

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In re: Nomination Papers of	:	
Andrew Tupone as the Green	:	
Party Candidate for Representative	:	
In Congress from the Seventh	:	
Congressional District in the	:	
November 3, 2026 General	:	
Election	:	
	:	
	:	
	:	
Objection of: Green Party	:	
of Pennsylvania and Christina	:	No. 366 M.D. 2026
Olson	:	Heard: August 20, 2026

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE TSAI

FILED: September 4, 2026

Before this Court is a petition filed by the Green Party of Pennsylvania (Green Party or Green Party of PA) and Christina Olson (Olson) (collectively Objectors) to set aside the nomination papers of Andrew Tupone (Candidate) as the Green Party candidate for Representative in Congress from the 7th Congressional District in the November 3, 2026 General Election (Petition to Set Aside). Objector Green Party of PA is an independent political organization affiliated with and recognized by the Green Party of the United States, and Objector Olson is a qualified and validly registered and enrolled elector registered with the Green Party living within Pennsylvania's 7th Congressional District. Objectors set forth a variety of challenges to Candidate's nomination papers based on the fact that Candidate seeks

to run as a Green Party candidate without the support or approval of the Green Party. For the reasons set forth below, the Petition to Set Aside is granted.

I. PROCEDURAL HISTORY

On July 29, 2026, and August 3, 2026, Candidate or someone on his behalf filed nomination papers, consisting in total of 637 pages with 10,586 putative signatures. Thereafter, Objectors filed in this Court the Petition to Set Aside, requesting that this Court reject Candidate's "forced association with the Green Party and set aside his [n]omination [p]apers or, in the alternative, enjoin him from using the name of the Green Party on the ballot for the November 3, 2026 General Election." Petition to Set Aside (Petition) at 1-2, ¶ 4.

In their Petition to Set Aside, Objectors aver that, within Pennsylvania's 7th Congressional District, "[a]s of December 2025, there were 13,887 registered voters in Pennsylvania registered with the Green Party, including 370 voters registered with the Green Party in Lehigh County, 318 voters registered with the Green Party in Northampton County, and 47 voters registered with the Green Party in Carbon County." Petition at 2, ¶ 6. They further aver that the Green Party is "[h]eadquartered in Philadelphia;" "operated at the state level by a [S]tate [S]teering [C]ommittee;" operated "at the county level by numerous affiliated local chapters;" "has run a candidate in every Presidential election since 2000, when Ralph Nader won over 2% of the statewide vote;" and, "[c]onsistent with other state affiliates throughout the United States," has a platform that "focuses on four pillars—social justice, grassroots democracy, peace and nonviolence, and ecological wisdom." Petition at 3, ¶¶ 14-16.

As to its status under the Pennsylvania Election Code, Act of June 3, 1937, P.L. 1333, *as amended*, 25 P.S. §§ 2601-3591, Objectors represent in their Petition

to Set Aside that, “[u]ntil relatively recently, the Green Party . . . was a recognized political party under Pennsylvania state law due to its strong performances in the 2016 Presidential Election.” Petition at 3-4, ¶ 17 (citing *Green Party of Pa. v. Dep’t of State Bureau of Comm’ns*, 168 A.3d 123, 125 (Pa. 2017)). Furthermore, they aver that “Pennsylvania continues to administratively recognize the Green Party as a political entity in the state,” noting that “the voter registration form promulgated by the Secretary of the Commonwealth lists ‘Democratic,’ ‘Republican,’ ‘Green,’ and ‘Libertarian’ as political party affiliations.” Petition at 4, ¶ 18.

Objectors aver that, “[l]ike any political party, the Green Party has an official process for determining whether to promote or endorse a candidate,” and “Rule II, Section 7 of the Rules of the Green Party of [PA] vests ‘the exclusive authority to nominate Green Party candidates for federal and state office within the Commonwealth of Pennsylvania’ in its State Committee.” Petition at 4, ¶¶ 19-20. Objectors represent:

“In March 2026, the State Committee of the [Green Party of PA] nominated Tony Dastra (Dastra) and Craig Bolton (Bolton) to represent the party for the offices of Governor and Lieutenant Governor” by filing nomination papers for them “to appear on the November 3, 2026 General Election ballot[,] correctly reflecting their affiliation with the Green Party.” Petition at 4, ¶ 21. Although the Green Party circulated nomination papers for Dastra and Bolton in Lehigh and Northampton Counties in the 7th Congressional District, the papers “did not include a candidate for Representative in Congress from Pennsylvania’s 7th Congressional District.

Petition at 5, ¶¶ 25-26.

As to Candidate, Objectors contend that “[d]espite having no affiliation with the [Green Party of PA], in the summer of 2026, Candidate began preparing [n]omination [p]apers by collecting signatures from voters in Pennsylvania’s 7th Congressional District, representing to the voters that he was a ‘Green Party’

candidate,” and his “[n]omination [p]apers did not include the Green Party’s nominees for Governor and Lieutenant Governor.” Petition at 5, ¶¶ 28-29. They further contend that Candidate was a registered Republican before he changed his political party registration to Democratic on February 18, 2026, and soon thereafter changed his registration from Democratic to Green. Petition at 6, ¶¶ 31-35.

Objectors maintain in their Petition to Set Aside that, “[o]nce the [Green Party] learned of Candidate[’s] . . . candidacy, [it] reacted swiftly to inform voters that he was not an authentic Green Party candidate,” issuing a statement, informing, in part, that “several candidates who have not been endorsed by the [Green Party] are petitioning to appear on the November General Election ballot using the Green Party affiliation” and warning of “an effort to achieve ballot access in an un-transparent manner [that] is underway” and that “some unendorsed candidates have chosen to appear as representing the Green Party.” Petition at 6-7, ¶¶ 36-37, 40. They contend that: “Candidate . . . and his agents or affiliates who circulated his [n]omination [p]apers misled voters into signing the [n]omination [p]apers on the mistaken belief that they were helping to place a candidate supported by the Green Party onto the ballot;” “many of the voters who signed Candidate[’s] . . . [n]omination [p]apers did so under the false impression that, because the [p]apers indicated Candidate . . . was a ‘Green Party’ candidate, Candidate . . . was affiliated with or endorsed by the [Green Party];” and those voters “would not have [signed the papers] had they been aware that Candidate . . . was not actually affiliated with or endorsed by the [Green Party].” Petition at 7-8, ¶¶ 42-44.

