

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

No. 330 CD 2012

VIVIETTE APPLEWHITE; WILOLA SHINHOLSTER LEE; GLORIA CUTTINO; NADINE MARSH; BEA BOOKLER; JOYCE BLOCK; HENRIETTA KAY DICKERSON; DEVRA MIREL ("ASHER") SCHOR; THE LEAGUE OF WOMEN VOTERS OF PENNSYLVANIA; NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, PENNSYLVANIA STATE CONFERENCE; HOMELESS ADVOCACY PROJECT,

Petitioners,

v.

THE COMMONWEALTH OF PENNSYLVANIA; THOMAS W. CORBETT, IN HIS CAPACITY AS GOVERNOR; CAROL AICHELE, IN HER CAPACITY AS SECRETARY OF THE COMMONWEALTH,

Respondents.

**PETITION FOR SUPPLEMENTAL INJUNCTION
TO ENFORCE COURT'S OCTOBER 2, 2012, ORDER**

Petitioners move this Honorable Court, pursuant to Pa. R. A. P. 1532(a), to order special relief in the form of a supplemental preliminary injunction to enjoin Respondents from 1) continuing to disseminate false information about the need for photo ID on Election Day, on the ground that these actions directly promote voter disenfranchisement on Election Day, November 6, 2012; and 2) to order the Commonwealth to take necessary and proper corrective measures to remediate the misinformation it has spread since this Court's injunction, specifically, to publish widely the clear and unambiguous message that photo ID is not required to vote this Election Day and that, contrary to anything else they may have heard, people without photo ID have the right to vote on November 6 and will be permitted to do so even without photo ID. As grounds Petitioners aver as follows:

The Commonwealth Sent *False* Information to Seniors' Homes Just Last Week Telling them they Must Have Photo ID to Vote

1. Late in the week of October 8, an unknown but likely significant number of Pennsylvania seniors received a mailing from PACE/PACENET, a program administered by the Commonwealth's Department of Aging, promoting prescription drug benefits to older Pennsylvanians. See Exhibit 1, attached.¹
2. Included in the mailing was a Department of State card about the Voter ID Law, which on the front falsely states: "Voters are required to show photo ID on Election Day." *Id.* at p.3. The reverse side reiterates that "A photo ID is required when voting in Pennsylvania," and proceeds to list acceptable ID's. *Id.* at p.4. The card does not list the DOS ID. Nowhere is the recipient told that he or she can vote without ID on November 6.
3. On Monday afternoon, October 15, Petitioners' counsel sent an email alerting Respondents' attorney, Mr. Cawley, to the problem. Exhibit 2. The message asked Mr. Cawley to a) apprise Petitioners' counsel, by the close of business on Tuesday, October 16, how many people received the PACE/PACENET mailing; and b) pledge that corrective notices will be sent immediately to everyone who received the false information. Mr. Cawley acknowledged receipt of the message, but as of this time neither he nor anyone else on behalf of the Commonwealth has responded to Petitioners' attorneys' request.
4. The PACE/PACENET mailing falsely informs voters that they must have a photo ID to vote on Election Day.

¹ Exhibit 1 was delivered on or about October 10 to a gentleman in Wilkes Barre. Identifying information has been redacted to protect his privacy.

5. The Commonwealth has continued to publicize other outdated information advising voters that they need Photo ID on Election Day. Petitioners' counsel has received dozens of complaints from people that they have heard and seen radio and television ads that still say voters need Photo ID to vote. As recently as October 11, some PennDOT locations were still displaying outdated posters and information telling people they need ID to vote. *See* Timothy McNulty, Pennsylvania sending mixed messages on voter ID requirements, Pittsburgh Post-Gazette (October 12, 2012) (<http://www.post-gazette.com/stories/news/us/pennsylvania-sending-mixed-messages-on-voter-id-requirements-657274/>). While perhaps unintentional, the effect of transmitting false information is equally damaging regardless whether it was purposeful.
6. The Commonwealth's dissemination of false information about the photo ID requirement in effect on November 6 runs counter to the goals of Pennsylvania's voting laws, which are designed to assure a free and fair election by, among other things, prohibiting dissemination of false or misleading information to the electorate about voting. 25 P.S. § 3547 (barring the use of "any . . . fraudulent device" that "impedes, prevents, or otherwise interferes with the free exercise of the elective franchise by any voter."); 25 P.S. § 3527 (imposing penalties "[i]f any person . . . shall conspire with others to commit any of the offenses herein mentioned, or in any manner to prevent a free and fair primary or election"); *see also Commonwealth v. Martin*, 72 Montg. 42 (1955) (analyzing application of Section 3527 to condemn a false and misleading mailer claiming an endorsement from the opposite political party but holding that the defendant could not "be said to prevent a free and fair election by fraud . . . so far as the actual voting is concerned" where the mailer was never distributed).

7. Here, the Commonwealth has distributed - and continues to distribute - false and misleading information about voting requirements on November 6. This conduct should be condemned by “[a]ll decent citizens” as anathema to a “free and fair” election. *Id.*

The Commonwealth has Failed to Counteract the Intensive Media Campaign Prior to the Injunction, Leaving the False Impression that Voters Still Need Photo ID to Vote on November 6.

8. Since this Court’s October 2 injunction, the Commonwealth has made virtually no effort to counteract the public belief, fostered through its intensive education campaign, that voters will be required to show id to vote on November 6.
9. The Commonwealth has issued a single press release since October 2, and that was on the date of decision. Entitled, “Governor Corbett, Secretary Aichele Issue Statements on Court Ruling,” the statement praises the Court’s “decision to uphold the constitutionality of the voter ID law,” and explains that the Commonwealth will continue with education efforts “to let Pennsylvanians know the voter ID law is still on track to be fully implemented for future elections.” Exhibit 3.
10. Nestled inconspicuously at the end of the fourth paragraph is an acknowledgment that “voters will be requested to show ID, but ID will not be required to vote.”
11. In contrast, prior to the October 2 injunction, the Department of State and other Commonwealth agencies and officials broadcast extensively the message that under the new law voters could not vote without photo ID. By way of example:
 - a. Between the Law’s passage and the Court’s injunction, the Department of State issued eleven press releases, all of which in some fashion told voters that they would not be permitted to vote without a photo ID on Election Day. *See*

<http://www.dos.state.pa.us/portal/server.pt/community/newsroom/12416> (last accessed on October 18, 2012 at 9:02 p.m.).

