

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In re: Nomination Papers of :
Christopher Gambino as Forward : No. 364 M.D. 2026
Independent Candidate for the 143rd :
Legislative District :
:
Objections of: Michael Herman and :
Lloyd Randall Faulkner :

BEFORE: HONORABLE LORI A. DUMAS, Judge

OPINION NOT REPORTED

**MEMORANDUM OPINION BY
JUDGE DUMAS**

FILED: September 4, 2026

Objectors Michael Herman and Lloyd Randall Faulkner (Objectors) filed a petition to set aside the nomination paper of Christopher Gambino (Candidate) as a candidate for the 143rd Legislative District. Objectors alleged an insufficient number of signatures and that Candidate filed the nomination paper under an improper political body name. Additionally, Candidate filed an application for relief in which he moved this Court to dismiss the petition. Following a hearing, and upon review of the evidence, we denied Objectors' petition and dismissed Candidate's application for relief as moot.¹ *See* Order, 8/25/26. We now offer this memorandum opinion to explain our decision.

I. BACKGROUND²

On August 3, 2026, Candidate, a member of the Forward Independent

¹ Subsequent to this Court decision, Michael Herman filed a praecipe to withdraw, indicating that he would no longer participate in these proceedings. *See* Praecipe to Withdraw, 8/28/26.

² Absent a specific citation, we derive this background from the evidence adduced at the hearing in this matter. *See generally* Hr'g Tr., 8/18/26. Additionally, we note that the parties filed a joint, post-hearing submission that summarizes their stipulations, this Court's line rulings, and the unresolved line objections that require our further consideration. *See* Joint Post-Hr'g Submission, 8/20/26.

political body, filed an affidavit seeking nomination for the office of Pennsylvania State Representative for the 143rd Legislative District. Objectors filed the petition on August 10, 2026, and timely served the Secretary of the Commonwealth. Objectors challenged 268 of Candidate's 667 signatures. Pet., 8/10/26, ¶¶ 4-7.³ Of particular relevance to our decision, Objectors alleged in part that sheets 2, 5, and 6 of Candidate's nomination paper were defective because Candidate signed them as circulator without having circulated them. *Id.* at ¶ 6.

Objectors also claimed that Candidate had violated the Election Code by running for office as a member of the Forward Independent political body, which is deceptively similar to another political body on the ballot in an adjacent legislative district. *See id.* at ¶¶ 8-12.

In accordance with instructions from this Court, the parties met to review Objectors' challenges and ultimately stipulated that 85 signatures were invalid and 9 signatures were valid. *See Joint Post-Hr'g Submission* at 1-3.

On August 18, 2026, the Court held an evidentiary hearing. At the outset, Candidate agreed to withdraw 57 additional signatures signed on May 19, 2026. *See id.* at 5; Hr'g Tr., 8/18/26, at 11-12. Thereafter, the Court reviewed

This background constitutes our findings of fact. Substantial evidence of record must support our findings of fact. *In re Beyer*, 115 A.3d 835, 838 (Pa. 2014); *see generally* Act of June 3, 1937, P.L. 1333, *as amended*, 25 P.S. §§ 2600-3591 (Election Code). This Court, as factfinder, also renders credibility determinations, which may support our findings. *Id.* at 841; *Cnty. of Fulton v. Sec'y of Commonwealth*, 292 A.3d 974, 1044 (Pa. 2023). "Such a credibility determination may involve nothing more than the fact-finder's on-the-spot, and oftentimes instinctive, determination that one witness is more credible than another. The basis for the conclusion that certain testimony has the 'ring of truth,' while other testimony does not, may be difficult or impossible to articulate—but that does not make such judgments invalid or unworthy of deference." *Daniels v. Workers' Comp. Appeal Bd. (Tristate Transp.)*, 828 A.2d 1043, 1053 (Pa. 2003). Unless specifically stated otherwise, we credit Candidate's testimony and resolve any conflicts in his favor.

³ The Petition indicates a challenge to 269 lines. Pet., 8/10/26, ¶ 5. It appears that Objectors inadvertently duplicated their challenge to the signature found on page 2 line 25. *See* Pet., Ex. B.

additional line challenges, striking another 35 lines and validating 10 lines.

