

IN THE COMMONWEALTH OF PENNSYLVANIA

IN RE: NOMINATION PETITION OF	:	
AMEN BROWN, CANDIDATE FOR	:	
REPRESENTATIVE IN THE GENERAL	:	ELECTION MATTER
ASSEMBLY – 10 TH LEGISLATIVE DISTRICT	:	
	:	No. 84 MD 2024
	:	
PETITION OF: RIKEYAH LINDSAY	:	
	:	
	:	

PETITION TO SET ASIDE NOMINATION PETITION/PAPER OF AMEN BROWN

The Petitioner, by and through counsel, Ryan Allen Hancock, Esq., Jordan Konell, Esq., and Samuel Datlof, Esq., respectfully requests that this Court set aside Amen Brown’s nomination petition/paper because the candidate, in bad faith, filed a candidate affidavit that knowingly and materially misrepresented information to deceive the electorate. In support of the Petition, the Petitioner avers that:

JURISDICTION

1. Exclusive jurisdiction over the subject matter of this Petition is vested in the Commonwealth Court of Pennsylvania by the provisions of the Pennsylvania Election Code, 25 P.S. § 2937, and the provisions of the Judicial Code, 42 Pa. C.S.A. § 764.

PARTIES

2. The Petitioner, Rikeyah Lindsay, is a duly qualified elector, lives at 3836 Aspen St., City of Philadelphia, County of Philadelphia, Pennsylvania 19104. The Petitioner is a registered Democrat.

3. Amen Brown is currently the Representative in the General Assembly for the 10th Legislative District.

4. Amen Brown is also a current candidate for Representative in the General Assembly for the 10th Legislative District.

COUNT I

5. Section 907 of the Pennsylvania Election Code requires that nomination petitions be completed “in [the] form prescribed by the Secretary of the Commonwealth [.]” 25 P.S. § 2867.

6. Section 910 of the Pennsylvania Election Code states that a candidate must swear or affirm the following: “I do swear (or affirm) that my residence, my election district and the name of the office for which I desire to be a candidate are as specified below, that I am eligible for said office, and 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...**” 25 P.S. § 2870 (emphasis added).

7. Sections 913(f) and 952 of the Pennsylvania Election Code state: “Each person filing any nomination petition for public office shall be given a statement composed by the Secretary of the Commonwealth setting forth his duties under law to file pre-election and post-election campaign finance reports, and the penalties for nonfiling.” 25 P.S. § 2873(f), 2912.

8. Filing an affidavit in bad faith with “the intent to deceive the electorate” is a fatal defect to a candidate’s petition. *In re Nomination Petition of Shimkus*, 946 A.2d 139, 154 (Pa. Cmwlth. 2008).

9. On February 8, 2024, Amen Brown executed a Candidate Affidavit in support of his candidacy for reelection in the 10th Legislative District. A copy of Amen Brown’s executed Candidate Affidavit is attached as Exhibit A.

10. In doing so, Amen Brown swore not to violate any election law, and further swore that he was aware of the requirements found in Section 1626 of the Pennsylvania Election Code “requiring pre-election and post-election reporting of campaign contributions and expenditures[.]”

11. Despite so swearing, Amen Brown had failed—and continues to fail—to file mandatory financial disclosures as required by Section 1626 of the Pennsylvania Election Code. Amen Brown was aware of the failure to comply; he swore to the contrary in bad faith with an intent to deceive the electorate.

12. Section 1626 of the Pennsylvania Election Code requires candidates for public office who expended money to influence an election to file campaign finance reports or statements.

13. As a current Representative and recent candidate for Mayor of Philadelphia, Amen Brown is well aware of the Pennsylvania Election Code’s mandate to file, and timely file, campaign finance reports.

14. Campaign reporting requirements exist to ensure a fair election and to advise the electorate of the manner in which campaign money is spent. *Commonwealth v. Wadzinski*, 422 A.2d 124, 127 (Pa. 1980).

15. As the Commonwealth Court explained in *Commonwealth v. Beck*, 810 A.2d 736, 746 (Pa. Cmwlth. 2020):

“The importance of campaign reporting requirements is obvious: by preserving public access to the manner in which campaign money is received and spent, public

confidence in the election process is maintained. [Candidate's] willful refusal to comply with the registration and reporting requirements prevents verification of campaign receipts and expenses, thereby imperiling confidence in the election. This is the mischief the Legislature sought to avoid.”