- b. The Department of State mailed letters in July to 759,000 people identified as potentially not having PennDOT-issued ID to tell them that they could not vote in November without a photo ID;
- c. In September, the Department of State mailed post cards to all households in Pennsylvania with a registered voter alerting people that, without photo ID, they would not be permitted to vote in November; and
- d. Department of State Secretary Aichele, Deputy Secretary Shannon Royer, Press Spokesperson Ron Ruman, Governor Corbett and other Commonwealth officials and employees generated copious amounts of public information telling people that without photo ID they could not vote on Election Day. They did so through countless press conferences, public appearances and pervasive commentary in the media. *See*, Exhibit 4 (Remand Trial Respondents' Exhibit 3 - memorandum from Sweeney to Royer).

12. Since the October 2 injunction, the Commonwealth has done nothing anywhere close to comparable to counter the barrage of what is now false information about people's right and ability to vote on November 6, to wit:

- a. The Department of State has not issued a single press release since October 2 to counter their previous extensive advertising and other informational efforts to alert voters that they must have Photo ID to vote on Election Day;
- b. The Commonwealth has not sent a mailing to any households correcting the prior written mailings alerting voters that photo ID is needed to vote; and

c. Petitioners' counsel has been unable to locate a single news story documenting either a press conference or public comments by Secretary Aichele, Deputy Secretary Royer, Press Secretary Ruman, Governor Corbett or any other high-ranking Commonwealth official telling voters that, contrary to everything they have been told for the preceding six months, under the Court's injunction voters do not need photo ID to vote this Election Day and that voters without photo ID will be allowed to vote.

13. The radio silence from the Commonwealth about the abrupt change in voting requirements occasioned by the Court's October 2 injunction, and the failure to affirmatively correct six months of what is now false information about the need to have photo ID to vote on November 6 is indefensible and reasonably likely to disenfranchise voters without photo ID who have been led to believe they cannot vote and thus are likely not to bother trying.

The Commonwealth's Current Advertising and Informational Efforts are Inadequate to Convey Accurate Information about the Requirements for Election Day.

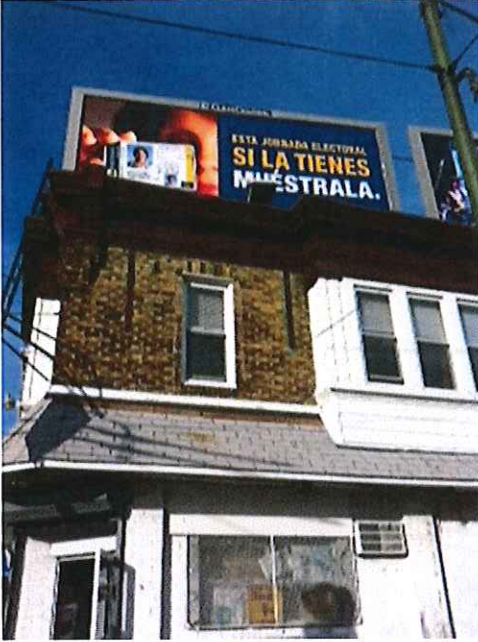
14. The Commonwealth's information campaign has been re-tooled to conform to the injunction, but the changes have been so slight and subtle that they do not and cannot effectively offset and counter the widely publicized pre-injunction messaging that voters without photo ID will not be permitted to vote in November.

15. By way of example, ads like the one displayed below are running across the Commonwealth on buses and billboards with a picture of a driver's license and small-font subtitle stating "this Election Day if you have it..." and then in far larger bold font the campaign slogan, "SHOW IT":



This photograph was taken in Harrisburg on Wednesday, October 17.

16. Billboards bearing the same message have been displayed in urban areas, like this one depicted in an October 17 photograph of a Spanish-language billboard in a Hispanic neighborhood of Philadelphia:



17. This subtle change to the “Show It” campaign, inserting “if you have it” into the phrase, is the sum total of the Commonwealth’s educational efforts to alert people that the onslaught of pre-injunction news telling voters that they need photo ID to vote is no longer true.
18. Similarly on information and belief the visuals in television advertisements continue to portray the “Show It” theme, suggesting that identification is required, with the only modification being a voiceover explaining that people will be asked, but not required to show photo ID. Petitioners’ attorneys have been besieged with complaints from voters who do not hear, had the sound turned down, or did not happen to be in the room during the voiceover and who missed the message.
19. Upon information and belief, the Commonwealth has not broadcast or displayed publicly the clear, unambiguous message that voters do not need a photo ID to vote this Election Day, in any format, anywhere in the Commonwealth. Rather, they have saturated the media market, consistent with its pre-injunction plan to heavily backload informational

efforts, with the ambiguous “SHOW IT” advertisements that fail to communicate clearly and effectively that the law has been changed for this election and that, contrary to the information blizzard of the past six months, photo ID is not required to vote on Election Day.

20. Adding to voter confusion is a proliferation of non-governmental efforts that also mislead voters to believe that ID is required. For instance, just recently the utility company PECO sent mailings to 1.3 million customers in the Philadelphia area with outdated information telling people that they must have ID on Election Day in order to vote. *See* Bob Warner, *PECO admits to sending incorrect voter ID info to 1.3 million customers*, Philadelphia Inquirer, October 17, 2012 (http://articles.philly.com/2012-10-17/news/34527190_1_voter-id-law-cathy-engel-menendez-peco-spokeswoman). A copy of the offending PECO newsletter, with the “Your Vote Counts” message that photo ID is still needed to vote, is attached as Exhibit 5.
21. As opposed to the Commonwealth’s non-response to our complaint about the false PACE/PACENET mailing, PECO announced a corrective mailing the next day. *See* http://www.philly.com/philly/news/local/20121018_Peco_pulls_back_on_erroneous_new_sletter.html.
22. Even if unintentional, the effect of this governmental and non-governmental misinformation is to confuse and mislead voters further into believing that they need photo ID to vote on Election Day.
23. In light of the widespread media campaign before October 2 telling voters they need photo ID to vote and the continuation to the present of that message by governmental and non-governmental agents, the Commonwealth’s slight and subtle shift in messaging

syntax is plainly inadequate to correct what is now, after the injunction, false information telling voters that they need photo ID to vote on Election Day.

