

William F. Martin
Solicitor, Delaware County, Pennsylvania
Attorney I.D. #39762
201 West Front Street
Media, PA 19063
(610) 891-4074
martinw@co.delaware.pa.us

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY,
PENNSYLVANIA
CIVIL DIVISION

IN RE: EXTENSION OF TIME FOR : No. 2020-003416
ABSENTEE AND MAIL-IN BALLOTS :
TO BE RECEIVED BY MAIL AND :
COUNTED IN THE 2020 PRIMARY :
ELECTION :

ORDER

ORDER

AND NOW, this 2nd day of June,

2020, upon consideration of the Emergency Petition of the Delaware County Board of Elections for an Extension of Time for the Voted Absentee and Mail-in Ballots of the Qualified Registered Electors of Delaware County to be Counted for the 2020 Primary Election, and the response received thereto from the Delaware County Republican Party, this Court finds as follows:

With respect to the Court's power, neither the Pennsylvania Constitution nor the Election Code Act of June 3, 1937, P.L. 1333, as amended, 25 P.S. § 2601, 405,1 expressly provides any procedure to follow when a natural

disaster creates an emergency situation that interferes with an election. However, Section 1206 of the Code, 25 P.S. § 3046 states that the Court of Common Pleas of each County or a Judge thereof, shall on Election Day decide matters pertaining to the election as may be necessary to carry out the intent of this Act. The purpose of the election laws of this Commonwealth is to ensure fair elections, including an equal opportunity for all eligible Electors to participate in the election process.

Thus, the language of 25 P.S. § 3046 implicitly grants this Court authority to provide relief when there is a natural disaster or emergency such as that which presently confronts the Voters of Delaware County. To permit an election to be conducted whereby members of the Electorate could be deprived of their opportunity to participate because of circumstances beyond their control election to be conducted whereby members of the Electorate could be deprived of their opportunity to participate because of circumstances beyond their control would be inconsistent with the Election Laws of this Commonwealth. Therefore, I am **GRANTING** the Emergency Petition of the Delaware County Board of Elections as follows:

The Delaware County Board of Elections shall accept for tabulation all absentee and mail-in ballots postmarked on or before June 2, 2020 and delivered by the United States Post Office to the Delaware County Board of Elections any time before June 9, 2020, at 5:00 p.m.

It is further **ORDERED** and **DECREED** that for the 400-500 voters who still did not have mail-in or absentee ballots mailed to them as of the morning

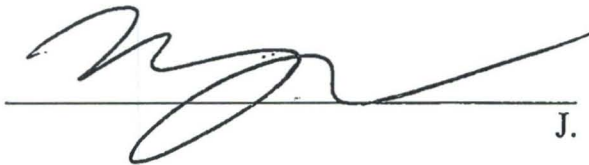
of June 2, 2020 (the list of which is incorporated within the Petition), the Delaware County Board of Elections shall accept for tabulation their absentee or mail-in ballots received by June 12, 2020, at 5:00 p.m. In the event that any such voter has voted a provisional ballot, the mail-in ballot shall be disregarded.

Absentee and mail-in ballots that are received by the Board of Elections either by June 9, 2020, or June 12, 2020, shall be segregated from all other absentee and mail-in ballots. The Board of Elections shall clearly indicate and mark on all ballots received subsequent to June 2, 2020, and according to the previously aforementioned deadlines of June 9, 2020 and June 12, 2020, in a manner which clearly represents the receipt date of those ballots and that those ballots are the result of absentee and/or mail-in status.

~~manner which clearly represents the receipt date of those ballots and that those~~

ballots are the result of absentee and/or mail-in status.

BY THE COURT:


_____ J.

CERTIFIED A TRUE AND CORRECT

COPY FROM THE RECORD

THIS 2nd DAY OF June A.D. 2020

MARY J. WALK, ESQUIRE, DIRECTOR

OFFICE OF JUDICIAL SUPPORT

