

23-7710 ORIGINAL

SUPREME COURT OF THE UNITED STATES

In. Re Nominating Petitions of William Anderson,
as Candidate to the 24th Legislative District of Pennsylvania

Petitioner,

Vs.

Amanda Green Hawkins ,L'Oreal Snell.

Erin Wise

Respondents,

Supreme Court, U.S.
FILED

MAR 26 2024

OFFICE OF THE CLERK

On Petition for a Writ of Certiorari to
The United States Court of Appeals
for the Third Circuit

From ruling of Supreme Court of Pennsylvania

PETITION FOR A WRIT OF CERTIORARI

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Friend of the Court

I. Questions Presented

Did the Pennsylvania Supreme Court violate Petitioner Constitutional Rights by affirming the Lower Courts order Removing Petitioners Name from the April 23,2024 Primary Ballot. Is it in the best interest of Democracy to allow Ghost Objectors have a Candidates name removed from the ballot. Is this practice truly in the best interest of the Constitutional protectants put in place to protect the rights of Citizens to seek and hold office without barriers. Is the State law in Conflict with the ultimate protector of the Constitution the Democratic process which gives ultimate power to the voter on election day to decide which Candidates they wish to represent them in various elected offices.

Did the Pennsylvania Appellate Court err in affirming the lower courts striking signatures based on them allegedly being in the hand of another despite having no HAND WRITER EXPERT TESTIMONY PROVING the writing was actually in the hand of another. Did objectors meet their burden of proof needed to violate Petitioners Constitutional Rights and defame Petitioners name tarnishing his Reputation and ability to do business. Has the lower Court again overstepped its authority in denying Petitioners Direct appeal and Constitutional due process rights protected by law when changing all filing times including lessening times to file appeals. Will this Honorable Court Continue its righteous path of correcting the errs of liberal States who continue to erode our Democracy by Disenfranchising Voters by not properly updating Voting rolls and passing laws that allow ghost objectors to Circumvent the will of the Voter while claiming to secure the Vote. Does this practice encourage more participation in our Democracy or Less? If you believe less you must overturn the lower Court.

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For Plaintiff Andrew Gables

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IV. Petition for Writ Of Certiorari

William Anderson Petitioner, respectfully petitions this court for a writ of certiorari to review the ruling of the Supreme Court of Pennsylvania

V. Opinions Below

The decision by the Pennsylvania Supreme Court denying Mr. Andersons direct appeal is reported as Re: In the Nominating Petitions of William Anderson as Democratic Candidate for State Representative in the 24th Legislative District v. L.Oreal Snell, Amanda Green Hawkins, Erin Wise 95 md2024 March 4,2024 .The Pennsylvania Supreme Court affirmed the lower Courts order on March 22,2024 At 9 wap 2024 .That order is attached at Appendix 1

VI. Jurisdiction

Mr. Andersons direct appeal to the Pennsylvania Supreme Court was Denied on March 22,2024. Mr. Anderson invokes this Court's jurisdiction under 28 U.S.C s 1257, having timely filed this petition for Writ of certiorari within ninety days of the Pennsylvania Supreme Court's judgement.

1.

ORDER IN QUESTION

____ ON March 1,2024, the Commonwealth Court issued an opinion

Concluding with this paragraph and order:

AND NOW, THIS 4TH DAY OF March 2024, it is hereby ORDERED:

1. Based upon credible evidence admitted at the March 1,2024 hearing before this court ,the Nominating Petition of William Anderson as a Candidate Democratic candidate for nomination to the office of Representative in Pennsylvania General Assembly for the 24th Legislative District in the General Primary Election to be held April 23rd,2024 does not contain 300 valid signatures of qualified and enrolled electors as required by section 912.19140 of the election code 25 P.S 2872.19140 the Petition to Set aside the nomination Petition of William Anderson is Granted, and the Nominating petition of William Anderson is hereby Set Aside.
2. The Secretary of the Commonwealth of Pennsylvania is Directed to Remove from the ballot the name of William Anderson as a candidate for the Democratic Nomination to the office of Representative in the General Primary Election of April 23,2024.
3. Each party shall bear ,his, her or their own costs.
4. The Prothonotary shall notify the parties hereto and their counsel of this order and shall also certify a copy hereof the Secretary of the Commonwealth of Pennsylvania forthwith

