

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

IN RE: NOMINATION PETITION OF	:	
Patrick L Gallagher	:	
as a Candidate for the Democratic Nomination	:	_____ M.D. 2022
for the office of State Representative for the	:	
173rd Legislative District	:	
	:	
	:	
The Petition of Sean M. Kilkenny &	:	
Daniel J. Collins III	:	
Petitioner(s)/Objector(s).	:	
	:	

PETITION TO SET ASIDE NOMINATION PETITION

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

1. The Petitioners, Sean M. Kilkenny and Daniel J Collins III, are duly qualified electors who reside at 3406 Chippendale Avenue, Philadelphia, PA 19136, and 3440 Oakmont Street, Philadelphia, PA 19136, respectively and are registered in the above Legislative District in the same party as the Candidate.
2. The Respondent, Patrick L Gallagher, whose address is stated as 7301 Keystone St., Unit 315, Philadelphia, PA 19136, is the above referenced Candidate for the office of State Representative for the Democratic Party in the 173rd Legislative District.
3. On or before March 28, 2022, the above Candidate filed a Nomination Petition as Candidate for the Democratic Nomination for the office of State Representative for the 173rd Legislative District. A copy of the Candidate’s Nomination Petition is attached hereto and incorporated herein as Exhibit “A”.
4. On or before March 28, 2022, the above Candidate filed a required Candidate’s Affidavit for the Democratic Nomination for the office of State Representative of the 173rd Legislative District. A copy of the Candidate’s Affidavit is attached and incorporated herein as Exhibit “B”.
4. For the reasons set forth below the Candidate’s Nomination Petition or other required filing is improperly drawn and was improperly filed.
5. The Nomination Petition or other required filing is defective as a matter of law and fails to conform to the requirements of the Pennsylvania Constitution and the Election Code. Specifically: Article 2, §5 of the Pennsylvania Constitution, which states:

"QUALIFICATIONS OF MEMBERS." "Senators shall be at least 25 years of age and Representatives 21 years of age. They shall have been citizens and inhabitants of the State for four years, and inhabitants of their districts one year next before their election "...,


6. Because the candidates affidavit accompanying his petition contained a false statement, that he was an inhabitant of the 173rd Legislative District one year next before the election. He is not a qualified candidate.

7. The Nomination Petition therefore fails to conform to the requirements of Election Code, 25 P.S. §2867 et seq., and must be set aside and the Candidate's name not be placed on, or stricken from, the ballot.

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

WHEREFORE, Petitioner(s)/Objector(s) above-named, request this Honorable Court to GRANT this Petition and set aside the Nomination Petition of Respondent as a Democratic Candidate for the Office of State Representative for the 173rd District for the Primary Election to be held on May 17, 2022.

John P. Sabatina, Esquire


JOHN P. SABATINA, ESQUIRE
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Pa. Supreme Court I.D. No.: #61996

EXHIBIT "A"

Commonwealth of Pennsylvania
DEPARTMENT OF STATE

OFFICIAL USE ONLY



ATTENTION!

A. This Petition may be used to submit for Nomination the Name of One Candidate for One Office Only.
B. Please refer to the instruction page provided with this petition for detailed information about completion of this form.

NAME OF OFFICE: REPRESENTATIVE IN THE GENERAL ASSEMBLY

DISTRICT NUMBER: 173rd Legislative District

YEAR OF PRIMARY: 2022

CANDIDATE'S NAME (PRINT OR TYPE NAME): Pat Gallagher

OCCUPATION: Office Manager

RESIDENTIAL STREET ADDRESS: 7301 Keystone Street # 315

CITY, BOROUGH OR TWP.: Philadelphia

COUNTY OF SIGNERS: PHILADELPHIA 51

PARTY OF SIGNERS: Democratic


To the SECRETARY OF THE COMMONWEALTH:

We, the undersigned, all of whom severally declare that we are qualified electors of the County and of the political district set forth above, that we are registered and enrolled members of the Political Party set forth above, and have signed no petition inconsistent herewith, do hereby petition the Secretary of the Commonwealth to have the candidate whose Name, Occupation and Residence are as set forth above, certified to the County Board of Elections of said County or Counties in said District, to be printed on the Primary Ballot of said Party, for the Year and Office set forth above.

