

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PENNSYLVANIA SENATE
INTERGOVERNMENTAL OPERATIONS
COMMITTEE,

Petitioner,

v.

PENNSYLVANIA DEPARTMENT OF STATE
and LEIGH CHAPMAN, IN HER CAPACITY
AS ACTING SECRETARY OF THE
COMMONWEALTH,

Respondents.

No. _____ MD 2022

NOTICE TO PLEAD

TO: PENNSYLVANIA DEPARTMENT OF STATE and
ACTING SECRETARY OF THE COMMONWEALTH LEIGH
CHAPMAN

You are hereby notified to file a written response to the enclosed
petition for review within thirty (30) days from service hereof or a
judgment may be entered against you.

Dated: March 11, 2022

/s/ Matthew H. Haverstick
Matthew H. Haverstick (No. 85072)
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*Attorneys for Intergovernmental
Operations Committee*

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PENNSYLVANIA SENATE :
INTERGOVERNMENTAL OPERATIONS : No. _____ MD 2022
COMMITTEE, :
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Petitioner, :
v. :
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PENNSYLVANIA DEPARTMENT OF STATE :
and LEIGH CHAPMAN, IN HER CAPACITY :
AS ACTING SECRETARY OF THE :
COMMONWEALTH, :
Respondents. :
:

**PETITION FOR REVIEW
IN THE NATURE OF A COMPLAINT IN MANDAMUS, OR,
IN THE ALTERNATIVE, TO ENFORCE SUBPOENA**

I. INTRODUCTION

1. Petitioner Pennsylvania Senate Intergovernmental Operations Committee, by and through its undersigned counsel, does hereby bring this Petition for Review against the Pennsylvania Department of State and the Acting Secretary of the Commonwealth, Leigh Chapman.

2. Petitioner brings this action to compel the Respondents to discharge their mandatory, nondiscretionary duty to “[P]ermit any committee of either branch of the General Assembly to inspect and

examine the books, papers, records, and accounts filed in the department” as required by 71 P.S. § 272 (relating to the Powers and Duties of the Department of State and Its Departmental Administrative Board – General Administration). *See also* 71 P.S. § 801. Petitioner further brings this action pursuant to Pa. Const. art. I, § 5; Pa. Const. art. II, § 1; Pa. Const. Art. II, § 11; 46 P.S. § 61; Rule 14 of the Pennsylvania Senate; and Mason’s Manual of Legislative Procedure for Legislative and other Governmental Bodies §§ 795, 797, 798, 799, 800, 801, 802, to obtain relief from this Court compelling the Acting Secretary to comply with the subpoena duces tecum duly issued and served on September 15, 2021 (the Subpoena) (attached as Exhibit A).

II. JURISDICTION

3. This Court has original jurisdiction over this petition for review pursuant to 42 Pa.C.S. § 761(a)(1), (2) because it is an action against the Commonwealth government and against officers of the Commonwealth acting in their official capacities, and it is also an action by the Commonwealth government.

III. PARTY SEEKING RELIEF

4. Petitioner is the Intergovernmental Operations Committee of the Pennsylvania Senate (the Senate Committee), which is a permanent standing committee of the Senate of Pennsylvania composed of ten (10) total members (9 from Senate membership and Senate President Pro Tempore Senator Jacob D. Corman, III serving as an ex-officio voting member) and chaired by Senator Cris Dush.

5. The Senate Committee was established by Rule 14 of the Pennsylvania Senate, adopted by Senate Resolution 3 on January 5, 2021, for the governing of the 205th and 206th Regular Session. *See* Senate Rule 14, attached as Exhibit B; *see also* S.R. 3, 205th Leg., Reg. Sess. (Pa. 2021) (adopting the Rules of the Senate of Pennsylvania for the 205th and 206th Regular Sessions and authorizing committees to issue subpoenas pursuant to Rule 14).

6. Among the “powers and responsibilities” of the Senate Committee is to “maintain a continuous review of the work of the Commonwealth agencies concerned with their subject areas and the performance of the functions of government within each such subject

area, and for this purpose to request reports from time to time[.]” Ex. B at Rule 14 (d)(1).

7. To carry out its duties, the Senate Committee is “empowered with the right and authority to inspect and investigate the books, records, papers, documents, data, operation and physical plant of any public agency in this Commonwealth” and “may issue subpoenas, subpoenas duces tecum and other necessary process to compel the attendance of witnesses and the production of any books, letters or other documentary evidence desired by the committee.” *Id.* at Rule 14 (d)(2)&(3); *see also* 46 P.S. § 61.

IV. GOVERNMENT UNIT WHOSE INACTION IS IN ISSUE

8. Respondent is the Pennsylvania Department of State, which is an Executive Branch Agency, under the leadership of the Secretary of the Commonwealth, whose “powers and duties” include among other things, to promote the integrity of the electoral process. *See* 71 P.S. § 273; *see also* 25 P.S. § 2621.

9. Leigh M. Chapman is the Acting Secretary of the Commonwealth, and has held that position since January 8, 2022.

10. Acting Secretary Chapman was preceded in her position by Acting Secretary of the Commonwealth, Veronica Degraffenreid.

11. Acting Secretary Chapman is the 5th Acting Secretary of the Commonwealth since 2017 (Previous Acting Secretaries, Pedro Cortes 2015-2017, Robert Torres 2017-2019, Kathy Boockvar 2019-2021, Veronica Degraffenreid 2021-2022, and Leigh Chapman 2022-present).

12. The determination sought to be reviewed is Respondents' failure and refusal to act upon Petitioner's demand to produce records as required under the Administrative Code and the Subpoena.

V. STATEMENT OF MATERIAL FACTS

13. On September 9, 2021, the Senate Committee held a Public Hearing on the Investigation of the 2020 General Election and the 2021 Primary Election.

14. The purpose of the September 9, 2021, hearing was for the Senate Committee to gain a better understanding of the impact on counties by the information, directives, and guidance issued by the Secretary of the Commonwealth during the 2020 General Election, which in turn would assist the Senate Committee in its consideration of current and future legislative proposals.

15. Former Acting Secretary Degraffenreid was invited to testify at the September 9, 2021, Senate Committee hearing; however, she declined to participate in the hearing. *See* Acting Secretary Veronica Degraffenreid's letter of September 9, 2021, attached as Exhibit C.

16. Part of the September 9, 2021 hearing related to the experience of Fulton County leading up to and during the 2020 General Election, particularly as it related to how communications from the Department of State during that time negatively affected the County's management of the election. Additional written testimony was provided by the Lisa Schaefer, Executive Director of the County Commissioners Association of Pennsylvania (CCAP) regarding the numerous orders, appeals, and other communications and how those items effected the administration of elections between May 28, 2020 and November 9, 2020. *See* Testimony on County Experiences in the 2020 Elections, Presented to the Senate Intergovernmental Operations Committee by Lisa Schaefer, Executive Director, September 9, 2021, attached as Exhibit D.

17. In follow up to its September 9 hearing, on September 15, 2021, the Senate Committee met and voted to issue a subpoena duces

tecum to Acting Secretary Degraffenreid, ordering her, as provided under Senate Rule 14 and 46 P.S. § 61, to produce 17 categories of election-related materials, that included, among other things, all records related to communications, guidelines, directives, policies, procedures, from the Department of State to any County Election Director or member of a County's Election Board between May 1, 2020, and May 31, 2021.

18. Although the subpoena duces tecum specifically requested materials related to the communications, guidelines, directives, etc., which were the subject of testimony at the September 9 hearing by cooperative witnesses, had Acting Secretary Degraffenreid appeared at the hearing as requested, the scope of questions asked of her would have expanded into areas beyond those topics. Additional requests in the subpoena duces tecum covered additional areas of interest to the majority members of the Senate Committee, such as Requests 4 through 14 and Request 16, all related to information within the Statewide Uniform Registry of Electors (SURE) system.

19. At the close of the September 9 hearing, the Chairman stated that the topic of the Senate Committee's next hearing would be

the SURE System and the Auditor General of Pennsylvania's 2019 Report of the SURE System to the Department of State.

20. On September 15, 2021, the Subpoena issued by the Senate Committee was served on Acting Secretary Degraffenreid.

21. The Subpoena issued and served by the Senate Committee expressly "ordered" Acting Secretary Degraffenreid to supply all requested documents and commanded that those records "shall" be delivered to General Counsel, Senate Republican Caucus, no later than 4:00 p.m. on October 1, 2021.

22. On September 23, 2021 in response to the Subpoena, Respondents initiated litigation in this Court, docketed at 322 MD 2021, against Senator Cris Dush, Senator Jake Corman, and the Pennsylvania State Senate Intergovernmental Operations Committee, alleging, among other things, that the information requested would, if turned over to the Senate Committee, violate individual privacy rights, the deliberative process privilege, and/or federal prohibitions on the disclosure of Critical Infrastructure Information.

23. During the ongoing litigation, Acting Secretary Degraffenreid acknowledged that "some of the information that the

subpoena demands is available to everyone on the Department of State's website, or through a Right-to-Know Law request." *See* Memo. in Support of Com. Appl. for Summary Relief, *Dep't of State v. Dush*, No. 322 MD 2021, at 30 (Pa. Cmwlth. Oct. 13, 2021).

24. In addition to Acting Secretary Degraffenreid's statement that some of the subpoenaed documents are available to the public, the Attorney General of Pennsylvania acknowledged the same stating, "[a]s we have previously discussed- and as member of the Committee surely are aware- certain of the materials demanded are publicly available without a subpoena." *See* Attorney General's Letter of October 26, 2021, attached Exhibit E.

25. As set forth in the October 26 correspondence from the Attorney General, the Department therefore agreed to provide "non-privileged, non-protected materials in its possession" responsive to Requests 1, 2, 3, 15, 16, and 17; the Attorney General specifically objected to production of materials requested in Requests 4 through 13 on the grounds that they sought personal information (such as drivers' license and partial Social Security numbers) of Pennsylvania voters. *See id.*

26. On this basis, and in response to informal directives by the Court in that litigation, both Acting Secretary Degraffenreid and, later, Acting Secretary Chapman, “voluntarily” produced a limited number of the subpoenaed documents (in redacted form) on November 18, 2021, December 24, 2021, and January 27, 2022. *See* Attorney General of Pennsylvania Cover Letters to the Voluntary Production of November 18, 2021, December 24, 2021, and January 27, 2022, attached as Exhibit F.

