

COMMONWEALTH COURT OF PENNSYLVANIA

DOCKET NO. 1307 CD 2026

IN RE JUDGE OF ELECTIONS TERESA RIPLEY

BRIEF OF APPELLANT TERESA RIPLEY

Appeal from the May 19, 2026 Order of the
Court of Common Pleas of Lackawanna County, No. 2026 CV 3397

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I. STATEMENT OF JURISDICTION

This Court has jurisdiction over the final order of a court of common pleas pursuant to 42 Pa.C.S. § 762(a)(4)(i)(C).

II. ORDER IN QUESTION

AND NOW on this 19th day of May 2026, after careful consideration of the information received regarding the Judge of Elections in Moscow Ward -0 Precinct -0, namely, inappropriate behavior and misconduct towards potential voters and Election Board Members, including, verbally attempting to influence voters inside the polling place and attempting to sway their confidence in the voting equipment and voting procedures required by law to be followed it is hereby ORDERS and DECREED that Teresa Ripley, Judge of Elections for Moscow Ward 0 Precinct 0 shall immediately be removed from office and Majority Inspector Kimberly Bochicchio shall be appointed Judge of Elections.

It is FURTHER ORDERED Teresa Ripley shall immediately vacate the polling premises.

BY THE COURT:

Honorable Margaret Bisignani Moyle

III. STATEMENT OF THE SCOPE OF REVIEW AND STANDARD OF REVIEW

The Court's scope of review is limited to examination of the record to determine whether the trial court committed errors of law and whether adequate evidence supported the court's findings. *In re Petition to Contest General Election for District Justice in Judicial District 36-3-01*, 695 A.2d 476 (Pa. Commw. Ct. 1997), *pet. for allowance of appeal denied*, 729 A.2d 1132 (Pa. 1998)); *In re McElhatton*, 729 A.2d 163, 165 (Pa. Commw. Ct. 1999) (Court's review is limited to a determination of whether the trial court committed legal error and whether the

findings were supported by the evidence); *In re Dist. Att’y*, 756 A.2d 711, 713 n.6 (Pa. Commw. Ct. 2000).

IV. QUESTIONS INVOLVED

1. Whether this appeal is moot.

Suggested Answer: No

2. Whether the Trial Court erred when it ordered, at 2:43 p.m. on Election Day, May 19, 2026, that Teresa Ripley shall immediately be removed from her office of elected Judge of Elections for Moscow Borough Ward 0 Precinct 0, without establishing the necessary predicates for removal of an elected official and the standards and processes consistent with Pa. Const. Art. VI, §7; and not in conformance with Pennsylvania law as applied to duly elected officials.

Suggested Answer: Yes

3. Whether the Trial Court erred when it ordered, at 2:43 p.m. on Election Day, May 19, 2026, based solely on “information received” that was not made part of the record and, upon information and belief, consisted solely of unchallenged inadmissible hearsay statements, that Teresa Ripley shall immediately be removed from her office of elected Judge of Elections for Moscow Borough Ward 0 Precinct 0, without notice; hearing; fact-finding; or opportunity to appear and/or respond, in violation of her due process rights under the Pennsylvania Constitution.

Suggested Answer: Yes

V. STATEMENT OF THE CASE

The voters of Moscow Borough Ward 0 Precinct 0 elected Teresa M. Ripley as their Judge of Elections on November 4, 2025, for a four-year term beginning in

2026.¹ Six months later, Pennsylvania held a Primary Election on May 19, 2026, with the polls opening at 7:00 a.m. Teresa Ripley, having been duly elected, reported to the polling place for Moscow Borough Ward 0 Precinct 0 prior to the opening of the polls and began carrying out her duties as Judge of Elections. At 2:43 p.m. on May 19, 2026, unbeknownst to Ms. Ripley, the Trial Court, Honorable Margaret A. Bisignani Moyle presiding, entered an order, without benefit of any notice or hearing and based on “information received,” directing that “Teresa Ripley, Judge of Elections for Moscow Ward 0 Precinct 0 shall immediately be removed from office....” R.R. 3a. The Trial Court also appointed a new Judge of Elections. RR. 3a.

At approximately 5:35 p.m. on May 19, 2026, the Trial Court, Honorable Frank J. Ruggiero presiding, convened a “discussion on the record” after Ms. Ripley appeared at the Lackawanna County Election Office and asked to speak to a judge. R.R. 5a, 5b. Judge Ruggiero referenced the 2:43 p.m. order and stated that “Lackawanna County Sheriffs served that order upon Mrs. Ripley at the polling location, at which time she vacated the location.” R.R. 5a. The various people present in the Courtroom, including Ms. Ripley and Judge Ruggiero, had a discussion. R.R. 4a- 40a. Polls then closed at 8:00 p.m. on May 19, 2026, and the

¹https://www.lackawannacounty.org/government/departments/elections/certified_election_results.php (last accessed Oct. 13, 2026).

