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**Attorneys for Delaware County**

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**ALFEIA GOODWIN and ROBERT MANCINI**

**Petitioners**

**v.**

**DELAWARE COUNTY**

**Defendant**

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**: COURT OF COMMON PLEAS,  
: DELAWARE COUNTY**

**: ELECTION LA**

**: NO: CV-2024-8838**

**RESPONSE OF DELAWARE COUNTY**

**IN OPPOSITION TO PETITIONERS' APPLICATION FOR EMERGENCY  
RELIEF AND SEEKING A PRELIMINARY INJUNCTION**

Delaware County, by and through its undersigned counsel, hereby submits this Response in Opposition to the filing styled as an Application for Emergency Relief and Seeking Preliminary Injunction ("Application") filed by Petitioners Alfeia Goodwin ("Goodwin") and Robert Mancini ("Mancini").

**I. INTRODUCTION**

This Application is yet another attempt to cast doubt on the integrity of elections in Delaware County without legal or factual basis. The Application is procedurally deficient in nearly every respect, in addition to being factually false. Petitioners have failed to file any actual claim and have leveled their accusations at the wrong entity. In addition, Petitioner Mancini lacks standing. Beyond those procedural defects, the Application is entirely false on the merits, as was explicitly explained to Mancini in April of this year. Delaware County has not only

performed the entire suite of logic and accuracy testing (“L&A testing”) as required by the Pennsylvania Department of State, Delaware County has--*in excess* of Pennsylvania L&A testing obligations—performed hash testing on a random selection of its election equipment. That hash testing, *as shown by the very information contained in the Petitioners’ filing*, proved that there was no unauthorized software on the elections equipment. Petitioners attempt to weaponize against the County the fact that the County has scored an A+ on an extra credit test.

Defendant is the only election jurisdiction in Pennsylvania known to perform this extraordinary level of software verification, known as hash testing, a testing protocol above and beyond the testing of software and the testing of voted ballots that is required by state law. Further, Defendants performed the hash testing of the software fingerprint, verifying that the Hash Verity 2.7 software on the county’s equipment is a perfect match with the software fingerprint provided for this test by the United States Election Assistance Commission. In hash testing, the only acceptable score is a 100% perfect match, which is exactly what Defendant’s voting equipment scored. Here the Plaintiffs are attempting to pervert and misrepresent those successful hash-test results to claim inaccurately that there is software that does not belong.

Petitioners’ sweeping relief requests this Court to 1) order the County undertake the massive operational effort of hand-counting votes—a method of vote tabulation that is demonstrably unreliable and infinitely slower than tabulation using ballot scanners, 2) quarantine some County voting systems for an undetermined and unknowable period of time until the FBI and DHS have analyzed them and 3) order that the County perform legally and factually unnecessary further testing on the remainder of the County voting systems.

None of this relief is permitted by the Pennsylvania Elections Code. In addition to being illegal under the Pennsylvania Election Code, the hand counting of ballots is demonstrably

inaccurate, as demonstrated by voluminous studies. Moreover, the quarantine of the County's election equipment at this point less than 20 days from Election Day would virtually guarantee that equipment would not be able to be delivered in a timely way to polling places for use on Election Day. Likewise, requiring the County to perform further testing on its election equipment would also severely disrupt election logistics and introduce a significant risk that the equipment would not be able to be delivered in a timely way to polling places.

Petitioners are not entitled to a preliminary injunction under any theory and the relief they seek is unlawful and would wreak havoc on the upcoming election at not only the local, but also at the national, level. Their Application should and must be dismissed.

## II. ARGUMENT

### A. Legal Standard

Under *Summit Towne Centre, Inc. v. Shoe Show of Rocky Mount, Inc.*, 828 A.2d 995, 1001 (Pa. 2003), Pennsylvania law requires that a petitioner establish six elements to obtain a preliminary injunction: 1) that an injunction is necessary to prevent immediate and irreparable harm that cannot be adequately compensated by damages; 2) that greater injury would result from refusing an injunction than from granting it, and that issuance of an injunction will not substantially harm other interested parties; 3) that a preliminary injunction will properly restore the parties to their status as it existed immediately prior to the alleged wrongful conduct; 4) that the party is likely to prevail on the merits; 5) that the injunction is reasonably suited to abate the offending activity; and 6) that the injunction will not adversely affect the public interest.

These six elements are “essential prerequisites” for a preliminary injunction, and an injunction cannot be granted unless all six are established. *Id.*

### B. There is No Action Pending, and This Court Lacks Jurisdiction to Grant Relief

As a threshold matter, there is no underlying action pending before this Court according to the Pennsylvania Rules of Civil Procedure, and this Court should deny the Application for lack of jurisdiction.

An action may be commenced in two ways in Pennsylvania: by filing a praecipe for a writ of summons, or by filing a complaint. *See* Pa. R.C.P. 1007; *see also Mickavicz v. Mickavicz*, 2019 WL 64970000, at \*2 (Pa. Super. Dec. 3, 2019) (“A cause of action must be raised in a pleading, specifically a complaint.”) (citing Pa. R.C.P. 1017). Pennsylvania Rule of Civil Procedure 1017 limits the pleadings in an action to a complaint and answer thereto, a reply, a counter-reply, and preliminary objections.<sup>1</sup>

The filing by Petitioners in this case, which is styled as an “Application for Emergency Relief and Seeking Preliminary Injunction,” meets neither the requirements for a Complaint nor the requirements for an Application for Preliminary Injunction.

First, the filing does not even purport to include a complaint and fails to meet the requirements of the Rules of Civil Procedure. Under Pa. R.C.P. 1018.1, every Complaint must be filed with a Notice to Defend substantially in the form set forth in Rule 1018.1(b). The filing here lacks a Notice to Defend. Further, Rule 1020(a) requires that the complaint state “each cause of action and any special damage thereto...in a separate count containing a demand for relief.” The filing here lacks any asserted causes of action against Delaware County and merely recites allegations concerning the hash testing performed by the Delaware County Board of Elections (“Board”).

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<sup>1</sup> Pa. R.C.P. 206.1(a) makes a limited expansion of permissible pleadings to applications to strike and/or open a default judgment or judgment of non pros, as well as any other application designated by local rule to be governed by Rule 206.1. Of the 109 categories of Petition authorized by Delaware County L.R. 206.1, an Application for Emergency Relief and Seeking Preliminary Injunction does not appear.

Second, the submission is not a valid Application for Preliminary Injunction. Such applications are governed by Pennsylvania Rule of Civil Procedure 1531, which specifically contemplates an application for preliminary injunction *after* an action has been validly commenced. *See* Pa. R.C.P. 1531 (“...the court may act on the basis of the averments of the pleadings or petition...”). As discussed above, because this submission is not a valid Complaint, there is no action pending, meaning an Application for Preliminary Injunction has no pleading or petition to rest upon as required by Rule 1531.

