nomination papers as there are persons to be elected and offices to be filled. Each signer must personally sign his/her name, insert his/her printed name, place of residence and the date of signing. (NOTE: The name of the City, Borough or Township must be given, as well as the street address, if any. The date of signing may be expressed in words or numbers, e.g. – March 12, 2012 or 3/12/12.)”

72. Defendants also impose the following requirement in the Political Body Instructions: “*County of Signers* – Nomination papers may be on one or more sheets (each copy of the two-sided form is considered a “sheet”). However, different sheets must be used for signers residing in different counties. Insert the county of residence (only one) of the electors signing each sheet.”

73. Defendants also further instruct in the Political Body Instructions that: “Affidavit of Qualified Elector: Any person who signs the ‘Affidavit of Qualified Elector’ on the nomination paper must be a qualified elector of the Commonwealth of Pennsylvania. *Every* sheet of the nomination paper must have the ‘Affidavit of Qualified Elector’ filled in, signed and notarized in the presence of a person empowered to take acknowledgments *after* all signatures have been obtained.”

74. Plaintiffs do not challenge the number of signatures they must gather on their nomination papers.

75. Rather, plaintiffs challenge the constitutionality of ancient provisions of the Pennsylvania Election Code which are not narrowly tailored to advance a legitimate compelling governmental interest and which have been unconstitutionally used in the past by defendants and imminently threaten to be used by defendants in the immediate future to strike otherwise valid signatures from plaintiffs LPPA and the Green Party of Pennsylvania’s nomination papers – signatures and papers that are core-political speech protected under the First and Fourteenth Amendments to the United States Constitution.

76. Plaintiffs also allege that the National Voter Registration Act and the Elections and Supremacy Clauses of the United States Constitution act to prohibit defendants from striking otherwise valid signatures in federal elections and in state elections pursuant to state law establishing a unitary election system for federal and state elections.

77. The provisions challenged in this action are used by defendants to strike otherwise valid and constitutionally protected signatures requiring plaintiffs to collect thousands of signatures far in excess of the minimum number required by law.

78. Defendants’ unconstitutional enforcement of the challenged provisions of 25 P.S. § 2911 directly impose upon plaintiffs LPPA and the Green Party of Pennsylvania the requirement to collect more nomination paper signatures than required by law.

79. Defendants’ unconstitutional enforcement of the challenged provisions of 25 P.S. § 2911 by striking, and threatening to strike in the immediate future, otherwise valid signatures from plaintiffs LPPA and the Green Party of Pennsylvania’s nomination papers directly and proximately impose increased economic costs on plaintiffs LPPA and the Green Party of Pennsylvania by forcing them to hire additional paid circulators to gather the additional signatures on their nomination papers to offset the signatures imminently threatened to be struck by defendants’ unconstitutional enforcement of the challenged provisions of 25 P.S. § 2911.

80. Defendants’ unconstitutional enforcement of the challenged provisions of 25 P.S. § 2911 by striking, and threatening to strike in the immediate future, otherwise valid signatures from plaintiffs LPPA and the Green Party of Pennsylvania’s nomination papers impose on plaintiffs LPPA and the Green Party of Pennsylvania the requirement to dedicate additional volunteers to the task of gathering extra signatures for their nomination papers and reducing the number of volunteer hours available for other campaign related activities, this reducing the effectiveness of the political campaigns of plaintiffs LPPA and the Green Party of Pennsylvania as a direct and proximate result of defendants’ unconstitutional enforcement of challenged provisions of 25 P.S. § 2911.

81. Defendants’ unconstitutional enforcement of the challenged provisions of 25 P.S. § 2911 by striking, and threatening to strike in the immediate future, otherwise valid signatures from plaintiffs LPPA and the Green Party of Pennsylvania’s nomination papers make it more difficult for plaintiffs LPPA, the Green Party of Pennsylvania, Scheetz and Sweeney to recruit candidates to run for federal and state office because of the added time, expense and uncertainty of successfully securing the number of valid nomination paper signatures necessary to secure access to the Commonwealth’s general election ballot as a direct and proximate result of defendants’ conduct.

82. Plaintiff Redpath is a resident of the Commonwealth of Virginia.

83. As he has in past elections, plaintiff Redpath intends to travel to Pennsylvania to volunteer and assist in organizing and conducting plaintiff LPPA’s nomination paper circulating efforts.

84. Plaintiff Redpath considers his circulation of nomination papers for the LPPA an important means of expressing his support for the Libertarian Party and Libertarian Party candidates.

85. Plaintiff Redpath also considers his circulation of plaintiff LPPA’s nomination papers an important means for him to convey Libertarian values to the citizens of Pennsylvania.

86. Plaintiff Redpath would like to be more active in the circulation of plaintiff LPPA’s nomination papers, but is unable to do so without being accompanied by a Pennsylvania resident to witness the signatures. 25 P.S. § 2911(d).

87. Plaintiff Redpath collected signatures for Pennsylvania candidates in past elections, but found that coordinating the logistics of being accompanied by a Pennsylvania resident significantly limited the time, place and duration that he could circulate nomination papers for plaintiff LPPA and limited his ability to communicate effectively with potential signatories.

88. Plaintiff Redpath intends to travel to Pennsylvania before August 1, 2014 for the express purpose of circulating nomination papers for plaintiff Krawchuk in more rural areas of the Commonwealth where plaintiffs LPPA and Krawchuk do not have Pennsylvania residents to canvass for Pennsylvania residents willing to sign plaintiff Krawchuk’s nomination papers.

89. As a direct and proximate result of the In-State Witness Restriction, plaintiff Redpath is not able to circulate nomination papers out of the sight lines of a “qualified elector” of the Commonwealth of Pennsylvania who is required to execute the “Affidavit of Qualified Elector” for all nomination papers circulated by plaintiff Redpath. Accordingly, the geographic reach of plaintiff Redpath’s efforts to circulate nomination papers once in Pennsylvania is also severely burdened by the In-State Witness Restriction.

90. The In-State Witness Restriction that requires a “qualified elector” of the Commonwealth of Pennsylvania to execute the “Affidavit of Qualified Elector” and in concert with the substance of that affidavit – that the qualified elector executing the Affidavit must “swear (or affirm)….to the best of my knowledge and belief” requires close contact be maintained between the Pennsylvania affiant and the out-of-state circulator – all prohibit plaintiff Redpath from circulating nomination papers in the Commonwealth of Pennsylvania for plaintiff LPPA’s candidates without first partnering with “qualified elector” of the Commonwealth of Pennsylvania and who must also maintain a constant line of sight with plaintiff Redpath’s circulation efforts to be able to lawfully execute defendants’ “Affidavit of Qualified Elector.”

91. Plaintiff Redpath is willing, as a condition precedent to his right to witness nomination papers in the Commonwealth of Pennsylvania, to sign an affidavit or any other document required by the Commonwealth of Pennsylvania to submit himself to the subpoena power and jurisdiction of the Commonwealth of Pennsylvania to ensure his availability for any investigative or judicial proceeding arising out of the nomination papers he signs as an affiant pursuant to 25 P.S. § 2911(d).

92. As a direct and proximate result of the In-State Witness Restriction, Plaintiffs LPPA and the Green Party of Pennsylvania are effectively prohibited from contracting with out-of-state paid circulators because out-of-state circulators cannot efficiently circulate nomination papers in the Commonwealth of Pennsylvania owing to the fact that they must always be accompanied by Pennsylvania residents to serve as witnesses to the circulation of plaintiffs’ nomination papers.

93. Limiting the pool of professional circulators available to plaintiffs LPPA and the Green Party of Pennsylvania to in-state professional circulators distorts the economic marketplace, creating an in-state monopoly for Pennsylvania professional petition circulators which decreases the ability of plaintiffs LPPA and the Green Party of Pennsylvania to negotiate more favorable contracting terms from in-state paid circulators with the effect of dramatically increasing the costs of nomination paper signature drives for plaintiffs LPPA and the Green Party of Pennsylvania.

94. The In-State Witness Restriction imposed by 25 P.S. § 2911(d) reduces the pool of circulators available to support plaintiff LPPA and the Green Party of Pennsylvania candidates thereby placing a severe burden on their First Amendment rights by making it more difficult for them to disseminate their political views, to choose the most effective means of conveying their message, to associate in a meaningful way with the prospective solicitors for the purpose of eliciting political change, to gain access to the ballot, and to utilize the endorsement of their candidates which can be implicit in a solicitor’s efforts to gather signatures on the candidates’ behalf.

95. The In-State Witness Restriction imposed by 25 P.S. § 2911(d) severely impairs plaintiffs LPPA and the Green Party of Pennsylvania from contracting with out-of-state professional circulators who have historically generated higher percentages of valid signatures than the few in-state professional circulators currently available to plaintiffs.

96. The In-State Witness Restriction imposed by 25 P.S. § 2911(d) imposes a severe burden on plaintiff Redpath’s First Amendment rights by restricting the nature of support he can offer candidates, restricting the type of speech that he can engage in within Pennsylvania and restricting his right to associate with the LPPA and with their candidates and voters of Pennsylvania.

97. The In-State Witness Restriction imposed by 25 P.S. § 2911(d) reduces the quantity of professional circulators in Pennsylvania, thereby diminishing the political speech available to the voters of Pennsylvania and violating voters’ First Amendment rights to receive information and to participate in the marketplace of ideas.

98. The In-State Witness Restriction imposed by 25 P.S. § 2911(d) also reduces the quality of professional circulators in Pennsylvania, thereby diminishing the percentage of valid signatures, and the ability of plaintiffs to negotiate economic terms tied to higher signature validity rates and increasing the costs to plaintiffs in securing the valid signatures necessary to secure access to the Commonwealth’s general election ballot.

99. The In-State Witness Restriction imposed by 25 P.S. § 2911(d) is not justified by a sufficiently weighty or compelling governmental or regulatory interest.

100. The In-State Witness Restriction imposed by 25 P.S. § 2911(d) is not narrowly tailored to advance a compelling governmental interest.

101. Prior to the enactment of the National Voter Registration Act and the amendments to the Pennsylvania Election Code in 2002 to conform the Pennsylvania Election Code with the requirements of the NVRA, challenged signatures on nomination papers (and petitions) were validated by physically sending each nomination paper sheet to the designated county to be checked against the physical signatures on file on the registration cards signed by each signer – registration cards which were individually indexed and filed in large musty tomes according to the name and address of each registered voter.

102. Accordingly, in an age when challenged signatures had to be physically checked against signatures on voter registration cards filed in the voter registration office of each of the Commonwealth’s 67 counties, the Commonwealth could show that the requirement that separate nomination paper sheets had to be used for signers resident in different counties was narrowly tailored to advance a compelling governmental interest – mainly, to allow each counties to conduct a concentrated and efficient review of challenged signatures in their county at the same time as all other counties.

103. However, passage of the National Voter Registration Act mandated that each State establish a central computer database of registered voters eligible to cast ballots in federal elections.

104. Act 3 of 2002 amended the Pennsylvania Election Code to direct the Department of State to implement the Statewide Uniform Registry of Electors (SURE), a centralized voter registration and election management system designed to assure the accuracy and integrity of the Commonwealth’s voter registration records maintained by the election authorities of Pennsylvania’s 67 counties.

105. Since 2005, the SURE system allows any voter registration card from any county in the Commonwealth to be electronically accessed from any county voter registration terminal in Pennsylvania.

106. Voter registration records can now be searched by name, address or any fraction thereof, from any county voter registration computer terminal.

107. As a result of the SURE system, an authorized voter registration employee in Philadelphia can access a voter registration record from Carbon County; a Commonwealth Court judge presiding over a challenge to nomination papers can access, via a computer terminal set up in a Philadelphia courtroom, the signature of any registered voter in the Commonwealth by searching either by name or address, or any legible fraction of a name and/or address.

108. Accordingly, the SURE system negates any compelling governmental interest in requiring signers resident in different counties to be segregated on different nomination paper sheets.

109. Owing to the large number of nomination paper signatures required to gain access to the Commonwealth’s general election ballot, volunteers and paid circulators for plaintiffs LPPA and the Green Party of Pennsylvania typically gather signatures at major transportation hubs, such as 30th Street Station in Philadelphia, where they encounter willing signers from many different Pennsylvania counties.

110. Maintaining separate sheets for each Pennsylvania county and producing the correct county sheet for each willing signer lengthens the signature gathering process for each signature and reduces the number of signatures that can be gathered by a volunteer or professional circulator as a direct and proximate result of the requirement to segregate on different nomination paper sheets signers residing in different counties found in 25 P.S. § 2911(d).

