

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In re: Nomination Petition of Al :
Buchtan, Candidate for Senator in :
the General Assembly for the 46th :
Senatorial District :
 :
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Objection of: Dave Ball, Steve Bucar, : No. 120 M.D. 2026
and Jeff Stewart : Hearing: March 27, 2026

BEFORE: HONORABLE STACY WALLACE, Judge

OPINION NOT REPORTED

**MEMORANDUM OPINION
BY JUDGE WALLACE**

FILED: April 2, 2026

Dave Ball, Steve Bucar, and Jeff Stewart (collectively, Objectors) have filed a petition to set aside the nomination petition of Al Buchtan (Candidate). Candidate is seeking the Republican nomination for election to represent the 46th Senatorial District in the Pennsylvania State Senate. Objectors challenge the residence Candidate stated in his nomination petition and candidate's affidavit. Specifically, they allege Candidate's nomination petition and candidate's affidavit state Candidate resides at a home in Washington County (Washington County Address), when Candidate actually resides at a home in Greene County (Greene County Address). Objectors acknowledge both of Candidate's alleged addresses are within the 46th Senatorial District. However, Objectors allege Candidate intentionally misstated his address because Washington County is the most populous county in

the 46th Senatorial District and it would be politically advantageous for him to reside there.

As Objectors' counsel acknowledged during his opening statement, this is a case about credibility. The Court was required to "look at the candidate in the eye, and hear what words come out of his mouth as to why a domicile in Washington was declared in the face of the evidence to the contrary." Notes of Testimony, 3/27/26, at 11-12. Ultimately, the Court "believed the words [that came] out of [Candidate's] mouth," and therefore, even though the Court agrees with Objectors that Candidate continues to reside at the Greene County Address, the Court finds Candidate testified credibly that he believes he resides at the Washington County Address and did not intend to deceive the public. Accordingly, the Court denies Objectors' petition to set aside and directs Candidate to file an amended candidate's affidavit stating the Greene County Address.

I. Testimony and Evidence Presented

The Court held an evidentiary hearing on March 27, 2026, at which Objectors presented the testimony of Candidate and his wife, Melinda Buchtan (Candidate's Wife).^{1,2} Candidate testified he owns four homes, including the Greene County Address, a "pool house" located on the same property as the Greene County Address, an additional home at a separate location in Greene County, and a home in Florida.

¹ The Court did not have the benefit of a transcript when it wrote the initial draft of this opinion. Given the time constraints, and that the transcript did not arrive until after the opinion was drafted, the following summary is based on notes taken at the hearing, and the opinion does not regularly cite to the notes of testimony.

² Objectors filed proof in this Court that they had served their petition to set aside on the Secretary of the Commonwealth by the March 17, 2026 deadline, including an affidavit of service from the person who served the petition to set aside and a copy of the first page from the petition to set aside timestamped by the Department of State. At the hearing, Objectors' counsel also pointed to the Department of State's "Objections Tracker," which indicated timely service.

Candidate testified he leases the Washington County Address from a management company. Candidate has no ownership interest in the Washington County Address.

Candidate described the Greene County Address as approximately 4,000 square feet in size with 4 bedrooms. In addition to the pool house, which is approximately 1,000 square feet in size, the Green County Address includes a pool, shed, and pavilion area. The Washington County Address is smaller and located in a commercial area next to a tanning salon and across the street from businesses. Candidate testified he is the co-owner of two businesses near the Greene County Address. In contrast, the Washington County Address is approximately 40 miles away from his businesses.

Candidate testified he and Candidate's Wife purchased the home at the Greene County Address in 2013. Candidate testified the Greene County Address is not currently for sale, but he plans to sell that home in June 2026 and purchase a new home in Washington County. Candidate explained he had intended to sell the Greene County Address sooner but was unable to do so because his niece and nephew moved into the pool house on the property temporarily. Candidate's preparations for selling the Greene County Address included looking at a real estate website and monitoring mortgage rates. Candidate also opened a line of credit on the Greene County Address so that he could make upgrades to the property and prepare it for sale.

