

COMMONWEALTH OF PENNSYLVANIA
PETITION

The undersigned electors of Ferguson Township in Centre County, Pennsylvania, acting under the authority of Article IX, §2 of the Pennsylvania Constitution and 53 Pa. C.S. 2942 to 2943, hereby petition the Centre County Board of Elections to place a question on the 2012 General Election Ballot asking the electors of Ferguson Township to adopt or reject an amendment to the Ferguson Township Home Rule Charter adding Section 31.1-1.05. to Article I "General Powers" as listed in the Pennsylvania Code:


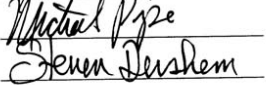
Section 31.1-1.05. FERGUSON TOWNSHIP COMMUNITY BILL of RIGHTS

- a. **Right to Pure Water.** All residents, natural communities and ecosystems in Ferguson Township possess a fundamental and inalienable right to sustainably access, use, consume, and preserve water drawn from natural water cycles that provide pure water necessary to sustain life within the Township.
- b. **Right to Clean Air.** All residents, natural communities and ecosystems in Ferguson Township possess a fundamental and inalienable right to breathe air untainted by toxins, carcinogens, particulates and other substances known to cause harm to health.
- c. **Right to Peaceful Enjoyment of Home.** Residents of Ferguson Township possess a fundamental and inalienable right to the peaceful enjoyment of their homes, free from interference, intrusion, nuisances or impediments to access and occupation.
- d. **Rights of Natural Communities.** Natural communities and ecosystems, including, but not limited to, wetlands, streams, rivers, aquifers, and other water systems possess inalienable and fundamental rights to exist and flourish within Ferguson Township. Residents of the Township shall possess legal standing to enforce those rights on behalf of those natural communities and ecosystems.
- e. **Right to a Sustainable Energy Future.** All residents in Ferguson Township possess a right to a sustainable energy future, which includes, but is not limited to, the development, production, and use of energy from renewable and sustainable fuel sources.
- f. **Right to Self-Government.** All residents of Ferguson Township possess the fundamental and inalienable right to a form of governance where they live which recognizes that all power is inherent in the people, that all free governments are founded on the people's authority and consent, and that corporate entities and their directors and managers shall not enjoy special privileges or powers under the law which make community majorities subordinate to them.
- g. **Rights of People as Sovereign.** Ferguson Township shall be the governing authority responsible to, and governed by, the residents of the Township. Use of the "Township of Ferguson" municipal corporation by the sovereign people of the Township to make law shall not be construed to limit or surrender the sovereign authority or immunities of the people to a municipal corporation that is subordinate to them in all respects at all times. The people at all times enjoy and retain an inalienable and indefeasible right to self-governance in the community where they reside.
- h. **Rights in the Pennsylvania Declaration of Rights.** Every right enumerated in the Pennsylvania Constitution, including but not limited to the right to clean air, pure water, and the preservation of the natural, scenic, historic and esthetic values of the environment, is hereby reaffirmed and declared self-executing, as stated in Article 1, Section 25, wherein it is declared that the entire Pennsylvania Declaration of Rights is "excepted out of the general powers of government and shall forever remain inviolate."
- i. **Rights as Self-Executing.** All rights delineated and secured by this Charter shall be self-executing and these rights shall be enforceable against corporations and governmental entities.
- j. **Securing and Protecting Rights.** To further secure and protect the rights enumerated by the Bill of Rights:
 1. It shall be unlawful for any person or corporation to engage in the extraction of natural gas within Ferguson Township, with the exception of gas wells installed and operating at the time of enactment of this Charter provision, provided that the extraction of gas from those existing wells does not involve any practice or process not previously used for the extraction of gas from those wells.
 2. It shall be unlawful for any person or corporation, or any director, officer, owner, or manager of a corporation to use a corporation, to deposit, store or transport waste water, "produced" water, "frack" water, "flow-back," brine or other materials or by-products from unconventional development of natural gas from shale formations, within, upon or through the land, air or waters of Ferguson Township.
 3. It shall be unlawful for any person or corporation, or any director, officer, owner, or manager of a corporation to use a corporation, to engage in the creation of fossil fuel, nuclear or other non-sustainable energy production and delivery infrastructures, such as pipelines, processing facilities, compressors, or storage and transportation facilities of any sort that would violate the right to a sustainable energy future for residents of Ferguson Township.
 4. Corporations and persons using corporations to engage in natural gas extraction in a neighboring municipality, county or state shall be strictly liable for all harms caused to natural water sources, ecosystems, and human and natural communities within Ferguson Township.
 5. Corporations in violation of the prohibition against natural gas extraction, or seeking to engage in natural gas extraction shall not have the rights of "persons" afforded by the United States and Pennsylvania Constitutions, nor shall those corporations be afforded the protections of the commerce or contracts clauses within the United States Constitution or corresponding sections of the Pennsylvania Constitution.
 6. Corporations engaged in the extraction of natural gas shall not possess the authority or power to enforce State or federal preemptive law against the people of Ferguson Township, or to challenge or overturn municipal ordinances or Charter provisions adopted by the Ferguson Township Council.No permit, license, privilege or charter issued by any State or federal agency, Commission or Board to any person or any corporation operating under a State charter, or any director, officer, owner, or manager of a corporation operating under a State charter, which would violate the prohibitions of this Charter provision or deprive any Township resident(s), natural community, or ecosystem of any rights, privileges, or immunities secured by this Charter, the Pennsylvania Constitution, the United States Constitution, or other laws, shall be deemed valid within Ferguson Township.
8. The provisions of this section are severable. If any court of competent jurisdiction decides that any sub-section, clause, sentence, part, or provision of this section is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sub-sections, clauses, parts, or provisions of this Bill of Rights and its prohibitions. The People of Ferguson Township hereby declare that in the event of such a decision, and the determination that the court's ruling is legitimate, they would have enacted this amendment even without the sub-section, clause, sentence, part, or provision that the court decides is illegal, invalid, or unconstitutional. All inconsistent provisions of prior Ordinances and zoning Ordinances adopted at any time by Ferguson Township are hereby held in abeyance, but shall take immediate effect in the event this Bill of Rights and its protective prohibitions are overturned.