27. Of the 17 categories of election-related materials requested in the Subpoena, the three voluntary disclosures only provided parts of the requested information in items 1, 2, 3, 15, 16, and 17. *See* Exhibits A, E and F.

28. The “voluntary” production has not provided any meaningful disclosure of information requested to the Senate Committee, as many of the items provided are copies of Microsoft Teams Meeting invitations, or in some cases pages of “black boxes” where the entire document is redacted. *See* Exhibit G (examples of materials produced by the Department and Acting Secretary to date).

29. The “voluntary” production to the Senate Committee has not, at any time, been accompanied by a redaction or privilege log identifying the basis or reasons for any of the redactions made to the produced documents which would allow the Senate Committee to evaluate the propriety or reasonableness of same, despite the notation by the Attorney General that only “non-privileged, non-protected materials” would be provided and numerous black-box redactions appear in the materials produced.

30. Furthermore, the “voluntary” production was not, at any time, in response to duties imposed by the Administrative Code or the Subpoena; to the contrary, Respondents made clear that they did not recognize any duty to act, but were only acting on a purported “voluntary” basis. Hence, they refused to fulfill the duties imposed by the Administrative Code and the Subpoena.

VI. COUNTS

COUNT ONE: MANDAMUS

31. Petitioner incorporates the above paragraphs as though set forth herein at length.

32. “Mandamus is an extraordinary writ that will only lie to compel official performance of a ministerial act or mandatory duty where there is a clear legal right in the plaintiff, a corresponding duty in the defendant, and want of any other appropriate or adequate remedy.” *Jackson v. Vaugh* 777 A.2d 436, 438 (Pa. 2001).

33. “A writ of mandamus is an extraordinary remedy used to compel official performance of a ministerial act when a petitioner establishes a clear legal right, the respondent has a corresponding duty, and the petitioner has no other adequate remedy at law.” *Tindell v. Dep’t of Corr.*, 87 A.3d 1029, 1034 (Pa. Cmwlth. 2014) (citing *Danysh v. Wetzel*, 49 A.3d 1, 2 (Pa. Cmwlth. 2012)).

34. “A ministerial act is one which a public officer is ‘required to perform upon a given state of facts and in a prescribed manner in obedience to the mandate of legal authority.’” *Philadelphia Firefighters’ Union v. Philadelphia*, 119 A.3d 296, 303 (Pa. 2015) (quoting *County of*

Allegheny Deputy Sheriff's Assn v. County of Allegheny, 730 A.2d 1065, 1067-68 (Pa. Cmwlth. 1999)).

35. “A clear legal right to relief is shown where the right to require performance of the act is clear, and a corresponding duty is shown where the governing law contains directory language, requiring that an act shall be done.” *Philadelphia Firefighters' Union*, 119 A.3d at 303 (quoting *Shroyer v. Thomas*, 81 A.2d 435, 436 (Pa. 1951), and *Stork v. Sommers*, 630 A.2d 984, 986-87 (Pa. Cmwlth. 1993)).

36. “A want of any other adequate remedy is established where there is no alternative form of relief.” *Philadelphia Firefighters' Union*, 119 A.3d at 304 (quoting *Styers v. Wade*, 372 A.2d 1236, 1238 (Pa. Cmwlth. 1977)).

37. “Moreover, mandamus is proper to compel the performance of official duties whose scope is defined as a result of the mandamus action.” *Fagan v. Smith*, 41 A.3d 816, 818 (Pa. 2012) (citing *Delaware River Port Auth. v. Thornburgh*, 493 A.2d 1351, 1355 (Pa. 1985)).

38. Finally, “mandamus will lie to compel action by an official where his refusal to act in the requested way stems from his erroneous interpretation of the law.” *Fagan*, 41 A.3d at 818 (citing *Volunteer*

Fireman's Relief Ass'n of City of Reading v. Minehart, 203 A.2d 476, 479-80 (Pa.1964)).

39. Mandamus will lie to compel an agency to act, whether its inaction is formally pronounced, or the agency instead is “sitting on its hands.” *See Chanceford Aviation Props, LLC v. Chanceford Twp. Bd. of Supervisors*, 923 A.2d 1099, 1108 (Pa. 2007).

40. Here, the Department of State, “[S]hall have the power and its duty shall be to permit any committee of either branch of the General Assembly to inspect and examine the books, papers, records, and accounts filed in the department” *See* 71 P.S. § 272; *see also* 71 P.S. § 801.

41. Petitioner’s right to relief is clear because no provision of law permits the Acting Secretary of the Commonwealth, or the Department of State, to ignore their legal non-discretionary obligations to provide information to the Senate Committee under the Administrative Code and the Subpoena.

42. Petitioner is without any other recourse because only the Acting Secretary of the Commonwealth and Department of State has access to the subpoenaed information.

43. Because the Acting Secretary of the Commonwealth and Department of State have failed to adhere to their mandatory, non-discretionary obligation to provide the records to the Senate Committee, and there is no alternative to mandamus, Petitioner is entitled to a writ of mandamus as a matter of law.

COUNT TWO: ENFORCE SUBPOENA (IN THE ALTERNATIVE)

44. Petitioner incorporates the above paragraphs as though set forth herein at length.

45. A petition to enforce a legislative subpoena is a matter that lies within this Court's original jurisdiction. *See Order, Pa. Senate Veterans Affairs & Emergency Preparedness Committee v. Wolf*, No. 293 MD 2020 (Pa. Cmwlth. May 12, 2020).

46. Although the Senate Committee could use the coercive powers available in 46 P.S. § 61 to compel subpoena compliance, it has chosen to bring this enforcement action in the Commonwealth Court in the hope that the dispute can be resolved without resorting to such coercion.

47. Article II, Section 11 of the Pennsylvania Constitution provides that “[e]ach House shall have power to determine the rules of

its proceedings and ... to enforce obedience to its process[.]” Pa. Const. art. II, § 11.

48. Further, pursuant to 46 P.S. § 61, “[e]ach branch of the legislature shall have the power to issue their subpoena, as heretofore practiced, into any part of the commonwealth[.]”

49. Pursuant to this constitutional and statutory authority, the Senate of Pennsylvania promulgated and approved Rules that permit the Senate Committee (and other standing committees) to issue subpoenas duces tecum and to order the production of records (which would include the Subpoena addressed to Acting Secretary Degraffenreid, and, by extension, Acting Secretary Chapman as her successor) in the performance of the Committee’s duties and responsibilities. *See* Rule 14 (d)(2)&(3); *see generally Camiel v. Select Comm. On State Contract Practices of H.R.*; 324 A.2d 862, 865-66 (Pa. Cmwlth. 1974) (“We are here faced with action by the House of Representatives. No question has been raised concerning the authority of the House of Representatives to establish this Select Committee. No question can be raised concerning the power of the House of

Representatives to subpoena witnesses and evidence for legitimate legislative purposes.”).

50. Indeed, basic separation of powers principles embodied in the Pennsylvania Constitution mandate that the Senate Committee perform its legislative oversight function, particularly in the face of an executive branch blanket refusal to comply with a validly issued subpoenas duces tecum from the Senate Committee.

51. The Subpoena issued and served by the Senate Committee is clearly within its authority, the records demanded are sufficiently specific, and the records sought are reasonably relevant to its investigation of the election process overseen by the Department of State.

52. To this end, the Supreme Court of Pennsylvania has consistently recognized that the legislative branch’s “power to investigate is an essential corollary of the power to legislate. The scope of this power of inquiry extends to every proper subject of legislative action.” *Com. ex rel. Carcaci v. Brandamore*, 327 A.2d 1, 3 (Pa. 1974).

53. The Senate's power of inquiry extends to every proper subject of legislative action, including potential amendments to the Pennsylvania Election Code. *See* 25 P.S. §§ 2600-3591.

54. Furthermore, the Administrative Code of 1929 requires the Department of State to permit "any committee of either branch of the General Assembly to inspect and examine the books, papers, records, and accounts filed in the department, and to furnish such copies or abstracts therefrom, as may time to time be required [.] *See* 71 P.S. § 272(a); *see also* 71 P.S. § 801.

55. The Attorney General has opined that the ministerial obligations under the Administrative Code can be triggered by a legislative subpoena. *See Examination of Reports of Insurance Companies*, 64 Pa. D. & C.2d 627, 631-32 (Office of Att'y Gen. 1973).

56. Here, Respondents have refused to acknowledge the legitimacy of the Subpoena, let alone comply with it.

57. An order from this Court is therefore necessary to enforce Respondents' compliance.

VII. RELIEF REQUESTED

WHEREFORE, Petitioner requests that the Court grant the following relief:

1. Grant a writ of mandamus compelling the Acting Secretary of the Commonwealth and the Department of State to fully comply with the Administrative Code and the Senate Committee's September 15, 2021 subpoena duces tecum; and compelling the Acting Secretary to immediately produce to the Senate Committee all records responsive to the September 15, 2021 subpoenas duces tecum, subject to the imposition of fines, costs and imprisonment, *see* 18 Pa.C.S. § 5110 ("Contempt of the General Assembly"); or,

2. In the alternative, issue an order compelling Respondents to comply with the Subpoena; and, compelling the Acting Secretary to immediately produce to the Senate Committee all records responsive to the September 15, 2021 subpoenas duces tecum, subject to the imposition of fines, costs and imprisonment, *see* 18 Pa.C.S. § 5110 ("Contempt of the General Assembly"); and

3. Enter an Order granting such further relief as may be necessary.

Respectfully submitted,

Dated: March 11, 2022

/s/ Matthew H. Haverstick

Matthew H. Haverstick (No. 85072)

Joshua J. Voss (No. 306853)

Shohin H. Vance (No. 323551)

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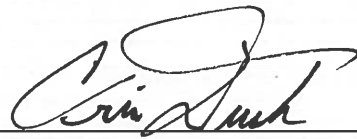
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*Attorneys for Intergovernmental
Operations Committee*

VERIFICATION

I hereby verify that the statements made in the foregoing Petition for Review are true and corrected based upon my personal knowledge or information and belief. I understand that false statements therein are subject to penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Dated: March 10, 2022



SENATOR CRIS DUSH
Chair, Intergovernmental
Operations Committee

Exhibit A

Senate of Pennsylvania



COPY

HARRISBURG, PA Subpoena Duces Tecum

In the Senate of Pennsylvania

From: Intergovernmental Operations Committee

To: The Honorable Veronica Degraffenreid, Acting Secretary
Department of State
302 North Office Building
401 North Street
Harrisburg, Pennsylvania 17120

You are hereby ordered by the Senate Intergovernmental Operations Committee to supply the following documents listed below. This material shall be delivered to the General Counsel, Senate Republican Caucus, Crystal H. Clark, Esquire, at Room 350 Main Capitol Building, Harrisburg, Pennsylvania, no later than Friday, October 1, 2021 at 4:00 p.m.

