

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In re: Nomination Petition of Taiba :
Sultana for the Democratic Party :
Nomination for Senator in the General :
Assembly from the 18th Legislative :
District in the May 19, 2026 Primary :
Election :
:
Objections of: Patricia M. Hitzel, :
Celeste Lillian Dee, Patricia Joan : No. 138 M.D. 2026
Bruno, and Pamela A. Panto : Heard: March 25, 2026

BEFORE: HONORABLE ANNE E. COVEY, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION BY
JUDGE COVEY

FILED: April 1, 2026

Before this Court is Patricia M. Hitzel’s, Celeste Lillian Dee’s, Patricia Joan Bruno’s, and Pamela A. Panto’s (collectively, Objectors) Petition to Set Aside Nominating Petition of Taiba Sultana (Candidate) for the Democratic Party Nomination for Senator in the General Assembly from the 18th Legislative District in the May 19, 2026 Primary Election (Objection Petition).

Candidate timely filed her Nomination Petition, Candidate Affidavit, and Statement of Financial Interests (SOFI) with the Pennsylvania Department of State (Department of State). Her Nomination Petition contained 901 signatures.¹ Relevant herein, Circulator Kanza Nawaz (Nawaz) obtained 199 signatures on the

¹ Pursuant to Section 912.1(14) of the Pennsylvania Election Code, a candidate for Senate in the General Assembly must present at least 500 valid signatures of registered and enrolled electors of Candidate’s political party. *See* Act of June 3, 1937, P.L. 1333, *as amended*, added by Section 2 of the Act of December 12, 1984, P.L. 968, 25 P.S. § 2872.1(13).

Nomination Petition. See Obj. Pet. ¶ 21. Under the Statement of Circulator (Circulator Statement) on each of the Nomination Petition pages she circulated, Nawaz specified that she resided at 131 South 17th Street, Easton, Pennsylvania (PA) 18042, in Wilson Borough (17th Street Address). See Obj. Pet. ¶ 22; see also Obj. Pet. Ex. A. at 8.² Under “OCCUPATION” on the Nomination Petition, Candidate listed “Self[-]Employed.” Obj. Pet. Ex. A. at 1. In addition, under “OCCUPATION OR PROFESSION” on her SOFI, Candidate listed “Self[-]Employed.” Obj. Pet. Ex. E.

On March 18, 2026, Objectors filed the Objection Petition, therein asserting: (1) the 24 pages of the Nomination Petition that Nawaz circulated must be set aside because Nawaz misrepresented her residence on the Circulator Statement; (2) 417 of the signatures on Candidate’s Nomination Petition must be stricken as invalid; (3) the Nomination Petition must be set aside because Candidate materially misrepresented her occupation as *self-employed*, without any other information; and (4) the Nomination Petition must be set aside because Candidate materially misrepresented her occupation as *self-employed* on her SOFI.^{3, 4}

On March 18, 2026, this Court issued a Scheduling and Case Management Order (Scheduling Order), wherein, *inter alia*, this Court scheduled a hearing⁵ and directed the Objectors and Candidate to meet “in advance of the

² This reference is to the first page in Objection Petition Exhibit A in which Nawaz’s Circulator Statement information appears. The same information appears on all of the Nomination Petition pages Nawaz circulated.

³ This Court reordered Objectors’ first two challenges for ease of discussion.

⁴ After Objectors filed the Objection Petition, “[t]he Department of State transported the nomination [documents] filed by [Candidate] to the Harrisburg offices of the Commonwealth Court where the [documents] were immediately placed into the custody of a Commonwealth Court” officer who transport[ed] them to th[is] . . . Judge.” *In re Nader*, 865 A.2d 8, 15 (Pa. Cmwlth.), *aff’d sub nom. In re Nomination of Nader*, 860 A.2d 1 (Pa. 2004).