Candidate testified he resides at the Washington County Address, while Candidate's Wife resides at the Greene County Address. Candidate and Candidate's Wife have been married 11 years, have not separated, and have no plans to divorce. Candidate explained he has two stepdaughters. The older stepdaughter lives at the Greene County Address, while the younger stepdaughter lives with her biological

father in Washington County. Candidate testified his younger stepdaughter sometimes stays at the Washington County Address. Candidate acknowledged Candidate's Wife and his stepdaughters do not plan to move to the Washington County Address.

According to Candidate, he moved to the Washington County Address on October 1, 2025. Candidate testified the initial term on his lease at the Washington County Address would expire on March 31, 2026, after which it would become a month-to-month lease. Candidate testified regarding the steps he took to become a resident of Washington County. This included changing his driver's license and voter registration to Washington County. Candidate voted in Washington County during the November 2025 election and served as a poll watcher. Candidate testified he receives mail and pays a cellphone bill and utility bills for the Washington County Address, while he has no cellphone bill for the Greene County Address and all the utilities are in Candidate's Wife's name. Candidate testified he campaigns at the Washington County Address and has friends over to eat.

Candidate insisted he intends to live forever in Washington County. Candidate testified he wants to live closer to his younger stepdaughter, he likes the area, and the people are nice. Candidate also wanted to leave Greene County in light of his ongoing litigation with Greene County Children and Youth Services.³ Nonetheless, Candidate conceded he considered the election calendar when making his decision to move, and part of his motivation for moving was political, explaining the people in Washington County share his political values and are more involved

³ Candidate and Candidate's Wife filed a civil rights lawsuit against Greene County Children and Youth Services in October 2025, alleging the agency investigated them based on reports that the agency knew or should have known were false and made in retaliation for actions Candidate took as a member of a school board in Greene County.

in the political system. Candidate's stated purpose in moving to Washington County before the rest of his family was to "scout" the area and learn about local issues such as crime, taxes, and schools.

Objectors' counsel questioned Candidate extensively regarding his ongoing connections to the Greene County Address. Candidate testified he has continued to eat at the Greene County Address on occasion and celebrated Thanksgiving and Christmas there in 2025. Candidate also participated in a fundraiser at the Greene County Address. Candidate testified he sleeps at the Washington County Address four or five times per week but still sleeps at the Greene County Address a portion of the time. When Candidate travels for work, he does not sleep at either address. In addition, Candidate keeps most of his clothing in a storage unit in Greene County and at the Greene County address.

Objectors' counsel questioned Candidate regarding his watch collection. Candidate estimated he owns 50 watches. Candidate testified he keeps approximately 10% of his watches at the Washington County address but keeps the remainder at the Greene County Address. Objectors' counsel presented photographs taken from a television interview with Candidate on the local news. The interview occurred at the garage and pool house at the Greene County Address. The photographs showed various items that belonged to Candidate in the background, including documents indicating Candidate was ordained as a minister, a guitar, workout equipment, and sports memorabilia.

In addition, Objectors' counsel questioned Candidate regarding alleged inconsistencies in his description of his residence. Objectors' counsel pointed to a Facebook post from July 2025, indicating Candidate resides in Greene County, and contrasted this with a statement on Candidate's campaign website, indicating he

resides with Candidate's Wife in Washington County. Candidate testified he is not directly involved in managing his social media and website, and he does not always review the material posted beforehand. Candidate testified a company in Texas manages his website, and he does not typically review the material on the website because he does not have time and he expects the company to get it right.

Objectors' counsel questioned Candidate regarding his statements of financial interest filed with the State Ethics Commission and Department of State, which indicated he resides in Greene County. Candidate explained he believed based on his review of the instructions that his statements of financial interest were meant to apply to 2025, and he wrote that he resided in Greene County on the statements of financial interest because that is where he resided for a majority of 2025. In addition, Candidate's complaint and amended complaints in his litigation against Greene County Children and Youth Services indicated he resides in Greene County, even though the complaint and amended complaints were filed after Candidate's purported move to Washington County. Candidate stated mistakes happen and suggested he is inundated with paperwork and communications from attorneys.

