

# THE GOVERNOR

## GOVERNOR'S OFFICE

[ EXECUTIVE ORDER NO: 2020-02 ]

### Extension of Deadline for Receipt of Absentee and Mail-In Ballots in Certain Counties

June 1, 2020

*Whereas*, the General Primary Election is scheduled by law to occur throughout the Commonwealth on June 2, 2020;

*Whereas*, to date, due in large part to COVID-19, an unprecedented number of Pennsylvanians have taken advantage of absentee voting and the Commonwealth's newly implemented mail-in balloting procedure;

*Whereas*, civil unrest over the weekend in the counties of Allegheny, Dauphin, Delaware, Erie, Montgomery and Philadelphia led to curfews, travel restrictions, and the evacuation of election offices in at least two counties, which affected the counties' efforts and impeded many voters' attempts to return their ballots;

*Whereas*, these civil disturbances, curfews, and travel restrictions have been continuing and expanding in these counties, thereby impeding county election activities and opportunities for voters to submit their absentee and mail-in ballots, and are expected to continue into tonight and tomorrow;

*Whereas*, on Saturday, May 30, 2020, and as amended on Monday, June 1, 2020, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, pursuant to the provisions of Section 7301(c) of the Emergency Management Services Code, (35 Pa.C.S. §§ 7101 et seq., as amended) proclaimed the existence of a disaster emergency in the counties of Allegheny, Dauphin, Delaware, Erie, Montgomery and Philadelphia due to the civil disturbance affecting these counties;

*Whereas*, the civil disturbances in these affected counties have created one or more barriers to voters returning their ballots, including travel and public transportation disruptions, road closures and blockages, lack of access to ballot drop boxes, alteration of mobile ballot collection schedules, evacuations of buildings, and curfews;

*Whereas*, Sections 1306(c), 1308(g)(1)(ii) and 1306-D(c) of the Pennsylvania Election Code (25 P.S. §§ 3146.6(c), 3146.8(g)(1)(ii) and 3150.16(c)) provide that no civilian absentee or mail-in ballot shall be counted if it is received by the county board of elections after eight o'clock P.M., prevailing time, on the day of the primary election;

*Whereas*, in these affected counties, it appears very likely that a large number of voters who applied for absentee or mail-in ballots by the May 26 deadline will not be able to return their ballots by the statutory deadline; and

*Whereas*, these recent civil disturbances make it necessary and proper to extend the statutory deadline in those affected counties for receipt of voted civilian absentee and mail-in ballots to ensure that voters in those counties are not disenfranchised through no fault of their own.

*Now, Therefore*, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania, the Emergency Management Services Code, and other laws of the Commonwealth, do hereby issue this Executive Order as follows:

1. *Deadline for Receipt of Absentee and Mail-In Ballots*. Notwithstanding the provisions of Sections 1306(c), 1308(g)(1)(ii), and 1306-D(c) of the Pennsylvania Election Code (25 P.S. §§ 3146.6(c), 3146.8(g)(1)(ii), and 3150.16(c)) or any other provision in the laws of the Commonwealth to the contrary, for the counties of Allegheny, Dauphin, Delaware, Erie, Montgom-

ery and Philadelphia, an otherwise valid civilian absentee or mail-in ballot shall be counted if it bears a postmark, cancellation mark, or other official indicia of the date of mailing (“postmark”) of no later than Tuesday, June 2, 2020, and is received by postal mail in the office of the county board of elections no later than five o’clock P.M., prevailing time, on Tuesday, June 9, 2020.

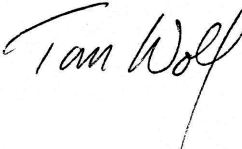
Further provided, however, that no civilian absentee or mail-in ballot shall be counted if it is received by any means other than postal mail after eight o’clock P.M., prevailing time, on Tuesday, June 2, 2020.

2. *Segregation of Ballots.* Absentee and mail-in ballots that are received by a county board of elections later than eight o’clock P.M., prevailing time, on Tuesday, June 2, 2020, under the authority of Paragraph 1 of this Executive Order shall be segregated from all other absentee and mail-in ballots. The segregated ballots shall be canvassed in accordance with the Pennsylvania Election Code.

3. *Notice.* The Office of the Secretary of the Commonwealth shall post this Executive Order in the Department of State’s Bureau of Elections and Notaries, and in all other appropriate places, and shall communicate its contents to the county boards of elections, and shall take all necessary action to provide notice of this Executive Order to the general public.

