

Executive Order

Commonwealth of Pennsylvania
Governor's Office

**Subject: Extension of Deadline for Completion
and Receipt of Absentee Ballots**

**Number:
2012-14**



By Direction of: Tom Corbett, Governor

October 31, 2012

Date:

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.
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.