A RESOLUTION

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

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

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

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

WHEREAS, In addition to allocating $90 million to ensure that Pennsylvanians could vote safely and securely on modern voting
machines, Act 77 of 2019 created a new category of mail-in
voting; and

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

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

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

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

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

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

WHEREAS, The publicly accessible Internet website of the
Department of State of the Commonwealth explains that "[t]he Secretary is Pennsylvania's Chief Election Official"; and

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

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

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

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

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

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

WHEREAS, It is imperative that the General Assembly, on behalf of the people of this Commonwealth, have access to a comprehensive investigation and review of the regulation and conduct of the 2020 general election, as well as events leading up to the 2020 general election, in order to determine the need to enact legislation before or after the 2020 general election;
therefore be it
RESOLVED, That the House of Representatives establish the Select Committee on Election Integrity to investigate, review and make recommendations concerning the regulation and conduct of the 2020 general election; and be it further RESOLVED, That the select committee be authorized and empowered to investigate, review and make findings and recommendations regarding the regulation and conduct of the 2020 general election, including all of the following:

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

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

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

(4) Legislative, regulatory or other changes to improve the conduct of the 2020 general election or subsequent elections;
and be it further RESOLVED, That the select committee consist of five members of the House of Representatives, including three members from the majority caucus of the House of Representatives and two members from the minority caucus of the House of Representatives; and be it further RESOLVED, That the Speaker of the House of Representatives appoint the chair of the select committee from among the members of the select committee; and be it further RESOLVED, That the select committee hold hearings, call witnesses, take testimony and make investigations at places as
the select committee deems necessary within this Commonwealth; and be it further
RESOLVED, That the chair of the select committee, on behalf of the select committee, be authorized and empowered to do all of the following:

1. Send for persons and papers and subpoena witnesses, documents and other materials under the hand and seal of the chair.
2. Administer oaths to witnesses.
3. Take testimony.
4. Prepare and file pleadings and other legal documents.
5. Employ staff for the use of the select committee; and be it further
RESOLVED, That the Sergeant-at-Arms or other person designated by the chair of the select committee serve the process of the select committee and execute the orders of the chair and the select committee; and be it further
RESOLVED, That the select committee be authorized to sit during the sessions of the House of Representatives; and be it further
RESOLVED, That the expenses of the investigation be paid by the Chief Clerk of the House of Representatives from appropriation accounts under the Chief Clerk's exclusive control and jurisdiction, upon a written request approved by the Speaker of the House of Representatives, the Majority Leader of the House of Representatives or the Minority Leader of the House of Representatives; and be it further
RESOLVED, That the State Government Committee of the House of Representatives assist the select committee to the fullest
RESOLVED, That, upon adoption of this resolution by the House of Representatives, the Chief Clerk of the House of Representatives transmit a copy of this resolution to the Secretary of the Commonwealth and each of the county boards of elections; and be it further

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