

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In re: Nomination Petition of	:	CASES CONSOLIDATED
Charles Alexander, as Candidate	:	
for Delaware County Council,	:	
In the May 2025 Republican Primary	:	No. 386 & 397 C.D. 2025
	:	
Objection of: Thomas Danzi,	:	
Jessica Ann Dodson, and	:	
Warner Tate	:	Submitted: April 2, 2025
	:	
Appeal of: Charles Alexander	:	

BEFORE: HONORABLE PATRICIA A. McCULLOUGH, Judge
HONORABLE LORI A. DUMAS, Judge
HONORABLE STACY WALLACE, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE McCULLOUGH

FILED: April 25, 2025

In these consolidated cases, Charles Alexander (Candidate), acting *pro se*, appeals from the March 20, 2025 order entered in the Court of Common Pleas of Delaware County (trial court) granting the Petition to Set Aside the Nomination Petition of Candidate (Petition to Set Aside) filed by Thomas Danzi, Jessica Ann Dodson and Warner Tate (Objectors) and ordering that Candidate be removed from the ballot for the May 20, 2025 Municipal Primary Election for the office of Delaware County Council. After careful review, we must affirm.¹

¹ Candidate also purports to appeal from several of the trial court's orders issued during the proceedings denying his motions seeking, *inter alia*, to stay ballot finalization and issuance of a written opinion. However, it is well-established that interim orders are unappealable, and a party's **(Footnote continued on next page...)**

Background

On February 28, 2025, Candidate filed a Nomination Petition with the Delaware County Board of Elections seeking to have his name appear on the Republican ballot for the May 20, 2025 Municipal Primary Election for the Office of Delaware County Council. On March 18, 2025, Objectors filed a Petition to Set Aside alleging that Candidate failed to file his Statement of Financial Interests (SFI) with the Delaware County Clerk before the filing deadline of March 12, 2025, as required by Section 1104(b)(2)² of the Public Official and Employee Ethics Act (Ethics Act).³

The trial court held a hearing on March 20, 2025, and heard testimony from Delaware County Clerk Sharon Scattolino, whose office processes SFIs filed by county council candidates. Ms. Scattolino testified that the SFI submission deadline for county candidates was March 12, 2025, and that Candidate filed his SFI well past this deadline, on March 19, 2025. (Notes of Testimony (N.T.), 3/20/25, 28-29.) Ms. Scattolino relayed that she communicated this information via email to a Delaware County Republican Party official by mid-day of the deadline stating: “As of today, March 12, 2025 at 12:06 p.m., I am unable to reduce the [SFI] of county council candidate Charles Alexander because I have not received the document in my office, which is the County Clerk’s office.” *Id.* at 30-31.

appeal properly lies from the final order entered in a case. *Rae v. Pennsylvania Funeral Directors Association*, 977 A.2d 1121, 1124 (Pa. 2009) (appellate jurisdiction generally extends only to review of final orders disposing of all claims and parties); *see also* Pa.R.A.P. 341(b)(1).

² This provision requires candidates for county-level office to file an SFI for the preceding calendar year with the governing authority of the political subdivision in which he is a candidate on or before the last day for filing a petition to appear on the ballot for an election **and** to append a copy of the SFI to his petition. *See* 65 Pa.C.S. § 1104(b)(2).

³ 65 Pa.C.S. §§ 1101-1113.

Candidate represented himself at the hearing and presented no sworn testimony or evidence on his behalf. Candidate indicated that his failure to timely file an SFI with the county clerk's office was not a fatal defect warranting removal from the ballot and that he relied on his brief in support of his position. *Id.* at 9, 11. He also advised that he appended a copy of his SFI to the Nomination Petition he filed with the Board of Elections on February 28, 2025. *Id.* at 10.⁴ At the conclusion of the hearing, the trial court issued an order granting the Petition to Set Aside, finding that Candidate failed to timely file an SFI with the county clerk in violation of Section 1104(b)(2) of the Ethics Act and directing that Candidate's name be removed from the primary ballot.