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	ADDRESS WHERE REGISTERED AND ENROLLED			DATE OF SIGNING
		House No.	Street or Road	City, Boro or Twp.	
	THOMAS P. FORKIN	4519	PEARSON AVE.	PHILA.	3/19/2022
	Rebecca D Forkin	4519	Pearson Ave	Phila	3/19/2022
	Thomas Forkin Jr.	4519	Pearson Ave	Phila	3/19/2022
	Donna Forkin	4519	Pearson Ave	Phila	3/19/22
	Gregory J Forkin	9951	Lorry Pl	Phila	3/19/22
	Peter Jaskiewicz	4242	Carteret Dr	Phila	3/20/22
	Eileen Jaskiewicz	4242	Carteret Dr.	Phila	3/20/22
	PAT PROPHET	4232	CARTERET	PHILA	3-20-22
	LARONNA JACKSON	4102	CARTERET	Phila	3/20/22
	Janet O'Connell	4010	Carteret	Phila	3/20/22
	Stacy Cramer	4052	Carteret	Phila	3/20/22
	Wark Mack	4706	ST DENIS	PHILA	3/20/22
	Cindy N Gabb	4734	ST DENIS	PHILA	3/20/22
	Andrew Collier	4734	ST DENIS	Phila	3/20/22



EXHIBIT "B"

CANDIDATE'S AFFIDAVIT	PENNSYLVANIA DEPARTMENT OF STATE BUREAU OF ELECTIONS 210 NORTH OFFICE BLDG. HARRISBURG, PA 17120	OFFICE USE ONLY 2022001142 
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Name: Gallagher , Patrick , Liam , _____
Last Name First Name Middle Name or Initial Suffix

Residential Address: 7301 Keystone Street # 315
Street Address

City: Philadelphia State: PA Zip Code: 19136

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

Mailing Address (if different from residential): _____
Street Address

City: _____ State: _____ Zip Code: _____

Voting Precinct Name (including Ward & Division, if applicable): 65-14

Office for which you are seeking nomination: REPRESENTATIVE IN THE GENERAL ASSEMBLY

District Number (if applicable): 173rd Legislative District

Email address: gallagher.patrick1992@gmail.com

Name as it is to appear on the Ballot: Pat Gallagher

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

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

Sworn to and subscribed before me this _____ day of _____ 20____

Signature of Officer Administering Affirmation

Official Title

My commission expires _____



Signature of Candidate

267-716-4782
Telephone Number

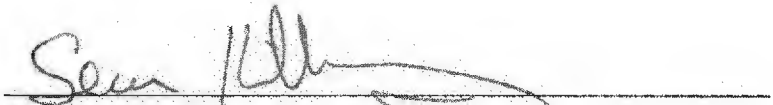
PHILADELPHIA
County of Residence

VERIFICATION OF PETITIONER/OBJECTOR

I, **Sean M. Kilkenny**, hereby verify according to law that I am the Petitioner/Objector herein; and the facts set forth in the foregoing Petition are true and correct based upon my best knowledge, information of belief. The verification is made subject to the penalties of 18 Pa. C. S. § 4904.

I further verify that I reside at the address set forth below and that it is within the 173rd Legislative District referred to in the Petition appended hereto. Lastly, I verify that I am duly registered to vote in the said Ward and Division and I am enrolled in the Democratic Party.

Signature of Voter:



Printed Name of Voter:

SEAN KILKENNY

Voter Identification No.: 015645449-51

Ward: Sixty-Four (64)

Election Division: Six (06)

Party: Democrat

Address: 3406 Chippendale Avenue
Philadelphia, PA 19136

Dated: Thursday, March 31st, 2022

VERIFICATION OF PETITIONER/OBJECTOR

I, **Daniel J. Collins III**, hereby verify according to law that I am the Petitioner/Objector herein; and the facts set forth in the foregoing Petition are true and correct based upon my best knowledge, information of belief. The verification is made subject to the penalties of 18 Pa. C. S. § 4904.

I further verify that I reside at the address set forth below and that it is within the 173rd Legislative District referred to in the Petition appended hereto. Lastly, I verify that I am duly registered to vote in the said Ward and Division and I am enrolled in the Democratic Party.

Signature of Voter:



Printed Name of Voter:

Daniel Collins

Voter Identification No.: 014437014-51

Ward: Sixty-Four (64)

Election Division: Eight (08)

Party: Democrat

Address: 3440 Oakmont Street

Philadelphia, PA 19136

Dated: Thursday, March 31st, 2022