Based on these averments, Objectors assert violations of the Election Code, as well as violations of the United States and Pennsylvania Constitutions. More specifically, Objectors point to the requirement in Section 952 of the Election Code,

25 P.S. § 2912, that candidates are required to “specify . . . the name or appellation of the political body which the candidates nominated thereby represent, expressed in not more than three words,” and also argue that Sections 952 and 976¹ of the Election Code “recognize the potential of confusion from incorrect affiliation with a political party or body.” Petition at 8, ¶¶ 48-49. Objectors essentially contend that Candidate was not affiliated with the Green Party and was forbidden by the Election Code to run as a “Green Party” candidate or use the words “Green Party” to describe the political body under whose auspices he was running for office. Petition at 9, ¶¶ 50-56. Furthermore, Objectors maintain that, if Candidate’s nominating papers are not set aside under the provisions of the Election Code, then inclusion of Candidate’s name on the General Election ballot as a Green Party candidate violates the Green Party’s rights under the First Amendment to the United States Constitution and Article I, Section 7 of the Pennsylvania Constitution, which guarantee a constitutional right to freedom of association, including the corollary right not to associate. Petition at 8, ¶¶ 45-46. Objectors further contend that the Election Code’s differential treatment of political parties and political bodies violates equal protection under the United States and Pennsylvania Constitutions,² as well as the Free and Equal Elections Clause of the Pennsylvania Constitution.³ Petition at 10, ¶¶ 61, 66.

II. HEARING BEFORE THIS COURT

The Court conducted a hearing on this matter on August 20, 2026. Objectors presented the testimony of Candidate; Jessica Mathis, Director of the Bureau of Elections at the Department of State (Director Mathis); and Timothy Runkle, Co-

¹ 25 P.S. § 2936.

² U.S. Const. Amend. 14, § 1; Pa. Const. art. I, §§ 1, 26

³ Pa. Const. art. I, § 5.

Chair of the Green Party of PA (Runkle). Objectors and Candidate both entered exhibits into the record, including an unsworn declaration of Colin Grieco (Grieco), the admissibility of which the Court will address below at Section III. C.

Objectors called Candidate as their first witness as if on cross-examination. Candidate testified that he initially registered to vote as a Republican when he was 18 or 19 years old. N.T. at 17. He ran for magistrate judge two times. N.T. at 27. In 2015 and 2021, he ran on both the Democratic and Republican ballots in the primary elections. N.T. at 29. In 2015, he lost both primaries; in 2021, he won the Republican primary but lost the Democratic. *Id.* Candidate changed his registration to Democratic in February 2026 to run as a Democrat in the Primary Election for the 7th Congressional seat, believing that he had a better chance of winning as a Democratic Party candidate; and in April 2026 changed his registration to Green Party. N.T. at 15-19. During the process of obtaining signatures to be the Democratic candidate, Candidate became “fed up with both parties” and decided “to give the voters another choice on the ballot, independent Green Party candidate.” N.T. at 22. Asked whether he discussed his party change and intent to run for Congress under a different party name or appellation, he does not believe that he did. N.T. at 23 (“Not that I remember.”). He did not speak with anyone in the Green Party before switching his registration, nor had he been involved with the Green Party prior to that time. *Id.* Candidate did speak with some Green Party members for the purpose of creating a committee to fill vacancies. N.T. at 25. He considers himself to be a member of the Green Party, and he is running as a member of the Green Party because he likes the values of the Green Party. *Id.* He did not speak with anyone about running for the 7th Congressional District seat as a Green Party candidate prior to making the decision, because he had run for office before and

understood the signature-gathering process. N.T. at 26-27. At some point prior to circulating his nomination papers, he performed a Google search and attempted to reach the Green Party at the state level regarding his campaign by leaving a voicemail message, but he did not receive a return call. N.T. at 30-31. He did not complete a questionnaire for the Green Party. N.T. at 31. At the time he circulated his nomination papers, he did not know whether the Green Party was running candidates for Governor or Lieutenant Governor in 2026, because no one returned his call. N.T. at 31.

As to the circulation of his nomination papers, Candidate testified that he did not know whether the Green Party assisted with the circulation of his nomination papers. N.T. at 31. He first contacted individuals to serve on the committee to fill vacancies, and some agreed and some did not. N.T. at 32. He downloaded the nomination papers, filled them out, then began going door to door. N.T. at 32. He was the only one knocking on doors. *Id.* As he went around, he would give people who were interested or enthusiastic about a third-party candidate blank nomination papers. N.T. at 33. He did not stay in touch with them. *Id.* As to how the people would know to return the nomination papers, he stated that his address was on the papers, so he hoped they would drop the papers off at his house prior to the deadline. *Id.* He filed nomination papers with over 10,000 signatures. N.T. at 34. He stated that he never had anyone approach him with an offer to assist with finding circulators, and he did not pay for any nomination papers to be circulated. *Id.* He is not aware of anyone who circulated his nomination papers being paid from another source. *Id.*

Regarding the filing of his nomination papers, Candidate testified that he does not know who filed his nomination papers, as he coordinated with his attorneys

regarding their filing. N.T. at 36-37. Candidate said he had engaged his attorneys toward the beginning of the process, because he was not “100 percent familiar with the process of filing as a third party.” N.T. at 37.

Candidate testified that he did not research whether the Green Party was trying to put any other candidates on the ballot this year. N.T. at 39. To his knowledge, he was not endorsed by the Green Party. *Id.* A person who identified himself as Runkle telephoned him around the end of July, identifying himself as holding a position in the Green Party, possibly Co-Chair of the Green Party. N.T. at 39-42. According to Candidate, the person asked weird questions and attempted to intimidate him not to run as a Green Party candidate, telling Candidate that it was too late to run. N.T. at 39-40. This confused Candidate, because the deadline for the filing of nomination papers had not yet passed. *Id.* During the call, which lasted only a few minutes, Candidate told the person that he had tried to reach out to the Green Party, but he did not receive a call back. N.T. at 40-42. According to Candidate, the person apologized. N.T. at 42-43. Candidate did not ask the person about the Green Party’s process for endorsement, support, or nomination. N.T. at 43. At the time of the hearing, Candidate did not know the Green Party’s internal process to win its endorsement or nomination. N.T. at 43. Rather, Candidate testified that he knows the process of filing paperwork with the Department of State. *Id.* When asked if he understood that he did not have the support of the Green Party as an entity when he circulated the nomination papers, he responded “no.” *Id.*

When later examined by his counsel, Candidate testified that, after consuming social media posts from “The Young Turks” and other influencers, he considers himself now to be a progressive and he is not supportive of President Trump. N.T. at 44-45. He also testified to the date on which he changed his registration to the

Green Party. N.T. at 46. On re-cross examination, Candidate testified that he intends to campaign hard for the Green Party candidates for Governor and Lieutenant Governor, although he could not recall the name of the candidate running for the latter position. N.T. at 47-48.

The Court finds that Candidate's testimony is largely credible, although he was less than forthcoming about the type and level of assistance he received from others in the circulation and filing of his nomination papers.