⁵ By Amended Scheduling and Case Management Order issued on March 19, 2026, this Court rescheduled the hearing, initially scheduled for March 23, 2026 to March 25, 2026.

hearing[,]” and with a Statewide Uniform Registry of Electors (SURE) system⁶ operator, if necessary, “to review each and every challenged signature line[,]” “file a stipulation of the parties that identifies” the number of challenged and uncontested signature lines, and also directed Candidate “to file a list of all signature lines . . . that Candidate intends to rehabilitate” and the manner in which she intended to do so.⁷ See 3/18/2026 Scheduling Order at 1-3. All such filings were due to the Court by 11:00 a.m. on March 23, 2026. See *id.*; see also Amended Scheduling and Case Management Order at 1.

On March 23, 2026, Candidate filed an Answer to the Objection Petition (Answer), denying the allegations in the Objection Petition and further asserting that the Nomination Petition substantially complies with the Pennsylvania Election Code (Election Code),⁸ Objectors cannot show fraud or prejudice, and even if some signatures are invalid, the Nomination Petition still had more than the

⁶ “The SURE system is . . . the statewide database of voter registration maintained by the Department of State and administered by each county.” *In re Nomination Petitions of Smith*, 182 A.3d 12, 14 n.2 (Pa. Cmwlth. 2018) (quoting *In re Nomination Petition of Morrison-Wesley*, 946 A.2d 789, 792 n.4 (Pa. Cmwlth.), *aff’d*, 944 A.2d 78 (Pa. 2008)).

⁷ This Court has declared:

Th[is] Court expects all counsel in election matters . . . to fully comply with scheduling and case management orders or face possible monetary sanctions. The purpose of scheduling and case management orders in election cases is to facilitate the proceedings in an expeditious and timely manner due to the extreme time limitations placed on election matters. That is why objectors are ordered to immediately arrange to meet with the candidate or his/her representative to reach a stipulation as to the number of signatures that are challenged and/or valid. In short, time is of the essence in election matters. As such, th[is] Court expects compliance.

In re Ford, 994 A.2d 9, 12 n.3 (Pa. Cmwlth. 2010).

⁸ Act of June 3, 1937, P.L. 1333, *as amended*, 25 P.S. §§ 2600-3591.

necessary 500 valid signatures.⁹ Also on March 23, 2026, Objectors filed their witness list. On March 24, 2026, Objectors filed a Memorandum of Law, and Candidate filed a Praecipe that included an affidavit from Nawaz (Nawaz Affidavit).

This Court conducted the hearing on March 25, 2026. Counsel appeared for Objectors (Counsel) and Candidate appeared pro se. Because the parties had failed to successfully meet and discuss Objectors' signature line challenges and/or present a stipulation or other documentation related thereto, this Court directed the parties to do so and recessed.¹⁰ Thereafter, the parties presented argument regarding their respective positions. Neither party presented testimonial evidence. This Court reviewed and relied upon Candidate's original Nomination Petition, Candidate Affidavit, and SOFI.

Initially, the Pennsylvania Supreme Court (Supreme Court) has explained:

When reviewing statutory provisions of the [Election Code] and ruling on challenges to nomination petitions, [Pennsylvania courts] are often confronted with two statutory construction principles. One principle requires [the courts] to consider the longstanding and overriding policy in our Commonwealth to protect the elective franchise. *See In re Luzerne Cnty. Return Bd., Appeal of Weiskerger*, . . . 290 A.2d 108, 109 ([Pa.] 1972). In promoting that policy, th[e] [Supreme] Court has made clear that the **provisions of the "Election Code must be liberally construed so as not to deprive an individual of his right to run for office or the voters of their right to elect a candidate of their choice."** *In re Petition of Ross*, . . . 190 A.2d 719, 720 ([Pa.] 1963). **The other guiding principle** requires us to "strictly enforce" the provisions

⁹ The Answer included an affidavit from circulator Muhammad Nadeem Qayyum regarding his failure to include his residential address on the Circulator Statement on Nomination Petition page 1.

¹⁰ This extended the hearing time by several hours.

of the Election Code. *In re Nomination Papers of James*, . . . 944 A.2d 69, 72 ([Pa.] 2008). This is because “the provisions of the [Election Code] relating to the form of **nominat[ion] petitions and the accompanying affidavits are not mere technicalities but are necessary measures to prevent fraud and to preserve the integrity of the election process.**” *In re Nomination Petition of Cianfrani*, . . . 359 A.2d 383, 384 ([Pa.] 1976). Moreover, “nomination petitions are presumed to be valid[,] and an **objector has the burden of proving that a nomination petition is invalid.**” [*In re*] *Driscoll*, 847 A.2d [44,] 49 [(Pa. 2004)].

