

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In re: Nomination Petition of Shaun :
Griffith Candidate for :
Pennsylvania's 3rd Congressional :
District, Democratic Party :
: No. 159 M.D. 2026
Objection of: Thelma Peake : Heard: March 31, 2026

BEFORE: HONORABLE CHRISTINE FIZZANO CANNON, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE FIZZANO CANNON

FILED: April 2, 2026

Before the Court is the Petition to Set Aside Nominating Petition (Objection Petition) of Thelma Peake (Objector) seeking to set aside the Nomination Petition of Shaun Griffith (Nomination Petition) to appear on the ballot in the primary election to be held on May 19, 2026, as a candidate for the Democratic nomination for the office of Representative in Congress for the Third Congressional District of Pennsylvania (Office). Objector alleges that the Nomination Petition is insufficient because it does not contain the requisite 1,000 valid signatures from registered Democrats in the Third Congressional District of Pennsylvania. Objector further alleges that the Nomination Petition is deficient and should be set aside because the individual pages of the Nominating Petition failed to conform to the requirements of the Election Code¹ in that they were single-sided, as opposed to double-sided. For the reasons that follow, the Court denies the Objection Petition.

¹ Act of June 3, 1937, P.L. 1333, *as amended*, 25 P.S. §§ 2600-3591.

I. Background and Procedural Posture

On March 10, 2026, Shaun Griffith (Candidate) attempted to file with the Department of State, Bureau of Elections (Department), a nomination petition to be placed on the ballot for the Office in the May 2026 primary election. *See* Petition for Writ of Mandamus (Mandamus Petition), Commonwealth Court Docket 99 M.D. 2026 (Mandamus Case).² The Department rejected the Nomination Petition because the individual nomination petition pages were single-sided. *See* Nomination Petition Rejection Notice, Mandamus Petition at 8. Candidate then filed the Mandamus Petition with this Court seeking an order directing the Department to accept the Nomination Petition. *See* Mandamus Petition. The Department filed a response to the Mandamus Petition that indicated that it would not object to the Court granting the Mandamus Petition, provided Candidate filed with the Nomination Petition supplemental affidavits from each of the Nomination Petition circulators affirming that the two sides of each page of the Nomination Petition had remained attached at all times during the circulation process. *See* Response of Secretary of the Commonwealth to Mandamus Petition filed in the Mandamus Case on March 12, 2026 (Mandamus Response), at 1-2.

Thereafter, on March 12, 2026, the Court entered an order granting the Mandamus Petition (Mandamus Order), subject to Candidate filing, by March 17, 2026, at 5 p.m., supplemental affidavits from each of his Nomination Petition circulators wherein the circulators would attest that the two sides of each of the nomination petition pages that they circulated remained attached at all times throughout the period from when they first circulated the pages through the

² “It is well settled that courts may take judicial notice of pleadings and judgments in other proceedings where appropriate.” *Lycoming Cnty. v. Pa. Lab. Rels. Bd.*, 943 A.2d 333, 335 n.8 (Pa. Cmwlth. 2007) (internal brackets and citation omitted).

completion of the Statement of Circulator on side two of the pages. *See* Mandamus Order. The Mandamus Order further provided that, should Candidate comply with the requirement to file supplemental affidavits from the Nomination Petition circulators, any objectors would then have until March 24, 2026, at 5 p.m. to file objections to the Nomination Petition. *See id.*

On March 13, 2026, Candidate filed the Nomination Petition with the Department, together with the supplemental affidavits required by the Mandamus Order. *See* Objection Petition, Exhibit A. On March 20, 2026, Objector filed the Objection Petition in this Court alleging that Candidate's Nomination Petition was insufficient because it did not contain the requisite number of valid signatures and was further deficient because the individual pages of the Nomination Petition, being single-sided, did not conform with the requirements of the Election Code. *See* Objection Petition at 1. This Court conducted a hearing on the Objection Petition on March 31, 2026, at which appeared Candidate, *pro se*,³ and counsel for Objector. The matter is now ripe for disposition.

II. Issues

Before this Court, Objector alleges that the Nomination Petition was deficient and properly rejected by the Department because the individual pages, being single-sided, did not conform with the requirements of the Election Code. *See* Objection Petition at 1, ¶ 7. Objector also challenges Candidate's Nomination Petition as insufficient because it does not contain the 1,000 valid signatures from

³ The Court observes that, while *pro se* in this matter, Candidate is an attorney who appeared before the Court as counsel for a different prospective candidate in another nomination petition challenge for the same election for which he seeks to remain on the ballot in the instant matter.

registered Democrats required to secure a place on the ballot for the Office. *See* Objection Petition at 1-2, ¶¶ 4-6 & 10.

