

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In re: Nomination Petition of Tony :
Dphax King as Democratic Candidate : No. 115 M.D. 2026
for the 188th Legislative District : HEARD: March 31, 2026
:
Objection of: Greg Windle and Daisy :
Confoy :

MEMORANDUM AND ORDER

NOW, April 2, 2026, upon consideration of the Application for Summary Relief (Application) filed by Tony Dphax King (Candidate), in which Candidate argues that this Court lacks jurisdiction to hear the Petition to Set Aside Nomination Petition of Tony Dphax King as Democratic Candidate for Representative in the 188th Legislative District (Objection Petition), the Application is hereby DENIED. For the reasons that follow, the Objection Petition filed by Greg Windle and Daisy Confoy is hereby GRANTED.

Candidate timely submitted a Nomination Petition containing 681 signature lines. In their Objection Petition, Objectors challenged 605 signatures on various grounds. On March 18, 2026, the Court issued a case management order that relevantly directed the parties, along with a SURE operator, to meet and confer regarding signature challenges and to file stipulations as to the signatures which were agreed to be valid and those agreed to be invalid. A hearing on the Objection Petition was scheduled for March 31, 2026.

On two occasions, the parties agreed to meet at a certain time and place to review the signature challenges. Candidate asked to postpone the first scheduled

meeting. The second meeting was scheduled for March 28, 2026. On March 27, 2026, Candidate filed the Application, in which he challenged the Court's jurisdiction because a determination on the Objection Petition was not made within 15 days as provided in Section 977 of the Pennsylvania Election Code.¹ The Court issued an Order that afternoon, advising the parties that the Application would be considered at the March 31, 2026 hearing. The Court's Order also reminded the parties of their obligation to meet and review the challenged signature lines with a SURE operator and to file a stipulation identifying the signatures upon which they agreed.

Representatives for Objectors appeared for the second agreed upon date, time, and location; however, Candidate did not appear. During the March 31, 2026 hearing, Candidate explained that he believes, as argued in his Application, that the Court lacked jurisdiction to hear the matter after March 25, 2026, and, therefore, he was not required to comply with the Court's March 18 and March 27, 2026 Orders.

The Court rejected Candidate's argument, as deadlines set forth in the Election Code are directory "where the act to be performed within a fixed time involves the exercise of purely judicial functions[.]" *In re Moore*, 291 A.2d 531, 532 (Pa. 1972) (citations omitted). While the deadlines and requirements of the Election Code are mandatory as to petitioners, our Supreme Court has recognized that hearings on objections to nomination petitions entail the exercise of purely judicial functions and, in that regard, the Election Code's deadlines are directory. *Holt v. 1022 Legis. Reapportionment Comm'n*, 38 A.3d 711, 721 n.10 (Pa. 2012)

¹ Act of June 3, 1937, P.L. 1333, *as amended*, 25 P.S. § 2937. March 10, 2026, was the last day to file a nomination petition for the May 19, 2026 General Primary Election.

[citing *In re Moore*, 291 A.2d at 534; *Mellow v. Mitchell*, 607 A.2d 204, 224 (Pa. 1992); *In re Shapp*, 383 A.2d 201, 204 (Pa. 1978)]. See also *In re Wilson*, 728 A.2d 1025 (Pa. Cmwlth. 1999) (“Section 977’s provisions relating to the exercise of judicial functions are directory and not mandatory.”). Based on this precedent, the Court denied the Application in open court and prepared to hear Objector’s case.

Candidate advised that he preferred not to participate in a line-by-line review of the signatures challenged in the Objection Petition and, to save the Court’s time, would rather proceed with appealing the Court’s denial of his Application. Therefore, Candidate agreed in open court to the Court’s deeming admitted the averments in the Objection Petition and striking Candidate’s name from the ballot on that basis.

Accordingly, the Court enters the following ORDER:

1. Because Candidate’s Nomination Petition does not contain 300 valid signatures of qualified and enrolled electors as required by Section 912.1(14) of the Election Code,² the Objection Petition is GRANTED.
2. The Secretary of the Commonwealth is directed to REMOVE the name of Tony Dphax King as a Democratic Candidate for Representative for the 188th Legislative District in the General Primary Election to be held on May 19, 2026.
3. As Candidate willfully refused to comply with the Court’s Orders issued on March 18, and March 27, 2026, costs are taxed against Candidate.
4. The Prothonotary shall notify the parties hereto and their counsel of this Order and shall also certify a copy thereof

² Added by Section 2 of the Act of December 12, 1984, P.L. 968, 25 P.S. § 2872.1(14).

to the Secretary of the Commonwealth of Pennsylvania
forthwith.

B. Leadbetter

BONNIE BRIGANCE LEADBETTER,
President Judge Emerita