1. Any and all communications (emails, letters, notes of calls and/or meetings, or otherwise) from the Department of State to any County Election Director or member of a County's Elections Board between May 1, 2020 and May 31, 2021.
2. A copy of each and every version of all directives, guidance(s), policies, or procedures in effect at any time between August 1, 2020 and June 30, 2021 relating to elections, election systems, mail-in ballot applications, ballots, voting, compliance with state or federal election laws, polling places, and/or poll watchers.
3. All training materials used to train County election workers, poll workers, poll watchers, Judges of Election, inspectors, clerks, and all persons who staffed voting offices between August 1, 2020 and May 31, 2021.
4. A complete list containing the name, date of birth, driver's license number, last four digits of social security number, address, and date of last voting activity of all registered voters within the Commonwealth of Pennsylvania as of May 1, 2021, by County.
5. A complete list containing the name, date of birth, driver's license number, last four digits of social security number, address, and date of last voting activity of all registered voters within the Commonwealth of Pennsylvania as of November 1, 2020, by County.

6. A complete list containing the name, date of birth, driver's license number, last four digits of social security number, and address of all individuals who voted in person in the November 2020 General Election, by County.
7. A complete list containing the name, date of birth, driver's license number, last four digits of social security number, and address of all individuals who voted by mail-in ballot in the November 2020 General Election, by County.
8. A complete list containing the name, date of birth, driver's license number, last four digits of social security number, and address of all individuals who voted by absentee ballot in the November 2020 General Election, by County.
9. A complete list containing the name, date of birth, driver's license number, last four digits of social security number, and address of all individuals who voted by provisional ballot in the November 2020 General Election, by County.
10. A complete list containing the name, date of birth, driver's license number, last four digits of social security number, and address of all individuals who voted in person in the May 2021 Primary Election, by County.
11. A complete list containing the name, date of birth, driver's license number, last four digits of social security number, and address of all individuals who voted by mail-in ballot in the May 2021 Primary Election, by County.
12. A complete list containing the name, date of birth, driver's license number, last four digits of social security number, and address of all individuals who voted by absentee ballot in the May 2021 Primary Election, by County.
13. A complete list containing the name, date of birth, driver's license number, last four digits of social security number, and address of all individuals who voted by provisional ballot in the May 2021 Primary Election, by County.
14. A complete list of all changes to voter records made between May 31, 2020 and May 31, 2021.
15. A copy of the certified results for each and every race and/or ballot question on the 2020 General or 2021 Primary elections.
16. A copy of all reports of audits and/or reviews of the SURE system conducted by or for the Department of State between 2018 and the present, including, but not limited to, any audits conducted under 25 Pa.C.S. 1803(a).
17. A copy of the annual reports submitted to the Department in 2021 pursuant to 4 Pa. Code 183.17.

This subpoena is issued pursuant to permission granted to the Chair of the Senate Intergovernmental Operations Committee and in accord with the Constitution and Rules of the Senate of Pennsylvania.



A handwritten signature in blue ink, appearing to read "Cris Dush", written over a horizontal line.

Senator Cris Dush, Chair
Senate Intergovernmental
Operations Committee

Attest:

A handwritten signature in blue ink, appearing to read "Megan Martin", written over a horizontal line.

Megan Martin, Secretary
Senate of Pennsylvania

9/15/21

Date

Senate of Pennsylvania



HARRISBURG, PA

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF DAUPHIN)

Daniel Billings, being duly sworn according to law, says that he resides at 216 Ring Neck Drive, Harrisburg, Pennsylvania, in the County of Dauphin, that he is the Chief Sergeant-at-Arms of the Senate of Pennsylvania, specially deputized.

That he served on The Honorable Veronica Degraffenreid, Acting Secretary of the Commonwealth of Pennsylvania, VIA email to Timothy Gates, Chief Counsel, Pennsylvania Department of State, on the 15th day of September 2021, at 2:52 p.m., a subpoena duces tecum to require the furnishing of certain documents to the Senate Intergovernmental Operations Committee, via Crystal H. Clark, Esquire, 350 Main Capitol Building, Harrisburg, Pennsylvania, no later than October 1, 2021 at 4:00 p.m., by command of The Honorable Cris Dush, Chair, Senate Intergovernmental Operations Committee, Senate of the Commonwealth of Pennsylvania, and The Honorable Megan Martin, Secretary of the Senate of the Commonwealth of Pennsylvania.



Daniel Billings
Daniel Billings
Chief Sergeant-at-Arms
Senate of Pennsylvania

See attached e-mail *Daniel Billings*
Received by

Exhibit B

(Senate Resolution 3, adopted January 5, 2021)
(Rule 38 amended by Senate Resolution 90, adopted April 19, 2021)
(Rule 38 amended by Senate Resolution 128, adopted June 7, 2021)
(2021-2022)

RULES OF THE SENATE OF PENNSYLVANIA

RULE 1	SESSIONS
RULE 2	PRESIDENT
RULE 3	DUTIES OF THE PRESIDENT
RULE 4	PRESIDENT PRO TEMPORE
RULE 5	DUTIES OF PRESIDENT PRO TEMPORE
RULE 6	DUTIES OF THE SECRETARY-PARLIAMENTARIAN
RULE 7	DUTIES OF THE CHIEF CLERK OF THE SENATE
RULE 8	DUTIES OF THE CHIEF SERGEANT-AT-ARMS
RULE 9	ORDER OF BUSINESS
RULE 10	ORDER AND DECORUM
RULE 11	MOTIONS
RULE 12	BILLS
RULE 13	AMENDMENTS
RULE 14	COMMITTEES
RULE 15	COMMITTEE OFFICERS
RULE 16	COMMITTEE MEMBERS
RULE 17	COMMITTEE VOTING
RULE 18	MOTIONS IN COMMITTEES
RULE 19	CONFERENCE COMMITTEES
RULE 20	VOTING
RULE 21	CORRESPONDENTS
RULE 22	RADIO AND TELEVISION
RULE 23	VIDEO FEED AND AUDIO FEED
RULE 24	WHO PRIVILEGED TO THE FLOOR OF THE SENATE
RULE 25	RULES
RULE 26	MASON'S MANUAL OF LEGISLATIVE PROCEDURE TO GOVERN SENATE
RULE 27	QUORUM
RULE 28	EXECUTIVE NOMINATIONS
RULE 29	RESOLUTIONS
RULE 29.1	CITATIONS
RULE 30	GENERAL ACCESS TO THE SENATE FLOOR PROHIBITED
RULE 31	VETO
RULE 32	DIVISION OF A QUESTION
RULE 33	COORDINATION WITH OTHER SENATE RULES
RULE 34	COMMITTEE ON ETHICS
RULE 35	STATUS OF MEMBERS INDICTED OR CONVICTED OF A CRIME
RULE 36	STATUS OF OFFICERS OR EMPLOYEES INDICTED OR CONVICTED OF A CRIME
RULE 37	AFFILIATION WITH NONPROFIT ENTITIES
RULE 38	TEMPORARY EMERGENCY RULES OF THE SENATE

RULE 1 SESSIONS

(a) **Regular and special.**--The General Assembly shall be a continuing body during the term for which its Representatives are elected. It shall meet at twelve o'clock noon on the first Tuesday of January each year. Special sessions shall be called by the Governor on petition of a majority of the Members elected to each House or may be called by the Governor whenever in his opinion the public interest requires. (Const. Art. II, Sec. 4)

(b) **Weekly.**--The Senate shall convene its weekly sessions on Monday, unless the Senate shall otherwise direct.

RULE 2 PRESIDENT

The Lieutenant Governor shall be President of the Senate.(Const. Art. IV, Sec. 4)

RULE 3 DUTIES OF THE PRESIDENT

The President shall:

(1) Take the chair on every legislative day at the hour to which the Senate stands recessed, immediately call the Senators to order, and proceed with the Order of Business of the Senate.

(2) While in session have general direction of the Senate Chamber. It shall be the President's duty to preserve order and decorum, including ensuring all members and staff with privilege of the floor are properly attired pursuant to Senate Rule 10, and, in case of disturbance or disorderly conduct in the Chamber or galleries, may cause the same to be cleared. When in the President's opinion there arises a case of extreme disturbance or emergency the President shall, with the concurrence of the President Pro Tempore, the Majority Leader and the Minority Leader, recess the Senate. Such recess shall not extend beyond the limitation imposed by Article II, section 14 of the Constitution.

(3) During debate, prevent personal references or questions as to motive, and confine Senators, in debate, to the question.

(4) Decide, when two or more Senators arise, who shall be first to speak.

(5) In the presence of the Senate, within one legislative day after receipt or adoption, sign all bills and joint resolutions which have passed both Houses after their titles have been read.

(6) Sign resolutions, orders, writs, warrants and subpoenas issued by order of the Senate. The signature shall be attested by the Secretary-Parliamentarian of the Senate, or, if absent, by the Chief Clerk

of the Senate; and the fact of signing shall be entered in the Journal on the next available session day.

(7) Decide all points of order, subject to appeal, giving, however, any Member called to order the right to extenuate or justify. Debate shall not be permitted unless there be an appeal from a decision of the President in which event the President shall submit the question to the whole Senate for decision. The President shall submit points of order involving the constitutionality of any matter to the Senate for decision. Questions of order submitted to the Senate may be debated.

