

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In re: Nomination Petition of :
Martin B. Flynn, Candidate for the :
Democratic Nomination for Senator :
in the General Assembly, 22nd :
Legislative District, Primary Election :
to be held May 19, 2026 : 143 M.D. 2026
:
Objections of: Jeffrey Lake :

BEFORE: HONORABLE MATTHEW S. WOLF, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE WOLF

FILED: March 20, 2026

Before the Court is the Petition of Jeffrey Lake (Objector) to Set Aside the Nomination Petition (Petition to Set Aside or Petition) of Martin B. Flynn (Candidate) as a candidate for the Democratic Nomination for Senator in the General Assembly, 22nd Legislative District, in the May 19, 2026 Primary Election. Also before the Court are Candidate's Application for Relief (Application) seeking to dismiss the Petition for failure to timely serve the Petition on the Secretary of the Commonwealth (Secretary) and Objector's answer to the Application. Upon consideration of the Application and answer thereto, the Court concludes the Secretary was not timely served with the Petition, grants the Application, and dismisses the Petition.

Section 977 of the Election Code¹ provides, in relevant part:

All nomination petitions and papers received and filed within the periods limited by this act shall be deemed to

¹ Act of June 3, 1937, P.L. 1333, § 977, *as amended*, 25 P.S. § 2937.

be valid, unless, within seven days after the last day for filing said nomination petition or paper, a petition is presented to the court specifically setting forth the objections thereto, and praying that the said petition or paper be set aside. A copy of said petition shall, within said period, be served on the officer or board with whom said nomination petition or paper was filed The office of the Prothonotary of the Commonwealth Court and the office of the Secretary of the Commonwealth . . . shall be open between the hours of eight-thirty o'clock A.M. and five o'clock P.M. . . . on the last day to file objections to nomination petitions.

25 P.S. § 2937. A petition to set aside a nomination petition must be timely filed with the court, and it must also be timely served on the Secretary. Even if the petition is timely filed, failure to serve the Secretary with the petition within the statutory period requires that the petition be dismissed. *See In re Lee*, 578 A.2d 1277, 1278 (Pa. 1990); *In re Broadhurst*, 312 A.3d 410, 414-15 (Pa. Cmwlth. 2024).

The deadline for filing and serving petitions to set aside nomination petitions in the May 19, 2026 Primary Election was March 17, 2026. Objector timely filed the Petition in this Court on that date. Candidate is seeking to appear on the ballot for a state-level office and thus filed the nomination petition with the Secretary. Accordingly, the Petition was required to be served on the Secretary by March 17, 2026. 25 P.S. § 2937.

In the Application, Candidate asserts that the Secretary had not been served with the Petition as of March 18, 2026, and Candidate attaches a communication from the Secretary confirming that. The Secretary's online tracker indicates the Petition was served on the Secretary on March 19, 2026.²

In the answer, Objector explains how the Petition was timely filed in

² See "Objection Cases Filed - Primary Election 2026 (as of 3/19/2026 at 4:00 p.m.)", <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/programs/voting-and-elections/running-for-office/2026/petition-filing-2026/objections%20tracker%202026.pdf>.

this Court, but does not address how the Petition was timely served on the Secretary. Objector cites and quotes the Court’s January 22, 2026 Order authorizing service *on the candidate* via website posting of petitions to set aside.³ Objector contends that because he complied with the directives in that Order for filing the Petition with this Court, *In re Lee* does not apply.

Objector fails to acknowledge, however, that footnote 5 of the same Order states: “Nothing in this Order relieves objectors of their obligation to serve the Secretary of the Commonwealth with a copy of the objection petition as required by the Pennsylvania Election Code. *See* 25 P.S. §§ 2782 and 2937.” Objector does not dispute the Petition was not served on the Secretary by March 17, 2026. The Court concludes Objector did not timely serve the Petition on the Secretary, the Petition must be dismissed, and Candidate’s nomination petition must be deemed valid. 25 P.S. § 2937; *In re Lee*, 578 A.2d at 1278.

Candidate shall remain on the ballot as a candidate for the Democratic Nomination for Senator in the General Assembly, 22nd Legislative District, in the May 19, 2026 Primary Election.



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³ See *In re Objections to Nomination Petitions/Papers of Candidates for Statewide and State-Level Office* (Pa. Cmwlth., No. 126 Misc. Dkt. No. 3, January 22, 2026).

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ORDER

AND NOW, this 20th day of March, 2026, the Court hereby **ORDERS** as follows:

1. Martin B. Flynn's Application for Relief is GRANTED, and Jeffrey Lake's Petition to Set Aside the Nomination Petition of Martin B. Flynn as a candidate for the Democratic Nomination for Senator in the General Assembly, 22nd Legislative District, in the May 19, 2026 Primary Election is DISMISSED.
2. The Secretary of the Commonwealth is directed to certify the name of Martin B. Flynn to the proper officials for inclusion on the ballot of the Democratic Primary to be held on May 19, 2026.
3. The hearing fixed for Thursday, March 26, 2026, at 10:00 a.m., in Courtroom 3002, 3rd Floor, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania, is CANCELED.
4. Each party shall bear their own costs.

5. The Prothonotary shall notify the parties hereto and their counsel of this Order and also certify a copy hereof to the Secretary of the Commonwealth forthwith.

/s/ Matthew S. Wolf
MATTHEW S. WOLF, Judge