

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

Lucinda Little, Cheri Honkala, The Green Party of Pennsylvania,  
Republican City Committee of Philadelphia & Republican State Committ.

(b) County of Residence of First Listed Plaintiff Philadelphia  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Samuel C. Stretton, Esq. (POB 3231, West Chester, PA 19381-3231;

610-696-4243 + LIMA A. Key 430 Locust St. Suite 200, Phila 19102 215-731-1400

## DEFENDANTS

Emilio Vazquez, Commissioner Anthony Ciark, Commissioner Al  
Schmidt, Commissioner Lisa M. Delley, Pedro Cortes, Secretary, et al.

County of Residence of First Listed Defendant Philadelphia  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSDI Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

Diamond

DOCKET NUMBER

2:17-CV-01462-JHS

DATE

4/6/2017

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LUCINDA LITTLE, CHERI HONKALA, : DOCKET NO.  
THE GREEN PARTY OF PENNSYLVANIA, :  
REPUBLICAN CITY COMMITTEE OF :  
PHILADELPHIA and REPUBLICAN :  
PARTY OF PENNSYLVANIA (a/k/a) :  
REPUBLICAN STATE COMMITTEE, :  
PLAINTIFFS :

V. :

EMILIO VASQUEZ, COMMISSIONER :  
ANTHONY CLARK, COMMISSIONER :  
AL SCHMIDT, COMMISSIONER LISA M. :  
DEELEY, PEDRO CORTES, SECRETARY :  
OF THE COMMONWEALTH, DEPARTMENT :  
OF STATE, BUREAU OF COMMISSIONS, :  
ELECTIONS AND LEGISLATION and :  
PHILADELPHIA CITY DEMOCRATIC :  
COMMITTEE, :  
DEFENDANTS :

ORDER

AND NOW, this            day of            , 2017, it is  
hereby ORDERED and DECREED as follows:

The March 21, 2017 special election for the Office of State  
Legislature in the 197<sup>th</sup> Legislative District in Lower Northeast  
Philadelphia is hereby declared null and void.

BY THE COURT:

---

J.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LUCINDA LITTLE, CHERI HONKALA, : DOCKET NO.  
THE GREEN PARTY OF PENNSYLVANIA, :  
REPUBLICAN CITY COMMITTEE OF :  
PHILADELPHIA and REPUBLICAN :  
PARTY OF PENNSYLVANIA (a/k/a) :  
REPUBLICAN STATE COMMITTEE, :  
PLAINTIFFS :

V. :

EMILIO VASQUEZ, COMMISSIONER :  
ANTHONY CLARK, COMMISSIONER :  
AL SCHMIDT, COMMISSIONER LISA M. :  
DEELEY, PEDRO CORTES, SECRETARY :  
OF THE COMMONWEALTH, DEPARTMENT :  
OF STATE, BUREAU OF COMMISSIONS, :  
ELECTIONS AND LEGISLATION and :  
PHILADELPHIA CITY DEMOCRATIC :  
COMMITTEE, :  
DEFENDANTS :

ORDER

AND NOW, this                      day of                      , 2017, it is  
hereby ORDERED and DECREED as follows:

A preliminary injunction is granted as follows:

a.) The election for the 197<sup>th</sup> Legislative District in  
Lower Northeast Philadelphia where Emilio Vasquez was  
elected is declared null and void and is Emilio Vasquez  
preliminarily enjoined from being seated;

b.) A new special election is ordered to take place  
within ninety days hence.

c.) The Defendants are Ordered to pay all reasonable  
costs and counsel fees;

d.) Appropriate sanctions are Ordered against the following in the following amounts:

BY THE COURT:

