

SUPREME COURT OF PENNSYLVANIA

Michael A. Nutter v. John Dougherty, Dwight Evans, Chaka Fattah,
Jonathan Saidel, and City of Philadelphia

595 Pa. 340 (2007) (Pa. 2007) · No. 5-9 EAP 2007 · Decided December 28, 2007

SUMMARY

The Supreme Court of Pennsylvania considered whether the Pennsylvania Election Code preempted Philadelphia's ordinance limiting campaign contributions to candidates for municipal office. The court addressed express, conflict, and field preemption, as well as the scope of Philadelphia's home-rule authority. The court affirmed the Commonwealth Court's conclusion that the Election Code did not preempt the ordinance.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Baer; Chief Justice Cappy; Justice Castille; Justice Saylor; Justice Eakin; Justice Baldwin; Justice Fitzgerald
JURISDICTION	Pennsylvania
DECIDED	December 28, 2007
DOCKET	5-9 EAP 2007
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Commonwealth Court's reversal of a Philadelphia County Court of Common Pleas order granting judgment on the pleadings and invalidating Philadelphia's campaign-finance contribution-limit ordinance as preempted by the Pennsylvania Election Code.
STANDARD OF REVIEW	De novo review of the legal preemption question, with plenary scope of review.
PRECEDENTIAL VALUE	Published Pennsylvania Supreme Court majority opinion and binding precedent.
PARTIES	Chaka Fattah, John Dougherty v. Michael A. Nutter, City of Philadelphia

TOPICS

campaign finance

election law

municipal law

home rule

statutory interpretation

PRACTICE AREAS

Election law

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QUESTIONS PRESENTED

1. Whether the Pennsylvania Election Code expressly, by conflict, or by field preemption invalidated Philadelphia's ordinance limiting campaign contributions to candidates for municipal office.
2. Whether Article VII, Section 6 of the Pennsylvania Constitution required uniform statewide regulation of campaign contributions and therefore barred Philadelphia's ordinance.
3. Whether Philadelphia's home-rule authority permitted it to enact the campaign-finance ordinance absent a clear legislative manifestation of preemptive intent.

HOLDINGS

1. The Election Code did not preempt Philadelphia's ordinance because the General Assembly had not clearly manifested an intent to occupy the field of campaign-contribution regulation or to prohibit local regulation.
2. The ordinance was not conflict-preempted because the defendants identified no irreconcilable conflict between the ordinance and any express provision of the Election Code.
3. Article VII, Section 6 did not clearly apply to campaign-contribution limits because it concerns the procedures, methods, machinery, electors, and voting involved in holding elections, not the regulation of campaign activity preceding elections.

KEY QUOTATIONS

“absent a clear statement of legislative intent to preempt, state legislation will not generally preempt local legislation on the same issue.” (at 414)

“Absent a clear legislative manifestation of such an intent, Appellants' preemption arguments must fail.” (at 416)

FACTUAL BACKGROUND

Philadelphia City Council enacted an ordinance limiting campaign contributions to candidates for municipal office, initially imposing limits of \$1,000 for individuals and \$5,000 for political action committees, later amended to cover additional offices and increase the limits. Michael Nutter sued prospective mayoral candidates seeking enforcement of the ordinance. The defendants argued that the Pennsylvania Election Code and the Pennsylvania Constitution preempted local campaign-contribution regulation.

PROCEDURAL HISTORY

Nutter filed a declaratory-judgment and injunction action seeking to enforce Philadelphia's campaign-finance contribution limits against prospective mayoral candidates. The Court of Common Pleas granted judgment on the pleadings to the defendants, concluding that the Election Code preempted local campaign regulation. The Commonwealth Court reversed and upheld Philadelphia's authority to enact the ordinance. The Supreme Court of Pennsylvania affirmed the Commonwealth Court on the merits; it had previously rejected standing and mootness challenges by per curiam order.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The Commonwealth Court's order upholding the validity of Philadelphia's campaign-finance ordinance was affirmed. The case was remanded, and the Supreme Court relinquished jurisdiction.

CASES CITED

- Nutter v. Dougherty, 921 A.2d 44 (Pa. Commw. Ct. 2007)
- Department of Licenses and Inspections, Board of License and Inspection Review v. Weber, 394 Pa. 466, 147 A.2d 326 (1959)
- Mars Emergency Medical Services v. Township of Adams, 559 Pa. 309, 740 A.2d 193 (1999)
- Western Pennsylvania Restaurant Association v. Pittsburgh, 366 Pa. 374, 77 A.2d 616 (1951)
- City of Philadelphia v. Schweiker, 579 Pa. 591, 858 A.2d 75 (2004)
- Council of Middletown Township v. Benham, 514 Pa. 176, 523 A.2d 311 (1987)
- County of Delaware v. Township of Middletown, 511 Pa. 66, 511 A.2d 811 (1986)
- Cali v. City of Philadelphia, 406 Pa. 290, 177 A.2d 824 (1962)
- Kuznik v. Westmoreland County Board of Commissioners, 588 Pa. 95, 902 A.2d 476 (2006)
- Commonwealth, State Ethics Commission v. Cresson, 528 Pa. 339, 597 A.2d 1146 (1991)
- City Council of the City of Bethlehem v. Marcincin, 512 Pa. 1, 515 A.2d 1320 (1986)
- City of Pittsburgh v. Allegheny Valley Bank, 488 Pa. 544, 412 A.2d 1366 (1980)
- Public Defender's Office of Venango County v. Venango County Court of Common Pleas, 586 Pa. 317, 893 A.2d 1275 (2006)
- Schwartz v. Rockey, 932 A.2d 885, 891 (Pa. 2007)
- Buckley v. Valeo, 424 U.S. 1, 96 S. Ct. 612, 46 L. Ed. 2d 659 (1976)
- Natural Milk Producers Association v. City and County of San Francisco, 20 Cal. 2d 101, 124 P.2d 25 (1942)