RULE 4 PRESIDENT PRO TEMPORE

(a) Election.--The Senate shall, at the beginning and close of each regular session and at such other times as may be necessary, elect one of its Members President Pro Tempore, who shall perform the duties of the Lieutenant Governor in any case of absence or disability of that officer, and whenever the office of Lieutenant Governor shall be vacant. (Const. Art. II, Sec. 9)

(b) Voting.--The vote of a majority of the Members voting shall be required to elect a President Pro Tempore. Except at the beginning and close of each regular session, the Senate shall only elect a President Pro Tempore when the office has become vacant and the vote of the majority of the Members elected shall be required to vacate the office of a seated President Pro Tempore.

RULE 5 DUTIES OF PRESIDENT PRO TEMPORE

(a) Mandatory.--The President Pro Tempore shall:

(1) Appoint the Chair, Vice Chair and members of the Standing Committees of the Senate as soon after the election of the President Pro Tempore as possible. Upon the resignation of the Chair of a standing committee, the President Pro Tempore may designate an acting Chair.

(2) Appoint members to special committees whenever authorized.

(3) Fill all vacancies occurring in standing and special committees.

(4) Refer to the appropriate standing committee every bill and joint resolution which may be introduced in the Senate or received from the House of Representatives.

(5) Appoint and have under the President Pro Tempore's direction such Senate employees as are authorized by law.

(6) Vote last on all questions when occupying the Chair.

(b) Discretionary.--The President Pro Tempore may name any Senator to preside in the absence of the

President, or if both the President and President Pro Tempore are absent the Majority Leader, or the Majority Leader's designee, shall preside. The Majority Leader, during such time, shall be vested with all powers of the President. This authority shall not extend beyond a day's recess.

RULE 6

DUTIES OF THE SECRETARY-PARLIAMENTARIAN

(a) Election.--At the beginning of each regular session convening in an odd-numbered year and at other times as may be necessary, the Senate shall elect a Secretary-Parliamentarian of the Senate.

(b) General duties.--The Secretary-Parliamentarian of the Senate shall:

- (1) Assist the presiding officer in conducting the business of the session.
- (2) Act in the capacity of Parliamentarian.

(c) Specific duties.--The Secretary-Parliamentarian of the Senate shall, subject to the direction of the President Pro Tempore:

(1) Direct the following functions:

- (i) Amending bills in the Senate.
- (ii) Preparing and publishing the Senate Calendar.
- (iii) Publication of the Senate History.
- (iv) Numbering Senate bills as they are introduced and causing them to be distributed to the chair of the committee to which they are referred and receiving a receipt for the same.
- (v) Printing of bills.
- (vi) Maintain and update, as needed, the Legislative Data Processing Senate Virtual Session Desk application for use by members and staff.

(2) Keep a record of the Senate action on a bill on a special record sheet attached to the bill after it has been reported from committee.

(3) Keep a record of all leaves granted by the Senate by compiling the leave requests submitted by a member and transmitted to the Secretary-Parliamentarian by the respective Floor Leaders. These records shall be retained only for the duration of the two-year legislative session. Further, these records shall be available for public inspection upon request.

(4) Transmit all bills, joint resolutions, concurrent resolutions and other communications to the House of Representatives within one legislative day of final passage or adoption, and each shall be accompanied by a message stating the title to the measure being transmitted and requesting concurrence of

the House, as required.

(5) Attest all writs, warrants and subpoenas issued by order of the Senate; certify as to the passage of Senate Bills and the approval of executive nominations.

(6) Supervise the Senate Library, assist Senators by making reference material available to them and perform any duties assigned to the Senate Librarian by any statute.

(7) Supervise the Chief Sergeant-at-Arms, the Senate Bill Room, the Senate Print Shop, the Official Reporter's Office and the Senate Page Service.

(8) Post each roll call vote taken in the Senate on the Internet website maintained by the Senate immediately, but in no case later than 24 hours after the vote. Each roll call vote shall be posted in a manner which clearly identifies the bill, resolution or other subject of the vote.

(9) Post the Legislative Journal of the Senate on the Internet website maintained by the Senate upon approval of the Journal or within 90 calendar days of each session day, whichever is earlier. The journal shall be the official record of the Senate upon Senate approval or posting of the Journal on the Internet website by the Secretary-Parliamentarian.

(10) Provide for the publication and dissemination of educational or informational literature pertaining to the Senate, the Commonwealth of Pennsylvania or the Government of the United States.

RULE 7 DUTIES OF THE CHIEF CLERK OF THE SENATE

(a) Election.—At the beginning of each regular session convening in an odd-numbered year and, whenever necessary, the Senate shall elect a Chief Clerk of the Senate.

(b) Duties.—The Chief Clerk shall be the chief fiscal officer of the Senate and shall perform those powers and duties prescribed by law, the Rules of the Senate and at the direction of the President Pro Tempore. In the absence of the Secretary-Parliamentarian, the Chief Clerk shall, subject to the direction of the President Pro Tempore, attest all writs, warrants and subpoenas issued by order of the Senate and shall certify as to the passage of Senate Bills and the approval of executive nominations.

RULE 8 DUTIES OF THE CHIEF SERGEANT-AT-ARMS

There shall be a Chief Sergeant-at-Arms who shall:

(1) Be constantly in attendance during the sessions of the Senate except when absent in discharging other duties.

- (2) Appoint, have charge of and direct the work of the assistant sergeants-at-arms.
- (3) Serve all subpoenas and warrants issued by the Senate or any duly authorized officer or committee.
- (4) Maintain order, at the direction of the presiding officer, in the Senate Chamber and adjoining rooms.
- (5) See that no person, except those authorized to do so, disturbs or interferes with the desk, or its contents, of any Senator or officer.
- (6) Exclude from the Floor all persons not entitled to the privilege of the same.
- (7) Have charge of all entrances to the Chamber during the sessions of the Senate and shall see that the doors are properly attended.
- (8) Announce, upon recognition by the presiding officer, all important communications and committees.
- (9) Escort the Senate to all Joint meetings with the mace.
- (10) Escort the Senate to attend funeral services of members, former members of the Senate or other dignitaries with the mace.

RULE 9 ORDER OF BUSINESS

(a) General rule.—The Order of Business to be observed in taking up business shall be as follows:

- | | |
|---------------|---|
| First | Call to Order. |
| Second | Prayer by the Chaplain and Pledge of Allegiance. |
| Third | Reading of Communications. |
| Fourth | Receiving reports of committees. |
| Fifth | Asking of leaves of absence. No Senator shall absent himself without leave of the Senate, first obtained, unless prevented from attendance by sickness, or other sufficient cause. |
| Sixth | Approval of Journals of preceding session days. |

Seventh	Offering of original resolutions.
Eighth	Introduction of Guests.
Ninth	Consideration of the Calendar. Any bill or resolution on the Calendar not finally acted upon within 10 legislative days shall be removed from the Calendar and laid on the table, unless the Senate shall otherwise direct.
Tenth	Consideration of Executive Nominations.
Eleventh	Unfinished Business. Reports of Committees.
Twelfth	First consideration of bills reported from committee, which, at this time, shall not be subject to amendment, debate or a vote thereon.
Thirteenth	Announcements by the Secretary-Parliamentarian.
Fourteenth	Introduction of Petitions and Remonstrances.
Fifteenth	Recess.

(b) Special order of business.--Any subject may, by a vote of a majority of the Members present, be made a special order; and when the time so fixed for its consideration arrives, the presiding officer shall lay it before the Senate.

RULE 10

ORDER AND DECORUM

(a) **Recognition.**—Any Senator who desires to speak or deliver any matter to the Senate shall rise and respectfully address the presiding officer as "Mr. President" or "Madam President," and on being recognized, may address the Senate at a microphone located on the Floor of the Chamber.

(b) **Avoiding personal references.**—Any Senator addressing the Senate shall confine remarks to the question under debate, avoiding personal references or questions as to motive.

(c) **Speaking out of order.**—If any Senator transgresses the Rules of the Senate, in speaking or otherwise, the presiding officer may, or any Senator may through the presiding officer, call that Senator to order.

(d) **Speaking more than twice.**—No Senator shall speak more than twice on one question without leave of the Senate.

(e) **Decorum.**—When a Senator is speaking, no other person shall pass between the Senator and the presiding officer.

(f) **Order and privilege.**—No Senator speaking shall be interrupted except by a call to order, a question of privilege, a question of order or a call for the previous question, without the consent of the Senator speaking, and no Senator shall speak on a question after it is put to a vote.

(g) **Questions of order.**—The presiding officer shall decide all questions of order, subject to appeal by any member. No debate shall be allowed on questions of order, unless there is an appeal. A second point of order on the same general subject, but not the same point, is not in order while an appeal is pending, but when the first appeal is decided, laid on the table or otherwise disposed of, the second point of order is in order and is subject to appeal. While an appeal is pending, no other business is in order. It is within the discretion of the presiding officer as to whether to vacate the chair on an appeal.

(h) **Question when interrupted.**—A question regularly before the Senate can be interrupted only by a call for the previous question, for amendment, postponement, to lay on the table, commitment, recess or adjournment *sine die*.

(i) **Use of tobacco products.**—No tobacco products, including cigarettes, cigars, pipes and chewing tobacco, shall be used in the Senate Chamber or in Senate Committee Rooms.

(j) **Cell phones.**—In the Senate Chamber, cell phones and similar portable communication devices shall be set to silent mode and use of voice or video recording and broadcasting capabilities is prohibited.

(k) **Proper attire.**—Members and staff with privilege of the floor during Senate sessions shall not dress in a manner offensive to the decorum of the Senate but shall be dressed in professional attire, including a coat, tie

and trousers or slacks for men, and appropriate dignified dress for women.

RULE 11 MOTIONS

(a) Putting a motion.--When a motion is made, it shall, before debate, be stated by the presiding officer. Every motion made to the Senate and entertained by the presiding officer shall be entered in the Journal with the name of the Senator making it. A motion may be withdrawn by the Senator making it before amendment, postponement, an order to lay on the table or decision.

(b) Precedence of motions.--Motions shall take precedence in the following order:

- (1) Adjourn sine die.
- (2) Recess.
- (3) Previous question.
- (4) Recess temporarily within the same session day.
- (5) Questions of privilege of the Senate.
- (6) Orders of the day.
- (7) Lay on the table.
- (8) Limit, close or extend limit on debate.
- (9) Postpone.
- (10) Commit or recommit.
- (11) Amend.
- (12) Main motion.

