

House of Representatives

Commonwealth of Pennsylvania
Harrisburg



ROSEMARY M. BROWN, MEMBER
189TH LEGISLATIVE DISTRICT

Dear Valued Constituent:

Thank you for taking the time to contact me regarding the 2020 Presidential Election. I appreciate your input and the opportunity to respond. I always work diligently to be transparent and honest. My loyalty is, and has always been, to the collective interests of the 189th legislative district, providing accounts of state affairs, and setting realistic expectations.

First and foremost, free and fair elections are absolutely necessary in order for a representative democracy, like ours, to function. I want every Pennsylvanian, Democrat, Republican or Independent, to feel confident in their vote, their voice, and our collective system.

Unfortunately, our recent election and the communication surrounding its processes has been extremely politicized. The purpose of this letter is to provide clarity regarding 1.) our state's election process, 2.) facts surrounding Pennsylvania's handling of the 2020 General Election, and 3.) initiatives the legislative body has taken since the 2020 General Election.

1. Pennsylvania's Election Process

As you are aware, the President is chosen through the Electoral College. This process is outlined in the United States Constitution, specifically Article Two, Section One. The state's role is defined as follows:

"Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress."

The Pennsylvania State Legislature has clearly enumerated this power in the election code; in short, **Presidential Electors are to be chosen by the popular vote of the people.**

§ Section 1501. Election of Presidential Electors -- At the general election to be held in the year 1940, and every fourth year thereafter, there shall be elected by the qualified electors of the Commonwealth, persons to be known as electors of President and Vice-President of the United States, and referred to in this act as presidential electors, equal in number to the whole number of senators and representatives to which this State may be entitled in the Congress of the United States.

While there has been a lot of rhetoric surrounding the General Assembly selecting the state's Presidential Electors, that process would not only require legislation to change the above election code, but a fundamental shift to our state's election process. Even if the General Assembly successfully obtained the support and the signature of the governor to change our election code, laws cannot be retroactively applied. Therefore, any change would only apply to future elections, and not to the 2020 General Election.

To change our election code in a manner that would not reflect the popular vote of the people would be radically unprecedented in our state and country; something most citizens supportive of a democratic republic would not find palatable.

Lastly, during the final days of our constitutionally defined legislative session, a resolution was introduced to the House of Representatives, "Disputing the 2020 General Election." Some portrayed this resolution as a proposal for the Pennsylvania General Assembly to select Republican electors on behalf of Pennsylvania. **This is FALSE**, I encourage you to personally review the language of this resolution. This resolution encourages the United States Congress to select our state's electors, which is an initiative I do not support, or believe the majority of Pennsylvanians support.

Please know, I understand your strong concerns for what has occurred within the Commonwealth. My job is to advocate for you within my constitutional authority. With the vast amount of information flowing, frustration and disappointment in certain situations, emotions can be high; but we must follow our Constitution and work on issues for the future.

2. The 2020 General Election

As you may know, the 2020 General Election was the first major election since the modernization of voting in Pennsylvania. Senate Bill 421 passed through the Legislature on October 30, 2019, and was signed by the governor the following day. This was the first major voting reform in our state in generations and it was enacted into law prior to the COVID-19 pandemic. As written, our recent election code is clear and received bipartisan support.

Despite this achievement, Pennsylvania voters are left feeling silenced, angry and confused. Much of the confusion with this state's election procedures were absolutely not caused by the reforms passed by the General Assembly, but unconstitutional initiatives directed from the Pennsylvania Supreme Court and Pennsylvania's Secretary of State.

On September 17, 2020, the Pennsylvania Supreme Court issued a decision extending the deadline to receive late ballots and establishing drop boxes. This decision has since been appealed to the United States Supreme Court; however, this decision still governed November's election. This judicial activism caused unnecessary chaos and confusion as to what constitutes a timely and lawful vote.

Secondly, Pennsylvania's Secretary of State initiated another legal action in the Pennsylvania Supreme Court to "clarify" whether signatures on returned absentee and mail-in ballots could be reviewed for authenticity. The Court directed the county boards of elections to not reject absentee or mail-in ballots based on signature comparisons conducted by the county election boards, or as a result of third-party challenges. This is a departure from Pennsylvania law and eliminates a major security provision to protect against fraud with our state's mail-in voting procedures.