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J.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LUCINDA LITTLE : DOCKET NO.  
339 E. Loudon Street :  
Philadelphia, PA 19120 :  
and :  
CHERI HONKALA :  
2114 N. Hancock Street :  
Philadelphia, PA 19122 :  
and :  
THE GREEN PARTY OF PENNSYLVANIA :  
A MINOR POLITICAL PARTY :  
P.O. Box 59524 :  
Philadelphia, PA 19102 :  
and :  
REPUBLICAN CITY COMMITTEE OF :  
PHILADELPHIA :  
3325 Cottman Avenue :  
Philadelphia, PA 19149 :  
and :  
REPUBLICAN PARTY OF PENNSYLVANIA :  
(a/k/a) REPUBLICAN STATE :  
COMMITTEE :  
112 State Street :  
Harrisburg, PA 17101, :  
PLAINTIFFS :

V. :

EMILIO VASQUEZ :  
3643 N. Percy Street :  
Philadelphia, PA 19140 :  
and :  
COMMISSIONER ANTHONY CLARK :  
PHILADELPHIA CITY COMMISSIONERS :  
OFFICE :  
CITY HALL, ROOM 130 :  
PHILADELPHIA, PA 19107 :  
and :  
COMMISSIONER AL SCHMIDT :  
PHILADELPHIA CITY COMMISSIONERS :  
OFFICE :  
CITY HALL, ROOM 134 :  
PHILADELPHIA, PA 19107 :  
and :

COMMISSIONER LISA M. DEELEY :  
 PHILADELPHIA CITY COMMISSIONERS :  
 OFFICE :  
 CITY HALL, ROOM 132 :  
 PHILADELPHIA, PA 19107 :  
 and :  
 PEDRO CORTES :  
 SECRETARY OF THE COMMONWEALTH :  
 OF PENNSYLVANIA :  
 Office of the Secretary :  
 302 N. Office Building :  
 Harrisburg, PA 17120 :  
 and :  
 DEPARTMENT OF STATE :  
 BUREAU OF COMMISSIONS, ELECTIONS: :  
 AND LEGISLATION :  
 210 NORTH OFFICE BUILDING :  
 HARRISBURG, PENNSYLVANIA 17120 :  
 and :  
 PHILADELPHIA CITY DEMOCRATIC :  
 COMMITTEE :  
 219 Spring Garden Street :  
 Philadelphia, PA 19123, :  
 DEFENDANTS :

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

The Plaintiffs, Lucinda Little, Cheri Honkala, The Green  
 Party of Pennsylvania, A Minor Political Party, Republican City  
 Committee of Philadelphia and Republican Party of Pennsylvania,  
 by and through their respective counsel, Samuel C. Stretton,  
 Esquire and Linda A. Kerns, Esquire and Joel L. Frank, Esquire,  
 hereby seek declaratory and injunctive relief to enjoin the  
 implementation of special election results held on March 21,  
 2017 in the 197<sup>th</sup> Legislative District in Lower Northeast  
 Philadelphia and find it to be void, and to enjoin the results

of that special election and to enjoin the putative winning candidate, Emilio Vasquez, from holding the Office of State Representative for the following reasons:

A.) Parties

1. The Plaintiff, Lucinda Little, is a citizen and resident of the 197<sup>th</sup> Legislative District in Philadelphia, Pennsylvania, with an address of 339 E. Loudon Street, Philadelphia, Pennsylvania 19120. At all pertinent times, she was a registered Republican voter and the Republican candidate for the special election on March 21, 2017 in the 197<sup>th</sup> Legislative District. The Plaintiff is also suing in her capacity as a registered voter in addition to her capacity as a candidate.

2. The Plaintiff, Cheri Honkala, is a citizen and resident of the 197<sup>th</sup> Legislative District in Philadelphia, Pennsylvania, with an address of 2114 N. Hancock Street, Philadelphia, Pennsylvania. At all pertinent times, she was a registered voter and registered member of the Pennsylvania Green Party and was a write-in candidate for the special election on March 21, 2017 in the 197<sup>th</sup> Legislative District in Philadelphia, Pennsylvania. The Plaintiff is also suing in her capacity as a registered voter in addition to her capacity as a candidate.