16. The Pennsylvania Legislature intended that “expense accounts of candidates for public office be subject to close scrutiny.” *In re Shapp*, 383 A.2d 201, 204 (Pa. 1978).

17. In order to scrutinize the expense accounts of candidates, the Commonwealth of Pennsylvania makes campaign finance reports available to the public for free online. *See* <https://www.campaignfinanceonline.pa.gov/Pages/CFReportSearch.aspx>.

18. Amen Brown has demonstrated his understanding of the requirement to file campaign finance reports, as nineteen of such reports were filed on his behalf between 2018 and 2022.

19. The Commonwealth has further put Amen Brown on notice of the requirement to timely file campaign finance reports by repeatedly fining him for failing to timely file reports. For example, Amen Brown was assessed a \$60.00 late fee for failing to timely file his 2020 Presidential Election Cycle 2 report; a \$150.00 late fee for failing to timely file his 2021 Municipal Election Cycle 7 report; a \$250.00 late fee for failing to timely file his 2022 General Election Cycle 3 report; and a \$250.00 late fee for failing to timely file his 2022 General Election Cycle 5 report.

20. The most recent report that was filed on Amen Brown’s behalf was filed on January 30, 2022.

21. On the date he executed his Candidate Affidavit, Amen Brown had not filed his Cycle 7 - Annual Report with the Commonwealth of Pennsylvania in violation of Section of the Pennsylvania Election Code. As of the date of the filing of this Petition, Amen Brown still has

not filed his Cycle 7 – Annual Report with the Commonwealth of Pennsylvania or any other report for 2023.

22. Amen Brown’s Cycle 7 – Annual Report was due to be filed on January 31, 2024. *See Exhibit B.*

23. In 2023, Amen Brown made contributions to multiple campaigns and received election contributions but has not filed any campaign finance reports for the 2023 calendar year.

24. The willful failure of Amen Brown to comply with the Pennsylvania Election Code’s reporting requirements prevents verification of campaign receipts and expenses, thereby denying the public crucial information about who is funding the candidate.

25. Accordingly, the Candidate’s affidavit contains a false statement. He swore that he is eligible for the office of Representative in the General Assembly for the 10th Legislative District, when in fact, he has not filed his Cycle 7 Campaign finance report or any other campaign finance reports for 2023.

26. Section 1802.1 of the Pennsylvania Election Code allows for the imposition of filing fees, attorney fees, and other costs. 25 P.S. § 3502.1.

WHEREFORE, the Petitioner prays this Honorable Court to issue a Rule to Show Cause upon the Candidate to show cause why the Nomination Petition of the above referenced Candidate should not be set aside, and the Candidate’s name shall not appear on the 2024 primary ballot and also be liable for court costs, including filing fees, attorney fees in the amount up to \$10,000.00.

February 20, 2024

Respectfully submitted,



Ryan Allen Hancock, Esq., # 92590

Jordan Konell, Esq., #332539
Samuel Datlof, Esq., #324716
rhancock@wwdlaw.com
jkonell@wwdlaw.com
sdatlof@wwdlaw.com
WILLIG, WILLIAMS & DAVIDSON
1845 Walnut Street, 24th Floor
Philadelphia, PA 19103
(215) 656-3679

CERTIFICATE OF SERVICE

Pursuant to the Court's July 19, 2023 Order (126 Mis. Dkt. No. 3), the Petition to Set Aside was filed electronically and a courtesy copy was mailed to Amen Brown at:

CITIZENSFORAMENBROWN@GMAIL.COM

A copy of the Petition to Set Aside was served upon the Secretary of the Commonwealth by hand delivery at the following address:

Secretary of the Commonwealth
305 North Office Building
Harrisburg, PA 17120-0029

A handwritten signature in blue ink that reads "Ryan A Hancock".