Objectors' counsel pressed Candidate on why he did not provide certain documents Objectors requested in advance of the hearing. Candidate explained he did not produce some of the documents on advice of counsel. Notably, Candidate did not produce the registrations for vehicles he owns. Candidate testified he owns four vehicles that are registered at the Greene County Address and no vehicles that are registered at the Washington County Address. Candidate explained he was told he should wait until the registrations expire to change his address. Objectors' counsel argued Candidate produced only documents indicating he resided at the Washington County Address, while withholding documents indicating he resided at

the Greene County Address. Candidate's counsel took the position that the documents were unnecessary because Candidate was present to testify. Candidate's counsel briefly questioned Candidate. Candidate testified he is a person of faith who understands the importance of being truthful. Candidate testified he did not intend to deceive anyone and believes he is domiciled at the Washington County Address.

Objectors called Candidate's Wife who, like Candidate, testified she did not produce documents Objectors requested on advice of counsel. Candidate's counsel agreed Candidate's Wife resides at the Greene County Address and argued any production of documents was an invasion of her privacy. The Court explained its fact-finding would favor Objectors in that it was understood the Greene County Address would appear on any documents requested but not provided. Candidate's Wife further testified that she does not intend to move to the Washington County Address, but that she would reside with Candidate in Washington County eventually. Candidate's counsel briefly questioned Candidate's Wife. Candidate's Wife testified that she is a person of faith who understands the importance of being truthful, and that Candidate did not say anything untruthful about where he lives.

Objectors also intended to present the testimony of elections and political science expert, Keith Naughton, Ph.D. (Dr. Naughton). The parties stipulated to Dr. Naughton's expert qualifications and further stipulated that, if called as a witness, Dr. Naughton would testify consistent with his expert report. Candidate's counsel did not stipulate to the admissibility of Dr. Naughton's expert report, however, and argued his opinion was irrelevant because it went only to Candidate's motive for moving to Washington County. The Court took the matter under advisement.

In his expert report, Dr. Naughton explains local geographic ties benefit political candidates and particularly candidates who are challenging an incumbent.

Dr. Naughton opines Candidate, as a challenger, would gain votes by demonstrating local ties with the most populous county in the 46th Senatorial District, i.e., Washington County. Indeed, Dr. Naughton observes that a Washington County resident has represented the 46th Senatorial District and its prior iterations throughout its entire history since 1946. Dr. Naughton explains no Greene County resident has won an election to the State Senate or United States Congress in over 50 years.

After consideration, while the Court agrees with Candidate's counsel that a person's motive for wanting to reside in a particular location is not generally relevant to whether that person has satisfied the legal standard for establishing a new residence, *In Re: Nomination Petition of Huff*, 334 A.3d 232, 249 (Pa. 2025), the Court admits the report. The Court admits Dr. Naughton's expert report insofar as it provides a motive for Candidate to allegedly attempt to deceive the public by misstating his residence. *See id.* at 249 n.12 ("A distinction exists . . . between a motive to make a location one's domicile . . . and a motive to deceive as to one's domicile. The former is acceptable, or at least not disqualifying; the latter is not."). The report can also be considered in the totality of the circumstances of assessing Claimant's credibility. The Court will discuss these issues in greater detail below.

After Objectors rested their case, Candidate's counsel explained he did not intend to call any additional witnesses. Rather, Candidate's counsel presented several affidavits from individuals who would not be testifying, purporting to show Candidate resides at the Washington County Address. Objectors' counsel objected to the affidavits, and the Court took the matter under advisement. Candidate then also rested his case.

After consideration, the Court sustains the objection and excludes the affidavits as hearsay. *See* Pennsylvania Rule of Evidence 802, Pa.R.E. 802. Although Candidate’s memorandum of law cites legal authority for the proposition that the affidavits are admissible, that authority is distinguishable because it involved situations where affidavits were used to rehabilitate defective signature lines.⁴ *See In Re: Nomination Petitions of Smith*, 182 A.3d 12, 24 (Pa. Cmwlth. 2018) (McCullough, J.) (single-judge op.).