111. As a direct and proximate result of the signature segregation requirement of 25 P.S. § 2911(d), plaintiffs LPPA and the Green Party of Pennsylvania suffer a severe burden on their ability to gather the legally mandated number of nomination paper signatures to gain access to the Commonwealth’s general election ballot because: (a) it demands willing signers devote more time (while they wait for the correct county sheet to be produced) to affix their signature to plaintiffs’ nomination papers; (b) otherwise willing signers who are in a hurry to continue to their destination refuse to wait the extra time to fully affix their information to their specific county sheet; (c) willing signers who wait to sign the proper county sheet, but who are nevertheless in a hurry to continue to their destination, often hurry through the signature process and fail to complete all the required elements of a valid signature as currently mandated by Section 2911 of the Pennsylvania Election Code; (d) the added length of time that volunteer and professional circulators must dedicate to each signature reduces the total number of willing signers plaintiffs are able to reach over any set period of time; and, (e) increases plaintiffs’ cost for each signature gathered by professional circulators paid on an hourly basis.

112. As a direct and proximate result of the signature segregation requirement of 25 P.S. § 2911(d), plaintiffs LPPA and the Green Party of Pennsylvania suffer a severe burden to their First Amendment rights by making it more difficult for them to disseminate their political views to the widest possible electoral audience, to choose the most effective means of conveying their message, and to associate in a meaningful and positive way with willing signers of their nomination papers and to gain access to the ballot.

113. The signature segregation requirement of 25 P.S. § 2911(d) reduces the quantity of political speech available to willing listeners and signers of plaintiffs’ nomination papers because the challenged provision extends the amount of time each circulator must spend with each willing signer of plaintiffs’ nomination papers, thereby reducing the total number willing listeners and signers plaintiffs’ can reach.

114. The signature segregation requirement imposed by 25 P.S. § 2911(d) is not justified by any weighty or compelling state or regulatory interest as a result of the introduction of the SURE system in Pennsylvania.

115. The signature segregation requirement imposed by 25 P.S. § 2911(d) is not narrowly tailored to advance any governmental interest, let alone a compelling governmental interest as a result of the introduction of the SURE system in Pennsylvania.

116. The Pennsylvania Election Code requires that each signer of a nomination paper affix the date on which they recorded their signature on the nomination paper. 25 P.S. § 2911(c).

117. The Supreme Court of Pennsylvania has further interpreted the requirement that each signer record the date on which they sign a nomination paper to include the year in which the nomination paper was signed.

118. In 2012, defendant Secretary of the Commonwealth revised the nomination paper in January of 2012 and recoded at the bottom of each nomination paper sheet, front and back, “(rev. 1/12)”.

119. On October 10, 2012, the Supreme Court of Pennsylvania ruled in *In re Nomination Papers of Margaret K. Robertson*  *et al.*, that nomination paper signatures unaccompanied by a designation of the year of signing may not be stricken when the Secretary of the Commonwealth had pre-printed the most recent year (and of metaphysical necessity, the only possible year of the general election for which the nomination papers were circulated and filed) at the bottom of each nomination paper required to be circulated and filed for the general election held in the year so designated. *See*, Exhibit #10.

120. The Supreme Court of Pennsylvania properly reasoned that when the Secretary of the Commonwealth prints the same year on the nomination papers in which nomination papers are distributed, circulated and filed, it is a physical impossibility for any signature affixed to such nomination papers to have been recorded in any year other than the year in which the entire nomination paper process is by law conducted and contained.

121. As noted above, nomination papers for 2014 general election have been revised for the 2014 election cycle and pre-printed indicating that they were revised in 2014. However, defendants’ instructions published with the 2014 nomination papers indicate that signer must still record the year in which they sign plaintiffs’ nomination papers.

122. Nothing in the Supreme Court of Pennsylvania’s October 10th opinion **requires** the Secretary of the Commonwealth pre-print the year of the general election year for which the nomination paper are to be circulated in future elections.

123. No other statutory or regulatory provision requires the Secretary of the Commonwealth to pre-print the year in which nomination papers are printed, distributed, circulated and to be filed on nomination papers in future elections.

124. In 2012, 596 signatures on plaintiff LPPA’s federal and state nomination papers were improperly challenged because the copies of LPPA’s nomination papers provided by the Secretary of the Commonwealth to the objectors had cut-off the year that the signers had actually affixed to the nomination papers, extending the length of time plaintiff LPPA was required to spend on a challenge to their nomination papers.

125. The requirement that signers of plaintiffs’ nomination papers each record the year in which they signed plaintiffs’ nomination papers in order to be deemed valid imposes a severe burden on plaintiff LPPA and the Green Party of Pennsylvania’s First Amendment rights by: (a) threatening to have otherwise valid signatures from plaintiffs’ nomination papers struck based on a mere ministerial act that could have been rendered a nullity if the Secretary of the Commonwealth had simply pre-printed the year of the general election on each nomination papers; (b) increasing the length of time and attention that each willing signer must spend to complete a valid signature on plaintiffs’ nomination papers; (c) increasing the number of improperly challenged signatures because copies of plaintiffs’ nomination papers provided to the Republican and Democrat parties very often cut off the year (even when provided on the original) – invalid signature challenges which must be individually reviewed thereby extended the amount of time plaintiffs’ are required to devote to any challenge to their nomination papers; and (d) potentially threatens to trigger an unnecessary challenge to plaintiffs’ nomination papers because copies of plaintiffs’ nomination papers provided to the Republican and Democrat parties can cut off the year the signer recorded on plaintiffs’ nomination papers.

126. The Supreme Court of Pennsylvania’s October 10, 2012 decision in *In re Robertson* is clear evidence that 25 P.S. § 2911(c)’s requirement that the signer must record the year in which they signed plaintiffs’ nomination papers is not narrowly tailored to advance the Commonwealth’s compelling governmental interest in making sure that nomination paper signatures are recorded within the time frame permitted by law.

127. Only qualified electors of the Commonwealth of Pennsylvania may validly sign plaintiffs LPPA and the Green Party of Pennsylvania’s nomination papers. 25 P.S. § 2911(a).

128. The Pennsylvania Election Code defines “qualified elector” as to “mean any person who shall possess all the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth, or who, being otherwise qualified by continued residence in his election district, shall obtain such qualifications before the next ensuing election.” 25 P.S. § 2602(t).

129. The Pennsylvania Constitution, in turn, provides under the heading “Qualifications of Electors” that: “Every citizen 18 years of age, possessing the following qualifications, shall be entitled to vote at all elections subject, however, to such laws requiring and regulating the registration of electors as the General Assembly may enact: (1) He or she shall have been a citizen of the United States at least one month; (2) He or she shall have resided in the State ninety (90) days immediately preceding the election; (3) He or she shall have resided in the election district where he or she shall offer to vote at least sixty (60) days immediately preceding the election, except that if qualified to vote in an election district prior to removal of residence, he or she may, if a resident of Pennsylvania, vote in the election district from which he or she removed his or her residence within sixty (60) days preceding the election.

130. The Pennsylvania Election Code further distinguishes between a “qualified elector” and a “registered elector.” As noted by the United States District Court for the Eastern District of Pennsylvania: “The definition of the former relies upon the definition contained in the Pennsylvania Constitution. The latter is defined as ‘a qualified elector who is registered to vote.’ This distinction suggests that there are qualified electors who are not registered to vote, and we now interpret § 2911 accordingly.” *Morrill v. Weaver*, 224 F.Supp.2d. 882 (E.D. Pa. 2002).

131. The United States District Court for the Eastern District of Pennsylvania in ruling that “qualified electors” who may serve to witness nomination papers need not be registered noted that: “Under 25 P.S. § 2868 and § 2869, concerning nominations of major party candidates at primaries, the Pennsylvania Supreme Court has assumed that ‘qualified electors’ who sign nomination petitions are registered voters. *See* *e.g.*, *In re Nomination of Flaherty*, 564 Pa. at 683. However, we believe that the Supreme Court would treat differently the petition affiants ***and the nomination of candidates outside the primary system under §2911, outlining a separate nominations process for candidates of ‘minor parties’ and others****.*” *Id*.

132. The separate nomination process for plaintiffs LPPA and the Green Party of Pennsylvania’s candidates is not a substitute election process for which the Commonwealth has any interest in restricting to registered voters.

133. The United States Supreme Court has recognized that the act of signing an election petition such as plaintiff LPPA and the Green Party of Pennsylvania’s nomination papers is speech which is “interactive communication concerning change” where First Amendment protection is “at its zenith.” *Buckley v. American Constitutional Law Foundation, Inc.*, 525 U.S. 182, 183 (1999).

134. Any interpretation and/or enforcement limiting the definition of a “qualified elector” who may validly sign plaintiffs LPPA and the Green Party of Pennsylvania’s nomination papers under 25 P.S. § 2911 violates plaintiffs’ First Amendment rights by reducing the pool of Pennsylvania citizens who may validly sign plaintiffs’ nomination papers to exercise their own right to engage in “interactive communication concerning change.”

135. Any interpretation and/or enforcement limiting the definition of a “qualified elector” who may validly sign plaintiffs LPPA and the Green Party of Pennsylvania’s nomination papers under 25 P.S. § 2911 violates plaintiffs’ First Amendment rights by (a) reducing the pool of Pennsylvania citizens who may validly sign plaintiffs’ nomination papers; (b) restricting plaintiffs’ access to the Commonwealth’s general election ballot; and (c) restricting plaintiffs’ right to meaningfully associate with Pennsylvania citizens in “interactive communication concerning political change” who are both willing listeners and eligible to become registered voters to support plaintiffs’ respective political agendas.

136. The Commonwealth lacks compelling or weighty interest in any interpretation and/or enforcement limiting the definition of a “qualified elector” who may validly sign plaintiffs LPPA and the Green Party of Pennsylvania’s nomination papers under 25 P.S. § 2911.

137. Any interpretation and/or enforcement limiting the definition of a “qualified elector” who may validly sign plaintiff s’ nomination papers under 25 P.S. § 2911 to registered “qualified electors” is not narrowly tailored to advance a compelling governmental interest.

138. Defendants, acting under color of state law pursuant to 25 P.S. § 2911(c), have in the past, and threaten in the immediate future to, strike signatures of registered “qualified electors” who sign plaintiff s’ nomination papers within the time period allow by law and where sufficient information is provided by the signer on the nomination papers such that a review of the SURE system readily verifies that the signature on plaintiffs’ nomination papers match the signature of a registered qualified elector.

139. Prior to the advent of the SURE system, when a nomination paper signature was the subject to a timely filed objection, it was impossible to easily locate the voter registration card of a registered “qualified elector” unless the address recorded on a nomination paper exactly matched the address recorded on the registered qualified elector’s voter registration form.

140. Accordingly, prior to the SURE system, unless the name and address recorded by the signer of a nomination paper exactly matched the name and address on the signer’s voter registration card, as indexed in the relevant county voter registration office, the time constraints implicit in an election contest playing out in late August and September of an election year provided the foundation for the Commonwealth’s legitimate state interest to strike any such signature as invalid.

141. However, with the advent of the SURE system, matching nomination paper and voter registration signatures of registered qualified electors can be easily verified by name alone and/or even mere fractions of a name and/or address.

142. The Supreme Court of Pennsylvania has explained that the key and critical protection against fraudulent nomination papers is the requirement that the voter’s signature match the registration record. *In re Nader*, 580 Pa. 22, 49, 858 A.2d 1167, 1183 (2004). The Supreme Court of Pennsylvania further explained that: “A person’s name as signed is perceived to be an insignia used by that person to represent herself and generally is made in a manner that is not easily traceable.” *Nader* 580 Pa. at 49, 858 at 1183.

143. Accordingly, in a significant number of cases, with the introduction of the SURE system, when a signer signs plaintiffs’ nomination papers and record their current address (even if that address does not match an old address recorded on their voter registration card), a search of their name will often allow those individuals reviewing nomination paper signatures to quickly locate a signature match between the nomination paper and the voter registration file within defendants’ SURE system to the satisfaction of a handwriting expert recognized by the court.

144. In the 2012 challenge to the LPPA’s nomination papers, 3,654 signatures were struck from plaintiffs’ nomination papers where there was an agreed upon clear match (including the agreement of objector’s own handwriting expert) between the signature recorded on the LPPA’s nomination papers and the signature showing on the SURE system of a registered “qualified elector.” In most situations, the only discrepancy causing a signature to be struck from the nomination paper was the simple fact that the signer of plaintiff LPPA’s nomination paper properly recorded their current address (as demanded by the nomination paper) and had failed to re-register, or had timely registered to vote after signing plaintiffs’ nomination papers.

145. Defendants, acting under color of state law, and authorized pursuant to 25 P.S. § 2911(c), to strike a signature from plaintiffs’ nomination papers that matches the signature of a registered “qualified elector” in defendants’ SURE system, impairs plaintiffs’ First Amendment rights by: (a) restricting the pool of available voters available to sign plaintiffs’ nomination papers; (b) restricting their right to gain access to the Commonwealth’s general election ballot; and (c) increasing the costs, both in the expenditure of scarce monetary and volunteer resources, to plaintiffs’ in order to gain access to the Commonwealth’s general election ballot.