Ryan Allen Hancock, Esq.
ID # 92590
rhancock@wwdlaw.com
WILLIG, WILLIAMS & DAVIDSON
1845 Walnut Street, 24th Floor
Philadelphia, PA 19103

IN THE COMMONWEALTH OF PENNSYLVANIA

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IN RE: NOMINATION PETITION OF	:	
AMEN BROWN, CANDIDATE FOR	:	
REPRESENTATIVE IN THE GENERAL	:	ELECTION MATTER
ASSEMBLY – 10 TH LEGISLATIVE DISTRICT	:	
	:	No.
	:	
PETITION OF: RIKEYAH LINDSAY	:	
	:	
	:	

ORDER


AND NOW, this _____ day of _____, 2024, following a hearing on the petition to set aside the Nomination Certificate of Amen Brown (Candidate) filed by Rikeyah Lindsay, it is hereby ORDERED:

1. The petition to set aside Candidate’s Nomination Certificate is hereby GRANTED.
2. The Secretary of the Commonwealth is directed to remove the name of Amen Brown, Candidate for State Representative in the 10th Legislative District, from the April 23, 2024 ballot.
3. Amen Brown shall be liable for court costs, filing fees, attorney fees, and similar costs up to \$10,000.00 pursuant to Section 1802.1 of the Pennsylvania Election Code.

BY THE COURT

J.

EXHIBIT A

CANDIDATE'S AFFIDAVIT	PENNSYLVANIA DEPARTMENT OF STATE BUREAU OF ELECTIONS 210 NORTH OFFICE BLDG. HARRISBURG, PA 17120	OFFICE USE ONLY 2024001164 
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Name: BROWN, AMEN, R.
Last Name First Name Middle Name or Initial Suffix

Residential Address: 33 S RUBY STREET, #1
Street Address

City: PHILADELPHIA State: PA Zip Code: 19139

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): PHILA WD 60 DIV 04

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

District Number (if applicable): 10th Legislative District


Email address: CITIZENSFORAMENBROWN@GMAIL.COM

Name as it is to appear on the Ballot: AMEN BROWN

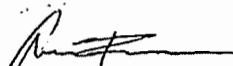
CANDIDATE AFFIDAVIT - I do swear (or affirm) that my residence, my election district and the title of the office for which I desire to be a candidate are as specified above, that I am eligible for said office, that I will not knowingly violate any election law or any law regulating and limiting nomination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

Sworn to and subscribed before me this

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

8 day of February 2024

Signature of Officer Administering Affirmation

Official Title


Signature of Candidate
215 520 5033
Telephone Number

My commission expires September 24, 2024

PHILADELPHIA
County of Residence

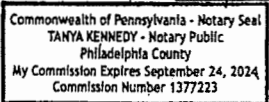


EXHIBIT B



2024 Campaign Finance Reporting Dates

Not applicable to candidates running for Federal offices

Type of Report	Cycle	Complete as of	Filing Deadline**
2023 Annual Report	Cycle 7	December 31, 2023	January 31, 2024
*6 th Tuesday Pre-Primary	Cycle 1	March 4, 2024	March 12, 2024
2 nd Friday Pre-Primary	Cycle 2	April 8, 2024	April 12, 2024
24-Hour Reporting (Daily)	Cycle 10	Starts April 9, 2024	Through and including April 23, 2024
30 Day Post-Primary	Cycle 3	May 13, 2024	May 23, 2024
*6 th Tuesday Pre-Election	Cycle 4	September 16, 2024	September 24, 2024
2 nd Friday Pre-Election	Cycle 5	October 21, 2024	October 25, 2024
24-Hour Reporting (Daily)	Cycle 11	Starts October 22, 2024	Through and including November 5, 2024
30 Day Post-Election	Cycle 6	November 25, 2024	December 5, 2024
2024 Annual Report	Cycle 7	December 31, 2024	January 31, 2025

* You are **only** required to file these reports if you are a **candidate for a statewide office, an authorized committee for such a candidate, or a committee contributing to candidates** for statewide office.

For your report to be accepted as timely filed, you must postmark your report **at least one day prior to the filing deadline.

Your notarized cover page or unsworn declaration **must be received in our office ten calendar days (including weekends) after the filing deadline. Postmarks will **not** be accepted.

NOTE: All dates are **subject to change** without notice in the event of passage of any amendatory legislation.