II. Analysis

Section 910 of the Pennsylvania Election Code (Election Code)⁵ requires that a candidate include an affidavit with his or her nomination petition indicating, among other things, the candidate’s “residence, with street and number, if any, and . . . post-office address.” 25 P.S. § 2870. No nomination petition may be filed if “it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits.” Section 976 of the Election Code, 25 P.S. § 2936. Our Supreme Court has described a material error or defect as one “that may affect an elector’s nomination decision, *i.e.*, have the propensity to mislead an elector to nominate the candidate.” *In re Nomination Petition of Beyer*, 115 A.3d 835, 837 n.3 (Pa. 2014). This Court must generally set aside a defective nomination petition. Section 977 of the Election Code, 25 P.S. § 2937. However, “[i]f the objections relate to material errors or defects apparent on the face of the nomination petition or paper, the court, after hearing, may, in its discretion, permit

⁴ Even if the Court admitted the affidavits, it would give them little, if any, weight. The affidavits indicate, essentially, that Candidate spends time at the Washington County Address, interacts with people who live in the area, and patronizes local businesses. Candidate himself testified he spends time at the Washington County Address, and the Court found Candidate credible in this regard. Thus, the affidavits would add nothing to the Court’s decision.

⁵ Act of June 3, 1937, P.L. 1333, *as amended*.

amendments within such time and upon such terms as to payment of costs, as the said court may specify.” *Id.*

Importantly, “nomination petitions are presumed to be valid, and it is the objector’s heavy burden to prove that a candidate’s nomination petition is invalid.” *In Re: Nomination Petition of Masino*, 293 A.3d 752, 760 (Pa. Cmwlth. 2023) (Cohn Jubelier, P.J.) (single-judge op.). An objector may meet his or her burden by a preponderance of the evidence.^{6,7} *See In Re: Nomination Petition of Jordan*, 277

⁶ Candidate contends the “heavy burden” in this matter “has been described as akin to a ‘clear and convincing’ standard.” Candidate’s Mem. of Law, 3/25/26, at 8. The only case Candidate cites for this proposition is *Masgai v. Masgai*, 333 A.2d 861 (Pa. 1975), which dealt with the partition of property owned by former romantic partners and does not pertain to election law.

⁷ This Court has explained a shifting burden of proof applies when determining a candidate’s residence:

We note initially that the burden of proof is clearly on the [o]bjector-[p]etitioner to prove that the [c]andidate is not, or was not, an inhabitant of his district at or during the relevant times. In our view, there were two ways [the p]etitioner might have met this burden. First, by establishing that the [c]andidate has had, within the recent past, a domicile outside the legislative district in question, we believe the [p]etitioner would have succeeded in shifting the burden of establishing another domicile to the [c]andidate. . . .

. . . .

The second choice [the p]etitioner had was to attempt to prove, by a preponderance of the evidence, that the [c]andidate was *not* an inhabitant of 3752 Germantown Avenue either specifically on March 11, 1986, or consecutively from November 3, 1985 up to and including the date of the hearing.

In re Nomination Petition of Street, 516 A.2d 791, 793-94 (Pa. Cmwlth. 1986) (Doyle, J.) (single-judge op.) (citations and footnote omitted); *see also In re Nomination Petition of Prendergast*, 673 A.2d 324, 327-28 (Pa. 1996) (explaining, “[a] domicile once acquired is presumed to continue until it is shown to have been changed and where a change is alleged, the burden of proving it rests upon whoever makes the allegation”). However, the Court has found only one other decision specifically adopting *Street’s* shifting burden of proof. *See Petition to Set Aside Nomination* **(Footnote continued on next page...)**

A.3d 519, 537 (Pa. 2022) (recognizing a preponderance of the evidence standard applies in the context of a residency challenge involving a candidate’s eligibility for office). This Court must be mindful of its duty to construe the Election Code liberally, “so as to not deprive an individual of his right to run for office, or the voters of their right to elect a candidate of their choice.” *Smith*, 182 A.3d at 23 (quoting *Nomination Petition of Ross*, 190 A.2d 719, 720 (Pa. 1963)).

