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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE RESOLUTION

No. 1100 Session of  
2020

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INTRODUCED BY TOPPER, NOVEMBER 17, 2020

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, NOVEMBER 17, 2020

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A RESOLUTION

1 Directing the Legislative Budget and Finance Committee to  
2 coordinate a risk-limiting audit of ballots canvassed in the  
3 2020 general election.

4 WHEREAS, The 2020 Pennsylvania general election results have  
5 generated a significant amount of interest among our citizens;  
6 and

7 WHEREAS, Counties across Pennsylvania continue their work to  
8 count ballots and certify election returns; and

9 WHEREAS, Actions taken by the Pennsylvania Supreme Court and  
10 the Department of State in the weeks leading up to the general  
11 election have created confusion for citizens and county election  
12 officials; and

13 WHEREAS, The enactment of Act 77 of 2019 and Act 12 of 2020  
14 provided comprehensive amendments to the Pennsylvania Election  
15 Code and made significant changes to the elections process in  
16 Pennsylvania which were used for the first time in the 2020  
17 primary and general elections; and

18 WHEREAS, A litany of inconsistencies have followed from  
19 Federal and State court decisions, orders and administrative

1 guidance, including the dismissal of signature requirements for  
2 mail-in ballots, certain counties allowing for curative  
3 measures, counties not following the United States Supreme Court  
4 ruling requiring ballots received after election day to be  
5 segregated and more; and

6 WHEREAS, Pennsylvania citizens have questioned the process by  
7 which the 2020 general election has been conducted, regardless  
8 of which candidate or party may prevail; and

9 WHEREAS, The Commonwealth must take every possible step to  
10 ensure that all Pennsylvanians and all Americans know that our  
11 Commonwealth has conducted the 2020 general election with  
12 integrity; therefore be it

13 RESOLVED, That the House of Representatives direct the  
14 Legislative Budget and Finance Committee to coordinate and  
15 manage a risk-limiting audit of the 2020 general election; and  
16 be it further

17 RESOLVED, That the audit shall include statistically  
18 significant samples chosen from each county in this  
19 Commonwealth; and be it further

20 RESOLVED, That the Legislative Budget and Finance Committee  
21 may contract with an outside auditing agency or firm to conduct  
22 the audit; and be it further

23 RESOLVED, That the Legislative Budget and Finance Committee  
24 shall issue a report, as directed by this resolution, of the  
25 2020 general election to accompany the audit; and be it further

26 RESOLVED, That the report issued pursuant to this resolution  
27 by the Legislative Budget and Finance Committee shall include,  
28 but not be limited to, the following data relating to the  
29 administration of the 2020 general election by the Department of  
30 State, a county board of elections under Article III of the

1 Pennsylvania Election Code or a registration commission  
2 established under 25 Pa.C.S. § 1203:

3 (1) For each county and the sum for this Commonwealth,  
4 the number of applications for an absentee ballot which were  
5 received by the county boards of elections.

6 (2) For each county and the sum for this Commonwealth,  
7 the number of applications for a mail-in ballot which were  
8 received by the county board of elections.

9 (3) For each county and the sum for this Commonwealth,  
10 the number of applications for an absentee ballot which were  
11 approved by the county board of elections.

12 (4) For each county and the sum for this Commonwealth,  
13 the number of applications for a mail-in ballot which were  
14 approved by the county board of elections.

15 (5) For each county and the sum for this Commonwealth,  
16 the number of absentee ballots returned by qualified electors  
17 which were canvassed.

18 (6) For each county and the sum for this Commonwealth,  
19 the number of mail-in ballots returned by qualified electors  
20 which were canvassed.

21 (7) For each county and the sum for this Commonwealth,  
22 the number of qualified electors voting by a provisional  
23 ballot under section 1210(a.4) of the Pennsylvania Election  
24 Code.

25 (8) For each county and the sum for this Commonwealth,  
26 the number of qualified electors voting by a provisional  
27 ballot under section 1306(b)(2) of the Pennsylvania Election  
28 Code.

29 (9) For each county and the sum for this Commonwealth,  
30 the number of qualified electors voting by provisional ballot

1 under section 1306-D(b)(2) of the Pennsylvania Election Code.

2 (10) For each county and the sum for this Commonwealth,  
3 the number of provisional ballots under paragraphs (7), (8)  
4 and (9) which were canvassed.

5 (11) For each county and the sum for this Commonwealth,  
6 the number of applications for an absentee ballot by an  
7 individual who was not a registered elector at the time of  
8 the application and for whom a voter registration application  
9 was timely received after the application for an absentee  
10 ballot was received.

11 (12) For each county and the sum for this Commonwealth,  
12 the number of applications for a mail-in ballot by an  
13 individual who was not a registered elector at the time of  
14 the application and for whom a voter registration application  
15 was timely received.

