

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 410 Session of
2020

INTRODUCED BY MASTRIANO, ARNOLD, BROOKS, SCAVELLO, REGAN,
PHILLIPS-HILL, PITTMAN AND J. WARD, NOVEMBER 30, 2020

REFERRED TO STATE GOVERNMENT, NOVEMBER 30, 2020

A CONCURRENT RESOLUTION

1 Disputing the 2020 General Election and urging the United States
2 Congress to recognize and count as the Commonwealth of
3 Pennsylvania's electoral votes for President and Vice
4 President only the electoral votes as are certified directly
5 by the Senate and House of Representatives by subsequent
6 concurrent resolution.

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

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

17 WHEREAS, The General Assembly of the Commonwealth of
18 Pennsylvania has exercised its authority to establish election
19 administration procedures for the Commonwealth, known as the
20 Pennsylvania Election Code; and

1 WHEREAS, The Pennsylvania Election Code requires all mail-in
2 ballots to be received by eight o'clock P.M. on the day of the
3 election; and

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

7 WHEREAS, The Pennsylvania Election Code requires mail-in
8 ballots to be received in the office of the county board of
9 elections and makes no mention of "satellite locations" to be
10 solely used for the collection of "mail-in" ballots; and

11 WHEREAS, The Pennsylvania Election Code requires that county
12 boards of elections shall not meet to conduct a pre-canvass of
13 all absentee and mail-in ballots until seven o'clock A.M. on
14 Election Day, during which time defects on mail-in ballots would
15 be identified; and

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

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

22 WHEREAS, The Commonwealth of Pennsylvania conducted an
23 election on November 3, 2020, for Federal offices, including
24 selecting electors for President and Vice President of the
25 United States; and

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

1 WHEREAS, On September 17, 2020, less than seven weeks before
2 the November 3, 2020, election, the partisan majority on the
3 Supreme Court of the Commonwealth of Pennsylvania unlawfully and
4 unilaterally extended the deadline for mail-in ballots to be
5 received, mandated that ballots mailed without a postmark would
6 be presumed to be received timely, and could be accepted without
7 a verified voter signature; and

8 WHEREAS, On October 23, 2020, less than two weeks before the
9 November 3, 2020, election and upon a petition from the
10 Secretary of the Commonwealth, the Supreme Court of the
11 Commonwealth of Pennsylvania issued a ruling against signature
12 verification of mail in-ballots, thereby treating in-person and
13 mail-in voters dissimilarly and eliminating a critical safeguard
14 against potential election crime; and

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

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

24 WHEREAS, In certain counties in this Commonwealth, watchers
25 were not allowed to meaningfully observe the pre-canvassing and
26 canvassing activities relating to absentee and mail-in ballots;
27 and

28 WHEREAS, In other parts of this Commonwealth, watchers
29 observed irregularities concerning the pre-canvassing and
30 canvassing of absentee and mail-in ballots; and

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

5 WHEREAS, These and other actions of the Secretary of the
6 Commonwealth and other election officials and actions taken at
7 their direction or under their purview resulted in great
8 confusion, the inconsistent application of rules and practices
9 across this Commonwealth, insecurity and uncertainty regarding
10 the collection, handling, storage, pre-canvassing, canvassing,
11 counting, tabulation and reporting of votes and has undermined
12 the legitimacy and accuracy of the vote count arising from mail-
13 in ballots in certain counties in the Commonwealth; and

14 WHEREAS, The actions of the Secretary of the Commonwealth and
15 others have been contrary to the direction of the General
16 Assembly regarding the conduct of the November 3, 2020, election
17 for presidential electors in this Commonwealth; and

18 WHEREAS, There remains ongoing litigation concerning the
19 administration of the November 3, 2020, election in this
20 Commonwealth; and

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

26 WHEREAS, The General Assembly has the duty to ensure that no
27 citizen of this Commonwealth is disenfranchised, to insist that
28 all elections are conducted according to the law and to satisfy
29 the general public that every legal vote is counted accurately;
30 therefore be it

1 RESOLVED (the House of Representatives concurring), That the
2 General Assembly:

3 (1) Recognize substantial irregularities and
4 improprieties associated with mail-in balloting, pre-
5 canvassing and canvassing during the November 3, 2020,
6 election;

7 (2) Disapprove of the infringement on the General
8 Assembly's sole authority pursuant to the Constitution of the
9 United States to regulate the selection of Electoral College
10 delegates;

11 (3) Disapprove of and reject the Secretary of the
12 Commonwealth's premature certification of the results of the
13 November 3, 2020, election regarding presidential electors;

14 (4) Declare that the selection of presidential electors
15 and other Statewide electoral contest results in this
16 Commonwealth is in dispute;

17 (5) Direct that, pursuant to our authority granted in
18 Article II of the Constitution of the United States and the
19 numerous illegal acts committed, encouraged and ignored by
20 the Governor, Secretary of State and certain election
21 officials, the General Assembly takes back and reserves the
22 power to designate presidential electors for the Commonwealth
23 of Pennsylvania for the December 2020 meeting of the
24 Electoral College and withdraws any prior statement or
25 direction to the contrary given by the General Assembly or
26 any other official or body;

27 (6) Direct the Secretary of the Commonwealth and the
28 Governor to withdraw and vacate the certification of
29 presidential electors and to delay certification of results
30 in other Statewide electoral contests voted on at the 2020

1 General Election;

2 (7) Command all presidential electors and other
3 officials to act in conformity with this concurrent
4 resolution and to not interfere with the authority of the
5 General Assembly under Article II, Section 1, Clause 2 and
6 under Article I, Section 4, Clause 1 of the Constitution of
7 the United States; and

8 (8) Urge the United States Congress to recognize and
9 count as the Commonwealth of Pennsylvania's electoral votes
10 for President and Vice President only the electoral votes as
11 are certified directly by the Senate and the House of
12 Representatives by subsequent concurrent resolution;
13 therefore be it

14 RESOLVED, That, upon passage, this concurrent resolution be
15 transmitted to the Governor.