CENTRE COUNTY
ELECTION OFFICE
BELLEFONTE, PA 16823
FILED

2012 AUG 6 PM 4:00

SIGNERS ARE CAUTIONED TO AVOID THE USE OF DITTO MARKS

D	51 FERGUSON EAST	E		F	November 6, 2012
<p style="text-align: center;">Ferguson Township Referendum Question</p> <p>"Shall the Ferguson Township Home Rule Charter be amended to add a Community Bill of Rights enumerating rights to pure water, clean air, rights of natural communities, a sustainable energy future, and local self-government, and to secure those rights by prohibiting corporations from extracting natural gas in Ferguson Township, from installing pipelines and compressor stations and from depositing, storing, or transporting waste water or other by-products of natural gas development within Ferguson Township?"</p> <p> <input type="radio"/> YES <input type="radio"/> NO </p> <p style="text-align: center;">END OF BALLOT</p> <div style="text-align: center;">  <hr/>  <hr/> </div> <p>CENTRE COUNTY BOARD OF ELECTIONS</p>					
D		E		F	Typ:01 Seq:0051 Spl:01

SPECIMEN

[co.centre.pa.us](http://www.co.centre.pa.us)
[http://www.co.centre.pa.us/elections/results/results.asp?](http://www.co.centre.pa.us/elections/results/results.asp?FolderName=2012_general_election&FileName=2012_general_accumulated_results)
[FolderName=2012_general_election&FileName=2012_general_accumulated_results](http://www.co.centre.pa.us/elections/results/results.asp?FolderName=2012_general_election&FileName=2012_general_accumulated_results)

Centre County Government

Election Results: 2012 General Election



Unofficial Election Results

- [PDF] indicates a link to an Adobe PDF file, which requires [Adobe Acrobat Reader](#) for viewing.
- Election results remain unofficial until certified by the Board of Elections.

Note: Results do not update automatically. To update results, [click here](#) or use your browser's Refresh button.

[Back](#)

SUMMARY REPORT
 RUN DATE:11/07/12
 RUN TIME:12:21 AM

UNOFFICIAL
 2012 GENERAL ELECTION

UNOFFICIAL

	VOTES	PERCENT
PRECINCTS COUNTED (OF 89)	89	100.00
REGISTERED VOTERS - TOTAL	112,920	
BALLOTS CAST - TOTAL	69,212	
VOTER TURNOUT - TOTAL		61.29
STRAIGHT PARTY		
VOTE FOR NOT MORE THAN 1		
REPUBLICAN PARTY (REP)	13,839	49.09
DEMOCRATIC PARTY (DEM)	13,909	49.34
GREEN PARTY (GRN)	95	.34
LIBERTARIAN PARTY (LIB)	349	1.24
OVER VOTES	23	
UNDER VOTES	40,997	
PRESIDENTIAL ELECTORS		
VOTE FOR NOT MORE THAN 1		
MITT ROMNEY, PRESIDENT (REP)	33,697	48.80
BARACK OBAMA, PRESIDENT (DEM)	33,677	48.77
JILL STEIN, PRESIDENT (GRN)	396	.57
GARY JOHNSON, PRESIDENT (LIB)	1,031	1.49
WRITE-IN	256	.37

