

Questions and Answers on Magisterial District Judge Certificate of Nomination

1. What is an Incumbent Magisterial District Judge Certificate of Nomination?
 - a. The Incumbent Magisterial District Judge Certificate of Nomination (IMDJCN) is a means for an elected incumbent Magisterial District Judge to access the ballot of the primary election without gathering signatures.
 - b. The IMDJCN is established by Section 912.1(32) of the PA Election Code, 25 P.S. § 2872.1(32), which was enacted into law by Act 127 of 2018 on October 24, 2018.
 - c. The language of Act 127 of 2018 is available online at <https://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2018&sessInd=0&smthLwInd=0&act=127>.
2. Is this the same as the “other” certificate of nomination that has existed for many years?
 - a. No. Certificates of nomination are issued under the Election Code’s Article IX(E), 25 P.S. §§ 2953-60, to fill vacancies caused by death or withdrawal of a candidate, and are used to submit a candidate’s name for a November election or a special election. They are like the IMDJCN only in that no voters’ signatures must be gathered.
 - b. The IMDJCN is used to submit a candidate’s name for the primary election, and only for an incumbent magisterial district judge running for re-election. (An incumbent magisterial district judge serving by appointment of the Governor may **not** file an IMDJCN, but must circulate and file nomination petitions in the same manner as any other non-incumbent candidate.)
3. When filing for re-election, what other documents must incumbent magisterial district judges submit besides the certificate?
 - a. The General Assembly in Act 127 did not specify the requirements for filing in detail, but the Department of State understands the IMDJCN to take the place of the nomination petition only.
 - b. Other candidate filing requirements established by the Election Code remain in effect, including:
 - i. Candidate’s Affidavit,
 - ii. Filing Fee,
 - iii. Statement of Financial Interest, and
 - iv. Campaign Finance Filing Requirements or Waiver of Expense Account reporting Affidavit.
4. What is the deadline for filing these documents?
 - a. The Department of State understands the deadline for filing the IMDJCN to be the same as the deadline for filing nomination petitions.
 - b. For other required documents and filings, their respective deadlines continue to apply.
5. What about third parties?
 - a. Act 127 addresses only nomination petitions and access to the ballot for the primary election, which by law is conducted only for the nomination of candidates by the “major” political parties (*i.e.*, the Republican and Democratic parties currently).
 - b. Act 127 does not appear to grant any privileged ballot access to incumbent magisterial district judges who seek the nomination of a minor political party or a political body. An incumbent magisterial district judge who seeks re-election as the candidate of a minor political party or political body must, like any other such candidate, gather signatures through nomination papers as provided in Section 912.2 and Article IX(B) of the Election Code, 25 P.S. §§ 2872.2, 2911-14.

COMMONWEALTH OF PENNSYLVANIA
INCUMBENT MAGISTERIAL DISTRICT JUDGE NOMINATION CERTIFICATE

Notice of Intent to Seek Nomination in the _____ (date) Municipal Primary.

1. Name of Candidate: _____
2. Name as it is to appear on the ballot: _____
3. Residential Street Address/Post Office/ZIP Code of Candidate:

4. Municipality (City/Borough/Township): _____ County: _____
5. Voting Precinct Name (Ward and District/Division, if applicable): _____
6. Mailing Address (if different from residential):

7. Email _____ Phone Number _____
8. Office Sought: Magisterial District Judge for Magisterial District No. ____ - ____ - ____, located in _____ County, Pennsylvania
9. Office Currently Held: Magisterial District Judge for Magisterial District No. ____ - ____ - ____, located in _____ County, Pennsylvania. I was elected on _____ (date) and entered into service on _____ (date).
10. Political Party Nomination(s) Sought (choose one):
Democratic _____
Republican _____
Both _____

CANDIDATE'S AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA

SS:

COUNTY OF _____

I do swear (or affirm) that my residence, my election district and the name of the office for which I desire to be a candidate are as specified above, that I am eligible for said office, and that I will not knowingly violate any election law or any law regulating and limiting nomination and election expenses, and prohibiting corrupt practices in connection therewith; that I am aware of the provisions of Section 1626 of the Pennsylvania Election Code requiring pre-election and post-election reporting of campaign contributions and expenditures; that I am not a candidate for an office which I already hold, the term of which is not set to expire in the same year as the office subject to this affidavit. I further swear (or affirm) that I am the elected incumbent Magisterial District Judge in the above-specified district, and I acknowledge that by filing this certificate, I will forego the opportunity to object to the nomination petitions of any other candidate for magisterial district judge.

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20____.

I swear (or affirm) to the above as required by the laws applicable to the office I seek.

(Signature of Person Administering Oath)

Signature of Candidate

Official Title

Printed Name of Candidate

My Commission Expires _____