4. *Effective Date.* This Executive Order shall take effect immediately and remain in effect only until 5:00 P.M., prevailing time, Thursday, July 2, 2020.

**Fiscal Note:** EO 2020-02. No fiscal impact; (8) recommends adoption.



Tom Wolf  
Governor

[Pa.B. Doc. No. 20-752. Filed for public inspection June 12, 2020, 9:00 a.m.]

## GOVERNOR’S OFFICE

### Amendment to Proclamation of Disaster Emergency

June 3, 2020

*Whereas*, on March 6, 2020, I declared a disaster emergency due to the coronavirus disease 2019 (COVID-19) pandemic that is devastating the country, including the Commonwealth of Pennsylvania and its citizens;

*Whereas*, my Proclamation of Disaster Emergency of March 6, 2020, will automatically expire on June 4, 2020, unless renewed by Amendment;

*Whereas*, as of June 3, 2020, 72,894 persons have tested positive or meet the requirements to be considered as presumed probable cases for COVID-19 in the Commonwealth in all 67 counties, and 5,667 persons are reported to have died from the virus; and

*Whereas*, the COVID-19 pandemic continues to be of such magnitude or severity that emergency action is necessary to protect the health, safety and welfare of affected citizens in Pennsylvania.

*Now Therefore*, pursuant to the provisions of section 7301(c) of the Emergency Management Services Code, 35 Pa.C.S. § 7301(c), I do hereby order and direct as follows:

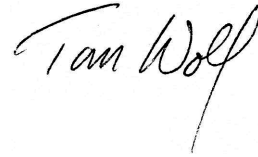
1. The Proclamation of Disaster Emergency of March 6, 2020, is renewed for a period of ninety days, and shall continue to apply to the Commonwealth of Pennsylvania.

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2. All directives, authorized actions and provisions of the March 6, 2020, Proclamation of Disaster Emergency shall remain in full force and effect until either rescinded by me or terminated by law.

This Proclamation Amendment shall take effect immediately.

*Given* under my hand and the Seal of the Governor, at the city of Harrisburg, on this third day of June two thousand twenty, the year of the commonwealth the two hundred and forty-fourth.



Governor

[Pa.B. Doc. No. 20-753. Filed for public inspection June 12, 2020, 9:00 a.m.]

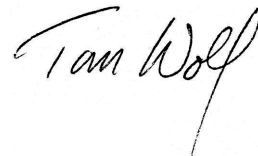
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**GOVERNOR'S OFFICE**
**Proclamation; House Concurrent Regulatory Review Resolution Number 1**

I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, have caused this Proclamation to issue and, in compliance with the provisions of Section 9 of Article III of the Pennsylvania Constitution and Section 7(d) of the Regulatory Review Act, do hereby give notice that I have filed in the Office of the Secretary of the Commonwealth, with my objection thereto, the following resolution passed by both houses of the General Assembly at the Regular Session of 2019-2020:

House Concurrent Regulatory Review Resolution Number 1, disapproving the Department of Labor and Industry regulations on the minimum wage.

*Given* under my hand and the Great Seal of the Commonwealth, at the County of Dauphin, this twenty-ninth day of May, in the year of our Lord two thousand and twenty, and of the Commonwealth the two hundred and forty-fourth.



Governor

Attest:

JONATHAN MARKS,

*Deputy Secretary for Elections and Commissions*

[Pa.B. Doc. No. 20-754. Filed for public inspection June 12, 2020, 9:00 a.m.]

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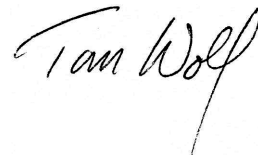
**GOVERNOR'S OFFICE**
**Proclamation; Senate Bill No. 1027, Printer's No. 1729**

I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, have caused this Proclamation to issue and, in compliance with the provisions of Section 15 of Article IV of the Constitution of Pennsylvania, do hereby give notice

that I have filed in the Office of the Secretary of the Commonwealth, with my objections thereto, the following bill passed by both houses of the General Assembly at the Regular Session of 2019-2020:

Senate Bill No. 1027, Printer's No. 1729, entitled "An Act [a]mending the act of April 9, 1929 (P.L. 177, No. 175), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; providing for judicial administration; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined,' in organization of independent administrative boards and commissions, further providing for Pennsylvania Gaming Control Board; in organization of departmental administrative boards and commissions and of advisory boards and commissions, further providing for State Geospatial Coordinating Board; in Commonwealth agency fees, further providing for Department of Health; in powers and duties of the Department of State and its departmental administrative board, providing for report on implementation of 2020 general primary election; providing for COVID-19 emergency statutory and regulatory suspensions and waivers reporting requirements, for COVID-19 debt cost reduction review and for licensing; and, in judicial administration, further providing for surcharges and fees; and making a related repeal."