Election concluded. Judge Ruggiero did not issue any orders during that discussion. Teresa Ripley did not return to the polling place that day and did not receive compensation for her service as Judge of Election. Exhibit A ¶¶ 7-8. On June 2, 2026, Ms. Ripley, through counsel, contacted the Lackawanna Court of Common Pleas and ordered the transcript from the May 19, 2026 proceeding, advising that it was for the purpose of an appeal. On June 3, 2026, by which time fifteen (15) days had elapsed since Election Day, Judge Ruggiero issued an order directing: “1) Any provisions of prior Court Orders not inconsistent herewith shall remain in full force and effect. 2) This Order shall remain in full force and effect until further Order of Court”. R.R. 41a.

On August 11, 2026, Judges Moyle and Ruggiero issued a jointly signed Opinion pursuant to 1925(a) and attached handwritten and typed statements labelled as “Court Exhibits” that had never been entered into the record, presented to Ms. Ripley, or otherwise specifically referenced until they were attached to the Court’s opinion on August 11, 2026. Thus, Ms. Ripley did not become aware of the existence of these “Court Exhibits” until she filed the within appeal. At that point, 84 days had elapsed from the date when she was removed from office.

VI. SUMMARY OF THE ARGUMENT

Judge of Election Teresa Ripley, an elected official, was “removed from office” through unconstitutional means and without due process. R.R. 3a. She was

neither charged with nor convicted of a crime. She received no notice, no opportunity to be heard, and no assistance of counsel. Ms. Ripley first learned that an order had been issued regarding her removal when the police entered her polling place on Election Day and ordered her to leave. *See* R.R. 45a.

Nearly three months later, despite the original order which plainly directed that Ms. Ripley “shall immediately be removed from office and Majority Inspector Kimberly Bochicchio shall be appointed Judge of Elections,” the Court of Common Pleas explained, in its written opinion pursuant to Pa.R.A.P. 1925, that it removed Ms. Ripley from office “for the remainder of the day” and did “not intend to permanently remove Ms. Ripley from holding office as judge of elections.” R.R. 49a. The Trial Court claims Ms. Ripley’s appeal is now moot because this Court cannot order meaningful relief. *Id.* Not so.

This appeal is not moot because Ms. Ripley faces collateral consequences stemming from her removal. First, Ms. Ripley was denied compensation for her service as Judge of Elections on the day of the Primary Election. Exhibit A ¶¶ 7-8. Second, Ms. Ripley is apparently subject to additional hearings and training before the Court of Common Pleas, of which she learned for the first time when she received the Court’s Opinion pursuant to 1925(a). *See* R.R. 49a. Third, her reputation and electoral prospects remain damaged. If this Court vacates the underlying removal order, she will be paid and she will be relieved of the need to

submit to additional court hearings and undergo additional training. Her reputation will also be meaningfully restored. Because this Court can provide Ms. Ripley effective relief, her appeal is not moot.

Even if Ms. Ripley’s appeal is moot, this Court should adjudicate it under one or more exceptions to mootness, namely, the exceptions for matters capable of repetition yet evading review and matters important to the public interest.

Ms. Ripley’s suspension began and ended within a few hours and was thus inherently too short in duration to allow for appellate review, especially considering Ms. Ripley received no notice whatsoever of legal proceedings prior to her removal. The legality of similar removal orders could realistically recur at future elections. Yet those orders will almost always escape review, if they cannot be reviewed after the polls close.

The issues presented here are also substantially important to Ms. Ripley and the approximately 45,000 poll workers² overseeing Commonwealth elections. The removal of an elected official—even temporarily—is extraordinary. The removal of an elected official—even temporarily—without constitutional due process is even more extraordinary. This appeal should be heard to establish the standards by

² See Pennsylvania Department of State, “Secretary of State Credits County Election Officials and Poll Workers for Safe and Secure Primary Election,” May 19, 2026, <https://www.pa.gov/agencies/dos/newsroom/safe-and-secure-2026-primary-election-> (thanking the “approximately 45,000 poll workers” who staffed “more than 9,000 precincts across [Pennsylvania’s] 67 counties” for the 2026 Primary Election).

which Election Court judges must adjudicate similar complaints, including the circumstances under which the reviewing court may suspend an official while denying her fundamental due process rights.

