

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In re: Nomination Papers of Tony :
Dastra and Craig Bolton As Green :
Party Candidates for Governor :
and Lieutenant Governor :
: No. 365 M.D. 2026
Objection of: William Lee, Joanne :
Deutchman, and Ryan Larson : **Heard:** August 19, 2026

BEFORE: HONORABLE MATTHEW S. WOLF, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE WOLF

FILED: August 21, 2026

In a gubernatorial election in Pennsylvania, if the Governor candidate from a particular party is removed from the ballot for one reason or another, can the Lieutenant Governor candidate continue to the general election if they otherwise meet all requirements? No, they may not. Governor and Lieutenant Governor candidates run in the general election as more than just a slate, they run for their respective offices as one, to be elected with one vote. If the Governor candidate is removed, then the Lieutenant Governor candidate cannot continue alone to the general election. As explained more fully below, Article IV, Section 4 of the Pennsylvania Constitution prescribes a “single vote” shall be cast for both the Governor and Lieutenant Governor candidates. PA. CONST. art. IV, § 4.

Before the Court is the Petition to Set Aside Nomination Papers (Petition) filed by William Lee, Joanne Deutchman, and Ryan Larson (Objectors), seeking to set aside the Nomination Papers (Nomination Papers) of Tony Dastra and Craig Bolton (Candidates) as Green Party candidates for Governor and Lieutenant Governor, respectively, in the 2026 General Election. Also before the Court is

Candidate Dastra’s oral stipulation to grant the Petition and request for the Court to order his name to be removed from the 2026 General Election ballot. After a hearing and argument held August 19, 2026, the Court concludes Governor Candidate Dastra’s stipulation for his removal from the ballot requires both Candidates to be removed from the ballot because, pursuant to the Pennsylvania Constitution, the Lieutenant Governor may only be elected jointly with the Governor. Accordingly, the Court is constrained to grant the Petition and order both Candidates’ names to be removed from the 2026 General Election ballot.

Candidates are members of the Green Party, which is considered a political body under the Pennsylvania Election Code,¹ so their nomination for the General Election ballot occurs by filing nomination papers. *See In re De la Cruz*, 324 A.3d 632, 634 (Pa. Cmwlth.) (single-judge op.) (Leadbetter, S.J.), *aff’d*, 322 A.3d 883 (Pa. 2024), *reconsideration and reargument denied* (Oct. 11, 2024).

Section 951(b) of the Election Code requires nomination papers for political body candidates to contain a large number of signatures, calculated as a percentage of the electorate.² Since 2018, however, the Pennsylvania Department of State (Department) has not enforced that requirement. The Department has accepted a lesser number of signatures based on a consent decree entered in federal litigation.³ Currently, the Department requires nomination papers for the office of

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

² For example, in a recent case, the statutory formula would require candidates filing nomination papers for statewide office to obtain 33,043 signatures. *De la Cruz*, 324 A.3d at 636.

³ *See Instructions for Filing as a Candidate of a Political Body, 2026 General Election*, PA. DEP’T OF STATE, ¶ 5 (citing *Constitution Party of Pa. v. Cortés*, No. 12-2726 (E.D. Pa., Order filed Feb. 1, 2018)) (hereinafter Department’s Instructions), <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/programs/voting-and-elections/running-for-office/2026/nomination-papers-2026/pb%20nomination%20paper%20instructions%202026%20final.pdf> (last visited Aug. 21, 2026).

Governor to contain 5,000 signatures, and nomination papers for other statewide offices, including Lieutenant Governor, to contain 2,500 signatures. Department's Instructions ¶ 5.

On or before August 3, 2026, Candidates timely filed the Nomination Papers, naming them both as candidates for their respective offices and containing 5,509 signature lines. On August 10, 2026, Objectors filed the Petition, challenging 1,389 of the signature lines on the Nomination Papers. This Court issued an August 11, 2026 Scheduling and Case Management Order setting a hearing on the Petition for August 19, 2026.

On August 17, 2026, Candidates initially filed an application stipulating the Nomination Papers do not contain at least 5,000 valid signatures, but seeking relief from the signature requirement on a constitutional basis. The same day, Candidates withdrew that application and filed a status report. The status report contained the same stipulation that the Nomination Papers do not contain at least the 5,000 required valid signatures. It also requested permission for Candidate Dastra to withdraw his nomination for the office of Governor,⁴ and raised the issue of whether Candidate Bolton may remain on the 2026 General Election ballot as candidate for Lieutenant Governor.