In re Huff, 334 A.3d 232, 246 (Pa. 2025) (emphasis added).

Objection 1 – Nawaz Address

Objectors argue that the signatures Nawaz procured on the Nomination Petition must be stricken given Nawaz’s failure to provide her actual residential address on her Circulator Statement. Candidate responds that Nawaz resides at the address she supplied on her Circulator Statement.¹¹

Section 909 of the Election Code requires that in the *Statement of Circulator* portion of the Nomination Petition, a circulator shall set forth that “she is

¹¹ Candidate offered the Nawaz Affidavit into evidence at the hearing. This Court sustained Objectors’ hearsay objection because Nawaz did not appear and testify, and Candidate did not offer an applicable hearsay exception or other corroborating information.

Hearsay is an out-of-court statement offered to prove the truth of the matter asserted. [*See* Pennsylvania Rule of Evidence, 801(c),] Pa. R.E. 801(c). An affidavit is an out-of-court statement offered to prove the truth of the matter asserted. Thus, an affidavit is inadmissible hearsay unless it is corroborated by other evidence or falls within an exception to the hearsay rule.

In re Farnese, 948 A.2d 215, 219 (Pa. Cmwlth. 2008), *rev’d on other grounds*, 17 A.3d 357 (Pa. 2011). Moreover, “[t]he notarization of an affidavit does not negate the hearsay nature of the affidavit, i.e., notarization does not make the affidavit admissible evidence[;]” it “does not convert the hearsay statements within an affidavit into proof of the truth of those statements.” *Id.* at 219.

a **qualified elector of the Commonwealth**, who is **duly registered and enrolled as a member of the party designated in said petition[.]**” 25 P.S. § 2869 (emphasis added). Therefore, Nawaz only had to be a Pennsylvania-registered Democratic voter to qualify to circulate Candidate’s Nomination Petition. Moreover, although a district residency requirement is no longer enforceable against circulators, *see In re: Nomination Petitions & Papers of Stevenson*, 40 A.3d 1212 (Pa. 2012), Section 909 of the Election Code requires a circulator to include “**h[er] residence**, giving city, borough[,], or township with street and number, if any[.]”¹² *Id.* (emphasis added). Consequently, the Circulator Statement contains the following language: “I state . . . that **my residence is as set forth below . . .**”¹³ Obj. Pet. Ex. A at 8 (emphasis added).

Here, Nawaz declared in her Circulator Statements that she resided at the 17th Street Address when she completed the Circulator Statements. *See* Obj. Pet. Ex. A at 8. To refute that Nawaz lived at that address, Objectors relied on Nawaz’s Voter Status Record on the Department of State’s website, which reflected that Nawaz resided at 761 Mauch Chunk Street, Easton, PA 18042 (Mauch Chunk Street Address) as of the date they printed it - March 17, 2026.¹⁴ *See* Obj. Pet. Ex.

¹² Despite that a district residency requirement is no longer enforceable against circulators, *see Stevenson*, 40 A.3d 1212, a circulator must list her residence under the Circulator Statement.

¹³ Each circulator signs the Circulator Statement subject to the penalties of Section 4904 of the Crimes Code, 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities). *See* Obj. Pet. Ex. A at 8.

