

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In re: Nomination Petition of Mark :
LaVelle for the Democratic Party :
Nomination for Representative in the :
General Assembly from the 177th :
Legislative District in the May 19, 2026 : No. 122 M.D. 2026
Primary Election : Heard: March 23, 2026
:
Objection of: Isaac F. Slepner and :
Kathy Sykes :

BEFORE: HONORABLE LORI A. DUMAS, Judge

MEMORANDUM and ORDER

Presently before the Court is a petition to set aside (PSA) the nomination petition of Mark LaVelle (Candidate) as Democratic candidate for nomination to the office of Representative in the Pennsylvania General Assembly for the 177th Legislative District in the General Primary Election (Primary Election) to be held on May 19, 2026. The counseled PSA was filed by Isaac F. Slepner and Kathy Sykes (Objectors).

Pursuant to Section 912.1(14) of the Pennsylvania Election Code (Election Code),¹ a candidate for the office of Representative in the General Assembly must present at least 300 valid signatures of registered and enrolled electors of the candidate’s political party. On or before March 10, 2026, Candidate filed a nomination petition with the Secretary of the Commonwealth to appear on the Primary Election ballot for that office. On March 17, 2026, Objectors filed the

¹ Act of June 3, 1937, P.L. 1333, added by the Act of December 12, 1984, P.L. 968, *as amended*, 25 P.S. §2872.1(14). Section 912.1(14) provides: “Candidates for nomination of offices as listed below shall present a nominating petition containing at least as many valid signatures of registered and enrolled members of the proper party as listed below: . . . Representative in the General Assembly: Three hundred.”

instant PSA alleging that the nomination petition is invalid because Candidate proffered at least 252 invalid signatures out of the 382 signatures supplied. Objectors assert numerous defects, including, *e.g.*, that some signatures were supplied by persons unregistered as electors; electors not registered in Candidate’s party; and electors not registered in the district. *See* PSA, 3/17/26, Ex. C; 25 P.S. §§2868-2869.

On March 18, 2026, this Court entered a scheduling and case management order (CMO) scheduling a hearing on the PSA for March 23, 2026, at 1:00 p.m., and imposing certain duties and obligations upon Objectors and Candidate. Among these duties and obligations, we required the parties to “meet to review each and every challenged signature line” CMO, 3/18/26, at 3.A.

In compliance with this CMO, the parties stipulated on the record that 106 signature lines were invalid.² Accordingly, Candidate has proffered no more than 276 valid signatures of properly registered and enrolled electors of Candidate’s political party.

Notwithstanding this stipulation, Candidate has asserted improper service of the PSA, which would render it subject to dismissal.³ Essentially, Candidate challenges this Court’s current practice, which does not require personal service on a candidate but rather deems service on a candidate complete upon the posting of an objection petition to our website. *See In re: Objs. to Nomination Pets., Papers, & Certificates of Candidates for Statewide and State-Level Off.* (Pa. Cmwlth., No. 126 Misc. Dkt. No. 3, Jan. 22, 2026), Notice & Order (2026 Notice and Order). In his view, this practice is improper and unlawful because it fails to ensure adequate notice, particularly to those candidates who are unfamiliar with

² At the hearing, the parties did not identify specific signatures that were defective. However, we note that Objectors identified 106 specific defects in a status report. *See* Objectors’ Status Report, 3/21/26, at 2-4.

³ Candidate has not filed an application to dismiss.

Court practice. We disagree.

“The primary purpose of service is to give adequate notice of the pendency of an action.” *In re Blount*, 898 A.2d 1181, 1184 (Pa. Cmwlth. 2006) (Cohn Jubelirer, J.) (single-judge op.).⁴ Although in past election cycles we have sanctioned personal service, it is not required by the Election Code.⁵ See Section 977 of the Election Code, 25 P.S. § 2937; see, e.g., *In re Wilson*, 728 A.2d 1025 (Pa. Cmwlth. 1999) (discerning no prejudice to the candidate where there was service upon the candidate’s coworker, actual notice, and an adequate opportunity for the candidate to challenge objections to his candidacy). Rather, this Court has “complete control to regulate the time and manner of giving notice and the fixing of hearings[.]” *In re Broadhurst*, 312 A.3d 410, 417 (Pa. Cmwlth. 2024) (Cohn Jubelirer, J.) (single-judge op.) (quoting *In re Blount*, 898 A.2d 1181, 1184 (Pa. Cmwlth. 2006)).

In this case, Candidate has conceded that he had actual notice of the PSA as well as the hearing scheduled by this Court in its CMO. Candidate learned of the challenge to his nominating petition with enough time to secure counsel and formulate reasonable arguments in response. Candidate’s counsel also had sufficient opportunity to confer with Objectors’ counsel and reach agreement that Candidate lacked the requisite number of valid signatures in support of his nominating petition. Finally, Candidate appeared at the scheduled hearing accompanied by counsel. On these facts, we discern no prejudice to Candidate and conclude that this Court’s current practice provided Candidate with adequate notice. *Blount; Wilson*; 25 P.S. § 2937.

⁴ We may cite to single-judge election opinions filed on or before October 1, 2013, for their persuasive value. Pa.R.A.P. 126(c).

⁵ It is well settled and has long been recognized that petitions objecting to a nomination petition are not subject to the Pennsylvania Rules of Civil Procedure. *In re Morgan*, 428 A.2d 1055, 1057-58 (Pa. Cmwlth. 1981).

For these reasons, Objectors' PSA will be granted. Accordingly, we issue the following:

ORDER

AND NOW, this 26th day of March, 2026, it is hereby ORDERED:

1. Based on the parties' stipulation, the Nomination Petition of Mark LaVelle as Democratic candidate for nomination to the office of Representative in the Pennsylvania General Assembly for the 177th Legislative District in the General Primary Election to be held on May 19, 2026, does not contain 300 valid signatures of qualified and enrolled electors as required by Section 912.1(14) of the Pennsylvania Election Code, 25 P.S. §2872.1(14); and the Petition to Set Aside the Nomination Petition of Mark LaVelle is GRANTED. *See also* Section 977 of the Pennsylvania Election Code, 25 P.S. §2937 (defective nomination petitions shall be set aside).

2. The Secretary of the Commonwealth of Pennsylvania is directed to REMOVE the name of Mark LaVelle as a Democratic Candidate for nomination to the office of Representative in the General Assembly for the 177th Legislative District in the General Primary Election to be held on May 19, 2026.

3. Each party shall bear his, her, or their own costs.

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



LORI A. DUMAS, Judge