

HEARING NOTICE

PROPOSED CHANGES TO VOTING DISTRICTS

THE PHILADELPHIA COUNTY BOARD OF ELECTIONS
HAS PETITIONED THE COURT OF COMMON PLEAS TO
ALTER AND REVISE THE BOUNDARIES OF THE
FOLLOWING ELECTION DISTRICTS

WARD: 40TH

DIVISIONS: 42ND & 45TH

IN ACCORDANCE WITH THE ATTACHED PLAN, A HEARING
IS SCHEDULED FOR THIS PETITION AS FOLLOWS:

HEARING DATE: AUGUST 1, 2019

TIME: 9:30 A.M.

PLACE: CITY HALL COURTROOM 513

ANY PERSONS OBJECTING TO THESE CHANGES MUST
FILE THOSE OBJECTIONS WITH THE COURT OF
COMMON PLEAS PRIOR TO THE DATE OF THE HEARING

THESE DIVISIONS HAVE THE FOLLOWING NUMBERS OF ELECTORS
ENROLLED:
40-42 (682); 40-45 (590)

OFFICE OF THE CITY COMMISSIONERS
COUNTY BOARD OF ELECTIONS
215-686-3469

IN THE COURT OF COMMON PLEAS
CIVIL TRIAL DIVISION OF PHILADELPHIA COUNTY

Filed and Attested by the
Office of Judicial Records
09 JUL 2019 03:22 pm

IN RE PETITION OF PHILADELPHIA
COUNTY BOARD OF ELECTIONS

IN THE COURT OF COMMON PLEAS
OF PHILADELPHIA COUNTY

July Term, 2019


NO. 19716

RULE TO SHOW CAUSE

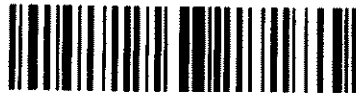
AND NOW, this 17 day of July, 2019, upon consideration of the Petition to redraw, revise, and modify the Election District Boundaries of the 42nd and 45th Election Districts of the 40th Ward filed by the Philadelphia County Board of Elections, pursuant to the Pennsylvania Election Code, 25 P.S. § 2704, a Rule is issued upon all interested parties to appear and show cause why an Order should not be entered authorizing the modification and revisions requested within that Petition.

This Rule is Returnable on the 1 day of August 2019, at 9:30 A.M./P.M. in Courtroom 513, City Hall, Philadelphia, Pennsylvania.

On the Return dates, Petitioner shall provide an Affidavit of Service certifying that notice has been provided by mail or hand delivery to the Democratic and Republican Ward Leaders, Committee People, and the Election Boards, and by posting for the public at large. The notice shall include a brief statement of the division, re-division, alteration, formation or consolidation of Elections Districts recommended by the Philadelphia County Board of Elections, and the date upon which argument will be considered by this Court, along with a warning that any person objecting thereto must file written objections with the Office of Judicial Records at least 24 hours before the hearing date. Such notice must be posted for at least ten (10) days, in at least five (5) public and conspicuous places in the district or districts to be affected thereby; and at least one such notice shall be posted on or in the immediate vicinity of the polling place in the district.

BY THE COURT


Philadelphia Board Of Elections Vs Philadeip RL FIS



19070171600005

IN THE COURT OF COMMON PLEAS
CIVIL TRIAL DIVISION OF PHILADELPHIA COUNTY

Filed and Attested by the
County of Judicial Records
09 JUL 2019 03:22 pm
C. SCHUBERT

IN RE PETITION OF PHILADELPHIA
COUNTY BOARD OF ELECTIONS

IN THE COURT OF COMMON PLEAS
OF PHILADELPHIA COUNTY

July Term, 2019

NO. 01716

ORDER

AND NOW, this _____ day of _____, 2019, upon consideration of this
Petition, filed on _____ day of _____ 2019, the hearing held on the _____ day
of _____, 2019, where compliance with this Court's Rule to Show Cause having been
established by Affidavit of Service certifying that notice was provided as required, and there
being no objection,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the Petition to redraw,
revise and modify the Election District boundaries of the 42nd and 45th Election Districts of the
40th Ward, filed by the Philadelphia County Board of Elections, pursuant to the Pennsylvania
Election Code, 25 P.S. § 2704, is GRANTED, and that the boundary modifications and revisions
of the 42nd and 45th Election Districts of the 40th Ward be modified and revised, as per the Chart
and attachments hereto.

