

A JOINT RESOLUTION

Declaring, in response to significant activities contravening the Pennsylvania Election Code, that the November 3, 2020 Pennsylvania General Election to appoint electors of President and Vice President is unlawful, void ab initio, and invalid, that the Commonwealth has failed to appoint electors of President and Vice President on the day prescribed by law; and exercising the plenary power of the General Assembly, under the Constitution of the United States, to appoint electors of President and Vice President.

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

WHEREAS, this election authority is further prescribed in Article VII of the Constitution of the Commonwealth of Pennsylvania; and

WHEREAS, Article I Section 5 of the Constitution of the Commonwealth of Pennsylvania states "Elections shall be free and equal;" and

WHEREAS, Article VII, Section 6 of the Constitution of the Commonwealth of Pennsylvania states "All laws regulating the holding of elections by the citizens, or for the registration of electors, shall be uniform throughout the state;" and

WHEREAS, Article II Section 1 of the Constitution of the Commonwealth of Pennsylvania states "The legislative power of this Commonwealth shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives;" 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 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 the purpose of appointing electors of President and Vice President of the United States; and

WHEREAS, on September 17, 2020, less than seven weeks before the November 3, 2020 election, the Supreme Court 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 of Pennsylvania, the Supreme Court of Pennsylvania ruled that county Boards of Election 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 of Pennsylvania encouraged certain counties to notify party and candidate representatives of mail-in voters whose ballots contained defects; and

WHEREAS, predominantly Democratic counties permitted mail-in voters to cure defective ballot submissions while predominantly Republican counties followed the law and invalidated defective ballot submissions; and

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

WHEREAS, officials in the Executive and Judicial branches of the Commonwealth infringed upon the General Assembly's authority under the Constitution of the United States and the Constitution of the Commonwealth of Pennsylvania by issuing decisions and providing guidance contravening the express provisions of the Pennsylvania Election Code; and

WHEREAS, election officials in certain counties of the Commonwealth acted upon those decisions and guidance by the Executive and Judicial branches of the Commonwealth; and

WHEREAS, election officials in certain counties of the Commonwealth took further actions to contravene the provisions of the Pennsylvania Election Code; and

WHEREAS, 3 U.S. Code Section 1 states "The electors of President and Vice President shall be appointed, in each State, on the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and Vice President;" and

WHEREAS, the aforementioned events tainted and doomed the entirety of the process of appointing electors of President and Vice President on the day prescribed by law; and

WHEREAS, 3 U.S. Code Section 2 states "Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct;" and

WHEREAS, Article VI, Section 2, Clause 2 of the Constitution of the United States states "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all

Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding;" therefore be it

RESOLVED that the Pennsylvania General Assembly -

- (1) Declares the aforementioned to be findings of fact; and
- (2) Condemns all infringement on the General Assembly's authority to establish election law pursuant to the Constitution of the United States and the Constitution of the Commonwealth of Pennsylvania; and
- 93) Declares the November 3, 2020 election process for appointing electors of President and Vice President for the Commonwealth of Pennsylvania as neither equal nor uniform, but instead as unlawful, void ab initio, and the results thereof invalid; and
- (4) Declares that the Commonwealth of Pennsylvania has failed to appoint electors of President and Vice President on the day prescribed by law in 3 U.S. Code Section 1; and
- (5) Exercises its plenary power to appoint electors of President and Vice President as provided in Article II, Section 1, Clause 2 of the Constitution of the United States; and
- (6) Appoints the following qualified individuals as the electors of President and Vice President for the Commonwealth of Pennsylvania:

- a) Elector 1
- b) Elector 2
- c) Elector 3
- d) Elector 4
- e) Elector 5
- f) Elector 6
- g) Elector 7
- h) Elector 8
- i) Elector 9
- j) Elector 10
- k) Elector 11

- l) Elector 12
- m) Elector 13
- n) Elector 14
- o) Elector 15
- p) Elector 16
- q) Elector 17
- r) Elector 18
- s) Elector 19
- t) Elector 20; and

(7) Affirms the authority to pursue the aforementioned under the provisions of Article VI, Section 2, Clause 2 of the Constitution of the United States; and

(8) Certifies these appointees as electors of President and Vice President for the Commonwealth of Pennsylvania; and

(9) Commands all electors of President and Vice President and other officials to act in conformity with this concurrent resolution and to not interfere with the authority of the General Assembly under Article II, Section 1, Clause 2 of the Constitution of the United States; and

(10) Urges the Congress of the United States to recognize and count as the Commonwealth of Pennsylvania's electoral votes for President and Vice President only the electoral votes cast by the electors of President and Vice President appointed and certified in this concurrent resolution; and therefore be it further

RESOLVED, That, upon passage, this joint resolution be transmitted to the Governor and the Congress of the United States.