Corrective Measures, Along with Clear and Unambiguous Messaging, is Needed from the Commonwealth to Prevent Voter Disenfranchisement.

24. Petitioners acknowledge this Court's refusal to enjoin the Commonwealth's informational and educational efforts directed toward helping voters get photo ID. A combination of Commonwealth malfeasance and nonfeasance, however, has produced an environment clouded by confusion and misinformation that is likely to result in voter disenfranchisement, which contravenes the letter and spirit of the Pennsylvania Supreme Court's directive that this Court issue an injunction to prevent voter disenfranchisement. *Applewhite v. Commonwealth*, No. 71 MAP 2012, 2012 WL 4075899, at *7 (Pa. Sept. 18, 2012).

WHEREFORE, Petitioners respectfully request that this Court order the Commonwealth to take the following actions to forestall the likelihood of voter disenfranchisement:

- a. Advise Petitioners' attorneys about all mailings sent since October 2 from Commonwealth agencies that, like the PACE/PACENET mailing, included false information that voters need photo ID to vote on Election Day;
- b. Send corrective notices forthwith to every person to whom the Commonwealth sent false information since October 2 clearly and unambiguously informing them in bold, large print in both English and Spanish: "Photo ID is not required to vote this Election Day. Contrary to anything else you may have heard, people without photo ID have the right to vote on November 6 and will be permitted to vote without a Photo ID." The notices may indicate that first-time voters will have to

produce some form of ID, but not necessarily photo ID, to prove identity as required under prior law;

- c. Immediately cease running any broadcast, print, electronic, Internet or other advertisements or displays that still tell voters or suggest they must have photo ID to vote;
- d. Re-word robocalls, set to be made at the end of October, to say clearly and unambiguously that, "Photo ID is not required to vote this Election Day. Contrary to anything else you may have heard, people without photo ID have the right to vote on November 6 and will be permitted to vote without a Photo ID." The robocalls may indicate that first-time voters will have to produce some form of ID, but not necessarily photo ID, to prove identity as required under prior law;
- e. Distribute within one week to all Pennsylvania media outlets, county departments of election and any other entities to whom the Department of State typically sends press releases on election-related matters, a press release that tells people that, "Photo ID is not required to vote this Election Day. Contrary to anything else you may have heard, people without photo ID have the right to vote on November 6 and will be permitted to vote without a Photo ID." The message may indicate that first-time voters will have to produce some form of ID, but not necessarily photo ID, to prove identity;
- f. Direct Secretary Aichele to announce at least 36 hours in advance and then hold a press conference attendant to issuance of the press release described in the foregoing paragraph to tell reporters that, "Photo ID is not required to vote this Election Day. Contrary to anything else you may have heard, people without

photo ID have the right to vote on November 6 and will be permitted to vote without a Photo ID.”

In addition to a proposed order effecting the above-described relief, Petitioners attach a proposed order directing the Commonwealth to respond to this Petition by noon on Monday, October 22.

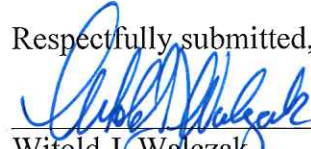
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Dated: October 19, 2012

Respectfully submitted,



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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Viviette Applewhite; Wilola Shinholster Lee; Gloria Cuttino; Nadine Marsh; Bea Bookler; Joyce Block; Henrietta Kay Dickerson; Devra Mirel ("Asher") Schor; the League of Women Voters of Pennsylvania; National Association for the Advancement of Colored People, Pennsylvania State Conference; Homeless Advocacy Project,

Petitioners,

v.

The Commonwealth of Pennsylvania; Thomas W. Corbett, in his capacity as Governor; Carol Aichele, in her capacity as Secretary of the Commonwealth

Respondents

Docket No. 330 MD 2012

CERTIFICATE OF SERVICE

I certify that I am this 19th day of October 2012, serving the foregoing MOTION FOR SUPPLEMENTAL INJUNCTION TO ENFORCE COURT'S OCTOBER 2, 2012, ORDER, upon the persons and in the manner indicated below, which service satisfies the requirement of Pa. R. A.P. 121:

Service by email per agreement with Respondents' Counsel as follows::

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Respondents.

ORDER DIRECTING COMMONWEALTH RESPONSE

AND NOW, this _____ day of October, 2012, upon consideration of Petitioners' Petition for Supplemental Injunction to Enforce Court's October 2, 2012 Order, it is hereby ORDERED that Respondents are ordered to file and serve a response on or before noon on Monday, October 22, 2012.

Hon. Robert Simpson, Judge

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No. 330 CD 2012

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Respondents.

ORDER DIRECTING SUPPLEMENTAL RELIEF

AND NOW, this _____ day of October, 2012, upon consideration of Petitioners' Petition for Supplemental Injunction to Enforce Court's October 2, 2012 Order, and for good cause shown, it is hereby ORDERED that the petition be, and hereby is, GRANTED.

Accordingly, Respondents are ordered to:

- a. Advise Petitioners' attorneys of how many people were sent false information that they need photo ID to vote, as occurred with the PACE/PACENET mailing, and to tell Petitioners' attorneys what other mailings from the Commonwealth included the false, outdated literature by October ____, 2012;
- b. Send corrective notices forthwith to every person to whom the Commonwealth sent false information since October 2, as identified in the preceding paragraph, clearly and unambiguously informing them that, "Photo ID is not required to vote

this Election Day. Contrary to anything else you may have heard, people without photo ID have the right to vote on November 6 and will be permitted to vote without a Photo ID.”