III. Discussion

A. Rejection of Nomination Petition By the Secretary

We begin with Objector's claim that the Department properly rejected Candidate's Nomination Petition as non-conforming by virtue of the individual Nomination Petition pages being single-sided as opposed to double-sided.⁴ The Election Code places on the Secretary a duty to examine submitted nomination petitions. *See* 25 P.S. § 2936. The Election Code requires that the Secretary examine presented nomination petitions for material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; material alterations made after signing without the consent of the signers; an insufficient number of the required signatures; whether the candidate is seeking (with certain exceptions) to appear on the ballot for more than one political party; and whether the nominating petition is accompanied by the proper filing fee. *See id.* If a nomination petition is found to be defective, the Election Code requires that the Secretary reject the nomination petition for filing and return it with a statement of the reasons for the rejection. *See id.* Further, the Election Code allows aggrieved candidates to seek review of the Secretary's refusal to accept a nomination petition. *See id.*

The above procedures were followed in the instant matter. Candidate presented the Nomination Petition to the Secretary/Department for acceptance. The Secretary examined the Nomination Petition and rejected it, providing written notice

⁴ This meant that Side 1 of the individual Nomination Petition pages would be on the front side of each page and the corresponding Side 2, which includes the Statement of Circulator, would be on the reverse side of the same page of the Nomination Petition.

of the rejection that explained that the Nomination Petition was rejected because the petition pages were single-sided. Candidate then availed himself of the opportunity to seek review by filing the Mandamus Petition. The Mandamus Response indicated that the Secretary would accept the Nomination Petition provided Candidate contemporaneously file supplemental affidavits from each of the Nomination Petition's circulators indicating that the two sides of each Nomination Petition page had remained together at all times during the circulation process. *See* Mandamus Response at 1-2. This Court reviewed the matter and entered a *per curiam* Mandamus Order, which granted the Mandamus Petition subject to Candidate's filing of the supplemental affidavits with the Nominating Petition.⁵ Candidate

⁵ The Mandamus Order instructed in its entirety:

NOW, March 12, 2026, upon consideration of Shaun Griffith's (Petitioner) March 10, 2026 "Petition for Writ of Mandamus" (Petition), and the Secretary of the Commonwealth's (Secretary) Answer thereto, the Petition is GRANTED. Petitioner shall file supplemental affidavits from each of the circulators of Petitioner's nomination petitions, in which the circulators affirm that the two sides of each page of the nomination petitions they circulated remained attached, at all times, throughout the period from when they first circulated these pages through the completion of the Statement of Circulator on side 2 of each page. These supplemental affidavits shall be filed with the Secretary, along with the original nomination petitions, candidate's affidavit, and filing fee **no later than March 17, 2026, at 5:00 p.m.**

In the event that Petitioner makes such timely filing with the Secretary pursuant to this Order, any objection to the nomination petitions shall be served with the Commonwealth Court Prothonotary and served upon the Secretary **no later than March 24, 2026, at 5:00 p.m.**

Mandamus Order (emphasis in original).

thereafter timely complied with the requirements of the Mandamus Order by filing the Nomination Petition together with the required supplemental affidavits from each circulator.⁶

Objector argues that the Mandamus Order merely compelled the Secretary to accept the filing of the Nomination Petition upon the submission of the supplementary affidavits. *See* Objector’s Br. at 1-2. Objector maintains that the acceptance of a nominating petition is simply a ministerial duty with which the Mandamus Order compelled the Secretary’s compliance. *See id.* Objector asserts that the Secretary’s acceptance of the Nomination Petition pursuant to the terms of the Mandamus Order did not extinguish its statutory objection to the form of the Nomination Petition. *See id.*

Section 907 of the Election Code provides that nomination petitions shall be “in form prescribed by the Secretary of the Commonwealth[.]” 25 P.S. § 2867. In turn, the Department’s instructions indicate:

NOTICE: You may duplicate these nomination petition pages **prior to circulation** if the duplicates are **exact** copies of the originals (**8 1/2 x 11” paper, 2-sided, head to head**). You may complete all blank spaces at the top of Side 1 of the nomination petition page (see 1i and 1ii below) prior to duplication to eliminate clerical error.