*Given* under my hand and the Great Seal of the Commonwealth, at the County of Dauphin, this twenty-ninth day of May, in the year of our Lord two thousand and twenty, and of the Commonwealth the two hundred and forty-fourth.



Governor

Attest:

JONATHAN MARKS,

*Deputy Secretary for Elections and Commissions*

[Pa.B. Doc. No. 20-755. Filed for public inspection June 12, 2020, 9:00 a.m.]

## GOVERNOR'S OFFICE

### Notice of Veto; House Concurrent Regulatory Review Resolution Number 1

May 29, 2020

To the Honorable House of Representatives  
and the Honorable Senate of the  
Commonwealth of Pennsylvania

Pursuant to Article III, Section 9 of the Pennsylvania Constitution and Section 7(d) of the Regulatory Review Act, I veto and disapprove, and return

herewith, House Concurrent Regulatory Review Resolution Number 1, which disapproves the Department of Labor and Industry's Final-Form Regulation 12-106.

I am vetoing, disapproving, and returning this concurrent resolution for two reasons. First, the Concurrent Resolution is procedurally defective. In adopting the Concurrent Resolution, the General Assembly failed to comply with the Regulatory Review Act (RRA), which creates the concurrent resolution process as applied to regulations. The RRA provides:

Upon receipt of the commission's order pursuant to subsection (c.1). . .one or both of the committees may, within 14 calendar days, report to the House of Representatives or Senate a concurrent resolution and notify the agency. . . . If either committee reports a concurrent resolution before the expiration of the 14-day period, the Senate and the House of Representatives shall each have 30 calendar days or ten legislative days, whichever is longer, from the date on which the concurrent resolution has been reported, to adopt the concurrent resolution. . . . If the General Assembly does not adopt the concurrent resolution. . .in the time prescribed in this subsection, it shall be deemed to have approved the final-form or final-omitted regulation.

71 P.S. § 745.7(d). Neither the House of Representatives nor the Senate adopted this Concurrent Resolution within 30 calendar or ten legislative days from the date that the House committee reported its Concurrent Resolution. As such, the RRA directs that the General Assembly is deemed to have approved Final-Form Regulation 12-106.

First, the House of Representatives failed to adopt the Concurrent Resolution by the statutorily prescribed deadline. The House Labor and Industry Committee reported the Concurrent Resolution on February 5, 2020. The full House of Representatives did not adopt this Concurrent Resolution until April 21, 2020, more than 30 calendar days from February 5, 2020. Furthermore, April 21, 2020, was more than ten legislative days from February 5, 2020, as the House of Representatives was in session on March 16, March 23, March 24, March 25, April 6, April 7, April 13, April 14, April 16 and April 20, 2020. The RRA required the House of Representatives to adopt the Concurrent Resolution on one of those days. Because the House of Representatives failed to adopt the Concurrent Regulation by the statutory deadline, Final-Form Regulation 12-106 was deemed approved by operation of law.

Similarly, the Senate also failed to adopt the Concurrent Resolution by the statutorily prescribed deadline. Section 7(d) of the RRA directs that the time period for action on a concurrent resolution for both the Senate and House of Representatives is to commence "from the date on which the concurrent resolution has been reported." 71 P.S. § 745.7(d). The House Labor and Industry Committee reported this Concurrent Resolution on February 5, 2020. The Senate did not adopt this Concurrent Resolution until May 27, 2020, more than 30 calendar days from February 5, 2020. Furthermore, May 27, 2020, is more than ten legislative days from February 5, 2020, as the Senate was in session on March 18, March 25, April 6, April 7, April 15, April 20, April 21, April 28, April 29, May 6, May 11, May 12, May 13, May 18 and May 26, 2020. Because the Senate also failed to adopt the Concurrent Resolution by the statutory deadline, Final-Form Regulation 12-106 was deemed approved by operation of law.

