

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In re: Nomination Petition/Papers of :
Malcolm Kenyatta as Democratic :
Candidate for the 181st Legislative :
District :
: :
: :
Objections of: Naderah Griffin : No. 140 M.D. 2026

BEFORE: HONORABLE RENÉE COHN JUBELIRER, President Judge

OPINION NOT REPORTED

**MEMORANDUM OPINION BY
PRESIDENT JUDGE COHN JUBELIRER**

FILED: March 23, 2026

Malcolm Kenyatta (Candidate) seeks dismissal of a “Petition to Set Aside Nomination Petition of Respondent, Malcolm Kenyatta” (Objection Petition) on the basis Naderah Griffin (Objector) did not serve the Secretary of the Commonwealth (Secretary) as required under Section 977 of the Pennsylvania Election Code (Election Code), 25 P.S. § 2397.¹ Objector filed an Answer to Candidate’s Application for Emergency Relief (Application), setting forth arguments as to why the Objection Petition should not be dismissed and reflecting that the Objection Petition was mailed to the Secretary on Tuesday, March 17, 2026. Because under well-settled precedent Section 977 of the Election Code requires that the Secretary **receive** an objection petition by 5:00 p.m. on the seventh day after nomination petitions were due, which was March 17 this year, and Objector’s Answer and attachments cannot establish that she timely served the Secretary in accordance with

¹ Act of Act of June 3, 1937, P.L. 1333, *as amended*.

Section 977, the Court has no choice but to grant Candidate's Application and dismiss Objector's Objection Petition.

Candidate filed a Nomination Petition seeking to be a Democratic candidate for the Office of Representative in the General Assembly for the 181st Legislative District. On March 17, 2026, the deadline for filing challenges to nomination petitions, Objector filed an Objection Petition, in this Court's original jurisdiction, asserting numerous deficiencies with Candidate's Nomination Petition. In response to the Objection Petition, Candidate filed the Application, asserting Objector had not served the Secretary by the statutory deadline. The Court directed Objector to file an answer to the Application and provide proof of appropriate service on the Secretary.

Objector filed an answer, setting forth arguments relating to the merits of the Objection Petition as well as allegations regarding service on the Secretary. Objector describes her efforts to review and object to Candidate's Nomination Petition, which involve the petition being "unavailable" on the Pennsylvania Board of Elections' (Board) website, and unanswered or unhelpful calls to the Board from March 13, 16, and 17, 2026, about where and how to file the Objection Petition. (Answer at 2-3.) Objector contends Candidate's Nomination Petition was not made available to her until March 16, 2026. According to Objector, her attempts to use the system operated by the Commonwealth's election officials were frustrated, and "it [was] impossible for her to complete her objection and travel to Harrisburg, Pennsylvania to hand serve the Secretary." (*Id.*) Objector maintains that "if Section 977 continues to be so construed" as requiring a "draconian service-in-person" requirement, rather than "service by certified mail (via the 'mailbox' rule)," the voters would be unable to comply with the service requirements under these

circumstances. This results in their disenfranchisement and a violation of Objector’s constitutional rights. (*Id.*) Ultimately, Objector sent a copy of the Objection Petition to the Secretary by certified mail on March 17, 2026. (*Id.*) Objector requests that she receive an “exemption” from the personal service requirement due to the breakdown in the Board’s system based on the circumstances here. (*Id.* at 3.)

Candidate responds that Objector’s Answer confirms that the Application should be granted. Candidate contends the Election Code imposes firm statutory deadlines, and Objector’s resort to equity is impermissible under precedent. (Candidate’s Reply at 1 (citing *In re Nomination Petition of Guzzardi*, 99 A.3d 381, 386 (Pa. 2014)).) Candidate asserts the strict service requirement of Section 977 is mandatory, and Objector’s explanations for her non-compliance are unavailing. Candidate notes that the Court can take judicial notice of the Secretary’s website,² which shows that over the same seven-day period 41 petitions to set aside were filed with the Court, and over 35 of them, many of which were filed by pro se objectors, were served on the Secretary in accordance with Section 977 of the Election Code.

