

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In re: Petition of John Proctor Child, :
Virginia Child, and Brian Lindsay, :
Qualified Electors of Radnor : No. 1000 C.D. 2026
Township Ward 7 : SUBMITTED: August 6, 2026
:
Appeal of: John Proctor Child, :
Virginia Child, and Brian Lindsay :

BEFORE: HONORABLE PATRICIA A. McCULLOUGH, Judge
HONORABLE MATTHEW S. WOLF, Judge
HONORABLE BONNIE BRIGANCE LEADBETTER, Senior Judge

OPINION NOT REPORTED

**MEMORANDUM OPINION BY
SENIOR JUDGE LEADBETTER**

FILED: August 18, 2026

Appellants John Proctor Child, Virginia Child, and Brian Lindsay appeal *pro se* from the order of the Court of Common Pleas of Delaware County denying their petition challenging the accuracy of the reported election results and seeking recount for the Republican State Committee nomination in Radnor Township Ward 7, Delaware County (Ward 7). Because Appellants failed to comply with the requirements set forth in the Pennsylvania Election Code,¹ we affirm.

The *essential* facts underlying this election appeal are not disputed and are, in fact, dispositive. Pennsylvania's primary election was held May 19, 2026. Included on the primary ballot was the election for the Republican State Committee nomination. Appellants are electors residing in Ward 7 and both John Proctor Child and Virginia Child received write-in votes in Ward 7 for Republican State Committee. Pet. at 4, 12.

¹ Act of June 3, 1937, P.L. 1333, *as amended*, 25 P.S. §§ 2600-3591.

Crucially, the results of the election were certified in a public meeting of the Delaware County Board of Elections (Board) on June 3, 2026. Following their review of these election results as well as publicly available records and data, Appellants purportedly “identified multiple apparent discrepancies among those records” related to the election for Republican State Committee in Ward 7. *Id.* at 8. On June 5, 2026, Appellants filed in the trial court what was captioned as a “Verified Petition Challenging the Accuracy of the Reported Election Results and Seeking Reconciliation, Recanvass, Recount, and Related Relief Pursuant to [Section 1701 of the Election Code,] 25 P.S. § 3261” (Petition). *Id.* at 4. While Appellants insist they are not seeking to invalidate any votes, the caption of the Petition as well as its contents clearly request “judicial determination of the correct vote totals based upon examination of the underlying election materials.” *Id.* at 6.

The Board filed a response in opposition stating that the Petition should be dismissed because it was “factually baseless and legally deficient.” Bd.’s Response at 1. Specifically, the Board claimed that the Petition was factually baseless because Appellants misread the official election results posted on the County’s website and failed to account for mail-in ballots, which are not reflected on voting machine tapes. Therefore, the Petition must be denied because it fails to present prima facie evidence of fraud or error. *Id.* at 2-4. As for legal deficiencies, because the Petition was filed *after* the Board certified the election results, the Petition is an election contest which has specific requirements under the Election Code regarding the number of petitioners and verifications, which were not met here. *Id.* at 5-6. Even if the Petition was, as Appellants insist, a recount petition rather than an election contest, it was untimely because it was not filed within five days after computation of the returns. *Id.* at 6. Finally, the Petition is fatally flawed

because it was not verified by three electors of each election district in Ward 7, which comprises three separate precincts. *Id.* at 6-8.

The trial court held a hearing on June 9, 2026, during which the Board reasserted the arguments outlined above. The Board also called as a witness James P. Allen, Director of Elections for Delaware County, who testified as to the County's certified election results. On June 22, 2026, the trial court issued an order denying the Petition without explanation, and Appellants appealed the following day. On July 28, 2026, the trial court issued a succinct opinion pursuant to Pennsylvania Rule of Appellate Procedure (Pa.R.A.P.) 1925(a) stating that it found the Board's opposition to the Petition "to be compellingly persuasive," and incorporating that filing "by reference as if set forth herein at length, with all exhibits thereto." Trial Ct.'s Pa.R.A.P. 1925(a) Op. The trial court further explained that it denied the Petition because it "lacked any factual basis and failed to comply with the Election Code." *Id.*

