

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

In re: Nomination Petition of :  
Jesse J. Vodvarka, a Candidate :  
for U.S. Congress in the 17th :  
District of Pennsylvania :  
: :  
Objection of: Craig R. Holdren and :  
Robert C. Howard : No. 135 M.D. 2026

**BEFORE: HONORABLE STACY WALLACE, Judge**

**OPINION NOT REPORTED**

**MEMORANDUM OPINION  
BY JUDGE WALLACE**

**FILED: March 25, 2026**

Craig R. Holdren and Robert C. Howard (Objectors) have filed a Petition to Set Aside the Nomination Petition of Jesse J. Vodvarka (Candidate), seeking the Republican nomination to represent the 17th Congressional District in the United States House of Representatives. In addition, Objectors have filed a Motion to Continue Hearing. Candidate has responded with a Motion to Dismiss Objection Petition, alleging Objectors failed to serve the Secretary of the Commonwealth (Secretary) with their Petition to Set Aside. After careful review, the Court is constrained to grant the Motion to Dismiss Objection Petition and dismiss the Petition to Set Aside. The Court will also dismiss the Motion to Continue Hearing as moot.

**BACKGROUND**

In their Petition to Set Aside, Objectors primarily allege Candidate failed to obtain a sufficient number of valid signatures on his Nomination Petition. This Court

scheduled a hearing on Objector’s Petition to Set Aside for March 30, 2026, but later rescheduled the hearing for March 27, 2026. Objectors then filed a Motion to Continue Hearing, requesting that the Court continue the hearing to its originally scheduled date of March 30, 2026.

However, this Court issued an order on March 20, 2026, observing there was no indication Objectors had served the Secretary with their Petition to Set Aside, as required under Section 977 of the Pennsylvania Election Code (Election Code).<sup>1</sup> The Court directed Objectors to file proof of service by 4:00 p.m. on Monday, March 23, 2026. Moreover, Candidate filed a Motion to Dismiss Objection Petition on March 22, 2026, alleging Objectors failed to serve the Secretary.

Objectors filed a Motion to Confirm Service and Response to Motion to Dismiss on March 23, 2026. Objectors acknowledge their Petition to Set Aside “was not served on the [S]ecretary . . . on March 17, 2026.” Motion, 3/23/26, ¶ 7. Nonetheless, Objectors contend they reside in Allegheny County and Beaver County, and, “given the time constraints it would be categorically impossible to serve the [S]ecretary by 5 p.m. on March 17, 2026 by personal service or by express, priority mail or commercial carrier.” *Id.* ¶ 9. Objectors also contend the Secretary has received a copy of their Petition to Set Aside and all subsequent filings, such that the purpose of providing service to the Secretary has been accomplished and “no prejudice will result.” *Id.* ¶¶ 10, 12.

Objectors point to this Court’s January 22, 2026 order providing, among other things, that posting a petition to set aside on the Court’s website constitutes proper service. Motion, 3/23/26, ¶ 11. Objectors argue this Court’s order satisfies the statutory service requirement and “establishes an alternative method of service that

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<sup>1</sup> Act of June 3, 1937, P.L. 1333, *as amended*, 25 P.S. § 2937.

has been specifically approved by the Court.” *Id.* Objectors argue they “operated under a good faith belief that this Court had exercised its purely judicial function and established an alternate method of service on the [S]ecretary.” *Id.*

## DISCUSSION

Section 977 of the Election Code provides as follows with respect to filing and serving an objection to a nomination petition:

All nomination petitions and papers received and filed within the periods limited by this act shall be deemed to 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 . . . and the various offices of prothonotary of the court of common pleas shall be open between the hours of eight-thirty o’clock A.M. and five o’clock P.M. on the last day to withdraw after filing nomination petitions and on the last day to file objections to nomination petitions.

25 P.S. § 2937 (emphasis added). Here, “the officer . . . with whom said nomination petition . . . was filed” was the Secretary. *See In re Nominating Petition of Lee*, 578 A.2d 1277, 1278 (Pa. 1990). There is no dispute that the deadline for filing and serving objections to nomination petitions was March 17, 2026, at 5:00 p.m.

This Court’s decision in *In Re: Nomination Petition of Broadhurst*, 312 A.3d 410 (Pa. Cmwlth. 2024) (Cohn Jubelirer, P.J.) (single-judge op.), is instructive. In that matter, the objector filed a petition to set aside. *Id.* at 412. The objector attempted to serve the Secretary by sending first class mail on the deadline for filing objections. *Id.* at 415-17. This Court observed, however, that merely sending mail by the deadline is insufficient, explaining “the mail must be received” by the deadline. *Id.*

Further, the objector argued she served the Secretary by e-mailing her petition to set aside to the Department of State. *Broadhurst*, 312 A.3d at 416-17. The Court concluded this argument was meritless. In relevant part, the Court explained the Secretary had not agreed to e-mail service, included an e-mail address on a legal filing, or otherwise provided an e-mail address for the purpose of service. *Id.* at 419. The Court continued:

The reason the civil rules do not apply to these challenges is the concern for expediency and timely resolution. If the Secretary has not agreed to service by email and has not provided an email address at which the Secretary can expect to receive service of the official notification of the filing of an objection petition, there is no guarantee that the Secretary will be aware that a filing has been served by email. This does not give effect to the Election Code's intent for the expedient and timely resolution of such petitions. The Court is particularly sensitive to the Secretary's concern that allowing email service absent agreement of the Secretary would require the scouring of numerous email accounts to determine if any objection petitions had been served on the Secretary. . . . Here, of the objection petitions served on the Secretary, it appears that all but three were served in person on February 20, 2024. Of those three, one was served by courier, one was served by mail, and one was served by email. It was only Objector that served the Secretary by email. While it was fortuitous that the email was opened in this case, that is not any guarantee that it would happen in the future. . . .

