Executive Order

Commonwealth of Pennsylvania
Governor's Office

Subject: **Extension of Deadline for Receipt of Absentee and Mail-In Ballots in Certain Counties**	***Number:*** ***2020-02***
By Direction of: Tom Wolf, Governor	***Date:*** **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, Montgomery 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.