

**[J-48-2014]**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**MIDDLE DISTRICT**

IN RE: NOMINATION PETITION OF	:	29 MAP 2014
ROBERT GUZZARDI FOR THE	:	
REPUBLICAN NOMINATION FOR	:	Appeal from the Order of the
GOVERNOR OF PENNSYLVANIA IN	:	Commonwealth Court at No. 158 MD 2014
THE REPUBLICAN PRIMARY OF MAY	:	dated April 15, 2014
20, 2014	:	
	:	
APPEAL OF: RICHARD W. STEWART,	:	Submitted: April 21, 2014
ROBERT K. ROBINSON, RICHARD	:	
TEMS AND DONNA M. COSMELLO	:	

**ORDER**

**PER CURIAM**

**DECIDED: May 1, 2014**

**AND NOW**, this 1st day of May, 2014, the Order of the Commonwealth Court is **REVERSED**. The Commonwealth Court erred in applying nunc pro tunc constructs to excuse what it perceived to be a non-negligent failure to timely file a statement of financial interests with the Ethics Commission, as required by Section 1104(b)(1) of the Ethics Act. See 65 Pa.C.S. §1104(b)(1). The untimely filing of the statement constitutes a fatal defect that precludes a candidate’s appearance on the ballot. See 65 Pa.C.S. §1104(b)(3) (“Failure to file the statement in accordance with the provisions of this chapter shall, in addition to any other penalties provided, be a fatal defect to a petition to appear on the ballot.”); In re Nomination of Paulmier, 937 A.2d 364, 371 (Pa. 2007) (“[W]e now hold that the fatality rule announced in Section 1104 of the Ethics Act was intended by the Legislature to bar only those candidates from the ballot who fail to

file statements of financial interests or who file them in an untimely manner.”) (emphasis added).

It is further **ORDERED** that Robert Guzzardi’s name is to be **STRICKEN** from the primary ballot for the Republican Party nomination for the Office of Governor of Pennsylvania.

Opinions to follow.

Mr. Justice Baer files a Dissenting Statement in which Madame Justice Todd joins.