

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 1094 Session of 2020

INTRODUCED BY DIAMOND, NELSON, SCHEMEL, ROTHMAN, RYAN, KEEFER, JONES, ROWE, PUSKARIC, GLEIM, COOK, DUSH, BOROWICZ, ZIMMERMAN, METCALFE, MALONEY, MOUL, ROAE, RAPP, COX, KAUFFMAN, DAVANZO, DOWLING, IRVIN, BERNSTINE, LEWIS, GREINER, WARNER, OWLETT, TOBASH, MACKENZIE, METZGAR, SANKEY, KNOWLES, WHEELAND, JOZWIAK, B. MILLER, RIGBY AND HICKERNELL, NOVEMBER 30, 2020

REFERRED TO COMMITTEE ON STATE GOVERNMENT, NOVEMBER 30, 2020

A RESOLUTION

1 Declaring the results of Statewide electoral contests in the  
2 2020 general election to be in dispute.

3 WHEREAS, Article I, Section 4, Clause 1 of the Constitution  
4 of the United States empowers state legislatures, including the  
5 General Assembly of the Commonwealth of Pennsylvania, to  
6 prescribe the "Times, Places, and Manner" of conducting  
7 elections; and

8 WHEREAS, Article II, Section 1, Clause 2 of the Constitution  
9 of the United States empowers state legislatures, including the  
10 General Assembly of the Commonwealth of Pennsylvania, to direct  
11 the manner of appointing electors for President and Vice  
12 President of the United States; and

13 WHEREAS, The General Assembly of the Commonwealth of  
14 Pennsylvania has exercised its authority to establish election  
15 administration procedures for the Commonwealth under the act of

1 June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania  
2 Election Code; and

3 WHEREAS, The Pennsylvania Election Code requires all mail-in  
4 ballots to be received by 8 p.m. on the day of the election; and

5 WHEREAS, The Pennsylvania Election Code requires election  
6 officials at polling places to authenticate the signatures of  
7 in-person voters; and

8 WHEREAS, The Pennsylvania Election Code requires that county  
9 boards of elections shall not meet to conduct a pre-canvass of  
10 all absentee and mail-in ballots until 7 a.m. on election day,  
11 during which time defects on mail-in ballots would be  
12 identified; and

13 WHEREAS, The Pennsylvania Election Code prohibits the  
14 counting of defective absentee or mail-in ballots; and

15 WHEREAS, The Pennsylvania Election Code authorizes  
16 "watchers," selected by candidates and political parties, to  
17 observe the process of canvassing absentee and mail-in ballots;  
18 and

19 WHEREAS, The Commonwealth conducted an election on November  
20 3, 2020, for Federal offices, including selecting electors for  
21 President and Vice President of the United States; and

22 WHEREAS, Officials in the Executive and Judicial Branches of  
23 the Commonwealth infringed upon the General Assembly's authority  
24 under the Constitution of the United States by unlawfully  
25 changing the rules governing the November 3, 2020, election in  
26 the Commonwealth; and

27 WHEREAS, On September 17, 2020, less than seven weeks before  
28 the November 3, 2020, election, the partisan majority on the  
29 Supreme Court of Pennsylvania unlawfully and unilaterally  
30 extended the deadline for mail-in ballots to be received and

1 mandated that ballots mailed without a postmark would be  
2 presumed to be received timely and could be accepted without a  
3 verified voter signature; and

4 WHEREAS, On October 23, 2020, less than two weeks before the  
5 November 3, 2020, election and upon a petition from the  
6 Secretary of the Commonwealth, the Supreme Court of Pennsylvania  
7 ruled that county boards of election need not authenticate  
8 signatures for mail-in ballots, thereby treating in-person and  
9 mail-in voters dissimilarly and eliminating a critical safeguard  
10 against potential election crime; and

11 WHEREAS, On November 2, 2020, the night before the November  
12 3, 2020, election and prior to the prescribed time for pre-  
13 canvassing mail-in ballots, the office of the Secretary of the  
14 Commonwealth encouraged certain counties in this Commonwealth to  
15 notify party and candidate representatives of mail-in voters  
16 whose ballots contained defects; and

17 WHEREAS, Heavily Democrat counties permitted mail-in voters  
18 to cure ballot defects while heavily Republican counties  
19 followed the law and invalidated defective ballots; and

20 WHEREAS, In certain counties in this Commonwealth, watchers  
21 were not allowed to meaningfully observe the pre-canvassing and  
22 canvassing activities relating to absentee and mail-in ballots;  
23 and

24 WHEREAS, In other parts of this Commonwealth, watchers  
25 observed irregularities concerning the pre-canvassing and  
26 canvassing of absentee and mail-in ballots; and

27 WHEREAS, Postal employees in Pennsylvania have reported  
28 anomalies relating to mail-in ballots, including multiple  
29 ballots delivered to a single address with unfamiliar  
30 addressees, ballots mailed to vacant homes and empty lots and

1 ballots mailed to addresses that did not exist; and

2 WHEREAS, Witnesses testifying before the Pennsylvania Senate  
3 Majority Policy Committee on November 25, 2020, have provided  
4 additional compelling information regarding the questionable  
5 nature of the administration of the 2020 general election; and

6 WHEREAS, There remains ongoing litigation concerning the  
7 administration of the November 3, 2020, election in this  
8 Commonwealth; and

9 WHEREAS, In 2016, Pennsylvania's general election results  
10 were certified on December 12, 2016, and on November 24, 2020,  
11 the Secretary of the Commonwealth unilaterally and prematurely  
12 certified results of the November 3, 2020, election regarding  
13 presidential electors despite ongoing litigation; and

14 WHEREAS, The Pennsylvania House of Representatives has the  
15 duty to ensure that no citizen of this Commonwealth is  
16 disenfranchised, to insist that all elections are conducted  
17 according to the law, and to satisfy the general public that  
18 every legal vote is counted accurately; therefore be it

19 RESOLVED, That the House of Representatives:

20 (1) Recognize allegations of substantial irregularities  
21 and improprieties associated with mail-in balloting, pre-  
22 canvassing and canvassing during the November 3, 2020,  
23 election.

24 (2) Disapprove of the infringement on the General  
25 Assembly's authority pursuant to the Constitution of the  
26 United States to regulate elections.

27 (3) Disapprove of and disagree with the Secretary of the  
28 Commonwealth's premature certification of the results of the  
29 November 3, 2020, election regarding presidential electors.

30 (4) Declare that the selection of presidential electors

1 and other Statewide electoral contest results in this  
2 Commonwealth is in dispute.

3 (5) Urge the Secretary of the Commonwealth and the  
4 Governor to withdraw or vacate the certification of  
5 presidential electors and to delay certification of results  
6 in other Statewide electoral contests voted on at the 2020  
7 general election.

8 (6) Urge the United States Congress to declare the  
9 selection of presidential electors in this Commonwealth to be  
10 in dispute.