Director Mathis was a straightforward, credible witness who testified to Candidate's registration status, as described above, explaining that voters are provided the following party options when they register to vote: "Democratic, Republican, Green, Libertarian, none, or other." N.T. at 49-50. She testified regarding a document prepared by her office that shows Green Party registration in particular counties in the 7th Congressional District and the statewide total. N.T. at 51-52. The information, pulled from the Statewide Uniform Registry of Electors (SURE System), establishes the number of electors registered as members of the Green Party, as set forth above. N.T. at 52. She testified that the Green Party of PA is a "political body," although it had been recognized as a minor "political party" in 2018 and 2022. N.T. at 52-53. Director Mathis testified to the election returns for the November 2, 2004 General Election in the 15th Congressional District⁴ and the November 6, 2018 Special Election for the 7th Congressional District, verifying that Green Party candidates ran in both of those elections. N.T. at 53-56. She also testified about Candidate's party status, consistent with his testimony above, and

⁴ Director Mathis testified that, during the 2004 General Election, the Republican and Democratic candidates for the 15th Congressional District hailed from Lehigh County, and the Libertarian and Green party candidates for that seat hailed from Northampton County. N.T. at 54-55.

testified that Objector Olson changed her party status from Democratic to Green Party in August 2020. N.T. at 56-58.

On cross-examination, Director Mathis confirmed that Candidate changed his party status to the Green Party on the last day to disaffiliate his voter registration from a political party so that he could run as a third-party candidate. N.T. at 60-61.

Timothy Runkle testified that he is the Co-Chair of the Green Party of PA, the statewide party. N.T. at 66. According to Runkle, the Green Party of PA is the representative of the Green Party of the United States within the Commonwealth of Pennsylvania; as a result of its official affiliation with the Green Party of the United States, the Green Party of PA has representation at the national party level through its delegates. N.T. at 66-67. He identified the affiliation agreement between the Green Party of PA and the Green Party of the United States, through which those entities agree to support ballot access for national candidates. N.T. at 67-68. He described the organizational structure of the Green Party of PA at the state level as having a State Committee comprised of delegates that represent counties within Pennsylvania. N.T. at 68. At the county level, county committees of the Green Party may apply to the State Committee for affiliation; once affiliated, the county committees can elect and send delegates to participate in the State Committee. N.T. at 68. Not every county has an affiliated county committee. N.T. at 68-69. He explained that, where there is no established county committee, they have organizing committees; each organizing county is also permitted one delegate on the State Committee that is elected by the State Committee. *Id.* The affiliation process supplies the bylaws and rules for the county committees. N.T. at 69. As part of the rules of the Green Party of PA, the county committees must agree with the values of the Green Party and democratic principles. *Id.* At the time of the hearing, Runkle

estimated that there were 70-80 individuals serving as State Committee members. N.T. at 69-70.

Runkle further testified that the Green Party of PA has a Steering Committee, which functions in a largely administrative role. N.T. at 70. The Steering Committee organizes the meetings, runs the meetings, and conducts day-to-day business at the direction of the State Committee. N.T. at 70. He testified that he believes that the Green Party is an unincorporated association. *Id.* He also described the four pillars of the Green Party and ten key values. N.T. at 71. He expressed his belief that a Green Party candidate should be able to articulate the four pillars of the Green Party. *Id.*

Runkle also explained that, with regard to decisions whether to run a candidate for office, the Green Party “has an endorsement process that keeps in mind the requirements of [its] bylaws and is also intended to be a vetting process of candidates” and a mechanism to allow the Green Party and a candidate to come to an agreement as to what each can provide. N.T. at 71-72. “The Green Wave team is essentially [the Green Party’s] electoral committee that helps candidates run for public office[,] and there is an endorsement form that [a prospective candidate] would fill out to start the process.” N.T. at 72. Any prospective candidate seeking a statewide or federal office would be expected to complete a questionnaire provided by the Green Party. *Id.* According to Runkle, Candidate did not complete a questionnaire. N.T. at 72-73. He further testified that the Green Party may decline to run a prospective candidate because of responses to the questionnaire—sometimes the person is not a match for the Green Party values, not able to articulate the values, or the person’s values contradict the Green Party’s values. N.T. at 73. Sometimes

there is a mismatch on needs in that the party cannot supply what the person needs to support them to run. *Id.*

Runkle acknowledged that “[t]here are situations where the State Committee . . . has decided not to run a candidate in office as a preference to running one.” *Id.* He explained that “at different points in time, the strategy may be to target certain areas because the effort is to get a message out or to win a race in that area. In other years, it may be to seek our minimum required percentage to obtain political party status as determined by the Commonwealth of Pennsylvania.” N.T. at 74. Moreover, resources can function as a constraint on the Green Party’s ability to run candidates for office. N.T. at 74-75. The Green Party sometimes faces criticism for running candidates, as it is “often blamed for spoiling elections.” N.T. at 76. The perception is that Green Party candidates run to spoil elections for Democratic candidates, and there has been criticism in the past nationally for taking Republican money. *Id.* Runkle expressed his opinion that such a perception is a mischaracterization of the Green Party’s goals and brand, and it is a hurdle that it must face. N.T. at 76-77. How the Green Party is portrayed is at “the top of [State Committee members’] mind[s].” N.T. at 77.

The Green Party began running presidential candidates in Pennsylvania since the late 1990’s when Ralph Nader ran. *Id.* He believes that when voters see a Green Party candidate on the ballot, they would expect the candidate to follow the Green Party’s values. N.T. at 77-78. He explained: “[T]here’s definitely a brand that people expect. [The party has] long been characterized as the environmentalist. The party itself is considered an ecosocialist party. And that [is] the brand that’s going forward.” N.T. at 78. The brand distinguishes the party from other parties that may be running similar elections, which is why the Green Party asks the prospective

candidate questions so that it can vet for consistency with the brand, image, and reputation of the Green Party. N.T. at 78-79. Runkle testified that this year the Green Party, with the backing of the State Committee, decided to run candidates for Governor and Lieutenant Governor. N.T. at 79.

Runkle testified regarding the Green Party's bylaws. N.T. at 80. He explained that, under Rule II, Section 7, the State Committee holds the exclusive authority to nominate Green Party candidates for federal and state offices within the Commonwealth of Pennsylvania and that it does so at a nomination convention that may be held at any of the State Committee meetings. N.T. at 80-81. This year, the Green Party selected its nominees for Governor and Lieutenant Governor at a State Committee meeting in March 2026. N.T. at 81. Runkle further explained that Rule II, Section 7B of the bylaws provides that the State Committee may nominate candidates for the offices of representative in Congress for districts wholly within counties in which there is no authorized county committee, such as the 7th Congressional District, and that the bylaws provide a process for that nomination. N.T. at 81-82. Runkle testified that the Green Party may decide not to run a candidate for Congress by choice or because no candidate presented himself or herself to the State Committee for nomination. N.T. at 82. To reach the State Committee, Runkle stated that a potential candidate would have to contact the Green Party through some means; contact may be initiated through the local level, Green Wave, or the Green Party's website, noting that contact information for the committees is located on the website. N.T. at 83. One contact telephone number is listed on the website, and Runkle explained that the number "comes back to [the Green party's] contact record management system and . . . is preserved and reported." *Id.* Runkle explained that the Green Party does not have paid staff nor

does it have someone monitoring the phone on a day-to-day basis, so there may be instances where return calls could be delayed, but it would be unusual for a call to be missed of a person expressing interest in running for office. N.T. at 83-84. He maintained that the Green Party makes a concerted effort to contact everyone who reaches out to it. N.T. at 84. Runkle further testified that he has personal access to the contact record management system, he is one of the people who usually checks it, he is unaware of any voicemail left by Candidate expressing an interest in running for office, information about the process is described on the Green Party's website with directions for contacting the correct person, and the questionnaire is not on the website. N.T. at 84-85.