3. The Plaintiff, The Green Party of Pennsylvania, is a qualified minor political party in Pennsylvania with an address

of P.O. Box 59524 in Philadelphia, Pennsylvania, and nominated their registered Green Party Member, Cheri Honkala, as their write-in candidate for the special election for the 197<sup>th</sup> Legislative District in Philadelphia, Pennsylvania on March 21, 2017. The Pennsylvania Green Party is also suing in their capacity as a minor political party.

4. The Plaintiff, Republican City Committee of Philadelphia, is a major political party in Philadelphia County with address of 3525 Cottman Avenue in Philadelphia, Pennsylvania 19149. The Republican City Committee duly nominated a candidate, Lucinda Little, who was on the ballot in the special election for the 197<sup>th</sup> Legislative District in Philadelphia, Pennsylvania. The Republican City Committee is also suing in its' capacity as a major political party.

5. The Plaintiff, Republican Party of Pennsylvania, is a major political party in Pennsylvania and a non-profit corporation with an address of 112 State Street in Harrisburg, Pennsylvania 17101. The Republican Party of Pennsylvania duly nominated a candidate, Lucinda Little, who was on the ballot in the special election for the 197<sup>th</sup> Legislative District in Philadelphia, Pennsylvania. The Republican Party of Pennsylvania is also suing in its' capacity as a major political party.



6. The Defendant, Emilio Vasquez, is a citizen and resident of the Commonwealth of Pennsylvania with an alleged address of 3643 North Percy Street in Philadelphia, Pennsylvania 19140. Vasquez failed to qualify for the ballot and mounted a write-in campaign for the Democratic Party in the special election for the 197<sup>th</sup> Legislative District on March 21, 2017. Vasquez was subsequently recognized by Philadelphia City Commissioners as the winner of the special election.

7. The Defendant, Philadelphia Commissioner Anthony Clark, is the Chairman of the Philadelphia City Commissioners with address of City Hall, Room 130 in Philadelphia, Pennsylvania 19107. He has the responsibility for running elections that comply with the Pennsylvania Election Code to ensure that the elections are run fairly and that there is no tampering of votes or any other matters.

8. The Defendant, Philadelphia Commissioner Al Schmidt, is the elected City Commissioner with an address of City Hall, Room 134 in Philadelphia, Pennsylvania 19107. He has the responsibility for running elections that comply with the Pennsylvania Election Code to ensure that the elections are run fairly and that there is no tampering of votes or any other matters.

9. The Defendant, Philadelphia Commissioner Lisa M. Deeley, is the elected City Commissioner with an address of City

Hall, Room 132 in Philadelphia, Pennsylvania 19107. She has the responsibility for running elections that comply with the Pennsylvania Election Code to ensure that the elections are run fairly and that there is no tampering of votes or any other matters.

10. The Defendant, Pedro Cortes, is the duly appointed Secretary of State of the Commonwealth of Pennsylvania with an address of Office of the Secretary, 302 North Office Building, Harrisburg, Pennsylvania 17120. He has the responsibility of ensuring the fairness of all elections in Pennsylvania, including the special election in the 197<sup>th</sup> Legislative District held on March 21, 2017, and ensuring that all Pennsylvania Counties comply with the Pennsylvania Election Code.

11. The Defendant, Department of State, Bureau of Commissions, Elections and Legislation, is a duly organized governmental entity with the responsibilities for all state-wide elections and to ensure their fairness and ensure their compliance with the Election Code, with an address of 210 North Office Building in Harrisburg, Pennsylvania 17120.

12. The Defendant, Philadelphia City Democratic Committee, is a major political party in Philadelphia County with an address of 219 Spring Garden Street, Philadelphia, Pennsylvania 19123, and whose members, ward leaders, officers, agents,

volunteers and committee people were involved in the March 21, 2017 special election.

13. At all pertinent times, all Defendants acted either individually or in their official capacity.

14. At all pertinent times, all Defendants acted either by themselves or through their agents and/or employees in the course and scope of their employment.