Without an action pending, this Court lacks jurisdiction to fashion relief in any respect. *Mickavicz*, 2019 WL 64970000, at ¶2 (concluding trial court acted correctly in dismissing petition to strike where no complaint had been filed, because no action was pending). Further, The Delaware Court of Common Pleas has dismissed similar applications for injunctive relief on the grounds that there was no underlying complaint filed. *See Hoopes et al v. Delaware County Board of Elections et al*, No. CV-2022-008091, Order to Dismiss (Del. Cty. Ct. Com. Pl., Nov. 3, 2022). Because Petitioners fail to meet even this basic procedural threshold, their Application should be denied.

C. Petitioners Have Sued an Incorrect Defendant

Beyond the fact that there is no valid pending action, Petitioners have sought relief against the wrong party, as the County does not conduct L<sup>2</sup>A testing of election equipment. That lies squarely within the authority delegated to the Delaware County Board of Elections.

The Election Code and the Delaware County Administrative Code allow the County to lawfully delegate election-related activities to the Delaware County Board of Elections. Under 25 P.S. § 2642, a county board of elections is entitled to, among other things, “purchase, preserve, store, and maintain primary and election equipment of all kinds,” to “inspect systematically and thoroughly the conduct of primaries and elections in the several election

districts of the county,” and to “perform such other duties as may be prescribed by law.” More specifically, the Delaware County Administrative Code, an excerpt of which is attached as **Exhibit A**, delegates to the Delaware County Board of Elections the duty to “test the balloting equipment.” *See* Ex. A at § 6-68(C)(7).

Because the County has formally delegated election equipment testing to the County Board of Elections and does not actually carry out such testing on its own, the Petitioners have named the wrong party in the Application. The Application should therefore be dismissed.

D. Petitioner Mancini Lacks Standing

In addition to this procedurally improper filing, Petitioner Mancini must be dismissed from this because he lacks standing.

Personal standing requires “a party to have a direct, immediate, and substantial interest in order to initiate litigation.” *Allegheny Reprod. Health Ctr. v. Pennsylvania Dep’t of Human Servs.*, 225 A.3d 902, 909 (Pa. Cmwlth. 2020). The requirement that an interest be direct means “that the person claiming to be aggrieved must show causation of the harm to his interest by the matter of which he complains,” while a substantial interest is means there “must be some discernible adverse effect to some interest other than the abstract interest of all citizens in having others comply with the law.” *Wm. Penn Parking Garage, Inc. v. City of Pittsburgh*, 464 Pa. 168, 195, 346 A.2d 269, 282 (Pa. 1975). “In order to be immediate, there must be a causal connection between the action complained of and the injury to the person challenging it.” *Spahn v. Zoning Bd. of Adjustment*, 602 Pa. 83, 115, 977 A.2d 1132, 1151 (Pa. 2009). Mancini has the burden to establish standing. *Markham v. Wolf*, 136 A.3d 134, 140 (Pa. 2016).

Here, Mancini lacks standing to bring the Application because he has no particularized interest, and the Pennsylvania Supreme Court has already repeatedly rejected his theory of standing based on his status as both a voter and taxpayer. In *Kauffman v. Osser*, the court held

that a voter cannot establish standing on the basis that counting an allegedly invalid ballot dilutes the voter's vote because the voter's theory of harm implicates an interest "common to that of all other qualified electors." 271 A.2d 236, 240 (Pa. 1970). Similarly, in *Application of Biester*, the Pennsylvania Supreme Court said held that "in the absence of an effect on the amount of tax paid by the plaintiff-taxpayer, the prevention of a waste of tax revenue has been correctly held to be an interest which is not immediate because the detriment to the taxpayer is too remote since he is not directly or specially affected by the loss." 409 A.2d 848, 851 (Pa. 1979) (internal citation omitted); *see also Boady v. Philadelphia Mun. Authority*, 699 A.2d 1358, 1361 (Pa. Cmwlth. 1997) ("Taxpayer standing may exist only when a taxpayer is challenging obligations placed on the general public or emoluments given through the exercise of governmental power imposed or given by general ordinances or statutes.") (citing *Drummond v. University of Pennsylvania*, 651 A.2d 572, 577-78 (Pa. Cmwlth. 1994)).

Mancini fails to articulate how his status as either a registered voter or taxpayer confers an immediate and direct interest in this case, and in fact shows exactly why he lacks standing. Damningly, Mancini's Petition states that he "is a resident, taxpayer, and registered voter in the 5th District of Pennsylvania of the United States House of Representatives" Petition ¶ 2.

The Petition further declares that, "[g]reater injury will result to the Petitioner, **Voters of Delaware County, Taxpayers of Delaware County, Residents of Delaware County, Residents of PA, and Citizens of the USA** will be injured by Respondent if the requested injunctive relief is not granted," that "[a]ll candidates, **residents, taxpayers of Delaware County, residents of PA, citizens and candidates of the United States of America** deserve to have a fair election," and the potential harm is that "candidates **and the general public** will be unable to trust the results of the election, be sure that their vote was not diluted, or that election

data was not corrupted, altered, or even fabricated.” See Petition ¶¶ 33, 32, and 22 (emphasis added). Because Mancini concedes that he is bringing this case to prevent perceived adverse consequences for residents of Delaware County, Pennsylvania, and the entire United States, his theory for standing fits squarely into the categories already rejected in *Kauffman* and *Biester*. The Petition provides no allegation of how Mancini has any immediate or direct interest in voting machine software, beyond the generalized interest of all voters and taxpayers. Mancini therefore lacks standing to pursue this case. Accordingly, Robert Mancini should be dismissed from this proceeding.

E. Petitioners Are Not Entitled to an Injunction

Beyond the fatal procedural defects noted above, the Application fails to satisfy the standard for a preliminary injunction and should be denied on that additional basis. Specifically, under the test set forth in *Summit Towne Centre, Inc. v. Shoe Show of Rocky Mount, Inc.*, 828 A.2d 995, 1001 (Pa. 2003), the Application should not be granted because Petitioners fail to satisfy elements 2, 4, 5, and 6 of the test. Petitioners are 1) unable to prevail on the merits of the underlying action, element 4 of the test; and 2) cannot “show that greater injury would result from refusing an injunction from granting it,” that “the issuance of an injunction will not substantially harm other interested parties,” or that “a preliminary injunction will not adversely affect the public interest”; nor that “the injunction [he seeks] is reasonably suited to abate the offending activity,” which are the second, fifth, and sixth elements.<sup>2</sup>

1. Petitioners Fail to Develop Any Argument on the Injunction Standard

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<sup>2</sup> The County also disputes that Petitioners can meet the first and third elements of the test as a matter of fact and will demonstrate as much at a hearing on the merits, should the Court determine that one is necessary.



Before proceeding to Petitioners' many deficiencies under the *Summit Towne Centre* test, this Court should reject the application initially because Petitioners have failed to develop any argument. After making reference to the injunction standard, Petitioners present only conclusory assertions as to their entitlement to an injunction.

## 2. Petitioners' Case Utterly Fails on the Merits

Petitioners' case fails on the merits, first and foremost, because it lacks any factual merit whatsoever.