Micheal H Wojcik

REFERENCE TO THE OPINIONS IN THE MATTER

THE UNPUBLISHED panel opinion in the Commonwealth Court is found at no 75
md 2024 March 1,2024 (walker0

VII. Constitutional Provision Involved

United States Constitution Amendment V, I, XXiiii

V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or inditement of a Grand Jury, except in actual service in time of War or public danger, nor shall any person be subject for the same offense to be put twice in jeopardy of life or limb: nor shall be compelled in any criminal case to be a witness against himself nor be deprived of life, liberty, or property, without due process of law: nor shall private property be taken for public use, without just compensation.

XXiiii

The right of the United States to vote in any primary or other election for President or Vice President for electors for President or Vice President, or for Senator or Representative in Congress shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

I. Prevents the United States Government from making laws respecting an establishment of religion, prohibiting the free exercise of religion: or abridging the freedom of speech, the freedom of the press, the freedom of assembly, or the right to petition the government for redress of grievances.

SUMMARY OF ARGUMENT

Millions of Pennsylvanians go to the polls every year with the hope of casting their vote for the Candidate they believe will best represent their issues, without the interference of special interest who have for to long been permitted to have candidates removed from the ballot by having alleged objectors simply sign off on an objection petition signing a Verification Statement swearing they have personally verified the information is correct without actually verifying the info in direct violation of sec. 18 pacs 4904 relating to unsworn testimony.

There is no more important time in which to have rigorous oversight of our electoral process than when citizens first Amendment rights are being violated for a healthy Democracy their must be a good number of candidates and a candidates right to seek office must be protected . that principle is the animating force behind this Petition. Petitioner properly listed and subpoena all Objectors as witnesses as to ascertain the participation of alleged objectors during March 1st hearing but all objectors failed to appear and testify . During Hearing with an abundance of concern for the maintenance of the information entered into the sure system from the Allegheny County elections Department and its compliance to pa title 25 Pa C.S.A elections Petitioner called Head of Allegheny County Elections department to ascertain whether the Allegheny County Elections Department is in compliance with Pa election Code requirements that mandate the County elections update a Voters address automatically from the Us Postal

Service change of address registry ,which on questioning the director stated that the County is not in compliance with Section 1901 of Statue title 25, which would have cured 120 signature lines stricken as not registered at address but in district as valid. In so striking Signatures because circulator is not of party further violates both the constitutional rights of signers who have a right to sign a petition to have the candidate of their choice place on the ballot but of the circulator where murilly weaver 224 fsupp 2d 882 showed the residency requirement of circulator was irrelevant to

the ability of the circulator to collect signatures the court should hold the circulators party to the same standard as it has disenfranchised hundreds of voters who properly signed petitioners petition.

IX. Reasons For Granting writ

A. To avoid erroneous deprivations of the freedom of expression and freedom
Speech this Court should clarify that the right to seek and hold office must be
protected at all cost in order to preserve and forward our Democracy that right
must not be molested by those seeking to side step the voice of the voters by
creating barriers to those who would dare to run for office silencing the peoples
voice .

Hon Commonwealth Court judge Wojcik relied on un verified objectors who did
not participate although they signed Verification statements under penalty of
false swearing along with non compliant Allegheny County Voter Data not in
line with Pa Title 25 Pa C.S.A 1901 elections, Commonwealth Court Struck
Petitioners Petition based on outdated unverified information .

