

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In re: Nomination Petition of Todd :
Elliot Koger, Sr. as Democratic :
Candidate for the 34th Legislative :
District : No. 114 M.D. 2026
: Heard: March 24, 2026
Objection of: Shane Letchford, Kevin :
Hanes, and Cassandra Schaffer :

BEFORE: HONORABLE MICHAEL H. WOJCIK, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE WOJCIK

FILED: April 1, 2026

This memorandum opinion follows in support of the Court's March 25, 2026 order granting the Petition to Set Aside the Nomination Petition of Todd Elliot Koger, Sr. (Petition to Set Aside and Candidate, respectively) as a Democratic candidate for nomination to the office of Representative in the Pennsylvania General Assembly for 34th Legislative District in the General Primary Election (Primary Election) to be held on May 19, 2026. *See* Commonwealth Court 3/25/26 Order (Wojcik, J.). The counseled Petition to Set Aside was filed by Shane Letchford, Kevin Hanes, and Cassandra Schaffer (Objectors). As indicated in that order, and as discussed *infra*, the Court determined that Candidate failed to offer a sufficient number of valid signatures of registered and enrolled electors in his Nomination Petition, constraining this Court to grant Objectors' Petition to Set Aside and to direct the Secretary of the Commonwealth to remove Candidate's name from the May 19, 2026 Primary Election ballot.

Pursuant to Section 912.1(14) of the Pennsylvania Election Code,¹ a candidate for the office of Representative in the General Assembly must present at least 300 valid signatures of registered and enrolled electors of the candidate’s political party. On or before March 10, 2026, Candidate filed a Nomination Petition with the Secretary of the Commonwealth to appear on the Primary Election Ballot for that office. On March 17, 2026, Objectors filed the instant Petition to Set Aside challenging 713 of Candidate’s 873 proffered signature lines. More particularly, Objectors challenged 503 signature lines as having been supplied by electors residing outside of Candidate’s legislative district. In Objectors’ view this “shocking number . . . help[ed] make sense of the fact that multiple pages ha[d] been altered in the preamble from listing a candidacy in the 24th district to now the 34th [district].” Petition to Set Aside ¶6. Objectors also asserted that “significant numbers of additional lines” were supplied by electors not enrolled in Candidate’s political party and where additional information pertaining to the elector appeared to have been supplied in the hand of another. *Id.* ¶7.

On March 18, 2026, this Court entered a Scheduling and Case Management Order (CMO) scheduling a hearing on the Petition to Set Aside for March 24, 2026, at 10:00 a.m., and imposing certain duties and obligations upon Objectors and Candidate. Relevant now, the CMO mandated: “Objectors and Candidate or Candidate’s representative . . . shall meet to review each and every challenged signature line.” CMO at 3.A. We likewise directed “Objectors and Candidate [to] file a stipulation of the parties that identifies: . . . (e) each and every

¹ Act of June 3, 1937, P.L. 1333, added by the Act of December 12, 1984, P.L. 968, *as amended*, 25 P.S. §2872.1(14). Section 912.1(14) provides: “Candidates for nomination of offices as listed below shall present a nominating petition containing at least as many valid signatures of registered and enrolled members of the proper party as listed below: . . . Representative in the General Assembly: Three hundred.”

signature line to be stricken as invalid . . . if the parties can reach such a stipulation.”
Id. at 3.B.(e).

In multiple filings submitted to this Court in anticipation of the March 24, 2026 hearing, Objectors explained that Candidate was unwilling to meet and confer with them in compliance with the CMO. For his part, Candidate averred that Objectors “ghosted” Candidate because Objectors’ counsel (Counsel) “failed” to respond to him for several hours. Candidate likewise argued that Counsel, an officer of the Court, misrepresented his willingness to meet and confer as well as his diligence in communicating with Candidate.²

Regardless, on March 24, 2026, the hearing on Objectors’ Petition to Set Aside convened as scheduled with Candidate appearing *pro se*, and Counsel present. Notwithstanding the parties’ failure to meet and confer in compliance with the CMO,³ and based upon the parties’ representations to this Court, the Court

² “[T]he trier of fact, while passing upon the credibility of witnesses and the weight to be afforded the evidence produced, is free to believe all, part or none of the evidence.” *Commonwealth v. Harper*, 403 A.2d 536, 539 (Pa. 1979). “It is within the purview of the fact finder to draw all reasonable inferences from the evidence presented[.]” *Ellis v. City of Pittsburgh*, 703 A.2d 593, 594 (Pa. Cmwlth. 1997).