The issues presented are likewise important to the public, which relies on the proper functioning of polling places during elections. When election workers are removed in the middle of Election Day based on non-record, unsworn, otherwise inadmissible hearsay statements, election administration and voting rights are put at risk.

For these reasons, this Court should hear this appeal.

On the merits, Ms. Ripley's suspension should be vacated because she was removed in contravention of the Pennsylvania Constitution and denied fundamental due process rights.

VII. ARGUMENT

I. This Appeal Is not Moot Because This Court Can Relieve the Collateral Consequences Caused By the Removal Order.

A. The Collateral Consequences Doctrine.

In *Commonwealth v. Sheehan*, 446 Pa. 35, 285 A.2d 465 (1971), the Pennsylvania Supreme Court held that when a criminal sentence has been fully satisfied, a challenge to the underlying conviction is not moot and can be considered if it is shown that the criminal sentence may directly affect subsequent criminal prosecutions or convictions. The Supreme Court later extended the

“collateral consequences” rule to cases where the appellant alleged actual civil or social consequences. *Commonwealth v. Doria*, 468 Pa. 534, 538-39, 364 A.2d 322, 324 (1976). The Supreme Court soon extended the rule even further to cases where the appellant alleged *possible* civil and social consequences. *Commonwealth v. Rohde*, 485 Pa. 404, 408, 402 A.2d 1025, 1027 (1979) (“If the possibility of criminal consequences is sufficient to avoid mootness in subsequent criminal actions, we believe the same possibilities should have the same effect on the mootness issue where social and civil consequences are involved.”).

The rule is thus the following: Even when punishment has been fully served, an appeal is not moot where the appellant alleges actual or possible civil or social consequences stemming from her underlying punishment. Such is the case here.

B. Ms. Ripley Faces Collateral Civil and Social Consequences Caused by Her Removal.

Ms. Ripley is suffering at least three collateral consequences because of her removal.

First, Ms. Ripley was denied compensation that she would have otherwise received for her Election Day services. Exhibit A ¶¶ 7-8³; *see also* 25 P.S. § 92 (providing, “The town council of every borough hereafter incorporated, shall from

³ While matters of fact are not typically admissible on appeal, this Court should consider this fact and others presented because the Court of Common Pleas did not permit Ms. Ripley the opportunity to submit testimony or other facts prior to entry of the removal order. To rule otherwise would leave Ms. Ripley at an unjust disadvantage and further deny Ms. Ripley her due process rights.

time to time fix ... the compensation to be made to the judges, inspectors and clerks of the election for borough officers[.]”). If it is shown that Ms. Ripley’s removal was unlawful, she will be entitled to such payment. Money damages or lost wages is a classic injury for which the Court can provide relief. Ms. Ripley’s appeal is not moot on this basis alone.

Second, the Court of Common Pleas intends to “convene a hearing at a later date to discuss training, etc. to avoid similar conduct in future elections.” R.R. 49a. In other words, Ms. Ripley remains subject to the Court’s authority and oversight, which will, absent relief, require Ms. Ripley to submit to mandatory training and perhaps more. If it is shown that Ms. Ripley’s removal was unlawful, she will no longer be subject to these court-imposed consequences. Ms. Ripley’s appeal is not moot on this basis alone. *See Commonwealth v. Cromwell Twp.*, 613 Pa. 1, 22, 32 A.3d 639, 652 (2011) (“We have held that even where a contemnor’s terms of imprisonment have expired, an appeal is not moot, since the contemnor remains subject to the underlying order, and a failure to comply may result in additional contempt sanctions.”).

Third, Ms. Ripley faces ongoing reputational harm.⁴ The Pennsylvania Constitution “make[s] explicit reference to ‘reputation,’ providing the basis for [the

⁴ Ms. Ripley’s alleged misconduct and removal from office was reported by the media. Lockwood, “Poll worker in Lackawanna County removed from post during primary election,”

Supreme Court] to regard it as a fundamental interest which cannot be abridged without compliance with constitutional standards of due process and equal protection.” *R. v. Dep’t of Pub. Welfare*, 535 Pa. 440, 454, 636 A.2d 142, 149 (1994). If it is shown that Ms. Ripley’s removal was unlawful, her reputation will be restored. Ms. Ripley’s appeal is not moot on this basis alone.

Relatedly, Ms. Ripley is an elected official who intends to again run for the position of Judge of Elections. Exhibit A ¶ 9. If it stands, her removal order will negatively impact her candidacy, as it casts doubt on her competency to administer and oversee elections in Lackawanna County. If it is shown that Ms. Ripley’s removal was unlawful, her candidacy will be free of that negative impact.