¹⁴ Objectors did not offer the Voter Registration Record into evidence, nor ask this Court to take judicial notice thereof. However, to the extent this Court may take judicial notice of that document, *see Cunningham v. Unemployment Comp. Bd. of Rev.*, 330 A.3d 20, 23 n.1 (Pa. Cmwlth. 2025) (“This Court may take judicial notice of public information on an official government website.”), this Court observes that the Voter Status Record listed the Mauch Chunk Street Address as Nawaz’s *residential address*, and the 17th Street Address as her *mailing address*. *See* Obj. Pet. Ex. C. During the March 25, 2026 hearing, the SURE system operator accessed

C. Importantly, unlike for electors,¹⁵ Section 909 of the Election Code and the Circulator Statement clearly required Nawaz to list her *residential* address, not the address where she is *registered and enrolled* to vote. In addition, although generally held in the context of a *candidate's* residency, this Court has concluded that residency is a question of fact, and an objector has the burden to establish that a specified address is incorrect. *See In re Petition of Hanssens*, 821 A.2d 1247 (Pa. Cmwlth. 2003). Objectors in this case did not produce evidence to refute that Nawaz resided at the 17th Street Address when she circulated the Nomination Petition for signatures.

Accordingly, this Court will not strike the signatures Nawaz procured on Candidate's Nomination Petition.

Objection 2 – Signatures

After the parties met and conferred with the SURE operator during the hearing recess, Objectors represented that if this Court does not strike the signatures on Nomination Petition pages that Nawaz circulated, Candidate had the requisite 500 signatures to remain on the ballot.¹⁶

Nawaz's voter registration information, which reflected that Nawaz changed her residence in the voter registration system from the Mauch Chunk Street Address to the 17th Street Address on March 18, 2026. Therefore, Nawaz's purported residential address and the address where she is registered and enrolled to vote now match in the SURE system.

¹⁵ Section 908 of the Election Code requires the signer of a nomination petition to use the address where he or she is "duly registered and enrolled[.]" 25 P.S. § 2868. Thus, electors' signatures on nomination petitions must match what is in the SURE system. *See In re Major*, 248 A.3d 445 (Pa. 2021).

¹⁶ The parties presented an unsigned stipulation to the Court at the hearing, wherein they represented that Objectors withdrew 19 of the 417 signature lines they challenged, and Candidate conceded 81 were invalid. The parties did not specify which of the 100 signatures they withdrew or invalidated.

Accordingly, because this Court will not strike the signatures Nawaz procured on Candidate's Nomination Petition, Candidate has the requisite number of valid signatures on her Nomination Petition.

Objection 3 – *Self-Employed* on Nomination Petition

Objectors argue that Candidate's use of the term *self-employed* on the Nomination Petition under OCCUPATION is a facial defect that manifests a knowing misrepresentation intended to mislead voters and, thus, the Nomination Petition must be set aside. Objectors assert that Candidate may be unemployed or self-employed in an unflattering business and, by merely listing *self-employed* on the Nomination Petition, she intended to impart a more positive image to potential voters; thereby, knowingly misleading voters.

Candidate responds that neither the Election Code nor any case law require her to indicate anything more on the Nomination Petition than that she is self-employed. Candidate adds that she did not use the term to misrepresent anything to the electors, and claims that setting aside her Nomination Petition due to her failure to supply more information would be impermissibly "hyper-technical."

"Provisions of the Election Code relating to the form of nominating petitions and the accompanying affidavits are not mere technicalities, but are necessary measures to prevent fraud and to preserve the integrity of the election process." *In re Beyer*, 115 A.3d 835, 838 (Pa. 2014).

Th[is C]ourt . . . is mindful of the opinion by the [] Supreme Court in *Ross* . . . which instructs that the Election Code is to be liberally construed so as not to deprive an individual of his right to run for office or the voters of their right to elect the candidate of their choice. **Liberal construction of the Election Code**, however,

does not mean that it must be disregarded in order to assure a candidate the right to run for office.

In re Shannon, 573 A.2d 638, 639 (Pa. Cmwlth. 1990) (emphasis added). The Supreme Court has declared: “[T]he **policy of liberally reading the [Election] Code cannot be distorted to emasculate the requirements necessary to assure legitimate nomination papers.**” *Beyer*, 115 A.3d at 841 (emphasis added).

Section 952 of the Election Code requires: “All nomination papers **shall specify . . .** the name of each candidate nominated therein, his **profession, business[,] or occupation**, if any[.]”¹⁷ 25 P.S. § 2912 (emphasis added).