OVER VOTES 20
 UNDER VOTES 135

UNITED STATES SENATOR

VOTE FOR NOT MORE THAN 1
 TOM SMITH (REP) 31,900 46.92
 BOB CASEY, JR (DEM) 33,791 49.71
 RAYBURN DOUGLAS SMITH (LIB) 2,195 3.23
 WRITE-IN. 97 .14
 OVER VOTES 9
 UNDER VOTES 1,220

ATTORNEY GENERAL

VOTE FOR NOT MORE THAN 1
 DAVID J. FREED (REP). 26,508 39.43
 KATHLEEN G. KANE (DEM) 37,832 56.27
 MARAKAY J. ROGERS (LIB). 2,802 4.17
 WRITE-IN. 92 .14
 OVER VOTES 14
 UNDER VOTES 1,964

AUDITOR GENERAL

VOTE FOR NOT MORE THAN 1
 JOHN MAHER (REP) 32,221 48.62
 EUGENE A. DEPASQUALE (DEM). 29,318 44.24
 BETSY ELIZABETH SUMMERS (LIB). 4,625 6.98
 WRITE-IN. 108 .16
 OVER VOTES 9
 UNDER VOTES 2,931

STATE TREASURER

VOTE FOR NOT MORE THAN 1
 DIANA IREY VAUGHAN (REP) 30,321 45.90
 ROBERT M. MCCORD (DEM) 31,701 47.99
 PATRICIA M. FRYMAN (LIB) 3,899 5.90
 WRITE-IN. 142 .21
 OVER VOTES 16
 UNDER VOTES 3,133

REPRESENTATIVE IN CONGRESS 5TH CONGRESSIONAL

VOTE FOR NOT MORE THAN 1
 GLENN THOMPSON (REP). 36,766 54.72
 CHARLES DUMAS (DEM) 30,268 45.05
 WRITE-IN. 153 .23
 OVER VOTES 7
 UNDER VOTES 2,018

SENATOR IN THE GENERAL ASSEMBLY 35TH SENATORIAL

VOTE FOR NOT MORE THAN 1
 TIMOTHY P. HOUSER (REP). 1,186 44.86
 JOHN N. WOZNIAK (DEM) 1,456 55.07
 WRITE-IN. 2 .08
 OVER VOTES 2
 UNDER VOTES 45

REPRESENTATIVE IN THE GENERAL ASSEMBLY 76TH LEGISLATIVE

VOTE FOR NOT MORE THAN 1
 MTKF HANNA (DEM) 6,164 97.69

WRITE-IN.	.	.	.	.	.	.	.	.	.	146	2.31
OVER VOTES	.	.	.	.	.	.	.	.	.	2	
UNDER VOTES	.	.	.	.	.	.	.	.	.	2,330	
REPRESENTATIVE IN THE GENERAL ASSEMBLY 77TH LEGISLATIVE											
VOTE FOR NOT MORE THAN 1											
RON REESE (REP)	.	.	.	.	.	.	.	.	.	10,517	34.41
H. SCOTT CONKLIN (DEM)	.	.	.	.	.	.	.	.	.	19,974	65.34
WRITE-IN.	.	.	.	.	.	.	.	.	.	77	.25
OVER VOTES	.	.	.	.	.	.	.	.	.	5	
UNDER VOTES	.	.	.	.	.	.	.	.	.	966	
REPRESENTATIVE IN THE GENERAL ASSEMBLY 171ST LEGISLATIVE											
VOTE FOR NOT MORE THAN 1											
KERRY A. BENNINGHOFF (REP)	.	.	.	.	.	.	.	.	.	17,552	62.82
CHRISTOPHER G. LEE (DEM)	.	.	.	.	.	.	.	.	.	10,278	36.79
WRITE-IN.	.	.	.	.	.	.	.	.	.	109	.39
OVER VOTES	.	.	.	.	.	.	.	.	.	8	
UNDER VOTES	.	.	.	.	.	.	.	.	.	1,084	
FERGUSON											
VOTE FOR NOT MORE THAN 1											
YES	.	.	.	.	.	.	.	.	.	4,235	52.17
NO.	.	.	.	.	.	.	.	.	.	3,883	47.83
OVER VOTES	.	.	.	.	.	.	.	.	.	2	
UNDER VOTES	.	.	.	.	.	.	.	.	.	771	
HARRIS											
VOTE FOR NOT MORE THAN 1											
YES	.	.	.	.	.	.	.	.	.	1,471	49.38
NO.	.	.	.	.	.	.	.	.	.	1,508	50.62
OVER VOTES	.	.	.	.	.	.	.	.	.	0	
UNDER VOTES	.	.	.	.	.	.	.	.	.	175	