(c) Non-debatable motions.--Non-debatable motions are:

- (1) Adjourn sine die.
- (2) Recess.
- (3) Recess temporarily within the same session day.
- (4) Previous question.
- (5) Lay on the table.
- (6) Orders of the day.
- (7) Limit, close or extend limit on debate.

(d) Motions which permit limited debate.--

- (1) On the motion to postpone, the question of postponement is open to debate, but the main

question is not.

(2) The motion to commit or recommit to committee is debatable as to the propriety of the reference, but the main question is not open to debate.

(3) The motion to amend is debatable on the amendments only and does not open the main question to debate.

(e) **Seconding motions.**—All motions, except for the previous question, which shall be seconded by not less than four Senators, may be made without a second.

(f) **Recessing and convening.**—

(1) A motion to recess shall always be in order, except, when on the call for the previous question, the main question shall have been ordered to be now put, or when a Member has the Floor, and shall be decided without debate.

(2) On a motion to recess, adopted and not having a reconvening time, the Senate will meet the following day at 10:00 a.m.

(3) The Senate shall not convene earlier than 8:00 a.m. unless the Senate adopts a motion that sets forth the need to convene earlier than 8:00 a.m.

(4) The Senate shall not recess later than 11:00 p.m. each session day unless the Senate adopts a motion that sets forth the need to recess later than 11:00 p.m.

(g) **Motion for previous question.**—Pending the consideration of any question before the Senate, a Senator may call for the previous question, and if seconded by four Senators, the President shall submit the question: "Shall the main question now be put?" If a majority vote is in favor of it, the main question shall be ordered, the effect of which shall cut off all further amendments and debate, and bring the Senate to a direct vote first upon the pending amendments and motions, if there be any, then upon the main proposition. The previous question may be ordered on any pending amendment or motion before the Senate.

(h) **Motion to lay on table.**—The motion to lay on the table is not debatable, and the effect of the adoption of this motion is to place on the table the pending question and everything adhering to it. Questions laid on the table remain there for the entire session unless taken up before the session closes.

(i) **Motion to take from table.**—A motion to take from the table, a bill or other subject, is in order under the same order of business in which the matter was tabled. It shall be decided without debate or amendment.

(j) **Reconsideration.**—

(1) When a question has once been made and carried in the affirmative or negative, it shall be in

order to move the reconsideration thereof. When the Senate has been equally divided on a question, or a bill shall have failed to pass by reason of not having received the number of votes required by the Constitution, it shall be in order to move the reconsideration thereof.

(2) Provided, however, that no motion for the reconsideration of any vote shall be in order after a bill, resolution, report, amendment or motion upon which the vote was taken shall have gone out of the possession of the Senate.

(3) Provided, further, that no motion for reconsideration shall be in order unless made on the same day on which the vote was taken, or within the next five days of voting session of the Senate thereafter.

(4) A motion to reconsider the same question a third time is not in order.

(5) When a bill, resolution, report, amendment, order, or communication, upon which a vote has been taken, shall have gone out of the possession of the Senate and been sent to the House of Representatives or to the Governor, the motion to reconsider shall not be in order until a resolution has been passed to request the House or Governor to return the same and the same shall have been returned to the possession of the Senate.

RULE 12 BILLS

(a) Passage of bills.--

(1) No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose. (Const. Art. III, Sec. 1)

(2) No alteration or amendment shall be considered which is not appropriate and closely allied to the original purpose of the bill. If a bill has been amended after being reported by the Appropriations Committee and if the amendment may require the expenditure of Commonwealth funds or funds of a political subdivision or cause a loss of revenue to the Commonwealth or a political subdivision, the Appropriations Committee shall make a fiscal note reflecting the impact of the amendment available to the Senators.

(b) Reference and printing.--No bill shall be considered unless referred to a committee, printed for the use of the members and returned therefrom. (Const. Art. III, Sec. 2)

(c) Form of bills.--No bill shall be passed containing more than one subject, which shall be clearly expressed in its title, except a general appropriation bill or a bill codifying or compiling the law or a part thereof. (Const. Art. III, Sec. 3)

(d) **Consideration of bills.**—Every bill shall be considered on three different days in each House. All amendments made thereto shall be available pursuant to Rule 13(a)(2) for the use of the members before the final vote is taken on the bill. Upon written request addressed to the presiding officer of the Senate by at least 25% of the Members elected to the Senate, any bill shall be read at length in that House. No bill shall become a law, unless on its final passage the vote is taken by yeas and nays, the names of the persons voting for and against it are entered on the Journal, and a majority of the Members elected to each House is recorded thereon as voting in its favor. (Const. Art. III, Sec. 4)

(e) **Local and special bills.**—No local or special bill shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or the thing to be effected may be situated, which notice shall be at least 30 days prior to the introduction into the General Assembly of such bill and in the manner to be provided by law; the evidence of such notice having been published shall be exhibited in the General Assembly before such act shall be passed. (Const. Art. III, Sec. 7)

(f) **Revenue bills.**—All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills. (Const. Art. III, Sec. 10)

(g) **Appropriation bills.**—

(1) The general appropriation bill shall embrace nothing but appropriations for the executive, legislative and judicial departments of the Commonwealth, for the public debt and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject. (Const. Art. III, Sec. 11)

(2) No appropriation shall be made for charitable, educational or benevolent purposes to any person or community nor to any denomination and sectarian institution, corporation or association: Provided, That appropriations may be made for pensions or gratuities for military service and to blind persons 21 years of age and upwards and for assistance to mothers having dependent children and to aged persons without adequate means of support and in the form of scholarship grants or loans for higher educational purposes to residents of the Commonwealth enrolled in institutions of higher learning, except that no scholarship, grants or loans for higher educational purposes shall be given to persons enrolled in a theological seminary or school of theology. (Const. Art. III, Sec. 29)

(h) **Charitable and educational appropriations.**—No appropriation shall be made to any charitable or educational institution not under the absolute control of the Commonwealth, other than normal schools established by law for the professional training of teachers for the public schools of the State, except by a vote

of two-thirds of all the members elected to each House. (Const. Art. III, Sec. 30)

(i) Land transfer legislation.--

(1) No bills granting or conveying Commonwealth land or taking title thereto shall be reported by any committee of the Senate unless there has been filed with the Secretary-Parliamentarian and the Chair of the Reporting Committee, a memorandum from the Department of General Services indicating the use to which the property is presently employed, the full consideration for the transfer, if any, a departmental appraisal of the property, including its valuation and a list of recorded liens and encumbrances, if any, the use to which the property will be employed upon its transfer, the date by which the land is needed for its new use and the senatorial district or districts in which the land is located. The memorandum shall be filed within 60 days after a request is made for same and contain a statement by a responsible person in the Department of General Services indicating whether or not the departments involved favor the transfer which is the subject of the bill under consideration. The sponsor of the bill or the Chair of the Reporting Committee may request the memorandum from the Department of General Services.

(2) No amendment granting or conveying Commonwealth land or taking title thereto shall be considered by the Senate unless there has been filed with the Secretary-Parliamentarian and the Chair of the committee reporting the bill a memorandum from the Department of General Services indicating the use to which the property is presently employed, the full consideration for the transfer, if any, a departmental appraisal of the property, including its valuation and a list of recorded liens and encumbrances, if any, the use to which the property will be employed upon its transfer, the date by which the land is needed for its new use, the senatorial district or districts in which the land is located and a statement by a responsible person in the Department of General Services indicating whether or not the departments involved favor the transfer which is the subject of the amendment under consideration. The memorandum shall be filed within 60 days after a request is made. The sponsor of the amendment or the Chair of the Reporting Committee may request the memorandum from the Department of General Services.

(3) If a memorandum is not filed within 60 days after a request is made to the Department of General Services, the Senate or any committees of the Senate may consider bills or amendments granting or conveying Commonwealth land or taking title thereto, notwithstanding paragraphs (1) and (2).

(j) Consideration during second regular session.--All bills, joint resolutions, resolutions, concurrent resolutions or other matters pending before the Senate upon the recess of a first regular session convening in an odd-numbered year shall maintain their status and be pending before a second regular session convening in an

even-numbered year but not beyond adjournment sine die or November 30th of such year, whichever first occurs.

(k) **Introduction.**--All bills shall be introduced in quadruplicate or filed electronically with the Secretary-Parliamentarian's Office through a process determined by the Secretary-Parliamentarian. A sponsor may be added after a bill has been printed but the addition of sponsors shall not require that the bill be reprinted. All bills shall be examined by the Legislative Reference Bureau for correctness as to form and shall be imprinted with the stamp of the Bureau before being filed with the Secretary-Parliamentarian for introduction.

(l) **Character of bills to be introduced.**--No Member shall introduce, nor shall any committee report any bill for the action of the Senate, proposing to legislate upon any of the subjects prohibited by Article III, section 32 of the Constitution.

(m) **Printing of amended bills.**--

(1) All bills reported or re-reported from committee, if amended by the committee, and all bills on the Calendar, if amended by the Senate, shall be reprinted and a new printer's number assigned thereto before any action is taken thereon.

(2) No bill or joint resolution re-reported from committee as amended shall be voted upon on final passage until at least six hours have elapsed from the time of the committee report.

(n) **First consideration.**--Bills on first consideration shall not be subject to amendment, debate or a vote thereon.

(o) **Second consideration.**--Bills on second consideration may be subject to amendment, debate and a vote thereon.

(p) **Third consideration and final passage.**--

(1) The following apply:

(i) Bills on third consideration may be amended and are subject to debate. Bills on final passage may not be amended but are open to debate. The vote on final passage shall be taken by a roll call. The names of the Senators voting for and against shall be recorded, entered in the Journal and posted on the Internet website maintained by the Senate. No bill shall be declared passed unless a majority of all Senators elected to the Senate shall be recorded as voting for the same.

(ii) No bill which may require an expenditure of Commonwealth funds or funds of any political subdivision or cause a loss of revenue to the Commonwealth or any political subdivision shall be given third consideration on the Calendar until it has been referred to the Appropriations

Committee and a fiscal note attached thereto.