Bureau of Campaign Finance & Lobbying Disclosure

500 North Office Building | Harrisburg, PA 17120 | Website: www.dos.pa.gov/campaignfinance
Telephone (717) 787-5280 (Option 4) | Fax (717) 705-0721 | Email: ra-stcampaignfinance@pa.gov

Sixth Tuesday Pre-Primary or Pre-Election Reports are required to be filed *only* by candidates for **statewide** office, their authorized candidate committees, and any political committee or lobbyist that has made an expenditure to influence the election of a **statewide** candidate. In 2024, **statewide** offices appearing on the ballot include the following:

**Attorney General
Auditor General
State Treasurer**

Political committees/lobbyists that have **not** made an expenditure to influence the election of a candidate for the **statewide offices** listed above do **not** need to file the Sixth Tuesday Pre-Primary/Election report.

Second Friday Pre- and Thirty Day Post-Primary or Election Reports are required to be filed by all candidates appearing on the ballot and all political committees and lobbyists that have made expenditures to influence the election of such candidates. In 2024, offices appearing on the ballot include:

**Attorney General
Auditor General
State Treasurer
Senator in the General Assembly
Representative in the General Assembly**

Annual Reports must be filed by *all* candidates, political committees and contributing lobbyists that have not filed a termination report.

****Special Elections**** - In the event of any special election, candidates and committees should contact our bureau regarding reporting requirements and filing deadlines. A separate report will need to be filed for each Special Election Cycle. Special Elections do not follow the reporting dates for Cycles 1-7. Information regarding Special Election reporting dates can be found on our [website](#).

Penalties - In accordance with the Campaign Finance Reporting Law, those who file required reports after the filing deadline are assessed a late filing fee of \$20 per day for the first six days that a report is late, and \$10 per day thereafter, up to a maximum penalty of \$250.

Unsworn Declarations – Act 2020-15, allows for unsworn declarations for campaign finance reports and campaign finance statements filed by political committees, candidates for public office, and contributing lobbyists. Independent expenditure and non-bid contact reports are also covered under the new law. Filers must physically sign and date their report or statement cover sheet. Their signature acknowledges, under penalty of perjury, that the statements contained in the filed report or statement are true and correct. These updated forms may be scanned and emailed to ra-stcampaignfinance@pa.gov. Complete the corresponding version of the form signed by the required individual(s).

Political Committee Treasurers - It is the treasurer's responsibility to file required committee reports. Keep this schedule available for reference prior to each reporting deadline. If you need a reporting form, you may print one from the Department's [website](#) or request one from the bureau. You may also file your report online. From the website, select the link to Campaign Finance and then to Online Filing for more information. Please remember that all **reports must include your filer identification number** on the cover page.

24-Hour Reporting - Section 1628 of the Campaign Expense Reporting Law, 25 P.S. § 3248, requires any candidate or political committee, authorized by a candidate and created solely for the purpose of influencing an election on behalf of that candidate, which receives any contribution or pledge of five hundred dollars (\$500) or more, or any person making an independent expenditure of five hundred dollars (\$500) or more after the final pre-election/pre-primary report has been deemed completed shall report such contribution or expenditure to the appropriate supervisor. The candidate, chairperson or treasurer of the political committee shall send the report of late contributions within twenty-four (24) hours of receipt of the contribution. The same shall apply to persons making independent expenditures. The bureau will accept the filing of *24 Hour Reports* by facsimile at 717-213-8083, via e-mail at: ra-stcampaignfinance@pa.gov or [online](#). The filing of late contribution reports does not remove the obligation to also report those contributions on the appropriate post-election/post-primary expense report filing. Please contact our office for specific reporting dates for late contribution reports.

QUESTIONS - If you have any questions about Pennsylvania's Campaign Finance Reporting Law or reporting requirements, please direct them to the bureau's Division of Campaign Finance at 717-787-5280, option 4 or via e-mail at ra-stcampaignfinance@pa.gov.

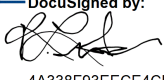
VERIFICATION

I, hereby verify that the facts contained in the within Petition are true and correct to the best of my knowledge or information and belief.

I understand that the statements made herein are made subject to the provisions of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

2/20/2024 | 9:05 AM PST

Date

DocuSigned by:

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Rikeyah Lindsay