



Vice President Michael R. Pence
Office of the Vice President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

CC: Archivist of the United States
President Donald J. Trump
Members of the US House of Representatives
Members of the US Senate

December 23, 2020

Dear Vice President Pence,

We, the undersigned members of the Pennsylvania General Assembly, write with grave concerns for the future of our Nation in the aftermath of one of the most extraordinary elections in American history. We are obligated by our oaths to bring certain matters to your attention in advance of the qualification of Electors and tabulation of Electoral College votes. In particular, we ask you to consider and weigh the validity of purported Electors and Electoral votes representing the Commonwealth of Pennsylvania.

Pennsylvania's 2020 election to appoint Electors of President and Vice President was marred by severe infringements, by multiple non-legislative officials and individuals, upon the General Assembly's authority under Article II, Section 1, Clause 2 of the Constitution of the United States to direct the manner of appointing Electors.

The General Assembly has exercised its authority to direct the manner of appointing Electors through the Pennsylvania Election Code, and by its authority to establish law in the Commonwealth of Pennsylvania.

The Pennsylvania Election Code was contravened, frustrated, and undermined by the actions of officials in the Executive and Judicial branches of the Commonwealth, as well as certain local election officials.

Specifically:

- The Pennsylvania Election code authorizes mail-in voting; despite such ballots being officially named “mail-in ballots” to be sealed in a secrecy envelope inside a “mailing envelope” to be mailed or delivered in person to county boards of election, election officials in certain counties, during the 2020 Primary Election, took it upon themselves to offer free-standing “drop boxes” not specifically authorized by law, and without any statewide security standards. Just seven weeks before the 2020 General Election, the Supreme Court of Pennsylvania declared this unauthorized practice to be permissible, in *Pennsylvania Democratic Party v. Boockvar*,^[1] short-circuiting the General Assembly’s effort to establish specifically designed statewide security standards,^[2] which were already approved by the House of Representatives and poised for final passage in the Senate within days of the ruling.
- The Pennsylvania Election Code requires that all mail-in ballots be received by 8 p.m. on Election Day; contrary to statute, Governor Wolf ordered that this statutory deadline be waived in some counties during the Primary Election, then sought its waiver statewide for the General Election, which was ordered in contravention to the specific language in the Pennsylvania Election Code by the Supreme Court of Pennsylvania on September 8 in *Pennsylvania Democratic Party v. Boockvar*.
- The Pennsylvania Election Code specifically prohibits counties from inspecting ballots prior to 7 a.m. on Election Day; Pennsylvania’s Secretary of State issued guidance encouraging counties to ignore this prohibition, to inspect ballots, and to contact voters with deficient ballots prior to Election Day.
- The Pennsylvania Constitution states that election laws “shall be uniform throughout the state” and the Pennsylvania Election Code has had a longstanding requirement which specifically requires election officials at polling places to authenticate the signatures of in-person voters; less than two weeks prior to the election, the Supreme Court of Pennsylvania ruled that county Boards of Election need not authenticate signatures for mail-in ballots. This action set aside the authority of the General Assembly, voided the specific language of statute, caused the non-uniform treatment of in-person and mail-in voters, and eliminated a critical and specifically designed safeguard against potential election crime.
- The Pennsylvania Election Code prohibits the counting of defective absentee or mail-in ballots; in contravention of the specific language the Pennsylvania Election Code, the Department of State directly encouraged this action. As a result, some county boards of elections ignored this prohibition and proceeded to include thousands of defective ballots in the certified count.
- The Pennsylvania Election Code authorizes poll watchers to be selected by candidates and political parties and to observe the process of pre-canvassing and canvassing absentee and mail-in ballots; certain counties in Pennsylvania prohibited these authorized individuals from meaningfully observing the pre-canvassing and canvassing activities.

3 U.S.C. Section 15 empowers Congress to reject electoral votes that are not ‘regularly given’ or ‘lawfully certified.’ We believe the aforementioned irregular conduct has undermined the lawful certification of Pennsylvania’s delegation to the Electoral College, and has tainted and doomed the entirety of Pennsylvania’s process of appointing electors of President and Vice President on the day prescribed by law in 3 U.S.C. Section 15.

Since September 25, 2020 – more than five weeks before Election Day – members of the General Assembly have voiced their objections to such infringement, and have responded appropriately. Listed below are the manifold actions taken by members of the Pennsylvania General Assembly in response to these infringements made by Executive and Judicial officials and certain local election officials to the General Assembly’s authority to direct the manner of appointing Electors. Each summary paragraph is followed with a notation of the related attachments enclosed.