146. Defendants, acting under color of state law, pursuant to 25 P.S. § 2911(c), lack any compelling governmental or regulatory interest to strike signatures from plaintiffs’ nomination papers that match signatures of registered “qualified electors” in defendants’ SURE system.

147. The National Voter Registration Act (NVRA) prohibits the Commonwealth from removing the name of a registered voter from the election rolls when they move to a different residence within the county in which they are registered and fail to re-register at the new address.

148. Under the Supremacy and Elections Clause of the United States Constitution, it is the provisions of the NVRA that govern who is a registered qualified elector with respect to candidates seeking federal office.

149. In fact, the Eastern District of Pennsylvania expressly declared the removal of voters from the voter registration rolls who move within their county for failure to re-register or file a removal notice with the county registrar within 30 days of an election to be a violation of the NVRA and invalid for federal elections. *ACORN v. Ridge*, Nos. 94-CV-7671, 95-CV-382, 1995 WL 136913 at \*5, \*9 (E.D. Pa. Mar. 30, 1995).

150. Accordingly, defendants authority under color of state law and pursuant to 25 P.S. § 2911(a), to strike signatures of registered qualified electors which are valid under the NVRA for candidates for federal election is in violation of plaintiffs’ rights under federal law as well as the Elections and Supremacy Clauses of the United States Constitution.

151. The Supreme Court of Pennsylvania made clear in 2006 that the 2002 amendments to Pennsylvania Election Code provides a unitary election system for federal and state offices.

152. The Supreme Court of Pennsylvania explained that procedures for voting in state elections are now required to conform to federal requirements in order to prevent separate federal and state voting systems. *Kuznik v. Westmoreland County Board of Commissioners*, 588 Pa. 95, 118-23, 902 A.2d 476, 490-92 (2006).

153. Accordingly, application of the NVRA on the status of registered “qualified electors” who may validly sign plaintiffs’ nomination papers extends, under Pennsylvania state law, to also control the status of registered “qualified electors” who may validly sign plaintiffs’ nomination papers for candidates for state office.

154. As previously noted above, on January 22, 2014 Kevin R. Bradford, Senior Deputy Attorney General in a letter directed to the attention Kathleen M. Kotula, Deputy Chief Counsel for defendants, advised defendants to cease enforcement of the circulator residency requirement for all offices along with revision of the form of the circulator’s affidavit and the instructions that relate to nomination petitions in accord with this Court’s decision in *Morrill v. Weaver*, 224 F.Supp.2d. 882 (E.D. Pa. 2002). *See*, Exhibit #11.

155. An actual and justiciable controversy exists as to which all plaintiffs have standing and require a declaration of their rights.

156. All plaintiffs are actively planning, preparing and/or executing their respective 2014 general election campaigns, including expending economic and volunteer resources dedicated toward signature drives for their respective nomination papers to secure access to the Commonwealth’s 2014 general election ballot.

157. Immediate resolution of plaintiffs’ constitutional and other legal rights set forth in this complaint is necessary to prevent plaintiffs from expending unnecessary monetary and volunteer resources to defend against defendants’ continuing infringement of plaintiffs’ rights.

158. Unless the requested declaratory, injunctive and mandamus relief issues from this Court, defendants will continue to infringe the constitutional rights of plaintiffs and other candidates, voters and petition circulators.

159. Plaintiffs have no adequate remedy at law for defendants’ violation of their rights.

160. Plaintiffs are suffering irreparable harm as a result of the defendants’ violation of the laws and Constitution of the United States and the harm will continue unless declared unlawful and enjoined and ordered to be remedied by this Court.

**COUNT I – FACIAL CHALLENGE**

**(The State Residency Requirement for Witnesses of Nomination Paper Circulation Imposed by 25 P.S. § 2911(d) is a Facial Impairment of Rights Guaranteed to Plaintiffs under the First Amendment to the United States Constitution)**

161. Plaintiffs reassert each preceding allegation as if set forth fully herein.

162. The circulation of nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

163. Signatures recorded on nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

164. The state residency requirement imposed on witnesses of nomination paper circulation contained in 25 P.S. § 2911(d) of the Pennsylvania Election Code places a severe burden on core political speech and is subject to strict scrutiny.

165. Because the state residency requirement imposed on witnesses of nomination paper circulation is not narrowly tailored to further a compelling governmental interest, the provision facially violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

166. Alternatively, because no state regulatory interests justify the state residency requirement imposed on witnesses of nomination paper circulation violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

167. Defendants are state actors charged with enforcement of 25 P.S. § 2911(d) against plaintiffs.

168. Defendants, pursuant to 25 P.S. § 2936 of the Pennsylvania Election Code, are required to reject any nomination paper sought to be filed by plaintiffs if it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or if it contains material alterations made after signing without the consent of the signers; or it does not contain a sufficient number of signatures as required by law.

169. Accordingly, defendants enforcement of 25 P.S. § 2911(d) is the direct and proximate cause of the impairment of rights guaranteed to plaintiffs under the First Amendment to the United States Constitution of the United States for which plaintiffs request relief.

**COUNT II – AS APPLIED CHALLENGE**

**(The State Residency Requirement for Witnesses of Nomination Paper Circulation Imposed by 25 P.S. § 2911(d) is As Applied to the Facts of This Case, an Impairment of Rights Guaranteed to Plaintiffs under the First Amendment to the United States Constitution)**

170. Plaintiffs reassert each preceding allegation as if set forth fully herein.

171. The circulation of nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

172. Signatures recorded on nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

173. The state residency requirement imposed on witnesses of nomination paper circulation contained in 25 P.S. § 2911(d) of the Pennsylvania Election Code places a severe burden on core political speech and is subject to strict scrutiny.

174. Because the state residency requirement imposed on witnesses of nomination paper circulation is not narrowly tailored to further a compelling governmental interest, the provision, as applied to the facts of this case, violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

175. Alternatively, because no state regulatory interests justify the state residency requirement imposed on witnesses of nomination paper circulation violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

176. Defendants are state actors charged with enforcement of 25 P.S. § 2911(d) against plaintiffs.

177. Defendants, pursuant to 25 P.S. § 2936 of the Pennsylvania Election Code, are required to reject any nomination paper sought to be filed by plaintiffs if it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or if it contains material alterations made after signing without the consent of the signers; or it does not contain a sufficient number of signatures as required by law.

178. Accordingly, defendants enforcement of 25 P.S. § 2911(d) is the direct and proximate cause of the impairment of rights guaranteed to plaintiffs under the First Amendment to the United States Constitution of the United States for which plaintiffs request relief.

**COUNT III – FACIAL CHALLENGE**

**(Defendants’ Enforcement of 25 P.S. § 2911(d) So As To Require Plaintiffs to Notarize Every Nomination Paper is a Facial Impairment of Rights Guaranteed to Plaintiffs under the First Amendment to the United States Constitution)**

179. Plaintiffs reassert each preceding allegation as if set forth fully herein.

180. The circulation of nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

181. Signatures recorded on nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

182. Defendants’ enforcement of 25 P.S. § 2911(d) of the Pennsylvania Election Code requiring witnesses of nomination paper circulation to secure a sworn affidavit from the likes of a notary public places a severe burden on core political speech and is subject to strict scrutiny.

183. Because the defendants’ enforcement of 25 P.S. § 2911(d)’s affidavit requirement is not narrowly tailored to further a compelling governmental interest, the provision facially violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

184. Alternatively, because no state regulatory interests justify defendants’ enforcement of 25 P.S. §2911(d)’s affidavit requirement, defendants’ enforcement of the provision violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

185. Defendants are state actors charged with enforcement of 25 P.S. § 2911(d) against plaintiffs.

186. Defendants, pursuant to 25 P.S. § 2936 of the Pennsylvania Election Code, are required to reject any nomination paper sought to be filed by plaintiffs if it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or if it contains material alterations made after signing without the consent of the signers; or it does not contain a sufficient number of signatures as required by law.

187. Accordingly, defendants enforcement of the affidavit requirement of 25 P.S. § 2911(d) is the direct and proximate cause of the impairment of rights guaranteed to plaintiffs under the First Amendment to the United States Constitution of the United States for which plaintiffs request relief.

**COUNT IV – AS APPLIED CHALLENGE**

**(Defendants’ Enforcement of 25 P.S. § 2911(d) So As To Require Plaintiffs to Notarize Every Nomination Paper is As Applied to the Facts of This Case, an Impairment of Rights Guaranteed to Plaintiffs under the First Amendment to the United States Constitution)**

188. Plaintiffs reassert each preceding allegation as if set forth fully herein.

189. The circulation of nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

190. Signatures recorded on nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

191. Defendants’ enforcement of 25 P.S. § 2911(d) of the Pennsylvania Election Code requiring witnesses of nomination paper circulation to secure a sworn affidavit from the likes of a notary public places a severe burden on core political speech and is subject to strict scrutiny.

192. Because the defendants’ enforcement of 25 P.S. § 2911(d)’s affidavit requirement is not narrowly tailored to further a compelling governmental interest, the provision, as applied to the facts of this case, violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

193. Alternatively, because no state regulatory interests justify defendants’ enforcement of 25 P.S. §2911(d)’s affidavit requirement, defendants’ enforcement of the provision violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

194. Defendants are state actors charged with enforcement of 25 P.S. § 2911(d) against plaintiffs.

195. Defendants, pursuant to 25 P.S. § 2936 of the Pennsylvania Election Code, are required to reject any nomination paper sought to be filed by plaintiffs if it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or if it contains material alterations made after signing without the consent of the signers; or it does not contain a sufficient number of signatures as required by law.

196. Accordingly, defendants enforcement of the affidavit requirement of 25 P.S. § 2911(d) is the direct and proximate cause of the impairment of rights guaranteed to plaintiffs under the First Amendment to the United States Constitution of the United States for which plaintiffs request relief.

**COUNT V – FACIAL CHALLENGE**

**(The Requirement that Plaintiffs Circulate Separate Nomination Papers for Qualified Electors Resident in Different Counties Imposed by 25 P.S. § 2911(d) is a Facial Impairment of Rights Guaranteed to Plaintiffs under the First Amendment to the United States Constitution)**

197. Plaintiffs reassert each preceding allegation as if set forth fully herein.

198. The circulation of nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

199. Signatures recorded on nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

200. The requirement that plaintiffs must circulate separate nomination papers for qualified electors resident in different counties imposed by 25 P.S. § 2911(d) of the Pennsylvania Election Code places a severe burden on core political speech and is subject to strict scrutiny.

201. Because the statutory requirement that plaintiffs must circulate separate nomination papers for qualified electors resident in different counties imposed by 25 P.S. § 2911(d) is not narrowly tailored to further a compelling governmental interest, the provision facially violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

202. Alternatively, because no state regulatory interests justify requiring plaintiffs to circulate separate nomination papers for qualified electors resident in different counties, 25 P.S. § 2911(d) violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

203. Defendants are state actors charged with enforcement of 25 P.S. § 2911(d) against plaintiffs.

204. Defendants, pursuant to 25 P.S. § 2936 of the Pennsylvania Election Code, are required to reject any nomination paper sought to be filed by plaintiffs if it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or if it contains material alterations made after signing without the consent of the signers; or it does not contain a sufficient number of signatures as required by law.

205. Accordingly, defendants enforcement of 25 P.S. § 2911(d) is the direct and proximate cause of the impairment of rights guaranteed to plaintiffs under the First Amendment to the United States Constitution of the United States for which plaintiffs request relief.

**COUNT VI – AS APPLIED CHALLENGE**

**(The Requirement that Plaintiffs Circulate Separate Nomination Papers for Qualified Electors Resident in Different Counties Imposed by 25 P.S. § 2911(d) As Applied to the Facts of This Case is an Impairment of Rights Guaranteed to Plaintiffs under the First Amendment to the United States Constitution)**

206. Plaintiffs reassert each preceding allegation as if set forth fully herein.

207. The circulation of nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

208. Signatures recorded on nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

209. The requirement that plaintiffs must circulate separate nomination papers for qualified electors resident in different counties imposed by 25 P.S. § 2911(d) of the Pennsylvania Election Code places a severe burden on core political speech and is subject to strict scrutiny.

210. Because the statutory requirement that plaintiffs must circulate separate nomination papers for qualified electors resident in different counties imposed by 25 P.S. § 2911(d) is not narrowly tailored to further a compelling governmental interest, the provision, as applied to the facts of this case, violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

211. Alternatively, because no state regulatory interests justify requiring plaintiffs to circulate separate nomination papers for qualified electors resident in different counties, 25 P.S. § 2911(d) violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

212. Defendants are state actors charged with enforcement of 25 P.S. § 2911(d) against plaintiffs.

213. Defendants, pursuant to 25 P.S. § 2936 of the Pennsylvania Election Code, are required to reject any nomination paper sought to be filed by plaintiffs if it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or if it contains material alterations made after signing without the consent of the signers; or it does not contain a sufficient number of signatures as required by law.

