

SUPREME COURT OF PENNSYLVANIA

In re Nomination Petition of Mark LaVelle for the Democratic Party
Nomination for Representative in the General Assembly from the
177th Legislative District in the May 19, 2026 Primary Election;
Appeal of Mark LaVelle

No. 9 EAP 2026 (Pa. Apr. 7 2026) (Pa. 2026) · No. No. 9 EAP 2026 · Decided April 7, 2026

SUMMARY

Justice Brobson concurred in the Pennsylvania Supreme Court's per curiam order affirming the Commonwealth Court's decision concerning Mark LaVelle's nomination petition. Although the concurrence questioned whether the Commonwealth Court's standing order provided adequate notice under Section 977 of the Pennsylvania Election Code, it concluded that remand would be futile because the parties stipulated that LaVelle lacked the required 300 valid signatures.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Brobson; Justice Dougherty; Justice Mundy
JURISDICTION	Supreme Court of Pennsylvania, Eastern District
DECIDED	April 7, 2026
DOCKET	No. 9 EAP 2026
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mark LaVelle appealed the Commonwealth Court's order concerning a petition to set aside his nomination petitions, challenging the court's standing order governing notice of such petitions.
PRECEDENTIAL VALUE	Published concurring statement accompanying a per curiam order; the concurrence's reasoning is not itself a majority holding.
PARTIES	Mark LaVelle

TOPICS

- ballot access
- election contests
- election law
- appellate procedure
- statutory interpretation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Commonwealth Court's standing order providing notice through publication of a petition on its publicly accessible website complied with Section 977 of the Pennsylvania Election Code.
2. If notice was inadequate, whether the petition to set aside LaVelle's nomination petition should be dismissed or instead remanded for a new hearing after adequate notice.
3. Whether remand was warranted where LaVelle stipulated that he lacked the 300 valid signatures required for ballot access.

HOLDINGS

1. Even if the candidate received inadequate notice, the remedy would be a new hearing after adequate notice, not dismissal of the petition.
2. Remand would have been futile because LaVelle stipulated that 106 of his 382 submitted signature lines were invalid, leaving him below the 300 valid signatures required for ballot access.

KEY QUOTATIONS

“The remedy for a lack of adequate notice would not be dismissal of the petition to set aside the nomination petition but, rather, a new hearing after new/adequate notice is provided.” (at 1)

“Here, if we were to find that Candidate did not receive adequate notice, a remand would be futile.” (at 1)

FACTUAL BACKGROUND

LaVelle challenged a Commonwealth Court standing order under which candidates were deemed to receive notice of a petition to set aside their nomination petitions when the petition was published on the court's publicly accessible website. The parties stipulated that 106 of the 382 signature lines submitted by LaVelle were invalid. Because Pennsylvania law required 300 valid signatures for a candidate for the General Assembly to appear on the ballot, LaVelle lacked sufficient valid signatures. Although he claimed inadequate notice, he appeared at the hearing with counsel and did not request a continuance.

PROCEDURAL HISTORY

The Commonwealth Court conducted a hearing on March 23, 2026, in docket No. 122 MD 2026, and entered an order adverse to LaVelle. LaVelle appealed to the Supreme Court of Pennsylvania. The Supreme Court's per curiam order affirmed the Commonwealth Court's order; Justice Brobson filed a concurring statement, joined by Justices Dougherty and Mundy.

DISPOSITION

affirmed

CASES CITED

- Caba v. Weaknecht, 64 A.3d 39, 66 (Pa. Cmwlth. 2013)

OPINION

In re: Nom. of LaVelle; Appeal of: LaVelle

BROBSON, P. KEVIN, concurring.

[J-47-2026]

IN THE SUPREME COURT OF PENNSYLVANIA

EASTERN DISTRICT

IN RE: NOMINATION PETITION OF MARK : No. 9 EAP 2026

LAVELLE FOR THE DEMOCRATIC PARTY : NOMINATION FOR REPRESENTATIVE IN :

Appeal from the order of the THE GENERAL ASSEMBLY FROM THE : Commonwealth Court

at docket 177TH LEGISLATIVE DISTRICT IN THE : No. 122 MD 2026. MAY 19, 2026

PRIMARY ELECTION : : SUBMITTED: April 1, 2026 APPEAL OF: MARK LAVELLE :

CONCURRING STATEMENT

JUSTICE BROBSON FILED: April 7, 2026 In this election appeal, Mark LaVelle (Candidate) challenges a standing order of the Commonwealth Court, pursuant to which candidates are deemed to have notice of a petition to set aside their nomination petitions once the Commonwealth Court publishes the filing of the petition on the court's publicly accessible website. Candidate maintains that this standing order conflicts with Section 977 of the Pennsylvania Election Code (Election Code), Act of June 3, 1937, P.L. 1333, as amended, 25 P.S. § 2937.1 Under the provision, Candidate contends that the order issued by the court scheduling the hearing must also provide for the time and manner by which the petitioner/objector must notify the candidate specifically of both the petition and the court's order scheduling the hearing. Mere notice to the public by way of publication on the court's website is not, in Candidate's view, sufficient to comply with the statute.

1 Section 977 of the Election Code provides, in relevant part, that, "[u]pon the presentation of . . . a[n objection] petition, the court shall make an order fixing a time for hearing . . . and specifying the time and manner of notice that shall be given to the candidate or candidates named in the nomination petition . . . sought to be set aside." 25 P.S. § 2937. While I have my doubts about whether the Commonwealth Court's standing order complies with Section 977 of the Election Code, it matters not in this case. The remedy for a lack of adequate notice would not be dismissal of the petition to set aside the nomination petition but, rather, a new hearing after new/adequate notice is provided. See Caba v. Weaknecht, 64 A.3d 39, 66 (Pa. Cmwlth. 2013). Here, if we were to find that Candidate did not receive adequate notice, a remand would be futile. The parties stipulated below that 106 of the 382 signature lines proffered by Candidate in his nomination petitions were invalid.² See Section 912.1(14) of the Election Code, Act of June 3, 1937, P.L. 1333, as amended, added by the Act of December 12, 1984, P.L. 968, 25 P.S. § 2872.1(14) (requiring 300 valid signatures for Candidate's name to appear on ballot for office of Representative in Pennsylvania General Assembly). Candidate, therefore, did not secure enough

signatures to appear on the ballot. For these reasons, and these reasons alone, I join the Court's per curiam order affirming the Commonwealth Court's order. Justices Dougherty and Mundy join this concurring statement. 2 Notwithstanding his allegation of a lack of adequate notice, Candidate appeared, represented by counsel, at the hearing scheduled before the Commonwealth Court on March 23, 2026, and did not request a continuance of that hearing.

[J-47-2026, 9 EAP 2026] - 2