15. At all pertinent times, all Defendants were acting under color of state law.

#### B.) Jurisdiction

16. The jurisdiction of this Court is found in 28 U.S.C.A. 1331, giving Federal District Courts original jurisdiction in all civil actions arising under the Constitution and laws of the United States. Further, jurisdiction is established because the Defendants are alleged to have violated the First and Fourteenth Amendments of the United States Constitution, and due process through the Fourteenth Amendment. This is pursuant to 42 U.S.C.A. 1983. Jurisdiction is also found since there are violations of the Federal Voting Rights Act.

#### C.) Pertinent Facts

17. In Pennsylvania, a special election was ordered by the Secretary of the Commonwealth of Pennsylvania, a Defendant, to be held on March 21, 2017 for the open seat for the 197<sup>th</sup> Legislative District in Philadelphia, Pennsylvania. The seat

became open when the previous elected State Representative was not seated by the General Assembly due to a previously undisclosed felony conviction.

18. The Defendants, Philadelphia City Commissioners, the Defendant, Pedro Cortes, Secretary of the Commonwealth, and the Defendant, Department of State, Bureau of Commissions, Elections and Legislation, all had the express duties and responsibilities pursuant to Pennsylvania laws and statutes and the Pennsylvania Election Code, to administer a special election according to the Pennsylvania Election Code and to ensure there was no tampering of votes or with voters.

19. The Defendant, Emilio Vasquez, was the write-in candidate purportedly specifically sponsored and supported by the Philadelphia City Democratic Committee as that organization's endorsed candidate in the special election for the 197<sup>th</sup> Legislative District in Philadelphia, Pennsylvania. The City Democratic Committee is the predominate political force in Philadelphia and is responsible for fielding and electing Democratic candidates.

20. The Philadelphia City Democratic Committee, at all pertinent times, was organized and registered pursuant to the Election Code and laws of the Commonwealth of Pennsylvania and is a major political committee, and must act pursuant to the

laws and regulations of the Philadelphia Election Code in nominating, endorsing and supporting candidates for election.

21. A special election was held on March 21, 2017. Lucinda Little was the Republican candidate duly nominated to the ballot. No other candidates were duly nominated but many individuals campaigned for write-in votes. These candidates included the Plaintiff, Cheri Honkala, who was running as the Green Party write-in candidate, and various Democratic voters who were running their own write-in campaigns, believed to be Edward Lloyd, David Torres, Orlando Acosta and Juan Rodriguez, in addition to the so-called "endorsed candidate," Emilio Vasquez.

22. The Green Party of Pennsylvania, at all pertinent times, supported Cheri Honkala in her write-in campaign. The Green Party is a minor political party registered and required to comply with the Rules of the Pennsylvania Election Code.

23. There was an official count of votes that began on Friday, March 24, 2017. The count was certified as of Friday, March 31, 2017 with the Defendant, Emilio Vasquez, as the putative winner. Candidate Lucinda Little received 201 votes and the various "write-in" candidates, in the aggregate, received 2,493 votes. Of those "write-in" votes, Emilio Vasquez received 1,972, Cheri Honkala received 286 and other various candidates received the balance.

24. During the election, there were numerous significant and material violations of the Election Law committed by Election Board Workers employed by the City of Philadelphia, the Philadelphia Democratic City Committee, its members, Ward leaders, volunteers, committee people and supporters, and by the candidate, Emilio Vasquez, and his workers and supporters. Further, the Defendants City Commissions and the Defendant Bureau of Commissions, Elections and Legislation failed to properly supervise the special election to ensure a fair and just election. Some of the acts of misconduct include:

a.) The Election Board workers, virtually all of whom, are registered Democrat electors, in the various polling places were telling voters how to vote and specifically to vote for Defendant, Emilio Vasquez. This is illegal, improper and in violation of the Pennsylvania Election Code as the Election Board is not permitted to in any way advocate for a candidate by electioneering inside the polling place or otherwise.

b.) The Democratic Election Board workers allowed and encouraged Democratic workers and supporters of Emilio Vasquez in the polling area to hand out literature and to go into the voting machine booths to help and/or coerce voters to vote for Mr. Vasquez, such conduct specifically violating the Pennsylvania Election Code.