The service requirement at issue here is not a court-imposed requirement but is a statutory one. Section 977 of the Election Code governs objection petitions. It provides, in relevant part:

All nomination petitions and papers received and filed within the periods limited by this act shall be deemed to be valid, unless, **within seven days after the last day for filing said nomination petition or paper**, a petition is presented to the court specifically setting forth the objections thereto, and praying that the said petition or paper be set aside. **A copy of said petition shall, within said period, be served on**

² The Secretary’s Bureau of Elections website includes an “objection tracker,” identifying the petitions to set aside nomination petitions that were filed in this Court. See <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/programs/voting-and-elections/running-for-office/2026/petition-filing-2026/objections%20tracker%202026.pdf> (last visited March 23, 2026).

the officer or the board with whom said nomination petition or paper was filed. . . .

25 P.S. § 2937 (emphasis added). The “General Assembly may require practices and procedures that it may deem necessary to the orderly, fair, and efficient administration of public elections,” and where “[t]he legislature has attached specific consequences to particular actions or omissions,” the “[c]ourts may not mitigate the legislatively prescribed outcome through recourse to equity.” *In re Guzzardi*, 99 A.3d at 386. Here, the General Assembly prescribes that **unless** objections are filed with the Secretary in the seven-day period set forth in Section 977, the filed and received nomination petitions “shall be deemed to be valid.” 25 P.S. § 2937.

Our Supreme Court has declared that compliance with the service requirement in Section 977 is “mandatory.” *In re Nomination Papers of Am. Lab. Party*, 44 A.2d 48, 50 (Pa. 1945). This service requirement “**cannot** be waived or dispensed with by the court.” *Id.* (emphasis added). The Supreme Court reaffirmed the **mandatory** nature of Section 977 in *In re Nominating Petition of Lee*, 578 A.2d 1277, 1278 (Pa. 1990), where it rejected an argument that it “should reexamine [its] interpretation” of the service requirements after 45 years. It recognized advances were made in preparing ballots but reiterated the need for expeditious resolution of election matters. *Id.* at 1279. It explained:

In 1974, the Legislature amended [S]ection 977 of the Election Code to include the final sentence prescribing the office hours for the Secretary . . . and of various prothonotaries “on the last day to withdraw after filing nomination petitions **and on the last day to file objections to nomination petitions.**” 25 P.S. § 2937 (emphasis added). It is clear that the Legislature did so to ensure that service could be effected within the time limits set forth in that section. Had the Legislature disagreed with our interpretation of [S]ection 977 in the *American Labor Party Case*, it would have amended the section to overrule that interpretation.

In re Lee, 578 A.2d at 1279. See also *In re Nomination Papers of James*, 944 A.2d 69 (Pa. 2008).

The Supreme Court, in *In Nomination Petition of Acosta*, 578 A.2d 407, 409 (Pa. 1990) (emphasis in original), explained that while service on the Secretary by mail is not precluded by the Election Code, Section 977 requires that “the Secretary [] **receive** a copy of the petition to set aside **within** the time limits set forth in that section.” Thus, the Supreme Court found that an objection petition that was **mailed** to the Secretary on the seventh day of the Section 977 time period and was received by the Secretary outside the time period, was **not timely**, and the Court could not grant the relief sought in the objection petition. *Id.* at 408-09. See also *In re: Nomination Petition of Broadhurst*, 312 A.3d 410, 415 (Pa. Cmwlth. 2024) (single judge) (“[P]ursuant to *Petition of Acosta*, service by mail is allowable, but the mail must be **received** by the Secretary on the seventh day.”) (emphasis added).³ An objection “petition served after the time for service had expired must be dismissed.” *In re Nomination Petition of Evans*, 632 A.2d 862, 863-64 (Pa. 1993).