(iii) In obtaining the information required by these Rules, the Appropriations Committee may utilize the services of the Budget Office and any other State agency as may be necessary.

(iv) No bills appropriating money for charitable or benevolent purposes shall be considered finally until after the general appropriation bill shall have been reported from committee.

(2) The following apply:

(i) It shall not be in order, by suspension of this Rule or otherwise, to consider a bill on final passage unless it is printed, together with amendments, if any, and made available to the Senators.

(ii) No bill or joint resolution amended on third consideration shall be voted on final passage until at least six hours have elapsed from the time of adoption of the amendment.

(q) Prefiling of bills, joint resolutions and resolutions.--Any Senator or Senator-elect may file, via paper or electronic format, bills, joint resolutions and resolutions with the Secretary-Parliamentarian of the Senate commencing on December 15 of each even-numbered year. The Secretary-Parliamentarian of the Senate shall number the bills, joint resolutions and resolutions and shall have them available for distribution. Upon the naming of the committees of the Senate at the convening of a First Regular Session, the President Pro Tempore shall refer all prefiled measures to the proper committee within 14 calendar days.

(r) Normal filing of bills, joint resolutions and resolutions.--Senators may introduce bills, joint resolutions and resolutions by filing the same, via paper or electronic format, with the Secretary-Parliamentarian of the Senate. The Secretary-Parliamentarian of the Senate shall number the bills, joint resolutions and resolutions and shall notify the President Pro Tempore of the fact of such filing.

(s) Referral to committee by President Pro Tempore.--Every bill, joint resolution and resolution introduced by a Senator or received from the House of Representatives shall be referred by the President Pro Tempore to the appropriate committee within 14 calendar days. Upon referral, the Secretary-Parliamentarian of the Senate shall deliver the bills, joint resolutions and resolutions, via paper or electronic format, to the committees to which they have been referred. The Secretary-Parliamentarian of the Senate shall have the bills, joint resolutions and resolutions available for distribution.

RULE 13 AMENDMENTS

(a) When in order.--

(1) Amendments shall be in order when a bill is reported or re-reported from committee, on second

consideration and on third consideration. No amendments shall be received by the presiding officer or considered by the Senate which destroys the general sense of the original bill or is not appropriate and closely allied to the original purpose of the bill. Any Member, upon request, must be furnished a copy of a proposed amendment, this includes being available on the Senate Virtual Session Desk application or its successor applications, and be given a reasonable opportunity to consider same before being required to vote thereon.

(2) Amendments offered on the Floor shall be read by the Reading Clerk and stated by the presiding officer to the Senate before being acted upon. Amendments shall be presented with at least four typewritten copies obtained electronically through the Legislative Reference Bureau, which shall have the Sponsor identified. No amendment may be considered by the Senate until the Secretary-Parliamentarian of the Senate has posted the amendment on the Internet website maintained by the Senate.

(3) Amendments to bills or other main motions or questions before the Senate may be tabled. When an amendment proposed to any bill or other main motion or question before the Senate is laid on the table, it shall not carry with it or prejudice the bill, main motion or question. A motion to take an amendment from the table shall only be in order if the bill or other main motion or question remains before the Senate for decision. The motion to take an amendment from the table is not debatable and shall have the same precedence as the motion to amend.

(b) Amendments reconsidering; revert to prior print.--Amendments adopted or defeated may not be again considered without reconsidering the vote by which the amendments were adopted or defeated, unless a majority vote of the Senators present shall decide to revert to a prior printer's number. If such a motion is made to a bill on third consideration and carried it shall not be in order to vote on the final passage of the bill until a copy of the reverted printer's number is made available to the Senators, this includes being available on the Senate Virtual Session Desk application or its successor applications.

(c) Concurrence in House amendments.--

(1) The following apply:

(i) No amendments to bills by the House shall be concurred in by the Senate, except by the vote of a majority of the Members elected to the Senate taken by yeas and nays. (Const. Art. III, Sec. 5)

(ii) If a bill on concurrence contains an amendment which may require the expenditure of Commonwealth funds or funds of a political subdivision or cause a loss of revenue to the

Commonwealth or a political subdivision, the bill may not be voted finally until a fiscal note reflecting the impact of the amendment is made available to the Senators.

(2) The following apply:

(i) Any bill or resolution containing House amendments which is returned to the Senate shall be referred to the Committee on Rules and Executive Nominations immediately upon the reading of the communication by the Reading Clerk. The consideration of any bill or resolution containing House amendments may include the amendment of House amendments only by the Committee on Rules and Executive Nominations. The vote on concurring in amendments by the House to bills or resolutions amended by the House shall not be taken until the bills or resolutions have been favorably reported, as committed or as amended, by the Committee on Rules and Executive Nominations and have been placed on the desks of the Senators, this includes being available on the Senate Virtual Session Desk application or its successor applications, and particularly referred to on their calendars.

(ii) Unless the Majority Leader and the Minority Leader shall agree otherwise, the offering of an amendment to House amendments in the Committee on Rules and Executive Nominations shall not be in order until at least one hour after the filing of a copy of the amendment as prepared by the Legislative Reference Bureau with the office of the Secretary-Parliamentarian. Upon the filing of such an amendment, the Secretary-Parliamentarian shall immediately time stamp the amendment and forward a time-stamped copy of the amendment to the offices of the Majority Leader and the Minority Leader. Except as provided in this subsection, it shall not be in order to suspend or otherwise waive the requirements of this subsection.

RULE 14 COMMITTEES

(a) Standing committees.--

(1) There shall be the following permanent standing committees, the Chair, the Vice Chair and members thereof to be appointed by the President Pro Tempore as soon as possible after the election of the President Pro Tempore in sessions convening in odd-numbered years or such other times as may be necessary. The composition of each standing committee shall reasonably reflect the caucus composition of the Senate membership.

Aging and Youth - 10 members

Agriculture and Rural Affairs - 10 members

Appropriations - 21 members
Banking and Insurance - 13 members
Communications and Technology - 10 members
Community, Economic and Recreational Development - 13 members
Consumer Protection and Professional Licensure - 13 members
Education - 10 members
Environmental Resources and Energy -- 10 members
Finance -- 10 members
Game and Fisheries -- 10 members
Health and Human Services -- 10 members
Intergovernmental Operations -- 10 members
Judiciary - 13 members
Labor and Industry -- 10 members
Law and Justice -- 10 members
Local Government -- 10 members
Rules and Executive Nominations - 16 members
State Government -- 10 members
Transportation - 13 members
Urban Affairs and Housing -- 10 members
Veterans' Affairs and Emergency Preparedness -- 10 members

(2) Subcommittees. Each standing committee or the chair thereof may appoint, from time to time, a subcommittee to study or investigate a matter falling within the jurisdiction of the standing committee or to consider a bill or resolution referred to it. A subcommittee may hold public hearings only with the prior permission of its standing committee. Subcommittees shall be regulated by the Senate Rules of Procedure and shall be in existence for only that time necessary to complete their assignments and report to their standing committees.

(b) Members-ex-officio.--

(1) The President Pro Tempore shall be an ex-officio voting member of all standing committees and any subcommittees that may be established and shall not be included in the number of committee members herein provided. However, the President Pro Tempore shall not be an ex-officio Member of the Committee

on Ethics and Official Conduct.

(2) The Majority Leader and the Minority Leader shall each be an ex-officio member of the Committee on Appropriations and shall not be included in the number of members of the committee provided herein.

(3) The Majority Leader shall serve as Chair of the Committee on Rules and Executive Nominations and the Minority Leader shall serve as the Minority Chair.

(c) Committees' function between sessions.—Standing committees shall exist and function both during and between sessions. Such power shall not extend beyond November 30th of any even-numbered year.

(d) Powers and responsibilities.—Standing committees are authorized:

(1) To maintain a continuous review of the work of the Commonwealth agencies concerned with their subject areas and the performance of the functions of government within each such subject area, and for this purpose to request reports from time to time, in such form as the standing committee shall designate, concerning the operation of any Commonwealth agency and presenting any proposal or recommendation such agency may have with regard to existing laws or proposed legislation in its subject area. The standing committee is authorized to require public officials and employees and private individuals to appear before the standing committee for the purpose of submitting information to it.

(2) In order to carry out its duties, each standing committee is empowered with the right and authority to inspect and investigate the books, records, papers, documents, data, operation and physical plant of any public agency in this Commonwealth.

(3) In order to carry out its duties, each standing committee or special committee appointed under Rule 5(a)(2) may issue subpoenas, subpoenas duces tecum and other necessary process to compel the attendance of witnesses and the production of any books, letters or other documentary evidence desired by the committee. The chair may administer oaths and affirmations in the manner prescribed by law to witnesses who shall appear before the committee to testify.

(e) Notice of meetings.—

(1) The following apply:

(i) The Chair of a committee or, in the absence of the Chair, the Vice Chair, with the approval of the Chair, shall provide each member of the committee with written notice of committee meetings, which shall include the date, time and location of the meeting and the number of each bill, resolution or other matter which may be considered. During session, notice of meetings of standing committees

shall be published daily. Notice shall be delivered by the Chair to the Secretary-Parliamentarian's office on a form prescribed by the Secretary-Parliamentarian of the Senate by the end of the session on the day preceding its intended publication.

(ii) Whenever the Chair of any standing committee shall refuse to call a regular meeting, then a majority plus one of the members of the standing committee may vote to call a meeting by giving two days' written notice to the Secretary-Parliamentarian of the Senate, setting the time and place for such meeting. Such notice shall be read in the Senate and the same posted by the Secretary-Parliamentarian in the Senate. Thereafter, the meeting shall be held at the time and place specified in the notice. In addition, any such meeting shall comply with all provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings) relative to notice of meetings.

(iii) When the majority plus one of the members of a standing committee believe that a certain bill or resolution in the possession of the standing committee should be considered and acted upon by such committee, they may request the Chair to include the same as part of the business of a committee meeting. Should the Chair refuse such request, the membership may require that such bill be considered by written motion made and approved by a majority plus one vote of the entire membership to which the committee is entitled.

(2) A committee meeting, or hearing for which notice has not been published as provided in paragraph (1), may be held during a session only if approval is granted by the Majority Leader and the Minority Leader and if notice of the bills to be considered is given during session.

