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[Ferguson Township Board of Supervisors: Deny Toll Brothers development plan](#)

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Petition update

Cutting Through the Crap: One Possible Scenario



Smita Bharti

State College, PA

Jan 3, 2016 — A reader has provided a new, key piece of information.

Under state law, the supervisors-elect do not need to wait for the swearing-in ceremony at Ferguson Township Municipal Building Monday evening. Township officials have no authority to withhold office from elected representatives, and elected representatives can be sworn in by notaries public.

PA Second Class Township Code Article V, Section 501

"Oath of Office. – Every person elected or appointed to any township office shall before assuming the duties of the office take and subscribe an oath or affirmation before a notary public, district justice or judge to support the Constitutions of the United States and of the Commonwealth and to perform the duties of the office with fidelity. A copy of the oath or affirmation shall be filed with the township secretary before assuming the duties of the office."

Having a Home Rule Charter does not supercede state authority to govern elections:

"Chapter 29, Title 53 § 2962. Limitation on municipal powers. (a) Powers granted by statute.—With respect to the following subjects, the home rule charter shall not give any power or authority to the municipality contrary to or in limitation or enlargement of powers granted by statutes which are applicable to a class or classes of municipalities:...(5) The registration of electors and the conduct of elections..."

One Possible Scenario Built Around This Information:

Monday, January 4 – Morning:

Colleen Unroe, Laura Dininni and Peter Buckland go get sworn in by a notary public.

Colleen Unroe drafts a one-page letter to the Court in response to both lawsuits, stating that she's representing herself and stating the facts:

- a) that she was a write-in candidate in May as an unregistered elector and resident of Ferguson Township;
- b) that she registered to vote in June; (attaching copy of voter registration)
- c) that she was elected on November 3 by the voters; and
- d) was certified as the election winner by the prothonotary later in November (attaching copy of certificate of election)

without anyone challenging either her eligibility to be a candidate or her eligibility to serve until December 30, more than five weeks after the Nov. 23 deadline to challenge general election results.

and stating the law:

- a) that Ferguson Township is a home rule municipality;
- b) that under state law, home rule municipalities are limited in their powers, with no authority over elections – Chapter 29, Title 53, Section 2962(a)(5);
- c) that therefore state law on eligibility is dispositive, and she is eligible to serve because she is a Ferguson Township elector, (See Article IV, Section 401 of Second Class Township Code);
- d) that she has been duly sworn in (attach copy of documentation from notary public);
- e) and that she intends to take her seat on Monday, January 4 at 7 p.m. to begin her public service on behalf of the people who elected her.

Monday, January 4 – Afternoon:

Colleen Unroe delivers that letter to the court, and publishes it through Save State College’s Water Supply Facebook, Nittany Valley Water Coalition Facebook, Steady State College and Change.org petition.

Monday, January 4 – Evening:

Laura Dininni, Peter Buckland and Colleen Unroe arrive at Ferguson Township Municipal Building, take their seats, and get down to the business of governing the township for the health, safety and public welfare of the people who elected them.

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