c.) The voters for the special election were told by Election Board Workers and representatives of the Democratic City Committee and the Democratic candidate that they were only allowed to vote for the write-in, Defendant Vasquez, and no other candidates.

d.) Voters were threatened or intimidated if it was thought they were going to vote for any other candidate. These Election Code violations were committed by Election Board Workers in the polling place and by the Democratic Committee people and workers on behalf of Mr. Vasquez at multiple polling places.

e.) Plaintiffs believe and aver that the proper chain of custody procedures regarding voting cartridges and election materials were not followed during the Special Election. Plaintiffs believe that individuals other than the Philadelphia Police Department impermissibly picked up and delivered cartridges and election materials.

f.) Plaintiffs believe and aver that various persons had custody of election materials on the evening of the election and temporarily were in the custody of Defendant Vasquez's or other parties' election headquarters rather than delivering said materials directly to the City Commissioners as is required.

g.) The Democratic Philadelphia Commissioners and Defendant Cortes and the Commonwealth of Pennsylvania, Bureau of

Commissions, Elections and Legislation, failed to properly supervise this election.

h.) All misconduct alleged in this complaint was in violation of the First Amendment and Fourteenth Amendment of the United States Constitution, including the right of association of speech and the right to vote, and further, in violation of the Due Process Clause of the Fourteenth Amendment of the United States Constitution and further, in violation of the Election Code. All of this misconduct denied the voters a right to free and fair election pursuant to the First Amendment and Fourteenth Amendment of the United States Constitution, as noted above, and also pursuant to the Pennsylvania Election Code. As a result, the election was tainted and should be voided.

25. Other acts of misconduct by the Defendants are as follows:

a.) Plaintiffs have a video of money exchanged between the son of a Democratic Ward Leader and other Democratic officials inside the voting place. The exchange of money was illegal and tainted the election.

b.) Plaintiffs possess a video of an elderly Latino woman who was intimidated and told she had to vote for Emilio Vasquez by the Democratic party workers.

c.) The pink ballot sheets prepared by the City Commissioners and paid for by Philadelphia taxpayers that were



posted in polling places to illustrate the ballot in a non-partisan way to voters were doctored by Mr. Vasquez and workers of the City Democratic Committee to specifically instruct voters to write in Mr. Vasquez's name. This illegal tampering gave the impression that the City of Philadelphia specifically instructed voters to vote for Mr. Vasquez

d.) Plaintiffs believe and aver that voting machines, and the "write-in" mechanism, frequently malfunctioned in various polling places and the proper procedures for alternative ballots were not followed.

e.) Throughout the day, and in multiple polling places, the proper procedures for voting assistance under the Pennsylvania Election Code were not followed and multiple people, sometimes as many as four(4), crowded into the voting booth with voters.

26. There are also the following acts of misconduct by Defendants:

a.) Plaintiffs believe and aver that Defendants deliberately disseminated misleading literature implying that Green Party candidate Cheri Honkala, who has lived in the District for years, is an "outsider" and a "Republican".

b.) At a Beauty School, located at 2751 Germantown Avenue, Honkala poll workers were told they could not put up Honkala signs because this is a "Democratic district."

c.) At multiple polling places, Democratic poll workers and committee people illegally positioned themselves inside the polling place, handing out a Vasquez stamp to be used to vote for Defendant Vasquez as well as Vasquez literature; well within the 10 feet buffer zone from the entrance to the polling location as required by law.

d.) At the Wyoming Branch Library, Democrats had set up a table outside the polling place, with sign-in sheets and stickers, giving voters the impression that this party-run table is the place to check in to vote, rather than the actual check-in station inside the polling place.

e.) At the Pan American Clinic, a Democratic Committeeman handed out partisan materials inside the doorway to the polling place, not 10 feet or more from the entrance as required by law. When questioned by a Honkala supporter, he responded that he's an "elected" person (either a judge of election or committeeperson). If a judge of election, he should have been inside but running the election in a non-partisan manner, not distributing literature. If he was fulfilling a partisan role, he needed to be outside the polling place. This location is also owned by Freddie Ramirez, a previously nominated Democratic candidate who was removed from the ballot by order of the Commonwealth Court of Pennsylvania for failing to reside in the district, as required by law.

