

THE COURTS

Title 255—LOCAL COURT RULES

MONTGOMERY COUNTY

Amendment of Local Rule of Civil Procedure 212.1—Civil Actions to be tried by Jury. Notice of Earliest Trial Date. Time for Completing Dis- covery and Filing Pre-Trial Statement; No. 10- 00001

Order

And Now, this 21st day of July, 2010, the Court hereby amends Montgomery County Local Rule of Civil Procedure 212.1—*Civil Actions to be Tried by Jury. Notice of Earliest Trial Date. Time for Completing Discovery and Filing Pre-Trial Statement.* This Amended Rule shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.C.P. 239, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and one (1) certified copy shall be filed with the Civil Procedural Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, and (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

By the Court

RICHARD J. HODGSON,
President Judge

Deleted material is bold and bracketed. New material is bold.

Rule 212.1. Civil Actions to be Tried by Jury. Notice of Earliest Trial Date. Time for Completing Dis- covery and Filing Pre-Trial Statement.

(a)* The Court hereby extends Pa.R.C.P. 212.1 and 212.2 to apply to civil actions to be tried non-jury, and to equity actions. The notice of [**first listing for trial**] **scheduling for Pre-Trial Conference**, generated by the Court Administrator's Office at least 50 days prior to said [**trial**] **conference** date, shall serve as notice of the earliest trial date required by Pa.R.C.P. 212.1(a).

(b)* All pre-trial statements are to be filed in the Prothonotary's Office, **and a hard copy provided to the Pre-Trial Conference Judge's Chambers**, not later than [**14**] **7** days prior to the [**earliest trial**] **Pre-Trial Conference** date.

Comment: Pursuant to Pa.R.C.P. 212.1(c)(2), Montgomery County has altered the times set for the filing of pre-trial statements as set forth in Pa.R.C.P. 212.1(b). This Rule applies to matters that are certified for trial pursuant to Local Rule of Civil Procedure 212.1*(d).

[Pa.B. Doc. No. 10-1425. Filed for public inspection August 6, 2010, 9:00 a.m.]

COMMONWEALTH COURT

Notice to Election Bar and Administrative Order; Objections to Nomination Papers for Statewide Office, August, 2010

Pursuant to Pennsylvania law, the number of qualified signers on papers nominating an independent or third party candidate for national or statewide office must equal two percent of the largest entire vote cast for any elected candidate in Pennsylvania at the last preceding election involving statewide candidates.¹ In 2010, the required number of valid signatures amounts to 19,082. Because of the logistics inherent in resolving challenges to such a large number of signatures, objections filed to nomination papers for statewide or national office must be filed in a manner that is readily accessible and flexible for use by the Court and the parties.

Therefore, the Court *Orders*, as follows:

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In Re: Objections to
Nomination :
Papers for Statewide : No. 126 Misc. Docket No. 3
Office, :
August, 2010 :

And Now, this 28th day of July, 2010, *it is hereby Ordered* that all Petitions to Set Aside Nomination Papers (objection petitions) of candidates seeking national or statewide office shall, and objection petitions to all other nomination papers may, be filed in electronic format as well as filed in the usual paper format (original and one copy), utilizing the following guidelines:

1. The objection petition shall specify objections to individual signature lines in nomination papers and these shall be set forth in an EXCEL® spreadsheet format, *i.e.* as an "xls" or "xlsx" file (not as a "pdf" or similar file) using the downloadable spreadsheet provided on the Court's web site at: <http://www.aopc.org/T/Commonwealth>.

2. Spreadsheet columns shall include, for each challenged signature line: page number, line number, county, and the reason or reasons for each challenge, as designated in the spreadsheet on the Court's web site. The spreadsheet shall designate the grounds for challenge by codes, as follows:

NR = Not Registered
NRA = Not Registered at Address
NRDS = Not Registered on Date Signed
OC = Out of County
Ill = Illegible
LIO = Line Information Omitted
DUP = Duplicate
IHA = Line Information in Hand of Another
N/I = Nickname/Initial
PRI = Printed Signature
DCA = Defective Circulator Affidavit
SAC = Signed After Circulator's Affidavit Dated
Other = Any ground for objection not listed above

¹ Section 912.2 of the Election Code, Act of June 3, 1937, P. L. 1333, added by the Act of February 19, 1986, P. L. 29, 25 P. S. § 2872.2 (referencing Section 951 of the Election code, 25 P. S. § 2911).

3. The objection petition shall clearly state the number of signature lines challenged as well as the total number of completed signature lines on the face of the nomination papers.

4. Any "global" legal challenges must be clearly and separately stated in the objection petition.

5. When an objection petition is filed using the spreadsheet:

(a) Objector shall attach to the objection petition as an exhibit a printed copy of the spreadsheet printed on 8 1/2 x 14 inch paper, with all grid lines showing, and column headers appearing on each printed sheet, as well as a printed copy of the Election Spreadsheet Directions page setting forth the legend of the codes for grounds for challenge;

(b) Objector shall file two disks containing an electronic version of the spreadsheet and Election Spreadsheet Directions page as specified in Paragraph 1 above, and;

(c) In addition to the usual service requirements, Objector shall serve upon Candidate one disk containing a read-only electronic version of the spreadsheet and Election Spreadsheet Directions page as specified in Paragraph 1 above.

The requirement that an objection petition to nominating papers filed for national or statewide office be filed on the designated spreadsheet according to the procedures set forth above may be modified by the Court upon a showing of good cause.

Upon the filing of an objection petition, the Court will issue a scheduling and case management order. Counsel should be prepared to litigate in multiple courtrooms simultaneously, and to review contested signature lines and enter into appropriate stipulations prior to any court hearings.

The Chief Clerk is hereby directed to send a copy of this Order:

(a) to the Court Administrator of Pennsylvania who shall post this Order, a downloadable version of the election spreadsheet, and a sample election scheduling and case management order on the Commonwealth Court page of the Pennsylvania Unified Judicial System web site (<http://www.aopc.org/T/Commonwealth>) under the heading "NOTICE RE: OBJECTIONS TO NOMINATION PAPERS, AUGUST 2010";

(b) to the Secretary of the Commonwealth who shall post this order conspicuously in the Bureau of Commissions, Elections and Legislation and in such other manner as he deems appropriate;

(c) to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and;

(d) for publication in *The Legal Intelligencer* and the *Pennsylvania Law Weekly*.

BONNIE BRIGANCE LEADBETTER,
President Judge

[Pa.B. Doc. No. 10-1426. Filed for public inspection August 6, 2010, 9:00 a.m.]