II. The Court Should Hear this Appeal Under One or More of the Exceptions to Mootness.

This Court may hear moot cases “where (1) the conduct complained of is capable of repetition yet likely to evade review, (2) the case involves issues important to the public interest, or (3) a party will suffer some detriment without the court’s decision.” *Chruby v. Dep’t of Corr.*, 4 A.3d 764, 771 (Pa. Commw. Ct. 2010) (citations omitted). All three exceptions justify review.

A. This Dispute Is Capable of Repetition Yet Evading Review.

Times-Tribune, May 22, 2026, <https://www.thetimes-tribune.com/2026/05/22/poll-worker-in-lackawanna-county-removed-from-post-during-primary-election/>.

The first exception to mootness—when the conduct complained of is capable of repetition yet likely to evade judicial review—involves two elements: “(1) that the duration of the challenged action is too short to be fully litigated prior to its cessation or expiration; and (2) that there is a reasonable expectation that the same complaining party will be subjected to the same action again.” *Phila. Pub. Sch. Notebook v. Sch. Dist. of Phila.*, 49 A.3d 445, 449 (Pa. Commw. Ct. 2012).

The first element is satisfied. A suspension “for the remainder of the day” presents a textbook timing problem. Ms. Ripley’s suspension began and ended within hours. An appeal could not realistically be heard before her punishment ceased, especially where Ms. Ripley had no prior notice of court proceedings before the punishment went into effect. *See id.* (finding that a “one to two week[]” period to litigate the matter is “short” enough to satisfy element one); *see also Commonwealth v. Buehl*, 316 Pa. Super. 215, 220, 462 A.2d 1316, 1319 (1983) (“Here, the pretrial hearing convened at 10:37 a.m. on January 3 and concluded at 4:17 p.m. the same day. N.T. 3, 137. The appeal from the lower court’s order closing the hearing was orally argued before this court on January 18. By then the defendant had been convicted and sentenced. Thus ‘the challenged action’— the closure order—was ‘too short to be fully litigated prior to its cessation.’”).

The second element is also satisfied. Ms. Ripley will serve as Judge of Elections for Lackawanna County at the 2026 General Election and at elections

occurring during the remainder of her four-year term. The parties who complained about her alleged statements will also serve at some or all of those elections.⁵

Ms. Ripley believes she did nothing warranting suspension, much less something unlawful, and was shocked when a police officer showed up to her polling place, having no idea that anyone had even raised concerns much less obtained an order. Had the Court of Common Pleas heard testimony on the record, with notice to Ms. Ripley, as it should have, she would have presented evidence and testimony supporting her position that she carried out her duties, and did nothing to warrant suspension, much less break any laws. She also would have had the opportunity to cross-examine witnesses. Allowing the order to stand condones and may even encourage similar rogue approaches to election administration.

B. The Removal or Suspension of an Election Worker During an Election Is a Matter of Public Importance.

“Appellate courts also review matters of public importance despite technical mootness of the issue.” *Salvatore v. Dallastown Area Sch. Dist.*, 109 A.3d 372 (Pa. Commw. Ct. 2015) (unpublished) (citing *Dep’t of Env’tl. Prot. v. Cromwell Twp., Huntingdon Cnty.*, 613 Pa. 1, 21, 32 A.3d 639, 652 (Pa. 2011) (“Even if the

⁵ Recognizing the time sensitive nature of election related disputes, the U.S. Supreme Court long ago articulated the importance of addressing controversies even after the election has ended. Even when an “election is long over, and no effective relief can be provided to the candidates or voters, [the] case is not moot, since the issues properly presented, and their effects on independent candidacies, will persist as the ... statutes are applied in future elections.” *Storer v. Brown*, 415 U.S. 724, 737 n.8 (1974) (citations omitted).

matter before us is moot, however, review is not precluded” ... “where the case involves issues important to the public interest[.]”)). This matter is of such importance.

According to the Commonwealth, more than 45,000 Pennsylvanians assisted with election administration in the 2026 Primary Election. *See supra* n.2. These public servants and elected officials like Ms. Ripley need to be secure in their positions and, if a challenge is made to their conduct, understand that it will take more than unreliable hearsay to summarily remove them from office, without so much as a hint that a complaint was made. Court of Common Pleas judges sitting in Election Court must also understand the necessity of protecting election administration from arbitrariness. The Trial Court agrees that removing polling place workers disrupts election administration. *See* R.R. at 48a-49a.⁶ This Court is uniquely positioned to provide the necessary clarity before this issue arises again.