Objectors also issued blanket objections to sheets 2, 5, and 6 of Candidate's nomination paper, alleging that Candidate was not present for all signatures of electors collected on May 19, 2026, yet had signed the circulator affidavit for those sheets. In support, Objectors presented several witnesses from different polling places.⁴

Kelly Jerrom, a committeeperson, testified she was at the Bedminster East polling place from approximately 6:45 a.m. until 12:30 p.m. and from about 5:15 p.m. until 8:00 p.m., observing various volunteers throughout the day. Hr'g Tr. at 15-18. In the morning, she saw Candidate at his table engaging voters before he left around noon. *Id.* at 17. Later, she observed a different man with darker hair at Candidate's table, and she did not believe that Candidate was present. *Id.* at 18-19. That evening, Jerrom saw the Candidate had returned and witnessed electors signing the papers. *Id.* at 20. Absent from Jerrom's testimony was any clear statement, credited by the Court, which indicated that she witnessed someone other than Candidate collect signatures at this polling place.

Michael O'Shea testified that he first arrived at Bedminster East around 12:30 p.m. so he could drive Jerrom home. *Id.* at 29-30. At this time, O'Shea did not see Candidate. O'Shea returned to the polling place and remained from 1:00 p.m. until 3:00 p.m. *Id.* at 30-31. While there, O'Shea saw Candidate interacting with others "the whole time," but he did not witness Candidate collecting signatures. *Id.* at 32. However, O'Shea did not witness anyone else collecting signatures on

⁴ As stated, Candidate withdrew all signature lines collected on May 19, 2026. However, over Candidate's objection and inconsideration of Objectors' legal arguments, the Court instructed the parties to present evidence regarding who had collected these signatures. For sheets 2, 5, and 6, Objectors' assertion that someone other than Candidate had collected these particular signatures was the only objection but, in their view, constituted a fatal defect that required striking all signatures on that sheet.

Candidate's behalf.

Paula Lichtenstein, a committeeperson, testified that she was at the Plumstead 4 polls in Hanusey Park from 10:00 a.m. until 2:00 p.m. and again from 5:30 p.m. until 8:00 p.m. *Id.* at 35. She saw Candidate arrive at this polling station sometime between 10 and 12. *Id.* at 36. Ms. Lichtenstein did not recall if there were others with Candidate in the morning. *Id.* In the evening, Lichtenstein saw a man with dark facial hair and a blonde woman at Candidate's table but did not recall whether anyone signed a circulator for Candidate. *Id.* at 36-37.

Ken Lichtenstein testified he was present at Plumstead from around 6:30 a.m. to 10:00 a.m. and returned between 2:00 p.m. and 5:30 p.m. *Id.* at 42. He saw Candidate arrive early, set up his table, and leave shortly after. *Id.* at 43. Later, he saw a man with curly hair and a woman in her 30s soliciting signatures and observed other electors sign when Candidate was not present. *Id.* at 43-44. Mr. Lichtenstein was uncertain whether Candidate "could have been" present at certain times. *Id.* at 45.

Joseph Cepparulo, a committeeperson, testified he was at the Bedminster West polling place from about 10:00 a.m. to 7:15 p.m. *Id.* at 50. At 10:00 a.m., he saw a man and woman at Candidate's table talking to voters. *Id.* at 51. Between 2:00 p.m. and 3:00 p.m., Candidate introduced himself and was present for roughly thirty minutes, speaking with both the Republican and Democratic tables. Cepparulo did not see Candidate directly engage with voters but noted that the man and woman had approached voters.

Dawn Curran, a committeeperson, testified she remained at the Bedminster West polling place "pretty much all day" except from 2:30 until 4 p.m. *Id.* at 57. She saw Candidate leaving the polling place in his car around 7:00 a.m.

Later in the morning, she saw a man in his 40s and a young woman in her 20s soliciting signatures on Candidate's behalf. *Id.* at 58. Although Curran later saw Candidate return and collect his table, she did not see him collect signatures and reported that Candidate was not present when others gathered signatures. *Id.* at 58-59.

Finally, Candidate testified. Candidate acknowledged that he had volunteers assisting him at the polling places. *Id.* at 60. Candidate explained that there were times when he and his volunteers "were together" and "points in time when a volunteer was at a polling place, and [he] was not there." *Id.* at 61.⁵ With respect to page 2, Candidate credibly maintained he personally collected the signatures on that page. *Id.* at 61-64. Regarding the signatures on page 5, however, Candidate conceded that "it's likely that some of these [signatures] could have been gathered by volunteers on [his] behalf . . . [while] [he] was at other polling places." *Id.* at 65. Similarly, regarding the signatures on page 6, Candidate conceded that, "to the best of [his] knowledge, [he] was not present [] and handing the pen to the people" *Id.* at 68. Candidate then clarified that "[he] didn't recall being physically present when any of these people signed." *Id.* at 69.