Under *Petition of Acosta* and its progeny, including *Broadhurst*, service on the Secretary by mail, rather than service by hand delivery, is permissible. Thus, Objector’s argument based on hand delivery being the only permitted means of service on the Secretary is misplaced. However, service by mail is sufficient for purposes of Section 977 **only** if the Secretary **receives** the objection petition within the seven-day period. *Petition of Acosta*, 578 A.2d at 409. This Court is bound by and must follow precedent all of which hold that service must be effectuated on the Secretary, and such service must be effectuated, i.e., received by the Secretary, no

³ “A reported opinion of a single Judge filed after October 1, 2013, in an election law matter may be cited as binding precedent in an election law matter only.” Section 414(d) of the Court’s Internal Operating Procedures, 210 Pa. Code § 69.414(d).

later than 5:00 p.m. on the last day for filing objection petitions. *See, e.g., In re Broadhurst*, 312 A.3d at 415, 417 (holding service by email on Secretary **after 5:00 p.m.** on last day for objection petitions was not proper service).

While the Court recognizes that for someone not trained in the law, it is intimidating to navigate the legal system, it is well settled that a “lay person who chooses to represent [her]self in a legal proceeding must assume the risk that [her] lack of expertise and legal training may prove to be [her] undoing.” *Daly v. Unemployment Comp. Bd. of Rev.*, 631 A.2d 720, 722 (Pa. Cmwlth. 1993). Although Objector argues she did not have sufficient time to review the Nomination Petition and serve the Secretary, Candidate’s Nomination Petition was filed on February 18, 2026, almost a month before the Election Code’s March 10, 2026 deadline.⁴ By her own submissions, Objector did not start the process for reviewing the Nomination Petition until March 13, 2026, three days after the last day to file such petitions, and the Friday before the Tuesday deadline for submitting and serving objections. Ultimately, Objector did not serve the Objection Petition on the Secretary in accordance with Section 977’s mandatory requirements because the Secretary could not receive it in Harrisburg by 5:00 p.m. on March 17 if the Objection Petition was mailed on the afternoon of March 17 as reflected in Objector’s Answer.⁵

Because the service requirement is a **mandatory** provision of the Election Code and “**cannot** be waived or dispensed with by the court,” *American Labor*

⁴ *See Candidate’s Database*, <https://www.pavoterservices.pa.gov/ElectionInfo/CandidateInfo.aspx?ID=22669> (showing Candidate’s Nomination Petition was approved on 2/18/2026) (last visited March 23, 2026).

⁵ The Department of State’s website reflects that Secretary received a copy of the Objection Petition on March 20, 2026. *See* <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/programs/voting-and-elections/running-for-office/2026/petition-filing-2026/objections%20tracker%202026.pdf> (last visited March 23, 2026).

Party, 44 A.2d at 50, the Court is constrained to grant Candidate's Application and dismiss Objector's Objection Petition.

/s/ Renée Cohn Jubelirer _____
RENÉE COHN JUBELIRER, President Judge

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In re: Nomination Petition/Papers of :
Malcolm Kenyatta as Democratic :
Candidate for the 181st Legislative :
District :
: :
Objections of: Naderah Griffin : No. 140 M.D. 2026

ORDER

NOW, March 23, 2026, the Application for Relief filed by Malcolm Kenyatta is **GRANTED**. The Petition to Set Aside Nomination Petition filed by Naderah Griffin is **DISMISSED**. The hearing scheduled for Monday, March 30, 2026, at 10:00 a.m. in Courtroom 2, The Widener Building, Philadelphia, is **CANCELLED**.

The Secretary of the Commonwealth is directed to certify the name of Malcolm Kenyatta to the proper officials for inclusion on the ballot of the Democratic Primary for the Office of Representative in the General Assembly, 181st Legislative District.

Each party shall bear their own costs.

/s/ Renée Cohn Jubelirer

RENÉE COHN JUBELIRER, President Judge