

IN THE COURT OF COMMON PLEAS OF LUZERNE COUNTY, PENNSYLVANIA

IN RE: :
EXTENSION OF TIME FOR : CIVIL ACTION-LAW
POLLS TO REMAIN OPEN : No. 2024 - 11908
IN THE 2024 GENERAL ELECTION :
:

PROTHONOTARY LUZERNE COUNTY
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**EMERGENCY PETITION OF THE LUZERNE COUNTY ELECTION BUREAU AND
LUZERNE COUNTY BOARD OF ELECTIONS AND REGISTRATION
REQUESTING AN EXTENSION OF TIME FOR POLLING LOCATIONS TO REMAIN
OPEN FOR THE NOVEMBER 5, 2024 GENERAL ELECTION**

Petitioner, the Luzerne County Election Bureau (“Bureau”) and the Luzerne County Board of Elections and Registration (“Board of Elections”), by its undersigned attorneys, the Luzerne County Office of Law, hereby petitions this Honorable Court for permission to extend the deadline for the time certain polls are to be closed. In support of this Petition, the Luzerne County Election Bureau and Luzerne County Board of Elections and Registration avers as follows:

1. In the process of administering the election on November 5, 2024, the Bureau and Board of Elections learned that election officers failed to timely open the polling location in Laflin Borough which resulted in delays in the process of voting.

2. Said location did not open until approximately 8:30 a.m. causing an inability for some voters to cast a ballot if they arrived at the polling location and had to leave prior to 8:30 a.m.

3. 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.

4. It is well-settled that 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. at 608, 531 A.2d at 839 (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)).

5. 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.

6. In the immediate instance, some electors in Laflin Borough, Luzerne County, may require additional time to participate in the General Election because of circumstances beyond their control if the time for closing the polls is not extended.

7. The Pennsylvania Election Code states that “At all primaries and elections the polls shall be opened at 7 A.M., Eastern Standard Time, and shall remain open continuously until 8 P.M., Eastern Standard Time, at which point they shall be closed.” 25 P.S. § 3045.

8. The Election Bureau and Board of Elections now petitions this Honorable Court to extend the statutory deadline at which the Laflin Borough polls are required to close from 8:00 p.m. until 9:30 p.m. on November 5, 2024.

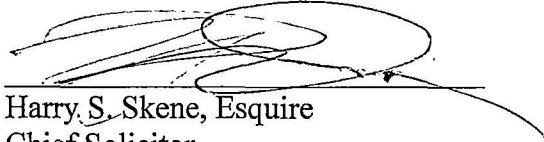
9. The Luzerne County Democratic Party, through Attorney Neil O’Donnell, joins in the instant Petition and the relief requested herein.

10. PA GOP, through Attorney Kathleen A. Gallagher, joins in the instant Petition and the relief requested herein.

11. The Election Bureau and Board of Elections seek this extension so that all of the duly qualified electors of Laflin Borough, Luzerne County, are able to participate in this General Election.

WHEREFORE, the Luzerne County Election Bureau and Luzerne County Board of Elections and Registration respectfully requests this Honorable Court to GRANT its Emergency Petition to extend the deadline for the time the polls are to be closed in Laflin Borough for the November 5, 2024 General Election.

Respectfully submitted,



Harry S. Skene, Esquire
Chief Solicitor



Gene M. Molino, Esquire
Assistant Solicitor

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*Attorneys for Petitioner,
Luzerne County Election Bureau and
Luzerne County Board of Elections and
Registration*

Dated: November 5, 2024

VERIFICATION

I, Emily Cook, am the Director of Elections and am authorized to execute this Verification. I verify that the statements made in this Petition are true and correct according to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsifications to authorities.

Dated: 11-5-2024

A handwritten signature in black ink, appearing to be 'Emily Cook', written over a horizontal line.

Emily Cook

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IN THE COURT OF COMMON PLEAS OF LUZERNE COUNTY, PENNSYLVANIA

**IN RE:
EXTENSION OF TIME FOR
POLLS TO REMAIN OPEN
IN THE 2024 GENERAL ELECTION**

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**CIVIL ACTION-LAW
No. 2024 - 11928**

ORDER

AND NOW, this 5th day of November, 2024, upon consideration of the Emergency Petition of the Luzerne County Election Bureau and Luzerne County Board of Elections and Registration for an Extension of Time for Polls to Remain Open in the 2024 General Election, and any opposition thereto, it is hereby ORDERED and DECREED, that said Petition is GRANTED as follows:

Luzerne County shall extend the time for closing the polling place in the following precinct(s) as follow:

1. Laflin Borough's polling hours shall be extended by 90 minutes and will now close at 9:30 p.m.

BY THE COURT:

J.