Candidate’s residence as required under Section 910 of the Election Code is his “domicile.” *See In Re: Nomination Petition of Stack*, 184 A.3d 591, 596 (Pa. Cmwlth. 2018) (Leavitt, P.J.) (single-judge op.). Our Supreme Court has explained this concept as follows:

It must be recognized that some confusion has arisen in the lay mind as to what constitutes legal residence because the word *residence* is often used synonymously with *domicile*. Not only are *residence* and *domicile* employed synonymously and interchangeably but often they are used overlappingly with one word including, with its meaning, a part of the meaning of the other. Thus, the person with a country home and a city home may with grammatic correctness say that he resides at both places. In point of law, however, only one of these places can be his permanent legal residence, that is, his domicile. Because he may (everything else being equal) arbitrarily decide which of these two places he will adopt as his domicile, it is said that residence is a matter of intent.

Huff, 334 A.3d at 242 (quoting *In re Lesker*, 105 A.2d 376, 379 (Pa. 1954)) (emphasis in original).

The facts before this Court are similar to those in *In re Nomination Petition of Driscoll*, 847 A.2d 44 (Pa. 2004). In that case, Joseph Driscoll (Driscoll) filed a nomination petition seeking the Democratic nomination for election to represent the

Petition (Pa. Cmwlth., 367 C.D. 2015, filed April 17, 2015), slip op. at 14. The Court notes it would reach the same result in this case whether applying *Street* or placing the burden of proof solely on Objectors.

15th Congressional District in the United States House of Representatives. *Driscoll*, 847 A.2d at 45. Driscoll previously resided in Haverford, outside the 15th Congressional District. *Id.* at 47. However, he rented a townhouse and registered to vote in Allentown, inside the 15th Congressional District, while running for office. *Id.* at 47. Driscoll stated he resided in Allentown on his nomination petition and candidate’s affidavit. *Id.* at 45-46.

This Court denied a petition to set aside Driscoll’s nomination petition and directed Driscoll to amend his nomination petition and candidate’s affidavit. *Driscoll*, 847 A.2d at 48. Our Supreme Court affirmed. *Id.* at 54. Driscoll conceded the residence he stated on his nomination petition and candidate’s affidavit was incorrect because his wife and children continued to live in Haverford and did not intend to move unless he won the election. *Id.* at 47, 51-53. The Supreme Court explained a person in an intact marriage may not change his or her residence unless both the person and his or her spouse “intend to live in the new residence permanently.” *Id.* at 50.

Given that Driscoll’s residence did not affect his eligibility for federal office, our Supreme Court focused its analysis on whether Driscoll intentionally misstated his residence to deceive the public. *See Driscoll*, 847 A.2d at 46 n.3, 53. Our Supreme Court concluded the evidence supported this Court’s finding that Driscoll did not intend to deceive:

[T]he evidence indicates that [Driscoll] listed his Allentown address as his residence and Lehigh County as his election district because he believed that his residence and election district had changed to those places once he rented a home in Allentown and registered to vote in Lehigh County based on that address. This is apparent from the evidence that [Driscoll] freely acknowledged during the newspaper interview conducted while his petition was being circulated that he was from Haverford, that his wife and children live in Haverford, and that

he only recently rented a townhouse in Allentown. Moreover, . . . [Driscoll] candidly admits that he stated the improper legal residence on his petition and affidavit and thus the residence stated on his petition and affidavit now needs to be changed. Therefore, because [Driscoll's] Haverford address does not disqualify him from running for the office of Representative and because the evidence supports the Commonwealth Court's finding that [Driscoll] did not intentionally falsify his affidavit so as to deceive the public, we hold that the Commonwealth Court did not abuse its discretion in finding that [Driscoll's] incorrect listing of his residence and election district was an amendable defect. . . .

Id. at 53 (footnotes omitted).