214. Accordingly, defendants enforcement of 25 P.S. § 2911(d) is the direct and proximate cause of the impairment of rights guaranteed to plaintiffs under the First Amendment to the United States Constitution for which plaintiffs request relief.

**COUNT VII – FACIAL CHALLENGE**

**(Defendants’ Continued Enforcement of 25 P.S. § 2911(c) to Require a Signer of Plaintiffs’ Nomination Papers to Record the Year in Which They Record Their Signature is a Facial Impairment of Rights Guaranteed to Plaintiffs under the First Amendment to the United States Constitution)**

215. Plaintiffs reassert each preceding allegation as if set forth fully herein.

216. The circulation of nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

217. Signatures recorded on nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

218. Defendants’ continued enforcement of 25 P.S. § 2911(c) of the Pennsylvania Election Code to require a signer of plaintiffs’ nomination papers to record the year in which they record their signature places a severe burden on core political speech and is subject to strict scrutiny.

219. Because defendants’ continued enforcement of 25 P.S. § 2911(c) is not narrowly tailored to further a compelling governmental interest, the provision facially violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

220. Alternatively, because no state regulatory interests justify defendants’ continued enforcement of 25 P.S. § 2911(c) to require a signer of plaintiffs’ nomination papers to record the year in which they record their signature, defendants’ enforcement of the provision facially violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

221. Defendants are state actors charged with enforcement of 25 P.S. § 2911(c) against plaintiffs.

222. Defendants, pursuant to 25 P.S. § 2936 of the Pennsylvania Election Code, are required to reject any nomination paper sought to be filed by plaintiffs if it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or if it contains material alterations made after signing without the consent of the signers; or it does not contain a sufficient number of signatures as required by law.

223. Accordingly, defendants enforcement of 25 P.S. § 2911(c) is the direct and proximate cause of the impairment of rights guaranteed to plaintiffs under the First Amendment to the United States Constitution for which plaintiffs request relief.

**COUNT VIII – AS APPLIED CHALLENGE**

**(Defendants’ Continued Enforcement of 25 P.S. § 2911(c) to Require a Signer of Plaintiffs’ Nomination Papers to Record the Year in Which They Record Their Signature is As Applied to the Facts of This Case an Impairment of Rights Guaranteed to Plaintiffs under the First Amendment to the United States Constitution)**

224. Plaintiffs reassert each preceding allegation as if set forth fully herein.

225. The circulation of nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

226. Signatures recorded on nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

227. Defendants’ continued enforcement of 25 P.S. § 2911(c) of the Pennsylvania Election Code to require a signer of plaintiffs’ nomination papers to record the year in which they record their signature places a severe burden on core political speech and is subject to strict scrutiny.

228. Because defendants’ continued enforcement of 25 P.S. § 2911(c) is not narrowly tailored to further a compelling governmental interest, the provision facially violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

229. Alternatively, because no state regulatory interests justify defendants’ continued enforcement of 25 P.S. § 2911(c) to require a signer of plaintiffs’ nomination papers to record the year in which they record their signature, defendants’ enforcement of the provision facially violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

230. Defendants are state actors charged with enforcement of 25 P.S. § 2911(c) against plaintiffs.

231. Defendants, pursuant to 25 P.S. § 2936 of the Pennsylvania Election Code, are required to reject any nomination paper sought to be filed by plaintiffs if it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or if it contains material alterations made after signing without the consent of the signers; or it does not contain a sufficient number of signatures as required by law.

232. Accordingly, defendants enforcement of 25 P.S. § 2911(c) is the direct and proximate cause of the impairment of rights guaranteed to plaintiffs under the First Amendment to the United States Constitution for which plaintiffs request relief.

**COUNT IX – FACIAL CHALLENGE**

**(The Prohibition of Qualified Electors from Signing More than One Nomination Paper Imposed by 25 P.S. § 2911(c) is a Facial Impairment of Rights Guaranteed to Plaintiffs under the First Amendment to the United States Constitution)**

233. Plaintiffs reassert each preceding allegation as if set forth fully herein.

234. The circulation of nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

235. Signatures recorded on nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

236. The prohibition of qualified electors from signing more than one nomination paper imposed by 25 P.S. § 2911(c) of the Pennsylvania Election Code places a severe burden on core political speech and is subject to strict scrutiny.

237. Because the prohibition of qualified electors from signing more than one nomination paper imposed by 25 P.S. § 2911(c) is not narrowly tailored to further a compelling governmental interest, the provision facially violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

238. Alternatively, because no state regulatory interests justify prohibiting qualified electors from signing more than one nomination paper, 25 P.S. § 2911(c) facially violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

239. Defendants are state actors charged with enforcement of 25 P.S. § 2911(c) against plaintiffs.

240. Defendants, pursuant to 25 P.S. § 2936 of the Pennsylvania Election Code, are required to reject any nomination paper sought to be filed by plaintiffs if it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or if it contains material alterations made after signing without the consent of the signers; or it does not contain a sufficient number of signatures as required by law.

241. Accordingly, defendants enforcement of 25 P.S. § 2911(c) is the direct and proximate cause of the impairment of rights guaranteed to plaintiffs under the First Amendment to the United States Constitution for which plaintiffs request relief.

**COUNT X – AS APPLIED CHALLENGE**

**(The Prohibition of Qualified Electors from Signing More than One Nomination Paper Imposed by 25 P.S. § 2911(c) is As Applied to the Facts of this Case an Impairment of Rights Guaranteed to Plaintiffs under the First Amendment to the United States Constitution)**

242. Plaintiffs reassert each preceding allegation as if set forth fully herein.

243. The circulation of nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

244. Signatures recorded on nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

245. The prohibition of qualified electors from signing more than one nomination paper imposed by 25 P.S. § 2911(c) of the Pennsylvania Election Code places a severe burden on core political speech and is subject to strict scrutiny.

246. Because the prohibition of qualified electors from signing more than one nomination paper imposed by 25 P.S. § 2911(c) is not narrowly tailored to further a compelling governmental interest, the provision, as applied to the facts of this case, violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

247. Alternatively, because no state regulatory interests justify prohibiting qualified electors from signing more than one nomination paper, 25 P.S. § 2911(c) facially violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

248. Defendants are state actors charged with enforcement of 25 P.S. § 2911(c) against plaintiffs.

249. Defendants, pursuant to 25 P.S. § 2936 of the Pennsylvania Election Code, are required to reject any nomination paper sought to be filed by plaintiffs if it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or if it contains material alterations made after signing without the consent of the signers; or it does not contain a sufficient number of signatures as required by law.

250. Accordingly, defendants enforcement of 25 P.S. § 2911(c) is the direct and proximate cause of the impairment of rights guaranteed to plaintiffs under the First Amendment to the United States Constitution for which plaintiffs request relief.

**COUNT XI – AS APPLIED CHALLENGE**

**(Defendants’ Refusal to Revise 2014 Political Body Nomination Papers as Authorized by 25 P.S. § 2911(a), As Applied to Plaintiffs Green Party of Pennsylvania, Glover, Prigg and Sweeney, Impair Rights Guaranteed to Plaintiffs under the First Amendment to the United States Constitution)**

251. Plaintiffs reassert each preceding allegation as if set forth fully herein.

252. The circulation of nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

253. Signatures recorded on nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

254. Defendants’ refusal to exercise their authority under 25 P.S. § 2911(a) to revise the 2014 nomination paper for “political bodies” to remove irrelevant presidential election information, thereby reducing the number of signatures that plaintiffs Green Party of Pennsylvania, Glover, Prigg and Sweeney may collect and notarize on each nomination paper places a severe burden on core political speech and is subject to strict scrutiny.

255. Because defendants’ refusal to revise the 2014 nomination paper for “political bodies” to remove irrelevant presidential election information is not narrowly tailored to further a compelling governmental interest, defendants refusal to revise the 2014 nomination papers, as applied to plaintiffs Green Party of Pennsylvania, Glover, Prigg and Sweeney, violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

256. Alternatively, because no state regulatory interests justify defendants’ refusal to revise the 2014 nomination paper for “political bodies” defendants’ conduct violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

257. Defendants are state actors charged with enforcement of 25 P.S. § 2911(d) against plaintiffs.

258. Defendants, pursuant to 25 P.S. § 2936 of the Pennsylvania Election Code, are required to reject any nomination paper sought to be filed by plaintiffs if it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or if it contains material alterations made after signing without the consent of the signers; or it does not contain a sufficient number of signatures as required by law.

259. Any alternation of the form of the nomination papers prescribed by defendants would constitute a clear material defect subject to defendants’ authority to reject any altered nomination paper, thereby striking otherwise valid political speech in violation of the First Amendment to the United States Constitution.

260. Accordingly, defendants improper exercise of authority under 25 P.S. §§ 2911(a) and 2936 is the direct and proximate cause of the impairment of rights guaranteed to plaintiffs under the First Amendment to the United States Constitution for which plaintiffs request relief.

**COUNT XII – FACIAL CHALLENGE**

**(Defendants’ Continued Threat, Published on Every Nomination Paper, of Potential Enforcement of the Election District Residency Requirement Imposed on Nomination Paper Witnesses by 25 P.S. § 2911(d)(1) is a Facial Impairment of Rights Guaranteed to Plaintiffs under the First Amendment to the United States Constitution)**

261. Plaintiffs reassert each preceding allegation as if set forth fully herein.

262. The circulation of nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

263. Signatures recorded on nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

264. The election district residency requirement to execute a witness affidavit for nomination papers in 25 P.S. § 2911(d)(1) of the Pennsylvania Election Code places a severe burden on core political speech and is subject to strict scrutiny.

265. Because the election district residency requirement to execute a witness affidavit for nomination papers is not narrowly tailored to further a compelling governmental interest, the provision facially violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

266. Alternatively, because no state regulatory interests justify the election district residency requirement to execute a witness affidavit for nomination papers contained in 25 P.S. § 2911(d)(1), the provision violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

267. This Court declared in *Morrill v. Weaver*, 224 F.Supp.2d 882 (2002), the election district residency requirement to execute a witness affidavit for nomination papers contained in 25 P.S. § 2911(d)(1) unconstitutional and permanently enjoined defendants from enforcing the election district residency requirement.

268. The Supreme Court of Pennsylvania ruled in *In re Stevenson*, 615 Pa. 50 (2012), that the *Morrill* injunction was binding on the Commonwealth, including the courts of the Unified Judiciary of the Commonwealth of Pennsylvania.

269. On January 22, 2014, Senior Deputy Attorney General Kevin R. Bradford, instructed defendants that no viable constitutional defense remains for any incarnation of the election district residency requirement for affidavit witnesses in the Commonwealth of Pennsylvania.

270. Nevertheless, defendants continue to publish a threat at the bottom of every nomination paper that failure to confine nomination paper affidavit witnesses to residents of the election district for which the nomination paper is circulated could result could trigger a challenge of the nomination paper in Commonwealth Court.

271. Defendants are state actors charged with enforcement of 25 P.S. § 2911(d)(1) against plaintiffs.

272. Defendants, pursuant to 25 P.S. § 2936 of the Pennsylvania Election Code, are required to reject any nomination paper sought to be filed by plaintiffs if it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or if it contains material alterations made after signing without the consent of the signers; or it does not contain a sufficient number of signatures as required by law.

273. Accordingly, defendants’ continued publishing of threats that the election district residency requirement for nomination paper affidavit witnesses of 25 P.S. § 2911(d)(1) could still be enforced against plaintiffs is the direct and proximate cause of the impairment of rights guaranteed to plaintiffs under the First Amendment to the United States Constitution for which plaintiffs request relief.

**COUNT XIII – AS APPLIED CHALLENGE**

**(Defendants’ Continued Threat, Published on Every Nomination Paper, of Potential Enforcement of the Election District Residency Requirement Imposed on Nomination Paper Witnesses by 25 P.S. § 2911(d)(1) is As Applied to the Facts of This Case an Impairment of Rights Guaranteed to Plaintiffs under the First Amendment to the United States Constitution)**

274. Plaintiffs reassert each preceding allegation as if set forth fully herein.

275. The circulation of nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

276. Signatures recorded on nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

277. The election district residency requirement to execute a witness affidavit for nomination papers in 25 P.S. § 2911(d)(1) of the Pennsylvania Election Code places a severe burden on core political speech and is subject to strict scrutiny.