As to this year's Green Party nominees, Runkle testified that the Green Party circulated nomination papers for Governor and Lieutenant Governor and explained that a lot of Green Party delegates and committee members are involved in the campaign. N.T. at 86-87. He further explained that the Green Party is permitted to stack candidates on the same nomination paper so long as the county is within the district for all of the candidates listed. N.T. 87-88. Candidate's name does not appear on any of the circulation papers circulated by the Green Party, because he was not nominated by the Green Party and the party did not learn of his nomination papers until it began to receive phone calls in July relating to paid petitioning efforts. N.T. at 88-89. After learning that a person was circulating nomination papers, Runkle found a telephone number and called Candidate. N.T. at 91-92. Runkle stated that he informed Candidate of the Green Party's nomination process and that it was too late for Candidate to run as a Green Party nominee; he also inquired whether Candidate was using paid circulators, to which Candidate responded that he was not. N.T. at 92-93. Runkle stated that Candidate informed him that Candidate

had tried to contact the Green Party but did not receive a response. N.T. at 92. When asked by counsel at the hearing if, at that point in time, there would have been time for the Green Party to review a potential nominee's questionnaire, Runkle responded that it was unlikely. N.T. at 93-94.

Runkle next testified about the public statement the Green Party's Steering Committee released following this conversation, informing the public that it was not involved with unendorsed candidates who appeared to be circulating nomination papers and it did not pay for any circulators. N.T. at 94-95. He represented that the Green Party made the statement because it was concerned that, if it did not, its image could be damaged due to the perception that it was using paid circulators of an unknown source. *Id.* He further represented that the details of what was going on were alarming, would be alarming to voters, and could affect the Green Party's reputation, particularly given the use of paid solicitors from an unknown source. N.T. at 95-96. Runkle explained that the Green Party does its work transparently, and it was concerned if someone was obtaining signatures in its name and paying for that effort, the Green Party may have had an obligation to report it. *Id.* He stated that when "somebody dumps a lot of money in the race at the very, very end and gets a whole load of signatures that you can only do with a lot of cash. . . . [I]t's got to be explained where the money comes from." N.T. at 96. Relating to the circulation of Candidate's nomination papers, Runkle stated that, to his knowledge, no one registered with the Green Party nor any active member of the Green Party circulated Candidate's papers, as the Green Party would not have provided its members with the nominating papers. N.T. at 96-97.

Runkle testified that he spoke with Grieco, a registered Green Party member, who signed Candidate's nomination paper and gave Runkle an unsworn declaration.

N.T. at 100-101. Counsel for Objectors attempted to introduce the unsworn declaration into the record, at which point Candidate's counsel objected. N.T. 102-107. The Court deferred ruling on the objection, which is addressed below at Section III. C. *Id.*

Runkle described the problem that is created when a candidate not nominated or endorsed by the Green Party tries to use the Green Party's name or appellation as being false representation, because the Green Party members have not had an opportunity to express that the person is their candidate; unlike political parties, political bodies are not permitted to participate in the Primary Election. N.T. at 107-108. Finally, Runkle testified that the Green Party has never retained Candidate's counsel. N.T. at 108.

On cross-examination, Runkle candidly acknowledged that the Working Families Party arranged for counsel to file the Petition to Set Aside on behalf of the Green Party and to appear at the hearing. N.T. at 110-111. Runkle confirmed that, aside from Grieco, he could not identify any other person who claimed to have been misled when signing Candidate's nomination papers. N.T. at 119-120. Runkle acknowledged that a person circulating the nomination papers would not need to be a member of the Green Party. N.T. at 120-121.

On re-direct examination, Runkle testified that the financial resources of the Green Party are limited in that it has a very small budget within which to work, which is why it has collaborative relationships with other entities like the Working Families Party, with whom it often shares common goals to advance candidates. N.T. at 121. Financial barriers limit the Green Party's ability to run candidates for every office on the ballot every election. N.T. at 122. The Green Party did not place telephone calls to all the signers of Candidate's nomination papers; rather, it

attempted to call about ten signers who were registered to vote as Green Party. N.T. at 123-124.

Runkle was a credible witness who testified with candor, responding calmly, knowledgeably, and fully to counsel's questions without a hint of obfuscation.

III. DISCUSSION

A. ELECTION CODE CHALLENGES

1. Parties' Arguments

As noted above, Objectors, relying on Sections 952 and 976 of the Election Code, argue that Candidate's nomination papers must be set aside because Candidate was not affiliated with the Green Party and was forbidden by the Election Code to run as a "Green Party" candidate or use the words "Green Party" to describe the political body under whose auspices he was running for office.

Objectors frame their arguments around the notion that "Pennsylvania's Election Code does not permit candidates to profit by misleadingly associating themselves with existing political entities," observing that Sections 952 and 976 of the Election Code prohibit candidates from "submit[ing] nomination papers that identify a political body with a name or appellation that is 'deceptively similar to,' or contains' part of the name or an abbreviation of the name" of any political body "which has already filed nomination papers for the same office." Objectors' Brief at 25-26 (quoting 25 P.S. § 2912). Objectors emphasize that Candidate's identification of his political body as the "Green Party" is both "deceptively similar to" and contains "part of the name" of the Green Party of PA. Second, the Green Party has previously "filed nomination papers for the same office" that Candidate now seeks. Objectors' Brief at 26 (citing 25 P.S. § 2912). Objectors, in response to Candidate's position, argue that Section 952 of the Election Code does not require

that the Green Party have nominated a candidate for the 7th Congressional District this election cycle for its protections to apply. They invoke Section 1921(b) of the Statutory Construction Act of 1972, 1 Pa. C.S. § 1921(b), which provides: “When the words of a statute are clear,” the Court cannot “disregard[]” their plain meaning “under the pretext of pursuing [the statute’s] spirit.” Objectors’ Brief at 27. Given that the Green Party has previously filed nomination papers for the Congressional District in two different election cycles—2004 and 2018—they assert that Candidate is barred from designating himself as the nominee of the Green Party.