BY THE COURT

CITY OF PHILADELPHIA LAW DEPARTMENT

MARCEL S. PRATT, CITY SOLICITOR

BY: Benjamin H. Field, Divisional Deputy City Solicitor

Attorney I.D. No. 204569

Michael Pfautz, Assistant City Solicitor

Attorney I.D. No. 325323

One Parkway Building, 15th Floor

1515 Arch Street

Philadelphia, PA 19102-1595

Tel (215) 683-5024 and Fax (215) 683-5299

Attorneys for Petitioner

Filed and Attested by the
Office of Judicial Records
09 JUL 2019 03:22 pm
R. SCHREIBER

IN RE PETITION OF PHILADELPHIA
COUNTY BOARD OF ELECTIONS

IN THE COURT OF COMMON PLEAS
OF PHILADELPHIA COUNTY

July Term, 2019

NO. 01716

**PETITION TO REDRAW, REVISE AND MODIFY THE ELECTION DISTRICT
BOUNDARIES OF THE 42ND AND 45TH ELECTION DISTRICTS OF THE 40TH WARD**

Petitioner, the Philadelphia County Board of Elections, by and through its undersigned counsel, in accordance with 25 P.S. § 2704, petitions this Court for an order to redraw, revise, and modify the boundaries of the 42nd and 45th Election Districts of the 40th Ward as set forth below:

1. The 42nd and 45th Election Districts of the 40th Ward are located at the southwestern part of the 40th Ward.
2. The 42nd Election District of the 40th Ward is bounded by Buist Avenue, 76th Street, Island Road, an imaginary line, 78th Street, Jason Place, April Walk, Hermes Place, and 78th Street. *See* Exhibit A at 1-2.
3. The 45th Election District of the 40th Ward is bounded by 80th Street, Lindbergh Boulevard, 78th Street, Jason Place, April Walk, 77th Street, Hermes Place, 78th Street, and Buist Avenue. *See* Exhibit A at 3-4.

4. During the 2019 Municipal Primary and Special Election, the 42nd Election District of the 40th Ward voted at Penrose School located at 2515 S 77th Street.

5. During the 2019 Municipal Primary and Special Election, the 45th Election District of the 40th Ward voted at Cibotti Recreation Center located at 2500 S 77th Street.

6. The 42nd Election District of the 40th Ward has 682 electors.

7. The 45th Election District of the 40th Ward has 590 electors.

8. The reliance on imaginary lines and utilization of outdated street layouts in defining the current election district boundaries has resulted in a need to clarify the boundaries and comport with statutory guidelines.

9. The current election district boundaries have caused confusion over the proper voter registration placement.

10. According to the Pennsylvania Election Code, “[t]he county board of elections may . . . petition the court for the division or redivision of any . . . ward or election district into two or more election districts, or for the alteration of the bounds of any election district, or for the formation of one or more election districts out of two or more existing election districts, or parts thereof.” 25 P.S. § 2704.

11. The petition must include “a map and a verbal description of the boundaries of the proposed new election districts” and “a certification of the number of electors registered in each of the resulting election districts for the immediately preceding general or municipal election.” *Id.*

12. “Upon the presentation of any such petition by the county board, the court may make such order for the division, redivision, alteration, formation or consolidation of election

districts, as will, in its opinion, promote the convenience of electors and the public interests:

Provided [sufficient notice is provided].” *Id.*

13. Revising the aforementioned election districts will clarify district boundaries and remove confusion from the voter registration process.

14. The proposed modification for the 42nd Election District of the 40th Ward will consist of the following new boundaries: Buist Avenue, 76th Street, Island Avenue, Lindbergh Boulevard, 78th Street, Jason Place, the western and southern property lines of 7701 Lindbergh Boulevard, additional property lines, Orpheus Place, and 78th Street. *See* Exhibits B, C.

15. The proposed modification for the 45th Election District of the 40th Ward will consist of the following new boundaries: 80th Street, Lindbergh Boulevard, 78th Street, Jason Place, the western and southern property lines of 7701 Lindbergh Boulevard, additional property lines, Orpheus Place, 78th Street, and Buist Avenue. *See* Exhibits B, D.