278. Because the election district residency requirement to execute a witness affidavit for nomination papers is not narrowly tailored to further a compelling governmental interest, the provision, as applied to the facts of this case, violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

279. Alternatively, because no state regulatory interests justify the election district residency requirement to execute a witness affidavit for nomination papers contained in 25 P.S. § 2911(d)(1), the provision violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

280. This Court declared in *Morrill v. Weaver*, 224 F.Supp.2d 882 (2002), the election district residency requirement to execute a witness affidavit for nomination papers contained in 25 P.S. § 2911(d)(1) unconstitutional and permanently enjoined defendants from enforcing the election district residency requirement.

281. The Supreme Court of Pennsylvania ruled in *In re Stevenson*, 615 Pa. 50 (2012), that the *Morrill* injunction was binding on the Commonwealth, including the courts of the Unified Judiciary of the Commonwealth of Pennsylvania.

282. On January 22, 2014, Senior Deputy Attorney General Kevin R. Bradford, instructed defendants that no viable constitutional defense remains for any incarnation of the election district residency requirement for affidavit witnesses in the Commonwealth of Pennsylvania.

283. Nevertheless, defendants continue to publish a threat at the bottom of every nomination paper that failure to confine nomination paper affidavit witnesses to residents of the election district for which the nomination paper is circulated could result could trigger a challenge of the nomination paper in Commonwealth Court.

284. Defendants are state actors charged with enforcement of 25 P.S. § 2911(d)(1) against plaintiffs.

285. Defendants, pursuant to 25 P.S. § 2936 of the Pennsylvania Election Code, are required to reject any nomination paper sought to be filed by plaintiffs if it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or if it contains material alterations made after signing without the consent of the signers; or it does not contain a sufficient number of signatures as required by law.

286. Accordingly, defendants’ continued publishing of threats that the election district residency requirement for nomination paper affidavit witnesses of 25 P.S. § 2911(d)(1) could still be enforced against plaintiffs is the direct and proximate cause of the impairment of rights guaranteed to plaintiffs under the First Amendment to the United States Constitution for which plaintiffs request relief.

**AND**

**COUNT XIV – FACIAL CHALLENGE**

**(Defendants’ Enforcement of 25 P.S. § 2911(a) to Prohibit Unregistered Qualified Electors from Signing Plaintiffs’ Nomination Papers is a Facial Impairment of Rights Guaranteed to Plaintiffs under the First Amendment to the United States Constitution)**

287. Plaintiffs reassert each preceding allegation as if set forth fully herein.

288. The circulation of nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

289. Signatures recorded on nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

290. Defendants’ enforcement of 25 P.S. § 2911(a) of the Pennsylvania Election Code to prohibit unregistered qualified electors from signing plaintiffs’ nomination papers places a severe burden on core political speech and is subject to strict scrutiny.

291. Because defendants’ enforcement of 25 P.S. § 2911(a) of the Pennsylvania Election Code to prohibit unregistered qualified electors from signing plaintiffs’ nomination papers is not narrowly tailored to further a compelling governmental interest, the provision facially violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

292. Alternatively, because no state regulatory interests justify defendants’ enforcement of 25 P.S. § 2911(a) of the Pennsylvania Election Code to prohibit unregistered qualified electors from signing plaintiffs’ nomination papers, defendants’ enforcement violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

293. Defendants are state actors charged with enforcement of 25 P.S. § 2911(d) against plaintiffs.

294. Defendants’ published instructions for plaintiffs’ 2014 nomination papers commanding plaintiffs to limit nomination paper signatures to registered voters.

295. The witness affidavit, published by defendants on every 2014 nomination paper, requires plaintiffs and plaintiffs’ circulators and affidavit witnesses to swear, subject to criminal penalty, that all signatures recorded on plaintiffs’ nomination papers are from registered voters.

296. Plaintiffs, plaintiffs’ circulators and plaintiffs’ affidavit witnesses are not permitting to alter the “Affidavit of Qualified Elector” to attest to anything other than the fact that to the best of their knowledge all signatures conform to defendants’ enforcement of 25 P.S. § 2911(a) as evinced by the instructions published by defendants.

297. Defendants, pursuant to 25 P.S. § 2936 of the Pennsylvania Election Code, are required to reject any nomination paper sought to be filed by plaintiffs if it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or if it contains material alterations made after signing without the consent of the signers; or it does not contain a sufficient number of signatures as required by law.

298. Accordingly, defendants enforcement of 25 P.S. § 2911(a) is the direct and proximate cause of the impairment of rights guaranteed to plaintiffs under the First Amendment to the United States Constitution for which plaintiffs request relief.

**COUNT XV – AS APPLIED CHALLENGE**

**(Defendants’ Enforcement of 25 P.S. § 2911(a) to Prohibit Unregistered Qualified Electors from Signing Plaintiffs’ Nomination Papers is As Applied to the Facts of This Case an Impairment of Rights Guaranteed to Plaintiffs under the First Amendment to the United States Constitution)**

299. Plaintiffs reassert each preceding allegation as if set forth fully herein.

300. The circulation of nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

301. Signatures recorded on nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

302. Defendants’ enforcement of 25 P.S. § 2911(a) of the Pennsylvania Election Code to prohibit unregistered qualified electors from signing plaintiffs’ nomination papers places a severe burden on core political speech and is subject to strict scrutiny.

303. Because defendants’ enforcement of 25 P.S. § 2911(a) of the Pennsylvania Election Code to prohibit unregistered qualified electors from signing plaintiffs’ nomination papers is not narrowly tailored to further a compelling governmental interest, the provision, as applied to the facts of this case, violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

304. Alternatively, because no state regulatory interests justify defendants’ enforcement of 25 P.S. § 2911(a) of the Pennsylvania Election Code to prohibit unregistered qualified electors from signing plaintiffs’ nomination papers, defendants’ enforcement violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

305. Defendants are state actors charged with enforcement of 25 P.S. § 2911(d) against plaintiffs.

306. Defendants’ published instructions for plaintiffs’ 2014 nomination papers commanding plaintiffs to limit nomination paper signatures to registered voters.

307. The witness affidavit, published by defendants on every 2014 nomination paper, requires plaintiffs and plaintiffs’ circulators and affidavit witnesses to swear, subject to criminal penalty, that all signatures recorded on plaintiffs’ nomination papers are from registered voters.

308. Plaintiffs, plaintiffs’ circulators and plaintiffs’ affidavit witnesses are not permitting to alter the “Affidavit of Qualified Elector” to attest to anything other than the fact that to the best of their knowledge all signatures conform to defendants’ enforcement of 25 P.S. § 2911(a) as evinced by the instructions published by defendants.

309. Defendants, pursuant to 25 P.S. § 2936 of the Pennsylvania Election Code, are required to reject any nomination paper sought to be filed by plaintiffs if it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or if it contains material alterations made after signing without the consent of the signers; or it does not contain a sufficient number of signatures as required by law.

310. Accordingly, defendants enforcement of 25 P.S. § 2911(a) is the direct and proximate cause of the impairment of rights guaranteed to plaintiffs under the First Amendment to the United States Constitution for which plaintiffs request relief.

**OR, IN THE ALTERNATIVE, TO COUNTS XIV & XV:**

**COUNT XVI – FACIAL CHALLENGE**

**(Defendants’ Enforcement of 25 P.S. § 2911(c) Striking Signatures Recorded on Plaintiffs’ Nomination Papers Which Match Signatures of Registered Qualified Electors Solely Because Signer Failed To Record Information Specified by 25 P.S. § 2911(c) that is not Required to Verify the Validity of the Signature is a Facial Impairment of Rights Guaranteed to Plaintiffs under the First Amendment to the United States Constitution)**

311. Plaintiffs reassert each preceding allegation as if set forth fully herein.

312. The circulation of nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

313. Signatures recorded on nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

314. The authority of defendants to strike signatures from plaintiffs’ nomination papers that match signatures of registered qualified electors on file in defendants’ SURE system places a severe burden on core political speech and is subject to strict scrutiny.

315. State actors, including defendants, lack any interest, let alone a compelling governmental interest, to strike any signature from plaintiffs’ nomination papers where a signature recorded on plaintiffs’ nomination papers within the time period established by the Pennsylvania Election Code is matched with a signature of a registered qualified elector on file in defendants’ SURE system.

316. Defendants lack a compelling governmental interest to strike any signature affixed by a registered qualified elector from plaintiffs’ nomination papers for the sole reason that the signer failed to record information required by 25 P.S. § 2911(c) that is not necessary to validate that the signature was recorded by a registered qualified elector of the Commonwealth within the time period establish by law.

317. Defendants authority to strike signatures from plaintiffs’ nomination papers based solely on ministerial defects imposed by 25 P.S. § 2911(c) is not narrowly tailored to further a compelling governmental interest, the provision facially violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

318. Alternatively, because no state regulatory interests justify defendants’ authority to strike signatures from plaintiffs’ nomination papers based solely on ministerial defects imposed by 25 P.S. § 2911(c) and where the signature recorded on plaintiffs’ nomination papers match the signature of a registered qualified elector on file in defendants’ SURE system, defendants enforcement of ministerial requirements by striking valid signatures from plaintiffs’ nomination papers violate the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

319. Defendants are state actors charged with enforcement of 25 P.S. § 2911(d) against plaintiffs.

320. Defendants, pursuant to 25 P.S. § 2936 of the Pennsylvania Election Code, are authorized to reject any nomination paper sought to be filed by plaintiffs if it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or if it contains material alterations made after signing without the consent of the signers; or it does not contain a sufficient number of signatures as required by law.

321. Accordingly, defendants enforcement of 25 P.S. § 2911(c) is the direct and proximate cause of the impairment of rights guaranteed to plaintiffs under the First Amendment to the United States Constitution for which plaintiffs request relief.

**COUNT XVII – AS APPLIED CHALLENGE**

**(Defendants’ Enforcement of 25 P.S. § 2911(c) Striking Signatures Recorded on Plaintiffs’ Nomination Papers Which Match Signatures of Registered Qualified Electors Solely Because Signer Failed To Record Information Specified by 25 P.S. § 2911(c) that is not Required to Verify the Validity of the Signature is As Applied to the Facts of This Case an Impairment of Rights Guaranteed to Plaintiffs under the First Amendment to the United States Constitution)**

322. Plaintiffs reassert each preceding allegation as if set forth fully herein.

323. The circulation of nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

324. Signatures recorded on nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

325. The authority of defendants to strike signatures from plaintiffs’ nomination papers that match signatures of registered qualified electors on file in defendants’ SURE system places a severe burden on core political speech and is subject to strict scrutiny.

326. State actors, including defendants, lack any interest, let alone a compelling governmental interest, to strike any signature from plaintiffs’ nomination papers where a signature recorded on plaintiffs’ nomination papers within the time period established by the Pennsylvania Election Code is matched with a signature of a registered qualified elector on file in defendants’ SURE system.

327. Defendants lack a compelling governmental interest to strike any signature affixed by a registered qualified elector from plaintiffs’ nomination papers for the sole reason that the signer failed to record information required by 25 P.S. § 2911(c) that is not necessary to validate that the signature was recorded by a registered qualified elector of the Commonwealth within the time period establish by law.

328. Defendants authority to strike signatures from plaintiffs’ nomination papers based solely on ministerial defects imposed by 25 P.S. § 2911(c) is not narrowly tailored to further a compelling governmental interest, the provision, as applied to the facts of this case, violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

329. Alternatively, because no state regulatory interests justify defendants’ authority to strike signatures from plaintiffs’ nomination papers based solely on ministerial defects imposed by 25 P.S. § 2911(c) and where the signature recorded on plaintiffs’ nomination papers match the signature of a registered qualified elector on file in defendants’ SURE system, defendants enforcement of ministerial requirements by striking valid signatures from plaintiffs’ nomination papers violate the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

330. Defendants are state actors charged with enforcement of 25 P.S. § 2911(d) against plaintiffs.

331. Defendants, pursuant to 25 P.S. § 2936 of the Pennsylvania Election Code, are authorized to reject any nomination paper sought to be filed by plaintiffs if it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or if it contains material alterations made after signing without the consent of the signers; or it does not contain a sufficient number of signatures as required by law.

332. Accordingly, defendants enforcement of 25 P.S. § 2911(c) is the direct and proximate cause of the impairment of rights guaranteed to plaintiffs under the First Amendment to the United States Constitution for which plaintiffs request relief.

**COUNT XVIII – FACIAL CHALLENGE**

**(Defendants’ Enforcement of 25 P.S. § 2911(c) Striking Signatures Recorded on Plaintiffs’ Nomination Papers Which Match Signatures of Registered Qualified Electors Solely Because a Third Party Recorded Information, Other Than the Signature, Specified by 25 P.S. § 2911(c) is a Facial Impairment of Rights Guaranteed to Plaintiffs under the First Amendment to the United States Constitution)**

333. Plaintiffs reassert each preceding allegation as if set forth fully herein.

334. The circulation of nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

335. Signatures recorded on nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

336. The authority of defendants to strike signatures from plaintiffs’ nomination papers that match signatures of registered qualified electors on file in defendants’ SURE system places a severe burden on core political speech and is subject to strict scrutiny.

