

THE GOVERNOR

[EXECUTIVE ORDER NO. 2012-16]

Absentee Ballot Procedures for Emergency Responders

November 2, 2012

Whereas, acting under authority of the Constitution and laws of the Commonwealth of Pennsylvania, including especially section 7301(c) of the Emergency Management Services Code (35 Pa.C.S. § 7301(c)), I issued on October 26, 2012, a Proclamation declaring the existence of a disaster emergency throughout the Commonwealth in the expectation that Hurricane Sandy would strike the Commonwealth; and

Whereas, beginning on October 28, 2012, Hurricane Sandy in fact did begin to affect the Commonwealth and continued to do so with increasing intensity through the next several days, causing serious harm and damage throughout the Commonwealth and in neighboring States; and

Whereas, as a consequence of the effects of Hurricane Sandy, many citizens of the Commonwealth who are engaged in the business or occupation of emergency response have been ordered by their employers or other organizations, with little notice, to deploy to parts of the Commonwealth outside of their counties of residence or to locations outside the Commonwealth that have been severely affected by Hurricane Sandy; and

Whereas, the emergency responders deployed by orders of their employers or other organizations include (but are not limited to) members of the Pennsylvania National Guard, medical emergency personnel, and employees of public utility companies; and

Whereas, many emergency responders who, by reason of orders of their employers or other organizations as described herein, expect to remain away from their counties of residence through at least Tuesday, November 6, 2012; and

Whereas, the General Election is scheduled by law to occur throughout the Commonwealth on Tuesday, November 6, 2012; and

Whereas, under the provisions of Section 1302.1(a) of the Pennsylvania Election Code (25 P.S. § 3146.2a(a)), the general deadline by which a qualified elector may apply to receive an absentee ballot for the General Election was Tuesday, October 30, 2012, i.e., “not later than five o’clock P.M. of the first Tuesday prior to the day of any . . . election;” and

Whereas, under the provisions of Section 1302.1(a.1) of the Pennsylvania Election Code (25 P.S. § 3146.2a(a.1)), “in the event . . . any elector otherwise qualified who because of the conduct of his business, duties or occupation will necessarily be absent from the municipality of his residence on the day of the . . . election, which fact was not and could not reasonably be known to said elector on or before the first Tuesday prior to any . . . election, the elector shall be entitled to an absentee ballot at any time prior to five o’clock P.M. on the first Friday preceding any . . . election upon execution of an Emergency Application in such form prescribed by the Secretary of the Commonwealth;” and

Whereas, under the provisions of Section 1302.1(a.2) of the Pennsylvania Election Code (25 P.S. § 3146.2a(a.2)), “[i]n the event . . . any elector otherwise qualified who because of the conduct of his business, duties or occupation will necessarily be absent from the municipality of his residence on the day of the . . . election, which fact was not and could not reasonably be known to said elector prior to five o’clock P.M. on the first Friday preceding any . . . election, the elector shall be entitled to an absentee ballot if the elector completes and files with the court of common pleas in the county in which the elector is qualified to vote an Emergency Application or a letter or other signed document, which includes the same information as is provided on the Emergency Application;” and “[u]pon a determination that

the elector is a qualified absentee elector . . . , the judge shall issue an absentee ballot to the elector;” and “[i]f the elector is unable to appear in court to receive the ballot, the judge shall give the elector’s absentee ballot to an authorized representative of the elector who is designated in writing by the elector;” and “[t]he authorized representative shall deliver the absentee ballot to the elector and return the completed absentee ballot, sealed in the official absentee ballot envelopes, to the county board of elections . . . ;” and “[i]f the elector is unable to appear in court or unable to obtain assistance from an authorized representative, the judge shall direct a deputy sheriff of the county to deliver the absentee ballot to the elector if the elector is at a physical location within the county and return the completed absentee ballot, sealed in the official absentee ballot envelopes, to the county board of elections . . . ;” and “[i]f there is no authorized representative and a deputy sheriff is unavailable to deliver an absentee ballot under this section, the judge may direct a constable to make such delivery . . . ;” and “[n]o absentee ballot under [Section 1302.1(a.2) of the Pennsylvania Election Code] shall be counted which is received in the office of the county board of elections later than eight o’clock P.M. on the day of the . . . election;” and

Whereas, under the provisions of Section 1306(a) of the Pennsylvania Election Code (25 P.S. § 3146.6(a)), a qualified absentee elector (with certain limited exceptions) must, “on or before five o’clock P.M. on the Friday prior to the . . . election,” proceed to mark his absentee ballot and enclose and securely seal it in the secrecy envelope marked “Official Absentee Ballot”; and

