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October 27, 2026

VIA EMAIL AND FIRST CLASS MAIL

Diane M. Ellis-Marseglia, LCSW
Chair of the Board of County Commissioners
Bucks County Administration Building
55 E. Court Street
Doylestown, PA 18901
CommEllisMarseglia@buckscounty.org

RE: Demand for Recusal

Dear Commissioner Marseglia:

On behalf of my client, Rep. Brian Fitzpatrick, I am demanding that you recuse yourself from serving as a member of the Bucks County Board of Elections on the grounds that you have publicly expressed your disdain for the law in election matters and publicly manifested your extreme partisan bias in the current election cycle. Your statements and conduct have amply demonstrated that you are unable to carry out your responsibilities as a member of the Board of Elections and unable to fairly adjudicate matters that come before the Board in its quasi-judicial capacity. Any participation by you in this capacity creates an appearance of impropriety, a violation of due process, and a likely violation of the Ethics Act.

Specific conduct which evidences your disregard of controlling election law for partisan purposes includes your intentional decision to count illegal unsigned ballots in the 2024 General Election race between then-Senator Robert Casey and David McCormick despite a recent Pennsylvania Supreme Court decision unquestionably concluding that such ballots were illegal. Your misconduct in this regard was amplified by your callous remark – on the record – that:

I think we all know that precedent by a court doesn't matter anymore in this country, and people violate laws anytime they want . . . So, for me, if I violate this law, it's because I want a court to pay attention to it.

Your contempt for law in that instance was in the context of a partisan – *i.e.*, Republican vs. Democrat – issue. It was not the first time in the 2024 election cycle that your conduct brought disgrace upon Bucks County in election matters as all recall your decisions leading to Republican voter suppression in early voting locations in Republican districts. Your public statement, which

was criticized by Republicans and Democrats alike, was an admission that you are incapable of carrying out the important responsibility of fair and unbiased adjudication of contested election matters.

It bears mentioning that responsibility for the partisan decisions in the 2024 elections is shared between you and Bob Harve, then Chairman of the Bucks County Commissioners and now the Democrat candidate for Congress in the 2026 General Election. Multiple incidents show your partisan bias is on full display in this election.

1. On September 4, 2026, a stack of copies of the *Bucks County Herald* were on table in the lobby of the Bucks County Administration Building. I am informed that it is the norm for copies of the *Herald* to be available in that location. That edition of the *Herald* displayed a prominent front-page advertisement for my client, Rep. Biran Fitzpatrick, that was critical of Mr. Harvie. Upon entering the building and passing through security, you approached the table and removed every copy of the *Herald* and the front-page advertisement for Rep. Fitzpatrick, thereby depriving Bucks County citizens of access to information protected by the First Amendment. This conduct manifests a partisan bias and a voter suppression intent that is antithetical to anyone who would occupy a position of trust in a quasi-judicial capacity.

2. Just this last week, you were videotaped placing Harvie campaign signs directly in front of pre-placed Fitzpatrick signs totally obscuring the Fitzpatrick signs. Your misconduct in this regard shows not only that you are prejudiced against Rep. Fitzpatrick and Republicans in general, but that you will, and do, engage in conduct to diminish their electoral message, but also do so in a way that benefits your former colleague, Mr. Harvie.

3. You attended a Harvie rally last weekend and were filmed waving a “Fire Fitz” sign. While such behavior is not untoward in a regular voter, it becomes abhorrent when you, as a quasi-judicial officer, who has previously violated the law and bragged about it, exhibit your bias and prejudice in so public a manner.

Simply stated, you cannot be trusted to exercise judgment, discretion and fairness in important matters involving the election of our public officials. Due process demands a fair and neutral arbiter when a government official acts in a judicial capacity. It is clear that you cannot, indeed see no reason to, put your bias aside and for that reason and in light of all the examples cited above (and more) need to recuse yourself as a member of the Board of Elections and ask the President Judge of Bucks County to name a substitute member to replace you for all matters regarding the upcoming election.

Because of the imminence of this election, this demand requires your immediate action. If you have not recused and requested a replacement by the close of business on Wednesday, October 28, 2026, I will file a petition in the Court of Common Pleas asking the President Judge

to disqualify you from the Board of Elections and for a substitute member to be appointed in your stead.

Respectfully,

A handwritten signature in blue ink, appearing to read "G. Johnson", is written over the printed name.

Geoffrey R. Johnson

GRJ/mw

cc: Daniel Grieser, Esquire, Bucks County Solicitor (via email and first class mail)
Rep. Brian Fitzpatrick