As noted above, there is no "merits" case actually pending before the Court such that Petitioners could succeed on an underlying claim, which alone is fatal to their Application and fails the *Summit Towne Center* Test. The Application also contains false allegations that there is unauthorized software on County voting systems. Specifically, the Application alleges that "Delaware County will conduct a Federal Election with Hart Verity Voting 2.7 that has Unauthorized Software (emphasis added) on its system." See Application at □ 31. The Application also summarily alleges, as to element 4 specifically, that "The Petitioners' right to relief is clear, and there is a reasonable likelihood of success on the merit [sic], as set forth in more detail in the Petition." *Id.* at □ 38.

This argument fails as a matter of fact as conclusively demonstrated by the sources cited in the Application itself. The Board has not only carried out all requirements specified by the Department of State,<sup>3</sup> it has gone above and beyond by hash testing a randomly selected subset of its election equipment. Petitioners' own filing demonstrates that the Board's hash testing uniformly verified that that all software on all tested equipment was both authorized and

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<sup>3</sup> See *Directive on Logic & Accuracy Testing Version 3.0*, PENNSYLVANIA DEPT. OF STATE (Mar. 7, 2024), available at: <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/directives-and-guidance/2024-Directive-on-Logic-Accuracy-Testing-3.0.pdf>

*identical* to the software approved for use by the U.S. Election Assistance Commission (EAC).<sup>4</sup> See Application □ 1517 (screenshot showing a popup window with the text “The Selected Files are Identical,” which means that the software on the hash tested equipment *matched exactly* the approved software).

3. Petitioners Requested Relief Will Cause Substantial Harm □ Harm the Public Interest

Beyond the procedural failures and meritless claims in the Application, Petitioners are unable to satisfy the second and sixth elements of the *Summit Towne Center* test, which require them to show that “greater injury would result from refusing an injunction than from granting it,” that “issuance of an injunction will not substantially harm other interested parties in the proceedings,” and that “a preliminary injunction will not adversely affect the public interest.”

The Application – coming less than 20 days before the 2024 General Election – seeks wide-ranging relief that would cause substantial harm to the County, the Board, the Commonwealth of Pennsylvania and even the United States of America. The Application asks this Court to order the County to hand count votes. Hand-counting is an objectively and demonstrably *inaccurate* and *unreliable* method for vote tabulation, not to mention an infinitely slower means of counting ballots than mechanical tabulation using fully L□A tested scanners. See Stephen Ansolabehere and Andrew Reeves, *Using Recounts to Measure the Accuracy of Vote Tabulations: Evidence from New Hampshire Elections 1946-2002*, Caltech/MIT Voting Technology Project (Jan. 2004); Stephen N. Goggin and Michael D. Byrne, *An Examination of the Auditability of Voter Verified Paper Audit Trail (VVPAT) Ballots*, Rice University (Jan.

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<sup>4</sup> The results of the hash testing performed by the Board as part of the L□A testing of its election equipment in preparation for the 2024 General Election are publicly available on the Delaware County elections website. See *2024 General Election Pre-Election Hash Test Results*, DELAWARE COUNTY PENNSYLVANIA, available at: <https://delcopa.gov/vote/hash□test□results.html> Application □ 15, 17.

2007); *The Reality of Full Hand Counts: A Guide for Election Officials*, States United Democracy Center and The Elections Group (Feb. 4, 2024) (stating that “full hand count practically guarantees **complexity, higher costs, delays, and mistakes.**”) (emphasis in original). Moreover, the Pennsylvania Department of State has specifically directed that hand counting is not proper or appropriate. The Department of State Directive regarding hand-tabulating is as follows: “Each county is required to use an approved Electronic Voting System. An electronic voting system is by definition one in which “votes are computed and tabulated by automatic tabulating equipment.” 25 P.S. § 3031.1. Votes must be tabulated by the automatic tabulating equipment at either the precinct or the county office. *See* 25 P.S. § 3031.13(f). The Election Code does not authorize the initial tabulation of ballots to be completed by hand.” *See* October 19, 2024 Email from Kathleen M. Kotula, Department of State to J. Manly Parks, attached as Exhibit B.

Moreover, Defendant is unaware of any program, method or system of performing manual hand counts that has been presented to, tested by independent laboratories or certified by either the U.S. Election Assistance Commission under the Help America Vote Act or by the Pennsylvania Department of State, making the Petitioners’ proposal, coming less than a month before Election Day, an unreasonable and highly risky concept to suggest imposing on the election agency, its poll workers, and the voter’s ballots.

The Application further seeks the quarantine of County voting equipment until the FBI and DHS have analyzed them and that the County perform unnecessary further testing on the remainder of the County voting systems. With mere days to go before Election Day, there is no time for such nonsense. A quarantine of County voting equipment or the further testing of such

equipment at this late date would make it highly likely that such equipment could not be delivered in a timely way to polling places for use on Election Day, an unthinkable scenario that would wreak havoc on the General Election in Delaware County.

This wide-ranging relief upends and disrupts the entire election administration process in Delaware County without a shred of legal or factual basis. Board staff is already hard at work on preparing for a safe and orderly 2024 General Election canvass. If Petitioners' relief is implemented, it would be impossible to conduct the election in any reasonable manner.

Finally, the requested relief causes substantial harm because these requests are at odds with the Election Code and the requirements of the Department of State. The County and the Board have already duly tested and qualified the machines for use in all elections in Delaware County. *Even though no hash testing is required under the L&A testing rules in Pennsylvania,* the Board nevertheless performed randomized hash testing in excess of the requirements of the Department of State. The tested equipment passed the hash testing perfectly.

In sum, the sweeping relief sought by Petitioners will cause irreparable damage to the people of Delaware County, the Commonwealth of Pennsylvania, and the United States by making it impossible to conduct a reasonable election in one of the largest counties in Pennsylvania, which is widely described as the most important "swing state" in the entire nation in the 2024 Presidential Election.

### **III. CONCLUSION**

Because the Application lacks legal or factual merit, the County respectfully requests that this Court deny the Application, and all other relief.

*[Signature Block on Following Page]*

Dated: October 21, 2024

Respectfully submitted,

/s/J. Manly Parks

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**CERTIFICATE OF SERVICE**

I hereby certify that on this date I caused a true and correct copy of the foregoing Response to be filed and served via this Court's e-filing system and by regular mail upon all prospective parties of record.

Dated: October 21, 2024

/s/J. Manly Parks

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# Exhibit A

ARTICLE XI  
Councilmanic Service

**§ 6-66. Departments, commissions and boards under supervision of Council.**

The departments, commissions and boards under the direct supervision of Council shall be as set forth in § 6-15A of this chapter, with such duties and organizations as are detailed by this article.

**§ 6-67. (Agricultural) Cooperative Extension Service.**

- A. Function. The Delaware County Cooperative Extension Service shall be responsible for the operation of the Cooperative Extension facilities, programs, and services of the County and shall be headed by a Director.

[Commentary: The Delaware County Cooperative Extension Service is an educational delivery system which has both financial and program support from three primary sources: local government, commonwealth government, and federal government. The Service is, in effect, a partnership undertaking between the Pennsylvania State University, the Land-Grant University for Pennsylvania, the United States Department of Agriculture, and the Delaware County Council. The Service has access to faculty and facilities of the University, the Federal Extension Service, and other cooperating agencies.]

