

COMMONWEALTH COURT OF PENNSYLVANIA

In re: Nomination Petition of Martin B. Flynn a/k/a Marty Flynn,
Candidate for Senator in the General Assembly, 22nd Senatorial
District, Primary Election to be held May 19, 2026; Objection of
Lawrence S. Sparano

136 M.D. 2026 (Commonwealth Court of Pennsylvania 2026) · No. 136 M.D. 2026 · Decided April 30, 2026

SUMMARY

The Commonwealth Court of Pennsylvania dismissed Lawrence S. Sparano’s objection to Martin B. Flynn’s nomination petition for the Democratic nomination for State Senator in the 22nd Senatorial District. The court held that the objection was not timely served on the Secretary of the Commonwealth as required by Section 977 of the Pennsylvania Election Code, notwithstanding electronic notice through PACFile. The court directed that Flynn remain on the ballot and canceled the scheduled hearing.

CASE DETAILS

COURT	Commonwealth Court of Pennsylvania
WRITING FOR THE COURT	Matthew S. Wolf
JURISDICTION	Commonwealth Court of Pennsylvania
DECIDED	April 30, 2026
DOCKET	136 M.D. 2026
DISPOSITION	dismissed
PROCEDURAL POSTURE	Original-jurisdiction election proceeding involving an objection to a nomination petition and the candidate's application to dismiss for untimely service on the Secretary of the Commonwealth.
PRECEDENTIAL VALUE	Published opinion

TOPICS

- election contests
- election law
- service of process
- statutory interpretation

PRACTICE AREAS

- election law
- civil procedure

QUESTIONS PRESENTED

1. Whether an objection to a nomination petition must be served on the Secretary of the Commonwealth within the statutory period established by Section 977 of the Election Code.
2. Whether electronic transmission through PACFile constitutes timely service on the Secretary when the Election Code does not specify electronic service as an authorized method.

HOLDINGS

1. A petition to set aside a nomination petition must be both timely filed with the court and timely served on the Secretary of the Commonwealth; failure to timely serve the Secretary requires dismissal even when the petition was timely filed.
2. Electronic service through PACFile is insufficient to satisfy Section 977's service requirement in these circumstances.

KEY QUOTATIONS

“A petition to set aside a nomination petition must be timely filed with the court, and it must also be timely served on the Secretary. Even if the petition is timely filed, failure to serve the Secretary with the petition within the statutory period requires that the petition be dismissed.” (at 1)

“Electronic service, such as by PACFile as Objector alleges, is not sufficient because opting into PACFile is no guarantee the Secretary will constantly monitor electronic filing notifications at all hours, and Section 977 sets forth specific times when the Secretary should expect to be served.” (at 3)

FACTUAL BACKGROUND

Sparano objected to Flynn's nomination petition for the Democratic nomination for State Senator in Pennsylvania's 22nd Senatorial District. Although Sparano filed the objection in the Commonwealth Court on March 17, 2026, the petition was not physically served on the Secretary of the Commonwealth until March 18, 2026, after the 5:00 p.m. statutory deadline. Sparano argued that filing through PACFile and an electronic filing by candidate's counsel provided the Secretary with actual notice before the deadline, but the court rejected electronic PACFile notice as sufficient service.

PROCEDURAL HISTORY

Lawrence S. Sparano timely filed a petition to set aside Martin B. Flynn's nomination petition on March 17, 2026. The petition was physically served on the Secretary of the Commonwealth on March 18, 2026, after the statutory deadline. Flynn moved to dismiss, and the Commonwealth Court granted the application, dismissed the objection, deemed the nomination petition valid, and directed that Flynn remain on the ballot.

DISPOSITION

dismissed

CASES CITED

- In re Lee, 578 A.2d 1277, 1278 (Pa. 1990)
- In re Broadhurst, 312 A.3d 410, 414-15, 419-20 (Pa. Cmwlth. 2024)
- In re Objections to Nomination Petitions/Papers of Candidates for Statewide and State-Level Office, Pa. Cmwlth., No. 126 Misc. Dkt. No. 3 (Jan. 22, 2026)

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