On appeal, Appellants first argue that the trial court erred in denying the Petition "without findings of fact, conclusions of law, or explanation, thereby preventing meaningful appellate review[,]" and assert that a remand is required. Appellants' Br. at 6. While the trial court's opinion is certainly brief, not all deficiencies necessitate a remand. *Compare Lemon v. Dep't of Transp., Bureau of Driver Licensing*, 763 A.2d 534, 537 (Pa. Cmwlth. 2000) (finding remand was not required despite lack of Pa.R.A.P. 1925(a) opinion because all of the issues raised were issues of law and the record was sufficient for judicial review), *with Artisan Constr. Grp., LLC v. Zoning Hearing Bd. of Upper Pottsgrove Twp.*, 275 A.3d 80, 84 (Pa. Cmwlth. 2022) (holding remand was necessary because the trial court's failure to address the merits of the township's arguments left "this Court without a

basis for review because the reason for the trial court’s reversal of the [b]oard’s order [wa]s not evident on the face of the trial court’s order or the record”). In this matter, the trial court’s opinion makes clear that it denied the Petition for lack of any factual basis and failure to comply with the Election Code, and explicitly references and incorporates the Board’s opposition to the Petition. Because the dispositive issues here are issues of law and the record—specifically the Petition itself and the Board’s arguments pertaining to election contests—allows for meaningful appellate review, we reject Appellants’ request for remand.

Appellants go on to assert multiple reasons why the trial court erred in denying their “recount petition.” Appellants’ Br. at 6-7, 13-37.² We will not address these arguments because Appellants were required to follow the procedures for an election *contest* and failed to do so.

Sections 1701-1703 of the Election Code provide that a request may be made to a court of common pleas for a recount/re canvass of the votes, and outline the requirements for such a petition. *See* 25 P.S. §§ 3261-63. Appellants doggedly persist in their belief that their petition qualifies under these provisions as a recount petition. However, as the Board has argued since the inception of this case, the Election Code and our cases interpreting same demonstrate that “if the returns have been officially certified, *the only manner* in which a complainant may challenge the

² The additional arguments Appellants attempt to raise on appeal are whether the Election Code allows the Board to defeat a “recount petition by offering its own post-petition explanation of reported deficiencies rather than” through independent judicial examination; whether the Election Code required that Appellants prove election fraud before obtaining a judicial recount; whether the Board could “rely upon post-certification reconciliation and explanations that were unavailable during the statutory filing period to argue both that [the] recount petition [wa]s untimely and that judicial examination is unnecessary[.]” and “whether the trial court’s summary dismissal of the Petition without conducting the judicial examination contemplated by the Election Code constituted reversible error[.]” Appellants’ Br. at 6-7.

election result is by way of an election *contest*[.]” *Rinaldi v. Ferrett*, 941 A.2d 73, 77-78 (Pa. Cmwlth. 2007) (emphasis added) [citing *In re 2003 Gen. Election for Off. of Prothonotary of Wash. Cnty., Appeal of Matheny*, 849 A.2d 230, 235 (Pa. 2004) (*Matheny*)].³ Appellants do not dispute the fact that their petition was filed *after* the election results were officially certified, yet they refuse to acknowledge the Election Code’s specific requirements for an election contest.

Because this case involves the nomination for Republican State Committee, Section 1711 of the Election Code classifies the contest as one of the fifth class. 25 P.S. § 3291 (regarding the “classes of nominations at primaries and elections of public officers which may be contested”). Notably,

Section 1751, 25 P.S. § 3431[,], requires that such a contest be upon petition of [20] registered electors, and Section 1757, 25 P.S. § 3457, requires that those petitioners be persons who voted at the [primary] under contest, [5] of whom attest, by affidavit taken and subscribed before a person authorized to administer oaths, that they believe the facts stated in the petition are true, that the election was illegal, the return thereof is not correct and that the contest is made in good faith.

³ See also Section 1703(b) of the Election Code which provides:

No order or decision of the court under the provisions of sections 1701 and 1702 of this act, shall be deemed a final adjudication regarding the results of any primary or election, so as to preclude any contest thereof under the provisions of this article, and no such order or decision shall affect the official returns of any election district, unless a petition to open the ballot boxes or to recanvass the votes on a voting machine or an electronic voting system shall have been presented *before the certification of the returns* of the county by the county board, *or unless a contest shall have been instituted* in the manner provided by this article.

25 P.S. § 3263(b) (emphasis added).

Rinaldi, 941 A.2d at 78.⁴ Here, the Petition is facially deficient because it was brought by only 3 electors rather than 20, and was only verified by 3 rather than 5 electors. Our “well-established case law dictates strict adherence to the statutory requirements for pursuing” an election contest. *Id.* These deficiencies are jurisdictional defects that cannot be cured and the trial court thus did not err in denying the Petition. *Matheny*, 849 A.2d at 240; *Rinaldi*, 941 A.2d at 78-79.

Accordingly, we affirm.

BONNIE BRIGANCE LEADBETTER,
President Judge Emerita

⁴ We note that Section 1759 of the Election Code also requires petitioners to file a bond with the trial court within five days of filing their election contest. 25 P.S. § 3459. Whether a bond was properly filed is not at issue in this appeal.

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ORDER

AND NOW, this 18th day of August, 2026, the order of the Court of Common Pleas of Delaware County is hereby AFFIRMED.

BONNIE BRIGANCE LEADBETTER,
President Judge Emerita