16. The tentative polling place location for the electors of the proposed 42nd Election District of the 40th Ward will be the Penrose School located at 2515 S 77th Street.

17. The tentative polling place location for the electors of the proposed 45th Election District of the 40th Ward will be the Cibotti Recreation Center located at 2500 S 77th Street.

WHEREFORE, the Philadelphia County Board of Elections request the Court to revise, redraw, and modify the Election District boundaries of the 42nd and 45th Election Districts of the 40th Ward according to the attached plan, in accordance with the Pennsylvania Election Code 25 P.S. § 2704.

Respectfully submitted,

CITY OF PHILADELPHIA
LAW DEPARTMENT

DATED: July 9, 2019

BY: /s/ Benjamin H. Field
Divisional Deputy City Solicitor
Attorney I.D. No. 204569
Michael Pfautz, Assistant City Solicitor
Attorney I.D. No. 325323
1515 Arch Street, 15th Floor
Philadelphia, PA 19102
Phone: (215) 683-5024
Fax: (215) 683-5069
Benjamin.Field@phil.gov
Attorneys for Petitioner

VERIFICATION

I, Garrett C. Dietz, for the Office of the City Commissioners, verify that the facts as set forth above are true and correct to the best of my knowledge, information and belief.

I understand that false statements made therein are subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

DATED: July 5, 2019

BY:


Garrett C. Dietz
Election Compliance Specialist
Office of the City Commissioners

Filed and Attested by the
Office of Judicial Records
09 JUL 2019 03:22 pm

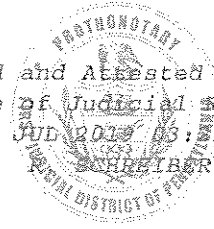
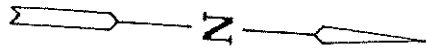
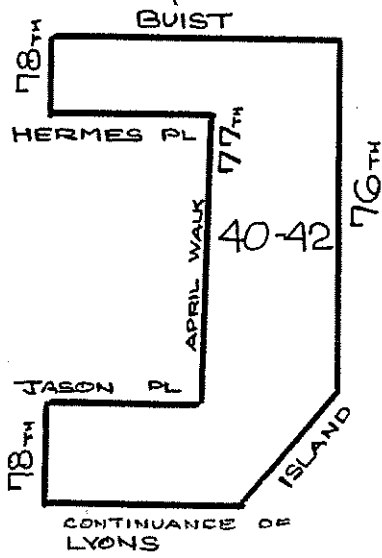


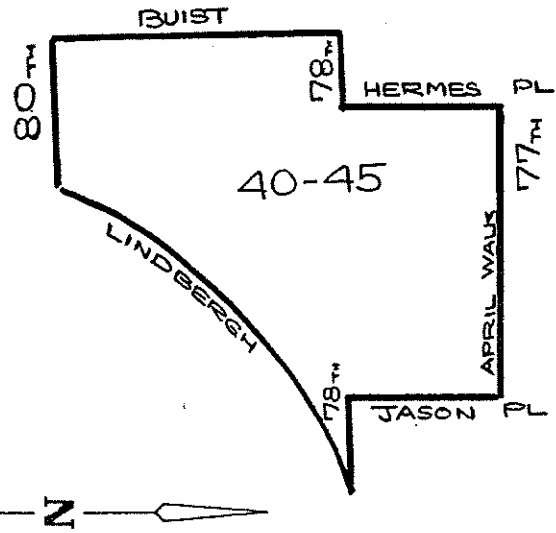
EXHIBIT "A"



The new 42nd Election District of the 40th Ward is bounded and described as follows:

BEGINNING at the intersection of the middle line of 78th St. and the middle line of Buist Ave.; thence northward along the middle line of Buist Ave. to the middle line of 76th St.; thence eastward along the middle line of 76th St. to the middle line of Island Rd.; thence southeastward along the middle line of Island Rd. to the middle of a continuance of the middle line of what was Lyons Ave.; thence southward along the continuance of the middle line of what was Lyons Ave. through an open area to the middle line of 78th St.; thence westward along the middle line of 78th St. to the middle line of Jason Place; thence northward along the middle line of Jason Place to the middle line of April Walk; thence westward along the middle line of April Walk to the middle line of Hermes Place; thence southward along the middle line of Hermes Place to the middle line of 78th St.; thence westward along the middle line of 78th St. to the middle line of Buist Ave. to the first point and beginning.