September 25, 2020: Eight (8) members of the Pennsylvania House of Representatives filed a complaint for declaratory and injunctive relief, seeking a restraining order to block the use of private funds from The Center for Tech and Civic Life (funded by billionaire Mark Zuckerberg, et al) for use in local election management, including funding to facilitate “drop boxes,” because federal law preempts private federal election grants to counties and cities, and because conducting elections is a statutory responsibility of state officials including the Pennsylvania General Assembly. *Pennsylvania Voters Alliance et al v. Centre County et al* ^[3]

September 28, 2020: The Chairman of the State Government Committee of the Pennsylvania House of Representatives introduced House Resolution 1032, establishing the Select Committee on Election Integrity to investigate, review and make recommendations concerning the regulation and conduct of the 2020 general election. ^[4] The proposal was heard and advanced from the Committee by a 15-10 vote on September 30, 2020.

November 3, 2020: A candidate for (now an elected member of) the Pennsylvania House of Representatives joined Congressman Mike Kelly and four (4) other plaintiffs to petition the Commonwealth Court for special relief enjoining the Secretary of the Commonwealth from permitting invalidly submitted absentee and mail-in ballots to be “cured,” and from disclosing identifying information about voters who have submitted ballots that must be rejected for non-compliance with the Pennsylvania Election code. *Hamm, Kelly, Allred, Horner, Connor and Hauser v. Boockvar* ^[5]

November 7, 2020: Nineteen (19) members of the Pennsylvania House of Representatives delivered a letter to our Speaker of the House and Majority Leader urging them to empanel an independent forum with subpoena power to investigate troubling issues of grave concern surrounding the 2020 General Election. ^[6]

November 21, 2020: Six (6) members of the Pennsylvania House of Representatives joined eight (8) other intervenors, pursuant to Rule 24(a) of the Federal Rules of Civil Procedure, in requesting to intervene as plaintiffs in *Donald J. Trump For President, Inc. v. Boockvar* ^[7] in United States District Court, Middle District, Pennsylvania, which claimed that the purported lack of uniform statewide standards for curing mistakes violates voters' equal protection and due process rights. ^[8]

November 30, 2020: Thirty-nine (39) members of the Pennsylvania House of Representatives cosponsored and introduced House Resolution 1094, which defined certain non-legislative actions contravening the Pennsylvania Election Code and urged the Governor and the Secretary of the Commonwealth to withdraw or vacate their certification of presidential electors, to delay certification of results in other Statewide electoral contests voted on at the 2020 general election, declared the results of the election to appoint presidential electors and other statewide electoral contest results to be in dispute, and urged the United States Congress to declare the selection of presidential electors in Pennsylvania to be in dispute. Two additional members signed on as cosponsors after the HR1094 was introduced. ^[9]

November 30, 2020: Eight (8) members of the Pennsylvania Senate cosponsored and introduced Senate Resolution 410, much of which mirrored HR1094 above, and directed the General Assembly take back and reserve the power to designate presidential electors for the Commonwealth of Pennsylvania. ^[10]

December 2, 2020: Thirty-two (32) members of the Pennsylvania House of Representatives delivered a letter to Governor Tom Wolf requesting he call a special session of the General Assembly, in accordance with provisions of the Constitution of the Commonwealth of Pennsylvania to address unanswered questions about the 2020 General Election and the oversight of elections in general. The Governor announced he would not call a special session on December 3, 2020. ^[11]

December 4, 2020: In response to the Governor's refusal to willingly call a special session of the General Assembly to address unanswered questions about the 2020 General Election and the oversight of elections in general, members of the General Assembly began circulating a petition to call a special session under the "shall" provision of Article II Section 4 of the Constitution of the Commonwealth of Pennsylvania. To date, seventy-nine (79) members of the Pennsylvania House of Representatives and twelve (12) members of the Pennsylvania Senate have committed to this effort. ^[12]

December 4, 2020: Thirty-two (32) members of the Pennsylvania House of Representatives and Senate filed a brief as *amicus curiae* in support of applicants/petitioners with the Supreme Court of the United States requesting that the writ of injunction and certiorari be granted, in the Kelly v. Pennsylvania case (No. 20A98). ^[13]

December 4, 2020: Sixty-four (64) members of the Pennsylvania House of Representatives and Senate sent a letter to Pennsylvania's congressional delegation outlining the reasons why they should dispute the slate of electors certified by Governor Tom Wolf. ^[14]

December 4, 2020: Eighty-six (86) members of the Pennsylvania House of Representatives and Senate sent a letter to Pennsylvania's attorney general requesting he appoint an independent prosecutor to review any election irregularities, to ensure the statutes governing the state's election laws were not violated, and to make recommendations to the General Assembly concerning further internal control policies. ^[15]

December 4, 2020: Eighty-six (86) members of the Pennsylvania House of Representatives and Senate sent a letter to the Pennsylvania inspector general requesting a review of the Department of State's

internal policies and procedures during the 2020 General Election; a review of any IT issues, specifically server issues and election website glitch errors; a review of internal control policies of the SURE System; recommendations for the Department of State to improve internal controls; and recommendations to improve coordination between the Department of State and counties. ^[16]