- c. Immediately cease running any broadcast, print, electronic, Internet or other advertisements or displays that still tell voters they must have photo ID to vote;
- d. Re-word robocalls, set to be made before Election Day, to say clearly and unambiguously that, “Photo ID is not required to vote this Election Day. Contrary to anything else you may have heard, people without photo ID have the right to vote on November 6 and will be permitted to vote without a Photo ID.”
- e. Distribute no later than October 30, to all Pennsylvania media outlets, county departments of election and any other entities to whom the Department of State typically sends press releases on election-related matters, a press release that tells people that, “Photo ID is not required to vote this Election Day. Contrary to anything else you may have heard, people without photo ID have the right to vote on November 6 and will be permitted to vote without a Photo ID.” The message may indicate that first-time voters will have to produce some form of ID, but not necessarily photo ID, to prove identity;
- f. Direct Secretary Aichele to announce at least 36 hours in advance and then hold, on or before October 30, a press conference attendant to issuance of the press release described in the foregoing paragraph to tell reporters that, “Photo ID is not required to vote this Election Day. Contrary to anything else you may have heard, people without photo ID have the right to vote on November 6 and will be permitted to vote without a Photo ID.”

IT IS SO ORDERED.

Hon. Robert Simpson, Judge

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Respondents.

**PETITION FOR SUPPLEMENTAL INJUNCTION
TO ENFORCE COURT'S OCTOBER 2, 2012, ORDER**

EXHIBITS

1. PACE/PACENET mailing
2. October 15, 2012, email from Walczak to Cawley
3. October 2, 2012, Commonwealth press statement
4. Remand Trial Respondents' Exhibit 3 - memorandum from Sweeney to Royer documenting media efforts
5. PECO October Newsletter



PACE/PACENET | PO Box 34639 | Philadelphia, PA 19101

Edward Nowakowski

250 E Northampton St

Wilkes Barre, PA 18702-5813



PACE

Beneficiary ID#

20000000

Dear Edward Nowakowski,

If you receive Property Tax or Rent Rebate from the Pennsylvania Department of Revenue, you may also qualify for prescription drug coverage under the PACE/PACENET program. The PACE/PACENET program is funded by the Pennsylvania State Lottery and offers valuable prescription drug benefits to older Pennsylvanians.

PACE/PACENET works with other drug coverage, including Medicare Part D, Veteran's and employer/retiree coverage. It's in your best interest to sign up for PACE/PACENET even if you have other drug coverage.

Even if you don't take prescription drugs, you should still sign-up for PACE/PACENET!

With PACE/PACENET you will get:

- To keep your current coverage
- Coverage during Medicare Part D deductible and donut hole phases
- Lower co-pays — you pay the lowest co-pay available to you
- **Most** prescription drugs covered

Best of all it is **FREE** to sign-up!

To receive your PACE/PACENET card or to speak to a friendly expert:

Call us FREE at 1-866-712-2060 Monday thru Friday 9:00am – 5:00pm.

OR

Fill out and mail back the enclosed PACE/PACENET Application in the postage paid envelope.

Sincerely,

Thomas M. Snedden
Director
The PACE Program

CERTIFICATION AND AUTHORIZATION STATEMENTS

Please Read this Information Carefully

I understand that my signature on the application indicates my agreement to the following provisions:

- A. I authorize the Department of Aging, within its discretion, to release any and all information in my PACE file as deemed appropriate by the Department. I authorize such release of information.
- B. I understand that PACE may provide general information of PACE participants to outside sources for research purposes, as deemed appropriate by the Department.
- C. I hereby assign to the Commonwealth of Pennsylvania, in the event of duplicate or overpayment, any right to drug benefits to which I may be entitled under any other plan of government assistance or insurance from any for-profit third party insurer.
- D. I hereby waive the confidentiality of any health care information found in any Medicare Advantage plan (HMO), third party insurer's file or any other information from any health care source about my medications as witnessed by my signature on this application. I authorize such release of information for use consistent with this application. I understand that PACE may contact my physician for relevant medical history and information related to my prescription drugs paid for by PACE. I waive the confidentiality of such medical records and authorize their release to the PACE program.
- E. I agree to forgo any payment from any insurance company for any amount which has been paid by PACE on my behalf.
- F. I authorize the Internal Revenue Service, the Social Security Administration, the U.S. Railroad Retirement Board, the PA Dept. of Revenue, the PA Dept. of Transportation, the Public School Employees' Retirement System, the State Employees' Retirement System, any other federal or state agency and any other financial or other institution or entity with information on my income or resources to release information to the PACE program that will verify my eligibility for the PACE program or for the low income subsidy of the federal Medicare prescription drug benefit. All information released to the Department of Aging shall remain confidential in accordance with 72 P.S. § 3761-517(b).
- G. I authorize the Department of Aging or its designee to act as my representative for determining my eligibility and applying for the low income subsidy of the Medicare prescription drug benefit, enrolling me in the Medicare prescription drug plan that best fits my prescription needs, handling any and all aspects of Part D on my behalf consistent with federal law, and, if I am a PACE enrollee, paying the premium of the selected Medicare prescription drug plan that is less than or equal to the regional benchmark premium.

Where the applicant(s) executed a Power of Attorney or is adjudicated incapacitated, the Department of Aging shall accept the Attorney-In-Fact or court-appointed Guardian as an authorized agent for the purpose of documenting enrollment. Power of Attorney or Guardianship documentation must be provided.

PENNSYLVANIA'S

Voter ID

Law

Voters are required to show photo ID on Election Day

Governor **TOM
CORBETT**

CAROL Secretary
AICHELE



VotesPA.com | 1-877-VotesPA

Voter ID

what **ARE** IDs acceptable

A photo ID is required when voting in Pennsylvania

All photo IDs must contain an expiration date that is current, unless noted otherwise

- ✓ Photo IDs issued by the U.S. Government or the Commonwealth of Pennsylvania
- ✓ PA Driver's License or Non-driver's License photo ID (IDs are valid for voting purposes 12 months past expiration date)
- ✓ Valid U.S. passport
- ✓ U.S. military ID - active duty and retired military (a military or veteran's ID must designate an expiration date or designate that the expiration date is indefinite). Military dependents' ID must contain an expiration date
- ✓ Employee photo ID issued by Federal, PA, PA County or PA Municipal government
- ✓ Photo ID issued by a PA care facility, including long-term care facilities, assisted living residences or personal care homes
- ✓ Photo ID from an accredited PA public or private college, university or seminary

what **you** need **TO KNOW**

If you are a registered voter and do not have one of these IDs, but require one for voting purposes, you are entitled to get one **FREE OF CHARGE** (with supporting documentation) at a Penn-DOT Driver License Center.