Following the hearing, the parties filed a joint statement in which they agreed that Candidate was required to submit 488 signatures in support of his nomination papers. Joint Post-Hr'g Submission, 8/20/26, at 1. Additionally, the parties agreed that Candidate had at least 419 but no more than 491 valid signatures. Joint Post-Hr'g Submission, 8/20/26, at 5. Finally, the parties agreed that there

⁵ Candidate further explained:

Q And they were gathering signatures while you were not there?
A I was not there.

Id. at 61.

remained 72 unresolved signature lines on sheets 2, 5, and 6. *Id.* at 5-6.

II. ISSUES

Objectors raise two issues. Objectors challenge Candidate's status as the circulator for signatures gathered on sheets 2, 5, and 6 of his nomination paper. Pet. at ¶ 6; *see* Objectors' Post-Hr'g Br. at 1-4. Objectors also challenge Candidate's nomination as a candidate for the Forward Independent political body. Pet. at ¶¶ 8-12; Hr'g Tr. at 150-53.

III. DISCUSSION⁶

A. Signature Challenge

Objectors assert that Candidate has submitted several false circulator statements in support of his nomination paper. *See* Objectors' Post-Hr'g Br. at 1-4. According to Objectors, these false statements constitute fatal, non-curable defects in the circulating sheets that they support. *See id.* (citing *In re Cianfrani*, 359 A.2d 383 (Pa. 1976); *In re Glazier*, 378 A.2d 314 (Pa. 1977)). Further, in their view, because the circulator statement was false, the entire sheet must be stricken, eliminating even those signatures lines properly collected by Candidate. *Id.* at 4. Objectors note that there can be no dispute that the circulator statements supporting pages 5 and 6 are false because Candidate has conceded that he was not present when all of these signatures were gathered. Objectors' Post-Hr'g Br. at 1-2. As for the signatures on

⁶ In "reviewing election issues, we must consider the longstanding and overriding policy in our Commonwealth to protect the elective franchise, and that the [Pennsylvania] Election Code must be liberally construed to protect a candidate's right to run for office and the voters' right to elect the candidate of their choice." *In re James*, 944 A.2d 69, 72 (Pa. 2008) (citation modified). "While our overriding concern at all times must be to be flexible in order to favor the right to vote, we must also strictly enforce all provisions to prevent fraud." *Id.* (citation modified). Strict enforcement requires interpreting the Pennsylvania Election Code, which is a question of statutory interpretation. 1 Pa.C.S. §§ 1901-1999. Finally, "as a matter of statutory interpretation, although one is admonished to listen attentively to what a statute says; one must also listen attentively to what it does not say." *Wunderly v. Saint Luke's Hosp. of Bethlehem*, 345 A.3d 692, 701-02 (Pa. 2025) (citation modified).

page 2, Objectors acknowledge that there is conflicting testimony describing Candidate's presence when those signatures were collected but urge the Court to credit testimony from Objectors' witnesses.⁷ *Id.* at 4 n.2.

Section 951(d) of the Pennsylvania Election Code (Election Code) requires a candidate's circulator sheet to be supported by an unsworn statement that meets several enumerated criteria, including that each person "signed with full knowledge of the contents of the nomination paper." 25 P.S. § 2911(d).⁸ In order to meet these criteria, our Supreme Court has held that "the circulator needs to be present when each signer agrees to sign the petition." *In re Farnesse*, 17 A.3d 375, (Pa. 2011); *In re Nomination of Flaherty*, 770 A.2d 327 (Pa. 2001), *abrogated in part*

⁷ Candidate has not responded substantively to Objectors' legal argument. *See* Candidate's Mem of Law, 8/20/26. Rather, Candidate renews his objection to any testimony regarding the signatures collected on May 19, 2026. *See id.* In his view, because he withdrew the signatures collected on that day, any testimony regarding these signatures was irrelevant. *Id.* We disagree. Objectors maintain that if any signatures on a circulator sheet are collected by someone other than the person who signed the circulator affidavit, then all signatures on that sheet must be stricken. *See* Objectors' Post-Hr'g Br. at 4. Thus, testimony that tends to establish what person or persons collected the signatures on May 19, 2026, is relevant and admissible. Pa.R.E. 402.

