

REQUEST FOR REVIEW BY LUZERNE COUNTY ELECTION BOARD

Pursuant to the Luzerne County Home Rule Charter Section 10.7 (B) the requestors In Action Together NEPA, Beth Gilbert, Olivia Butkiewicz, Kathlyn Lopez-Hiraldo, Melissa Rivers, Samantha Troyan Yesenia Rodriguez, Andrea Gold are requesting that the determination by the Office of Clerk of County Council that the petition --- was sufficient in meeting the provisions set forth in the Charter be reviewed by the Luzerne County Board of Elections and Registration.

I. Requesters

- A. Action Together NEPA is a 501(c) (4) nonprofit organization that is dedicated to promoting civic engagement and protecting the right to vote.
- B. Beth Gilbert is a resident of Luzerne County who resides at Wilkes-Barre, PA 18702
- C. Olivia Butkiewicz is a resident of Luzerne County who resides at Plymouth, PA 18651
- D. Kathlyn Lopez-Hiraldo is a resident of Luzerne County who resides at Wilkes-Barre, PA 18701
- E. Melissa Rivers is a resident of Luzerne County who resides at Kingston, PA 18704
- F. Samantha Troyan is a resident of Luzerne County who resides at Mountain Top, PA 18707
- G. Yesenia Rodriguez is a resident of Luzerne County who resides at Hazleton, PA 18201
- H. Andrea Glod is a resident of Luzerne County who resides at Wilkes-Barre, PA 18702

II. Applicable Law

- A. The Pennsylvania Supreme Court has stated: "all the safeguards the law has placed around nomination petitions in order to insure their genuineness, have also been placed around the petitions to be filed for the purpose of causing to be submitted to the electorate in any

municipality the [initiative] question. " 352 Pa. at 639, 44 A.2d at 48. In Petition of Werner, 662 A.2d 35 (Pa. Commw. 1995)

- B. As such all petitions for Referendum under the Home Rule Charter of Luzerne County are subject to the same legal requirements as nomination petitions as established in 25 P.S. § 2868 and 25 P.S. § 2869 and as well as any applicable case law.

III. Issues

- A. Petitions that have been submitted by the circulators do not have the date of the circulator's statement.

1. This is a deficiency in process as one of the established rules in Pennsylvania law is that all of the signatures on the petition must be dated before the circulator's signs the statement. Without the circulator's statement being dated there is no way to confirm that this standard has been followed by the circulators. See Exhibit A with signature redacted.
2. Additionally, the circulator's statement attached to the petition states "Note: This statement must be completed after all signatures have be obtained" Without a date there is no confirmation that the requirement has been followed.
3. This deficiency places the sufficiency of the petitions for the referendum at question.

- B. The petitions that were circulated state "referendum on the ordinance" instead of "referendum to repeal the Ordinance 2026-11". The Home Rule Charter specifically lays out the procedure for referendums seeking to repeal ordinances.

1. The failure to state in the header of the petition that it was to repeal the listed ordinance creates confusion to those who sign the petition. The header instead stated "To have the Referendum on Luzerne County Council Ordinance 2026-11". The only reference to repeal on the petition is in reference to actions of county council not the voters. See Exhibit B with signatures redacted.
2. The purpose of the referendum petition is not to place the ordinance on the ballot but to instead repeal an already passed

ordinance. These are two distinct objectives which was not made clear to those who signed the petition.

C. Signature collectors intentionally misled voters who signed the petition

1. 25 P.S. § 2869 states "that the signers thereto signed with full knowledge of the contents of the petition"
2. Signers have stated that they were told that the petition was to "keep boys out of girls bathrooms"
3. Signers have stated that they were told that the petition would "prevent landlords from asking about immigration status". That action is already prevented by the Fair Housing Act and therefore those statements were blatant misrepresentations.
4. The above statements indicate that the signers of the petition did not sign with full knowledge of the contents of the petition.

D. There exist enough deficiencies in the signatures submitted in the petitions to prevent the petitions from being considered sufficient.

