

[J-50-2014]
IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

IN RE: NOMINATION PETITION OF	: No. 15 WAP 2014
GORDON MARBURGER FOR THE	:
REPUBLICAN NOMINATION FOR	: Appeal from the Order of the
REPRESENTATIVE IN THE GENERAL	: Commonwealth Court entered April 17,
ASSEMBLY FROM THE 12TH DISTRICT	: 2014 at No. 180 M.D. 2014.
IN THE REPUBLICAN PRIMARY OF MAY	:
20, 2014	: SUBMITTED: April 23, 2014
	:
	:
APPEAL OF: JAMES S. POWERS AND	:
MARLENE E. LOTT	:

CONCURRING STATEMENT

MR. JUSTICE BAER

I concur in the reversal of the Commonwealth Court's order, but distance myself from the Court's reliance upon In re Nomination Petition of Guzzardi, No. 29 MAP 2014 (Pa. May 1, 2014) (per curiam order with opinion to follow), for the proposition that nunc pro tunc principles cannot apply to cure a fatal defect under Section 1104(b)(3) of the Ethics Act, 65 Pa.C.S. § 1104(b)(3). While I believe that nunc pro tunc principles may apply to cure a fatal defect in a nomination petition, see Guzzardi, supra, (Baer, J., dissenting), the candidate herein did not satisfy the requisites for such relief.

Madame Justice Todd joins.