³ Indeed, as this Court has observed:

The purpose of scheduling and case management orders in election cases is to facilitate the proceedings in an expeditious and timely manner due to the extreme time limitations placed on election matters. That is why objectors are ordered to immediately arrange to meet with the candidate or his/her representative to reach a stipulation as to the number of signatures that are challenged and/or valid. In short, time is of the essence in election matters. As such, the Court expects compliance.

In re Nomination Petition of Ford, 994 A.2d 9, 12 n.3 (Pa. Cmwlth. 2010) *overruled in part on other grounds by In re Nomination Petition of Gales*, 54 A.3d 855, 860-61 (Pa. 2012).

determined that this matter would be most expeditiously resolved by proceeding without the benefit of a stipulation and the Court did so due to the severe time constraints of this matter.

In resolving the issues presented by Objectors' Petition to Set Aside,⁴ this Court was mindful that the Election Code seeks to protect, rather than defeat, a citizen's vote, *Dayhoff v. Weaver*, 808 A.2d 1002, 1006 (Pa. Cmwlth. 2002), such that "in reviewing election issues, 'we must consider the longstanding and overriding policy in our Commonwealth to protect the elective franchise, 'and that the 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 Nomination Papers of James*, 944 A.2d 69, 72 (Pa. 2008) (citations omitted). Still, we are admonished that "the policy of liberally reading the Election Code cannot be distorted to emasculate those requirements necessary to assure the probity of the process." *In re Cianfrani*, 259 A.2d 383, 384 (Pa. 1976).

"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 Nomination Petition of Beyer*, 115 A.3d 835, 838 (Pa. 2015). As such, this Court is "[e]ntrusted with the responsibility of protecting the Commonwealth's compelling interest in preserving the integrity of the election process." *In re Nomination Papers of Carlson*, 430 A.2d 1210, 1212 (Pa. Cmwlth.), *aff'd*, 430 A.2d 1155 (Pa. 1981).

⁴ The Supreme Court may reverse our order concerning the validity of challenges to nomination petitions only if our findings of fact are not supported by substantial evidence, if we abused our discretion, or if we committed an error of law." *In re Nomination Petition of Beyer*, 115 A.3d 835, 838 (Pa. 2015).

Candidate's Emergency Motion

We note that prior to the Court's March 24, 2026 hearing, Candidate filed an Emergency Motion to Dismiss Objectors' Petition to Set Aside the Nomination Petition of Todd Elliot Koger, Sr., for Lack of Jurisdiction, Denial of Due Process, and Fatal Procedural Defects (Emergency Motion). Therein, Candidate asserts that Objectors misspelled his name in their original filing by omitting a second "t" from "Elliott." Because of this omission, Candidate contends that he did not receive service of Objectors' filings via PACfile as required by this Court's orders. Candidate maintains: "This misspelling was not a harmless typo; it fundamentally disrupted the 'Party Recognition' protocols of the PACFile system." Emergency Motion at 2. Further, Candidate asserted that the attempt by Counsel to serve Candidate via email was fruitless as the documents attached to said email were "corrupted" or flagged as a virus threat by his computer and which only "populated" 48-hours later. Candidate believes this conduct is expressly forbidden, as our Supreme Court's decision in *In re Nomination Petition of Flaherty*, 770 A.2d 327 (Pa. 2001), prohibits an objector from "inject[ing] specificity into a challenge after the statutory deadline has passed." Emergency Motion at 3.