Instructions for Circulating Nomination Petitions-2026 at 1 (bolding in original), available at www.pa.gov/content/dam/copapwp-pagov/en/dos/programs/voting-and-

⁶ The filed circulators’ supplemental affidavits were identical to one another, with each including a statement “[t]hat the two sides of each page of the nomination petition/petitions I circulated remained attached, at all times, throughout the period from when I first circulated these pages through the completion of the Affidavit of Circulator on side 2 of each page.” Supplemental Affidavits of Circulators, Objection Petition Exhibit A at 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36 & 38.

elections/running-for-office/2026/petition-filing-2026/petitioninstruction%20(2).pdf (last visited April 2, 2026). Therefore, duplicate copies of nomination petitions must generally be printed two-sided on the same piece of paper and the Secretary/Department may properly reject non-conforming petition pages, as it did in this matter.

The Department's responsive filing in the Mandamus Case makes clear that, in this specific matter, the Department would accept Candidate's filings as outlined in this Court's Mandamus Order. *See* Mandamus Response; Mandamus Order. As such, Candidate's Nomination Petition together with the supplemental affidavits described in the Mandamus Order became the "form prescribed by the Secretary of the Commonwealth" for the purposes of this case, and the filing of those documents together satisfied the Department's requirements for filed nomination petitions, despite being an aberration from normal procedures.

This Court granted the Mandamus Petition based on these filings. Further, to grant the Mandamus Petition, this Court made a determination that Candidate had a clear right to relief and the Secretary/Department had a corresponding duty. *See Savage v. Storm*, 257 A.3d 187, 191 (Pa. Cmwlth. 2021).⁷

⁷ As this Court has explained:

To prevail in mandamus, a petitioner must demonstrate (1) a clear legal right to relief, (2) a corresponding duty in the respondent, and (3) there are no other adequate and appropriate remedies at law. A mandatory duty is one which a public officer is required to perform upon a given state of facts and in a prescribed manner in obedience to the mandate of legal authority. Mandamus is an extraordinary remedy and may not be used to establish legal rights.

Savage v. Storm, 257 A.3d 187, 191 (Pa. Cmwlth. 2021) (internal quotation marks and citations omitted).

Thus, the Mandamus Order, which was not entered by stipulation of the parties, necessarily illustrates the Court's ruling that the use of the one-sided format accompanied by the supplemental affidavits did not disqualify the Nomination Petition in this instance. Otherwise, there would have been no clear right to relief upon which the Court could have compelled acceptance of the Nomination Petition.

Objector is correct that the entry of the Mandamus Order did not extinguish her right to object to the one-sided pages of the Nomination Petition. However, the Mandamus Order has already decided the legal question of whether the Nomination Petition is in the proper form despite the Nomination Petition's individual pages being single-sided as opposed to double-sided, and no basis has been presented to reach a contrary conclusion. Therefore, because Candidate's Nomination Petition ultimately comports with the prescribed nomination petition form as cured by the requirements of the Mandamus Order, the Court will not set aside the Nomination Petition based on the single-sided Nomination Petition pages. *See Dep't of Revenue v. City of Phila.*, 290 A.2d 734, 735 (Pa. Cmwlth. 1972).

B. Challenges to the Nomination Petition's Total Number of Valid Signatures

To qualify for a major party ballot for Representative in Congress, a prospective candidate must present a nominating petition containing at least 1,000 valid signatures of registered and enrolled members of the proper party. *See* 25 P.S. § 2872.1(12). Section 908 of the Election Code controls the requirements for nomination petition signature lines and provides:

Each signer of a nomination petition shall sign but one such petition for each office to be filled, and shall declare therein that he is a registered and enrolled member of the party designated in such petition: Provided, however, [t]hat where there are to be elected two or more persons to the same office, each signer may sign petitions for as many

candidates for such office as, and no more than, he could vote for at the succeeding election. He shall also declare therein that he is a qualified elector of the county therein named, and in case the nomination is not to be made or candidates are not to be elected by the electors of the State at large, of the political district therein named, in which the nomination is to be made or the election is to be held. He shall add his address where he is duly registered and enrolled, giving city, borough or township, with street and number, if any, and shall legibly print his name and add the date of signing, expressed in words or numbers[.]

25 P.S. § 2868. Generally, a failure to comply with the requirements of Section 908 of the Election Code renders a signature line invalid. *See id.*; *see also In re Morrison-Wesley*, 946 A.2d 789 (Pa. Cmwlth. 2008); *In re Sunday Movie Petition*, 44 A.2d 46 (Pa. 1945).