Appellant filed notices of appeal contemporaneously with a Concise Statement of Matters Complained of on Appeal on March 25, 2025. *See* Pa.R.A.P. 1925(b). The trial court entered an opinion on March 28, 2025, in which it credited Ms. Scattolino's testimony that she did not receive a copy of Candidate's SFI until March 19, 2025, after the statutory deadline had passed. (Trial Court Opinion, 3/28/25, at 2); *see also* Pa.R.A.P. 1925(a). The trial court additionally noted Candidate's acknowledgment at the hearing that he did not file his SFI with the county clerk until March 19, 2025, and rejected Candidate's argument that the late filing constituted an amendable technical error. (Trial Ct. Op. at 2-3.) With respect to the numerous motions Candidate filed during the course of the proceedings, the trial court explained that it dismissed them as moot or for lack of jurisdiction. It further indicated that although Candidate sought to appeal from several of its interim orders, the only

⁴ As will be explained in detail below, this assertion, which Candidate did not support with sworn testimony or documentary evidence, has no impact on our disposition because Section 1104 of the Ethics Act contains two distinct filing requirements. *See In re Bah*, 215 A.3d 1029, 1032 (Pa. Cmwlth. 2019).

substantive election issue before the court concerned the timeliness of the SFI filing. *Id.* at 7-8.⁵

Discussion⁶

We begin by noting that the argument section of Candidate’s brief spans only two pages in which he fails to discuss the relevant provision of the Ethics Act or otherwise develop his claim in any meaningful manner. While we could find his issue waived, we decline to do so and will address its substance to the extent we are able to discern it. *Rapid Pallet v. Unemployment Compensation Board of Review*, 707 A.2d 636, 638 (Pa. Cmwlth. 1998) (“Arguments not properly developed in a brief will be deemed waived by this Court”); *see also* Pa.R.A.P. 2101. With regard to Candidate’s claim that the trial court failed to file a Rule 1925(a) opinion, we note that the court filed its opinion on March 28, 2025.

On appeal, Candidate appears to challenge the trial court’s determination that he is disqualified from appearing on the primary ballot and maintains that any mistake he made with respect to the SFI filing constituted a “technical misstep,” rather than a fatal defect. Further, it appears Candidate contends Objectors presented no sworn testimony at the hearing in support of their position, and that he offered un rebutted testimony demonstrating his good faith effort to timely file the SFI. (Candidate’s Br. at 3-4.)

It is well settled that election laws “must be construed liberally so as not to deprive an individual of [his] right to run for office, or the voters of their right to

⁵ We consolidated the appeals by April 4, 2025 Order, as they concern the same record.

⁶ “In reviewing an order adjudicating challenges to a nomination petition, our standard of review permits reversal only where the findings of fact are unsupported by substantial evidence, where there was an abuse of discretion, or where an error of law was committed.” *In re Beyer*, 115 A.3d 835, 838 (Pa. 2014).

elect a candidate of their choice.” *In re Bah*, 215 A.3d at 1032. “Accordingly, this Court will strike a candidate’s name from the ballot only when constitutionally or statutorily compelled to do so.” *Id.* Additionally, a party alleging defects in a nominating petition has the burden of proving such defects, as nomination petitions are presumed to be valid. *In re Beyer*, 115 A.3d at 838. However, we are also mindful that “courts are prohibited from applying equity in election cases.” *In re Bah*, 215 A.3d at 1035.

Section 1104 of the Ethics Act governs candidate filings of SFIs and provides in pertinent part as follows:

(b) Candidate.—

....

(2) Any candidate for county-level or local office shall file a statement of financial interests for the preceding calendar year with the governing authority of the political subdivision in which he is a candidate on or before the last day for filing a petition to appear on the ballot for election. A copy of the statement of financial interests shall also be appended to such petition.

(3) No petition to appear on the ballot for election shall be accepted by the respective State or local election officials unless the petition has appended thereto a statement of financial interests as set forth in paragraphs (1) and (2). Failure to file the statement in accordance with the provisions of this chapter shall, in addition to any other penalties provided, be a fatal defect to a petition to appear on the ballot.