More recently, our Supreme Court clarified that its explanation in *Driscoll* regarding the intent of a person's spouse was mere dicta. *See Huff*, 334 A.3d at 245. Our Supreme Court explained the critical factors in determining residence are "the candidate's physical presence and intent to remain." *Id.* at 249 (footnote omitted). The residence of a candidate's spouse, although relevant, is not determinative regarding the residence of the candidate:

[T]his Court, as evidenced by the development of the law delineated above, has throughout the last century consistently equated residency for purposes of constitutional eligibility to run for office with the traditional concept of domicile and has applied a totality of the circumstances test that examines a variety of factors to discern a candidate's physical presence and intent. We have not adopted nor created a *per se* rule applicable to married candidates; moreover, neither has the General Assembly [C]ourts most assuredly may consider marital status and a couple's living arrangements when determining a candidate's domicile for residency purposes, but those marital circumstances cannot be the only factor considered nor can the circumstances of a married couple living separate and apart, alone, function as a bar to constitutional eligibility.

Additionally, the totality of the circumstances test must include an assessment of the candidate's credibility as to his physical circumstances and his intent to remain. As to the latter, "intent" is a foundation of the domicile inquiry. That intent, as voiced by the candidate, however, is not dispositive or controlling. Rather, a

candidate's intent must further be tested against the totality of other discernable facts from the record to support the candidate's claim of residency, or domicile. . . . An expression of intent, alone, therefore, is insufficient. The factors in support of and against domicile must be considered—*e.g.*, a candidate's presence or absence at an address, where the members of his household reside, whether he rents or leases the property, where he sleeps, what belongings and personal effects he keeps at the address, whether he owns another home to which he is more permanently attached, etc.—to determine whether they evidence the required physical presence and intent to remain. . . .

....

. . . Additionally, it must be noted that “intent” is not the same as “motive.” A candidate may be motivated by any number of reasons to make a certain location his domicile, including the desire to run for public office; the relevant inquiry, however, focuses on the candidate's actual domicile, meaning the candidate's physical presence and intent to remain.

Id. at 248-49 (citations and footnote omitted).

A. Candidate's Residence

In the matter at bar, the Court finds the testimony of Candidate and Candidate's Wife to be credible. The Court credits Candidate's testimony that he rented a home at the Washington County Address, moved some of his belongings to the Washington County Address, and sleeps at the Washington County Address four or five times per week. The Court also credits Candidate's testimony that he registered to vote at the Washington County Address, changed his driver's license to the Washington County Address, pays cellphone and utility bills for the Washington County Address, and spends time at the Washington County Address with friends. These factors favor a finding that Candidate now resides at the Washington County Address.

Other factors, however, favor a finding that Candidate has not changed his domicile from the Greene County Address. Candidate owns rather than rents his

home at the Greene County Address, which is located near Candidate's businesses. Candidate testified he continues to eat and sleep at the Greene County Address a portion of the time and maintains a portion of his possessions there. Significantly, Candidate celebrated Thanksgiving and Christmas at the Greene County Address in 2025. Candidate has no vehicles registered at the Washington County Address but has several vehicles registered at the Greene County Address. Candidate's Wife and one of Candidate's stepdaughters reside at the Greene County Address, and Candidate's Wife candidly admitted she had no intention of moving to the Washington County Address.

The Court places particular emphasis on the transient nature of Candidate's home at the Washington County Address. Candidate acknowledged he has no intention of remaining at the Washington County Address over the long term and instead plans to purchase a home somewhere else in Washington County. Candidate testified he plans to sell the Greene County Address, but he did not identify any concrete steps he has taken to achieve this plan other than looking at houses online and monitoring mortgage rates. Although Candidate testified he opened a line of credit in September 2025 to make upgrades and prepare the Greene County Address for sale, the Court does not recall any testimony regarding upgrades Candidate made in the six months since opening the credit line.

Candidate's lack of commitment to the Washington County Address is also apparent from the length of his lease. Candidate testified the initial term of his lease began on October 1, 2025, and would expire on March 31, 2026, after which it would become a month-to-month lease. This means that if Candidate had failed to obtain the necessary signatures to file his nomination petition, or if his nomination petition were set aside, he would have no further obligation to the Washington County

Address and could simply return to the Greene County Address. The circumstances strongly suggest that the Washington County Address functioned as “a place of temporary sojourning” convenient to Candidate’s campaign, rather than a fixed home or abode where he intended to remain. *See Huff*, 334 A.3d at 241 (quoting *Lesker*, 105 A.2d at 378).