C. Ms. Ripley Will Suffer Detriment Without the Court’s Decision.

This appeal is also excepted from mootness because Ms. Ripley will “suffer some detriment without the court’s decision.” *Chruby*, 4 A.3d at 771 (citations omitted). As explained, Ms. Ripley is, absent relief, subject to further court

⁶ The Court of Common Pleas thought it unwise to remove other election officials from the polling place so they could give testimony on the record in this matter. Yet the Court had no reservations about removing the judge of elections from office—the polling place’s chief official—for the remainder of the day, without affording her due process prior to her removal.

oversight, including additional hearings and indefinite training. She also faces reputational harm and injury to her future electoral prospects. Appellate review is therefore justified and warranted.

III. The Court of Common Pleas Erred When it Ordered Ms. Ripley's Removal Absent the Conviction of a Predicate Crime.

Article VI, § 7 of the Pennsylvania Constitution governs removal of civil officers. It provides,

All civil officers shall hold their offices on the condition that they behave themselves well while in office, and shall be removed on conviction of misbehavior in office or of any infamous crime. Appointed civil officers, other than judges of the courts of record, may be removed at the pleasure of the power by which they shall have been appointed. All civil officers elected by the people, except the Governor, the Lieutenant Governor, members of the General Assembly and judges of the courts of record, shall be removed by the Governor for reasonable cause, after due notice and full hearing, on the address of two-thirds of the Senate.

Pa. Const. Art. VI, § 7. There are thus two bases for removal of an elected official: “upon conviction of ‘misbehavior in office or of any infamous crime,’ or ‘on the address of two-thirds of the Senate.’” *Citizens Comm. to Recall Rizzo v. Bd. of Elections*, 470 Pa. 1, 26, 367 A.2d 232, 245 (1976).

Ms. Ripley was not charged with any crime so she could not be convicted of any crime. The inquiry could therefore end here, because a “conviction” is a

constitutionally required precondition for the removal of an elected official.⁷ *See Commonwealth ex rel. Specter v. Martin*, 426 Pa. 102, 119, 232 A.2d 729, 738 (1967) (“Article X, § 10-109 clearly offends the Constitution if it contemplates removal from office for ‘misbehavior in office’ since it provides for removal without the necessity of a conviction.”); *Residents of Lewis Twp. v. Keener*, 63 Pa. D. & C.4th 1, 9 (C.P. 2003) (quoting Pa. Const. Art. VI, § 7) (“Petitioner’s argument is not supported by any prior legal authority, and it is also not consistent with the express language that there be a ‘*conviction* of misbehavior in office.’”) (emphasis in original).

The removal order is premised upon “information received” regarding alleged “behavior and misconduct.” R.R. 3a. The removal order mentions no criminal charge and no conviction, because neither existed. *See Keener*, 63 Pa. D. & C.4th at 10 (“Section 503 cannot be utilized to obtain a ‘conviction’ as it is not a penal statute.”).

The removal order’s reference to alleged “behavior and misconduct” is not a substitute for the constitution’s requirement that there be a “conviction of misbehavior in office.” As used in the constitution, “misbehavior in office” does not mean general wrongdoing judged by subjective assessment, the meaning a

⁷ “A ‘conviction’ clearly means that there has been a prior adjudication of guilt, usually accompanied by sentence.” *Keener*, 63 Pa. D. & C.4th at 8.

teacher or parent might use to discipline a child. Rather, “[m]isbehavior in office’ was a common law *crime* consisting of the failure to perform a positive ministerial duty of the office or the performance of a discretionary duty with an improper or corrupt motive.” *In re Braig*, 527 Pa. 248, 252, 590 A.2d 284, 286 (1991) (emphasis added).⁸

While the specific crime of “misbehavior in office” was extinguished by the Pennsylvania Crimes Code of 1973, *see* 18 Pa.C.S. § 107(b), the constitution’s standard remains the same today. Removal is permitted only where the official “has been convicted of a *crime* that satisfies the elements of the common law offense of misbehavior in office.” *In re Braig*, 527 Pa. at 254 (interpreting similar language in Pa. Const. Art. V, § 18(*l*) (later recodified at § 18(d)(3)) (emphasis added); *Commonwealth v. Knox*, 172 Pa. Super. 510, 523, 94 A.2d 128, 134 (1953) (“A removal is justified where the officer has been *convicted of the violation of a statute* which commands the performance of a positive, ministerial duty of his office.”) (emphasis added).