- B. Duties. The duties of the Cooperative Extension Service shall be to:

- (1) Extend continuing and informal educational opportunities to the people of Delaware County;<sup>1</sup>
- (2) Improve the income-producing skills, and quality of life of people by providing educational assistance in:
  - (a) Horticulture and agriculture.
  - (b) Home economics and family living, including consumer education.
  - (c) Expanded nutrition education program.
  - (d) 4-H Youth Program.
  - (e) Advisory committees.

**§ 6-68. Board of Elections and Registration Commission. [Amended 1-18-2023 by Ord. No. 2023-1]**

- A. Function of Board of Elections. The Board of Elections shall be responsible for managing voter registrations, conducting elections, and managing filings of campaign-finance records, as required or authorized by federal, state, and local laws.

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1. Cross-Reference: See e.g., Act No. 142 of the Pennsylvania General Assembly, 1915; The Smith-Lever Act 1914.



- B. Membership. The three members of the Board of Elections shall be selected by Council with representation as provided in Section 421 of the Charter.
- (1) The representative of the minority party (as described in Section 421 of the Charter) shall be selected by Council from a list of three nominees submitted by that minority party's County Chair or Council may reject such list and request a new list of nominees.
  - (2) If no list is provided to Council within i) 30 days of a vacancy on the Board of Elections or ii) 10-+- days after Council rejects a list as described above, Council may appoint any member of the minority party.
- C. Powers and duties. The Board of Elections is responsible for all elections held in the County of Delaware. The duties of the Board of Elections shall be to:
- (1) Request and receive notices from state and local agencies as to elected offices to be filled at the next general election pursuant to the Election Code<sup>2</sup>;
  - (2) Recommend the division of municipalities into election precincts and petition the Court, therefor finalize the Court's order, and advertise the division;
  - (3) Distribute County nominating petitions and other nominating papers for the primary election;
  - (4) Receive and process nominating petitions and nomination papers;
  - (5) Prepare lists of all candidates who filed nominating petitions and nomination papers;
  - (6) Examine nominating petitions and nomination papers;
  - (7) Prepare the election database of offices, candidates and referenda questions, test the balloting equipment, and prepare paper or electronic poll books;
  - (8) Prepare sample ballots, election day ballots, absentee/mail-in ballots, provisional ballots, and all other forms of ballots required or permitted under applicable laws;
  - (9) Develop and manage programs to recruit, train, test, and assign poll workers;
  - (10) Receive and process political financial reports;
  - (11) Advertise:
    - (a) Offices to be filled for the upcoming election;
    - (b) Election divisions; casting of lots for all candidates who filed nominating petitions;
    - (c) All referenda questions;
    - (d) List of all polling places;
    - (e) Proclamations of election;

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2. Editor's Note: See 25 P.S. § 2600 et seq.

- (f) Meetings of the Return Board; and
  - (g) Such other election-related events as are required or authorized to be noticed under applicable laws.
- (12) Issue:
- (a) Instructional materials and programs for poll workers, including: judges of election, majority and minority inspectors, clerks, machine operators and student poll workers;
  - (b) Poll watchers certificates;
  - (c) Election observer credentials;
  - (d) Certificates of election for elected officials;
  - (e) Certified letters for recanvassing of voting machines;
  - (f) Reports and documents to the office of the Secretary of the Commonwealth (or the designee thereof); and
  - (g) Such other election-related certificates, credentials, reports, documents, and materials as are required or authorized under applicable laws.
- (13) Examine voting certificates for each election district;
- (14) Pre-canvass and canvass absentee and mail-in ballots, including overseas and military ballots;
- (15) Certify returns of elections to the office of the Secretary of the Commonwealth (or the designee thereof);
- (16) Make available to the public, receive, and process applications for—and, upon approval of such applications, issue—absentee and mail-in ballots;
- (17) Prepare lists of approved absentee, mail-in, and military/overseas voters for all districts that have them;
- (18) Examine and adjudicate provisional ballots cast during any election;
- (19) Examine tabulation returns;
- (20) Examine and approve (or reject) poll worker pay vouchers;
- (21) Complete tabulation of statewide candidates and transmit to the Secretary of the Commonwealth (or the designee thereof);
- (22) Make recommendations regarding petitions for redistricting;
- (23) Select and equip polling places, and approve changes in polling locations;
- (24) Request Council to authorize the purchase of election-related equipment and supplies as determined by the Board;

- (25) Sign leases, licenses or other agreements for the use of facilities as polling places, subject to approval of the County Solicitor;
- (26) Instruct employees in their duties;
- (27) Provide proper notice of elections;
- (28) Investigate irregularities in elections and refer election-related matters to law enforcement for investigation or prosecution;
- (29) Report election results;
- (30) File with the office of the Secretary of the Commonwealth (or the designee thereof) reports on registered voters as required by the Election Code or other applicable law;
- (31) Update and maintain the voter rolls in accordance with the Election Code and all applicable laws;
- (32) Prepare materials and perform outreach, as needed, to educate voters, poll workers and campaigns on election schedules and processes;
- (33) Annually prepare, for appropriations, Board and election expenses for the ensuing fiscal year;
- (34) Act on majority vote;
- (35) Appoint a Director of Elections (subject to County Council approval), who shall have power to sign vouchers and administer oaths, to supervise, oversee, and manage the election functions of the County, and report to the Board of Elections;
- (36) Issue subpoenas in furtherance of, and make rules regarding, the Board's affairs and election-related matters in the County;
- (37) Preserve and maintain public records and election equipment in accordance with the Election Code and all applicable laws;
- (38) Ascertain offices to be filled if County classification is changed;
- (39) Appoint a Chief Clerk, who may also be the Director of Elections, with the power, among other things, to administer oaths. The Chief Clerk shall carry out the functions of the Chief Clerk at the direction of the Board of Elections (and the Director of Elections, if the Director of Elections is not also serving as the Chief Clerk);
- (40) Prepare and issue voter certificates;
- (41) Perform any recounts ordered by the Secretary of the Commonwealth or any court;
- (42) File certified copies of voting returns;
- (43) Initiate legal actions regarding election-related matters and matters impacting the administration of elections in the County; and
- (44) Perform such other tasks and actions required or authorized under applicable laws as the

Board may determine are necessary or desirable to oversee and manage the election functions of the County.

D. Voter Registration Commission.

- (1) The Voter Registration Commission shall monitor and receive reports on all activities related to voter registrations and maintenance of the voter rolls, and shall make determinations, and shall direct the Voter Registration staff, regarding registration-related matters, policies, and procedures, consistent with the Election Code and all applicable laws.
- (2) The Board of Elections shall serve as the Voter Registration Commission.