Ultimately, although the Court credits Candidate’s and Candidate’s Wife’s testimony, the totality of the circumstances demonstrate Candidate continues to reside at the Greene County Address. Candidate is more permanently attached to the home he owns at the Greene County Address, where his family resides, where he continues to keep a portion of his belongings, and where he continues to eat and sleep a portion of the time. *See Huff*, 334 A.3d at 248-49. Because Candidate’s nomination petition and candidate’s affidavit provide he resides at the Washington County Address, and because his residence may “affect an elector’s nomination decision,” the nomination petition and candidate’s affidavit are materially defective. *Beyer*, 115 A.3d at 837 n.3.

B. Intent to Deceive

This leads the Court to the question of whether Candidate intended to deceive the public by misstating his residence on his nomination petition and candidate’s affidavit. Significantly, Objectors argue Candidate’s error is not amendable because he failed to present “proof that those signing the petition were provided the correct and accurate information with regard to the defect in question, such that their decision to sign could not have been influenced by the defect.” Objectors’ Pre-Trial Mem. of Law, 3/25/26, at 28. The Court’s review of the case law does not support such an onerous requirement. In *Driscoll*, for example, our Supreme Court discussed Driscoll’s candidness regarding his residence in Haverford in the context

of determining whether he intended to deceive the public. The Court did not impose the burden on Driscoll of establishing that voters who signed his petition were aware the petition contained a defect.⁸

Likewise, in *Beyer*, our Supreme Court concluded a law school graduate who inaccurately described himself as a “lawyer” could not amend his nomination petition. 115 A.3d at 836. Our Supreme Court explained the candidate’s misstatement regarding his occupation and failure to correct that misstatement except in “isolated instances” would have left “many electors . . . uninformed” that he was ineligible to practice law. *Id.* at 843. Nonetheless, our Supreme Court discussed this issue in the context of determining whether the candidate intended to mislead electors, which it characterized as the controlling question:

⁸ Notably, the Election Code does not require that a residential address appear on a candidate’s nomination petition. When Driscoll requested in this Court that he be allowed to recirculate his nomination petition to the electors who signed it before, this Court found Driscoll’s proposed remedy inappropriate and unnecessary:

The [Commonwealth C]ourt decided not to permit [Driscoll] to recirculate his amended nomination petition to those electors who had signed his petition because allowing “[s]uch [an] action would create a new, unprecedented and potentially cumbersome remedy with unknown possible implications. . . .” The court additionally found that because [Driscoll] was required to amend his affidavit to reflect his Haverford residence, that residence would be listed with his name on the ballot in the April 27th election and therefore “the electors, if not already aware through the media that [Driscoll] is not a resident of the 15th Congressional District, will be so informed by the time of the Primary Election, and may make an informed choice at that time.”

Driscoll, 847 A.2d at 48 (citations and footnote omitted). Our Supreme Court explained it did not need to address Driscoll’s proposed remedy of recirculating his nomination petition because the parties did not raise it on appeal but noted its “agreement with the sentiments of the Commonwealth Court below . . . that such a remedy could lead to due process and equal protection problems.” *Id.* at 53 n.16.

Even accepting as the Commonwealth Court did that [the candidate] sincerely believed there was a place for “one who studies the law” within the definition of a “lawyer,” his own testimony revealed that he nevertheless knew his written statement of occupation held the potential to mislead electors. This is the critical point, as it was in this manner that his conduct met the scienter requirements for petition invalidation Specifically, responding to electors who observed “[s]o, you’re a lawyer?” with “[o]h, you know, I haven’t passed the bar yet but I plan on taking it next year” reflected an understanding that his usage of the term did not fit within society’s general idea of what a lawyer is. Indeed, his prepared response was the functional equivalent of an admission that he was not yet a lawyer as most electors would understand the term, and would not become one until such time that he passed the bar examination. Apparent in his own testimony, therefore, was his appreciation that electors would likely expect more of a “lawyer by occupation or profession” than having simply graduated law school. The Commonwealth Court seems to have identified this concern when it found the [c]andidate used the term “lawyer” to “enhance his stature” among electors. To the extent the candidate knowingly used the term to suggest a professional status he had yet to attain, we agree. [The candidate], through his statement of occupation, implied credentials material to the office of legislator that he simply did not yet possess. Yet, he persisted in circulating a nomination petition that he knew could mislead in this respect.