Furthermore, Objectors argue that Candidate’s unauthorized utilization of the Green Party name or appellation constitutes a material defect in the nomination papers. They rely on the concept that “[t]he political party or body that a candidate uses on his nomination papers informs the electors who circulate and sign—and the electorate as a whole—as to whether the candidate is affiliated with a known political entity.” Objectors’ Brief at 31. “When this designation falsely implies that the candidate is so affiliated, when in fact the candidate is not endorsed by or associated with the political entity in question, the nomination papers do not meet the [Election] Code’s requirement of truthful and accurate information.” *Id.*

Objectors also maintain that Candidate did not follow the Green Party’s bylaws under Pennsylvania’s Uniform Unincorporated Nonprofit Association Law (Nonprofit Association Law), 15 Pa. C.S. §§ 9111-9139. They refer the Court to its recent decision in *Casper v. Bucks County Republican Committee*, 345 A.3d 1259 (Pa. Cmwlth. 2025), *appeal denied*, (Pa., No. 577 MAL 2025, filed June 2, 2026) 2026 WL 1550582, which they describe as making “clear that the Nonprofit Association Law permits associations to address governance matters through their governing principles, which includes bylaws.” Objectors’ Brief at 31-32. Objectors

use *Casper* to support their theory that, “[i]f the Nonprofit Association Law applies to unincorporated political organizations, and the organizations must follow their bylaws, then a candidate . . . who seeks to associate himself with the political organization must also follow its bylaws.” Objectors’ Brief at 32-33. Objectors argue that, “[a]s an unincorporated organization, the Green Party has adopted bylaws and rules that set out the governing principles for its official nomination process,” and “the bylaws vest[] ‘the exclusive authority to nominate Green Party candidates for federal and state office within the Commonwealth’ in its State Committee.” Objectors’ Brief at 33 (quoting Hearing Exhibit (Ex.) P-9). Candidate did not follow the Green Party’s governing rules to become its Candidate, Objectors argue, and they further contend that Candidate did not comport himself in the manner that a member of the Green Party would have in circulating nomination papers.

Candidate responds that Objectors failed to prove that his nomination papers should be set aside, asserting that “[t]he Election Code sets out, with precision, what a political body candidate must do to secure a place on the general election ballot.” Candidate’s Brief at 12 (emphasis and footnote omitted). Candidate identifies these requirements as: (1) disaffiliate from party enrollment by the applicable deadline, (2) obtain signatures on nomination papers, and (3) timely file the nomination papers. *Id.* at 12-24. Candidate takes the position that “Section 976 of the Election Code charges the officer with whom nomination papers are filed with examining them and refusing to permit filing where they are manifestly not in compliance with the [Election Code].” *Id.* at 13-14. Candidate points out that the Secretary of the Commonwealth did not reject or return Candidate’s nomination papers for any reason, including using the name of a political body that is “identical with or

deceptively similar to” that of an existing party or a political body that has already filed for the same office. *Id.* at 14 (citing 25 P.S. § 2936).

Candidate asserts that Objectors’ reasons for seeking to set aside Candidate’s nomination papers are not the result of any failure to comply with a provision of the Election Code. Instead, the reasons are based on internal party procedures which, according to Candidate, may be a matter of consequence within the Green Party but do not result in a defect in a nomination paper. In support, Candidate focuses the Court’s attention on Section 951(a) of the Election Code, which provides, in part, that nominations by political bodies “of candidates for any public office may also be made by nomination papers signed by qualified electors,” arguing that “[t]he **signatures are the nomination** [and n]othing in Sections 951 through 977 [of the Election Code, 25 P.S. §§ 2911-2937,] conditions the validity of a political body’s nomination papers on the approval, endorsement, or authorization of any private organization bearing similar name.”⁵ *Id.* at 15 (emphasis added). According to Candidate, Objectors’ “reliance on the Green Party’s bylaws illustrates the problem”—“[a] private organization’s internal rules are not ‘provisions of [the Election Code].’” *Id.*; *see also* 25 P.S. § 2937 (setting forth circumstances under which a nomination paper may be defective under the provisions of the Election Code). Candidate asserts that “[a] candidate’s failure to satisfy a private body’s endorsement procedures therefore cannot render his papers” defective under the Election Code. *Id.* To hold otherwise would convert objections under Section 977 “into private-association disputes tried on an election[-]calendar clock.” *Id.*

⁵ Although Candidate’s argument on this point goes to a “private organization bearing a similar name,” Candidate confirmed during the hearing that he intended to run as a Green Party of PA candidate—not as a candidate of some other political body with a similar name. N.T. at 25.

Candidate also argues that Objectors' reliance on this Court's decision in *Casper* for the proposition that Pennsylvania's nonprofit association law applies to political bodies and empowers this Court to use the Green Party's bylaws is misplaced. Candidate characterizes *Casper* as concerning whether the internal election procedures used by a political party comply with Section 5759(e) of the Nonprofit Corporation Law of 1988 (Nonprofit Corporation Law), 15 Pa. C.S. § 5759(e), or Section 9124 of the Nonprofit Association Law, 15 Pa. C.S. § 9124, and the substantive issue before the *Casper* court was whether the trial court had subject matter jurisdiction. In *Casper*, this Court concluded that subject matter jurisdiction existed because the "complaint does not concern the qualification or eligibility of the elected Executive Committee to serve but, rather, the voting methods employed at the election and whether they were authorized by valid bylaws." *Casper*, 345 A.3d at 1275. The Court held that judicial review was appropriate because the questions "involve the neutral principles of law set forth in the Nonprofit Corporation Law or the Nonprofit Association Law and do not risk entanglement in matters of political policy." *Id.* Candidate urges the Court to refrain from wading into the latter, suggesting, instead, that the Court be guided by *Mohn v. Bucks County Republican Committee*, 259 A.3d 449 (Pa. 2021). Candidate cites *Mohn* for the proposition that internal party governance is not a matter for judicial review, *see Mohn*, 259 A.3d at 464-65, and warns that Objectors are "asking this Court to resolve an internal dispute" and "make internal party procedures an appendage to the Election Code by enforcing the Green Party's internal governance." Candidate's Brief at 17.