December 4, 2020: Fifteen (15) members of the Pennsylvania House of Representatives sent a letter to Congressman Scott Perry outlining an analysis which substantially confirms that the mail-in ballot process in the Commonwealth of Pennsylvania in the 2020 General Election was so defective that it is essential to declare the selection of presidential electors for the Commonwealth to be in dispute and questioning the validity of over 100,000 votes cast, more than enough to overcome the vote differential between the candidates for President in Pennsylvania. This analysis, commonly referred to as the “Ryan Report,” was included as part of the plaintiff filing in the *Texas v. Pennsylvania* case before the Supreme Court of the United States. The Ryan Report was also briefed at a United States Senate Committee on Homeland Security & Governmental Affairs hearing on December 16. ^[17]

December 4, 2020: Ten (10) members of the Pennsylvania House of Representatives joined an eleventh plaintiff in requesting that the Commonwealth Court issue a Writ of Mandamus directing the withdrawal of certification of the 2020 election, and the certificates of election issued to the Democratic electors as a result thereof. *Metcalfe, Diamond, Keefer, Sankey, Kauffman, et al. v. Wolf and Boockvar, et al.* ^[18]

December 10, 2020: Seventy (70) members of the Pennsylvania House of Representatives filed a brief as *amicus curiae* in support of plaintiff/defendants with the Supreme Court of the United States requesting that motion for leave to file bill of complaint be granted, in the *Texas v. Pennsylvania* case (No. 22O155). ^[19]

December 10, 2020: Twenty-four (24) members of the Pennsylvania Senate filed a brief as *amicus curiae* in support of no party with the Supreme Court of the United States requesting recognition of the authority of the state legislature as the primary authority to enact elections regulations for federal elections, in the *Texas v. Pennsylvania* case (No. 22O155). ^[20]

December 10, 2020: the Speaker of Pennsylvania House of Representatives and the House Majority Leader filed a brief as *amicus curiae* in support of plaintiff with the Supreme Court of the United States requesting that the Court carefully consider the procedural issues and questions raised by the Plaintiff concerning the administration of the 2020 General Election in Pennsylvania, in the *Texas v. Pennsylvania* case (No. 22O155). ^[21]

December 10, 2020: Four (4) members of the Pennsylvania House of Representatives joined with others to file motion for leave to file complaint-in-intervention with the Supreme Court of the United States requesting the Court to declare that Defendant States Pennsylvania, Georgia, Michigan, and Wisconsin administration of the 2020 presidential election and future Presidential elections would be in violation of the Electors Clause and the Fourteenth Amendment of the U.S. Constitution due to the respective state legislature’s wholesale delegation of post-election certification to executive branch officials and judges as a ministerial duty and enjoin the counting of Presidential electors votes from each state unless their respective state legislatures conduct post-election certification of the

Presidential electors before January 5, 2021., in *Texas v. Pennsylvania* (No. 22O155). Movants also requested, that if motion to intervene is not granted, for permission to file an amici curiae brief. ^[22]

December 11, 2020: Thirty (30) members of the Pennsylvania House of Representatives circulated a co-sponsorship memorandum ^[23] for a resolution declaring the 2020 General Election process to be unlawful, the results null and void, and exercising the plenary authority of the Pennsylvania General Assembly to appoint electors of President and Vice President, in anticipation of such relief being ordered by the Supreme Court of the United States, in the *Texas v. Pennsylvania* case (No. 22O155).

December 12, 2020: The originating member of the December 11, 2020 Pennsylvania House of Representatives resolution circulated a co-sponsorship memorandum ^[24] for a resolution declaring the 2020 General Election process as neither equal nor uniform, but instead as unlawful, void *ab initio*, and the results thereof invalid, and exercising the plenary authority of the Pennsylvania General Assembly to appoint electors of President and Vice President. ^[25] Twenty-one (21) members of the House of Representatives have signed on as co-sponsors.

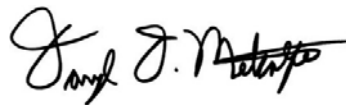
We urge you to give appropriate consideration and weight to the severe infringements upon the General Assembly's authority to direct the manner of appointing Electors, and to the response of members of the Pennsylvania General Assembly, both in their legislative capacity and as individual citizens, to these infringements as you prepare to preside over the qualification of Electors and the tabulation of Elector College votes.

We urge you to reject the Electoral College votes received from the Commonwealth of Pennsylvania during the Joint Session of Congress on January 6, 2021. We are prepared to appoint Electors for President and Vice President, if called upon to do so.