Finally, guidance issued by the Secretary of State encouraged counties to create a 'ballot curing' process not provided under Pennsylvania law. As a result, certain counties contacted voters prior to Election Day to fix issues with their mail-in ballots. Most counties, however, were confused or concerned with the legal status of this process or were unable to attempt to set it up at the last minute. This meant that Pennsylvania voters were treated differently depending on which county they lived in, a clear violation of Pennsylvania's constitution.

The House of Representatives took up an initiative to address additional procedural voting concerns with House Bill 2626 prior to the election, which I supported. Unfortunately, the bill never progressed passed the Senate due to stalled negotiations. Remedies were then created as mentioned above without the legislative body, creating strong unrest.

As a member of the legislative branch and a firm believer in our government's institutional checks and balances, it is extremely upsetting to see actions taken that circumvent the legislative body. While I am disheartened by these actions, my role in the remedy is limited and must be resolved in the judicial branch of government or in strengthening future laws.

3. Legislative Initiatives Related to the 2020 Election

My offices have been inundated with communication from constituents and individuals across the state and country expressing their concern of the state's handling of this election.

On November 6, Speaker of the House Bryan Cutler hand delivered a letter to Gov. Wolf, requesting an audit of the state's election results. Citing concerns with the intervention to the state's election code from the state's Supreme Court and the Secretary of State.

The House also adopted House Resolution 1100 on November 19 with a vote of 112 yays to 90 nays. This resolution directed the Legislative Budget and Finance Committee to undertake a risk-limiting audit of the 2020 General Election. This Committee was specifically chosen due to their non-partisan and independent nature. On November 23, the officers of the Legislative Budget and Finance Committee voted 2-1 against accepting House Resolution 1100. The LBFC voting down a legislative request is extremely rare. I am disappointed in this conclusion as the legislative body was hopeful to receive independent data and information from an entity which was not involved in the 2020 election. Unfortunately, Pennsylvanians have not been afforded this opportunity.

Also, the House State Government Committee scheduled an informational hearing with Dominion Voting Systems, a voting machine vendor used by 14 counties throughout the Commonwealth, representing 1.3 million citizens who voted in the presidential election. Unfortunately, Dominion cancelled this hearing last minute.

Members of the General Assembly submitted a request to the Attorney General to appoint an independent prosecutor to review election accusations in order to prosecute violations of the election law and make recommendations to the General Assembly to close internal control failures. Members also formally requested the OIG to review the Pennsylvania Department of State's (DOS) internal processes of the 2020 election to make recommendations to improve Pennsylvania DOS internal processes and recommendations to the General Assembly to close internal control failures

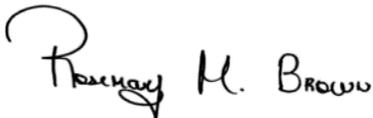
Moving forward, as we continue to address concerns with the state's election code during the 2021-2022 legislative session, the chairman of the State Government Committee submitted an extensive list of questions to the Pennsylvania Department of State and all 67 county boards of elections to ascertain both how they administered the 2020 General Election and the issues they encountered in the administration of this election.

In conclusion, the state has faced several concerning and frustrating obstacles. Pennsylvania voters made historic use of mail-in voting during this election cycle, an option that is new to both voters and county election boards. In and of itself, this change would have been manageable, but paired with the Pennsylvania Supreme Court rulings and confusing guidance from the Secretary of State, our state's election process has been called into question.

It is paramount that voters feel secure and faithful in our election processes to offer legitimacy to those elected; a decline in this faith would be detrimental to our institutions and democracy. I feel confident that the House State Government Committee and the Pennsylvania General Assembly will work tirelessly to ensure this faith is restored and maintained.

If you should have any further question, concerns or insight, please contact my office at 570-420-8301.

Kind Regards,

A handwritten signature in black ink that reads "Rosemary M. Brown". The signature is written in a cursive style with a large, looping initial "R".

Rosemary M. Brown
State Representative
189th Legislative District