(f) Bills recommitted.—Any bill or resolution reported by any standing committee without prior notice having been given as required by these Rules shall be recommitted to the committee reporting the same.

(g) Public meetings or hearings.—

(1) The following apply:

(i) The Chair of a standing committee may hold hearings open to the public and in doing so shall make a public announcement in writing prior to the date of the hearing of the date, time, location and subject matter of the hearing.

(ii) The Chair of a standing committee shall have the power to designate whether or not a meeting of the committee for the purpose of transacting committee business shall be open to the public or shall be held in executive session and therefore closed to the public, but no matters may be considered in executive session for which an open meeting is required under 65 Pa.C.S. Ch. 7

(relating to open meetings).

(2) All standing committees may have their hearings reported and transcribed if payment for such service is being made from committee funds. If payment is expected to be made from a source other than committee funds, approval must be first obtained from the President Pro Tempore.

(3) The meetings of the Senate standing and special committees may be livestreamed as determined by the committee chair, if held in a hearing room equipped for that purpose, and posted on the official Senate Internet website. The official Senate livestream and recordings of the livestream, video or audio, may be broadcasted and posted on the respective Senate caucus websites and social media platforms. The restrictions on video and audio feeds under Rule 23 apply to livestreamed and video recordings of standing and special committee meetings.

(h) Quorum of committee.—A committee is actually assembled only when a quorum constituting a majority of the members of that committee is present in person. A majority of the quorum of the whole committee shall be required to report any bill, resolution or other matter to the Floor for action by the whole Senate.

(i) Quorum of subcommittee.—A subcommittee is actually assembled only when a quorum constituting a majority of the members of that subcommittee is present in person. A majority of the quorum of the whole subcommittee shall be required to report any bill, resolution or other matter to the committee.

(j) Discharging committees.—

(1) No standing committee shall be discharged from consideration of any bill, resolution or other matter within 10 legislative days of its reference to committee without the unanimous consent of the Senate or after such 10-day period except by majority vote of all members elected to the Senate.

(2) Such discharge shall be by resolution which shall lie over one day for consideration upon introduction and which may be considered under the Order of Business of Resolutions on the Calendar.

RULE 15 COMMITTEE OFFICERS

(a) Chair-ex-officio.—The Chair and Minority Chair of each standing committee shall be ex-officio members of each subcommittee that may be established as part of the standing committee, with the right to attend meetings of the subcommittee and vote on any matter before the subcommittee.

(b) Calling committee to order.—The Chair or, if authorized by the Chair, the Vice Chair, shall call the committee to order at the hour provided by these Rules. Upon the appearance of a quorum, the committee shall proceed with the order of business. Any member of the committee may question the existence of a quorum.

(c) Chair control of the committee room.--The Chair or, if authorized by the Chair, the Vice Chair, shall preserve order and decorum and shall have general control of the committee room. In case of a disturbance or disorderly conduct in the committee room, the Chair or, if authorized by the Chair, the Vice Chair, may cause the same to be cleared. The use of cell phones and similar portable communication devices within any Senate committee room by other than members of the Senate or their staffs is strictly prohibited.

(d) Chair's authority to sign documents and decide questions of order.--The Chair shall sign all notices, vouchers, subpoenas or reports required or permitted by these Rules. The Chair shall decide all questions of order relative to parliamentary procedure, subject to an appeal by any member of the committee.

(e) Vote of Chair, Vice Chair.--The Chair and Vice Chair shall vote on all matters before such committee; Provided, That the name of the Chair shall be called last.

(f) Performance of duties by Vice Chair.--Upon the death of the Chair, the Vice Chair shall perform the duties of the office until and unless the President Pro Tempore shall appoint a successor or designate an acting Chair. Upon and during disability, or incapacity of the Chair, the Vice Chair shall perform the Chair's duties.

(g) Chair's duty to report.--The Chair shall report any bill to the Floor of the Senate not later than the next occurring legislative day after the committee's vote to report it.

(h) Amendments.--Upon reporting the bill from committee, the Chair shall submit all amendments adopted in committee to the Secretary-Parliamentarian of the Senate for posting on the Internet website maintained by the Senate.

RULE 16

COMMITTEE MEMBERS

Members, attendance and voting shall be as follows:

(1) Every member of a committee shall be in attendance during each of its meetings, unless excused or necessarily prevented, and shall vote on each question, except that a member desiring to be excused from voting in committee due to a direct, personal, private or pecuniary interest shall seek a ruling from the Chair pursuant to Rule 20(c).

(2) The Chair may excuse any Senator for just cause from attendance during the meetings of the committee for any stated period.

(3) Any member of a committee who is otherwise engaged in legislative duties may have the member's vote recorded on bills, resolutions or other matters pending before the committee by communicating in writing to the Chair the inability to attend and the manner in which the member desires

to be voted on bills, resolutions or other matters pending before the committee.

RULE 17 COMMITTEE VOTING

Taking the vote shall be as follows:

(1) The Chair shall announce the results of all votes to report a bill or resolution or a vote regarding an executive nomination. All votes shall be open to the public and shall be posted on the Internet website maintained by the Senate within 24 hours.

(2) In all cases where the committee vote shall be equally divided, the question falls.

RULE 18 MOTIONS IN COMMITTEES

All motions made in committee shall be governed and take the same precedence as those set forth in these Rules.

RULE 19 CONFERENCE COMMITTEES

(a) **Composition.**--The President Pro Tempore shall appoint three Senators to comprise a Committee of Conference. Two shall be from the Majority Party and one from the Minority Party.

(b) **Deliberations.**--The deliberations of the committee shall be confined to the subject of difference between the two Houses, unless both Houses shall direct a free conference.

(c) **Report of Conference Committee.**--

(1) The report of a Committee of Conference shall be prepared in triplicate by the Legislative Reference Bureau and shall be signed by the members or a majority of the members of each committee comprising the Committee of Conference. Every report of a Committee of Conference shall be printed together with the bill as amended by the committee, shall be made available to the Senators, including being available on the Senate Virtual Session Desk application or its successor applications, and shall be particularly referred to on their calendars before action shall be taken on such report. No report of a Committee of Conference may be adopted by the Senate until at least six hours have elapsed from the time of adoption of the report by the Committee of Conference.

(2) A report of a Committee of Conference which requires the expenditure of Commonwealth funds or funds of a political subdivision or causes a loss of revenue to the Commonwealth or a political subdivision shall have a fiscal note attached before the report is finally adopted by the Senate.

(d) Adoption of Conference Committee report.--Reports of committees of conference shall be adopted only by the vote of a majority of the members elected to the Senate, taken by yeas and nays. (Const. Art. III, Sec. 5)

RULE 20 VOTING

(a) Senators must be present.--Every Senator shall be present within the Senate Chamber during the sessions of the Senate and shall be recorded as voting on each question stated from the Chair which requires a roll call vote unless the Senator is on leave, is duly excused or is unavoidably prevented from attending session. The refusal of any Senator to vote as provided by this Rule shall be deemed a contempt of the Senate.

(b) Voting required.--Except as may be otherwise provided by this Rule, no Senator shall be permitted to vote on any question unless the Senator is present in the Senate Chamber at the time the roll is being called, or prior to the announcement of the vote, unless the following applies:

(1) Capitol leave.--A Senator who is performing a legislative duty in the Harrisburg area, which is defined in the Financial Operating Rules of the Senate as within Dauphin County or otherwise within a 10 mile radius of the Capitol, may, upon request during session, be granted a Capitol Leave by the Senate and may be voted by the Senator's respective Floor Leader. A specific reason for the Capitol Leave must be given in writing by the Senator. The Capitol Leave request shall be communicated to the Senator's respective Whip for transmission to the respective Floor Leader prior to the beginning of a roll call vote. All written Capitol Leave requests shall be transmitted by the respective Floor Leaders to the Secretary-Parliamentarian of the Senate for retention in accordance with Rule 6(c)(3) within 24 hours of the conclusion of the legislative day in which leave was requested.

(2) Legislative leave.--A Senator who is performing a legislative duty outside of the Harrisburg area may, upon request during session, be granted a Legislative Leave by the Senate and may be voted by the Senator's respective Floor Leader. A specific reason for the Legislative Leave must be given in writing by the Senator. The Legislative Leave request shall be communicated to the Senator's respective Whip for transmission to the respective Floor Leader prior to the beginning of a roll call vote. All written Legislative Leave requests shall be transmitted by the respective Floor Leaders to the Secretary-Parliamentarian of the Senate for retention in accordance with Rule 6(c)(3) within 24 hours of the conclusion of the legislative day in which leave was requested.

(3) Military leave.--A Senator who is on active duty or in training with a reserve component of the armed forces of the United States or the Pennsylvania National Guard or Air National Guard may be

granted a military leave. A Senator requesting military leave shall submit a leave request to the Senator's respective Floor Leader who shall transmit the request to the Secretary-Parliamentarian of the Senate on behalf of the Senator requesting leave within 24 hours of the conclusion of the legislative day in which leave was requested.

(4) Personal leave.—A Senator who is absent for any purpose other than those set forth in these Rules may be granted a personal leave. A Senator on personal leave shall not be voted on any question before the Senate or on any question before any committee of the Senate. A Senator requesting personal leave shall submit a leave request to the Senator's respective Floor Leader who shall transmit the request to the Secretary-Parliamentarian of the Senate on behalf of the Senator requesting leave within 24 hours of the conclusion of the legislative day in which leave was requested.

(c) Excused from voting.—

(1) A Senator desiring to be excused from voting due to a direct, personal, private or pecuniary interest in any question or bill proposed or pending before the Senate shall seek a ruling from the presiding officer.

(2) Senators who seek a ruling on whether they have a direct, personal, private or pecuniary interest in any question or bill proposed or pending before the Senate shall, after the Senator is recognized by the presiding officer, make a brief statement of the reasons for making the request and ask the presiding officer to decide whether or not the Senator must vote. The question shall be decided by the presiding officer without debate.

