

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Tina Louise Ayala,		:	
	Petitioner	:	
		:	
v.		:	
		:	
Department of State,		:	
Bureau of Elections,		:	No. 1371 C.D. 2026
	Respondent	:	Submitted: September 24, 2026

BEFORE: HONORABLE RENÉE COHN JUBELIRER, President Judge
HONORABLE MICHAEL H. WOJCIK, Judge
HONORABLE STACY WALLACE, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE WALLACE

FILED: October 2, 2026

Tina Louise Ayala (Ayala) filed a petition for review in this Court challenging the decision of the Department of State, Bureau of Elections (Department), that she would not be the Republican nominee for election to represent the 158th Legislative District in the Pennsylvania House of Representatives in the 2026 General Election. Ayala won the nomination in the 2026 Primary Election as a write-in candidate. In a letter dated August 12, 2026, however, the Department informed Ayala that it did not timely receive a filing fee required under the Pennsylvania Election Code (Election Code),¹ meaning the nomination she won was now vacant. The Department has filed

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

an application for relief in the nature of a motion to quash or dismiss the petition for review, arguing we lack jurisdiction. After careful review, we grant the application and quash.

BACKGROUND

The record contains a letter the Department sent to Ayala, dated June 23, 2026, acknowledging she had won the Republican nomination for election to represent the 158th Legislative District in the Pennsylvania House of Representatives as a write-in candidate. The Department explained Ayala must submit a statement of financial interests to the State Ethics Commission (Commission). Moreover, the Department explained:

[C]andidates nominated by write-in votes at the primary election for the office listed above must pay the proper filing fee. Therefore, if you desire to have your name appear on the November 3, 2026 General Election ballot for the office referenced above, a filing fee of \$100.00 payable by cashier's check or money order to the Commonwealth of Pennsylvania must be received in this office no later than Monday, August 10, 2026. If the filing fee is not received in this office from candidates required to file them by August 10, 2026, a VACANCY in the party nomination will occur, as provided in § 978.1 of the Pennsylvania Election Code (25 P.S. §2938.1). The vacancy may be filled pursuant to party rules.

. . . .

Enclosed you will also find a blank Candidate's Affidavit. To ensure that this office has accurate information to certify your name to the appropriate County Board(s) of Elections for the November 3, 2026 General Election, please complete the affidavit and return it to us no later than August 10, 2026

Certified Record (C.R.) at 3.²

² Because the certified record lacks page numbers, we use electronic pagination in this decision.

Although the Department’s letter directed Ayala to send the filing fee to “this office,” she instead mailed all the required items, including the statement of financial interests, candidate’s affidavit, and filing fee, to the Commission. C.R. at 3, 12-16. Ayala addressed her envelope to the Commission at the address that the Department provided for the Commission in the June 23, 2026 letter. *Id.* at 3, 15. The record indicates Ayala mailed the items on Thursday, August 6, 2026, and the United States Postal Service delivered the items to a P.O. Box on Saturday, August 8, 2026. *Id.* at 10. The Commission timestamped the cashier’s check Ayala mailed to pay the filing fee on Tuesday, August 11, 2026. *Id.* at 14. The record contains an e-mail indicating the Commission received the items and then contacted an official at the Department, who explained she would send someone to retrieve the candidate’s affidavit and fee. *Id.* at 9.

On August 12, 2026, the Department issued a letter to Ayala explaining it did not receive the filing fee by the August 10, 2026 deadline. C.R. at 17. Accordingly, the Department explained the nomination that Ayala won was vacant, and it was “the prerogative of the appropriate committee of the Pennsylvania Republican Party [to] make a substituted nomination in accordance with the party’s rules and the Election Code.” *Id.* The Department informed Ayala she could contact the Republican State Committee or Republican Committee of Chester County if she wanted to pursue the nomination. *Id.*

Ayala filed a petition for review in this Court, in which she purported to appeal from the August 12, 2026 letter. Ayala asserted the items she mailed were delivered to a P.O. Box in Harrisburg on August 8, 2026, “but not checked in on time! . . . This is clearly a mistake of a broken administrative process.” Pet. for Rev., 9/14/26, at 1-2. The Court entered an order directing the parties to submit briefs by September 22,

2026. The Court observed the Department's letter did not appear to be an appealable order or adjudication and directed the parties to address the appealability of the letter in their briefs or an appropriate motion.

Ayala did not file a brief or otherwise address whether the Department's letter was appealable. However, the Department filed a brief and an application for relief in the nature of a motion to quash or dismiss the petition for review. The Department argues its letter was not an appealable order or adjudication, and its decision to reject the untimely filing fee was instead a ministerial act subject to a mandamus challenge. Department's Br. at 9-13. To the extent the Court possesses jurisdiction to reach the merits of Ayala's claim, the Department argues it has no duty or authority to accept an untimely filing fee, and the doctrine of laches bars relief because of Ayala's delay in filing her petition for review. *Id.* at 9, 13-16.

DISCUSSION

We begin with the Department's contention that its August 12, 2026 letter was not appealable. The only potential basis we can discern for exercising jurisdiction in this case would be to construe the letter as an adjudication under the Administrative Agency Law (Law).³ *See* 2 Pa.C.S. § 702 (providing a right to appeal for any person who is aggrieved by, and has a direct interest in, an adjudication of a Commonwealth agency). As the term is used in the Law, an adjudication is:

Any final order, decree, decision, determination or ruling by an agency affecting personal or property rights, privileges, immunities, duties, liabilities or obligations of any or all of the parties to the proceeding in which the adjudication is made. The term does not include any order based upon a proceeding before a court or which involves the seizure or forfeiture of property, paroles, pardons or releases from mental institutions.

