

## PETITION TO CUMULATE VOTES

THE FOLLOWING INFORMATION IS PROVIDED FOR THE GUIDANCE OF CANDIDATES FOR PUBLIC OFFICE WHO BELIEVE THAT CERTAIN NAMES WRITTEN-IN ON OFFICIAL ELECTION BALLOTS WERE INTENDED FOR VOTES FOR THEIR CANDIDACY NOTWITHSTANDING THE FACT THAT THE NAME WRITTEN-IN ON THE BALLOT MISPELLS OR OTHERWISE MISIDENTIFIES THEM. THE FOLLOWING IS INTENDED FOR GUIDANCE ONLY AND, IN THE EVENT OF ANY QUESTION PERTAINING TO ANY PARTICULAR CANDIDATE, THE CANDIDATE SHOULD CONSULT WITH THEIR OWN ATTORNEY.

If a candidate determines it appropriate to request the cumulation of votes cast under different names at any election the following procedure is recommended.

1. The candidate shall present a petition to cumulate votes to the Franklin County Board of Elections not later than five (5) days after certification by the County of the votes cast at the Municipal Primary/Special Election. For the election conducted on May 21, 2019, the petition must be presented **not later than 4:30 p.m., Monday, June 3, 2019** at the offices of the Franklin County Commissioners located at 340 North Second Street, Chambersburg, Pennsylvania. The petition must physically be filed by this deadline – postmarks do not count.

**2. The candidate must give notice of the filing and the time and place set for hearing to all of the other candidates who appear to have been nominated for the office for which cumulation is being requested. Notice must be given in a timely manner to permit interested parties opportunity to attend the hearing. Notices shall be given by certified mail, return receipt requested, by personal delivery or delivery by a Pennsylvania Constable or by utilizing Certificate of Mailing which certifies the date of mailing and to whom.** If notice is given via personal delivery or delivery by a Pennsylvania Constable, an acceptance of service signed by the person being served or an affidavit of service must be executed by the server as proof of delivery to all interested parties.

3. While there is no legally defined form for the petition to cumulate, it is important that the petition clearly identify the office involved in the petition, the identity of the candidate seeking to cumulate votes, and the name sought to be cumulated. For guidance of the candidates seeking cumulation, there is attached a form of petition that has been accepted in past years.

4. At the hearing before the Franklin County Board of Elections, the candidate must appear and must be prepared to prove to the satisfaction of the Board of Elections that the names sought to be cumulated are, in fact, intended to be votes for the candidate petitioning for cumulation. **The candidate must also present evidence that the notice referenced in paragraph 2 above was in fact sent, and received, by all of the other candidates who appear to have been nominated for the same office.**

The petition must be signed at the end with a verification statement by the candidate. The form is a sample only, and may need to be adapted to your particular circumstances. **While the sample petition attached makes provision for the signature of the attorney, the law does not require that you hire an attorney to present your case.** However, should you have any questions, retaining the services of an attorney may be helpful in the presentation of your petition.

BEFORE THE FRANKLIN COUNTY  
BOARD OF ELECTIONS

IN RE: Nomination of       (Name of Petitioner)       for the office of       (Title of Political  
Office)       Franklin County, Pennsylvania.

PETITION TO CUMULATE VOTES

NOW comes       (Name of Petitioner)      , by his attorney,       (Attorney for  
Petitioner)       who respectfully petitions the Board as follows:

1.

The Petitioner is       (Name of Petitioner)      , an adult individual who resides in Franklin County, Pennsylvania, with a mailing address of       (Home Address of  
Petitioner)      .

2.

The Petitioner was a write-in candidate for the office of       (Title of Office)       of Franklin County, Pennsylvania, at the Municipal Primary/Special Election held on       (Date  
of Election)      .

3.

According to the original officials returns for the said Municipal Primary/Special Election, the following votes were found to have been cast in the following manner:

Names to be Cumulated

Votes Cast for Name to be Cumulated

4.

Petitioner submits that all of the above names are one and the same person, and the votes cast for these persons should be cumulated with those cast for       (Name of  
Petitioner)      .

5.

The registration rolls in the Franklin County Registration Office disclose no other registered voter under the name of       (Name of Petitioner)      .

6.

To the best of Petitioner's knowledge, no other person with the surname (Name of Petitioner) or any variation thereof was on the ballot or was an announced write-in candidate for the office of (Title of Office) at said Municipal Primary/Special Election.

7.

The names of other candidates who received write-in votes at the Municipal Primary/Special Election for the office of (Title of Office), a true copy of which is attached hereto and marked Exhibit "A".

8.

Under the case of McCracken Appeal, 370 Pa. 562 (1952), the Board of Elections has authority to cumulate the votes in the instant case.

WHEREFORE, the Petitioner respectfully prays that the Board, following a hearing hereon, cumulate the votes cast for the names in Paragraph 3 with those cast for (Name of Petitioner) accordingly.

Respectfully Submitted,

(Name of Petitioner)

(Attorney for Petitioner)

I verify that the statements made herein are true and correct. I understand that false statements herein are made subject to the penalties of 18Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

Dated: \_\_\_\_\_

\_\_\_\_\_ (Name of Petitioner)

BEFORE THE FRANKLIN COUNTY  
BOARD OF ELECTIONS

IN RE: Nomination of \_\_\_\_\_ for the office of  
\_\_\_\_\_ Franklin County, Pennsylvania.

PETITION TO CUMULATE VOTES

NOW comes \_\_\_\_\_, by his attorney,  
\_\_\_\_\_, who respectfully petitions the Board as follows:

1.

The Petitioner is \_\_\_\_\_, an adult individual who resides  
in Franklin County, Pennsylvania, with a mailing address of \_\_\_\_\_  
\_\_\_\_\_.

2.

The Petitioner was a write-in candidate for the office of  
\_\_\_\_\_ of Franklin County, Pennsylvania, at the Municipal  
Primary/Special Election held on May 21, 2019.

3.

According to the original officials returns for the said Municipal Primary/Special  
Election, the following votes were found to have been cast in the following manner:

Names to be Cumulated

Votes Cast for Name to be Cumulated

4.

Petitioner submits that all of the above names are one and the same person, and the votes cast for these persons should be cumulated with those cast for \_\_\_\_\_.

5.

The registration rolls in the Franklin County Registration Office disclose no other registered voter under the name of \_\_\_\_\_.

6.

To the best of Petitioner's knowledge, no other person with the surname \_\_\_\_\_ or any variation thereof was on the ballot or was an announced write-in candidate for the office of \_\_\_\_\_ at said Municipal Primary/Special Election.

7.

The names of other candidates who received write-in votes at the Municipal Primary Election for the office of \_\_\_\_\_, a true copy of which is attached hereto and marked Exhibit "A".

8.

Under the case of McCracken Appeal, 370 Pa. 562 (1952), the Board of Elections has authority to cumulate the votes in the instant case.

WHEREFORE, the Petitioner respectfully prays that the Board, following a hearing hereon, cumulate the votes cast for the names in Paragraph 3 with those cast for \_\_\_\_\_ accordingly.

Respectfully Submitted,

\_\_\_\_\_  
(Name of Petitioner)

\_\_\_\_\_  
(Attorney for Petitioner)

I verify that the statements made herein are true and correct. I understand that false statements herein are made subject to the penalties of 18Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Name of Petitioner)