**§ 6-69. Board of Institution Management.**

- A. Function. The Board of Institution Management shall assume the administrative duties and functions, lands, buildings, programs, records, appropriations, personnel and equipment of the Delaware County Institution District on the first Monday of January 1978, pursuant to Section 1205 of the Charter, except where otherwise provided by § 6-15A(1)(b) of this chapter.
- B. Membership and organization. The Board membership and period of service shall be as Council determines.
- C. Duties. The Board duties shall be as Council determines and as defined by state and federal regulations.<sup>3</sup>
- D. Institutions subject to Board supervision. The following County institutional agency shall be subject to the overall responsibility of the Board:
  - (1) The Fair Acres Geriatric Center shall provide skilled nursing facility services (SNF) to all people that require long-term care services. It shall be headed by a licensed nursing home administrator (NHA).<sup>4</sup>

**§ 6-70. Board of Personnel Grievance and Performance Review.<sup>5</sup>**

The Board of Personnel Grievance and Performance Review shall have those duties set forth in Article IV, § 6-19, and Article IX, § 6-48, of this chapter.

**§ 6-71. County Clerk.**

- A. Function. The County Clerk shall be responsible to Council for performance of the duties listed in § 6-71B of this chapter and Section 413 of the Charter.
- B. Duties. The Clerk's duties shall include recording, certifying, and implementing County Council's resolutions, minutes of meetings and agenda. In all other respects, the statutory

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3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

5. Editor's Note: Original Sec. 10.04, Board of Merit Review, which immediately preceded this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

duties of Chief Clerk are retained in the Office of County Clerk. The County Clerk is assigned the following additional duties:

- (1) Returning all contracts after they are executed by Council to successful bidders, returning certified checks or bid bonds and notifying by mail the successful bidders and rejected bidders;
- (2) Sending out bills and letters and recording of payments with reference to the Department of Emergency Services;<sup>6</sup>
- (3) Sending out bills and letters and recording of payments with reference to fire and ambulance service;
- (4) Approving the veterans' bills and Memorial Day expenses and recording them;
- (5) Collecting and recording of rent payments for County properties;
- (6) Supervise the leasing, rental, sale or other use of County property not used by other County units;
- (7) Processing appointments to all boards and commissions;
- (8) Making up certificates for tax collectors and receiving their bills;
- (9) Acting on all matters bearing on and with reference to placement of surety contracts providing liability, property damage, life insurance, and all other insurance coverages which the County Council shall authorize from time to time;
- (10) Acting on all matters bearing on and with reference to authorization by County Council, from time to time, for the conduct of professional auditing services of the several financial accounts and funds of the County;
- (11) Evaluating and managing all other insurance contracts, including fidelity bonds to insure the lowest possible cost to the County;
- (12) Giving public notice of the time and place of a public hearing on the operating budget and capital spending program of the County, pursuant to Section 905 of the Charter;
- (13) Maintain on file copies of all authorized proposals, professional service agreements, ordinances, contracts, leases, and other executed documents of County Council. Said documents shall be maintained for a period of five years, and thereafter, the County Clerk shall retain said documents on file until they are no longer required for purposes of official business.

**§ 6-72. Medical Examiner/Coroner. [Amended 12-1-1992 by Ord. No. 92-5]**

- A. Function. The Medical Examiner/Coroner shall be responsible for determining the cause and manner of death in those cases which fall within the jurisdiction of the Medical Examiner/Coroner.

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6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- B. Head. The Office of Medical Examiner/Coroner shall be headed by a Medical Examiner/Coroner who shall be appointed by Council.
- C. Duties. The duties of the Medical Examiner/Coroner shall be to:
  - (1) Perform all duties assigned to coroners by the Second Class County Code;
  - (2) Operate the morgue;
  - (3) Operate such laboratory facilities and conduct such laboratory tests as are necessary for the performance of the duties of the Medical Examiner/Coroner.
- D. Compensation. After appointment by Council the Medical Examiner/Coroner may serve as a part-time employee at such per diem salary as Council may set.
- E. Inquest and subpoena powers. The Medical Examiner/Coroner shall have all of the authority and powers vested in a coroner by the Second Class County Code and, in addition thereto, shall have the authority to conduct an inquest without summoning a jury and shall, pursuant to Section 1007 of the Home Rule Charter, have the power to administer oaths, to compel the attendance of witnesses, and to require the production of records or other materials, whether or not in conjunction with an inquest, so long as such subpoenas are used to obtain information in any way relevant to the duties of the Medical Examiner/Coroner as set forth in § 6-72C of this Administrative Code or in the Second Class County Code. It is the intent of the County, in conferring such subpoena powers upon the Medical Examiner/Coroner, that such conferral of authority be liberally construed and that such subpoena powers be as broad as is consistent with the Constitution and laws of the Commonwealth of Pennsylvania.

### **§ 6-73. County Solicitor.**

- A. Function. The Council shall appoint a County Solicitor who shall have the authority to appoint Assistant County Solicitors in such numbers and at such annual salaries as shall be fixed by Council. The County Solicitor shall provide legal advice and assistance to all County offices and department, whether elected or appointed, except for the offices of Controller, and District Attorney. The County Solicitor shall not be covered by Article III, § 6-13, of this chapter until such time as Council shall determine that budgeting for full-time service in this office is feasible.
- B. Duties. The duties of the County Solicitor shall be to:
  - (1) Prepare and revise ordinances or resolutions when so requested by the Council, or any subcommittee or delegates thereof, or the Executive Director;
  - (2) Provide legal opinions upon any legal matter or question submitted by the Council, its subcommittees or delegates or the Executive Director;
  - (3) Attend all Council meetings;
  - (4) Litigate all legal actions and claims brought by or against the County except in those cases in which other legal counsel is retained; and
  - (5) Approve for legality all contracts, agreements, or other legal documents executed by

authorized County officials.

#### **§ 6-74. Courthouse and Park Police.**

- A. Function. The Courthouse and Park Police shall maintain security, public safety and orderly conditions in respect to buildings and space comprising the County Courthouse complex, facilities and property, employee parking facilities and such other duties as required to enforce general security in the Courthouse complex and all other County property and facilities.
- B. Security duties. The security duties of the department shall be to: **[Amended 8-12-1980 by Ord. No. 80-3]**
- (1) Maintain security, public safety, and orderly conditions in respect to buildings and spaces comprising the County Courthouse Complex and facilities, and such other duties as required to enforce general security in the Courthouse Complex and all other County facilities;
  - (2) Detect and apprehend persons committing all offenses on County property;<sup>7</sup>
  - (3) Develop and conduct educational programs;
  - (4) Augment the prison force or the County Sheriff's Department in times of civil strife or labor disruptions or other emergencies threatening the security of the Courthouse and other County property.
  - (5) Maintain a system of employee identification cards;
- C. Additional duties. The following additional duties shall be undertaken by the Courthouse and Park Police:
- (1) Control of traffic where necessary on County property;
  - (2) Observe and report areas needing repair in County parks, and follow up to insure repairs have been completed;
  - (3) Aid the County Solicitor in collection of facts germane to lawsuits prosecuted by or against the County;
  - (4) Investigate accidents in which County vehicles are involved and provide all necessary documentation to the Office of County Risk Management for related claims.<sup>8</sup>

#### **§ 6-75. Department of Emergency Services.<sup>9</sup>**

- A. Function. The Department of Emergency Services shall be responsible for the care, maintenance and coordination of use of all County-owned radio communications equipment and shall function as the County Department of Emergency Management.<sup>10</sup> The Department

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7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

8. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

shall be headed by a Director.