Objectors and the Department filed responses to the Status Report citing Article IV, Section 4 of the Pennsylvania Constitution, which states:

§ 4. Lieutenant Governor.

A Lieutenant Governor shall be chosen jointly with the Governor by the casting by each voter of a single vote applicable to both offices, for

⁴ Withdrawal would require permission because more than seven days have passed since August 3, 2026, the last day for filing nomination papers in the relevant election cycle. *See* Section 978(b) of the Election Code, 25 P.S. § 2938(b).

the same term, and subject to the same provisions as the Governor; he shall be President of the Senate. As such, he may vote in case of a tie on any question except the final passage of a bill or joint resolution, the adoption of a conference report or the concurrence in amendments made by the House of Representatives.

PA. CONST. art. IV, § 4. At the hearing, Candidates moved to modify their request for permission to withdraw into a stipulation to grant the Petition with respect to Governor Candidate Dastra only and to strike Candidate Dastra from the ballot. As in their earlier filings, however, Candidates maintained that Lieutenant Governor Candidate Bolton should remain on the ballot because Objectors had not challenged enough of the 5,506 signatures on the Nomination Papers to deprive Candidate Bolton of the 2,500 signatures the Department requires for Lieutenant Governor. The parties agreed at the hearing that the sole issue is whether a candidate for Lieutenant Governor may remain on the ballot absent a corresponding candidate for Governor.

Objectors argue the Court must grant the Petition in full and remove both Candidates from the ballot. They emphasize the Governor and Lieutenant Governor must be elected “jointly” and votes for them must be cast by “a single vote applicable to both offices.” PA. CONST. art. IV, § 4. Objectors argue this is the sole constitutional process for electing the Lieutenant Governor, and Candidate Bolton cannot be elected through that process because Candidate Dastra has conceded he must be removed from the ballot. Without a candidate for Governor, Objectors argue, no one can legitimately cast a vote for Lieutenant Governor under the Pennsylvania Constitution. In support, Objectors cite *De la Cruz* and similar recent decisions of this Court, rejecting candidates’ requests for partial slates of presidential elector candidates to appear on the ballot. Objectors also claimed that current ballot design and practices reflect this, such that candidates for the two offices are shown

on a ballot as a single slate, with the ability to vote only for both candidates, or none at all.⁵

Candidates acknowledge Section 4 is a formidable obstacle to Candidate Bolton remaining on the ballot. They argue, however, that his candidacy is not completely foreclosed because even if no candidate for Governor appears alongside him on the ballot, voters could also vote by write-in for Governor. In support, Candidates point out that Article IV, Section 2, providing for election of the Governor,⁶ does not contain the same limitations as Section 4, so write-in votes for Governor must be permitted. In Candidates' view, a vote cast for Candidate Bolton

⁵ The Department attached purported examples of such ballots from past elections to its responsive letter. The Court did not consider those documents or Objectors' related representations of current practice, however, for several reasons. The parties did not offer, and the Court did not accept, any evidence, so current practice is not part of the record. Further, evidence of current practice is not evidence of conformity with the law, and the parties have agreed this is a purely legal question. Finally, Candidates objected at the hearing to factual statements by Objectors' counsel regarding ballot or election practices. The Court sustains that objection and, for the above additional reasons, does not rely on those statements. This case presents a purely legal question based on undisputed facts.

⁶ Article IV, Section 2 of the Pennsylvania Constitution provides:

§ 2. Duties of Governor; election procedure; tie or contest.

The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed; he shall be chosen on the day of the general election, by the qualified electors of the Commonwealth, at the places where they shall vote for Representatives. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the President of the Senate, who shall open and publish them in the presence of the members of both Houses of the General Assembly. The person having the highest number of votes shall be Governor, but if two or more be equal and highest in votes, one of them shall be chosen Governor by the joint vote of the members of both Houses. Contested elections shall be determined by a committee, to be selected from both Houses of the General Assembly, and formed and regulated in such manner as shall be directed by law.

for Lieutenant Governor, combined with a write-in vote for Governor cast simultaneously, would satisfy Section 4's joint election requirement.

Initially, the Court notes Candidates' stipulation that the Petition should be granted in part and Candidate Dastra should be removed from the ballot as candidate for Governor. The Court will grant that relief, as is customary. *See, e.g., In re Avery*, 286 A.3d 1217, 1229 (Pa. 2022) (noting grant of objection petition due to stipulated lack of signatures).