Section 977 of the Election Code states, in pertinent part:

If the court shall find that [a] nomination petition . . . is defective under the provisions of [S]ection 976 [of the Election Code, 25 P.S. § 2936], or does not contain a sufficient number of genuine signatures of electors entitled to sign the same under the provisions of this [Election Code], . . . **it shall be set aside.**

25 P.S. § 2937 (emphasis added). This Court “has deemed defects ‘material’ when they have the **potential to mislead an elector.**” *Beyer*, 115 A.3d at 841 (emphasis added).

Here, on the Nomination Petition where Candidate was to supply her OCCUPATION, and on her SOFI where she was to provide her OCCUPATION OR PROFESSION, Candidate listed “Self[-]Employed.” Obj. Pet. Ex. A at 8; *see also* Obj. Pet. Ex. E.

The Supreme Court in *Beyer* declared:

As the General Assembly did not define either “occupation” or “profession” as those terms appear in the

¹⁷ Although enacted as applicable to nomination *papers*, this Court has applied Section 952 of the Election Code when analyzing nomination *petitions*. *See In re Story* (Pa. Cmwlth. No. 160 M.D. 2022, filed Apr. 19, 2022) *aff’d*, (Pa. No. 18 WAP 2022, Apr. 21, 2022); *see also Beyer*.

Election Code, [the Supreme Court] . . . construe[s] them “according to the rules of grammar and according to their common and approved usage[.]” [Section 1903(a) of the Statutory Construction Act of 1972,] 1 Pa.C.S. § 1903(a).

Beyer, 115 A.3d 838-39. “One way to ascertain the plain meaning and ordinary usage of terms is by reference to a dictionary definition.” *Id.* at 839.

Merriam-Webster’s online dictionary defines *occupation* as “the work in which a person is employed : PROFESSION[.]”¹⁸ *Profession* is defined therein as “a principal calling, vocation, or employment[.]”^{19, 20} The Supreme Court ruled in *In re Paulmier*, 937 A.2d 364 (Pa. 2007), *as clarified* (Dec. 28, 2007), that “[a] self-employed individual is one who ‘**earn[s] one’s living directly from one’s own profession or business**, rather than as an employee earning salary or commission from another.’” *Id.* at 372 (emphasis added) (quoting The Random House Dictionary of the English Language (2nd ed. 1987)). Merriam-Webster’s online dictionary defines *business* as “a usually commercial or mercantile activity engaged in as a means of livelihood : TRADE, LINE;” “a commercial or sometimes an industrial enterprise[.]”²¹ Thus, the term *self-employed* means that an individual earns income not from an employer, but in some freelance capacity or as the owner of a business.

In the instant matter, Objectors maintain that simply marking *self-employed* on a Nomination Petition without any other information has the potential to mislead electors. They contend that Candidate may be either unemployed or self-employed in an occupation that falls short of the values that voters may seek when nominating a candidate for a certain position, so Candidate specified merely that she

¹⁸ www.merriam-webster.com/dictionary/occupation (last visited Apr. 1, 2026).

¹⁹ www.merriam-webster.com/dictionary/profession (last visited Apr. 1, 2026).

²⁰ Merriam-Webster’s online dictionary represents that *employment* “implies work for which one has been engaged and is being paid by an employer.” www.merriam-webster.com/dictionary/employment (last visited Apr. 1, 2026).

²¹ www.merriam-webster.com/dictionary/business (last visited Apr. 1, 2026).

is *self-employed* to have electors perceive her in a more complimentary manner. *See* Objectors' Memorandum of Law at 22-25.

This Court agrees that by merely declaring that she is *self-employed*, without specifying the occupation in which she is self-employed, Candidate deprived electors of information the General Assembly and the Department of State deemed sufficiently material to appear at the top of each Nomination Petition page while electors apply their signatures. In *Beyer*, our Supreme Court proclaimed that **“the statutory purpose behind the requirement [is] that Candidate supply for the benefit of electors his present occupation or profession.”** *Beyer*, 115 A.3d at 841 (emphasis added). The effect of Candidate's response is no different than if she had simply put *employed*. Accordingly, this Court concludes that Candidate's failure to specify on the Nomination Petition the occupation in which she is self-employed had the potential to mislead electors and, thus, is a material defect.