16 (13) For each county and the sum for this Commonwealth,  
17 the number of voter registration applications under section  
18 1231 of the Pennsylvania Election Code and 25 Pa.C.S. Pt. IV  
19 which were received:

20 (i) Fewer than 30 days before the 2020 general  
21 election.

22 (ii) Fewer than 15 days before the 2020 general  
23 election.

24 (14) For each county, the date and time that the county  
25 board of elections began pre-canvassing absentee ballots and  
26 mail-in ballots under section 1308(g)(1.1) of the  
27 Pennsylvania Election Code.

28 (15) For each county, the date and time that the county  
29 board of elections began canvassing absentee ballots and  
30 mail-in ballots under section 1308(g)(2) of the Pennsylvania

1 Election Code.

2 (16) The number of incidents known to the Department of  
3 State, county board of elections or registration commission  
4 relating to each of the following categories:

5 (i) An absentee ballot or mail-in ballot which was  
6 sent to the wrong individual or wrong address.

7 (ii) An absentee ballot or mail-in ballot which was  
8 voted by an individual other than the individual who  
9 applied for the absentee ballot or mail-in ballot.

10 (iii) An absentee ballot or mail-in ballot which was  
11 returned to the county board of elections by a means  
12 other than that which is permissible by law,  
13 notwithstanding any court opinion or order.

14 (17) To the extent consistent with Federal and State  
15 law, a review of any action taken by the Department of State,  
16 county board of elections or registration commission in  
17 response to an incident under paragraph (16), including  
18 determinations made on the incident, legal actions filed and  
19 referrals to law enforcement.

20 (18) A review of issues or incidents encountered with an  
21 electronic voting system that received the approval of the  
22 Secretary of the Commonwealth under section 1105-A of the  
23 Pennsylvania Election Code, including any technical issues or  
24 software problems encountered in polling places and  
25 recommendations for spot verifications of tabulated votes as  
26 compared to reported votes.

27 (19) A review of any inconsistent treatment of mail-in  
28 ballots received by counties after 8 p.m. on November 3,  
29 2020, under Articles XIII and XIII-D of the Pennsylvania  
30 Election Code.

1 (20) A review of any inconsistencies in the manner in  
2 which counties processed deficient ballots under Articles  
3 XIII and XIII-D of the Pennsylvania Election Code.

4 (21) A review of the access given to poll watchers as  
5 provided for under section 417 of the Pennsylvania Election  
6 Code, including any inconsistencies in the standards used in  
7 allowing access or disparate treatment of poll watchers due  
8 to political affiliation.

9 (22) A review of the access given to authorized  
10 representatives as provided for under section 1308(g) (1.1)  
11 and (2) of the Pennsylvania Election Code, including any  
12 inconsistencies in the standards used in allowing access or  
13 disparate treatment of authorized representatives due to  
14 political affiliation

15 (23) A review of issues or incidents regarding the use  
16 of drop boxes, the monitoring of drop boxes and any  
17 inconsistencies with the monitoring and usage of drop boxes  
18 by counties.

19 (24) A review of issues or incidents of the review  
20 process of absentee, mail-in, in-person and provisional  
21 ballots and any inconsistencies in the standards applied to  
22 determine the eligibility of voters or ballots by counties;  
23 and be it further

24 RESOLVED, That the Department Of State shall assist the  
25 Legislative Budget and Finance Committee in collecting the data  
26 required to be included in the report from each county board of  
27 elections which conducts an election and each registration  
28 commission under 25 Pa.C.S. Pt. IV in a county which conducts an  
29 election; and be it further

30 RESOLVED, That the Chief Clerk of the House of

1 Representatives reimburse the Legislative Budget and Finance  
2 Committee for expenses from any contracted services related to  
3 the work directed by this resolution; and be it further

4       RESOLVED, That a county board of elections or registration  
5 commission shall comply with the request for submission of data  
6 under this resolution no later than 45 days after the 2020  
7 general election unless an extension of not more than 30 days is  
8 deemed necessary by the Legislative Budget and Finance  
9 Committee; and be it further

10       RESOLVED, That the Legislative Budget and Finance Committee,  
11 or the auditing entity that the Legislative Budget and Finance  
12 Committee contracts with, shall notify the Speaker of the House  
13 of Representatives if a county board of elections or  
14 registration commission or the Department of State does not  
15 respond to a request for the submission of data under this  
16 resolution; and be it further

17       RESOLVED, That the Legislative Budget and Finance Committee  
18 issue the audit and final report of findings no later than 60  
19 days after the 2020 general election to the Speaker of the House  
20 of Representatives, the Minority Leader of the House of  
21 Representatives and the Secretary of the Commonwealth unless an  
22 extension of not more than 30 days is deemed necessary by the  
23 Legislative Budget and Finance Committee; and be it further

24       RESOLVED, That a copy of the report shall be made available  
25 on the Legislative Budget and Finance Committee's publicly  
26 accessible Internet website and the Department of State's  
27 publicly accessible Internet website.