Per the Court's request, Candidate filed evidence of the parties' communications, wherein Counsel explained that he served Candidate via email and suggested Candidate may not be registered with PACFile. Thus, when PACFile prompted Counsel to indicate his manner of service, Counsel indicated he did so via email.⁵ Nevertheless, Candidate believes that this purported error prevented

⁵ Curiously, alongside these communications, Candidate also attached a document which appears to contain a response to a query from an artificial intelligence software concerning Candidate's issues with Counsel's email attachments. The document begins: "Here's the straight, no-nonsense answer you need, Todd – and I'll explain it in a way that cuts through the confusion." **(Footnote continued on next page...)**

Candidate from utilizing the PACFile system and denied him a meaningful opportunity to respond to Objectors' Petition to Set Aside, thereby denying Candidate due process. Candidate consequently asked this Court to dismiss said petition with prejudice.

Upon careful consideration, we find Candidate's arguments unavailing. Candidate's allegation that he lacked notice via PACFile rests, in part, on the notion that this Court requires such service. Although it is true that under Section 977 of the Election Code, 25 P.S. §2937, this Court is entrusted with the "purely judicial functions," of establishing the manner of service, manner of notice, and the fixing of hearings on objection petitions, *In re Moore*, 291 A.2d 531, 533 (Pa. 1972), Candidate has not identified any such order of this Court requiring notice of service via PACFile.

In fact, on January 22, 2026, to facilitate the prompt and efficient disposition of objection petitions, this Court entered the following order:

THE POSTING OF AN OBJECTION PETITION ON THE WEBPAGE SHALL CONSTITUTE SERVICE ON THE CANDIDATE WHOSE NOMINATION PETITIONS/PAPERS HAVE BEEN CHALLENGED. ALL CANDIDATES ARE UNDER A CONTINUING OBLIGATION TO CHECK THE WEBPAGE TO DETERMINE IF AN OBJECTION PETITION HAS BEEN FILED TO THEIR NOMINATION PETITIONS/PAPERS.

In re: Objections to Nomination Petitions, Papers, and Certificates of Candidates for Statewide Office (Pa. Cmwlth., No. 126 Misc. Dkt. No. 3, filed January 22, 2026)

Whatever the purpose of this attachment, for the reasons discussed in the body of this memorandum opinion, the Court finds the attachment is immaterial.

(bold in original).⁶ Notably, Candidate does not allege that he lacked notice of Objectors’ Petition to Set Aside via posting on this Court’s webpage or that a competent Petition to Set Aside was not posted thereto. As far as this Court can discern, far from failing to effect proper service, Objectors complied with this Court’s service requirements and went so far as to provide a courtesy copy to Candidate via email.

In any case, we do not find Candidate’s claim of prejudice to be credible. Although Candidate avers that he was denied a meaningful opportunity to respond to Objectors’ Petition to Set Aside, we observe that Candidate filed objections to the same via PACFile on March 18, 2026, *i.e.*, the day immediately following the filing of Objectors’ Petition to Set Aside. In fact, to the extent Candidate has styled this purported claim of prejudice as a denial of his procedural due process rights, the Court concludes that Candidate has failed to demonstrate that he was aggrieved at all – let alone by a *government actor* depriving him of an attendant property or liberty interest. *Cf. Save our Saltsburg Schools v. River Valley School District*, 285 A.3d 692, 697-98 (Pa. Cmwlth. 2022). Regardless, Candidate admitted that he was prepared to proceed with the hearing on the objections that day, which necessarily eliminates any claim of prejudice, and this Court denied Candidate’s Emergency Motion on the foregoing bases.

Altered Preamble

At the Court’s March 24, 2026 hearing, Objectors began challenging the signatures on page 1 of Candidate’s Nomination Petition as belonging to electors

⁶ In addition to being filed on this Court’s docket, this order was posted on the Court’s website: [https://www.pacourts.us/Storage/media/pdfs/20220801/185224-electionproceedings-noticeandorder\(7292022\).pdf](https://www.pacourts.us/Storage/media/pdfs/20220801/185224-electionproceedings-noticeandorder(7292022).pdf) (7292022).pdf (last visited April 1, 2026). We similarly note that this Order only “strongly encourages” litigants to use PACFile as opposed to other means of filing.

registered outside of Candidate's political district, *see* 25 P.S. §2868, to evidence a larger problem: many of the signatures provided on pages 1 through 14 of the Nomination Petition belonged to electors registered in the 24th Legislative District. So too, the preamble on these pages originally indicated that Candidate was seeking the Democratic nomination for office of Representative in the General Assembly's 24th District. But, in hand-written ink, "34th" is interposed on top of "24th," along with Candidate's initials. The alteration bears the date of February 25, 2026.

