

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANTHONY WILLIAMS	<b>FILED</b>	
v.	JUN 7 1994	CIVIL ACTION
	MILITARY JUNZ, Clerk	
DELAWARE COUNTY PRISON and DELAWARE COUNTY	By _____	Dep. Clerk NO. 94-3376

O R D E R

AND NOW, this 6<sup>th</sup> day of June, 1994, it is hereby  
ORDERED the petition to proceed in forma pauperis is GRANTED and  
the Complaint is DISMISSED as frivolous. Pennsylvania  
disenfranchises all incarcerated felons. Owens v. Barnes, 711  
F.2d 25, 26 (3d Cir.), cert denied, 464 U.S. 963 (1983).<sup>1</sup> A  
state may constitutionally disenfranchise convicted felons.  
Owens v. Barnes, 711 F.2d 25, 26 (3d Cir.) (citing Richardson v.  
Ramirez, 418 U.S. 24 (1974)), cert denied, 464 U.S. 963 (1983).  
In addition, a state "may distinguish among [convicted felons]"

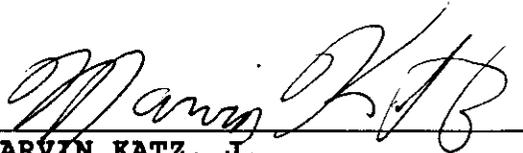
1. The Pennsylvania Election Code does not explicitly  
disenfranchise incarcerated convicted felons. The sections  
dealing with absentee ballots provides:

[T]he words "qualified absentee elector" shall in  
nowise be construed to include persons confined in a  
penal institution or a mental institution . . . .

25 P.S. §§ 2602(w)(14), 3146.1(n). Convicted misdemeanants and  
pretrial detainees are entitled to register and vote during  
confinement. 1974 Op.Att'y.Gen. No. 47.

provided that such distinction is rationally related to a legitimate state interest." Id. at 27. A Pennsylvania incarcerated felon is not entitled to have a voting procedure and equipment established in prison. Ray v. Pennsylvania, 263 F. Supp. 630 (W.D. Pa. 1967), cited with approval in United States v. Essig, 10 F.3d 968, 975 (3d Cir. 1993).

**BY THE COURT:**

  
**MARVIN KATZ, J.**

6-7-94 to  
C. J. J.