2. Analysis

“The Election Code must be liberally construed . . . to protect a candidate’s right to run for office[] and a voter[’s] right to elect the candidate of their choice.” *In re Scroggin*, 237 A.3d 1006, 1016 (Pa. 2020) (internal citations omitted). “A party alleging defects in a nominat[ion] p[aper] has the burden of proving such defects.” *In re Constitution Party*, 323 A.3d 238, 244 (Pa. Cmwlth. 2024) (Cohn Jubelirer, P.J.) (single-judge op.) (alterations in original). Notwithstanding this recognized liberal construction of the Election Code, this Court has explained:

“[T]he provisions of the [E]lection [Code] relating to the form of nominat[ion] [papers] and the accompanying affidavits are not mere technicalities but are necessary measures to prevent fraud and to preserve the integrity of the election process.” *In re Nom. Pet. of Cianfrani*, 359 A.2d 383, 384 (1976); *see also In re Nom. Pet. of Shimkus*, 946 A.2d 139, 159 (Pa. Cmwlth. 2008) (same). The Supreme Court has consistently recognized the Election Code’s “requirements of sworn affidavits are to insure the legitimacy of information crucial to the election process.” *In re Cianfrani*, 359 A.2d at 384; *see also In re Scroggin*, 237 A.3d at 1019 (same). Accordingly, the policy to liberally construe the language of the Election Code cannot be distorted to emasculate those requirements necessary to assure the integrity of the election process. *Id.* This Court is, therefore, mindful of the need to balance the liberal purposes of the Election Code and “the provisions of the [E]lection [C]ode relating to . . . nominati[on] [papers] . . . [which] are necessary . . . to prevent fraud and to preserve the integrity of the election process.” *In re Nom. Pet. of Scott*, 138 A.3d 687, 692 (Pa. Cmwlth. 2016) (Cohn Jubelirer, J.) (single-judge op.) (alterations in original) (citation and internal quotation marks omitted). This Court is “entrusted with the responsibility of protecting the Commonwealth’s compelling interest in preserving the integrity of the election process.” *Id.* (citation and internal quotation marks omitted).

Id. at 244-45.

Identifying the proper starting point of any analysis is critical to obtain the correct result. It is apparent to the Court that the parties begin their analyses at divergent starting points, presumably because they have different objectives and

their views are inapposite as to the statutory scheme to be employed. With that in mind, the Court starts at the very beginning of the Election Code with Section 102 and its definitions for guidance. *See* 25 P.S. § 2602.

Section 102 of the Election Code defines the word “**nomination**” as “the **selection**, in accordance with the provisions of [the Election Code], **of a candidate** for a public office authorized to be voted for at an election,” and the words “political body” as “an independent body of electors, as defined in Section 801 of [the Election Code],” 25 P.S. § 2831. 25 P.S. § 2602 (emphasis added). Section 102 also refers to Section 801 for the definition of the word “party.” *Id.*

Recognizing that a political body is, at its most basic, “an independent body of electors,” Section 801 of the Election Code distinguishes between political parties and political bodies, like the Green Party, here, based on the percentage of votes received by the party or body at the preceding primary or general election.⁶ As for the definition of “political party,” Section 801(a) of the Election Code, 25 P.S. § 2831(a), provides, in part:

Any party or political body, one of whose candidates at the general election next preceding the primary polled in each of at least ten counties of the State not less than two per centum of the largest entire vote cast in each of said counties for any elected candidate, and polled a total vote in the State equal to at least two per centum of the largest entire vote cast in the State for any elected candidate, is hereby declared to be a political party within the State.

Section 801(b) of the Election Code, 25 P.S. § 2831(b), additionally provides: “Any party or political body, one of whose candidates at either the general or municipal

⁶ Excluded from the definitions of “political party” and “political body” are “any political party, political organization or political body composed of a group of electors, whose purposes or aims, or one of whose purposes or aims, is the establishment, control, conduct, seizure or overthrow of the Government of the Commonwealth of Pennsylvania or the United States of America by the use of force, violence, military measures, or threats of one or more of the foregoing.” 25 P.S. § 2831(d).

election preceding the primary polled at least five per centum of the largest entire vote cast for any elected candidate in any county, is hereby declared to be a political party within said county.” Finally, Section 801(c) of the Election Code, 25 P.S. § 2831(c), further defines “political body” as: “Any political body which is not a political party, as hereinabove defined, but which has nominated candidates for such general or municipal election by nomination papers in the manner provided by [the Election Code].” Thus, under Section 801, only a political body that achieves a certain level of success in the voting booth is recognized under the Election Code as a political party. *See* 25 P.S. § 2831. As discussed above, the Green Party PA is presently a political body, not a political party, although it has in recent history twice qualified as a political party.

The Election Code provides different nomination paths for candidates dependent upon the type of nomination a person seeks—*i.e.*, nomination by a political party or nomination by a political body. Candidates of political parties are nominated by the political parties through the primary election process. 25 P.S. §§ 2861-2883. Political bodies that have not achieved political party status, on the other hand, are not permitted to nominate candidates in the primary election. 25 P.S. § 2831(c) (“Any political body which is not a political party, . . . **but which has nominated candidates** for such general . . . election by nomination papers in the manner provided by this act, shall be deemed to be a political body within the meaning of this act, but such political body shall not be entitled to **nominate its** candidates or elect its party officers at primaries” (emphasis added)). Rather, nominees of such political bodies must file nomination papers containing a requisite

number of signatures from qualified electors in their respective districts.⁷ 25 P.S. § 2911(b).

Section 951 of the Election Code sets forth provisions relating to the signing of nomination papers. Moreover, it allows a political body to circulate nomination papers for a slate of candidates nominated by that body:

More than one candidate may be nominated by one nomination paper and candidates for more than one office may be nominated by one nomination paper: Provided, That **each political body nominating** does not nominate more candidates than there are offices to be voted for at the ensuing election: And provided, That all the signers on each nomination paper are qualified to vote for all the candidates nominated therein.

25 P.S. § 2911(c) (emphasis added). To be eligible to be a candidate of a political body in a general election, the person cannot have been “registered [or] enrolled [as a] member of a [political] party during any period of time beginning with thirty (30) days before the primary and extending through the general or municipal election of that same year.” Section 951.1 of the Election Code, 25 P.S. § 2911.1.⁸

⁷ Specifically, Section 951(a) of the Election Code provides, in part, that “in addition to the party nominations made at primaries, nomination of candidates for any public office may also be made by nomination papers signed by qualified electors of the State, or of the electoral district for which the nomination is made, and filed in the manner herein provided.” 25 P.S. § 2911(a). Section 951(b) of the Election Code further provides that, unless

the nomination is for any office to be filled by the electors of the State at large, . . . the number of qualified electors of the electoral district signing such nomination papers shall be at least equal to two per centum of the largest entire vote cast for any officer, except a judge of a court of record, elected at the last preceding election in said electoral district for which said nomination papers are to be filed, and shall be not less than the number of signers required for nomination petitions for party candidates for the same office.

25 P.S. § 2911(b).

⁸ Added by the Act of July 12, 1980, P.L. 649.

“[N]omination papers shall be in form prescribed by the Secretary of the Commonwealth, and no other forms than the ones so prescribed shall be used for such purposes.” 25 P.S. § 2911(a). Section 952 of the Election Code, 25 P.S. § 2912, sets forth requirements for their contents. Specifically, and pertinent to the matter now before the Court, “[a]ll nomination papers shall specify . . . [t]he name or appellation of the **political body which the candidates nominated thereby represent**, expressed in not more than three words.”⁹ 25 P.S. § 2912 (emphasis added).