Objectors sought to have the 420 signatures contained on these pages stricken because, in their view, Candidate altered the preamble with an intent to mislead electors. Candidate, in response, offered a variety of rationales for the alteration of the preamble and the corresponding supply of signatures from electors registered outside of his political district. For example, Candidate denied that he ever indicated he was seeking office in the 24th district, but rather, the Department of State provided him with these Nomination Petitions including the erroneous information at issue, *i.e.*, the Department of State was to blame for the defect. As to the presence of signatures from electors residing in the 24th Legislative District, Candidate explained that he began by seeking signatures from – in his estimation – unsophisticated electors who remained confused as to which political district they resided in by virtue of the Commonwealth's 2022 legislative redistricting.

On those points, Objectors noted that while the Department of State provides the template for the nomination petitions, the documents are provided in an editable pdf format. It was therefore incumbent upon *Candidate*, not the Department of State, to correctly input the required information. Further, Objectors were unpersuaded by Candidate's claim that the electors on pages 1 to 14 of his Nomination Petition were still confused by political redistricting, given that the

current district configuration has been in effect for 4 years. For the reasons that follow, we struck the first 14 pages of Candidate's Nomination Petition which contained 420 signatures, reducing Candidate's total number of valid signatures to 453.

To be sure, a candidate's failure to correctly identify his political district on the face of his nomination petition is not necessarily a fatal defect. In *Jackson v. Fields*, 386 A.2d 533, 534 (Pa. 1978), a candidate for Pennsylvania's 1st United States Congressional District mistakenly identified his political district as the 189th Congressional District. The Secretary of the Commonwealth refused his nomination petitions, and, later, this Court dismissed his mandamus action seeking to compel the Secretary to accept the same. In a brief opinion on appeal, the Supreme Court reversed.

We hold [the candidate's] error of placing "189th" instead of "1st" on his nomination petition was not a "material error." ***The signers of [candidate's] petition could not have been misled by said error into thinking that appellant was running for a seat in the state assembly rather than for a seat in the United States Congress*** since the petition consistently referred to "Congress" in bold print never did the words "assembly" or "legislature" appear on the petition. Since appellant's error was not "material," the Secretary of the Commonwealth should have accepted [candidate's] nomination petition.

Id. (emphasis added).

This Court has had few occasions to consider *Jackson*. In *In re Snyder*, 516 A.2d 788, 789-90 (Pa. Cmwlth. 1986), a candidate for Representative in the General Assembly omitted the political district he sought to represent on a single page of his nomination petition. Noting *Jackson's* brevity, Judge Craig opined that the Supreme Court likely rested its conclusion that the electors therein could not

have been misled by the *Jackson* candidate's error because Pennsylvania's 1st United States Congressional District encompassed Pennsylvania's 189th Legislative District within its boundaries. *Id.* Thus, *a fortiori*, failure to identify a district could be no more material an error than designating the incorrect district, so long as the "signers have not been misinformed." *Id.* at 790. The Court therefore permitted the candidate to amend his nomination petition.

In turn, in *In re Nomination Petition of Ford*, 994 A.2d 9, 21-22 (Pa. Cmwlth. 2010), this Court permitted a Congressional candidate to amend the preamble on a *single page* of her nomination petition which omitted the year of the primary, the office sought by the candidate, and the candidate's political district. Crediting the candidate's testimony that she personally informed each elector of her qualifications and the office and political district for which she was running via a palm card, this Court determined that the omitted information was an amendable defect because the signers of that page "were not misled as to which office [the c]andidate was running, which congressional district she was running in, and the date of the election." *Id.*

Here, unlike *Jackson*, it is not only readily conceivable that the electors on pages 1 to 14 of Candidate's Nomination Petition were misinformed by Candidate's error, but we find as fact that the affected electors were so misled. Indeed, Pennsylvania's 24th and 34th Legislative Districts are ***neighboring*** districts, and as Objectors demonstrated at this Court's hearing on the Petition to Set Aside, a brief review of the initial signatures contained on page 1 of the Nomination Petition

corroborates this inference as the electors therein are all registered as electors in the 24th Legislative District, rather than the 34th Legislative District.⁷