Whereas, under the provisions of Section 1306(a)(1) of the Pennsylvania Election Code (25 P.S. § 3146.6(a)(1)), “[a]ny elector who submits an Emergency Application and receives an absentee ballot in accordance with section 1302.1(a.2) . . . shall mark the ballot on or before eight o’clock P.M. on the day of the primary or election;” and “[t]his envelope shall then be placed in the second one, on which is printed the form of declaration of the elector, and the address of the elector’s county board of election and the local election district of the elector;” and “[t]he elector shall then fill out, date and sign the declaration printed on such envelope;” and “[s]uch envelope shall then be securely sealed and the elector shall send same by mail, postage prepaid, . . . or deliver it in person to said county board of election;” and

Whereas, with certain limited exceptions, Section 1308(a) of the Pennsylvania Election Code (25 P.S. § 3146.8(a)) provides that “no absentee ballot shall be counted which is received in the office of the county board of election[s] later than five o’clock P.M. on the Friday immediately preceding the . . . election;” and

Whereas, under the provisions of Section 1302.2(c) of the Pennsylvania Election Code (25 P.S. § 3146.2(c)), “[a] qualified absentee military or overseas elector, as defined by the Uniformed and Overseas Citizens Absentee Voting Act . . . , may submit his application for an official absentee ballot by facsimile method if the original application is received prior to the election by the county election office;” and

Whereas, under Section 1308(g)(1) of the Pennsylvania Election Code (25 P.S. § 3146.8(g)(1)), and notwithstanding Section 1308(a), an absentee ballot cast by absentee electors as defined in Section 1301(a), (b), (c), (d), (e), (f), (g) and (h) of the Pennsylvania Election Code—commonly referred to as military and overseas electors—that is received in the office of the county board of elections “after five o’clock P.M. on the Friday immediately preceding the election, but no later than five o’clock P.M. on the seventh day following an election, shall be canvassed . . . if the absentee ballot is postmarked no later than the day immediately preceding the election;” and

Whereas, the procedures prescribed for the canvassing of absentee ballots received from military and overseas electors under Section 1308(g)(1) of the Pennsylvania Election Code (25 P.S. § 3146.8(g)(1)) i.e., “after five o’clock P.M. on the Friday immediately preceding the election, but no later than

five o'clock P.M. on the seventh day following an election," are set forth in Section 1308(g)(2) through (7) of the Pennsylvania Election Code (25 P. S. § 3146.8(g)(2)-(7)); and

Whereas, the circumstances of the rapid deployments of emergency personnel to respond to the severe conditions caused by Hurricane Sandy in many cases have made it impossible for these Pennsylvania citizens to obtain and submit an absentee ballot in the manner prescribed in the Pennsylvania Election Code as described herein; and

Whereas, without waiver or alteration of the requirements of the Pennsylvania Election Code for absentee balloting, those Pennsylvania citizens who as emergency responders have been ordered with little advance notice to be away from their counties of residence and expect to remain away from the county of residence through Election Day on November 6, 2012, would be unable to cast a ballot in the General Election due solely to the nature and circumstances of their business and occupational duties related directly to recovery from the consequences of Hurricane Sandy.

Now, Therefore, I, Tom Corbett, 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 (35 Pa.C.S. § 7101 et seq., as amended), and other laws of the Commonwealth, do hereby issue this Executive Order as hereinafter set forth:

1. This Executive Order shall apply solely to qualified Pennsylvania electors whose business, duties or occupation are expected to require them to be absent from their county of residence on Tuesday, November 6, 2012, during the entire time prescribed by law for voting (i.e., seven o'clock A.M. through eight o'clock P.M.), and whose absence from their county of residence on Election Day is required by order of their employer or other organization and is directly related to efforts of the elector's employer or other organization with which the elector is associated to recover from the effects of Hurricane Sandy. A qualified elector described in this paragraph shall be referred to hereinafter as an "Emergency Responder Qualified Absentee Elector."

2. Notwithstanding any provision of the Pennsylvania Election Code to the contrary, the deadline by which an Emergency Responder Qualified Absentee Elector may apply to receive an absentee ballot shall be Monday, November 5, 2012, at 5:00 P.M.

3. Notwithstanding any provision of the Pennsylvania Election Code to the contrary, an Emergency Responder Qualified Absentee Elector may apply for an absentee ballot in the same manner as if the Emergency Responder Qualified Absentee Elector were a military or overseas elector as described in Section 1302.2(c) of the Pennsylvania Election Code (25 P. S. § 3146.2(c)), i.e., an Emergency Responder Qualified Absentee Elector may submit his application for an official absentee ballot by electronic method; however, notwithstanding the provisions of the Pennsylvania Election Code, the original application may be received by the county election office up to 5:00 P.M. on Tuesday, November 13, 2012, so long as there is proof that the application was mailed or delivered to the county election office no later than Monday, November 5, 2012.