B. Duties. The duties of the Director of the Department shall be to:

- (1) Provide the means for prompt and efficient citizen access to police, fire, and other public safety units of the County government;
- (2) Coordinate the usage by various County units of emergency radio communications equipment to insure compliance with Federal Communications Commission regulations and any other legal provisions governing the use of said equipment;
- (3) Maintain all County-owned communications equipment;
- (4) Keep abreast of legal or technical advances in the area of radio communications;
- (5) Make appropriate suggestions to Council on the sale or acquisition of radio communications equipment and review requests of all County units for radio systems expansion to determine the necessity or advisability of making such purchases;
- (6) Retain all the powers and duties granted by law or ordinance as Director of Emergency Management in states of emergency;
- (7) Coordinate the response to a hazardous material emergency response;
- (8) Coordinate the County's efforts under the Homeland Security Administration's laws and regulations.

#### **§ 6-76. Heritage Commission.**

A. Function. The Heritage Commission shall be responsible for coordinating and continuing volunteer efforts to preserve the cultural heritage of Delaware County and for promoting cultural awareness among Delaware County residents.

B. Membership and organization. The Commission shall be composed of 11 acting members and such other ex officio advisors as Council may determine. It shall be headed by a Chairman elected by the majority of the membership and ratified by Council. The Commission shall be organized in accordance with bylaws adopted by a two-thirds majority of its members.

C. Duties. The duties of the Heritage Commission shall be to:

- (1) Act as a liaison for volunteer historic preservation groups throughout Delaware County in order to coordinate preservation efforts, eliminate duplication, advise on the development of projects, and encourage the adaptive reuse and conservation of historic structures or districts;
- (2) Advise units of the County government in matters concerning the identification, development, and activities of historic sites and districts and evaluate the impact of other development on historic resources;

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10. Editor's Note: See also Ch. 11, Alarm Systems.



- (3) Identify and stimulate funding possibilities for County or privately owned historic sites to aid in the preservation of said sites and to increase public access to and interest in sites of architectural, cultural, or historic merit;
- (4) Promote the cultural awareness of Delaware County residents by identifying educational projects that would further this goal;
- (5) Facilitate the exchange of technical, financial management, and operating expertise among historic and cultural organizations in the County.

D. Compensation. Members of the Commission shall serve without compensation.

#### **§ 6-77. Jury Commissioner.<sup>11</sup>**

The Jury Commissioners shall have those powers designated in § 6-88 of this chapter.

#### **§ 6-78. Library Board of Directors, Delaware County Library System.<sup>12</sup>**

- A. Function. The Delaware County Library System Board of Directors shall advise County Council with regard to the availability and quality of library services and facilities in the County and make recommendations concerning improvements in County-wide library services. The Board shall have all the powers and authority granted by the Pennsylvania Library Code, Act of June 14, 1961, P.L. 324, as amended, 24 P.S. § 4101 et seq.
- B. Organization. The Delaware County Library System Board of Directors shall consist of seven members appointed by Council and shall be headed by a President elected by the membership. The terms of office shall be as established by Council. The Board shall be organized in accordance with bylaws adopted by a majority of its members. The Board may hire such staff, including a System Administrator, as may be required to assist in the performance of its duties, subject to the budgetary approval of Council.
- C. Duties. The duties and responsibilities of the Board shall be as follows:
  - (1) Evaluate library services available to County residents and identify deficiencies and strong points;
  - (2) Make recommendations to Council concerning methods of improving the availability and quality of library services and identification of funding requirements and sources;
  - (3) Meet with local library representatives, municipal officials, and citizens concerning library issues;
  - (4) Provide technical advice and assistance to local libraries at their request;
  - (5) Submit annual reports to Council in which findings and recommendations regarding library service shall be set forth;
  - (6) Set policies and develop long-range plans for the Delaware County Library System.

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11. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

12. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

D. Compensation. Members of the Board shall serve without compensation.

**§ 6-79. Military and Veterans Affairs.<sup>13</sup>**

A. Function. The Department of Military and Veterans Affairs shall be responsible for the operation of the military affairs facilities, offices, programs, and services of the County and shall be headed by a Director.<sup>14</sup>

B. Duties.

- (1) The Department is responsible for directing through proper channels all federal, state, and County veterans appropriations.

[Commentary: Through the Adjutant General of the Pennsylvania Department of Military Affairs, the Department handles all directions from the Pennsylvania Department of Military Affairs, such as veterans assistance programs, employment and state bonuses.]

- (2) The Department, in conjunction with the United States Veterans Administration, assists all veterans or their widows and dependent children to seek and secure the benefits of the G.I. Bill.
- (3) The Department handles all military functions, such as maintaining a record of every veteran in Delaware County that dies and marking veterans' graves.

**§ 6-80. Office of Judicial Support.**

A. Applicability.

- (1) The Office of Judicial Support shall have all the duties of the clerk of courts as set forth under § 6-80C(1) of this chapter.
- (2) The Prothonotary shall have those duties as set forth under § 6-80C(3) of this chapter until the first Monday of January 1980, pursuant to Section 1213m of the Charter, at which time all those duties of the Prothonotary shall automatically be absorbed by the Office of Judicial Support.

B. Function. The Office of Judicial Support shall be responsible for the operation of the Office of Judicial Support, its programs, services, and facilities and shall be headed by a Director.

C. Duties and powers.

- (1) Clerk of courts related duties.
  - (a) Recordkeeping. The Office shall be responsible to index, docket, and maintain all records filed with the Criminal Division of the Court of Common Pleas of the County, including the following:

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13. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

14. Cross-Reference: The Act of April 9, 1929, Pamphlet Law Number 177, created the Pennsylvania State Veterans Commission, which in turn created a Department of Veterans Affairs in each county of the commonwealth.