While the court’s Opinion alleges that Ms. Ripley made statements with a “partisan connotation” contrary to the Election Code, R.R. 48a, the Opinion does

⁸ Likewise, neither the removal order nor the Opinion establishes the conviction of an “infamous crime.” Pa. Const. Art. VI, § 7. A crime is infamous “if its underlying facts establish a felony, a *crimen falsi* offense, or a like offense involving the charge of falsehood that affects the public administration of justice.” *Commonwealth ex rel. Baldwin v. Richard*, 561 Pa. 489, 499, 751 A.2d 647, 653 (2000) (interpreting similar language in Pa. Const. Art. II, § 7).

not allege, much less establish, that Ms. Ripley's behavior rose to the level of criminal "misbehavior in office." Regardless, Ms. Ripley was not "convicted" of any criminal act.

An elected official cannot be removed absent a conviction of "misbehavior in office" or an "infamous crime." Pa. Const. Art. VI, § 7. Ms. Ripley was neither criminally charged nor criminally convicted. Her removal therefore violates Pa. Const. Art. VI, § 7 and is invalid. To the extent the removal order was purportedly entered under a procedure that differs from the procedure found in Pa. Const. Art. VI, § 7, that procedure must be declared invalid.

IV. Even if the Court May Remove an Official for the Remainder of an Election, the Court Erred When it Ordered Ms. Ripley's Removal Without Affording Her Due Process.

The removal order is invalid for a second reason: Ms. Ripley was removed from office without due process. In fact, she received zero process prior to her removal.

The Pennsylvania Constitution guarantees due process in multiple places. *Khan v. State Bd. of Auctioneer Exam'rs*, 577 Pa. 166, 181, 842 A.2d 936, 945 (2004) ("The guarantee of due process of law, in Pennsylvania jurisprudence, emanates from a number of provisions of the Declaration of Rights, particularly Article I, Sections 1, 9, and 11 of the Pennsylvania Constitution."). The

Pennsylvania Supreme Court has explained that “the basic elements of procedural due process are adequate notice, opportunity to be heard, and the chance to defend one-self before a fair and impartial tribunal having jurisdiction of the case.”

Commonwealth v. Thompson, 444 Pa. 312, 316, 281 A.2d 856, 858 (1971).

“Neither man nor child can be allowed to stand condemned by methods which flout constitutional requirements of due process of law.” *Id.*

“Notice is the most basic requirement of due process.” *Pa. Coal Mining Asso. v. Ins. Dep’t*, 471 Pa. 437, 452, 370 A.2d 685, 692 (1977). Yet Ms. Ripley received no notice before she was removed from office. In fact, Ms. Ripley was notified of her removal for the first time when police confronted her at the polling place in the middle of an election.

The Trial Court noted in its August 11, 2026 Opinion the various discussions and phone calls that had allegedly taken place before it issued its order. R.R. 45a, 46a. However, that Opinion was issued almost three months after Election Day and only because Ms. Ripley filed this appeal. On Election Day, Ms. Ripley had no idea what was happening, as she stated during the discussion on the record: “First, what am I being accused of? And then whom made the accusation, or if there was more than one party, and who were they?” R.R. 9a.

Because she received no notice, Ms. Ripley also received no opportunity to be heard or defend herself. She was instead removed from elected office based on

“information received” by the Court of Common Pleas, apparently through a covert game of telephone and off-record discussions. *See* R.R. 44a-45a. There is no record of the proceeding because no proceeding occurred. The circumstances of Ms. Ripley’s removal were neither “fair” nor “impartial.” *Thompson*, 444 Pa. at 316.

The Trial Court effectively concedes that it denied Ms. Ripley due process. The Trial Court justifies its actions on the grounds that it was “without the ability” to conduct a hearing and take testimony because doing so would have required “complete suspension of voting” at Ms. Ripley’s polling place. R.R. 48a. The Court’s own opinion suggests otherwise, and in any event, there is no valid excuse for denying Ms. Ripley basic notice—which would have given Ms. Ripley the chance to appear and defend herself, even if by telephone or video communication. It is self-evident that Ms. Ripley’s temporary absence from the polling place—to give testimony—would not have required “complete suspension of voting” as shown by the fact that Ms. Ripley’s court-ordered removal did not require complete suspension of voting.

The Trial Court’s Opinion also reveals that at least four poll workers were taken away from their election duties to “confirm[] the veracity” of Ms. Ripley’s statements. R.R. 45a. These poll workers could also have provided their accounts to the Trial Court, on the record, by telephone or video communication. Ms. Ripley

was also allegedly asked about her statements. R.R. 45a. She too could have given her answers to the Trial Court, on the record.