NO ONE legally entitled to vote will be denied the right to do so.

VotesPA.com
1-877-VotesPA

SECTION A - APPLICANT INFORMATION

MARITAL STATUS ☐ Single / widowed ☐ Married
☐ Married Living Separately ☐ Divorced

LAST NAME	FIRST NAME	M/I	GENDER <input type="checkbox"/> Male <input type="checkbox"/> Female
SOCIAL SECURITY #	BIRTH DATE		
PA DRIVER'S LICENSE / PHOTO ID NUMBER			
HOME PHONE # () -			

Fill in the information below (located on your Medicare Card):

MEDICARE CLAIM NUMBER
MEDICARE PART A DATE / /
MEDICARE PART B DATE / /

RESIDENCE TYPE (required)	ETHNIC ORIGIN (optional) What is your race? (Check one or more)
<input type="checkbox"/> Own <input type="checkbox"/> Rent <input type="checkbox"/> Nursing Home <input type="checkbox"/> Personal Care Home <input type="checkbox"/> Living with Relative <input type="checkbox"/> Other	<input type="checkbox"/> White <input type="checkbox"/> Black or African American <input type="checkbox"/> Asian <input type="checkbox"/> Hispanic <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Other

RESIDENTIAL STREET ADDRESS	APT #
CITY	STATE ZIP
MAILING ADDRESS (if different)	APT #
CITY	STATE ZIP

SECTION B - SPOUSE INFORMATION

If married and living together, this section **MUST** be filled out. **APPLYING?**
☐ Yes ☐ No

LAST NAME	FIRST NAME	M/I	GENDER <input type="checkbox"/> Male <input type="checkbox"/> Female
SOCIAL SECURITY #	BIRTH DATE		
PA DRIVER'S LICENSE / PHOTO ID NUMBER			
HOME PHONE # () -			

Fill in the information below (located on your spouse's Medicare Card):

MEDICARE CLAIM NUMBER
MEDICARE PART A DATE / /
MEDICARE PART B DATE / /

RESIDENCE TYPE (required)	ETHNIC ORIGIN (optional) What is your race? (Check one or more)
<input type="checkbox"/> Own <input type="checkbox"/> Rent <input type="checkbox"/> Nursing Home <input type="checkbox"/> Personal Care Home <input type="checkbox"/> Living with Relative <input type="checkbox"/> Other	<input type="checkbox"/> White <input type="checkbox"/> Black or African American <input type="checkbox"/> Asian <input type="checkbox"/> Hispanic <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Other

RESIDENTIAL ADDRESS <input type="checkbox"/> Check if same as spouse	APT #
CITY	STATE ZIP
MAILING ADDRESS (if different)	APT #
CITY	STATE ZIP

SECTION C - INCOME VERIFICATION

If you (or your spouse, if married and living together) receive income from any of the sources listed below, please enter the **GROSS INCOME FROM PREVIOUS YEAR** in the appropriate boxes. If you (or your spouse) do not have income from the previous year, please provide a statement of validation of zero income. If widowed, include only your previous year's income (do not include your deceased spouse's income).

Please do not subtract losses from income	APPLICANT	SPOUSE	TOTAL
1. Gross Social Security			
2. Railroad Retirement (RRB-1099 and RRB 1099R)			
3a. Pennsylvania State Employees' Retirement System Pension (SERS)			
3b. Pennsylvania Public School Employees' Retirement System Pension (PSERS)			
4. Other Gross Pensions and Taxable Amounts of Annuities, 401K's and IRA's not listed in 3a or 3b			
5. Interest, Dividends, Capital Gains, Prizes			
6. Wages, Salary, Bonuses, Commissions, Self-Employment, Partnerships, Net Rental, Net Business, Cash Public Assistance, Unemployment, Workers' Comp., Alimony, Support, Gambling, Gifts & Inheritance (only if over \$300), Death Benefits (only if over \$10,000)			
7. TOTAL ANNUAL INCOME (Add lines 1 through 6)	\$	\$	\$

Must Complete Other Side ➔

SECTION D - SPECIAL STATUS INDICATORPlease check if you or your spouse have been diagnosed with End Stage Renal Disease: ☐ You ☐ Spouse**APPLICANT:** Dialysis Start Date ____/____/____
Transplant Date ____/____/____**SPOUSE:** Dialysis Start Date ____/____/____
Transplant Date ____/____/____**SECTION E - SIGNATURE****APPLICANT Signature or Power of Attorney (POA) Signature****X** _____ Date ____/____/____**SPOUSE Signature or Power of Attorney (POA) Signature****X** _____ Date ____/____/____**SECTION F - EMERGENCY CONTACT****EMERGENCY CONTACT NAME** **PHONE NUMBER**_____
(____) _____**EMERGENCY CONTACT NAME** **PHONE NUMBER**_____
(____) _____**SECTION G - POWER OF ATTORNEY**☐ Check box if you want all correspondence sent to your POA; complete POA documents are required if box is checked.

Name _____

Address _____

City/State/Zip _____

Phone # _____

☐ Check box if you want all correspondence sent to Spouse's POA; complete POA documents are required if box is checked.

Name _____

Address _____

City/State/Zip _____

Phone # _____

SECTION H - WITNESS / PREPARER**Witness / Preparer's Name (if not the Applicant)**

Name _____

Phone # _____

Witness / Preparer's Name (if not the Applicant)

Name _____

Phone # _____

PACE / PACENET OTHER COVERAGE INFORMATION**APPLICANT: OTHER COVERAGE**Do you have any other drug coverage? ☐ Yes ☐ NoIs this Retiree/Employer/Union Coverage? ☐ Yes ☐ No

Does your card say any of the following:

☐ Medicare Rx ☐ PDP ☐ Access Card ☐ Veterans'☐ Discount Card ☐ PPO ☐ SNP☐ HMO ☐ PFFS ☐ TRICARE**SPOUSE: OTHER COVERAGE**Do you have any other drug coverage? ☐ Yes ☐ NoIs this Retiree/Employer/Union Coverage? ☐ Yes ☐ No

Does your card say any of the following:

☐ Medicare Rx ☐ PDP ☐ Access Card ☐ Veterans'☐ Discount Card ☐ PPO ☐ SNP☐ HMO ☐ PFFS ☐ TRICARE**APPLICANT: DRUG COVERAGE INFORMATION**

ID # _____

RXPCN # _____

RXBIN # _____

RXGRP # _____

ISSUER # _____

CMS # _____

Name of Plan _____

SPOUSE: DRUG COVERAGE INFORMATION

ID # _____

RXPCN # _____

RXBIN # _____

RXGRP # _____

ISSUER # _____

CMS # _____

Name of Plan _____

Do you have any other Health Insurance? ☐ Yes ☐ No

ID # _____

Eff Date _____

Name of Plan _____

Does Spouse have any other Health Insurance? ☐ Yes ☐ No

ID # _____

Eff Date _____

Name of Plan _____



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Philadelphia, PA 19101

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UNITED STATES



Witold Walczak

From: Witold Walczak
Sent: Thursday, October 18, 2012 7:45 PM
To: Witold Walczak
Subject: FW: Incorrect voter ID info. sent to seniors

-----Original Message-----

From: Witold Walczak [<mailto:VWalczak@aclupa.org>]
Sent: Monday, October 15, 2012 1:18 PM
To: pcawley@attorneygeneral.gov
Cc: Jennifer Clarke; marianesq@mac.com; David P. Gersch; Michael A. Rubin; Ben Geffen; Sara Mullen
Subject: Fwd: Incorrect voter ID info. sent to seniors

Hi Pat. We have been patient over the past two weeks as the commonwealth conforms it's advertising and informational efforts to the court's decision, i.e., makes clear the ID is not required to vote on November 6. We have counseled many complainants to be patient with incorrect info at PennDOT DMVs, with leftover radio ads and TV spots, and misleading billboards. But the attached mailing from the department of aging (I have deleted personally identifying information) delivered to an untold number of seniors with an outdated voter ID flier that affirmatively tells people they must have ID to vote, goes too far. This affirmatively misleads people via a targeted mailing. The misinformation must be corrected.

We ask that you tell us by close of business tomorrow how many people received this mailing and that the department agrees immediately to send corrective notices to all recipients. We want to review the notices and expect them to be mailed before week's end. We view this to be an extremely serious matter and will consider corrective court action if we cannot convince the commonwealth to take the corrective steps voluntarily.

Please let me know as soon as possible, but not later than COB tomorrow, whether we can expect your cooperation. Also, please acknowledge receipt of this message. Thanks.

Witold Walczak
Legal Director
ACLU of Pennsylvania

Sent from my iPhone



News for Immediate Release

Oct. 2, 2012

Governor Corbett, Secretary Aichele Issue Statements on Court Ruling

Harrisburg – Governor Tom Corbett and Secretary of State Carol Aichele issued the following statements today in response to Commonwealth Court Judge Robert Simpson's decision on the Voter ID law:

"We are pleased with Judge Simpson's decision to uphold the constitutionality of the voter ID law," Corbett said. "While we believe we have made it possible for every registered voter who needs voter identification to obtain one, we'll continue our efforts for the next election and all future elections, to make sure every registered voter has the proper identification in an effort to preserve the integrity of our voting process in Pennsylvania."

Aichele, whose department oversees elections in Pennsylvania, said:

"The streamlined process put in place by the Corbett Administration to help all voters get IDs would have allowed all voters to have acceptable ID by November. However, the judge has concerns about this, and thus the same procedure will be in effect for this election as for the spring primary, in that voters will be requested to show ID, but ID will not be required to vote.

"We will continue our education and outreach efforts, as directed by the judge in his order, to let Pennsylvanians know the voter ID law is still on track to be fully implemented for future elections, and we urge all registered voters to make sure they have acceptable ID.

"This law is designed to preserve the integrity of every vote by doing what we can to make sure each voter is who they claim to be at the polls, and we are confident this law will be fully implemented in future elections."

For more information, visit www.pa.gov.

Media contacts:

Kevin Harley, Governor's Office, 717-783-1116
Ron Ruman, Dept. of State, 717-783-1621

###



DATE: September 14, 2012

TO: Shannon Royer
Deputy Secretary for External Affairs and Elections

FROM: Megan Sweeney
Special Assistant to the Secretary of the Commonwealth

RE: Voter ID Report: August 27-31, 2012

IDs Issued

- As of September 13th, PennDOT has issued 7,980 PennDOT Photo IDs and 743 Department of State IDs.

BCEL Update

- As of September 13, 145,353 letters sent to possible voters who did not have PennDOT ID numbers were returned by the Post Office to the Bureau of Commissions, Elections and Legislation.
- With the onset of the new Department of State ID (DOS ID) for voting, BCEL employees are now working with registered voters who fall into the ID's exceptions' process.
- Supplemental Voter ID Law training was conducted the week of September 10 to update BCEL employees on implementation of the Voter ID Law and to ensure that all employees receive a refresher prior to the voter registration deadline. Employees were provided with:
 - updated FAQs
 - customer service handling
 - trained on the DOS ID processes, and
 - provided feedback we have received from PennDOT.

An additional training session is scheduled for the week of September 17.

- The Poll Worker Training Guide was completed and mailed directly to poll workers September 4th through the 7th. A total of 31, 588 guides were mailed out to poll workers.
- Another call queue was added to the BCEL ACD telephone system to provide for Tier 2 support for voter registration verification requests that are received from PennDOT relative to issuance of the DOS ID. This second tier has been staffed with BCEL employees who have been trained to assist PennDOT in providing identifications through voter registration verifications. This process appears to be working successfully.
- BCEL Managers have been scheduled to cover the PennDOT verification calls from
 - 7:30am through 6pm on Monday, Tuesday, Thursday and Saturday;
 - 7:30am through 8PM on Wednesdays; and beginning on September 27th
 - 7:30am through 8pm on Thursdays for 5 driving license centers in Philadelphia County that will offer extended hours.
- The Bureau is also trying to accommodate 18 additional phone staff as an insurance policy should the call volume become unmanageable.
- Voter registration forms in Chinese, Vietnamese, Khmer, Korean, Russian and French were sent to the translator to be updated.

