

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

In Re: Nomination Petition of :  
Tynada Thompson 36 1 : No. 500 C.D. 2014  
: :  
Appeal of: Julia Bringhurst : Submitted: April 4, 2014

BEFORE: HONORABLE BERNARD L. McGINLEY, Judge  
HONORABLE RENÉE COHN JUBELIRER, Judge  
HONORABLE MARY HANNAH LEAVITT, Judge

OPINION NOT REPORTED

**MEMORANDUM OPINION  
BY JUDGE COHN JUBELIRER**

**FILED: April 8, 2014**

Julia Bringhurst (Objector) appeals from the Order of the Court of Common Pleas of Philadelphia County (trial court) that denied Objector's Petition to Set Aside the Nomination Petition of Tynada Thompson (Candidate) for Member of Ward Executive Committee for the Democratic Party (Petition to Set Aside). However, because Objector failed to serve Candidate with the Notice of Appeal, we dismiss Objector's appeal.

Objector timely filed the Petition to Set Aside on March 16, 2014. The trial court held a hearing on the Petition to Set Aside on March 21, 2014, at which both Objector and Candidate were present. Candidate's Nomination Petition contains seventeen signatures, (Trial Ct. Op. at 1), and, pursuant to Section 912.1(35) of the

Pennsylvania Election Code (Election Code),<sup>1</sup> she needs ten valid signatures to remain on the ballot. Objector challenged nine of the signatures on a line-by-line basis.

At the hearing, the trial court reviewed the signatures and struck five signatures from the Nomination Petition, leaving twelve signatures. Therefore, the trial court denied Objector's Petition to Set Aside. Objector now appeals to this Court.<sup>2</sup>

The trial court observes in its opinion in support of its Order that Objector did not serve Candidate with the Notice of Appeal and, therefore, Objector's appeal should be dismissed. (Trial Ct. Op. at 1.) The Certificate of Service attached to Objector's Notice of Appeal indicates that it was served on the trial court, three attorneys, the Philadelphia Voter Registration Administrator, and the Philadelphia Board of Elections, but not on Candidate. (Notice of Appeal, Certificate of Service.) Similarly, no item filed with this Court on Objector's appeal has been served on Candidate. The trial court points out in its opinion that Candidate appeared pro se at the hearing and there is no indication in the record that any attorney ever entered an appearance on Candidate's behalf. Three

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<sup>1</sup> Act of June 3, 1937, P.L. 1333, added by Section 2 of the Act of December 12, 1984, P.L. 968, as amended, 25 P.S. § 2872.1(35) (stating that ten signatures are needed for “[a]ll other public and party offices”).

<sup>2</sup> “The Court’s review of a trial court’s order as to the validity of a nomination petition is limited to determining whether the findings of fact are supported by substantial evidence in the record and whether there was an error of law or an abuse of discretion.” In Re Williams, 972 A.2d 32, 33 n.1 (Pa. Cmwlth. 2009).

attorneys were served with the Notice of Appeal, but only one spoke on the record in this matter and he specifically denied that he represented Candidate. (Hr’g Tr. at 4; Trial Ct. Op. at 1.) Although Objector’s brief states that Candidate “was represented by counsel” at the hearing, there is no evidence in the record to support this statement and all the evidence is to the contrary. (Objector’s Br. at 6.) The transcript shows that no attorney spoke on behalf of Candidate and she testified and answered for herself.

There are very tight time frames for filing and deciding appeals under the Election Code. See, e.g., Pa. R.A.P. 903(c)(1)(ii) (an appeal must be filed “within ten days of the entry of the order from which the appeal is taken”); Pa. R.A.P. 906(a)(1) (“[c]oncurrently with the filing of the notice of appeal . . . , the appellant shall serve copies thereof . . . and copies of a proof of service showing compliance with this rule, upon: (1) All parties to the matter in the trial court . . . .). Our Supreme Court recently noted that “[t]he time constraints inherent in election matters often leave little time for deliberation upon challenges . . . .” Pilchesky v. Lackawanna County, \_\_ Pa. \_\_, \_\_, \_\_ A.3d \_\_, \_\_ (No. 40 MAP 2013, filed March 26, 2014), slip op. at 19. See also Petition of Cioppa, 533 Pa. 564, 569, 626 A.2d 146, 149 (1993) (stating that the Court’s “foremost concern was to insure that the challenged candidates’ names appeared on the ballot given the time constraints imposed by the fast-approaching primary election”). Given that Candidate has not been served with the Notice of Appeal, and the time constraints in matters under the Election Code, we are constrained to dismiss this appeal.<sup>3</sup>

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<sup>3</sup> Moreover, even if we did not dismiss Objector’s appeal, she would not have prevailed. Pursuant to Section 908 of the Election Code, 25 P.S. § 2868, “[e]ach signer of a nomination  
(Continued...)

Because Objector did not serve Candidate with the Notice of Appeal in this matter as required by Pa. R.A.P. 906(a)(1), we dismiss Objector’s appeal.

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**RENÉE COHN JUBELIRER, Judge**

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petition shall sign but one such petition . . . shall legibly print his name and add the date of signing . . . .” Candidate has twelve valid signatures and, therefore, three signatures would need to be successfully challenged for Candidate to be removed from the ballot. Objector asserts that Lines 11, 12, and 13 should be stricken because the electors printed, rather than signed, their names in the signature box; however, the electors on these lines both signed and legibly printed their names on the Nomination Petition, which complies with Section 908. That they “flipped” their signatures and printed names does not render them defective. As the Nomination Petition contains the electors’ signatures and printed names, it is clear that one would be able to research whether the electors’ signatures match those on their voter registration card. Hence, this defect does not “call into question the identity of the signatory or compromise the integrity of the election process.” In re Nomination Petition of Gales, 618 Pa. 93, \_\_\_, 54 A.3d 855, 859 (2012). The one additional challenged signature would not make a difference. We are cognizant that the Election Code “should be liberally construed to protect a candidate’s right to run for office and the voters’ rights to elect the candidate of their choice.” Id. at \_\_\_, 54 A.3d at 857.

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**ORDER**

**NOW**, April 8, 2014, the appeal of Julia Bringhurst from the Order of the Court of Common Pleas of Philadelphia County in the above-captioned matter is hereby **DISMISSED** for the failure to serve the Notice of Appeal on Tynada Thompson as required by Rule 906(a)(1) of the Pennsylvania Rules of Appellate Procedure.

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**RENÉE COHN JUBELIRER, Judge**