Further, regarding individual signature challenges, it is well established that “[t]he 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 Ross*, 190 A.2d 719, 720 (Pa. 1963). “[T]he purpose of the Election Code is to protect, not defeat, a citizen’s vote.” *Dayhoff v. Weaver*, 808 A.2d 1002, 1006 (Pa. Cmwlth. 2002). Thus, “[n]omination petitions are presumed to be valid, and objectors bear the heavy burden of demonstrating that a candidate’s nomination petition is invalid.” *In re Shimkus*, 946 A.2d 139, 141 (Pa. Cmwlth. 2008). “Where the court is not convinced that challenged signatures are other than genuine, the challenge is to be resolved in favor of the candidate.” *In re Nomination of Flaherty*, 770 A.2d 327, 331 (Pa. 2001).

Here, the Objection Petition alleged that Candidate had submitted 1,618 signatures as part of the Nomination Petition. The Objection Petition challenged the validity of 813 of the signature lines. *See* Objection Petition at 1 & Exhibit B. At

the beginning of the hearing on the Objection Petition, the parties stipulated that the Nomination Petition contained 960 valid signature lines.⁸ The parties also stipulated as to which signature lines remained at issue. *See* Exhibit A to Stipulation filed by Objector on March 30, 2026 (subject to oral discussion and agreements at the outset of the hearing).

Objector raised a challenge to Pages 46, 50, 51, 52 and 63 in their entirety based on the Statements of Circulator appearing on Side 2 of those Pages. Objector challenged the sufficiency of the Statements of Circulator based on the addresses provided for the individual circulators.⁹ Section 907 of the Election Code requires that electors who sign a nomination petition reside in the district of the office for which they are signing and that a nomination petition circulator reside within the Commonwealth. *See* 25 P.S. § 2867. A nomination petition's Statement of Circulator, on the other hand, requires that the circulators attest that they are duly registered members of the political party designated on the nomination petition and further requires each circulator to set forth the address of his or her residence. *See* Statement of Circulator.¹⁰ The Statement of Circulator does not require that the

⁸ This stipulation was subject to the Court's determination of the single-side Nomination Petition pages issue discussed *supra*.

⁹ Derrick Zhang circulated Pages 46, 50, 51 and 52. Alexander Tobias circulated Page 63.

¹⁰ The Statement of Circulator from nomination petitions states as follows:

STATEMENT OF CIRCULATOR

I state to that I am a qualified elector of the Commonwealth; that I am duly registered and enrolled as a member of the political party designated in this nomination petition, unless said petition relates to the nomination of a candidate for Judge of a Court of Common Pleas or the Philadelphia Municipal Court or the office of magisterial

circulator's residence be situated within the district of the election for which the nomination petition is circulated. *See id.* Additionally, the circulator is not required to indicate the address where they are currently registered. *See id.* Here, the Statewide Uniform Registry of Electors, or SURE, operator testified that the circulators were registered Democrats in Pennsylvania and that the addresses listed as the circulators' residences on the Statements of Circulator were in the district. Objector failed to present any evidence to the contrary. Accordingly, this Court overruled Objector's challenges to alleged defects in the addresses of the Statements of Circulators. These rulings validated an additional 58 signature lines,¹¹ bringing the valid signature total to 1,018.

Although Page 52 was ruled not invalid for the address included in the Statement of Circulator, the Court did sustain Objector's challenge to every signature line on Page 52 as a result of the circulator's failure to date the Statement

district judge; that my residence is as set forth below; that the signers of the foregoing petition signed the name with full knowledge of the contents thereof; that their respective residences are correctly stated therein; that each signed on the date set opposite his or her name; that to the best of my knowledge and belief, the signers are qualified electors, duly registered and enrolled members of the political party and of the political district designated in this petition, and that they are residents of the County specified below.

Further, I state the information set forth herein is true and correct to the best of my knowledge, information and belief, and that this statement is made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Statement of Circulators, Objection Petition Exhibit A at 41 (example).