f.) At the Esperanza Health Center, a Honkala voter was point blank asked by the election workers who she was voting for.

g.) At multiple polling places, Democratic representatives were repeatedly going in and out of the polling place, even though they had no poll watcher credentials. In one instance, Democratic Ward Leader Carlos Matos was seen going in and handling the voting machines.

h.) At Bethune School, an election worker was seen inside the polling place with the write-in stamp.

i.) At Munoz Marin School, a table was set up right next to the voting machine, covered with literature for Democratic candidate Emilio Vasquez, with voters being told that the table has "what they need to vote."

j.) At the polling place at 17<sup>th</sup> and Lehigh, located in an unspecified office, the Democratic Committee people told people to vote for Democrat Emilio Vasquez inside the polling place as they checked in to vote.

k.) There was campaign literature at the election table where the Judge of Election was supposed to sit at many of the polling places. This was particularly true in Ward 19, Section 11.

27. The following additional acts occurred.

a.) At the Barton School, a voter who walked into the polling place with Cheri Honkala's stamp was told by the election workers that she "had the wrong stamp." The Honkala stamp was taken away and the voter was given a stamp for Emilio Vasquez.

b.) At West Kensington Ministry, an election worker was captured on video coming out of the polling site and taking money from a Democratic poll worker.

c.) At the entrance of William H. Hunter School, Democrats were heard saying, "This is where the Emilio voters vote." They allegedly would not let a voter intending to write in Honkala's name from entering the polling place.

d.) Honkala campaign treasurer Hillary Kane called the District Attorney's office several times to complain and she got the following response each time: "We'll send someone out there as soon as we can."

e.) Another voter at William H. Hunter School allegedly was harassed trying to enter the polling place. When she came out, she said that even though she had voted in this division her whole life, her name was "not on the voter rolls" and therefore she couldn't vote. She reported she was not offered a provisional ballot.

f.) At Rivera Head Start, every time someone went to vote, they were told that they needed "assistance" and it was provided by the same Democratic poll worker.

g.) At the PGW polling place, election workers were reportedly confiscating stamps from people who intended to vote for Honkala and allegedly told people they can't bring stamps into the voting booth. At Ward 43-22, voters were prevented from voting.

h.) At Pan American Center, a woman reportedly told Honkala supporters that election workers told her that the only write-in option was Vasquez.

i.) An elderly Latina woman reported on video that she was afraid for her safety and that she and other senior citizens were intimidated into voting for Vasquez.

j.) Munos Marin said election judges allegedly had Vasquez stamps on hand and they were distributing them. The Honkala campaign confirmed with the Sheriff's Office that this was a problem earlier in the day.

k.) At El Shaddai Church in Ward 43-01, early in the morning, a Democrat election worker told a Honkala campaign poll worker that she was there to "assist voters" and to give her the Honkala stamp. The Honkala Party volunteer unwittingly complied. She later realized this was an incorrect thing to do and that the election worker who obtained the stamp and wasn't

helping anyone use it. Also, a Honkala poll worker gave a stamp to a voter, who upon leaving the polls reported intimidation inside the polls. The voter reportedly was given misinformation and the election workers tried to give her a Vasquez stamp. At that point, the voter said she didn't want to vote anymore.

l.) At Bethune School and Hunter School, judges of elections allegedly held and distributed Vasquez stamps.

m.) At Ward 43-24, at the Champion Learning Center, 3900 N. Broad, a Honkala volunteer witnessed the Judge of Elections giving voters a piece of paper with Vasquez's name on it, so they could spell it correctly.

n.) At Ward 19-4, a Judge of Elections was heard explaining to a voter who wanted to do a write-in, who explicitly said he didn't want to vote for a Republican or a Democrat - that because they were registered as a Democrat, they "had to vote for the Democrat."

o.) At Rivera Head Start, a person associated with the Election Board came out of the polling place, got the stamp from the committee person and brought it in for the voters inside. This continued throughout the voting period.