External Agency Update

- **PennDOT and DOS** – In order to provide the 8th and Arch Streets PennDOT location in Philadelphia with a full-time Voter ID information presence, DOS has increased the Bravo Group's contract by \$75,000 to accommodate this need as well as additional events. Those funds were forfeited by Red House Group, who came under budget.

- **PennDOT and DOH** – Beginning next week, PennDOT and DOH will begin a streamlined Pennsylvania birth certificate certification process. Whereas the process currently requires a customer to make two trips to the PennDOT Driver's License Center and an up to 10 day wait, the new process will occur in one trip and a 30 minute wait.
- **DOS and PDE** – After receiving the contact information of university presidents from around the Commonwealth, the Department of State sent an email with information regarding Voter ID to every PA institution of higher learning that was not known to have an acceptable ID for voting purposes.

Press Update

- Sec. Aichele spoke to high school students at Chartiers Valley High School in Allegheny County and Homer Center High School in Indiana County.
- The Secretary also taped a radio program aimed at senior citizens at WBVP Radio, Beaver Falls, Beaver County.
- The Secretary held a news conference with administrators and students at Indiana University of Pennsylvania to commend the school for making its student IDs compliant with the law.
- The Deputy Secretary for External Affairs and Elections appeared on Fox News' Fox and Friends on Sunday, September 9 and via a taped interview on Monday, September 10.
- The Deputy Secretary for External Affairs and Elections appeared on CNN regarding the Voter ID litigation on Thursday, September 13.

- Press Secretary Ron Ruman appeared on WITF-TV's *Smart Talk* television show in Harrisburg, Pa., which was broadcast around the state.
- The Press Secretary is scheduled to take part in an event regarding the constitutionality of the Voter ID law, which will be hosted by former Governor Ed Rendell at the Constitution Center.
- The Special Assistant was interviewed by KYW Newsradio regarding Voter ID outreach efforts.
- The Special Assistant appeared on WPVI-TV in Philadelphia regarding a Voter ID event.
- The Special Assistant was interviewed by Blue Ridge Cable Systems regarding Voter ID efforts while in Jim Thorpe.

Personal Appearances Update

Attended:

- Wednesday, September 5: Chester County Minority Caucus
 - The Special Assistant will be attending a training event regarding Voter ID.
- Thursday, September 6: Chester County Minority Caucus
 - The Deputy Secretary for External Affairs and Elections will be attending the training event.
- Thursday, September 6: Rep. Rosita Youngblood
 - The Special Assistant will be attending a community outreach event.
- Saturday, September 8: Rep. James Event
 - The Special Assistant will be speaking at the event in Philadelphia.

- Monday, September 10: NewCortland Press Conference
 - The Special Assistant will be taking part in an event with the NewCortland Senior Care Network.
- Monday, September 10: Cumberland County Women's Committee
 - The Special Assistant will be taking part in a panel discussion in Carlisle.
- Monday, September 10: Chester County Minority Caucus
 - The Deputy Secretary for External Affairs and Elections attended the public event.
- Wednesday, September 12: Sen. Bob Mensch
 - The Special Assistant will be speaking to the Helping Upper Bucks Be Universally Better (HUBBUB) organization.
- Wednesday, September 12: Rep. Justin Simmons Event
 - The Deputy Secretary for External Affairs and Elections will attend the public meeting.
- Wednesday, September 12: Rep. Vanessa Brown
 - The Special Assistant attended an outreach event at Mercy Hospital.
- Thursday, September 13: League of Women's Voters in Philadelphia
 - The Deputy Secretary of External Affairs and Elections attended the public event.
- Thursday, September 13: Sens. Argall and Yudichak, Rep. Heffley
 - The Special Assistant attended the outreach event in Jim Thorpe.
- Thursday, September 13: Rep. Youngblood
 - The Special Assistant will be attending a public event in Philadelphia.

Scheduled:

- Saturday, September 15: Rep. James
 - The Special Assistant will be attending this public event in South Philadelphia.
- Monday, September 17: Rep. Barrar
 - The Deputy Secretary of External Affairs and Elections will be attending the public event.
- Tuesday, September 18: West Chester University Student Government
 - The Deputy Secretary of External Affairs and Elections will be attending the public event.
- Wednesday, September 19: Hummelstown Rotary Club
 - The Special Assistant will be speaking at the luncheon.
- Thursday, September 20: Chester County Minority Caucus
 - A representative from the Department of State will be speaking at the event.
- Friday, September 21: Wood Village Retirement Community
 - The Deputy Secretary of External Affairs and Elections will be attending the event.
- Friday, September 21: Mount Caramel Church
 - The Special Assistant will be attending the Philadelphia event.
- Saturday, September 22: St. Paul's Lutheran Church
 - The Special Assistant will be attending the Hummelstown event.

Paid Outreach Update

Bravo Group/Skyler Group

The Bravo Group is continuing its outreach on Facebook and Twitter at facebook.co/votespa and [@votespa](https://twitter.com/votespa).

Events Attended:

- Thursday, August 30: Rep Brownlee : PLBC event
- Wednesday, September 5 – Thursday, September 6:
Building Bridges - Aging/Intellectual Disability Conference: P4A
- Thursday, September 6: Congressman Pat Meehan - Senior event
- Thursday, September 6: State Rep. Rosemary Brown and Michael Peifer
(Pike County)
- Thursday, September 6: Harrisburg YWCA
- Thursday, September 6: Allegheny County Housing Authority
- Thursday, September 6: Rep Youngblood & Sen. Kitchen Voter ID event
- Friday, September 7: Affordable Housing Webinar (Hosted by PA Housing
Alliance, PAHRA, PHFA)
- Saturday, September 8: State Reps. Thomas Murt/Todd Stephens Senior
Expo
- Saturday, September 8: Clemente Recreation Center
- Saturday, September 8: York Training Session
- Sunday, September 9: Taller Puertorriqueno - Annual Feria del Barrio-
Neighborhood Fair

- Tuesday, September 11: Kingsley Center
- Tuesday, September 11-Friday, September 14: PAHRA Annual Conference
- Wednesday, September 12: Rep. Dermody Senior Center
- Wednesday, September 12: Rep. Brown event
- Thursday, September 13: Keystone Human Services
- Thursday, September 13: Sens. Argall and Yudichak & Rep. Heffley

Upcoming Events for the Week of September 15-22:

Note: These are events in which Bravo distributes Voter ID materials at a reserved table. In addition, these are only the events which are confirmed.

