

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 1032 Session of 2020

INTRODUCED BY EVERETT, SEPTEMBER 28, 2020

REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 28, 2020

A RESOLUTION

1 Establishing the Select Committee on Election Integrity to
2 investigate, review and make recommendations concerning the
3 regulation and conduct of the 2020 general election.

4 WHEREAS, The Elections Clause of the Constitution of the
5 United States, Article I, Section 4, Clause 1, as well as
6 provisions of the Constitution of Pennsylvania, provide that the
7 General Assembly is empowered to regulate the time, place and
8 manner of elections; and

9 WHEREAS, This Commonwealth has traditionally only allowed
10 absentee voting by individuals with a statutorily defined excuse
11 to do so, such as a physical disability or absence from their
12 municipality on election day; and

13 WHEREAS, Before the enactment of Act 77 of 2019, for an
14 individual to vote absentee in this Commonwealth, the individual
15 must have provided a permissible reason to do so, received an
16 absentee ballot and returned the absentee ballot no later than
17 5:00 p.m. on the Friday before election day; and

18 WHEREAS, In addition to allocating \$90 million to ensure that
19 Pennsylvanians could vote safely and securely on modern voting

1 machines, Act 77 of 2019 created a new category of mail-in
2 voting; and

3 WHEREAS, As a result of Act 77 of 2019, mail-in voters do not
4 have to provide a customary reason to vote by mail and are able
5 to return their ballots several days later than had
6 traditionally been allowed; and

7 WHEREAS, After the enactment of Act 77 of 2019, the General
8 Assembly continued to work diligently to fine-tune these
9 election reforms by enacting Act 94 of 2019, which streamlined
10 operations to ensure that ballot materials were suitable to
11 allow the ballots to be properly scanned; and

12 WHEREAS, As the COVID-19 pandemic upended seemingly every
13 facet of American life, once again, the General Assembly
14 provided additional election reforms in Act 12 of 2020,
15 including numerous accommodations, to ensure that the 2020
16 primary election could be conducted even amidst the COVID-19
17 pandemic; and

18 WHEREAS, In addition to other election reforms, Act 12 of
19 2020 moved the date of the 2020 primary election to allow more
20 time to flatten the curve and protect the health of
21 Pennsylvania's voters; and

22 WHEREAS, After the 2020 primary election, the General
23 Assembly enacted Act 35 of 2020 to require a report on the 2020
24 primary election, including information concerning the recent
25 reforms of Act 77 of 2019 and Act 12 of 2020; and

26 WHEREAS, More recently, the House of Representatives
27 developed and passed House Bill No. 2626, Printer's No. 4335,
28 which provides for another series of reforms to improve the
29 election process in this Commonwealth; and

30 WHEREAS, The publicly accessible Internet website of the

1 Department of State of the Commonwealth explains that "[t]he
2 Secretary is Pennsylvania's Chief Election Official"; and

3 WHEREAS, The Department of State has provided guidance
4 documents for distribution to the county boards of elections,
5 including guidance that naked ballots, without the secrecy
6 envelope, should be counted and that absentee or mail-in ballots
7 could not be set aside based solely on signature analysis; and

8 WHEREAS, In light of longstanding Pennsylvania law and as
9 recognized in the majority and concurring opinions of the
10 Supreme Court of Pennsylvania in *Pennsylvania Democratic Party*
11 *v. Boockvar*, the guidance documents provided by the Department
12 of State include clearly erroneous information; and

13 WHEREAS, The guidance documents and other communications from
14 the Department of State have apparently resulted in confusion
15 among county officials; and

16 WHEREAS, A recent media report noted that more than a dozen
17 counties have experienced the loss of election directors or
18 deputy directors in the last year; and

19 WHEREAS, The same media report quoted a county election
20 official saying that the Department of State, "keeps changing
21 everything so we have to keep throwing stuff away"; and

22 WHEREAS, Recent actions by the Department of State call into
23 question whether the Commonwealth's administration of election
24 laws should be assigned to a different entity; and

25 WHEREAS, It is imperative that the General Assembly, on
26 behalf of the people of this Commonwealth, have access to a
27 comprehensive investigation and review of the regulation and
28 conduct of the 2020 general election, as well as events leading
29 up to the 2020 general election, in order to determine the need
30 to enact legislation before or after the 2020 general election;

1 therefore be it

2 RESOLVED, That the House of Representatives establish the
3 Select Committee on Election Integrity to investigate, review
4 and make recommendations concerning the regulation and conduct
5 of the 2020 general election; and be it further

6 RESOLVED, That the select committee be authorized and
7 empowered to investigate, review and make findings and
8 recommendations regarding the regulation and conduct of the 2020
9 general election, including all of the following:

10 (1) Actions taken, instructions provided and information
11 distributed by the Department of State and the Secretary of
12 the Commonwealth concerning the 2020 general election.

13 (2) Actions taken, instructions provided and information
14 distributed by the county boards of elections.

15 (3) Best practices of other states concerning the
16 regulation and conduct of the 2020 general election.

17 (4) Legislative, regulatory or other changes to improve
18 the conduct of the 2020 general election or subsequent
19 elections;

20 and be it further

21 RESOLVED, That the select committee consist of five members
22 of the House of Representatives, including three members from
23 the majority caucus of the House of Representatives and two
24 members from the minority caucus of the House of
25 Representatives; and be it further

26 RESOLVED, That the Speaker of the House of Representatives
27 appoint the chair of the select committee from among the members
28 of the select committee; and be it further

29 RESOLVED, That the select committee hold hearings, call
30 witnesses, take testimony and make investigations at places as

1 the select committee deems necessary within this Commonwealth;
2 and be it further

3 RESOLVED, That the chair of the select committee, on behalf
4 of the select committee, be authorized and empowered to do all
5 of the following:

6 (1) Send for persons and papers and subpoena witnesses,
7 documents and other materials under the hand and seal of the
8 chair.

9 (2) Administer oaths to witnesses.

10 (3) Take testimony.

11 (4) Prepare and file pleadings and other legal
12 documents.

13 (5) Employ staff for the use of the select committee;
14 and be it further

15 RESOLVED, That the Sergeant-at-Arms or other person
16 designated by the chair of the select committee serve the
17 process of the select committee and execute the orders of the
18 chair and the select committee; and be it further

19 RESOLVED, That the select committee be authorized to sit
20 during the sessions of the House of Representatives; and be it
21 further

22 RESOLVED, That the expenses of the investigation be paid by
23 the Chief Clerk of the House of Representatives from
24 appropriation accounts under the Chief Clerk's exclusive control
25 and jurisdiction, upon a written request approved by the Speaker
26 of the House of Representatives, the Majority Leader of the
27 House of Representatives or the Minority Leader of the House of
28 Representatives; and be it further

29 RESOLVED, That the State Government Committee of the House of
30 Representatives assist the select committee to the fullest

1 extent possible; and be it further

2 RESOLVED, That, upon adoption of this resolution by the House
3 of Representatives, the Chief Clerk of the House of
4 Representatives transmit a copy of this resolution to the
5 Secretary of the Commonwealth and each of the county boards of
6 elections; and be it further

7 RESOLVED, That the select committee submit interim and final
8 reports, as necessary, of its findings with its recommendations
9 for appropriate legislation or other action to the members of
10 the House of Representatives at the earliest practicable date.