p.) A poll worker reported that at Hunter School, a Hispanic woman was interested in voting for Cheri Honkala and learning how to do the write-in vote. However, once the voter got to the door of the polling place, the Vasquez team began

talking to her at the door, blocking her entrance and bullying her. Then another woman who was reportedly the Judge of Election confiscated literature and a Honkala stamp out of the voter's hands.. The Judge of Elections who is supposed to stay inside, walked almost 60 feet out of the polling site's entrance to take away Honkala literature and stamps. The voter reportedly left the site upset, without having voted.

q.) Another similar situation occurred in front of the police. A resident wanted to vote for Honkala, but an African-American woman in her 50's (who may have been City Commissioner staff) physically took the literature and stamp out of the voter's hands and told her she wasn't allowed to have that. Two representatives from the District Attorney's Office and three police officers witnessed this.

r.) The same poll worker at Hunter School also found a volunteer outside the polling place with Emilio Vasquez's literature saying "Vote for Emilio" and telling voters that if they were Democrats, they couldn't have voted for Cheri Honkala since she's not a Democrat.

s.) In Ward 19-19 at the fire house, the Sheriff's Office confiscated literature even though it had a handwritten disclaimer as to who paid for the literature. The Sheriff also took the Green Party bag, which included other election items and never returned the materials even after the Sheriff's Office

was ordered to return material that was actually permissible under the law (i.e., handwritten).

t.) Inside the polling place located at the Hartranft School, Mr. Vasquez was sitting and talking with the Election Board even though he was a candidate.

u.) At the end of election night, election workers were seen pulling the register tapes. The election workers signed after the tape was pulled and signed in the middle of the tape (in the vote box where write-ins were happening) (42-3, 7, 9).

v.) In Ward 19, Congreso Center at American Street, there were multiple Vasquez workers and the local ward leader then brought voters in to the polling area with his arms around them, warding off anyone else from trying to distribute literature or talk to the voters, and pointing to the Vasquez literature insisting that Cheri Honkala was a "Republican and outsider." The Democratic ward leader then went into the actual polling place carrying the literature.

w.) In Ward 19 at the McKinley School at Orkney and Diamond - Early on March 21, 2017, around 9:00 a.m., a voter said she would like to vote for Cheri Honkala. She was given the stamp and stamp pad and showed her how to cast a write-in vote. She then went inside. An election worker then went inside the polling booth with her. The election worker stayed



in the booth with her the whole time. The election worker pushed the write-in/red button and when it came time to stamp, the election worker handed her an Emilio Vasquez stamp and told her "this is the one you should use." The election worker then closed the shutter.

28. All of the above actions and many others destroyed the fairness of the March 21, 2017 special election. All of the Defendants, particularly the Defendants City Commissioners, and the Defendants, Department of State, Bureau of Commissions, Elections and Legislation, and the Defendant, Pedro Cortes, Secretary of the Commonwealth of Pennsylvania, failed to ensure that the election was being held fairly and in compliance with the Pennsylvania Election Code, and that votes were not being tampered with. All either directly allowed or failed to properly supervise the election, allowing fundamental violations of due process and fundamental violations of the First Amendment and the Fourteenth Amendments of the United States Constitution and fundamental violations of the Pennsylvania Election Code. Further, Defendant Vasquez and Defendant City Commissioners all worked together to intimidate voters, tamper with votes and prevent a fair election.

29. The Pennsylvania Election Code specifies individuals permitted inside polling places and prohibits electioneering of any kind within the sanctity of the polling place.

30. There was no protection and chain of custody for the machines and the tapes, and there was no certainty as to the accuracy of those machines and tapes and what was reported and what was not.

31. All of the misconduct resulted from the lack of supervision by the Defendants, City Commissioners and the Defendants, Department of State, Bureau of Commissions, Elections and Legislation.

