

[J-39-2022]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

| | | |
|---------------------------------|---|-------------------------------|
| IN RE: NOMINATION PETITION OF | : | No. 56 MAP 2022 |
| ROBERT JORDAN AS REPUBLICAN | : | |
| CANDIDATE FOR STATE | : | Appeal from the Order of the |
| REPRESENTATIVE FROM THE 165TH | : | Commonwealth Court at No. 187 |
| LEGISLATIVE DISTRICT | : | MD 2022 dated April 11, 2022. |
| | : | |
| | : | SUBMITTED: April 16, 2022 |
| APPEAL OF: FRED RUNGE, OBJECTOR | : | |
| | : | |
| | : | |

ORDER

PER CURIAM

AND NOW, this 19th day of April, 2022, the Court having determined that nomination challenges predicated upon allegations that a candidate for a seat in the General Assembly cannot meet the qualification requirements set forth in Article II, Section 5 of the Pennsylvania Constitution¹ are justiciable under Section 977 of the Election Code of 1937,² the order of the Commonwealth Court dismissing Objector-

¹ Article II, Section 5 provides:

Senators shall be at least 25 years of age and Representatives 21 years of age. They shall have been citizens and inhabitants of the State four years, and inhabitants of their respective districts one year next before their election (unless absent on the public business of the United States or of this State), and shall reside in their respective districts during their terms of service.

PA. CONST. art. II, § 5.

² See 25 P.S. § 2937 (“All nomination petitions and papers received and filed within the periods limited by this act shall be deemed to be valid, unless, within seven days after the last day for filing said nomination petition or paper, a petition is presented to the court specifically setting forth the objections thereto, and praying that the said petition or paper

Appellant's petition to set aside the nomination petition of Robert Jordan for want of subject matter jurisdiction is **REVERSED**.

Based upon the stipulated facts of record, the Court finds by a preponderance of the evidence that Robert Jordan will not have been an inhabitant of the 165th Legislative District for at least one year prior to the November 8, 2022 general election. Accordingly, the Secretary of the Commonwealth is directed to remove his name from the Republican primary ballot for state Representative from that district.

Opinions to follow.

Justice Brobson notes his dissent.

Justice Mundy did not participate in the consideration or decision of this matter.

be set aside. . . . If the court shall find that said nomination petition or paper . . . was not filed by persons entitled to file the same, it shall be set aside.”).