337. State actors, including defendants, lack any interest, let alone a compelling governmental interest, to strike any signature from plaintiffs’ nomination papers where a signature recorded on plaintiffs’ nomination papers within the time period established by the Pennsylvania Election Code is matched with a signature of a registered qualified elector on file in defendants’ SURE system.

338. More specifically, defendants lack a compelling governmental interest to strike any signature affixed by a registered qualified elector from plaintiffs’ nomination papers for the sole reason that the signer failed to properly record any information required by 25 P.S. § 2911(c) that is not necessary to validate that the signature was recorded by a registered qualified elector of the Commonwealth within the time period establish by law.

339. Defendants authority to strike signatures from plaintiffs’ nomination papers based solely on ministerial defects imposed by 25 P.S. § 2911(c) is not narrowly tailored to further a compelling governmental interest, the provision facially violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

340. Alternatively, because no state regulatory interests justify defendants’ authority to strike signatures from plaintiffs’ nomination papers based solely on ministerial defects imposed by 25 P.S. § 2911(c) and where the signature recorded on plaintiffs’ nomination papers match the signature of a registered qualified elector on file in defendants’ SURE system, defendants enforcement of ministerial requirements by striking valid signatures from plaintiffs’ nomination papers violate the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution.

341. Defendants are state actors charged with enforcement of 25 P.S. § 2911(d) against plaintiffs.

342. Defendants, pursuant to 25 P.S. § 2936 of the Pennsylvania Election Code, are authorized to reject any nomination paper sought to be filed by plaintiffs if it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or if it contains material alterations made after signing without the consent of the signers; or it does not contain a sufficient number of signatures as required by law.

343. Accordingly, defendants enforcement of 25 P.S. § 2911(c) is the direct and proximate cause of the impairment of rights guaranteed to plaintiffs under the First Amendment to the United States Constitution for which plaintiffs request relief.

**COUNT XIX – AS APPLIED CHALLENGE**

**(Defendants’ Enforcement of 25 P.S. § 2911(c) Striking Signatures Recorded on Plaintiffs’ Nomination Papers Which Match Signatures of Registered Qualified Electors Solely Because a Third Party Recorded Information, Other Than the Signature, Specified by 25 P.S. § 2911(c) is As Applied to the Facts of This Case an Impairment of Rights Guaranteed to Plaintiffs under the First Amendment to the United States Constitution)**

344. Plaintiffs reassert each preceding allegation as if set forth fully herein.

345. The circulation of nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

346. Signatures recorded on nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

347. The authority of defendants to strike signatures from plaintiffs’ nomination papers that match signatures of registered qualified electors on file in defendants’ SURE system places a severe burden on core political speech and is subject to strict scrutiny.

348. State actors, including defendants, lack any interest, let alone a compelling governmental interest, to strike any signature from plaintiffs’ nomination papers where a signature recorded on plaintiffs’ nomination papers within the time period established by the Pennsylvania Election Code is matched with a signature of a registered qualified elector on file in defendants’ SURE system.

349. More specifically, defendants lack a compelling governmental interest to strike any signature affixed by a registered qualified elector from plaintiffs’ nomination papers for the sole reason that the signer failed to properly record any information required by 25 P.S. § 2911(c) that is not necessary to validate that the signature was recorded by a registered qualified elector of the Commonwealth within the time period establish by law.

350. Defendants authority to strike signatures from plaintiffs’ nomination papers based solely on ministerial defects imposed by 25 P.S. § 2911(c) is not narrowly tailored to further a compelling governmental interest, the provision, as applied to the facts of this case, violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

351. Alternatively, because no state regulatory interests justify defendants’ authority to strike signatures from plaintiffs’ nomination papers based solely on ministerial defects imposed by 25 P.S. § 2911(c) and where the signature recorded on plaintiffs’ nomination papers match the signature of a registered qualified elector on file in defendants’ SURE system, defendants enforcement of ministerial requirements by striking valid signatures from plaintiffs’ nomination papers violate the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

352. Defendants are state actors charged with enforcement of 25 P.S. § 2911(d) against plaintiffs.

353. Defendants, pursuant to 25 P.S. § 2936 of the Pennsylvania Election Code, are authorized to reject any nomination paper sought to be filed by plaintiffs if it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or if it contains material alterations made after signing without the consent of the signers; or it does not contain a sufficient number of signatures as required by law.

354. Accordingly, defendants enforcement of 25 P.S. § 2911(c) is the direct and proximate cause of the impairment of rights guaranteed to plaintiffs under the First Amendment to the United States Constitution for which plaintiffs request relief.

**COUNT XX – FACIAL CHALLENGE**

**(Defendants’ Enforcement of 25 P.S. § 2911(c) Striking Signatures Recorded on Plaintiffs’ Nomination Papers Which Match Signatures of Registered Qualified Electors in Defendants’ SURE System for the Sole Reason that the Signer Records a Current Address Different than the Address on Record in Defendants’ Sure System is a Facial Impairment of Rights Guaranteed to Plaintiffs under the First Amendment to the United States Constitution)**

355. Plaintiffs reassert each preceding allegation as if set forth fully herein.

356. The circulation of nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

357. Signatures recorded on nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

358. The authority of defendants to strike signatures from plaintiffs’ nomination papers that match signatures of registered qualified electors on file in defendants’ SURE system places a severe burden on core political speech and is subject to strict scrutiny.

359. State actors, including defendants, lack any interest, let alone a compelling governmental interest to strike signatures recorded on plaintiffs’ nomination papers where the signature recorded on plaintiffs’ nomination papers within the time period established by the Pennsylvania Election Code matches the signature of a registered qualified elector on file in defendants’ SURE system.

360. More specifically, defendants lack a compelling governmental interest to strike any signature affixed to plaintiffs’ nomination papers by a registered qualified elector that matches a signature of a registered qualified elector on file in defendants’ SURE system for the sole reason that the signer records a current address that is different from the address on file in defendants’ SURE system.

361. Defendants authority to strike signatures from plaintiffs’ nomination papers based solely on ministerial defects imposed by 25 P.S. § 2911(c) is not narrowly tailored to further a compelling governmental interest, the provision facially violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

362. Alternatively, because no state regulatory interests justify defendants’ authority to strike signatures from plaintiffs’ nomination papers based solely on ministerial defects imposed by 25 P.S. § 2911(c) and where the signature recorded on plaintiffs’ nomination papers matches a signature of a registered qualified elector on file in defendants’ SURE system, defendants enforcement of ministerial requirements by striking valid signatures from plaintiffs’ nomination papers violate the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

363. Defendants are state actors charged with enforcement of 25 P.S. § 2911(d) against plaintiffs.

364. Defendants, pursuant to 25 P.S. § 2936 of the Pennsylvania Election Code, are required to reject any nomination paper sought to be filed by plaintiffs if it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or if it contains material alterations made after signing without the consent of the signers; or it does not contain a sufficient number of signatures as required by law.

365. Accordingly, defendants enforcement of 25 P.S. § 2911(c) is the direct and proximate cause of the impairment of rights guaranteed to plaintiffs under the First Amendment to the United States Constitution for which plaintiffs request relief.

**COUNT XXI – AS APPLIED CHALLENGE**

**(Defendants’ Enforcement of 25 P.S. § 2911(c) Striking Signatures Recorded on Plaintiffs’ Nomination Papers Which Match Signatures of Registered Qualified Electors in Defendants’ SURE System for the Sole Reason that the Signer Records a Current Address Different than the Address on Record in Defendants’ Sure System is As Applied to the Facts of This Case an Impairment of Rights Guaranteed to Plaintiffs under the First Amendment to the United States Constitution)**

366. Plaintiffs reassert each preceding allegation as if set forth fully herein.

367. The circulation of nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

368. Signatures recorded on nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

369. The authority of defendants to strike signatures from plaintiffs’ nomination papers that match signatures of registered qualified electors on file in defendants’ SURE system places a severe burden on core political speech and is subject to strict scrutiny.

370. State actors, including defendants, lack any interest, let alone a compelling governmental interest to strike signatures recorded on plaintiffs’ nomination papers where the signature recorded on plaintiffs’ nomination papers within the time period established by the Pennsylvania Election Code matches the signature of a registered qualified elector on file in defendants’ SURE system.

371. More specifically, defendants lack a compelling governmental interest to strike any signature affixed to plaintiffs’ nomination papers by a registered qualified elector that matches a signature of a registered qualified elector on file in defendants’ SURE system for the sole reason that the signer records a current address that is different from the address on file in defendants’ SURE system.

372. Defendants authority to strike signatures from plaintiffs’ nomination papers based solely on ministerial defects imposed by 25 P.S. § 2911(c) is not narrowly tailored to further a compelling governmental interest, the provision, as applied to the facts of this case, violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

373. Alternatively, because no state regulatory interests justify defendants’ authority to strike signatures from plaintiffs’ nomination papers based solely on ministerial defects imposed by 25 P.S. § 2911(c) and where the signature recorded on plaintiffs’ nomination papers matches a signature of a registered qualified elector on file in defendants’ SURE system, defendants enforcement of ministerial requirements by striking valid signatures from plaintiffs’ nomination papers violate the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

374. Defendants are state actors charged with enforcement of 25 P.S. § 2911(d) against plaintiffs.

375. Defendants, pursuant to 25 P.S. § 2936 of the Pennsylvania Election Code, are required to reject any nomination paper sought to be filed by plaintiffs if it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or if it contains material alterations made after signing without the consent of the signers; or it does not contain a sufficient number of signatures as required by law.

376. Accordingly, defendants enforcement of 25 P.S. § 2911(c) is the direct and proximate cause of the impairment of rights guaranteed to plaintiffs under the First Amendment to the United States Constitution for which plaintiffs request relief.

**COUNT XXII – FACIAL CHALLENGE**

**(Defendants’ Enforcement of 25 P.S. § 2911(c) Striking Signatures Recorded on Plaintiffs’ Nomination Papers Which Match Signatures of Registered Qualified Electors in Defendants’ SURE System for the Sole Reason that the Signer Registered to Vote after Signing Plaintiffs’ Nomination Papers, but Within the Time Period Permitted by Law, is a Facial Impairment of Rights Guaranteed to Plaintiffs under the First Amendment to the United States Constitution)**

377. Plaintiffs reassert each preceding allegation as if set forth fully herein.

378. The circulation of nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

379. Signatures recorded on nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

380. The authority of defendants to strike signatures from plaintiffs’ nomination papers that match signatures of registered qualified electors on file in defendants’ SURE system places a severe burden on core political speech and is subject to strict scrutiny.

381. State actors, including defendants, lack any interest, let alone a compelling governmental interest to strike signatures recorded on plaintiffs’ nomination papers where the signature recorded on plaintiffs’ nomination papers within the time period established by the Pennsylvania Election Code matches the signature of a registered qualified elector on file in defendants’ SURE system.

382. More specifically, defendants lack a compelling governmental interest to strike any signature affixed to plaintiffs’ nomination papers by a registered qualified elector that matches a signature of a registered qualified elector on file in defendants’ SURE system for the sole reason that the signer registered to vote after recording his/her signature on plaintiffs’ nomination papers.

383. Defendants authority to strike signatures from plaintiffs’ nomination papers based solely on ministerial defects imposed by 25 P.S. § 2911(a) is not narrowly tailored to further a compelling governmental interest, the provision facially violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

384. Alternatively, because no state regulatory interests justify defendants’ authority to strike signatures from plaintiffs’ nomination papers based solely on ministerial defects imposed by 25 P.S. § 2911(a) and where the signature recorded on plaintiffs’ nomination papers matches a signature of a registered qualified elector on file in defendants’ SURE system, defendants enforcement of ministerial requirements by striking valid signatures from plaintiffs’ nomination papers violate the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

385. Defendants are state actors charged with enforcement of 25 P.S. § 2911(d) against plaintiffs.

386. Defendants, pursuant to 25 P.S. § 2936 of the Pennsylvania Election Code, are required to reject any nomination paper sought to be filed by plaintiffs if it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or if it contains material alterations made after signing without the consent of the signers; or it does not contain a sufficient number of signatures as required by law.

387. Accordingly, defendants enforcement of 25 P.S. § 2911(a) is the direct and proximate cause of the impairment of rights guaranteed to plaintiffs under the First Amendment to the United States Constitution for which plaintiffs request relief.

