

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In Re: Republican Nomination	:	
Petition of Timothy J. Brown	:	
	:	No. 384 C.D. 2025
Appeal of: Luigi DeFrancesco	:	Submitted: April 2, 2025

BEFORE: HONORABLE RENÉE COHN JUBELIRER, President Judge  
HONORABLE ANNE E. COVEY, Judge  
HONORABLE CHRISTINE FIZZANO CANNON, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION BY  
JUDGE COVEY

FILED: April 9, 2025

Luigi DeFrancesco (Appellant) appeals from the Crawford County Common Pleas Court's (trial court) March 19, 2025 order (distributed March 24, 2025) denying his Petition to Set Aside Nomination Petition (Petition) of Timothy J. Brown (Candidate) as a candidate in the Republican Party's primary election for PENNCREST School Director and directing Candidate to file an amended Statement of Financial Interests (SOFI) within five days. After review, this Court affirms.

On March 11, 2025, Candidate timely filed his SOFI. Significantly, Candidate left questions 4, 7, 8, 11, 12, 14, and 15 blank. On March 17, 2025, Appellant filed the Petition. On March 19, 2025, the trial court conducted a hearing. That same day, the trial court denied Appellant's Petition. Appellant timely appealed to this Court. On March 27, 2025, this Court directed, *inter alia*: (1) Appellant shall file a Statement of Issues to be Presented on Appeal (Statement of Issues) by March 31, 2025, at 4:00 p.m., in the Prothonotary's Office in Harrisburg; and (2) Appellant and Candidate shall file and serve simultaneous briefs on the merits of the appeal no later than April 2, 2025, at 4:00 p.m., in the Prothonotary's

Office in Harrisburg. Appellant filed his Statement of Issues and his brief with this Court on April 3, 2025. Appellee has not filed a brief as of the writing of this Opinion.

Appellant argues that the trial court erred by failing to set aside Candidate's Nomination Petition because Candidate failed to fill out 50% of his SOFI. Appellant maintains that Candidate's omissions, which are distinguishable from disclosing incorrect information, are meaningfully the same as failing to file a SOFI, which is a fatal defect.

Initially, Section 1104(b) of the Public Official and Employee Ethics Act (Ethics Act) provides, in relevant part:

**Candidate.--**

. . . .

(2) Any candidate for county-level or local office shall file a [SOFI] 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 [SOFI] shall also be appended to such petition.

(3) No petition to appear on the ballot for election shall be accepted by the respective [s]tate or local election officials unless the petition has appended thereto a [SOFI] as set forth in paragraphs (1) and (2). **Failure to file the [SOFI] 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) (text emphasis added). Section 977 of the Pennsylvania Election Code (Election Code)<sup>1</sup> specifies, in pertinent part: “If the court shall find that said nomination petition . . . is defective under the provisions of [S]ection 976

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<sup>1</sup> Act of June 3, 1937, P.L. 1333, *as amended*, 25 P.S. §§ 2600-3591.

[of the Election Code, 25 P.S. § 2936 (relating to nomination petitions),] . . . it shall be set aside.” 25 P.S. § 2937.

This Court has explained:

[T]he fatality rule announced in Section 1104 of the Ethics Act was intended by the [l]egislature to bar only those candidates from the ballot who fail to file [SOFIs] or who file them in an untimely manner. Section 1104 [of the Ethics Act] does not bar any candidate from the ballot if he or she files in a timely manner, even if there are defects on the face of the form, so long as that candidate subsequently amends the form to correct the defect and comes into compliance with the [Ethics] Act in a timely manner. In other words, **all defects related to the content of disclosures on a timely filed [SOFI] are subject to timely amendment.**

*In re: Nomination Petition of Griffis*, 259 A.3d 542, 549 (Pa. Cmwlth. 2021) (emphasis added) (quoting *In re Nomination of Paulmier*, 937 A.2d 364, 371 (Pa. 2007)); see also *In re Nomination Petition of Williams-Witherspoon*, 946 A.2d 663 (Pa. 2008) (allowing an amendment to a timely filed SOFI that contained a material defect); *In re: Nomination Petition of Wissinger*, 18 A.3d 445 (Pa. Cmwlth. 2011) (amendment to SOFI permitted to add signature and office sought); *In re: Petition of Vandecoevering* (Pa. Cmwlth. Nos. 279, 300 C.D. 2023, filed Apr. 10, 2023)<sup>2</sup> (holding trial court erred by granting petition to set aside Republican nomination petitions of cross-filing candidate based on plain language of Sections 1104(b) and 1105(b) of the Ethics Act, 65 Pa.C.S. §§ 1104(b), 1105(b), neither of which requires that candidacy for public office be indicated on SOFI; however, even if the Ethics Act did require such indication, it would be an amendable defect), *appeal denied*,

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<sup>2</sup> Per Section 414(a) of the Internal Operating Procedures of the Commonwealth Court of Pennsylvania, 210 Pa. Code § 69.414(a), unreported Commonwealth Court opinions issued after January 15, 2008, may be cited for their persuasive value. The unreported opinions referenced herein are cited for their persuasive value.

297 A.3d 401 (Pa. Nos. 84, 85 WAL 2023, filed May 2, 2023); *In re: Nomination Petition of Brown* (Pa. Cmwlth. No. 152 M.D. 2022, filed Apr. 11, 2022) (permitting even egregious SOFI defects, in the form of failure to disclose adverse financial information, to be amended after the fact). Accordingly, because Candidate timely filed his SOFI, Appellant's argument that Candidate's failure to complete 50% of his SOFI should be treated as a failure to file a SOFI and, thus, not amendable, lacks merit.<sup>3</sup>

For all of the above reasons, the trial court's order is affirmed.

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ANNE E. COVEY, Judge

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<sup>3</sup> This Court notes that Appellant did not allege in his Petition, nor argue to this Court that Candidate's omissions were made in bad faith.

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ORDER

AND NOW, this 9<sup>th</sup> day of April, 2025, the Crawford County Common  
Pleas Court's March 19, 2025 order (distributed March 24, 2025) is affirmed.

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ANNE E. COVEY, Judge