

**IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA
CIVIL DIVISION**

In re: Extension of the In-Person :
Application Period for Absentee and : 2024-C-3511
Mail-in Ballots for the 2024 General :
Election : **Misc. 2024**
:
Emergency Motion of the Board of :
Elections of Lehigh County :

**EMERGENCY MOTION TO EXTEND FOR TWENTY-FOUR (24) HOURS THE TIME
TO APPLY IN PERSON FOR MAIL-IN AND ABSENTEE BALLOTS FOR THE 2024
GENERAL ELECTION**

Now comes undersigned counsel on behalf of the Lehigh County Board of Elections with the following Motion:

1. Under the Pennsylvania Election Code, applications for mail-in and absentee ballots shall be processed if received not later than five o'clock P.M. of the first Tuesday prior to the day of any primary or election. *See* 25 P.S. § 3150.12a and 25 P.S. § 3146.2a, respectively.
2. The deadline for applications for mail-in and absentee ballots for the 2024 General Election is five o'clock P.M. on October 29, 2024.
3. In order to prepare for a political event at the PPL Center, at five o'clock P.M. on Monday, October 28, 2024, the City of Allentown closed 7th Street from Linden Street to Walnut Street and Hamilton Street from 6th Street to 8th Street. At eight o'clock A.M. on October 29, 2024, the street closures were expanded to include 7th Street from Turner Street to Walnut Street, 8th Street from Turner Street to Walnut Street, Linden Street from 6th Street to 9th Street, and Hamilton Street from 6th Street to 9th Street. These street closures are in the immediate downtown area surrounding the Lehigh County Government Center, where the Office of Voter Registration is located, and where applicants, or their surrogates, for mail-in and absentee ballots must appear in person to request those ballots.

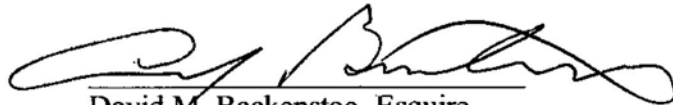
4. In prior years, the Office of Voter Registration has experienced long lines on the day of the deadline for mail-in and absentee ballot applications, up until the five o'clock deadline.
5. Because of the anticipated disruption from the street closures in the downtown Allentown area, and the influx of attendees who require parking for the event at the PPL Center, the Board of Elections is concerned that those registered voters who wish to apply for a mail-in or absentee ballot in person may not be able to access the Lehigh County Government Center, particularly those who may have mobility issues or cannot easily walk many blocks.
6. The Board of Elections is therefore requesting that the deadline for applying in person for mail-in and absentee ballots be extended by twenty-four (24) hours until five o'clock P.M. on October 30, 2024.
7. It is the purpose of the court of common pleas on any election day to decide such "matters pertaining to the election as may be necessary to carry out the intent of this act." 25 P.S. § 3046. Applying for and submitting mail-in or absentee ballots in person should fall within the court's authority to decide matters pertaining to the election.
8. The purpose of election laws is to ensure fair elections, including an equal opportunity for all eligible electors to participate in the election process. *In re General Election – 1985*, 109 Pa.Cmwlth. 604, at 608, 531 A.2d 836, at 839 (Pa. Cmwlth Ct 1987) (Court postponed the date of the General Election for 11 precincts that suffered extensive flooding, loss of electricity, heat, and water during extreme weather conditions) (*citing, In re Mayor, City of Altoona, Blair County*, 413 Pa. 305, 196 A.2d 371 (1964)).
9. In prior instances where a request for an extension of time to allow electors to cast votes in an election the courts have found that allowing an election to be conducted "where members of the electorate could be deprived of their opportunity to participate because of circumstances beyond their control ... would be inconsistent with the purpose of the election laws." *In re General Election*, 839.
10. In the immediate instance, because of the street closures and the general disruption caused by the preparation for the event at the PPL Center, voters who wish to apply in person for a mail-in or absentee ballot may be deprived of their opportunity to participate because of

circumstances beyond their control if the time for applying for their mail-in or absentee ballots is not extended.

11. Just as disruptions on election day which impede voting permit a court to extend the time for voting past the eight o'clock P.M. deadline, this Court has the authority to extend the deadline in the event of substantial disruptions to the ability of registered voters to apply in-person for mail-in and absentee ballots.

WHEREFORE, the Board of Elections of Lehigh County respectfully requests this Honorable Court to enter an order extending the time to apply in-person for a mail-in or absentee ballot until five o'clock P.M. on October 30, 2024.

Respectfully submitted:

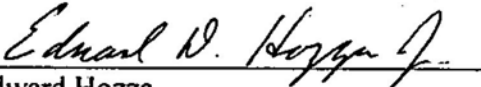


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VERIFICATION

I, Edward Hozza, Director of Administration for the County of Lehigh and Acting County Executive, verify that the statements made in the forgoing motion are true and correct to the best of my knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S. section 4904 relating to unsworn falsification to authorities.

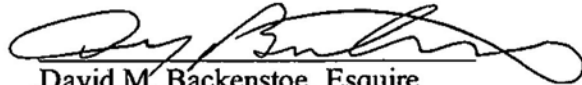
Date: October 29, 2024


Edward Hozza

*County Executive Designee.
Acting County Executive.*

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.



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