As to the name or appellation of the political body, Section 952 of the Election Code provides, in part:

No words shall be used in any nomination paper to designate the name or appellation of the political body represented by the candidates named in such nomination paper which are identical with or deceptively similar to the words used for a like purpose by any existing political party as defined by [S]ection 801 of [the Election Code], or which contain part of the name or an abbreviation of the name or part of the name of any existing political party; nor shall any words be used in any nomination paper to designate the name or appellation of the political body represented by the candidate’s name in such nomination paper **which are identical with or deceptively similar to the words used for a like purpose by any political body which has already filed nomination papers for the same office** nor which contain part of the name or an abbreviation of the name or part of the name of a political body which has already filed nomination papers for the same office. Any petition to set aside a nomination paper on account of the name or appellation used therein, or involving the right of the signers thereof to use such name or appellation shall be decided as in the case of other petitions to set aside nomination papers, in the manner provided by this article.

⁹ The nomination papers shall also specify “the name of each candidate nominated therein[;] his profession, business or occupation, if any; . . . his place of residence[;] . . . the office for which such candidate is nominated; and . . . the names and addresses of the committee, not to be less than three (3) nor more than five (5) persons, authorized to fill vacancies, if any shall occur.” 25 P.S. § 2912.

25 P.S. § 2912 (emphasis added).

Section 976 of the Election Code, 25 P.S. § 2936, prohibits the filing of nomination papers if the name of the political body set forth therein does not comply with Section 952 of the Election Code. Section 976 provides, in part:

When any . . . nomination paper is presented in the office of the Secretary of the Commonwealth or of any county board of elections for filing within the period limited by this act, it shall be the duty of the said officer or board to examine the same. **No . . . nomination paper . . . shall be permitted to be filed if . . . (g) . . . the appellation set forth therein is identical with or deceptively similar to the words used by any existing party or by any political body which has already filed nomination papers for the same office, or if the appellation set forth therein contains part of the name, or an abbreviation of the name or part of the name of an existing political party, or of a political body which has already filed nomination papers for the same office. . . .**

25 P.S. § 2936 (emphasis added). The nomination papers may be challenged through the filing of a petition to set aside with this Court, setting forth the objections thereto. Section 977 of the Election Code, 25 P.S. § 2937. Of relevance here, Section 977 of the Election Code provides, in part:

If the court shall find that said nomination petition or paper is defective under the provisions of [S]ection 976 [of the Election Code], or does not contain a sufficient number of genuine signatures of electors entitled to sign the same under the provisions of this act, **or was not filed by persons entitled to file the same, it shall be set aside.**

A review of the above statutory provisions reveals that the Election Code vests with political parties and political bodies the right to “nominate”—*i.e.*, “select”—the candidates they wish to place on the ballot in the General Election. Political parties achieve this through the primary process, when voters of each political party vote for the candidates of their choice for that party. *See* 25 P.S. §§ 2861-2883. The verity of this statement as it relates to political bodies, such as the Green Party, is borne out in the very definition of “political body” in Section 801

of the Election Code, which describes a political body in terms of it “ha[ving] **nominated** candidates for such general . . . election by nomination papers” and prohibits a “political body [from] **nominat[ing]** its candidates . . . at primaries.” 25 P.S. § 2831(c) (emphasis added). Section 951 is entitled “Nominations by political bodies,” reinforcing that the statutory provision refers to “**each political body nominating.**” 25 P.S. § 2911(c) (emphasis added). Most tellingly, the nomination papers must contain the “name . . . of the **political body which the candidates nominated thereby represent.**” 25 P.S. § 2912 (emphasis added). The use of the past tense “nominated” indicates that the persons has already been nominated by the political body and is now seeking signatures to appear on the General Election ballot.

Candidate skips over these basic requirements and asserts his right to file nomination papers as the nominee of the Green Party without the Green Party’s actual nomination of him, arguing that the “signatures are the nomination.” Candidate’s Brief at 15. This cannot be the case, because the electors signing the nomination papers in support of the person appearing on the ballot are not necessarily members of the Green Party. To hold otherwise would allow non-Green Party electors to select the candidate for the Green Party, usurping the Green Party’s ability to nominate its own candidate should it chose to do so.

The fact that the Secretary of the Commonwealth accepted and did not reject Candidate’s nomination papers is of no moment, as the Election Code vests this Court with the authority to decide this matter. *See* 25 P.S. § 2937. Moreover, Candidate’s failure to obtain the nomination of the Green Party prior to circulating the nomination papers is not the type of defect that would have been apparent on the face of the nomination paper. Furthermore, the arguments of the parties as to whether Candidate’s use of the name “Green Party” is, under Section 952 of the

Election Code, “identical with or deceptively similar to the words used for a like purpose by any political body which has already filed nomination papers for the same office” would only be relevant if we had concluded that Candidate need not obtain the nomination of the actual Green Party in order to file his nomination papers identifying himself as the Green Party nominee. *See* 25 P.S. § 2912. Had Candidate, however, testified that he did not file nomination papers to run as the nominee of the Green Party of PA, but rather filed nomination papers to run as the nominee of a separate political body with an identical or similar name, then our analysis may have differed. The Court, however, is not presented with that circumstance, as Candidate unequivocally testified that he circulated nomination papers as the nominee of the Green Party of PA.¹⁰ N.T. at 25.

The Court notes that the Election Code places no restrictions on political bodies. As a result, political bodies can have formal structures, such as the Green Party, or no structure at all. They can consist of thousands of members, such as the Green Party, or just a few or perhaps even one. All a political body must do to advance a nominee to the ballot is select an eligible nominee, name persons to serve on a committee to fill vacancies,¹¹ and timely file nomination papers with sufficient

¹⁰ The prohibition on a political body filing nomination papers using an identical or deceptively similar name to that of another political body running a nominee for the same office is unrelated to the mechanics of a political body’s internal nomination process. The prohibition makes sense only in the context of preventing voter confusion for legitimate nominations by political bodies. If two separate political bodies nominate candidates, the prohibition prevents the political bodies from using identical or deceptively similar names on the ballot for that office. For instance, if political bodies named No DataCenters and Ban DataCenters both sought to place a nominee on the ballot, it is possible that the two names could be considered deceptively similar. Had Candidate been nominated to run as a member of a political body called the Green Party 7th rather than as the nominee of the existing Green Party, then the Court would be required to consider the nomination papers under Sections 952 and 976 of the Election Code. Such scenarios, however, are simply not before this Court.

¹¹ *See* 25 P.S. § 2912.

signatures of the general electorate. Essentially, the filing of nomination papers with sufficient signatures secures the political body's nominee a place on the General Election ballot as a candidate of the political body.

We note that Candidate could have circulated nomination papers as the nominee of a political body unrelated to the Green Party of PA had he chosen to do so. Had Candidate credibly testified that the "Green Party" political body that had nominated him was a different political body than Objector Green Party of PA, then this Court would have to determine whether Candidate's use of an identical or similar name to the Green Party of PA was permissible and, if not, whether Candidate should be permitted to amend his nomination papers to change the name of the political body.¹² Such are not the circumstances now before this Court, as Candidate regards himself as the nominee of Objector Green Party of PA without its nomination and despite its objection.