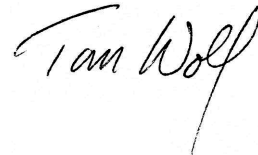
Second, I am vetoing, disapproving, and returning the Concurrent Resolution because Final-Form Regulation 12-106 is necessary to protect Pennsylvania's workers from unreasonably low wages not fairly commensurate with the value of the services rendered. Final-Form Regulation 12-106 provides a long overdue update of the definitions of executive, administrative and professional employees who are exempt from the overtime and minimum wage provisions of the Pennsylvania Minimum Wage Act of 1968 and modernizes the obsolete salary threshold for those workers. The update to the salary thresholds will protect Pennsylvania's employees from being arbitrarily designated as exempt and being required to work excessive



overtime hours without additional compensation. Ensuring that workers are fairly compensated and paid a living wage will have an overall positive economic impact for the Commonwealth. In addition, increased competitiveness of Pennsylvania's employers to attract skilled labor, positive economic impact due to increased spending by affected workers, and discretionary time returned to employees are all benefits to the Commonwealth. Now, more than ever, Pennsylvania needs the benefits that Final-Form Regulation 12-106 provides to its citizens.

For the reasons set forth above, I must veto, disapprove, and withhold my signature from House Concurrent Regulatory Review Resolution No. 1.

Sincerely,



Governor

[Pa.B. Doc. No. 20-756. Filed for public inspection June 12, 2020, 9:00 a.m.]

## GOVERNOR'S OFFICE

### Notice of Veto; Senate Bill 1027; Printer's No. 1729

May 29, 2020

To the Honorable Senate of the  
Commonwealth of Pennsylvania

Pursuant to Article IV, Section 15 of the Pennsylvania Constitution, I am returning herewith, without my approval, Senate Bill 1027, Printer's Number 1729.

We are living in unprecedented times as we confront the extraordinary challenges posed by the COVID-19 pandemic. In response to these challenges, I ordered the temporary closure of non-life sustaining businesses and issued stay-at-home orders. These were steps necessary to save lives across this Commonwealth and to flatten the curve so that our health system would not be overwhelmed by a surge of COVID-19 cases. We came together as Pennsylvanians to make these sacrifices for the common good.

Because of the success of these early mitigation efforts, we are now focused on a plan to reopen Pennsylvania while prioritizing the health and welfare of its citizens. Our reopening plan uses a combination of factors, including statistical metrics developed in collaboration with Carnegie Mellon University, to evaluate when and to what extent our communities can safely reopen while guarding against a COVID-19 resurgence. We have developed a data-driven, color-coded system that transitions counties from the most restrictive red phase to the intermediate yellow phase (limited reopening) and ultimately to the least restrictive green phase. As part of our ongoing progress towards reopening, I have announced that all of Pennsylvania's sixty-seven counties will have moved from the red to the yellow phase by June 5th with some counties transitioning to the green phase prior to that date. As the Commonwealth continues to re-open, we will continue to monitor and assess the data, county by county, to maximize our economic recovery while minimizing public health risks.

Unfortunately, certain counties have opted to go "rogue" by prematurely re-opening their economies and unilaterally moving themselves to the "next phase," driven by fear rather than by scientifically-proven metrics. I have warned that I would impose consequences for such a unilateral move,

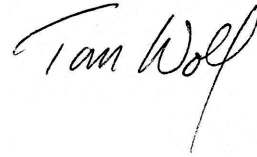
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including using the Commonwealth's licensing capabilities to enforce the non-life sustaining business shutdown order. This bill limits my ability to take that executive enforcement action. The bill prohibits a penalty from being imposed upon a licensed business for re-opening in violation of the non-life sustaining business shutdown order. Such a prohibition is a legislative infringement on executive authority and violates the separation of powers which is critical to the proper functioning of our democracy.

Now is not the time to surrender; we need to continue to be united in the fight against COVID-19.

For the reasons set forth above, I must withhold my signature from Senate Bill 1027, Printer's Number 1729.

Sincerely,

A handwritten signature in black ink that reads "Tom Wolf". The signature is written in a cursive style with a large, sweeping "T" and "W".

*Governor*

[Pa.B. Doc. No. 20-757. Filed for public inspection June 12, 2020, 9:00 a.m.]

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