4. Notwithstanding any provision of the Pennsylvania Election Code to the contrary, the county board of elections shall deliver an absentee ballot to an Emergency Responder Qualified Absentee Elector through electronic means upon request of the Emergency Responder Qualified Absentee Elector; however, the completed official absentee ballot may not be delivered to the county board of elections through electronic means.

5. Notwithstanding any provision of the Pennsylvania Election Code to the contrary, the date and time by which an Emergency Responder Qualified Absentee Elector must complete and return his absentee ballot to the county board of elections shall be governed by the provisions of Section 1308(g) of the Pennsylvania Election Code (25 P. S. § 3146.8(g)), in the same manner

as if the Emergency Responder Qualified Absentee Elector were a military or overseas elector as described in Section 1301(a) through (h) of the Pennsylvania Election Code.

6. To be treated as an Emergency Responder Qualified Absentee Elector under this Executive Order, an applicant for an absentee ballot must certify, under penalty of law, that as a consequence of the effects of Hurricane Sandy, the applicant has been ordered by his employer or other organization with which he is associated to deploy to a location outside of his county of residence and for that reason expects to be absent from his municipality of residence at all times on Election Day during the hours prescribed by law for voting.

7. The Secretary of the Commonwealth, in conjunction with the county boards of elections, is hereby authorized to take any and all action necessary to implement this Executive Order.

8. The Secretary of the Commonwealth shall post this Executive Order in the Department of State's Bureau of Commissions, Elections and Legislation and in all other appropriate places and shall take all necessary action to provide notice of this Executive Order to the county boards of elections and the general public, including especially those citizens who are likely to qualify as Emergency Responder Qualified Absentee Electors under this Executive Order.

9. *Effective Date:* This Executive Order shall take effect immediately.

10. *Termination Date:* This Executive Order shall terminate effective November 16, 2012 at 12:00 p.m.



Governor

Fiscal Note: 2012-16. No fiscal impact. The costs associated with this action will be absorbed within the Department of State's existing funding levels; (8) recommends adoption.

[Pa.B. Doc. No. 12-2215. Filed for public inspection November 16, 2012, 9:00 a.m.]

[EXECUTIVE ORDER NO. 2012-13]

Extension of Deadline for Absentee Ballot Applications for General Election of 2012

October 29, 2012

Whereas, the preparations for and effects of Hurricane Sandy and other weather systems that struck or were expected to strike the commonwealth during the week of October 29, 2012, have caused and are expected to cause in parts of the commonwealth the closure of the offices of numerous county boards of elections on Monday, October 29, 2012, and Tuesday, October 30, 2012; and

Whereas, the General Election is scheduled by law to occur throughout the commonwealth on Tuesday, November 6, 2012; and

Whereas, under the provisions of Section 1302.1(a) of the Pennsylvania Election Code (25 P.S. § 3146.2a(a)), the general deadline by which a qualified elector may apply to receive an absentee ballot for the General Election is Tuesday, October 30, 2012, i.e., "not later than five o'clock P.M. of the first Tuesday prior to the day of any primary or election;" and

Whereas, the weather-related closures of the offices of numerous county boards of elections during the last two days on which the applications of

qualified electors for absentee ballots by law may be received by the county boards of elections make it necessary and proper to extend in those counties the general statutory deadline by which the county boards of elections may receive applications for absentee ballot.

Now, Therefore, I, Tom Corbett, 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 (35 Pa.C.S. § 7101 et seq., as amended), and other laws of the commonwealth, do hereby issue this Executive Order as hereinafter set forth:

1. The deadline prescribed by Section 1302.1(a) of the Pennsylvania Election Code (25 P. S. § 3146.2a(a)) by which a qualified elector of a county may apply to receive an absentee ballot for the General Election shall be extended by one additional day for each business day during the week of October 29, 2012, on which the office of the county board of elections was closed for business as a consequence of weather conditions, but in no event shall said deadline be extended beyond 5:00 p.m. prevailing time on Friday, November 2, 2012.

2. The Office of the Secretary of the Commonwealth shall post this Executive Order in the Department of State's Bureau of Commissions, Elections and Legislation and in all other appropriate places and shall take all necessary action to provide notice of this Executive Order to the county boards of elections and the general public.

3. *Effective Date.* This Executive Order shall take effect immediately.

4. *Termination Date.* This Executive Order shall terminate effective November 16, 2012 at 12:00 p.m.



