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Senate of Pennsylvania Session of 2019 - 2020 Regular Session MEMORANDUM

Posted: November 27, 2020 07:33 PM
From: [Senator Doug Mastriano](#) and [Sen. David J. Arnold, Jr.](#), [Sen. Michele Brooks](#), [Sen. Mario M. Scavello](#)
To: All Senate members
Subject: RESOLUTION: Disputing the 2020 General Election

In the immediate future, we will be introducing the following resolution:

A RESOLUTION

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

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

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

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

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

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

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

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

WHEREAS, the Pennsylvania Election Code authorizes “watchers,” selected by candidates and political parties, to observe the process of canvassing absentee and mail-in ballots; and

WHEREAS, the Commonwealth conducted an election on November 3, 2020 for federal offices, including selecting electors for President and Vice President of the United States; and

WHEREAS, officials in the Executive and Judicial Branches of the Commonwealth infringed upon the General Assembly’s authority under the United States Constitution by unlawfully changing the rules governing the November 3, 2020 election in the Commonwealth; and

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

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

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

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

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

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

WHEREAS, postal employees in Pennsylvania have reported anomalies relating to mail-in ballots, including multiple ballots delivered to a single address with unfamiliar addressees, ballots mailed to vacant homes, empty lots, and addresses that did not exist; and

WHEREAS, witnesses testifying before the Pennsylvania Senate Majority Policy Committee on November 25, 2020 have provided additional compelling information regarding the questionable nature of the administration of the 2020 General Election; and

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

WHEREAS, the actions of the Secretary of the Commonwealth and others have been contrary to the direction of the Pennsylvania General Assembly regarding the conduct of the November 3, 2020 election for presidential electors in the Commonwealth; and

WHEREAS, there remains ongoing litigation concerning the administration of the November 3, 2020

election in the Commonwealth; and

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

WHEREAS, the Pennsylvania Senate has the duty to ensure that no citizen of this Commonwealth is disenfranchised, to insist that all elections are conducted according to the law, and to satisfy the general public that every legal vote is counted accurately;

THEREFORE, be it RESOLVED that the Pennsylvania Senate —

1. Recognizes substantial irregularities and improprieties associated with mail-in balloting, pre-canvassing, and canvassing during the November 3, 2020 election; and
2. Finds, based on the facts and evidence presented and our own Board of Elections data, that the Presidential election held on November 3, 2020, in Pennsylvania is irredeemably corrupted; and
3. Disapproves of the infringement on the General Assembly's sole authority pursuant to the United States Constitution to regulate the selection of Electoral College delegates; and
4. Disapproves of and rejects the Secretary of the Commonwealth's premature certification of the results of the November 3, 2020 election regarding presidential electors; and
5. Declares that the selection of presidential electors and other statewide electoral contest results in this Commonwealth is in dispute; and
6. Directs that, pursuant to our authority granted in Article II of the United States Constitution and the numerous illegal acts committed, encouraged and ignored by the Governor, Secretary of State, and certain election officials, we hereby take back and reserve to the Pennsylvania General Assembly the power to designate Presidential electors for the State of Pennsylvania for the December, 2020 meeting of the Electoral College and withdraw any prior statement or direction to the contrary given by us or any other official or body; and
7. Directs the Secretary of the Commonwealth and the Governor to withdraw and vacate the certification of presidential electors and to delay certification of results in other statewide electoral contests voted on at the 2020 General Election; and
8. Commands all Presidential electors and other officials to act in conformity with this resolution and not interfere with the authority of the Pennsylvania General Assembly under Article II, Section 1, Clause 2 and under Article I, Section 4, Clause 1 of the United States Constitution; and
9. Urges the United States Congress to recognize and count as the State of Pennsylvania's electoral votes for President and Vice-President only such electoral votes as are certified directly by the Pennsylvania House of Representatives and the Pennsylvania Senate by subsequent resolution.