⁸ Act of June 3, 1937, P.L. 1333, *as amended*, 25 P.S. § 2911 (d). Section 951(d) states:

(d) Nomination papers may be on one or more sheets and different sheets must be used for signers resident in different counties. If more than one sheet is used, they shall be bound together when offered for filing if they are intended to constitute one nomination paper, and each sheet shall be numbered consecutively, beginning with number one (1) at the foot of each page. Each sheet shall have appended thereto the statement of some person, not necessarily a signer, and not necessarily the same person on each sheet, setting forth, subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities)--(1) Deleted by 2019, Oct. 31, P.L. 552, No. 77, § 3, imd. effective; (2) the person's residence, giving city, borough or township with street and number, if any; (3) that the signers signed with full knowledge of the contents of the nomination paper; (4) that their respective residences are correctly stated therein; (5) that they all reside in the county named in the statement; (6) that each signed on the date set opposite his name; and (7) that, to the best of the person's knowledge and belief, the signers are qualified electors of the State, or of the electoral district, as the case may be.

25 P.S. § 2911(d).

on other grounds by *In re Nomination Petition of Vodvarka*, 140 A.3d 639 (Pa. 2016).

In *Cianfrani*, our Supreme Court considered an objector's assertion that a candidate's petition was fatally defective because the candidate was not a registered voter when he had signed the candidate's affidavit. 359 A.2d at 383-84. The candidate later registered to vote, and this registration was completed prior to filing his petition. *Id.* at 384. Nevertheless, reasoning that sworn affidavits "insure the legitimacy of information crucial to the election process," the Court agreed with objector that the affidavit "was void and therefore the petition was fatally defective." *Id.*

In our view, Objectors' reliance on this case is overstated. Undoubtedly, a candidate's affidavit issued in support of a nomination petition or paper is not merely a technicality but is necessary "to prevent fraud and to preserve the integrity of the election process." *Id.* Here, of course, there is no allegation that Candidate's affidavit is defective or fraudulent; rather, we merely consider the accuracy of several circulator statements.

Objectors' reliance on *Glazier* is also misplaced. In that case, the facts established that a candidate for judge in the upcoming Republican Primary

did not obtain any of the signatures on any of the disputed sheets; did not and does not know, with a few minor exceptions, the signators, their place of residence, occupation or the date they signed the petition; did not deliver the sheets nor receive the sheets from the person who actually circulated them in several cases; and for the most part, had only limited knowledge or no knowledge of the names of, or direct association with, the actual circulators.

Glazier, 378 A.2d at 315. The Court viewed the candidate's efforts as a "gross perversion of [the] statutory mandate" and declined to permit the candidate to amend his circulator statements. *Id.* Even still, the Court tempered its penalty, observing

that it would offer the candidate no relief because his “right to seek the office of judge is not lost as he remains a candidate for such office in the forthcoming Democratic Primary.” *Id.* The facts in *Glazier* are simply not sufficiently similar to persuade this Court that Candidate’s admittedly deficient circulator statements constitute a “gross perversion” of the criteria set forth in Section 951(d).

We find our Supreme Court’s decision in *Flaherty* to be more persuasive. *Flaherty* considered whether this Court had “erroneously failed to strike nine signatures” on two pages of a candidate’s nomination petition because the candidate lacked “the requisite personal knowledge . . . to affirm those signatures.” 770 A.2d at 335-36.⁹ Although it recognized that there was no explicit requirement that a circulator be present when signatures are obtained, *Flaherty* cautioned against the relaxed standard adopted by this Court and reiterated “the circulator clearly must be present when an elector signs the petition in order to truly be aware of the criteria

⁹ *Flaherty* construed Section 909 of the Election Code, 25 P.S. § 2869, which applies to nomination petitions and sets forth criteria substantively identical to Section 951(d). Section 909 states:

Each sheet shall have appended thereto the statement of the circulator of each sheet, setting forth, subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities)--(a) that he or she is a qualified elector of the Commonwealth, who is duly registered and enrolled as a member of the party designated in said petition, unless said petition relates to the nomination of a candidate for a court of common pleas, for the Philadelphia Municipal Court or for justice of the peace, in which event the circulator need not be a duly registered and enrolled member of the designated party; (b) his residence, giving city, borough or township, with street and number, if any; (c) that the signers thereto signed with full knowledge of the contents of the petition; (d) that their respective residences are correctly stated therein; (e) that they all reside in the county named in the statement; (f) that each signed on the date set opposite his name; and (g) that, to the best of the circulator’s knowledge and belief, the signers are qualified electors and duly registered and enrolled members of the designated party of the State, or of the political district, as the case may be.

25 P.S. § 2869.

listed in Section 909.” *Id.* at 336. As a penalty, *Flaherty* held that “signatures shall be removed from a petition if the circulator who has affirmed the petition was not in the presence of an elector as the elector signed the petition.” *Id.* at 336-37.