The new 42nd Election District of the 40th Ward will have approximately 543 electors.

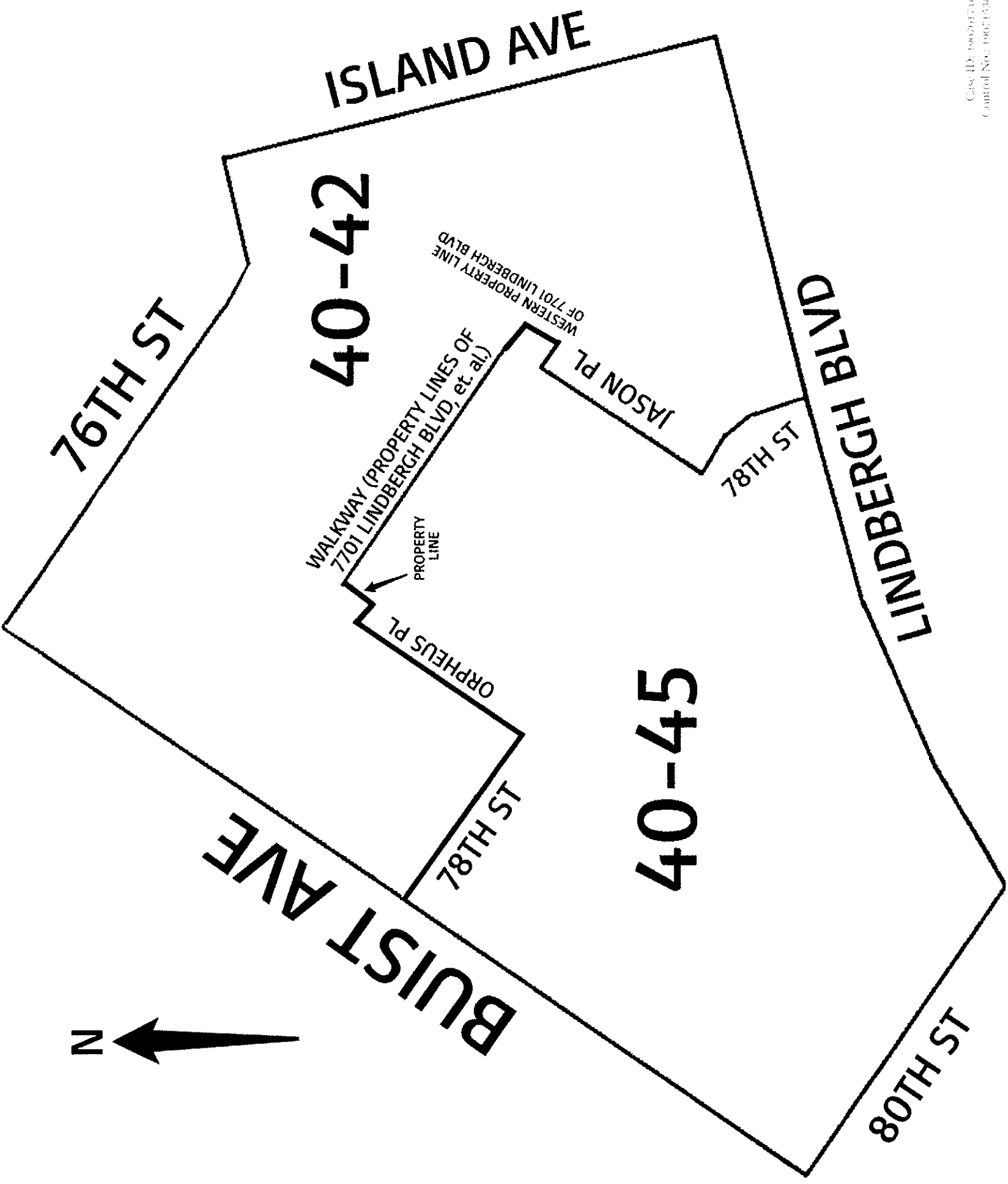


The new 45th Election District of the 40th Ward is bounded and described as follows:

BEGINNING at the intersection of the middle line of 80th St. and the middle line of Buist Ave.; thence eastward along the middle line of 80th St. to the middle line of Lindbergh Blvd.; thence northeastward along the middle line of Lindbergh Blvd. to the middle line of 78th St.; thence westward along the middle line of 78th St. to the middle line of Jason Place; thence northward along the middle line of Jason Place to the middle line of April Walk; thence westward along the middle line of April Walk to the middle line of 77th St.; thence continuing westward along the middle line of 77th St. to the middle line of Hermes Place; thence southward along the middle line of Hermes Place to the middle line of 78th St.; thence westward along the middle line of 78th St. to the middle line of Buist Ave.; thence southward along the middle line of Buist Ave. to the middle line of 80th St. to the first point and beginning.

The new 45th Election District of the 40th Ward will have approximately 711 electors.

EXHIBIT “B”



76TH ST

ISLAND AVE

40-42

WESTERN PROPERTY LINE
OF 7701 LINDBERGH BLVD

WALKWAY (PROPERTY LINES OF
7701 LINDBERGH BLVD, et. al.)
PROPERTY
LINE

JASON PL

78TH ST

LINDBERGH BLVD

BUIST AVE

78TH ST

40-45

80TH ST



EXHIBIT “C”

The new 42nd Election District of the 40th Ward is bounded and described as follows:

Beginning at the intersection of the middle line of 78th Street and the middle line of Buist Avenue; thence northeastward along the middle line of Buist Avenue to the middle line of 76th Street; thence southeastward and eastward along the middle line of 76th Street to the middle line of Island Avenue; thence southward along the middle line of Island Avenue to the middle line of Lindbergh Boulevard; thence westward along the middle line of Lindbergh Boulevard to the middle line of 78th Street; thence northwestward along the middle line of 78th Street to the middle line of Jason Place; thence northeastward and southeastward along the middle line of Jason Place and a continuation of Jason Place to the western property line of 7701 Lindbergh Boulevard; thence northeastward along the western property line of 7701 Lindbergh Boulevard to a walkway along the southern property line of 7701 Lindbergh Boulevard; thence northwestward along the walkway occupying the border between the rear property line of 7701 Lindbergh Boulevard and the various rear property lines of Jason Place, Olympus Place, and Delphi Place and continuing along said walkway between the property lines of Delphi Place and Dothan Terrace to a point between the rear property line of Dothan Terrace and the eastern property line of Orpheus Place; thence southwestward along the eastern property line of Orpheus Place to the middle line of Orpheus Place; thence northwestward and southwestward along the middle line of Orpheus Place to the middle line of 78th Street; thence northwestward along the middle line of 78th Street to the middle line of Buist Avenue, the first point and beginning.

PROPOSED WRITTEN DESCRIPTION

EXHIBIT “D”

The new 45th Election District of the 40th Ward is bounded and described as follows:

Beginning at the intersection of the middle line of Buist Avenue and 80th Street; thence southeastward along the middle line of 80th Street to the middle line of Lindbergh Boulevard; thence eastward along the middle line of Lindbergh Boulevard to the middle line of 78th Street; thence northwestward along the middle line of 78th Street to the middle line of Jason Place; thence northeastward and southeastward along the middle line of Jason Place to the western property line of 7701 Lindbergh Boulevard; thence northeastward along the western property line of 7701 Lindbergh Boulevard to the southern property line of 7701 Lindbergh Boulevard; thence northwestward along the walkway occupying the border between the rear property line of 7701 Lindbergh Boulevard and the various rear property lines of Jason Place, Olympus Place, and Delphi Place and continuing along said walkway between the rear property lines of Delphi Place and Dothan Terrace to a point between the rear property line of Dothan Terrace and the eastern property line of Orpheus Place; thence southwestward along the eastern property line of Orpheus Place to the middle line of Orpheus Place; thence northwestward and southwestward along the middle line of Orpheus Place to the middle line of 78th Street; thence northwestward along the middle line of 78th Street to the middle line of Buist Avenue; thence southwestward along the middle line of Buist Avenue to the middle line of 80th Street, the first point and beginning.

PROPOSED WRITTEN DESCRIPTION