1. The requirement for the sufficient number of voters to move a referendum petition forward is established in the Home Rule Charter as the total number of signatures being equal to at least ten percent of the total number of votes cast in Luzerne County for the office of Governor of Pennsylvania in the most recent general election for that office which in the election year of 2022 was 116,153 voters.
2. Based on the calculation above the petition must have 11,615 signatures in order to be sufficient.
3. The submitted petition had 15,405 signatures at the time of submission.
4. There are 8,971 signatures in the petition that are deficient under these numerous categories:
 - a. Not registered
 - b. Not registered at address
 - c. Not registered on date signed
 - d. Out of county
 - e. Illegible
 - f. Line information omitted
 - g. Duplicate

- h. Line information in the hand of another
- i. Nickname/ Initial
- j. Printed signature
- k. Defective circulator statement
- l. Voter signature before June 17th, 2026
- m. See attached Exhibit C

IV. Requested relief

That the Luzerne County Board of Elections review the submitted petitions and find them insufficient based on the stated issues above.

Respectfully submitted,

Date: 9/4/26

Beth Gilbert

Beth Gilbert
Wilkes-Barre, Pa 18702

Date: 9/4/26

Olivia Butkiewicz

Olivia Butkiewicz
Plymouth, Pa 18651

Date: 9/4/26

Kathlyn-Lopez-Hirald

Kathlyn-Lopez-Hirald
Wilkes-Barre, Pa 18701

Date: 9/4/2026

Melissa Rivers

Melissa Rivers
Kingston, Pa 18704

Date: 9/4/26

Samantha Trozen

Samantha Trozen
Mountain Top, Pa 18707

Date: 9/4/26

Yesenia Rodriguez

Yesenia Rodriguez
Hazleton, Pa 18201

Date: 9/4/26

Andrea A. Glod

Andrea Glod
Wilkes-Barre, Pa 18702

PETITION ___ of ___
STATEMENT OF CIRCULATOR

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF LUZERNE

I state that I am a qualified elector of the Commonwealth; that I am duly registered and enrolled as a voter Luzerne County; that my residence is as set forth below; that the signers to the foregoing Referendum Petition signed the same with full knowledge of the contents thereof; that their respective residences are correctly stated therein; that each signed on the date set opposite his or her name; and that to the best of my knowledge and belief, the signers are qualified electors, duly registered voters of the political district designated in this petition, and that they are residents of the County specified below. Further, I state that the information set forth herein is true and correct to the best of my knowledge, information, and belief, and that this statement is made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(Signature of Circulator)

(Printed Name of Circulator)

(Street Address, Post Office and Zip Code of Circulator)

(City, Borough or Township of Circulator)

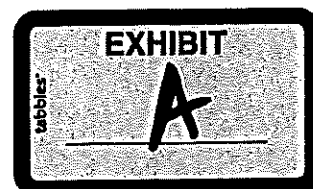
LUZERNE

(County of Petition - Circulator's Residence)

NOTE: THIS STATEMENT MUST BE COMPLETED AFTER ALL SIGNATURES HAVE BEEN OBTAINED.

947262#1 Page 4 of 4 (79) Total Signatures

{NOTHING FOLLOWS}



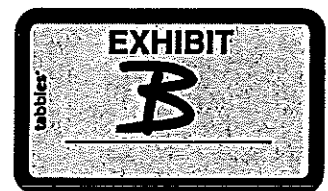
COMMONWEALTH OF PENNSYLVANIA

PETITION

To have the Referendum on Luzerne County Council Ordinance 2026-11 "Establishing County-Wide Non-Discrimination Requirements for Employment, Housing, Education, Health Care and Public Accommodations; and Providing for Investigation and Enforcement of Claims of Discrimination" printed upon the Official Ballot for the election occurring not less than thirteen (13) Tuesdays after County Council takes action not to repeal the referred Ordinance or after the expiration of County Council's thirty (30) day opportunity to repeal the Ordinance, whichever occurs first.

SIGNERS ARE CAUTIONED TO AVOID THE USE OF DITTO MARKS

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	ADDRESS WHERE REGISTERED			DATE OF SIGNING
		House No.	Street or Road	City, Borough or Township	



[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