- Saturday, September 15: State Rep. Mark Cohen and AARP
- Tuesday, September 18: NAMS Flu Clinic
- Wednesday, September 19: City of Pittsburgh Housing Authority - Tenant Council
- Thursday, September 20: Keystone Bar Association/Alpha Kappa Alpha Sorority Inc - Community Forum
- Friday, September 21: Rep. Dom Costa Senior Fair
- Saturday, September 22: Baptist Homes Society- Healthy Community Event

Red House Communications

Print Materials Updates:

- Direct Mail drop confirmed for September 21; size confirmed at 5" x 8" to drop standard pre-sort.
- State decided those voters who register after the list is turned over to Red House will receive Voter ID information in their new registrant letter.

Harmelin Media

- TV commercials began in earnest on September 10.
- Transit ads began appearing on Harrisburg buses as of Friday, September 7.
- Robocall vendor BroadNet is scheduled to begin robocalls in late October. State has expressed a desire to purchase an additional 550,000 numbers while staying within the allotted budget.

energy@HOME



An Exelon Company

October 2012



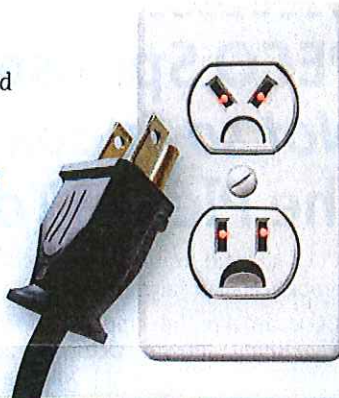
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Did you know that your appliances can still use energy even when they're turned off? It's called phantom, or vampire, energy use. Making small changes, like unplugging unused appliances, can lead to big savings – up to 10 percent a month on your electric bill.

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Visit www.peco.com/SmartIdeas



Help others pay their energy bills this winter

PECO's **Matching Energy Assistance Fund (MEAF)** is funded entirely by contributions from caring citizens and PECO. PECO will match your contribution dollar for dollar, making every donation go twice as far.



You can contribute to MEAF by marking the check-off box on your PECO bill. To make a more immediate impact, call the MEAF hotline listed below.

To donate to MEAF (or to find out if your household qualifies for MEAF assistance) call 1-800-403-6806.



Your Vote Counts!

Remember to Vote on Election Day

Election Day is November 6th. Be sure you have a current, valid photo ID (with a current expiration date). A state law passed earlier this year requires all Pennsylvania voters to present a valid photo ID before they enter the voting booth for this year's general election.

Acceptable forms of ID include:

- ✓ Pennsylvania driver's license
- ✓ state-issued identification card
- ✓ U.S. passport
- ✓ U.S. military ID
- ✓ ID issued by a Pennsylvania university or college or a Pennsylvania care facility

Don't have one of these?

Voters who are unable to obtain a photo identification card can obtain a state-issued voter card to cast their ballot. The new voter photo identification cards, which will be available free of charge, are available at PennDOT's Drivers License Centers.

The new law also requires those voting by absentee ballot to provide proof of photo identification with their ballot submission.

For additional information on voting and the new law, visit the Pennsylvania Department of State's voter website at www.votespa.com or call their voter hotline number at 1-877-VotesPA (1-877-868-3772). Additional information is also available through the Pennsylvania Voter ID Coalition hotline number at 1-866-OUR-VOTE (1-866-687-8683). Be sure to check the Web site and phone numbers for the latest information about the new law and voting as Election Day approaches.

EXHIBIT 5



October is Fire Safety Month NFPA says: Have TWO ways out!

Plan Ahead! If a fire breaks out in your home, you may have only a few minutes to get out safely once the smoke alarm sounds. Everyone needs to know what to do, and where to go if there is a fire.



MAKE a home escape plan by drawing a map of your home showing all doors and windows. Discuss the plan with everyone in your home.

KNOW at least TWO ways out of every room, if possible. Make sure all doors and windows leading outside open easily.

HAVE an outside meeting place a safe distance from your home where everyone should meet.

PRACTICE a home fire drill at night and during the day with everyone in your home, twice a year. Practice using different ways out.

TEACH children how to escape on their own in case you can't help them.

For more fire safety tips, visit
www.nfpa.org/education



- Test smoke alarms once a month.
- Change batteries twice a year.

Source: www.usfa.fema.gov

According to a survey by the National Fire Protection Association (NFPA), only one of every three American households have actually developed and practiced a home fire escape plan.



**Please
Touch
Museum®**
**MEMORIAL HALL
FAIRMOUNT PARK**

PECO Sponsors Some Not so Spooky Events at the Please Touch Museum

PECO is a proud supporter of *Healthy Halloween* at the Please Touch Museum at Memorial Hall in Fairmount Park on Wednesday, October 31, 2012 from 9am-5pm.

PECO is also a proud supporter of the Please Touch Museum's theater production of *Fly/Fishing*, showing October 6, 2012 – December 2, 2012. Through the magic of black light, four-year-old Quinshaya travels from the bottom of the sea to the tops of the clouds, flies with the whales and swims with the birds on a quest to find her lost plush bunny rabbit.

PECO customers receive \$2 off Please Touch Museum tickets from October 1 through November 21! Please purchase tickets online at www.pleasetouchmuseum.org/tickets and use promo code PECO to receive this special discount.

This offer may not be combined with any other discount. Discount valid for up to 4 tickets per transaction and is valid through November 21, 2012 only. Tickets are valid for 365 days from purchase.

Questions? Comments? Concerns?

Write us at Energy@Home, Marketing Dept., 11th Floor, 2301 Market Street, Philadelphia, PA 19103, or e-mail us at EnergyHome@exeloncorp.com.



Employees of PECO and our parent company Exelon believe in giving back to the communities we serve. Last year, our employees pledged \$1,575,000 along with the company's matching gift contribution of \$900,000, for a total of \$2.475 million to help those in need.



PEC 381 10/12

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