- [1] Criminal records beginning with magistrates' transcripts, court motions and affidavits, and final disposition of the case;
  - [2] Extradition records;
  - [3] Provide copies of all records of persons committed to the County Prison to the Prison Records Office on the day the action takes place;
  - [4] Official records required to be filed by municipal auditors, municipal tax collectors, bonding companies and the approvals of bonded indebtedness by the Courts;
  - [5] Documents required to be filed pursuant to elections, including changes in polling places and records of court proceedings authorizing appointments of election officials.
- (b) Licenses The Office shall issue and keep record of licenses for private detectives.
- (c) Collection and recording of fees. The Office shall:
- [1] Record all fines imposed and collected by the Courts and all forfeited recognizances;
  - [2] Collect all fees for filing original papers and maintain an accounting to the Controller and the Treasurer;
  - [3] Collect and issue receipts for fees charged for certified copies of criminal decrees, orders, and other criminal court documents, maintain an accounting therefor, and send monthly reports of the accounting to the Treasurer and Controller;
  - [4] Collect, in an agency capacity for the Commonwealth of Pennsylvania, fines and other monies required to be paid by commonwealth law, which fees will be transmitted periodically to the commonwealth.
- (d) Court clerks. The Office shall furnish court clerks assigned to the Courts to perform such services while the Court is in session as are necessary and proper.
- (2) Clerk of court related powers. The clerk of court related powers of the Director of this Office shall include the following:
- (a) Power to administer oaths and affirmations pursuant to 42 Pa.C.S.A. § 327;<sup>15</sup>
  - (b) Power to certify, when appropriate, the approval of the Court on two copies of the report and map, files in the office, and, within 30 days, transmit a copy by mail to the Secretary of Internal Affairs and the Department of Highways pursuant to 16 P.S. § 3306(c);
  - (c) Power to sign and affix the Court seal to writs, processes, judgments and exemplifications of records;

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15. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (d) Power to take bail;
  - (e) Power to enter judgments at the instance of plaintiffs upon confessions of judgment of defendants;
  - (f) Power to make acknowledgment of satisfaction of judgments or decrees;
  - (g) Power to take custody of records and seal of the Court pursuant to 17 P.S. § 411;<sup>16</sup>
  - (h) Duties concerning the Election Code pursuant to 25 P.S. § 3153;
  - (i) Duties concerning legal notices pursuant to 45 P.S. § 71;<sup>17</sup>
  - (j) Duties concerning penal institutions pursuant to 61 P.S. §§ 291,<sup>18</sup> 302<sup>19</sup> and 377;
  - (k) Duties concerning taxation pursuant to 72 P.S. §§ 3220, 4161, 4162 and 4663;
  - (l) Duties concerning the Vehicle Code;<sup>20</sup>
  - (m) Duties concerning civil and equitable remedies pursuant to 42 Pa.C.S.A. §§ 323, 912, 1721, 1722, 1726, 2731, 2751 and 3561.<sup>21</sup>
  - (n) All other duties delegated by law to the clerk of courts.
- (3) Prothonotary related duties.
- (a) Recordkeeping. The Office shall be custodian for all original papers filed in civil court proceedings, and shall maintain a judgment docket and index, and other indexes, dockets and registries necessary for the discharge of recordkeeping duties in order to adequately serve the courts, attorneys and people of the County.<sup>22</sup>
  - (b) Collection and recording of fees.
    - [1] The Office shall collect and issue receipts for the following: master's fees; fees for civil and equitable processes; posting of bonds; duplication and certification of court documents fees; notaries' registration and certification fees; and filing fees for civil or equitable actions;
    - [2] The Office shall maintain an accounting of fees collected pursuant to this subsection and shall send a monthly report of the accounting to the Controller and Treasurer.
- (4) Prothonotary related powers. The Office shall have the power to issue writs, including writs of habeas corpus in custody; issue passports and take applications for

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16. Editor's Note: Unable to verify statutory reference, so in original.

17. Editor's Note: The provisions of 45 P.S. § 71 were repealed 12-10-1974 by P.L. 867, No. 203, § 19.

18. Editor's Note: The provisions of 61 P.S. § 291 were repealed 4-28-1978 by P.L. 202, No. 53, § 2(a)[931].

19. Editor's Note: The provisions of 61 P.S. § 302 were repealed 4-28-1978 by P.L. 202, No. 53, § 2(a)[955].

20. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

21. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

22. Editor's Note: The commentary that followed original Sec. 10.16.03.03.01, regarding recordkeeping for the civil and equitable legal processes of the County, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

naturalization; enter judgment upon praecipes and upon confession of judgment; issue oaths; sign and affix the seal of the Court to all civil and equitable processes; take bail for civil actions; certify notaries; and undertake all other powers granted by law.

**§ 6-81. Park Board.**

- A. Function. The Park Board shall be an advisory body to County Council on long-range park policy and shall serve as a liaison between the Department of Parks and Recreation and local municipalities and school districts.
- B. Membership and organization. The Park Board shall be composed of 11 members, one from each of the six planning districts, and five at large to serve for such terms as Council shall determine. The Board shall be headed by a President elected by majority vote of the membership and shall be organized in accordance with bylaws adopted by its members. **[Amended 3-26-1985 by Ord. No. 85-4]**
- C. Duties. The duties of the Park Board shall be to:
- (1) Periodically inspect the parks and make appropriate suggestions on maintenance and capital improvements in park property;
  - (2) Make recommendations to the Council on open space and park planning acquisition and development;
  - (3) Hold public meetings.

**§ 6-82. Department of Parks and Recreation. [Amended 12-1-1992 by Ord. No. 92-5; 9-17-1996 by Ord. No. 96-2]**

- A. Function. The Department of Parks and Recreation shall be responsible for planning, operating, and maintaining the parks of the County and developing, conducting and supervising recreational programs. The Department shall be headed by a Director, who shall also serve as an ex officio member of the Park Board.
- B. Duties. The duties of the Department shall be to:
- (1) Plan, develop, design and administer all County parks and recreation facilities;
  - (2) Organize and conduct recreation programs for all citizens of the County and confer with municipal and school officials and civic groups to develop cooperation in meeting recreational needs;
  - (3) Review conservation plans on all parks as submitted by the Conservation District and establish task guidelines to implement said plans;
  - (4) Maintain all County parks in good condition and eliminate potential hazards to citizens using the parks;
  - (5) Identify areas to be acquired and maintained as County parks, and identify surplus County parcels for sale or trade;

- (6) Coordinate security for special events in County parks in cooperation with the Department of Courthouse and Park Police;
- (7) Program recreational and cultural activities in County facilities;
- (8) Prepare funding applications in cooperation with the Department of Intergovernmental Affairs.

C. Organization. The Department of Parks shall be organized into the following divisions:

- (1) Maintenance and Security shall eliminate hazards and provide upkeep in County parks and coordinate security and special events in County parks;
- (2) Recreational Services shall do programming of recreational and cultural activities in County facilities;
- (3) Planning and Development shall recommend land acquisition, park design and development and shall prepare funding applications.

**§ 6-83. Planning Commission.**

- A. Function. The Planning Commission shall advise County Council concerning the County Comprehensive Plan and advise municipal governments concerning land use regulations and the approval of plats.
- B. Membership and organization. The Planning Commission shall have nine members appointed by County Council. Six members shall be designated as representatives of each of the County's six planning districts and reside in the district which they represent. The remaining three members shall be at large and may reside anywhere in the County. The Commission shall be headed by a Chairman elected by the members and shall conduct business according to bylaws adopted by a majority of the membership.

[Commentary: Act 247<sup>23</sup> sets forth other provisions governing Planning Commission membership and organization. See Article XIII, § 6-98, for relation to the Planning Department.]

C. Duties. The Planning Commission shall:

- (1) Prepare and present to County Council ordinances pertaining to land development and amendments thereto;
- (2) Advise municipalities by review and report concerning land use regulations and approval of plats as required by the Pennsylvania Municipalities Planning Code;<sup>24</sup>
- (3) Make recommendations to County Council concerning the adoption or amendment of the County Comprehensive Plan;
- (4) At the request of County Council, make recommendations concerning the effectiveness

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23. Editor's Note: See 53 P.S. § 10101 et seq.