The Court rejects Candidate's arguments that this analysis implicates matters of political policy of a political body or causes the Court to become involved in the internal governance of a political body. To the contrary, the Court's analysis respects the internal governance of political bodies and protects political bodies from external forces hijacking those bodies.

¹² Additionally, although Candidate has not requested leave of the Court to amend his nomination papers to change the name of the political body, if the Court was required to address the appropriateness of such relief, it would deny such relief. This is because, based on the evidence of record, it would appear that the electors who signed the nomination papers did so believing that Candidate was the nominee of the existing Green Party. Under these circumstances, the Court finds that it is highly likely that the electors were deceived that Candidate was a *bona fide* nominee of the Green Party for the 7th Congressional District, such that allowing his name to remain on the General Election Ballot is incompatible with the goals of the Election Code "to prevent fraud and to preserve the integrity of the election process." *Cianfrani*, 359 A.2d at 384.

B. CONSTITUTIONAL CHALLENGES

Because the Court resolves the issues based on the provisions of the Election Code, it need not address Objectors' constitutional challenges. Nevertheless, the Court endeavored to make sufficient factual findings through credited testimony to allow for appellate review on all issues should Candidate seek review.

C. UNSWORN DECLARATION OF COLIN GRIECO

During the hearing, Candidate objected to the Green Party's attempt to admit into the record the unsworn affidavit of Grieco, and the Court deferred the ruling on that objection. Objectors, in support of the unsworn declaration, argue that the Pennsylvania Rules of Civil Procedure do not apply in election cases, *In re Johnson*, 502 A.2d 142, 145 (Pa. 1985), and that this Court has admitted affidavit evidence where corroborated by other evidence. *In re Smith*, 182 A.3d 12, 24 (Pa. Cmwlth. 2018). Objectors argue that Runkle testified that he personally spoke with Grieco by phone and text and confirmed that Grieco saw his name on Candidate's nomination papers and that it was his opinion that the signature and handwriting on the unsworn declaration match the signature and handwriting in the nomination papers. Furthermore, Objectors note that Runkle testified that "[Grieco] recalled the situation very clearly."¹³ N.T. at 107. Objectors argue that the testimony of Runkle corroborates the unsworn declaration sufficiently to admit it into evidence. Candidate does not address this issue in its post-trial briefs.

The Uniform Unsworn Declarations Act (Declarations Act), 42 Pa. C.S. §§ 6201-6208, provides that "if a law of this Commonwealth requires or permits use of a sworn declaration, an unsworn declaration meeting the requirements of this chapter has the same effect as a sworn declaration." 42 Pa. C.S. § 6204(a). The

¹³ Although the Court did not summarize this testimony above, it does find Runkle's testimony as to these facts credible. See N.T. at 102-107.

Declarations Act has five specific exceptions: a deposition, an oath of office, an oath required for a specified official, a declaration relating to real property required to be recorded, and an oath relating to self-proved wills. 42 Pa. C.S. § 6204(b). In *In re Turner*, 291 A.3d 519 (Pa. Cmwlth. 2023), this Court held that a candidate's affidavit that was not notarized but had an unsworn declaration appended to it had the "same effect as a sworn affidavit." *Turner*, 291 A.3d at 524. Earlier, with a similar factual scenario, this Court upheld a candidate's affidavit with an unsworn declaration, reasoning that it complied with the Declarations Act and "the signer of an unsworn affidavit must acknowledge that they are signing under penalty of perjury." *In re: Nomination Petition of Michael Puskaric as Republican Candidate for State Representative from the 39th Legislative Dist.* (Pa. Cmwlth., No. 170 M.D. 2022, filed April 9, 2022), slip. op. at 7.

Historically, the Commonwealth Court has accepted affidavits of electors in the challenges to nomination petitions or paper. *See In re Vodvarka*, 994 A.2d 25, 27 (Pa. Cmwlth. 2010) (permitting affidavits of electors to rehabilitate facial defects because the affidavits "provided the date on which they signed the nomination petition"); *and see In re Nomination Petitions of Smith*, 182 A.3d 12, 25 (Pa. Cmlwth. 2018) (admitting a signer's affidavit that "represented that he was a registered Democratic elector who signed Candidate's petition"). Here, Grieco's unsworn declaration contains the statement: "I declare under penalty of perjury under the law of the Commonwealth of Pennsylvania that the foregoing is true and correct." Ex. P-12. Grieco also attests that he is not able to appear in person at the hearing. *Id.* Given this Court's historical acceptance of affidavits, Grieco's unavailability, the limited nature of the unsworn declaration (discussed below), and the inclusion in the unsworn declaration of a statement that the declaration is signed

under the penalty of perjury, the Court overrules Candidate's objection to the unsworn declaration.

Turning to the substance of Grieco's unsworn declaration, Greico represents that he is registered to vote at an address in Allentown; that when he signed Candidate's nomination papers, he was told by the circulator that it was a petition to kick Republican Ryan Mackenzie (the incumbent) out of office; when he signed the nomination papers, he did not know that Candidate only recently switched his party registration to Green Party; and, that, if he had known that Candidate had only recently switched his party registration, Grieco would not have signed the nomination papers. *Id.* The Court, accepting these facts as true, nevertheless concludes that the consideration of the unsworn statement does not affect the Court's analysis as to the disposition of this Petition to Set Aside set forth above.

IV. CONCLUSION

For the reasons set forth above, the Court grants the Petition to Set Aside Candidate's nomination papers.



STELLA M. TSAI, Judge

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In re: Nomination Papers of	:	
Andrew Tupone as the Green	:	
Party Candidate for Representative	:	
In Congress from the Seventh	:	
Congressional District in the	:	
November 3, 2026 General	:	
Election	:	
	:	
	:	
	:	
Objection of: Green Party	:	
of Pennsylvania and Christina	:	
Olson	:	No. 366 M.D. 2026

ORDER

AND NOW, this 4th day of September, 2026, the petition filed by the Objectors Green Party of Pennsylvania and Christina Olson to set aside nomination papers of Andrew Tupone, as the Green Party candidate for Representative in Congress from the 7th Congressional District in the November 3, 2026 General Election is hereby GRANTED.

The Secretary of the Commonwealth is directed to remove Andrew Tupone's name as the Green Party candidate for Representative in the 7th Congressional District from the November 3, 2026 General Election ballot and to transmit this order promptly to the Boards of Elections for the following counties: Lehigh, Northampton, Carbon, and Monroe. The Chief Clerk is directed to send a copy of this order to the Secretary of the Commonwealth.

It is hereby ORDERED that each party shall bear the party's own costs.

A handwritten signature in black ink, appearing to read 'Stella M. Tsai', written above a horizontal line.

STELLA M. TSAI, Judge

Certified from the Record

SEP - 4 2026

And Order Exit