¹¹ Specifically: Page 46, Lines 1, 3, 4, 7, 10, 12, 13, 14, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27 and 29; Page 50, Lines 2, 4, 8, 10, 11, 12, 13, 15, 17, 18, 19, 20, 21, 22 and 23; and Page 51, Lines 1, 2, 3, 5, 6, 8, 9, 10, 12, 14, 15, 16, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28 and 29.

of Circulator on that particular Page. The requirement of a dated Statement of Circulator goes to the truth of the contents of a nomination petition page in that it logically evidences an order of operations whereby the circulator attests to the contents of the page after the information had been placed thereon by the prospective electors. Even if we consider the failure to include any date in the Statement of Circulator to be an amendable defect, here, Candidate did not offer testimony or other admissible evidence to indicate when the circulator of Page 52 attested to the information thereon. Although Candidate did mark prospective exhibits R-1 and R-2 in an attempt to establish the date on which Circulator Zhang signed the Statement of Circulator on Page 52, the Court declined to accept these documents into evidence as they were hearsay and had not been previously provided to Objector for the purpose of challenging them. Thus, the Court sustained Objector's challenge to Page 52 and struck the page in its entirety.

The Court overruled Objector's challenge to 14 signature lines on Page 42¹² that included only a zip code in lieu of an identified city/town/township. The Court found this discrepancy to be an inconsequential defect in this matter where the Nomination Petition pages indicated the city, borough, or township as Philadelphia, the entire district is within Philadelphia, and the electors were still readily identifiable from the other information provided. *See In Re Nomination Petition of Redding* (Pa. Cmwlth., 115 M.D. 2008, filed March 7, 2008), slip op. at 7 (noting that placement of a zip code in the block marked "City, Boro or Twp." was inconsequential where other information supplied allowed electors to be readily

¹² Page 42, Lines 1-14.

identified). The addition of these 14 signature lines brought the total valid signature number to 1,032.¹³

Finally, the parties engaged in a line-by-line examination of Objector's specific objections. Eight more signatures were deemed valid during this process because, as the Court anticipates the notes of testimony will indicate,¹⁴ no valid objection was made in the initial filing or during the hearing with regard to those signatures. Once the total number of stipulated and Court-ruled valid signatures reached 1,040,¹⁵ Candidate conceded the remainder of the Objector's challenges.

As a result of the above signature line validity stipulations and rulings, Candidate's Nomination Petition meets the threshold of 1,000 valid elector signatures required of a prospective candidate to appear on the ballot as a candidate for the Office.

¹³ We observe that Page 50 also includes the zip code-only challenge to Lines 7-10. As Lines 8 and 10 had already been stipulated as invalid, only Lines 7 and 9 involved the zip code challenge. While the Court noted that it would overrule the zip code objections as to these two lines, the Court did not include them in the total valid signatures count because additional raised objections remained outstanding as to those specific lines.

¹⁴ The notes of testimony from the hearing are not yet available.

¹⁵ The additional signature lines that were either stipulated or ruled as valid are: Page 18, Line 22; Page 18, Line 23; Page 20, Line 7; Page 22, Line 24; Page 63, Line 3; Page 63, Line 4; Page 63, Line 11; and Page 63, Line 14. Those lines stipulated or ruled invalid at the hearing are: Page 1, Line 3; Page 2, Line 4; Page 18, Line 2; Page 18, Line 3; Page 18, Line 4; Page 18, Line 5; Page 18, Line 10; Page 18, Line 27; Page 19, Line 3; Page 19, Line 17; Page 20, Line 12; Page 20, Line 29; Page 21, Line 9; Page 21, Line 13; Page 21, Line 15; Page 21, Line 16; Page 21, Line 22; Page 21, Line 25; Page 22, Line 18; Page 22, Line 19; Page 24, Line 8; Page 24, Line 12; Page 25, Line 6; Page 25, Line 12; Page 63, Line 9; and Page 63, Line 17.

IV. Conclusion

For the above reasons, the Objection Petition is denied.

s/Christine Fizzano Cannon
CHRISTINE FIZZANO CANNON, Judge

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In re: Nomination Petition of Shaun :
Griffith Candidate for :
Pennsylvania's 3rd Congressional :
District, Democratic Party :
: No. 159 M.D. 2026
Objection of: Thelma Peake :

ORDER

AND NOW, this 2nd day of April 2026,

1. The Petition to Set Aside Nominating Petition filed by Thelma Peake is DENIED.

2. The Secretary of the Commonwealth of Pennsylvania is directed to place the name of Shaun Griffith as a candidate for nomination to the office of Representative in the United States House of Representatives for the 3rd Congressional District in the General Primary Election to be held on May 19, 2026.

3. Except as previously ordered, 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.

s/Christine Fizzano Cannon

CHRISTINE FIZZANO CANNON, Judge