Election Court exists precisely to resolve Election Day disputes expeditiously without dispensing with court norms or disrupting voting. Consider that Philadelphia County—the Commonwealth’s largest—regularly conducts Election Court hearings, with attorneys and witnesses appearing in person or through video communication. *See* Exhibit B. The Court of Common Pleas of Lackawanna County could have done something similar. Anything similar. It could have heard from individual witnesses one at a time by telephone without disrupting voting, much less completely suspending voting. *See* Exhibit B at 2 (“Witnesses are encouraged to testify through Zoom.”).

Dispensing with constitutional due process entirely—especially when an elected official is involved—requires more than a subjective belief that voting may experience disruption. Even if some disruption might have occurred, Ms. Ripley deserved basic notice and the opportunity to defend herself.

VIII. CONCLUSION

Removing an elected official is an extraordinary action. Removing an election judge in the middle of an election is transcendent, even under a lawful process. The process used here was not lawful. Far from it. Ms. Ripley was

removed without the most basic of constitutional safeguards. *Pa. Coal Mining Asso.*, 471 Pa. at 452.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

By: /s/ Linda A. Kerns
Linda A. Kerns (PA ID 84495)
Date: Oct. 14, 2026

CERTIFICATE OF LENGTH

Pursuant to Pennsylvania Rule of Appellate Procedure 2135(a), I hereby certify that this brief has a word count of 4889, as counted by Microsoft Word's word count tool.

By: /s/ Linda A. Kerns
Linda A. Kerns (PA ID 84495)
Date: Oct. 14, 2026

CERTIFICATE OF SERVICE

I hereby certify that on October 14, 2026, I caused the foregoing to be electronically filed with the Clerk of Court using the PACFile system, which will send notification of such filing to all counsel of record.

By: /s/ Linda A. Kerns
Linda A. Kerns (PA ID 84495)
Date: Oct. 14, 2026

In the Commonwealth Court of Pennsylvania

In re: Judge of Elections (Ripley, T.)

1307 CD 2026

Affidavit of Teresa M. Ripley

I, Teresa M. Ripley, being duly sworn according to law, depose and state as follows:

1. My full name is Teresa M. Ripley, and my current mailing address is 210 Jennifer Street, Moscow, PA 18444.
2. I am over the age of eighteen (18) years and competent to make this affidavit based upon my own personal knowledge.
3. In the year 2025, I was duly elected to a four-year term as Judge of Election for the Moscow W-00 P-00 precinct in Lackawanna County, Pennsylvania.
4. I received a total of 335 votes out of 400 votes cast.
5. I intended to serve in each Election held in Lackawanna County, Pennsylvania during my four-year term.
6. My first election serving as Judge of Election was the 2026 Primary Election, held on May 19, 2026.

EXHIBIT A

TR 10-13-26

7. The Judge of Election is a paid position, and I expected to receive compensation in the amount of two hundred and fifty dollars (\$250) for my duties as Judge of Election on and around Election Day.
8. I did not receive any compensation for the 2026 Primary Election.
9. In the year 2029, I intend to run for another term for Judge of Election for the Moscow W-00 P-00 precinct in Lackawanna County, Pennsylvania.

I verify that the statements made in this Affidavit are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of **18 Pa. C.S. § 4904** relating to unsworn falsification to authorities.

Date: 10-13-26

Teresa M Ripley
Teresa M. Ripley

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY**

No. 4 of 2026

President Judge Administrative Order

**In re: ELECTION DAY JUDICIAL ASSIGNMENTS
 General Election - Tuesday, November 3, 2026**

ORDER

AND NOW, this 9th day of September, 2026, upon consideration of the November 3, 2026, General Election, the following Election Court assignments are made, which shall supersede other assignments during the scheduled Election Court hours only.

I. ELECTION COURT ASSIGNMENT

The Justice Juania Kidd Stout Center for Criminal Justice, Courtroom **1107** will be the central location for Election Court.

Election Court will convene at 7:00 AM and will remain open continuously until 10:00 PM. Parties shall present themselves to Courtroom **1107** for all election matters.

Judges assigned to the Election Court shall have jurisdiction over all election matters and as provided in 25 P.S. § 3046 below:

[S]hall act as a committing magistrate for any violation of the election laws; shall settle summarily controversies that may arise with respect to the conduct of the election; shall issue process, if necessary, to enforce and secure compliance with the election laws; and shall decide such other matters pertaining to the election as may be necessary to carry out the intent of this act. 25 P.S. § 3046.

