



# Venango County

## Courthouse Annex

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TO: School Director and Magisterial District Judge Candidates  
FROM: Sabrina S. Backer, Director of Elections  
SUBJ: Requirement for Proper Cross Filing

Under Pennsylvania state election law, candidates who file nomination petitions with the Venango County Bureau of Registration and Elections to run for the offices of School Director or Magisterial District Judge (MDJ) may choose to “cross-file” during municipal primaries. To cross file, a candidate must properly circulate nomination petitions among both Democratic and Republican voters so that their name will appear on the primary ballot for both the Democratic and Republican nominations.

State law requires that those circulating nomination petitions for candidates seeking to cross file for the office of MDJ may do so irrespective of the party in which the circulator is enrolled; whereas those circulating nomination petitions for candidates seeking to cross file for the office of School Director may only do so for the party in which the circulator is enrolled. In other words, petition circulators for MDJ candidates can circulate both Republican and Democratic petitions, but petition circulators for School Director candidates may only circulate Democrat petitions if they are registered as a Democrat and may only circulate Republican petitions if they are registered as a Republican.

While the matters involving petition circulation have not changed, a statewide court ruling does impact what is deemed a complete petition package for those candidates seeking to cross file. Because of this ruling, the Bureau has modified what it will accept from candidates for MDJ, but – out of an abundance of caution – is strongly and earnestly recommending for candidates running for MDJ or School Director.

Specifically, on April 18, 2017, Commonwealth Court issued a ruling upholding a challenge to the cross-filed petitions of a York County MDJ candidate (Petition to Set Aside Nomination Petitions of Scott J. Gross for District Magistrate in the Judicial District of 19-3-09). The essence of the ruling is that Candidate Gross had his Democratic nomination petitions set aside because he failed to file two copies of his State Ethics Commission’s Statement of Financial Interest with both his Democratic and Republican nomination petitions.

In accordance with this court ruling, the Bureau will no longer accept cross-filed nomination petitions from candidates for MDJ unless a copy of the candidate’s State Ethics Commission’s Statement of Financial Interest is attached to both the Democratic and Republican nomination petitions.

While the Bureau does not give legal advice, taking this court ruling to its logical conclusion, this office is requiring candidates running for School Director comply with this same requirement: if you cross file, submit a copy of your State Ethics Commission's Statement of Financial Interest with both your Democratic and Republican nomination petitions, and submit the original copy to the School Administration Office before the close of the deadline to file your nomination petitions.

And, to further protect yourself from possible petition challenge, the Bureau is requiring candidates running for School Director or MDJ submit two copies of their Affidavit for Ballot Name Change, and Waiver of Expense Account Reporting Affidavit Filing (if you do not plan to raise or spend more than \$250 during any campaign finance reporting period and you do not plan to create a candidate campaign committee) with both their Democratic and Republican petitions.