**COUNT XXIII – AS APPLIED CHALLENGE**

**(Defendants’ Enforcement of 25 P.S. § 2911(c) Striking Signatures Recorded on Plaintiffs’ Nomination Papers Which Match Signatures of Registered Qualified Electors in Defendants’ SURE System for the Sole Reason that the Signer Registered to Vote after Signing Plaintiffs’ Nomination Papers, but Within the Time Period Permitted by Law, is As Applied to the Facts of This Case an Impairment of Rights Guaranteed to Plaintiffs under the First Amendment to the United States Constitution)**

388. Plaintiffs reassert each preceding allegation as if set forth fully herein.

389. The circulation of nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

390. Signatures recorded on nomination papers as defined by 25 P.S. § 2911(a) of the Pennsylvania Election Code is core political speech protected by the First Amendment to the United States Constitution.

391. The authority of defendants to strike signatures from plaintiffs’ nomination papers that match signatures of registered qualified electors on file in defendants’ SURE system places a severe burden on core political speech and is subject to strict scrutiny.

392. State actors, including defendants, lack any interest, let alone a compelling governmental interest to strike signatures recorded on plaintiffs’ nomination papers where the signature recorded on plaintiffs’ nomination papers within the time period established by the Pennsylvania Election Code matches the signature of a registered qualified elector on file in defendants’ SURE system.

393. More specifically, defendants lack a compelling governmental interest to strike any signature affixed to plaintiffs’ nomination papers by a registered qualified elector that matches a signature of a registered qualified elector on file in defendants’ SURE system for the sole reason that the signer registered to vote after recording his/her signature on plaintiffs’ nomination papers.

394. Defendants authority to strike signatures from plaintiffs’ nomination papers based solely on ministerial defects imposed by 25 P.S. § 2911(a) is not narrowly tailored to further a compelling governmental interest, the provision, as applied to the facts of this case, violates the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

395. Alternatively, because no state regulatory interests justify defendants’ authority to strike signatures from plaintiffs’ nomination papers based solely on ministerial defects imposed by 25 P.S. § 2911(a) and where the signature recorded on plaintiffs’ nomination papers matches a signature of a registered qualified elector on file in defendants’ SURE system, defendants’ enforcement of ministerial requirements by striking valid signatures from plaintiffs’ nomination papers violate the First Amendment to the United States Constitution, as incorporated to the States by the Fourteenth Amendment to the United States Constitution and enforced by 42 U.S.C. § 1983.

396. Defendants are state actors charged with enforcement of 25 P.S. § 2911(d) against plaintiffs.

397. Defendants, pursuant to 25 P.S. § 2936 of the Pennsylvania Election Code, are required to reject any nomination paper sought to be filed by plaintiffs if it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or if it contains material alterations made after signing without the consent of the signers; or it does not contain a sufficient number of signatures as required by law.

398. Accordingly, defendants’ enforcement of 25 P.S. § 2911(a) is the direct and proximate cause of the impairment of rights guaranteed to plaintiffs under the First Amendment to the United States Constitution for which plaintiffs request relief.

**COUNT XXIV**

**(The National Voter Registration Act in Concert with the Elections and Supremacy Clauses of the United States Constitution Prohibit Defendants from Striking Signatures of Registered Qualified Electors from Plaintiffs’ Nomination Papers for the Sole Reason that a Qualified Elector Records a Different Address on Plaintiffs’ Nomination Papers But Within the Same County of Their Active Registration)**

399. Plaintiffs hereby incorporate by reference all stated paragraphs as though fully set forth herein.

400. Under current Pennsylvania precedent, defendants are required, upon court order, to strike signatures from plaintiffs’ nomination papers for candidates for federal office where the elector records any address on plaintiffs’ nomination papers other than the address on file for that elector in defendants’ SURE system – even an address which is within the same county of registrations and where defendants have failed to comply with the requirements of the National Voter Registration Act to purge such elector from the registration rolls.

401. The National Voter Registration Act (NVRA), 42 U.S.C. § 1973gg-6 expressly prohibits states from disqualifying or terminating a voters’ registration in federal elections merely because they moved within their county of registration without updating their address with the county board of elections.

402. Defendants must comply with provisions of the NVRA before a registered qualified electors is purged from federal electoral registration rolls.

403. Article I, Section 4, Clause 1 of the United States Constitution provides, in relevant part, that: “The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof. The Congress may at any time by Law make or alter such Regulations.”

404. Article VI, Section 2 of the United States Constitution provides, in relevant part, that: “This Constitution, and the laws of the United States which shall be made in pursuance thereof….shall be the supreme law of the land; and the judges in every state shall be bound thereby….”

405. Any impairment of the supremacy of Congress over state elections for federal office is an impairment of rights guaranteed to plaintiffs under the United States Constitution.

406. To the extent that a “qualified electors” who may validly sign plaintiffs’ nomination papers are defined as registered “qualified electors” then, the NVRA in concert with application of the Elections and Supremacy Clauses of the United States Constitution prohibit defendants from striking signatures of qualified electors from plaintiffs’ nomination papers for candidates for federal office who are active, registered voters for federal elections under the National Voter Registration Act.

407. Defendants are state actors charged with enforcement, and threaten continued enforcement, of state court orders striking signatures from plaintiffs’ nomination papers for candidates for federal office in violation of provisions of the NVRA and the Elections and Supremacy Clauses of the United States Constitution.

408. Accordingly, defendants’ continued enforcement of court orders striking signatures from plaintiffs’ nomination papers for candidates for federal office in violation of the NVRA and the Elections and Supremacy Clauses of the United States Constitution is the direct and proximate cause of the impairment of rights guaranteed to plaintiffs under the NVRA and the Elections and Supremacy Clauses of the United States Constitution for which plaintiffs request relief.

**PENDENT STATE LAW CLAIMS**

**COUNT XXV**

**(Application of NVRA to Plaintiffs’ Nomination Papers for Candidates for State Office)**

409. Plaintiffs hereby incorporate by reference all stated paragraphs as though fully set forth herein.

410. The National Voter Registration Act (NVRA), 42 U.S.C. § 1973gg-6 expressly prohibits states from disqualifying or terminating a voters’ registration in federal elections merely because they moved within their county of registration without updating their address with the county board of elections.

411. The Supreme Court of Pennsylvania established that the 2002 amendments to the Pennsylvania Election Code provides for a unitary election system for federal and state offices.

412. In the event that the NVRA prohibits defendants’ from striking from plaintiffs’ federal nomination papers signatures of registered qualified electors who move within their county without updating their address information in the SURE system, then the Pennsylvania Election Code prohibits defendants from striking such signatures from plaintiffs’ nomination papers for state office.

413. Accordingly, the Pennsylvania Election Code extends to prohibit defendants from striking signatures of registered qualified electors from plaintiffs’ nomination papers for candidates for state office for the sole reason that the signer moved within their county of registration without updating their address with the county board of elections.

414. Defendants require that the address recorded for each signature on plaintiffs’ nomination papers must match the address on file in defendants’ SURE system.

415. Upon court order, defendants strike any signature of a registered qualified elector recorded on plaintiffs’ nomination papers where the corresponding address does not match the address of the qualified elector on file in defendants’ SURE system.

416. As a direct and proximate result of defendants’ enforcement of the requirement that the address recorded for signatures of registered qualified electors must match the address on file in defendants’ SURE system, plaintiffs have suffered, and continue to suffer, significant economic injury in the increased time and effort, and the associated economic costs attendant thereto, necessary to gather additional signatures of registered qualified electors sufficient to negate defendants’ enforcement actions.

417. Accordingly, defendants’ exercise of authority in excess of that delegated to them by the Pennsylvania Election Code is the direct and proximate cause of plaintiffs’ economic injury for which plaintiffs request relief.

**COUNT XXVI**

**(25 P.S. § 2911(c) Does Not Authorize Defendants’ to Strike Signatures of Registered Qualified Electors for the Sole Reason that They Record Their Current Residence that Differs From the Address on File in Defendants’ SURE System)**

418. Plaintiffs hereby incorporate by reference all stated paragraphs as though fully set forth herein.

419. 25 P.S. § 2911(c) requires, in relevant part, that: “Each person signing a nomination paper shall declare therein that he is a qualified elector….and shall add to his signature his legibly printed…residence, giving city, borough or township, with street and number, if any….”

420. Nothing in 25 P.S. § 2911(c) requires that the address recorded by a qualified elector must match an address on file in defendants’ SURE system.

421. Upon court order, defendants strike any signature of a qualified elector recorded on plaintiffs’ nomination papers where the corresponding address does not match an address of the qualified elector on file in defendants’ SURE system as of the date the elector recorded his/her signature on plaintiffs’ nomination paper.

422. Defendants lack any statutory authority to strike otherwise valid signatures of qualified electors from plaintiffs’ nomination papers for the sole reason that the address recorded by the elector does not match an address on file in defendants’ SURE system as of the date that the elector signed plaintiffs’ nomination papers.

423. As a direct and proximate result of defendants’ enforcement of the requirement that the address recorded by qualified electors on plaintiffs’ nomination papers must match an address on file in defendants’ SURE system as of the date the elector signed plaintiffs’ nomination papers, plaintiffs have suffered, and continue to suffer, significant economic injury in the increased time and effort, and the associated economic costs attendant thereto, necessary to gather additional signatures of qualified electors sufficient to negate defendants’ enforcement actions.

424. Accordingly, defendants’ exercise of authority in excess of that delegated to them by the Pennsylvania Election Code is the direct and proximate cause of plaintiffs’ economic injury for which plaintiffs request relief.

**COUNT XXVII**

**(Defendants Lack Statutory Authority to Impose Sworn Affidavit Requirement – the Requirement That the “Affidavit of Qualified Elector” Must be Executed in the Presence of a Person Empowered to Take Acknowledgements, Such as a Notary Public)**

425. Plaintiffs hereby incorporate by reference all stated paragraphs as though fully set forth herein.

426. Defendants impose the requirement that section “E” of every nomination paper denominated as the “Affidavit of Qualified Elector” must be executed by the qualified elector “in the presence of a person empowered to take acknowledgements (such as a notary public).”

427. 25 P.S. § 2911(d) only requires that: “Each sheet shall have appended thereto the affidavit of some person, not necessarily a signer, and not necessarily the same person on each sheet, setting forth – (1) that the affiant is a qualified elector of the State, or of the electoral district, as the case may be, referred to in the nomination paper; (2) his residence, giving city, borough or township with street and number, if any; (3) that the signers signed with full knowledge of the contents of the nomination paper; (4) that their respective residences are correctly stated therein; (5) that they all reside in the county named in the affidavit; (6) that each signed on the date set opposite his name; and (7) that, to the best of affiant’s knowledge and belief, the signers are qualified electors of the State, or of the electoral district, as the case may be.”

428. Nothing in 25 P.S. § 2911(d) requires that the person executing the Affidavit must do so “in the presence of a person empowered to take acknowledgements (such as a notary public).”

429. Pennsylvania law provides for an unsworn affidavit made pursuant to the penalties of 18 Pa. Cons. Stat. § 4904(a)(1) which provides that: “A person commits a misdemeanor of the second degree if, with the intent to mislead a public servant in performing his official function, he makes any written false statement which he does not believe to be true.”

430. Affidavits executed subject to the penalties of 18 Pa. Cons. Stat § 4904(a)(1) do not require that they be executed “in the presence of a person empowered to take acknowledgements (such as a notary public).”

431. Nothing in 25 P.S. § 2911(d) authorizes defendants to prohibit, or to refuse the filing of, plaintiffs’ nomination papers whose Affidavit is executed pursuant to the penalties of 18 Pa. Cons. Stat. § 4904(a)(1) without the use of a notary public.

432. Defendants refuse to permit any nomination paper whose Affidavit is not executed “in the presence of a person empowered to take acknowledgements (such as a notary public)” from being filed.

433. Defendants’ requirement that nomination paper Affidavits be executed by a notary public imposes thousands of dollars of extra costs on plaintiffs’ certification that plaintiffs’ nomination papers, and signatures contained therein, are executed according to applicable laws.

434. Accordingly, defendants’ exercise of authority in excess of that delegated to them by the Pennsylvania Election Code is the direct and proximate cause of plaintiffs’ economic injury for which plaintiffs request relief.

**COUNT XXVIII**

**(Pennsylvania Election Code Defines a “Qualified Elector” as Any Person Who Shall Possess All of the Qualifications for Voting “Now or Hereafter Prescribed by the Constitution of This Commonwealth”)**

435. Plaintiffs hereby incorporate by reference all stated paragraphs as though fully set forth herein.

436. 25 P.S. § 2911(a) provides that plaintiffs nomination papers may be signed “by qualified electors of the State, or of the electoral district for which the nomination is made and filed in the manner herein provided.

437. 25 P.S. § 2602(t) provides that the “words ‘qualified elector’ shall mean any person who shall possess all of the qualifications for voting now or hereinafter prescribed by the Constitution of this Commonwealth, or who, being otherwise qualified by continued residence in his election district, shall obtain such qualifications before the next ensuing election.”