Id. at 842 (citation and footnote omitted).

The Court does not doubt that part of Candidate’s motivation in renting the Washington County Address was the political advantage of being able to say he resides in Washington County. The Court credits Dr. Naughton’s expert report that residing in Washington County would enhance Candidate’s chances of a successful campaign. Despite this, the Court finds Candidate did not intend to deceive the public. Candidate’s testimony demonstrates he attempted to change his residence to the Washington County Address and believed in good faith that he had done so. Candidate took numerous actions to effect a change in his residence, including renting the home at the Washington County Address, moving a portion of his belongings to the Washington County Address, sleeping at the Washington County

Address a majority of the time, registering to vote at the Washington County Address, changing his driver's license to the Washington County Address, paying cellphone and utility bills for the Washington County Address, and spending time at the Washington County Address with friends.

The Court concludes the evidence distinguishes this case from decisions such as *Beyer*, where the candidate plainly understood that his description of himself as a lawyer “did not fit within society’s general idea of what a lawyer is.” 115 A.3d at 842. Notably, when the Court asked Candidate what he understood a domicile to be, Candidate explained his domicile is the place that he takes care of, where he eats and spends his time. Although Candidate’s understanding is not legally complete, the Court concludes it is consistent with “society’s general idea” of what a domicile is and, more importantly, bolsters Candidate’s good faith belief that he successfully changed his domicile. Based on Candidate’s actions and this understanding, it was reasonable *for him to believe* that he now resides at the Washington County Address.⁹ The Court finds, therefore, that Candidate did not know his written statement indicating he resided at the Washington County Address had the potential to mislead electors.

III. Conclusion

Having carefully assessed Candidate’s credibility, the Court finds he is domiciled, or for purposes of the Election Code, “resides,” at the Greene County Address, rather than the Washington County Address. Thus, his nomination petition and candidate’s affidavit contain a material defect. The Court finds this defect is amendable, however, because Candidate did not intend to deceive the public by

⁹ Objectors’ counsel would distinguish this case from *Driscoll* because Driscoll candidly admitted his mistake. Presently, Candidate would not make that admission because he believed he did what was legally necessary to change his domicile, i.e., to reside in Washington County.

stating he resides at the Washington County Address. The Court denies Objectors' petition to set aside and directs Candidate to file an amended candidate's affidavit indicating he resides at the Greene County Address.

Stacy Wallace

STACY WALLACE, Judge

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In re: Nomination Petition of Al :
Buchtan, Candidate for Senator in :
the General Assembly for the 46th :
Senatorial District :
 :
 :
Objection of: Dave Ball, Steve Bucar, : No. 120 M.D. 2026
and Jeff Stewart :

ORDER

AND NOW, this 2nd day of April 2026, it is hereby **ORDERED**:

1. The petition to set aside the nomination petition of Al Buchtan, seeking the Republican nomination for election to represent the 46th Senatorial District in the Pennsylvania State Senate, is **DENIED**.

2. The Secretary of the Commonwealth is **DIRECTED** to certify the name of Al Buchtan to the proper officials for inclusion on the ballot in the General Primary Election to be held on May 19, 2026, as a candidate for election to represent the 46th Senatorial District in the Pennsylvania State Senate.

3. Al Buchtan is **DIRECTED** to file with the Secretary of the Commonwealth an amended candidate's affidavit, indicating he resides at 100 Betty Boulevard, Carmichaels, Pennsylvania 15320, by April 7, 2026. Al Buchtan is further **DIRECTED** to promptly file proof of his amended filing with this Court.

4. The Prothonotary is **DIRECTED** to send a copy of this Order to the Secretary of the Commonwealth.

5. The parties shall bear their own costs.

Stacy Wallace

STACY WALLACE, Judge