Further, unlike *Snyder* and *Ford*, where the omission of the political district was confined to a single page, Candidate's error spans 14 pages of his Nomination Petition. Candidate likewise failed to offer credible testimony to rehabilitate these pages. That is, to the extent Candidate asserted that he ensured each elector knew of which political district he was seeking office in, or that he had altered the preamble before seeking signatures, this Court did not find Candidate to be credible. In reaching this determination, we note that Candidate exhibited a lack of candor with the Court by eschewing responsibility for the error and instead blaming the Department of State.

In fact, we believe that Candidate's course of conduct – namely, his lack of candor before this Court and his attempt to amend his Nomination Petition without leave⁸ – has so infected these proceedings that it has obstructed this Court's ability to discern the true popular will of the Democratic electors of the Commonwealth's 34th Legislative District. Because the error did in fact mislead

⁷ To illustrate the problem posed by Candidate's alteration of the preamble, Objectors challenged the first 9 lines on page 1 of Candidate's Nomination Petition individually. Of those signatures, each line was challenged as having been supplied by an elector residing outside of Candidate's political district. Although each line was stricken, the following were stricken on that basis alone:

- Page 1, Line 1
- Page 1, Line 2
- Page 1, Line 4
- Page 1, Line 8

⁸ Where a Candidate has notice of a material defect, but fails to seek leave to amend, such failure will weigh in favor of setting aside the nomination petition. *See e.g., In re: Nomination Petition of Story* (Pa. Cmwlth., No. 160 M.D. 2022, filed April 19, 2022).

the affected electors and manifested Candidate’s intention to do so, the error was not amendable. *In re Beyer*, 115 A.3d at 814.

Signature Line Challenges

With respect to the signature line challenges, Objectors secured the services of an operator of the Statewide Uniform Registry of Electors (SURE) System⁹ who is employed by the Allegheny County Bureau of Elections. At the hearing, the SURE System Operator accessed the SURE System and retrieved voter information, when possible, corresponding to the signature lines of the Nomination Petition.

In the Hand of Another

Our Supreme Court has interpreted Section 908 of the Election Code, 25 P.S. §2868, as requiring “***the elector who signed the nomination petition*** to add his . . . residence, and date of signing.” *In re Silcox*, 674 A.2d 224, 225 (Pa. 1996) (emphasis added); *see also In re Nomination Petition of Morrison-Wesley*, 946 A.2d 789, 795-96 (Pa. Cmwlth.), *aff’d*, 944 A.2d 78 (Pa. 2008) (“Each item must be personally written by the elector.”). Thus, where this Court determines¹⁰ that the elector’s residence, or date of signing “were added by someone other than the elector,” it is proper for this Court to invalidate those signatures. *In re Silcox*, 674 A.2d at 225. Rare is the circumstance where the Court will permit the information

⁹ We have explained, “[t]he SURE System is the Statewide Uniform Registry of Electors, the statewide database of voter registration maintained by the Department of State and administered by each county.” *In re Morrison-Wesley*, 946 A.2d at 792-93 n.4.

¹⁰ “The Court may review the handwriting itself, or may rely on expert evidence, to determine whether the signature should be stricken for this reason.” *In re Johnakin* (Pa. Cmwlth., No. 112 M.D. 2022, filed April 4, 2022), slip op. at 22.

required by Section 908 to be supplied in the hand of another. *In re Petition to Set Aside Nomination of Fitzpatrick*, 822 A.2d 859, 867 (Pa. Cmwlth. 2003). The Court has only done so upon the offer of rehabilitative evidence demonstrating that an elector required assistance due to a particular condition such as physical infirmity.

