

CARRIE HAHN,
Petitioner

vs.

LAWRENCE COUNTY BOARD OF
ELECTIONS,
DAN VOGLER, Commissioner
DAN KENNEDY, Commissioner, and
CHRIS SAINATO, Commissioner and
TIM GERMANI, Voter Services
Director,

Respondents

vs.

ALEX GABRIEL, JOHN BEHM,
SHARON GIBBONS, MARY TRAMDACK
AND WILLIAM BARBATO,

Intervenors

: IN THE COURT OF COMMON PLEAS
: LAWRENCE COUNTY, PENNSYLVANIA
: NO. 11017 OF 2024 C.A.

ORDER OF COURT

AND NOW, this 18th day of November, 2024, following hearing on Petition for Review of Dismissal of All Challenges to Unregistered Federal Absentee Registrations and Notice of Appeal, filed by Carrie Hahn, pro se, the Court FINDS and ORDERS as follows:

1. In the general election held on November 5, 2024, 52 electors voted in Lawrence County pursuant to the Federal Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"), 52 U.S.C. §§ 20302(a), 20310(5)(C), which permits a United States citizen now living abroad whose last known United States address was in Pennsylvania to vote in federal elections in the district where they last lived in Pennsylvania.

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2. The Petitioner challenged the counting of each of the mail ballots of each aforesaid voter. As a result, a hearing was held before the Lawrence County Board of Elections, which, after hearing, dismissed the Petitioner's challenge to the counting of each mail ballot of each overseas voter.
3. The Lawrence County Board of Elections entered its decision on November 8, 2024.
4. Carrie Hahn filed the within Petition for Review and Notice of Appeal on November 12, 2024, which was timely filed, given that the courthouse was closed on November 9, 10 and 11, 2024.
5. The Petition for Review of Dismissal of All Challenges refers to the overseas ballots as being "unregistered federal absentee registrations." The Notice of Appeal refers to challenges to 52 "registrations/absentee ballot applications pursuant to 25 Pa.Stat. § 3146.8(f)."
6. On November 14, 2024, a Petition to Intervene was filed on behalf of Alex Gabriel, John Behm, Sharon Gibbons, Mary Tramdack and William Barbato. Each individual was one of the 52 overseas voters whose ballots were challenged in this proceeding. Accordingly, the Court granted intervention, particularly because each of the 52 overseas voters possessed an interest in protecting the integrity of their ballot and not being disenfranchised. In its Order of November 12, 2024, setting forth the notice of hearing to be held on November 15, 2024, the Court directed that the Director of Elections give notice

to each absentee voter by the best means possible with the ability to participate in the proceedings by a zoom link.

7. Hearing was held on November 15, 2024. The Petitioner/Appellant Carrie Hahn appeared pro se. Respondents were represented at the hearing by Jason A. Medure, Esquire, County Solicitor. Intervenors were represented at the hearing by Richard T. Ting, Esquire. The Democratic Party of Pennsylvania and of Lawrence County were represented by Attorneys Matthew T. Mangino, Esquire, and Paul Boas, Esquire.
8. UOCAVA provides that United States citizens, living abroad, are entitled to vote in federal elections. The protections of UOCAVA apply to "overseas voters," which includes "a person who resides outside the United States and but for such residence would be qualified to vote in the last place in which the person was domiciled before leaving the United States." 52 U.S.C. § 20310(5).
9. UOCAVA further provides that states "shall permit absent ... overseas voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for federal office." 52 U.S.C. § 20302(a)(1). Such absent overseas voters are specifically authorized to vote for federal offices irrespective of their residency abroad or registration status.
10. The burden of proof is upon the challenger to demonstrate the legal basis for the challenge by the fair

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preponderance of the credible evidence. In absence such proof, the ballot will be sustained. Appeal of Petrucci, 38 Pa.D.& C.2d 675 (1965).

11. The Petitioner/Appellant has failed to meet her burden of proof that the challenged voters are not qualified electors entitled to vote pursuant to UOCAVA. In fact, the Petitioner/Appellant concedes that she has no evidence that the challenged voters are not qualified electors.
12. The Petitioner/Appellant bases her challenge on the assertion that such voters are not "registered" in the Statewide Uniform Registry of Electors ("SURE") system, to the extent that she was unable to access a data base to publicly view the registration. The Lawrence County Director of Elections testified and produced documentary evidence that conclusively shows that all of the challenged voters are in fact registered in the SURE system. The Court finds such testimony and documentary evidence to be credible and finds as a fact that each of the challenged voters are in fact registered and entered into the SURE system.
13. UOCAVA specifically requires that United States citizens living abroad be permitted to vote by absentee ballot in federal elections in their last home state whether or not they are registered or may become registered under the state law requirement as long as they would be qualified to vote but for their residence. 52 U.S.C. §§ 20302(a), 20310(5)(C).

14. To the extent that the Petitioner/Appellant contends that the procedure for obtaining and submitting an absentee ballot for federal overseas electors conflicts with the procedure for obtaining absentee ballots under state law procedures, the Court finds that UOCAVA supersedes any state law requirement.
15. The voting rights of federal overseas electors is protected by Section 11(a) of the Voting Rights Act of 1965 which provides that “[n]o person acting under color of law shall fail or refuse to permit any person to vote who ... is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person’s vote,” 52 U.S.C. § 10307(a).
16. Each of the challenged votes in the case presently before the Court timely completed a federal postcard application which satisfied the registration requirement. 52 U.S.C. § 20302(a)(4).
17. The Petition for Review of Dismissal of All Challenges to Unregistered Federal Absentee Registrations is hereby DISMISSED and the decision of the Lawrence County Board of Elections entered on November 8, 2024, is AFFIRMED. All of the challenged 52 overseas ballots submitted under the UOCAVA statute shall be counted and included in the canvass of votes for the 2024 general election.
18. The Prothonotary shall exit a certified copy of this Order to the Petitioner/Appellant Carrie Hahn, and to each counsel identified in the record of this case, including counsel identified in this order as appearing

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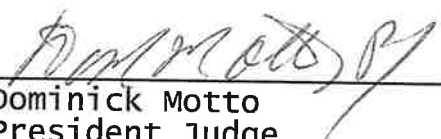
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at the hearing held on November 15, 2024, and counsel identified on the Petition to Intervene filed on behalf of Intervenors. Additionally, the Director of Elections is directed to transmit by electronic means a copy of this Order to each of the 52 overseas electors whose ballots were the subject of these proceedings.

BY THE COURT:


_____, P.J.
Dominick Motto
President Judge

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