

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.