438. Article VII, § 1 of the Constitution of the Commonwealth of Pennsylvania (as amended by Amendment XXVI to the Constitution of the United States and section 701 of the Pennsylvania Election Code) denominated as “Qualifications of Electors” provides, in relevant part: “Every citizen 18 years of age, possessing the following qualifications, shall be entitled to vote at all elections….(1) He or she shall have been a citizen of the United States at least one month. (2) He or she shall have resided in the State 90 days immediately preceding the election. (3) He or she shall have resided in the election district where he or she shall offer to vote at least 60 days immediately preceding the election, except that if qualified to vote in an election district prior to removal of residence, he or she may, if a resident of Pennsylvania, vote in the election district from which he or she removed his or her residence within 60 days preceding the election.”

439. The Pennsylvania Constitution sets forth that a qualified elector is a citizen of a certain age who has met residency requirements. Only qualified electors may register to vote, but actual registration is not a qualification to be a “qualified elector.” Registration follows qualification, but registration is not a component of qualified elector status.

440. The 2002 voter registration amendments to the Pennsylvania Election Code expressly distinguishes between a “qualified elector” and a “registered qualified elector” defining a “registrant” or “registered elector” as a “qualified elector who is registered to vote in accordance with this part. 25 Pa. Cons. Stat. § 1102.

441. Defendants publish, instruct and require in their “Political Body Nomination Paper General Instructions Sheet at ¶5 “Signers” that: “Signers must be qualified, registered electors of the Commonwealth and of all electoral districts referred to in the nomination paper sheet they have signed.

442. Defendants publish, instruct and require in their “Instructions For Filing As A Candidate Of A Minor Political Party - 2014 General Election” at ¶5 “Qualifications of Signers” that: “Signers of nomination papers must be qualified registered electors of the Commonwealth and district and of the respective county in which the nomination papers are circulated.”

443. As a direct and proximate result of defendants’ requirement that all signers of plaintiffs’ nomination papers be registered qualified electors plaintiffs have suffered significant economic injury in the additional time and expense to collect signatures from only registered qualified electors.

444. Accordingly, defendants’ exercise of authority in excess of that delegated to them by the Pennsylvania Election Code is the direct and proximate cause of plaintiffs’ economic injury for which plaintiffs request relief.

**COUNT XXIX**

**(Defendants Lack Statutory Authority to Strike Signatures from Plaintiffs’ Nomination Papers of Registered Qualified Electors Who Register After Recording Their Signature on Plaintiffs’ Nomination Papers)**

445. Plaintiffs hereby incorporate by reference all stated paragraphs as though fully set forth herein.

446. As a further consequence of the fact that the Pennsylvania Election Code does not require a qualified elector to be registered to vote, nothing in 25 P.S. § 2911, or any other provision of the Pennsylvania Election Code, requires or even contemplates that a qualified elector who may validly sign plaintiffs’ nomination papers must be registered on or before the date they record their signature on plaintiffs’ nomination papers.

447. Upon court order, defendants strike any signature of a qualified elector recorded on plaintiffs’ nomination papers who is not registered to vote on or before the qualified elector recorded his/her signature on plaintiffs’ nomination paper.

448. Defendants lack any statutory authority to strike otherwise valid signatures of qualified electors from plaintiffs’ nomination papers for the sole reason that the elector was not registered on or before the date they recorded their signature on plaintiffs’ nomination papers.

449. As a direct and proximate result of defendants’ enforcement of the requirement that qualified electors who sign plaintiffs’ nomination papers must also be registered on or before the date they record their signature on plaintiffs’ nomination papers, plaintiffs have suffered, and continue to suffer, significant economic injury in the increased time and effort, and the associated economic costs attendant thereto, necessary to gather additional signatures of qualified electors sufficient to negate defendants’ enforcement actions.

450. Accordingly, defendants’ exercise of authority in excess of that delegated to them by the Pennsylvania Election Code is the direct and proximate cause of plaintiffs’ economic injury for which plaintiffs request relief.

**REQUEST FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request that this Court:

a. Enter declaratory judgment against all challenged provisions of 25 P.S. §2911 (a), (c) and (d) detailed in Counts I through XXIX above, or any combination thereof, including, but not limited to:

(i) declaring 25 P.S. § 2911(d) unconstitutional to the extent it prohibits non-Pennsylvania residents from executing the “Affidavit of Qualified Elector” or in any way otherwise prohibits non-Pennsylvania residents from executing any document or section of a nomination paper required to be executed to lawfully file a nomination paper with defendants;

(ii) declaring 25 P.S. § 2911(d) unconstitutional to the extent it requires or permits defendants to require the “Affidavit of Qualified Elector” or any other document or section of a nomination paper to be executed “in the presence of a person empowered to take acknowledgement (such as a notary public)” without readily providing a non-monetary alternative;

(iii) declaring defendants’ enforcement of 25 P.S. § 2911(d) unconstitutional to the extent defendants require the “Affidavit of Qualified Elector” or any other document or section of a nomination paper to be executed “in the presence of a person empowered to take acknowledgement (such as a notary public)” without readily providing a non-monetary alternative;

(iv) declaring defendants lack statutory authority to enforce 25 P.S. § 2911(d) to the extent defendants require the “Affidavit of Qualified Elector” or any other document or section of a nomination paper to be executed “in the presence of a person empowered to take acknowledgement (such as a notary public);”

(v) declaring 25 P.S. § 2911(d) unconstitutional to the extent it requires that “different sheets must be used for signers resident in different counties” with respect to the circulation of nomination papers;

(vi) declaring 25 P.S. § 2911(c) unconstitutional to the extent it requires signers of nomination papers to record the year in which they recorded their signature on nomination papers;

(vii) declaring 25 P.S. § 2911(c) unconstitutional to the extent it limits the number of nomination papers “qualified electors” may sign for a general election;

(viii) declaring defendants’ refusal to revise “political body” nomination papers to exclude the “Presidential Electors” block in non-presidential election years, reducing the number of “qualified electors” who may sign each nomination paper, to be an unconstitutional exercise of defendants’ authority under 25 P.S. § 2911(a);

(ix) declaring defendants’ “Printed Threat” at the bottom of each nomination papers to be an unconstitutional enforcement of 25 P.S. § 2911(d);

(x) declaring 25 P.S. § 2911(a) unconstitutional to the extent that it prohibits unregistered “qualified electors” on the day they sign a nomination paper from validly recording their signature on a nomination paper for a “political body” or “minor political party” candidate;

(xi) declaring defendants’ enforcement of 25 P.S. § 2911(a) unconstitutional to the extent that defendants prohibit unregistered “qualified electors” on the day they sign a nomination paper from validly recording their signature on a nomination paper for a “political body” or “minor political party” candidate;

(xii) declaring defendants’ lack statutory authority under 25 P.S. § 2911(a) to prohibit unregistered “qualified electors” on the day they sign a nomination paper from validly recording their signature on a nomination paper for a “political body” or “minor political party” candidate;

(xiii) declaring, to the extent that a “qualified elector” must also be registered to vote, that defendants’ enforcement of 25 P.S. § 2911(a) and (c) unconstitutional to the extent that defendants’ strike, for any reason, any signature from the nomination papers of a “political body” or “minor political party” candidate where the signature of a registered “qualified elector” can be matched to a signature of a registered “qualified elector” in defendants’ SURE system;

(xiv) declaring, to the extent that a “qualified elector” must also be registered to vote, that defendants’ enforcement of 25 P.S. § 2911 (a) and (c) unconstitutional to the extent that defendants’ strike any signature from the nomination papers of a “political body” or “minor political party” candidate for federal office of a “qualified elector” who is also registered to vote for federal candidates according to the requirements of the NVRA;

(xv) declaring, to the extent that a “qualified elector” must also be registered to vote” that defendants lack statutory authority pursuant to 25 P.S. § 2911 (a) and (c) to strike any signature from the nomination papers of a “political body” or “minor political party” candidate for state office of a “qualified elector” who is also registered to vote for federal candidates according to the requirements of the NVRA;

b. Enter an emergency, preliminary and permanent injunction enjoining defendants from enforcing the challenged provisions and interpretations of 25 P.S. § 2911 in Counts I through XXIX above, or any combination thereof, against all plaintiffs now and in the future, including, but not limited to:

(i) enjoining defendants from enforcing 25 P.S. § 2911(d) to the extent it prohibits non-Pennsylvania residents from executing the “Affidavit of Qualified Elector” or in any way otherwise prohibits non-Pennsylvania residents from executing any document or section of a nomination paper required to be executed to lawfully file a nomination paper with defendants;

(ii) enjoining defendants from enforcing 25 P.S. § 2911(d) to the extent defendants require the “Affidavit of Qualified Elector” or any other document or section of a nomination paper to be executed “in the presence of a person empowered to take acknowledgement (such as a notary public)” without readily providing a non-monetary alternative;

(iii) enjoining defendants from requiring the “Affidavit of Qualified Elector” or any other document or section of a nomination paper to be executed “in the presence of a person empowered to take acknowledgement (such as a notary public);”

(iv) enjoining defendants from enforcing 25 P.S. § 2911(d) to the extent it requires that “different sheets must be used for signers resident in different counties” with respect to the circulation of nomination papers;

(v) enjoining defendants from enforcing 25 P.S. § 2911(c) to the extent it requires signers of nomination papers to record the year in which they record their signature on nomination papers;

(vi) enjoining defendants from enforcing 25 P.S. § 2911(c) to the extent it limits the number of nomination papers “qualified electors” may sign for a general election;

(vii) enjoining defendants’ exercise of authority under 25 P.S. § 2911(a) to refuse to revise “political body” nomination papers to exclude the “Presidential Electors” block in a non- presidential election year;

(viii) enjoining defendants from printing the “Printed Threat” at the bottom of each nomination papers;

(ix) enjoining defendants from enforcing 25 P.S. § 2911(a) to the extent that it prohibits unregistered “qualified electors” on the day they sign a nomination paper from validly recording their signature on a nomination paper for a “political body” or “minor political party” candidate;

(x) enjoining defendants from prohibiting unregistered “qualified electors” on the day they sign a nomination paper from validly recording their signature on a nomination paper for a “political body” or “minor political party” candidate;

(xi) enjoining defendants from striking, for any reason, any signature from the nomination papers of “political body” or “minor political party” candidates where the signature of a registered “qualified elector” can be matched to a signature of a registered “qualified elector” in defendants’ SURE system;

(xii) enjoining defendants from striking, at the time nomination papers are presented to defendants to be filed, any signature recorded on the nomination papers of a “political body” or “minor political party” candidate with a partial printed name, and a partial printed address, and the day and month the signature was recorded on the nomination papers of “political body” or “minor political party” candidates;

(xiii) enjoining defendants from striking, at the time nomination papers are presented to defendants to be filed, any signature recorded on the nomination papers of a “political body” or “minor political party” candidate for the sole reason that information (other than the signature) was recorded by a third party;

(xiv) enjoining defendants from striking, to the extent that a “qualified elector” must also be registered to vote, any signature from the nomination papers of a “political body” or “minor political party” candidate for federal office of a “qualified elector” who is also registered to vote for federal candidates according to the requirements of the NVRA;

(xv) enjoining defendants from striking, to the extent that a “qualified elector” must also be registered to vote, any signature from the nomination papers of a “political body” or “minor political party” candidate for state office of a “qualified elector” who is also registered to vote for federal candidates according to the requirements of the NVRA;

c. Order defendants to immediately revise plaintiffs’ nomination papers, subject to the prior approval of this Court, to conform to the declaratory and injunctive relief ordered by this Court;

d. Order defendants to immediately revise, publish and distribute to plaintiffs the “Instructions for Filing as a Candidate of a Minor Political Party 2014 General Election” to conform to the declaratory and injunctive relief ordered by this Court;

e. Order defendants to immediately revise, publish and distribute to plaintiffs the “Nomination Paper General Instructions Sheet (DSBE PB)” to conform to the declaratory and injunctive relief ordered by this Court;

f. Order defendants to immediately revise, publish and distribute to plaintiffs, nomination papers which delete the Printed Threat printed under the Affidavit of Qualified Elector;

g. Order defendants to immediately revise, publish and distribute to plaintiffs, subject to the prior approval of this Court, nomination papers with a revised Affidavit of Qualified Elector that conforms with the declaratory and injunctive relief ordered by this Court;

h. Order defendants to accept and allow plaintiffs to timely file all nomination papers published by defendants on March 11, 2014 and the revised nomination papers ordered to be published and distributed to plaintiffs by this Court.

i. Award plaintiffs the cost of this action together with their reasonable attorneys’ fees and expenses pursuant to 42 U.S.C. § 1988; and,

j. Retain jurisdiction of this action and grant plaintiffs such other relief which may in the determination of this Honorable Court to be necessary and proper.

Dated: June 6, 2014

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