When an individual is seeking a judicial order to vote, the court shall, inform the individual of the provisional ballot process set forth in 25 P.S. § 3050. Section 3050 provides, *inter alia*:

At all elections an individual who claims to be properly registered and eligible to vote at the election district but whose name does not appear on the district register and whose registration cannot be determined by the inspectors of election or the county election board shall be permitted to cast a provisional ballot. 25 P.S. § 3050(a.4)(1).

Prior to voting the provisional ballot, the elector shall be required to execute an affidavit which must be signed by the voter, the Judge of Elections and minority inspector. *See* 25 P.S. § 3050(a.4)(2).

After the provisional ballot has been cast, the individual shall place it in a secrecy envelope. The individual shall place the secrecy envelope in the provisional ballot

EXHIBIT B¹

envelope and shall place his signature on the front of the provisional ballot envelope. 25 P.S. § 3050(a.4)(3).

A judge who is not assigned to Election Court shall not take any action with respect to any election matter, unless prior approval is obtained from the President Judge.

The following Judges are assigned:

	<u>Judge</u>	<u>Courtroom</u>
7 AM to 12:00 PM	Judge Lawrence Farnese	1107 Stout Center
12:00 PM to 5 PM	Judge Craig Levin	1107 Stout Center
5 PM to 10:00 PM	Judge Michele Hangley	1107 Stout Center

II. STANDBY ASSIGNMENTS

Should the designated Judge be unavailable, the President Judge will designate an alternative Judge to preside in Election Court.

III. SCHEDULING AND HEARING PROTOCOL

The following Protocol shall be followed when a hearing is requested:

- 1) The assigned Judges and other necessary personnel (Court Clerk, Court Crier, Court Reporter, Sheriff) shall be present in-person in the assigned Courtrooms between 7:00 AM and 10:00 PM.
- 2) Unless the assigned Judge directs otherwise, counsel must appear in-person. Witnesses are encouraged to testify through Zoom.
- 3) No cameras or recording devices are permitted in the Courtrooms.
- 4) All requests for hearings must be communicated to the Office of Judicial Records (“OJR”). OJR personnel shall be stationed in Courtroom 1107 of the Stout Center from 7:00 AM until 10:00 PM and shall direct the parties to the appropriate Courtroom upon confirming the availability of all parties in interest. Parties who are to participate through Zoom shall be provided the Zoom link by the Court.
- 5) The assigned Judge may proceed with the hearing by taking testimony and may require the filing of written pleadings, as necessary.
- 6) The public shall be permitted to attend election hearings in the courtroom where hearings are being held.
- 7) Judicial proceedings cannot be recorded, transmitted or broadcast by anyone. The parties are specifically informed that:

It is unlawful and a criminal offense to record, transmit or broadcast video, audio or photograph of any judicial proceeding and violators may be found to be in contempt of court and may be criminally charged with a misdemeanor punishable by imprisonment of up to two years for a first offense. See Pa.R.J.A 1910, Pa.R.Crim.P. 112 and 18 Pa.C.S. § 5103.1.

IV. ELECTION BOARD PETITIONS

Petitions to Fill Vacancies in Election Boards (Judge of Election, Majority Inspector, Minority Inspector) must be electronically filed no later than 3:00 p.m. on October 20, 2026, through the Court's electronic filing website at: www.courts.phila.gov pursuant to Pa.R.C.P. No. 205.4 and Philadelphia Civil Rule *205.4. Assistance with electronic filing shall be provided through the Office of Judicial Records (formerly "Prothonotary"), which may be reached by calling (215) 686-6652, or by emailing ojrcivil@courts.phila.gov.

The Petitioner shall serve the City Commissioners and the Democratic and/or Republican City Committees, as applicable, as provided in the Order to Show Cause.

Hearings on the *Petitions to Fill Vacancies in Election Boards* shall be held at 9:00 am on October 28, 2026, in Courtroom 1107. Unless terminated earlier as provided by law, the term of office of any person appointed to fill a vacancy in the Election Board shall continue for the remainder of the vacancy.

V. APPEALS FROM BOARD OF ELECTION DECISIONS ON CHALLENGES TO ABSENTEE AND MAIL-IN BALLOTS. POST-ELECTION MATTERS

Decisions of the Board of Elections on challenges to absentee and mail-in ballots and post-election matters shall be heard by Court of Common Pleas Judges specifically assigned by the President Judge, as necessary.

*This Election Schedule is available on the First Judicial District Website at: <http://www.courts.phila.gov>.

BY THE COURT:

/s/ Nina Wright Padilla

**Nina Wright Padilla, President Judge
Court of Common Pleas**