Section 977 of the Election Code provides, in relevant part: “If the objections relate to material errors or defects apparent on the face of the nomination petition or paper, the court, after hearing, may, in its discretion, permit amendments within such time and upon such terms as to payment of costs, as the said court may specify.” 25 P.S. § 2937. Here, despite being on notice of Objectors' claim that she intended to mislead the voters by deliberately not stating her specific occupation, and her awareness of and reliance on *Beyer* in her Answer to the Objection Petition (Answer) and her argument to this Court, Candidate did not offer how she was self-employed or how simply stating self-employed did not mislead electors concerning her credentials for the legislative office she sought.

“Nomination petitions are presumed to be valid.” *In re Ziegler* (Pa. Cmwlth. No. 367 C.D. 2015, filed Apr. 17, 2015), slip op. at 13.²² An objector bears the burden of proving invalidity. *See Huff*.

An objector must meet this burden by a preponderance of evidence. “A preponderance of the evidence standard, the lowest evidentiary standard, is tantamount to ‘a more likely than not’ inquiry.” *Helwig v. Dep’t of Transp., Bureau of Driver Licensing*, 99 A.3d 153, 158 (Pa. Cmwlth. 2014) . . . [.] Only if an objector meets this burden does the burden shift to the candidate to offer rebuttal.

Ziegler, slip op. at 13-14 (citation omitted).

Here, Candidate’s Nomination Petition

bore a facial defect, as [Candidate] . . . [failed to specify the occupation . . . in which she is self-employed.] The defect was both material to an elector’s decision to nominate a legislator and incurable by amendment because [Candidate] knew h[er] representation had the *potential to mislead signers* about h[er] credentials for the legislative office [s]he sought. Having demonstrated as much, [by identifying how simply stating self-employed does not inform the electors concerning Candidate’s credentials for the legislative office she sought, it is more likely than not, that electors would be misled into perceiving Candidate in a more complimentary manner than if she had stated either unemployed or submitted an unfavorable occupation. Thus,] Objectors met their burden of disproving the presumptive validity of the contested [N]omination [P]etition.

Beyer, 115 A.3d at 843. By establishing that the Nomination Petition was invalid because it contained a material defect, as Candidate wrote *self-employed* rather than

²² This Court’s unreported opinions filed after January 15, 2008, may be cited “for [their] persuasive value, but not as binding precedent.” Section 414(a) of the Commonwealth Court’s Internal Operating Procedures, 210 Pa. Code § 69.414(a). *Ziegler* is cited for its persuasive value.

specifying her occupation as the Nomination Petition required, the burden shifted to Candidate to establish why she believed such defect did not have the *potential to mislead electors*. Candidate did not offer any argument or evidence to rebut Objectors' above-mentioned demonstration. Therefore, "[s]triking [Candidate's Nomination P]etition under such circumstances to avoid misleading the electorate [i]s consistent with the Election Code's purpose of protecting, and not defeating, a citizen's vote." *Id.* Accordingly, the Objection Petition is granted.²³



ANNE E. COVEY, Judge

²³ In light of this holding, this Court need not address Objection 4, whether Candidate's Nomination Petition must be set aside because she merely wrote *self-employed* on her SOFI under OCCUPATION OR PROFESSION.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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Bruno, and Pamela A. Panto :

ORDER

AND NOW, this 1st day of April, 2026, the Petition to Set Aside Nominating Petition of Taiba Sultana for the Democratic Party Nomination for Senator in the General Assembly from the 18th Legislative District in the May 19, 2026 Primary Election is GRANTED, and the Nomination Petition of Taiba Sultana is hereby SET ASIDE.

The Secretary of the Commonwealth of Pennsylvania (Secretary) is directed to REMOVE the name of Taiba Sultana as a Candidate for the Democratic Party Nomination for Senator in the General Assembly from the 18th Legislative District in the General Primary Election to be held on May 19, 2026.

Given the failure of the parties to stipulate in advance of the hearing regarding signature challenges as this Court directed in its Scheduling and Case Management Order, each side is directed to pay 50% of the costs of the Court Reporter and of the Statewide Uniform Registry of Electors operator.

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



ANNE E. COVEY, Judge