65 Pa.C.S. § 1104(b) (2), (3) (emphasis added).

In interpreting this provision, this Court has found that it requires two distinct SFI filings:

The Ethics Act clearly requires a candidate for a county-level [or local] office to file a [SFI] for the preceding calendar year with the governing authority of the political subdivision in which he is a candidate on or before the last day for filing a petition to appear on the ballot for election. This is the first filing required by the statute. Attaching to a candidate's nomination petition is the second filing required by Section 1104(b)(2) [of the Ethics Act]. As such, this Court is constrained to follow the clear directive of the Ethics Act.

In re Bah, 215 A.3d at 1033 (emphasis added); *see also In re Prosperino*, 972 A.2d 92, 95 (Pa. Cmwlth. 2009) (concluding that “candidate’s argument that he should not be subject to the ‘two filings’ rule found in Section 1104(b)(2) of the Ethics Act would in effect eviscerate the plain language of the statute.”); *In re Henigan* (Pa. Cmwlth., No. 280 C.D. 2023, filed April 7, 2023 WL 2962278, at *3 (unpublished)⁷ (stating “this Court has [] ruled that Section 1104(b) of the Ethics Act requires **two distinct [SFI] filings**”) (emphasis in original) (citing *In re Prosperino*).⁸

Furthermore, “Section 1104(b)(3) of the Ethics Act clearly states that Candidate’s failure to file [his] SFI in accordance with Section 1104(b)(2) of the Ethics Act is a **fatal defect**.” *Id.* (emphasis added). “Accordingly, pursuant to Section 1104(b), candidates who fail to file statements of financial interests or who file them in an untimely manner are **barred from the ballot**.” *In re Prosperino*, 972 A.2d at 95 (emphasis added); *see also In re Bah*, 215 A.3d at 1036 (emphasizing statute’s unambiguous language in holding “[b]ecause Section 1104(b)(3) of the Ethics Act

⁷ This Court’s unreported memorandum opinions issued 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).

⁸ Although Candidate advised the Court that he appended a copy of his SFI to the Nomination Petition he filed with the Board of Elections and therefore met the second requirement, he presented no documentary or other evidence at the hearing to support this claim.

clearly states that [c]andidate’s failure to timely file her SFI with the Board of Elections **and** the city’s governing authority is fatal, the trial court properly granted the objection petition and removed candidate’s name from the primary election ballot.”) (emphasis in original).

Here, Ms. Scattolino unequivocally testified that Candidate filed his SFI with the county clerk’s office seven days after the March 12, 2025 deadline expired and that she sent notice of the impending deadline to a county Republican Party official on the date it was due. In contrast, and contrary to his assertion in his brief that he presented “unrebutted testimony,” Candidate presented no evidence in support of his position and openly acknowledged his failure to timely file his SFI with the county clerk’s office.

Based on the foregoing, we must conclude that Candidate plainly failed to meet the first SFI filing requirement prescribed in Section 1104(b)(2) of the Ethics Act by filing his SFI in an untimely manner with the county clerk’s office and is, therefore, barred from the ballot. *In re Prosperino*, 972 A.2d at 95. Accordingly, we affirm the trial court’s order directing that Candidate be removed from the primary ballot as a Republican Candidate for Delaware County Council.⁹

PATRICIA A. McCULLOUGH, Judge

⁹ Candidate has filed multiple applications for relief in this Court chiefly seeking imposition of a stay on election ballot finalization and restoration of his name to the ballot. These applications for relief are denied as moot in light of our disposition of this case.

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Jessica Ann Dodson, and	:	
Warner Tate	:	
	:	
Appeal of: Charles Alexander	:	

ORDER

AND NOW, this 25th day of April, 2025, we hereby affirm the March 20, 2025 order entered in the Court of Common Pleas of Delaware County granting the Petition to Set Aside the Nomination Petition of Charles Alexander and ordering that he be removed from the ballot for the May 20, 2025 Municipal Primary Election as Republican Candidate for Delaware County Council.

PATRICIA A. McCULLOUGH, Judge