Governor

Fiscal Note: 2012-13. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 12-2216. Filed for public inspection November 16, 2012, 9:00 a.m.]

[EXECUTIVE ORDER NO. 2012-14]

Extension of Deadline for Completion and Receipt of Absentee Ballots

October 31, 2012

Whereas, the effects of and preparations for Hurricane Sandy and other weather systems that struck or were expected to strike Pennsylvania during the week of October 29, 2012, have caused in parts of the Commonwealth the closure of the offices of numerous county boards of elections on Monday, October 29, 2012, and Tuesday, October 30, 2012; and

Whereas, the General Election is scheduled by law to occur throughout the Commonwealth on Tuesday, November 6, 2012; and

Whereas, under the provisions of Section 1302.1(a) of the Pennsylvania Election Code (25 P. S. § 3146.2a(a)), the general deadline by which a qualified elector may apply to receive an absentee ballot for the General Election is Tuesday, October 30, 2012, i.e., "not later than five o'clock P.M. of the first Tuesday prior to the day of any primary or election;" and

Whereas, through Executive Order 2012-13 issued October 29, 2012, under authority of the laws of the Commonwealth (including especially the Emergency Management Services Code (35 Pa.C.S. § 7101 et seq.), I

determined that the weather-related closures of the offices of numerous county boards of elections during the last two days on which applications of qualified electors for absentee ballots by law may be received by the county boards of elections made it necessary and proper to extend in those counties the general statutory deadline by which the county boards of elections may receive applications for absentee ballot; and

Whereas, under the provisions of Section 1306(a) of the Pennsylvania Election Code (25 P.S. § 3146.6(a)), a qualified absentee elector (with certain limited exceptions) must, “on or before five o’clock P.M. on the Friday prior to the . . . election,” proceed to mark his absentee ballot and enclose and securely seal it in the secrecy envelope marked “Official Absentee Ballot”; and

Whereas, with certain limited exceptions, Section 1308(a) of the Pennsylvania Election Code (25 P.S. § 3146.8(a)) provides that “no absentee ballot shall be counted which is received in the office of the county board of election[s] later than five o’clock P.M. on the Friday immediately preceding the . . . election;” and

Whereas, the aforesaid weather-related closures of the offices of numerous county boards of elections during the week preceding the date of the General Election have caused serious disruptions in the process for the conduct of absentee balloting in those affected counties, including especially the process for the timely delivery of absentee ballots by the county boards of elections and the timely return of those ballots by the electors to the county boards of elections; and

Whereas, the disruption to the absentee balloting process caused by the weather-related closures of the offices of the county boards of elections make it necessary and proper to extend in those counties the statutory deadline by which absentee electors may complete their absentee ballots and submit them to their county board of elections.

Now, Therefore, I, Tom Corbett, 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 (35 Pa.C.S. § 7101 et seq., as amended), and other laws of the Commonwealth, do hereby issue this Executive Order as hereinafter set forth:

1. For any county in which the office of the board of elections was closed to the public at any time during regularly-scheduled business hours for the week of October 29, 2012, as a consequence of the effects of or preparations for Hurricane Sandy, the deadline prescribed by Section 1306(a) of the Pennsylvania Election Code (25 P.S. § 3146.6(a)) by which a qualified absentee elector must mark his absentee ballot and enclose and securely seal it in the secrecy envelope marked “Official Absentee Ballot,” and the deadline prescribed by Section 1308(a) of the Pennsylvania Election Code (25 P.S. § 3146.8(a)) by which an absentee ballot must be received by the county board of elections, shall be five o’clock P.M. on Monday, November 5, 2012, notwithstanding the deadlines prescribed by the aforesaid provisions of the Pennsylvania Election Code.

2. Absentee ballots that are received by a county board of elections later than five o’clock P.M. on Friday, November 2, 2012, under the authority of paragraph 1 of this Executive Order shall be segregated from all other absentee ballots and retained by the county board of elections at a central location for canvassing by the county board of elections after Election Day in the manner prescribed by the Pennsylvania Election Code for the canvassing by the county board of elections of absentee ballots that under law are properly received by a county board of elections later than five o’clock P.M. on the Friday immediately preceding an election.

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

THE GOVERNOR

4. *Effective Date:* This Executive Order shall take effect immediately.
5. *Termination Date.* This Executive Order shall terminate effective November 16, 2012 at 12:00 p.m.



Governor

Fiscal Note: 2012-14. No fiscal impact. The costs associated with this action will be absorbed within the Department of State's existing funding levels; (8) recommends adoption.

(Editor's Note: See 42 Pa.B. 7087 (November 17, 2012) for Executive Order 2012-13.)

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