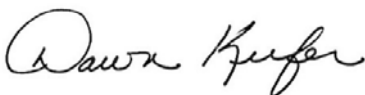
Respectfully submitted,



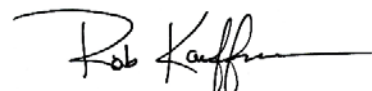
Russ Diamond, House District 102



Daryl Metcalfe, House District 12



Dawn Keefer, House District 92



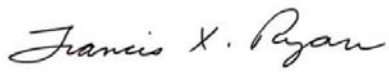
Rob Kauffman, House District 89



Stephanie Borowicz, House District 76



Dave Zimmerman, House District 99



Francis Ryan, House District 101



David Arnold Jr, Senate District 48



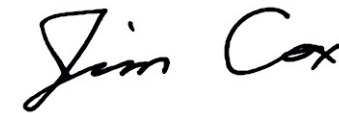
Kathy Rapp, House District 65



Eric Nelson, House District 57



David Rowe, House District 85



Jim Cox, House District 129



Michael Puskaric, House District 39



Dan Moul, House District 91



Cris Dush, Senate District 25



Mike Jones, House District 93



Barbara Gleim, House District 199



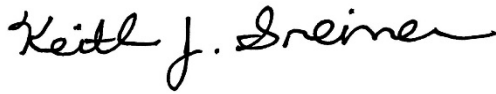
Paul Schemel, House District 90



James Gregory, House District 80



Tracy Pennycuick, House District 147



Keith Greiner, House District 43



Joe Hamm, House District 84



Aaron Bernstein, House District 10



Brian Smith, House District 66



Ryan Mackenzie, House District 134



Rich Irvin, District 81



Bud Cook, House District 49



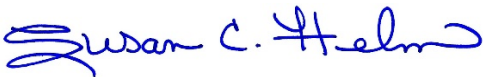
Milou Mackenzie, House District 131



Thomas Sankey, House District 73



Dave Maloney, House District 130



Sue Helm, House District 104



Brad Roae, House District 6

Attachments:

1. *Pennsylvania Democratic Party v. Boockvar* opinion [01.PA Dem Party v Boockvar.pdf]
2. Pennsylvania House Bill 2626 [02.HB2626.pdf]
3. *Pennsylvania Voters Alliance et al v. Centre County et al* [03.4-20-cv-01761.pdf]
4. Pennsylvania House Resolution 1032 [04.HR1032.pdf]
5. *Hamm, Kelly, Allred, Horner, Connor and Hauser v. Boockvar* [05.600 MD 20.pdf]
6. Letter to Pennsylvania House Speaker and Majority Leader [06.Election Integrity - Nov 7 2020.pdf]
7. *Donald J. Trump For President, Inc. v. Boockvar* [07.4-20-cv-02078.pdf]
8. Motion to intervene, *Donald J. Trump For President, Inc. v. Boockvar* [08.4-20-cv-02078_intervene.pdf]

9. Pennsylvania House Resolution 1094 [09.HR1094.pdf]
10. Pennsylvania Senate Resolution 410 [10.SR410.pdf]
11. Letter to Pennsylvania Governor Tom Wolf re: special session [11.Governor Wolf.pdf]
12. Petition to Pennsylvania Governor to call a special session [12.Special Session Petition.pdf]
13. Amicus brief, *Kelly v. Pennsylvania* [13.20A98 General Assembly amicus.pdf]
14. Letter to Pennsylvania congressional delegation [14.120420CongressElection2020B.pdf]
15. Letter to Pennsylvania Attorney General [15.12.04.20 Attorney General Independent Prosecutor.pdf]
16. Letter to Pennsylvania Inspector General [16.12.04.20 Inspector General Investigation.pdf]
17. Representative Francis X. Ryan's mail-in ballot process analysis [17.Ryan Report.pdf]
18. *Metcalfe, Diamond, et al. v. Wolf and Boockvar, et al.* [18.636 MD 2020 Amended Complaint.pdf]
19. Pennsylvania House amicus brief, *Texas v. Pennsylvania* [19.22O155 Amicus Brief.pdf]
20. Pennsylvania Senate amicus brief, *Texas v. Pennsylvania* [20.Senate Amicus Brief.pdf]
21. Pennsylvania House leaders amicus brief, *Texas v. Pennsylvania* [21.House Leaders Amicus.pdf]
22. Motion for intervention, *Texas v. Pennsylvania* [22.Motion for Intervention.pdf]
23. December 11 PA House co-sponsorship memo [23.December 11 PA HoR resolution memo.pdf]
24. December 12 PA House co-sponsorship memo [24.December 12 PA HoR resolution memo.pdf]
25. Resolution to appoint electors [25.Plenary_Authority_Resolution_121020.pdf]

Attachments may be downloaded for review at:

<https://drive.google.com/drive/folders/1Qdt5IXSrfdQtYDzxe9rz5CV0Zp--ArUP?usp=sharing>