We conclude that this more limited penalty is appropriate in this case. Turning to the evidence, we reiterate that Candidate credibly testified that he collected all the signatures on sheet 2. Therefore, as Objectors have not alleged any further defect on this sheet, the remaining 23 signatures must be deemed valid. Regarding the signatures collected on sheets 5 and 6, Candidate has acknowledged that he was not present when those signatures were obtained on May 19, 2026, and he has opted to withdraw those signatures. That is all that *Flaherty* requires. Thus, the remaining 49 signatures on those sheets, as they are subject to no further scrutiny for alleged defects, must also be deemed valid.

Accordingly, we conclude that Candidate collected 491 valid signatures, which is an amount sufficient for Candidate to remain on the November 3, 2026 general election ballot.

B. Political Body Challenge

Objectors assert that Candidate improperly circulated his nomination paper as a member of the “Forward Independent” political body. *See* Pet. at ¶¶ 8-12. According to Objectors, Candidate could not lawfully include “Independent,” as part of the name of his political body because Rebecca Prendergrast had previously filed a nomination paper in the adjacent 145th Legislative District as a candidate for the Independent Party. *Id.* at ¶¶ 9-11. In their view, as the districts border each other, “[t]he risk of voter confusion is considerable.” *Id.* at ¶ 12¹⁰

¹⁰ Objectors did not address this issue in their post-hearing brief. *See generally* Objectors’ Post-Hr’g Br. At the hearing, counsel summed Objectors’ argument as follows:

Candidate responds that Objectors provided no evidence that he sought to deceive or mislead voters. Candidate's Mem of Law, 8/20/26, at 3-4. Moreover, according to Candidate, there is simply no risk that voters could be confused because Candidate is running for office in the 143rd Legislative District, and Ms. Prendergrast has filed a nomination paper for the 145th Legislative District, and so their names would appear on different ballots. *Id.* In his view, Section 952 "should not apply to state representatives because their political boundaries are limited." *Id.* at 3.

Section 952 of the Election Code prohibits using an "identical . . . or deceptively similar" name or appellation of a "political body which has already filed nomination papers for the same office." 25 P.S. § 2912.¹¹ In the limited cases that

[T]his is a political campaign. They're going to be seeing messaging, lawn -- you know, they're going to be seeing lawn signs, they could be seeing digital ads, they could be seeing TV ads, for all we know, in which there's going to be an Independent Party candidate being promoted, any Forward Independent candidate being promoted. And there is a possibility of voter confusion between the two that this would prevent. . . . And I think, you know, the Election Code, you know, by having this sort of, like, first to the post requirement effectively is trying to dissuade candidates from trying to grab names that could be grabbed by others. They want the political bodies to be distinct here.

Hr'g Tr. at 152-53.

¹¹ Section 952 follows in relevant part:

No words shall be used in any nomination paper to designate the name or appellation of the political body represented by the candidates named in such nomination paper which are identical with or deceptively similar to the words used for a like purpose by any existing political party as defined by section 801 of this act, or which contain part of the name or an abbreviation of the name or part of the name of any existing political party; nor shall any words be used in any nomination paper to designate the name or appellation of the political body represented by the candidate's name in such nomination paper which are identical with or deceptively similar to the words used for a like purpose by any political body which has already filed nomination papers for the same office nor which contain part of the name or an abbreviation of the name or part of the name of a political body which has already filed nomination papers for the same office. Any petition to set aside a nomination paper on account of the name or appellation used therein, or involving

have interpreted this section, this Court has focused on whether a change in the appellation used to identify a candidate's political body was material and, therefore, could mislead, confuse, or deceive voters. *See, e.g., In re Daniels*, 218 A.3d 535 (Pa. Cmwlth. 2019). To the extent an appellation is identical or deceptively similar, the nomination paper includes a material defect and, therefore, could be set aside. *See id.*; Section 977 of the Election Code, 25 P.S. §2937.

Based on the facts here and the limited caselaw, we discern no risk of voter confusion. Certainly, there is no evidence that Candidate intends to deceive voters. Further, Candidate will not appear on the same ballot as Ms. Prendergrast because they seek a political office in a different legislative district. Thus, we decline to set aside Candidate's nomination paper based on the name of his political body. *In re Daniels*, 218 A.3d 535.¹²

IV. CONCLUSION

For these reasons, we denied Objectors' petition and dismissed Candidate's application for relief as moot.


LORI A. DUMAS, Judge

the right of the signers thereof to use such name or appellation shall be decided as in the case of other petitions to set aside nomination papers, in the manner provided by this article.

25 P.S. § 2912.

¹² Per *Daniels*, absent an intent to deceive, any confusion caused by a change in appellation would be curable by amendment. 218 A.3d at 541. As we find no risk of voter confusion in this case, we need not consider this option.