³ 2 Pa.C.S. §§ 501-08, 701-04.

2 Pa.C.S. § 101.

Regarding the necessity of the filing fee at issue in this matter, the Department directs the Court's attention to Section 978.1 of the Election Code, which provides:

Every person nominated at any primary election as the candidate of any political party for any office, other than a borough, town, township, school district or poor district office, or the office of justice of the peace, or constable, who has not paid the filing fee required by section nine hundred thirteen of this act, as amended, for the filing of a nomination petition for such office, or who has not filed the loyalty oath required by section 14, act of December 22, 1951 (P.L. 1726), known as the "Pennsylvania Loyalty Act", as last amended June 19, 1961 (P.L. 446), shall pay the amount of such fee to and file such oath with the Secretary of the Commonwealth, or the county board of elections, as the case may be, at least eighty-five (85) days previous to the day of the general or municipal election at which such candidate's name would appear on the ballot. Failure to pay such fee or file such oath within the time herein prescribed shall result in a vacancy in such party nomination. Such vacancy shall be filled in the manner hereinafter provided for the filling of such vacancies happening by reason of the death or withdrawal of any candidate.

25 P.S. § 2938.1.

We conclude the August 12, 2026 letter is not an appealable adjudication. The Law expressly excludes "[p]roceedings before the Secretary of the Commonwealth under the . . . Election Code" from the scope of its coverage. 2 Pa.C.S. §§ 501(b)(2), 701(b)(1). This Court has recognized that the right to appeal an adjudication under the Law "does not apply to adjudications by the Secretary." *Banfield v. Cortes*, 922 A.2d 36, 46 (Pa. Cmwlth. 2007) (en banc).

Furthermore, an adjudication under the Law requires an exercise of discretion on the part of an agency:

Where no right, privilege or immunity is in jeopardy, an agency's action does not constitute an adjudication. Moreover, where the decision is based upon ministerial application of objective criteria, rather than an

exercise of discretion, there can be no legitimate expectation that the agency will act otherwise and hence there is no right, privilege or immunity at stake.

Dauer v. Dep't of Educ., 874 A.2d 159, 162 (Pa. Cmwlth. 2005). In this matter, the Department did not exercise any discretion but engaged in the ministerial application of Section 978.1's objective criteria, concluding a vacancy existed because it did not receive the required fee from Ayala by the August 10, 2026 deadline.⁴ Therefore, we must grant the Department's application for relief.⁵

⁴ Given our determination that the Department was engaged in merely ministerial duties, we agree with the Department that **Ayala's proper recourse in this matter was to request mandamus relief**. A writ of mandamus compels a public official to perform a ministerial act or mandatory duty. *Seeton v. Adams*, 50 A.3d 268, 273 (Pa. Cmwlth. 2012) (en banc). A writ of mandamus is available when "(1) the petitioner has a clear legal right to enforce the performance of the act, (2) the defendant has a corresponding duty to perform the act, and (3) the petitioner has no other adequate or appropriate remedy." *Lopez v. Pa. Dep't of Corr.*, 119 A.3d 1081, 1084 (Pa. Cmwlth. 2015) (quoting *Saunders v. Pa. Dep't of Corr.*, 749 A.2d 553, 556 (Pa. Cmwlth. 2000)). Significantly, it appears the only published decision to apply Section 978.1 was an appeal from a mandamus proceeding compelling, on constitutional grounds, a county board of elections to place a candidate on the ballot despite his refusal to pay the filing fee. *See Rowe ex rel. Schwartz v. Lloyd*, 36 A.2d 317, 318 (Pa. 1944). The Pennsylvania Supreme Court reversed the lower court and determined the fee was constitutionally permissible. *Id.* at 319.

⁵ Accepting for the sake of argument that the Department's letter qualifies as an adjudication under the Law, we reiterate that Ayala failed to file a brief, which also warrants dismissal of her appeal. *See* Pa.R.A.P. 2101, 2188. Further, even if we were able to reach the merits of the Department's decision in this case, we would conclude Ayala is not entitled to relief. Section 978.1 requires that a candidate pay the filing fee "at least eighty-five . . . days previous to the day of the general . . . election at which such candidate's name would appear on the ballot." 25 P.S. § 2938.1. The General Election is scheduled for November 3, 2026. Eighty-five days before that day was Monday, August 10, 2026. This Court's review of the record confirms the Department did not receive the fee from Ayala until August 11, 2026. Additionally, we see no evidence in the record that the Department's delay in receiving the fee resulted from anything other than Ayala's negligence in mailing the fee to the **wrong location**, i.e., the Commission, and routine delays in processing the mail.

CONCLUSION

Based on the foregoing, we must grant the Department's application for relief and quash Ayala's petition for review.

STACY WALLACE, Judge

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		:
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Department of State,		:
Bureau of Elections,		: No. 1371 C.D. 2026
	Respondent	:

ORDER

AND NOW, this 2nd day of October 2026, the Department of State, Bureau of Elections' application for relief in the nature of a motion to quash or dismiss is **GRANTED**, and Tina Louise Ayala's petition for review is **QUASHED**.

STACY WALLACE, Judge