Id. On this basis,¹¹ we struck the following signature lines:

- Page 15, lines 2, 3, 4, 5, 6, 8 (6)
- Page 16, lines 17, 22, 23, 24 (4)
- Page 17, lines 1, 28 (2)
- Page 18, lines 2, 5, 8, 19, 21 (5)
- Page 19, lines 4, 11, 26 (3)
- Page 20, lines 15, 17 (2)
- Page 21, lines 9, 10, 24 (3)
- Page 22, lines 17, 18 (2)
- Page 23, lines 15, 29 (2)
- Page 24, lines 1, 18 (2)
- Page 25, lines 1, 4, 22, 23 (4)

Based on these determinations, 35 signature lines were stricken, reducing Candidate's total number of valid signature lines on the Nomination Petition to 418.

¹¹ In his pre-trial filings, Candidate submitted what purports to be an affidavit in which he avers “[i]f a signer expressed uncertainty regarding spelling, address format, or date, I requested permission to write or correct the information in the voter’s presence.” Candidate similarly stated: “Any cross-outs, corrections, or additions were made with the voter’s knowledge and consent.” In a subsequent memorandum of law, Candidate argued that *Silcox*’s “restrictive” holding does not apply as to circulators, but “only where a third party not in the presence of the voter or the circulator entered information.” However, based upon this Court’s review of *Silcox* and its progeny, we discern no such exception permitting a circulator to cross-out, correct, or otherwise alter any information required to be supplied by the elector’s own hand under Section 908 of the Election Code.

Elector Not Registered

Section 908 of the Election Code likewise provides: “Each signer of a nomination petition . . . shall declare therein that he is a registered and enrolled member of the party designated in such petition He shall also declare therein he is a qualified elector . . . 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” 25 P.S. §2868. Consequently, it is proper for this Court to strike an elector’s signature as invalid where the elector is not registered; not registered at the given address; not registered as a member of the candidate’s political party; or not registered in the candidate’s political district. *See In re Morrison-Wesley*, 946 A.2d at 795-96; *see also Petition of Thompson*, 516 A.2d 1278, 1280 (Pa. Cmwlth. 1984). On these bases, we struck the following signature lines:

- Page 15, lines 1, 9, 10, 12, 17, 18, 19, 21, 22, 23, 25, 28, 29, 30 (14)
- Page 16, lines 1, 5, 7, 8, 10, 16, 18, 19, 21, 26, 27, 28, 30 (13)
- Page 17, lines 5, 6, 10, 11, 13, 17, 18, 21, 24, 25, 27, 29 (12)
- Page 18, lines 3, 4, 6, 7, 11, 12, 13, 18, 22, 24, 28, 29, 30 (13)
- Page 19, lines 1, 2, 3, 8, 9, 14, 15, 19, 20, 21, 22, 24, 27, 29 (14)
- Page 20, lines 5, 11, 12, 13, 14, 18, 21, 23, 26, 28 (10)
- Page 21, lines 1, 2, 3, 4, 6, 7, 8, 11, 12, 16, 19, 20, 21, 22, 23, 25, 26, 28, 29, 30 (20)
- Page 22, lines 2, 3, 4, 7, 11, 12, 14, 19, 21, 22, 23, 24, 26, 28, 30 (15)
- Page 23, lines 2, 3, 4, 6, 7, 9, 12, 16, 17, 27 (10)
- Page 24, lines 6, 8, 9, 11, 24, 27, 29 (7)
- Page 25, lines 3, 7, 9, 11, 12, 14, 15, 17, 25, 26 (10)

- Page 26, lines 1, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23
24, 25, 26, 28 (22)

Having so stricken 160 signature lines, Candidate's total number of valid signature lines on his Nomination Petition was reduced to 258.

Concessions

Finally, throughout the hearing, Candidate conceded that the following signature lines were invalid:

- Page 15, lines 11, 14 (2)
- Page 17, line 22 (1)
- Page 18, lines 14, 16 (2)
- Page 20, line 3 (1)
- Page 23, line 24 (1)
- Page 24, lines 2, 17 (2)
- Page 25, 27 (2)

Having stricken these 11 signature lines, Candidate's total number of signature lines on the Nomination Petition was reduced to 247.

Conclusion

Accordingly, because the total number of valid signatures for Candidate's Nomination Petition was reduced well below the necessary 300 signatures, 25 P.S. §2872.1(14), the Court was constrained to grant Objectors' Petition to Set Aside.

Michael H. Wojcik

MICHAEL H. WOJCIK, Judge