1. Did the Commonwealth Court err in holding that objectors need not participate in any level of the objector process even when they file with the court Signed Verification statements under penalty of false swearing and ignore Subpoena to attend and testify and listing on Petitioners witness list.
2. Given the standard understanding of plenary review did the Commonwealth Court err in Denying Petitioners Motion to Dismiss
although Objectors failed to bring any personal objections before the Court,
the Head of the Allegheny County Department of Elections Testimony that
the county was not in Compliance i
with Pa title 25 Pa C.S.A Elections 1901

3. Did the Commonwealth Court err in striking signatures based on Circulator affidavit being signed by circulator David Tessitor in violation of his and signers Constitutional rights .
4. Did the Commonwealth err by striking Signatures of Mark Green when circulators name is Matt Green .
5. Did the Commonwealth Court err in not accepting signatures claimed to be in the hand of others from a High Rise where many Elderly tenants with disabilities require assistance as allowed in the People with Disabilities act allows reasonable accommodations to prevent the disenfranchisement of a citizen to cast a ballot or sign a petition to have the candidate of their choice put on the ballot. --
6. Did the Commonwealth Court err in Ordering the removal of Petitioners name from the Ballot and was this the absolute in the best interest of Democracy for the majority of the Citizens of the Commonwealth and does this greatly disenfranchise voters and candidates out of abundance of Protection of Candidates Civil Liberties and right to seek office unmolested by poll taxes and unjust legislative barriers that Violate the Voting Rights act .
7. Did the Commonwealth Court err in misreading of the purpose of the legislators far reaching law that violates petitioners right to face accusers by denying petitioner the right to question objectors to the legitimacy of their personal objections instead of simply being able to sign as an objector without any knowledge of what they are objecting to or proof that they in fact personally raised their own objections or acquired counsel themselves for representation.

VIII. STATEMENT OF THE CASE

A. PROCEEDINGS BEFORE THE AGENCY

RESPONDANTS ALLEGEDLY ON FEBUARY 20,2024 FILED AN OBJECTION PETITION WITH THE Commonwealth Court Prothonotary objecting to 422 of Petitioners signatures on the Nominating Petition of Petitioner asking that Petition on to Place Candidate William Anderson name on April 23,2024 primary Ballot be stricken.

- B. on or about February 28,2024 appellant meet with a person stated not to be employed by objectors or objectors attorney who signed for access to sure system for herself not representing appellee or appellees Counsel as required to satisfy Court order requiring the securing of Sure Operator services.
- C. During hearing held before Commonwealth Court March 1,2024 Petitioner Presented enclosed motion to Dismiss and oral arguments based on the fact that objectors had failed to participate and illegally filed verifications statements with the court in violation of sec 18 PACS 4904 relating to false swearing, the fact that Allegheny County elections Department is not in compliance with Pa Statue title 25 pa CSA 1901 regarding elections questioning the validity of the Allegheny county sure system.
- D. Petitioner asserts that Commonwealth Court relied on out dated material to verify signatures as the signature cards used in the Allegheny county data base rely solely on signatures obtained at Voters original Voter registration not current signature.
- E. Appellant express constitutional protection that does not require circulator to be of the district or party of the candidate as irrelevant to the will and desire of the duly elected signer and their right to sign a petition regardless of Circulators status other to be a registered voter. And discriminates against candidate regulating who candidate may recruit to circulate petitions

2. Direct appeal

On direct appeal Anderson renewed his argument that his Constitutional

Rights had been violated along with signers who clearly expressed their

intent to sign petitioners petition to have his name placed on the ballot.

By affirming the lower courts decision the appellate court failed to uphold

The standard in the constitution protecting freedom of speech of qualified

electors and holding the Allegheny County elections department

accountable for providing invalid information and being out of

compliance with Pa Statue 25 sec 19 of the election law which holds

commissions responsible for changing voter registration addresses

election department

Petitioner IS RELYING ON THIS HONORABLE COURT TO GRANT Writ of certiorari

BASED ON THE LOWER COURTS ERR IN DECIDING PETIONERS MOTION TO

DISMISS AND THE VIOLATION OF THE VOTING RIGHTS ACT ,PERSONS

WITH DISABILITIES AND THE PETITIONS LACK OF PROPER DUE PROCESS
DUE TO THE UNIQUE RUSH IN ELECTIN CASES THAT DOES NOT OCCURE IN

