

SUPREME COURT OF PENNSYLVANIA

In re Nomination Petition of Marie DeYoung as a Democrat for State Representative for the 163rd Legislative District; Appeal of Harry M. Riley, IV

895 A.2d 546 (Pa. 2006) · No. J-96-2006 · Decided August 21, 2006

SUMMARY

The Supreme Court of Pennsylvania held that a qualified private party has standing to object to a candidate’s Statement of Financial Interests attached to a nomination petition. The court rejected the Commonwealth Court’s sua sponte standing analysis and concluded that the Election Code, rather than the Ethics Act, supplies the mechanism and expedited timeframe for challenging such filings. The court reversed and remanded for a decision on the merits.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Madame Justice Baldwin; Chief Justice Cappy; Justice Castille; Justice Newman; Justice Saylor; Justice Eakin; Justice Baer; Justice Baldwin
JURISDICTION	Pennsylvania
DECIDED	August 21, 2006
DOCKET	J-96-2006
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	An elector and enrolled member of the Democratic Party appealed the Commonwealth Court's dismissal of his petition challenging a candidate's nomination petition based on an allegedly deficient Statement of Financial Interests.
STANDARD OF REVIEW	De novo review and plenary scope of review because standing presented a question of law.
PRECEDENTIAL VALUE	Published Pennsylvania Supreme Court opinion; binding precedent in Pennsylvania.
PARTIES	Harry M. Riley, IV v. Marie E. deYoung

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QUESTIONS PRESENTED

1. Whether the Commonwealth Court improperly raised standing sua sponte.
2. Whether a qualified private party has standing and a right of action to challenge a candidate's Statement of Financial Interests attached to a nomination petition.
3. Whether the Commonwealth Court erred by dismissing the challenge for lack of standing.

HOLDINGS

1. A court may not raise standing sua sponte on the theory that standing is intertwined with subject matter jurisdiction; standing is not a jurisdictional question.
2. A qualified private party who would have standing to challenge a nomination petition may object to a candidate's Statement of Financial Interests attached to that petition; the State Ethics Commission is not the exclusive party entitled to bring the challenge.

KEY QUOTATIONS

“Whether a party has standing to maintain an action is not a jurisdictional question.”

“The Ethics Commission has never been, and is not now, the only party that may challenge the Statements of Financial Interests attached to Nomination Petitions.”

“Clearly, then, the Election Code and not the Ethics Act provides the mechanism to object to a candidate's Statement of Financial Interests within the expedited timeframe required by the exigencies of an election season.”

FACTUAL BACKGROUND

Harry M. Riley, an elector in the 163rd Legislative District and a registered Democratic Party member, challenged Marie E. deYoung's nomination petition. He alleged that deYoung's Statement of Financial Interests failed to disclose all income sources totaling \$1,300 or more, as required by the Public Official and Employee Ethics Act. The State Ethics Commission determined that the statement was deficient and that the defect was fatal, but declined to intervene in the litigation.

PROCEDURAL HISTORY

Riley filed a petition to set aside deYoung's nomination petition, alleging that her Statement of Financial Interests failed to disclose required income sources. The Commonwealth Court referred the matter to the State Ethics Commission, which found the statement deficient and the defect fatal, but the Commission declined to intervene. The Commonwealth Court then dismissed Riley's petition for lack of standing and ordered that

deYoung's name remain on the primary ballot. The Pennsylvania Supreme Court reversed and remanded for a decision on the merits.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Commonwealth Court must decide the merits of Riley's objection to deYoung's nomination petition and Statement of Financial Interests.

CASES CITED

- In re Hickson, 573 Pa. 127, 134, 821 A.2d 1238, 1242 (2003)
- Beverly Healthcare-Murrysville v. Dep't of Public Welfare, 828 A.2d 491, 496 (Pa. Commw. Ct. 2003)
- Heath v. Worker's Comp. Appeal Bd., 580 Pa. 174, 180-81, 860 A.2d 25, 29 (2004)
- Strank v. Mercy Hosp. of Johnstown, 376 Pa. 305, 309, 102 A.2d 170, 172 (1954)
- Payne v. Dep't of Corr., 582 Pa. 375, 386 n.5, 871 A.2d 795, 802 n.5 (2005)
- Hertzberg v. Zoning Bd. of Adjustment, 554 Pa. 249, 256 n.6, 721 A.2d 43, 46 n.6 (1998)
- Beers v. Unemployment Comp. Bd. of Review, 534 Pa. 605, 611 n.6, 633 A.2d 1158, 1160 n.6 (1993)
- In re Nomination of Benninghoff, 578 Pa. 402, 407 n.4, 852 A.2d 1182, 1185 n.4 (2004)
- In re Nomination Petition of Bryant, 578 Pa. 421, 852 A.2d 1193 (2004)
- In re Petition of Cioppa, 533 Pa. 564, 626 A.2d 146 (1993)
- State Ethics Comm'n v. Cresson, 528 Pa. 339, 597 A.2d 1146 (1991)
- In the Matter of the Nomination Petition of Samms, 543 Pa. 681, 684, 674 A.2d 240, 242 (1996)