24. Editor's Note: See 53 P.S. § 10101 et seq.

of proposals by governmental, civic, and private agencies and individuals;

(5) Hold public hearings and meetings.

D. Compensation. Members of the Commission shall serve without compensation.

#### **§ 6-84. Public Defender's Office.**

A. Function. The Public Defender's Office shall be responsible for defending indigent persons under arrest or charged with an indictable offense and shall be headed by the Public Defender.

B. Duties.<sup>25</sup>

(1) Legal counsel for indigents. The Public Defender, after being satisfied of a criminal defendant's inability to procure funds to obtain legal counsel to represent him/her, shall provide such counsel in the following situations:

- (a) Where the person is charged with juvenile delinquency;
- (b) Critical pretrial identification procedures;
- (c) Preliminary hearings;
- (d) State habeas corpus proceedings;
- (e) State trials, including pretrial and post-trial motions;
- (f) Superior Court appeals;
- (g) Supreme Court appeals;
- (h) Post-conviction hearings, including proceedings at the trial and appellate levels;
- (i) Criminal extraditions proceedings;
- (j) Probation and parole proceedings and revocation thereof;
- (k) Any other situation where representation is constitutionally required.

(2) The Public Defender, when appointed by the Court, shall furnish legal counsel to persons who are or may be subject to commitment in proceedings under the Mental Health and Retardation Act of 1966, 50 P.S. § 4101 et seq.

C. Witness related services. The Public Defender's Office shall give legal advice and representation in every criminal proceeding to indigent witnesses, either prosecution or defense, whose rights the Court has determined must be protected.

#### **§ 6-85. (Reserved)<sup>26</sup>**

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25. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

26. Editor's Note: Former § 6-85, Prison Board, as amended, was repealed 10-23-2019 by Ord. No. 2019-2.

**§ 6-86. Board of Assessment Appeals. [Amended 7-28-1992 by Ord. No. 92-3; 8-16-2023 by Ord. No. 2023-6]**

- A. Function. The Board of Assessment Appeals shall be responsible for tax assessment appeals from real property tax assessments in the County and other real estate tax assessment functions as provided by the laws of the Commonwealth of Pennsylvania.
- B. Membership and organization. The Board of Assessment Appeals shall consist of three members appointed by County Council for terms of four years. The Board shall be convened as required. The qualifications and compensation of the members of the Board shall be determined by County Council, and the Board shall be responsible to County Council.
- C. Powers and duties.
- (1) The Board of Assessment Appeals shall adjudicate appeals from real property tax assessments in the County and shall have such other functions relating to the appointment of subordinate assessors and the establishment of rules and regulations as provided by the laws of the Commonwealth of Pennsylvania.
  - (2) The Board of Assessment Appeals shall also have the other tax assessment functions as provided by the laws of the Commonwealth of Pennsylvania, including:
    - (a) Appoint, with the approval of the County Council, clerks, engineers and other employees as necessary.
    - (b) Promulgate regulations as provided in 53 Pa. C.S.A. § 8852 (relating to regulations and training of boards).
    - (c) Hear and determine appeals, as provided in 53 Pa. C.S.A. § 8844 (relating to notices, appeals and certification of values).
    - (d) Establish the form of the assessment roll as provided in 53 Pa. C.S.A. § 8841 (relating to assessment roll and interim revisions).
    - (e) Prepare annually and submit to the County Council an estimate of the expense to be incurred incidental to the carrying out of the provisions of this chapter.
    - (f) Establish a permanent system of records as required by 53 Pa. C.S.A. § 8834 (relating to assessment records system).
    - (g) Participation in all court proceedings to prosecute or defend its actions and decisions.

**§ 6-87. Recorder of Deeds.<sup>27</sup> [Added 8-12-1980 by Ord. No. 80-3]**

- A. Function. The Recorder of Deeds shall be responsible for the operation of the Recorder of Deeds Office with its attendant facilities, programs and services.
- B. Head. The Recorder of Deeds Office shall be headed by the Recorder of Deeds who shall be

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27. Editor's Note: Original Sec. 10.23, Tax Claim Bureau, which immediately preceded this section, was deleted 7-28-1992 by Ord. No. 92-3.



appointed by County Council after the first Monday of January 1980.

- C. Duties. The Recorder of Deeds shall have all the duties and powers granted by commonwealth law, by laws applicable to Counties of the Second Class A for Recorder of Deeds, by the Home Rule Charter of Delaware County, by ordinance of County Council, or by this chapter.

**§ 6-88. Jury Commissioner.<sup>28</sup> [Added 8-12-1980 by Ord. No. 80-3]**

- A. Function. The Jury Commissioners, along with the President Judge of the Court of Common Pleas or any other judge of the Court of Common Pleas designated by him or her, shall make up the Jury Board which shall be responsible for selecting lists of jurors in the manner prescribed by law.
- B. Duties. The duties of the Jury Commissioners shall be as prescribed by state law, the Charter or County ordinance.
- C. Membership and compensation. Pursuant to Sections 416 and 12131 of the Charter, the Jury Commissioners, after the first Monday of January 1980, shall number two and shall include one appointee representing the party with the largest total vote cast in the most recent County municipal election and one appointee representing the party with the second ranking vote cast in the most recent municipal election. Compensation for services of the Jury Commissioners is set at the rate of \$50 per diem not to exceed \$1,250 per Commissioner in any calendar year. The term of office for Jury Commissioner shall be four years.

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28. Editor's Note: See also Ch. 88, Jury Commission.

# Exhibit B

## Adams, Audrey M.

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**From:** Parks, J. Manly  
**Sent:** Sunday, October 20, 2024 10:47 PM  
**To:** Adams, Audrey M.  
**Subject:** Fwd: EVS  
**Attachments:** DOS Email re: Referenda Requests on Electronic Voting Systems

Begin forwarded message:

**From:** "Kotula, Kathleen" <kkotula@pa.gov>  
**Date:** October 19, 2024 at 9:34:03 AM EDT  
**To:** "Parks, J. Manly" <JMParks@duanemorris.com>  
**Cc:** "Mullen, Kathleen" <kamullen@pa.gov>  
**Subject:** EVS

Manly,

Attached is an email Jonathan sent to all counties in 2022 about efforts in counties to have referenda placed on the ballot to discontinue use of EVS.

Beyond that, when we have had a county or two ask about hand counts, DOS has offered the following guidance:

Each county is required to use an approved Electronic Voting System. An electronic voting system is by definition one in which "votes are computed and tabulated by automatic tabulating equipment." 25 P.S. § 3031.1. Votes must be tabulated by the automatic tabulating equipment at either the precinct or the county office. See 25 P.S. § 3031.13(f). The Election Code does not authorize the initial tabulation of ballots to be completed by hand.

**Kathleen M. Kotula** | Chief Counsel (*she/her/hers*)  
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