ANY OTHER COURT IN THE Commonwealth during any other matter

before the court, finding these iSSUES discriminatory, and against the

interest of fairity and justice and what is in the best interest of justice

and democracy denying petitioners right to seek office and Constitutional

rights of circulator signers and petitioners pursuit of happiness, life and

Liberty and his freedom of expression .Appellant further believes that the

amendment to the Election Code requiring eliminating residency

requirement for circulators of petitions and removal of notarization

requirement which verified that the person signing circulator affidavit on

nominating petitions is actual circulator does not go far enough in securing

and protecting a persons right to seek office and have their name placed on

the ballot as a candidate is molested by the requirement that the circulator

be of the same party to simply collect signatures to have a Candidates

name on the ballot has no relevance to the ability to collect signatures from

voters who wish to sign the petition of their choice from their Designated

Political Party Candidate and further this to be discriminatory and a

violation of the voting rights act as it causes undo burden on the Candidate

as it limits the pool of people the Candidate can get to assist in obtaining

signatures especially in the rural areas putting an un due burden on

candidates and forces discriminatory hiring or volunteering practices, ie if Candidates gets help from someone that comes from a State that has no party designations in their VOTER registration. Appellant Further debates the Violation of the signers Constitutional freedoms of expression and speech by the Striking of their signatures based on circulator which has no affect on the fact they signed a petition to clearly express their wish as registered voters within the 24th Legislative district to have the candidate of their choice name placed on the Ballot as the Constitution forever Protects. Our Democracy and foundation is built on these freedoms to both elect the Candidate of our Choice without threat, reprisal or intimidation as well As the unfettered ability of all Pennsylvanians to Seek office without Jim Crow laws meant to circumvent the Electoral process by putting insurmountable challenges on Candidates creating disqualification standards in place that allow ghost objectors to have Candidates removed from the ballot in an Expeditious fashion which incorporates no true option for curing after petitions have been duly filed and accepted with the Department of State and filing fee paid as the Statue states the Department

of State is Solely Responsible for removing Candidates from the Ballot.

Appellant Prays this Honorable Court Overturns Order Dated March 4,2024

By the Commonwealth Court and Directs the Department of State to list

The Name of William Anderson as A Democratic Candidate for

Representative in the General Assembly for the 24th Legislative District on

the Ballot for April 23,2024 Primary Election returning the Choice of who to

Elect to the Voters of the 24th Legislative District.

CONCLUSION

APPELANT PRAYS THIS HONORABLE COURT GRANTS writ of Certiorari based on the foregoing statements and Facts stated within . Petitioner believes the threat to the Commonwealth electoral process is a great peril should objectors continued to be allowed to remain in the shadows without proof or consequence for false swearing, and the County commissions not help to compliance with State mandates to upkeep the voting rolls and a true avenue to cure errors in circulated Nomination petitions as stated in the directive of the court without offering true ways to cure the defects which is listed as an option but no true avenue to do so exist. I pray the court make president in allowing Petitioners name to remain on April 23,2024 primary ballot as the Democratic Candidate for the 24th Legislative District. As for a Healthy Democracy their must be a good number of Candidate

Respectfully Submitted,

William Anderson
APPELLANT 3-25-2024

SCOPE AND STANDARD FOR REVIEW

BECAUSE THE INSTANT APPEAL IMPLICATES THE STATUTORY

CONSTRUCTION OF THE Election Code AND THE Constitutionality

Effect of the Lower Courts Decision, this Courts “scope of review is plenary

and the standard of review is *de novo*” In re Benkoski, 596 Pa 267, n2
272, 943

a.2d 212, 215 (2007)(citing In re Carroll, 586 Pa 624, 896 A 2d 566, 573

u>us Supreme court Anderson vs Trump section 3 cannot be used to deny
anyone access to the ballot as a Candidate. title 25 25c711h Subchapter