The Court concludes that, given Candidate Dastra's removal from the ballot, it is constrained to grant the Petition in full and order that both Candidates not appear on the 2026 General Election ballot. The Court agrees with Objectors that Article IV, Section 4 of the Pennsylvania Constitution is clear and dispositive. Section 4 requires the Lieutenant Governor to be elected jointly with the Governor, by a single vote cast. The Court disagrees with Candidates' argument that a vote for Candidate Bolton, plus a write-in vote for Governor, can be considered a "single vote applicable to both offices." PA. CONST. art. IV, § 4. That would be two votes. Candidates cite no authority for their proposition and it is not consistent with the text of Section 4. The Pennsylvania Constitution plainly requires the candidate for Lieutenant Governor to appear on the ballot together with the candidate for Governor, with both electable by a single vote, or not to appear on the ballot at all. Under that provision, this Court cannot allow Candidate Bolton to remain on the ballot alone.

As Objectors note, this Court recently reached a similar conclusion, albeit under the United States Constitution. In *De la Cruz*, the Court addressed objections to nomination papers filed by political body candidates for President and Vice-President of the United States in the 2024 General Election. 324 A.3d at 634.

Because it is actually presidential electors, not the candidates themselves, who are elected in the general election, the nomination papers in that case nominated 19 candidates for presidential elector. *Id.* at 635. The Court determined that disaffiliation provisions in the Election Code required seven of the 19 presidential elector candidates to be removed from the ballot. *Id.* at 637-38.

In response to that removal of some, but not all, candidates from the ballot, the *De la Cruz* candidates made an argument similar to Candidates' argument here: that the remaining presidential elector candidates, whose nomination papers were valid, should remain on the ballot as a partial slate of candidates. *Id.* at 639. This Court rejected that argument, explaining:

The formula which provides for the election of 19 Presidential Electors is not an entitlement that De la Cruz [and the other parties] can waive, but rather a constitutional requirement. The United States Constitution provides for the selection of the President and Vice President by the Electoral College, made up as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress. . . .

U.S. CONST.[art.] II, § 1. In this manner, our Constitution provides for the specific proportional representation among the states in the Electoral College. If the winning Presidential and Vice Presidential candidates in even one state had fewer Presidential Electors than provided in the Constitution (and the Election Code), the proportionality among the states mandated by the Constitution would be subverted. And if that were to happen in multiple states, the constitutional scheme for the election of the President and Vice President would be eviscerated.

Id. (footnote omitted).

The Court finds the reasoning in *De la Cruz* instructive and reaches a

similar conclusion. Here also, the constitutional text is clear and it imposes a specific structure on the election of a specific office. The offices of Governor and Lieutenant Governor must be jointly elected. In fact, the Pennsylvania Constitution is *even more limiting* for the election of Lieutenant Governor than the United States Constitution was in *De la Cruz*. The Federal Constitution does not require the States to choose presidential electors in any particular way. It allows their election “in such Manner as the Legislature[s] thereof may direct.” The Pennsylvania Constitution, by contrast, just *directs*. It says exactly how the Lieutenant Governor must be elected. Like in *De la Cruz*, the Court here concludes it cannot permit Candidate Bolton to remain on the ballot and also comply with the relevant constitutional mandate.

The Court is mindful of the *sui generis* nature of Election Code proceedings—for example, normal rules of procedure do not necessarily apply.⁷ But the Pennsylvania Constitution always applies. The Court must follow it where it leads, even if the result is to restrict an otherwise qualified candidate from appearing on the ballot. Accordingly, the Court will grant the Petition in its entirety and order Candidates’ names to be removed from the 2026 General Election ballot.



MATTHEW S. WOLF, Judge

⁷ *In re Nomination Petition of Johnson*, 502 A.2d 142, 145 (Pa. 1985) (Pennsylvania Rules of Civil Procedure do not apply); *In re Keller*, 994 A.2d 1165, 1168 (Pa. Cmwlth. 2010) (Pennsylvania Rules of Appellate Procedure apply in part only).

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ORDER

AND NOW, this 21st day of August, 2026, Objectors' Petition to Set Aside Nomination Papers of Tony Dastra and Craig Bolton as Green Party candidates for Governor and Lieutenant Governor, respectively, is GRANTED in accordance with the attached Opinion.

The Secretary of the Commonwealth is directed to REMOVE the names of Tony Dastra and Craig Bolton as candidates for Governor and Lieutenant Governor, respectively, from the November 3, 2026 General Election ballot.

The Prothonotary is directed to send a copy of this Order to the Secretary of the Commonwealth.

Each party shall bear their own costs.

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