*Id.* (citation and footnote omitted). Thus, the Court dismissed the petition to set aside. *Id.* at 420.

In this case, Objectors acknowledge they did not serve the Secretary by the deadline on March 17, 2026. Objectors instead argue the Secretary had actual notice of their Petition to Set Aside. Significantly, actual notice did not cure the objector's failure to serve the Secretary in *Broadhurst*. This is apparent because counsel for the Secretary attended the hearing before the Court. *See Broadhurst*, 312 A.3d at

413. The Court explained that “the appearance of the officer does not waive or cure defective service.” *Id.* at 415. In addition, the Court concluded the objector’s arguments “that the Secretary listed the receipt of the email in the online election tracker, and that this Court authorizes service on candidates by posting the objection petition on its website” did not entitle her to relief. *Id.* at 417 (footnote omitted).

The Court explained:

As to the former contention, . . . no agreement by the Secretary to accept service by email or that the inclusion on the tracker reflected proper service was presented, and there is no evidence that the Secretary has provided an email address to be used for the acceptance of service of legal documents. Instead, the Secretary argues to the contrary. The Court is likewise unaware of any authority that would permit the service of an objection petition on the Secretary by email without the Secretary’s agreement or the providing of an email address. As to the latter contention, this Court’s July 19, 2023 Order, authorizing service via website posting, gives ongoing **notice** to the public, and particularly candidates, that such service is acceptable, and that candidates have a continuing obligation to check the website. That Order specifically states that nothing therein “relieves an objector of their obligation to serve the Secretary . . . with a copy of the objection petition as required by Section 977 . . . .” Thus, this Court’s Order authorizes a particular type of service, which this Court is authorized to do, and the Order provides advance notice of the service rules and where to find the legal papers related to their case.

*Id.* at 417 (citations omitted, emphasis in original).

Moreover, Objectors point to this Court’s January 22, 2026 order providing, among other things, that posting a petition to set aside on the Court’s website constitutes proper service. Like in *Broadhurst*, this Court’s January 22, 2026 order makes clear that the category of people who may be served with an objection petition via the website is limited to candidates. The order in relevant part provides: “**THE POSTING OF AN OBJECTION PETITION ON THE WEBPAGE SHALL CONSTITUTE SERVICE ON THE CANDIDATE WHOSE NOMINATION**

**PETITIONS/PAPERS HAVE BEEN CHALLENGED.”** Order, 1/22/26, at 2 (critically, the emphasis is in the original). The Secretary is not a candidate. Furthermore, to erase any doubt as to whether the order also captures service on the Secretary, this Court included footnote 5 which in plain terms provides that “[n]othing in this Order relieves objectors of their obligation to serve the Secretary . . . with a copy of the objection petition as required by the . . . Election Code.” *Id.* Thus, a careful reading of the order would have alerted Objectors regarding their ongoing service obligation. With respect to Objectors’ argument that personal service on the Secretary was impossible, the Objectors were not required to wait until March 17, 2026, to file their Petition to Set Aside and could have filed sooner if they needed more time to satisfy the service requirement.<sup>2</sup>

The Court understands Objectors’ position. However, the General Assembly chose to require service on the Secretary in Section 977 of the Election Code. The Court cannot grant a petition to set aside when the objector has failed to properly serve the Secretary because the objector has “failed to prove compliance with the mandatory provisions of the Election Code.” *In re Nomination Papers of Am. Lab. Party*, 44 A.2d 48, 51 (Pa. 1945). Thus, an objector “bears the burden of proving proper service on the Secretary.” *Broadhurst*, 312 A.3d at 414. Because the averments in Objectors’ Motion to Confirm Service and Response to Motion to Dismiss demonstrate they cannot meet their burden, Candidate’s Nomination Petition is “deemed valid,” and the Court “is without power to set [it] aside.” *Id.* (quoting *Am. Lab. Party*, 44 A.2d at 50).

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<sup>2</sup> The Court notes it is assigned other election matters originating in Western Pennsylvania in which the objectors were purportedly able to serve the Secretary.

## CONCLUSION

Accordingly, the Court is constrained to grant the Motion to Dismiss Objection Petition and dismiss Objectors' Petition to Set Aside. The Court also dismisses Objectors' Motion to Continue Hearing as moot.

s/ *Stacy Wallace*  
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STACY WALLACE, Judge

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**ORDER**

**AND NOW**, this 25th day of March 2026, Jesse J. Vodvarka’s (Candidate) Motion to Dismiss Objection Petition is **GRANTED**, and Craig R. Holdren and Robert C. Howard’s (Objectors) Petition to Set Aside is **DISMISSED**. The hearing scheduled for March 27, 2026, at 2:30 p.m., in Courtroom Number 707, City-County Building, 414 Grant Street, Pittsburgh, Pennsylvania is hereby **CANCELED**. In addition, Objectors’ Motion to Continue Hearing is **DISMISSED** as moot.

Candidate shall remain on the May 19, 2026 General Primary Election ballot.

The parties shall bear their own costs. The Prothonotary shall mark the docket in this case as closed.

s/ *Stacy Wallace*  
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STACY WALLACE, Judge