



On March 16, 2020, the Senate of Pennsylvania and the House of Representatives entered their respective chambers three days after the President of the United States declared a national COVID-19 health emergency and voted to implement temporary rules to govern the legislative process during the pandemic. This was a historic step, but one that we agreed was vital because the role of the General Assembly and rule of law would be essential during these most trying times.

Over the next eight months, the Senate and House met consistently to assert the voice of the people and establish laws that would meet the needs of our Commonwealth, economy and communities. Our legislative activity not only consisted of passing bills that directly supported the people of Pennsylvania, but also asserted our Constitutional role of oversight and the balancing of power that transparency provides. Unfortunately, a significant portion of this time was spent fighting against Governor Wolf's unilateral actions and administrative policies that we believe did not follow the law or the Constitutional role of the General Assembly. Each member of the Republican Caucuses fought tirelessly both on the chamber floors and even in court, filing lawsuits and issuing subpoenas, to uphold our commitment to the statutes of our Commonwealth and the Constitution of Pennsylvania. Our arguments were simple: state law and the Pennsylvania Constitution cannot be trampled or ignored, even in an emergency as big as a worldwide pandemic.

Today, we are being asked to address a different kind of emergency, one dealing with the lack of confidence in the election process. There are very legitimate and credible issues which need to be resolved after the 2020 election about the security of mail-in ballots and the process of counting votes. We, as leaders of the Senate and House of Representatives, have set into motion a major legislative initiative that will be pursued with the same resolve shown over the last eight months in taking on the Governor's unilateral pandemic actions.

We will stand up and continue to fight through the legislative process and oversight hearings. We will make sure there are answers to the questions and concerns that are being brought forward from every corner of our Commonwealth. The actions of Secretary Boockvar to create uncertainty and confusion throughout the 2020 General Election, along with the Pennsylvania Supreme Court's continuous rewriting of the Election Code and legislating from the bench will not sidestep public scrutiny and accountability.

The Senate and House of Representatives announced in early November, that the State Government Committees would use their oversight and the statutory power of the legislature to investigate and seek answers to the issues presented in the 2020 General Election. This process is ongoing and will continue into the new 2021-2022 session this January. The oversight role of the Senate and House of Representatives will provide answers to the people of Pennsylvania and specifically review the most pressing issues we have found over the last three weeks of investigation: 1.) the security of voting and the manner in which votes are counted, 2.) the

Secretary of the Commonwealth's management of the 2020 General Election and 3.) the impact of the Judiciary on the 2020 General Election and subsequent candidate legal challenges.

In addition to the issues we are reviewing for legislative action, concerns regarding fraud and deception impacting the 2020 General Election have been reported to us. However, proving the legitimacy of these troubling reports is outside of our legislative authority and is more appropriately directed to both law enforcement and the court. Some of these issues are currently making their way through the court system, where election challenges are statutorily and constitutionally required to be addressed.

We fully endorse the President's - and any candidate's - right to bring appropriate legal actions to address those matters in court. In fact, we ourselves have brought or participated in several of those legal actions to challenge practices we did not believe, complied with the Election Code, Pennsylvania Constitution, and United States Constitution. We remain of the opinion that the President's rights as a candidate to present evidence in court to challenge the process and manner of the election should not be undercut or sold short.

Shortly after the 2020 General Election, the Senate Policy Committee held a hearing to look at policy steps we can take as a legislature next session. Some testimony received at that hearing concerned additional allegations of fraud that may not have previously been submitted to the Court. We have turned over that information, along with the full video of the hearing, to United States Attorney General Barr for his review and action, if appropriate. Additionally, we have sent a letter to AG Barr asking for him to review the allegations that mail-in votes were removed in Lancaster County as reported recently. We encourage any individuals who have information to contact law enforcement and their local District Attorney as well.

While we clearly recognize the need for legislative action to address the issues presented by the 2020 General Election, some of the actions requested by our residents would require us to disregard the statutes and Constitution we have fought so hard to protect during this pandemic. For instance, despite calls for the legislature to report for session in December, the General Assembly lacks the statutory authority to call itself into session between December 1, 2020 and the first Tuesday in January 2021. Any session days during this period would have to be called by the Governor.

Further, the General Assembly lacks the authority to take action to overturn the popular vote and appoint our own slate of presidential electors. It is true that under Article II, Section 1 of the United States Constitution, the state is to appoint, "in such Manner as the Legislature thereof may direct, a Number of Electors..." Very basically, that means that the General Assembly gets to choose how the electors are selected.

Under the Pennsylvania Election Code, in a provision that dates back to the Act's adoption in 1937 and which follows a practice the Commonwealth has followed for nearly as long as we've been electing Presidents, the General Assembly has directed that the "manner" of appointing electors is by the popular vote. Section 1501 of the Act essentially says that when we vote for President, we are instead voting for a candidate's slate of electors, and the slate that wins the popular vote becomes our designated electors.

We cannot take steps to appoint electors for this election given these provisions in the Election Code. Doing so would violate our Election Code and Constitution, particularly a provision

that prohibits us from changing the rules for election contests of the President after the election. It would also set a precedent that a simple majority of the General Assembly can override the will of the people as evidenced by the popular vote.

Make no mistake, this should not be misconstrued to suggest we will allow the issues presented with the 2020 General Election to evade complete legislative review and action. We believe that many of the issues presented after the 2020 General Election could have been avoided if not for the actions of Secretary Boockvar and the Pennsylvania Supreme Court.

Just as we have over the last eight months, we will stand up and fight so that the voice of the people is heard, and that the rule of law is held to the highest possible standard. Pennsylvanians deserve confidence in their elections and in the government chosen by those elections. No matter what the emergency or crisis is before us, nothing stands above the law and it is our jobs to protect it.



Senator Jake Corman



Representative Bryan Cutler



Senator Kim Ward



Representative Kerry Benninghoff