32. All of the misconduct resulted from the lack of supervision by the Defendants, City Commissioners and the Defendants, Department of State, Bureau of Commissions, Elections and Legislation, and the Defendant, Pedro Cortes, and further, resulted from the misconduct of the Philadelphia Democratic City Committee and Mr. Vasquez and their respective workers, employees and agents during the special election day.

33. The Democratic City Committee and Mr. Vasquez and their representatives were or should have been and fully aware of the Pennsylvania Election Code. They, at all pertinent times, had access to election lawyers who represented them and who were available. Despite that, there were multiple and numerous acts in violation of the law, which tainted and affected this election to the point that there is no certainty as to the accuracy of the election.

34. All Defendants acted under color of state law and all violated the Pennsylvania Election Code and the aforementioned constitutional provisions.

Count I - Declaratory Relief

35. Paragraphs 1 through 34 are incorporated by reference.

36. The Defendants, due to lack of supervision and/or through the alleged pervasive misconduct, violated the Pennsylvania Election Code as noted above and, as a result, corrupted and undermined the election results and undermined the right of voters to vote for a candidate of their choice and for candidates to run and be voted for by persons.

37. Plaintiffs are requesting declaratory relief that the acts of Defendants violated the First and Fourteenth Amendments of the United States Constitution in terms of right of association, right to vote and right to speech, and further, fundamental due process affecting the election pursuant to the Fourteenth Amendment of the United States Constitution through Federal Statute 42 U.S.C.S.A. 1983.

WHEREFORE, Plaintiffs respectfully request this Honorable Court to order declaratory relief and Order that the special election held on March 21, 2017 was in violation of the Election Code and 42 U.S.C.A. 1983 due to First and Fourteenth Amendment violations and should be null and void.

Count II - Preliminary and Permanent Injunctive Relief

38. Paragraphs 1 through 37 are incorporated by reference.

39. The special election held on March 21, 2017 was in violation of the Pennsylvania Election Code and in violation of the First and Fourteenth Amendments of the United States Constitution, as noted above and the Due Process Clause of the Fourteenth Amendment through 42 U.S.C.A. 1983.

40. There were numerous and repeated election violations and tampering with votes, which resulted in election results that were not accurate or fairly counted and the election should be declared null and void.

41. Plaintiffs are seeking preliminary and permanent injunctions barring recognition and implementation of the election results and directing that a new election to be held.

42. There was irreparable harm to Plaintiffs and the public because of the pervasive serious violations of the Election Code and their First Amendment rights and the uncertainty of the legitimacy of the election results.

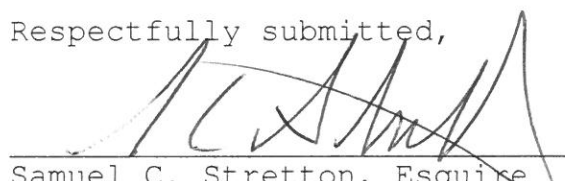
43. Plaintiffs have no other adequate remedy available at law.

44. Plaintiffs respectfully request this Honorable Court preliminarily and permanently enjoin the election results and order a new special election.

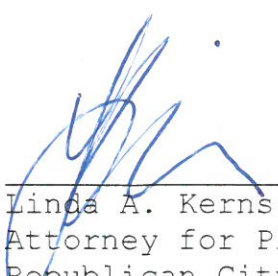
WHEREFORE, the Plaintiffs, Lucinda Little, Cheri Honkala, The Green Party of Pennsylvania, A Minor Political Party, Republican City Committee of Philadelphia and Republican Party of Pennsylvania, by and through their respective counsel, Samuel C. Stretton, Esquire and Linda A. Kerns, Esquire and Joel L. Frank, Esquire, respectfully request this Honorable Court Order the following preliminary and permanent relief:

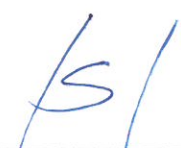
- a.) Enjoin the results of special election held on March 21, 2017 and the seating of the putative election of Defendant Vasquez preliminarily and permanently.
- b.) Order a new election to be held.
- c.) Order sanctions as relevant.
- d.) Award counsel fees and costs.

Respectfully submitted,

  
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4/6/2017

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