(d) Changing vote.—No Senator may vote or change a vote after the result is announced by the Chair. Before the announcement of the final result, however, a Senator may change a vote, or may vote, if previously absent from the Chamber. Should a Senator be erroneously recorded on any vote, the Senator may at any time, with the permission of the Senate, make a statement to that effect which shall be entered in the Journal. Similarly, should the Senator be absent when a vote is taken on any question, the Senator may later, with the permission of the Senate, make a statement for entry upon the Journal, indicating how the Senator would have voted had the Senator been present when the roll was taken and the reasons therefor shall be submitted in writing or delivered orally not to exceed five minutes.

(e) Persons allowed at desk during roll call.—No Senator or other person, except the Majority or Minority Leader or other persons designated by them, shall be permitted at the Reading Clerk's desk during the recording, counting or verification of a roll call vote.

(f) **Two-thirds vote.**—When bills or other matters which require a two-thirds vote are under consideration, the concurrence of two-thirds of all the Senators elected shall not be requisite to decide any question or amendment short of the final question and, on any question short of the final one, a majority of Senators voting shall be sufficient to pass the same.

(g) **Majority vote defined.**—A majority of the Senators elected shall mean a majority of the Senators elected, living, sworn and seated.

(h) **Majority vote.**—When bills or other matters which require a vote of the majority of Senators elected are under consideration, the concurrence of a majority of all the Senators elected shall not be requisite to decide any question or amendment short of the final question; and, on any question short of a final one, a majority of Senators voting shall be sufficient to pass the same.

(i) **Announcement of vote.**—Upon completion of a roll call vote or a voice vote, the result shall be announced immediately unless the Majority or Minority Leader requests a delay.

(j) **Explanation of vote.**—Any Senator may, with the consent of the Senate, make an explanation of a vote on any question and have the explanation printed in the Journal.

(k) **Tie vote.**—In the case of a tie vote, the President of the Senate may cast a vote to break the tie as long as, by doing so, it does not violate any provisions of the Constitution of Pennsylvania. In the event that there is a tie vote on a question requiring a constitutional majority, the question falls.

(l) **Verifying vote.**—Any Senator may demand a verification of a vote immediately upon the completion of a roll call or after the announcement of the vote by the presiding officer. In verifying a vote, the Clerk shall first read the affirmative roll at which time any additions or corrections shall be made. Upon the completion and verification of the affirmative roll call, the Clerk shall proceed with the reading of the negative roll at which time any additions or corrections shall be made. Upon the completion and verification of the negative roll call, the roll call shall be declared verified. It shall not be in order for a Senator to change a vote after the verified roll call is announced. A demand for a verification shall not be in order when all Senators vote one way. The demand for a verification of a vote is not debatable.

(m) **Voice vote.**—Unless otherwise ordered, demanded or required, a voice vote may be taken. Any Senator who doubts the accuracy of a voice vote may demand a roll call vote. Such request must be made immediately upon the announcement of the vote by the presiding officer and shall not be in order after other business has intervened. The demand for a verification of a voice vote shall not be in order.

RULE 21 CORRESPONDENTS

(a) Admission to Senate Press Gallery.--Admission to the Senate Press Gallery shall be limited to members in good standing of the Pennsylvania Legislative Correspondents' Association and to other members of the press as determined by the President Pro Tempore. Seating shall be available on a first-come basis.

(b) Photographs in Senate Chamber.--

(1) Photographers may be authorized by the President Pro Tempore to take still photographs in the Senate.

(2) No still photographs shall be taken in the Senate during sessions without prior notice to the Senators. When possible, such notice shall be given at the beginning of the session during which the still photographs are scheduled to be taken.

(c) Order and decorum of press.--

(1) Persons seated in the Senate Press Gallery shall be dressed appropriately and shall, at all times, refrain from loud talking or causing any disturbance which tends to interrupt the proceedings of the Senate.

(2) Persons seated in the Senate Press Gallery shall not walk onto the Floor of the Senate nor approach the rostrum or the Reading Clerk's desk during session or while being at ease.

RULE 22 RADIO AND TELEVISION

(a) Filming, videotaping, televising and broadcasting.--Filming, videotaping, televising or broadcasting of Senate sessions shall be permitted as provided in these Rules.

(b) Broadcasting session.--Nothing in this Rule shall be construed to prohibit any licensed radio station or television station from broadcasting a session from the Senate or any part thereof; Provided, That the signal originates from the Senate-operated audio-visual system which transmits Senate session activity to the offices in the Main Capitol and environs.

RULE 23 VIDEO FEED AND AUDIO FEED

(a) Responsibilities of the Chief Clerk of the Senate.--

(1) The Chief Clerk, in consultation with the Secretary-Parliamentarian of the Senate, shall provide a video feed and audio feed of Senate Floor activity.

(2) The Chief Clerk shall be responsible for the acquisition, installation and maintenance of

equipment required to provide the video feed and audio feed, and for the continued development and operation of the feeds, including the hiring of the necessary personnel.

(3) All equipment required to produce the video feed and audio feed shall be operated by Senate personnel. Nothing in any contract entered into by the Office of the Chief Clerk regarding installation or maintenance of equipment shall permit any control over the video cameras and microphones in the Senate Chamber to be exercised by anyone but the appropriate Senate officers and employees.

(b) Sessions provided free of charge.--

(1) Continuous broadcast of Senate sessions shall be provided free of charge to any licensed television station, radio station or cable television outlet and shall further be available through the Senate's Internet website.

(2) The Senate Committee on Management Operations may authorize providing the video feed and audio feed free of charge to other entities.

(c) Funding.--Funding for the implementation and operation of the broadcasting system shall be provided through Senate appropriations.

(d) Scope of video and audio feeds.--

(1) The video feed and audio feed shall provide a complete, unedited record of what is said on the Floor of the Senate and shall be free from commentary.

(2) To the extent possible, only the presiding officer and the persons actually speaking shall be covered by the video cameras and microphones.

(3) During roll call votes and other votes, the video cameras shall be focused on the presiding officer or the appropriate clerks until the announcement of the vote tabulation by the presiding officer.

(4) During recesses of the Senate or when the Senate is at ease, the video feed and audio feed shall be turned off.

(5) During guest introductions, video feed of guests seated in the Senate Gallery or on the floor of the Senate is permissible.

(e) Restrictions on video and audio feeds.--

(1) The video feed and audio feed, and any television or radio coverage thereof, shall not be made available or used for political or campaign purposes, whether in paid political advertisements or otherwise. Use of the video feed and audio feed shall be subject to all Federal and State laws relating to elections and campaign practices.

(2) The video feed and audio feed, and any television or radio coverage thereof, shall not be used in any commercial advertisement.

(3) Any live coverage of the Senate shall be without and presented without any commercial sponsorship, except when it is part of a bona fide news program or public affairs program.

(4) The President Pro Tempore or any other presiding officer shall be prohibited from ordering, without consent of the Senate, that any segment of a Floor session not be broadcast or recorded.

(5) Except as provided in this Rule, the President Pro Tempore, any other presiding officer and any Senator, officer or employee of the Senate shall be prohibited from editing any portion of the video feed and audio feed described in this Rule.

(6) Official Senate video feed of Senate session shall be broadcast on the official Senate Internet website by the Legislative Data Processing Committee. All caucuses may broadcast and post unedited session videos on their respective Senate caucus websites and social media platforms using the official Senate feed.

(7) A Senator may post an unedited video clip or audio clip of Senate session on his or her Senate social media platforms or provide an unedited video clip or audio clip of Senate session for any television broadcast as long as the video clip or audio clip exclusively features the Senator who is posting or providing the video clip or audio clip.

(f) Other recording prohibited.--

(1) Except as provided in this Rule, any recording, filming, videotaping, broadcasting or distribution of any session of the Senate, or any part thereof, in any form whatsoever is prohibited.

(2) Nothing in this Rule shall be construed to prohibit any licensed radio or television station or other licensed entity from broadcasting a session from the Senate or any part thereof; Provided, That the signal originates from the Senate-operated sound and video system which transmits Senate session activity to the offices in the Main Capitol and environs.

(g) Violations.--Any violation of this Rule shall be dealt with as directed by the Committee on Rules and Executive Nominations.

(h) Official record.--The video feed and audio feed provided by the Senate shall not constitute an official record of Senate actions. The official record of Senate actions shall be contained in the Journals prepared by the Secretary-Parliamentarian of the Senate and approved by the Senate or posted on the Senate Internet website pursuant to Rule 6(c)(9).

RULE 24

WHO PRIVILEGED TO THE FLOOR OF THE SENATE

(a) Admission during session.--With the exception of the Senate Gallery and Senate Press Gallery, no person shall be admitted within the Senate Chamber during Senate sessions, unless invited by the President Pro Tempore or the Majority Leader or Minority Leader. Prior to the start of each Senate session day, the Majority Leader and the Minority Leader shall provide notice to the President Pro Tempore listing the guests they have invited to the Floor of the Senate. During session, authorized staff with access to the Senate Chamber shall be limited and shall be restricted to the area immediately adjacent to the Majority Leader's and Minority Leader's desks. Advice to Senators during debate shall be allowed only when the Senator is using the microphones at the Majority Leader's and Minority Leader's desks.

(b) Rear entrance closed during session.--No person shall, during a session, be permitted to enter through the front or rear door of the Senate Chamber nor be present in the rooms immediately to the rear of the Senate Chamber except for Senators, officers and employees expressly authorized.

(c) Telephone facilities.--No person other than Senators, Senate Officers or their staff shall, at any time, be permitted to use the telephone facilities in or adjacent to the Senate Chamber.

RULE 25

RULES

(a) Force and effect.--These Rules shall be in full force and effect until altered, changed, amended or repealed as provided in subsection (d).

(b) Dispensing with Rules.--The consent of a majority of the Senators elected shall be necessary to suspend any Rule.

(c) Voting for altering, changing or amending Rules.--The consent of a majority of the Senators elected shall be necessary to alter, change or amend these Rules.

(d) Alteration, change or amendment of Rules by resolution.--All alterations, changes or amendments to Senate Rules shall be by resolution which shall not be considered unless first referred to and reported from the Rules and Executive Nominations Committee.

RULE 26

MASON'S MANUAL OF LEGISLATIVE PROCEDURE TO GOVERN SENATE

The Rules of Parliamentary Practice comprised in Mason's Manual of Legislative Procedure shall govern the Senate in all cases to which they are applicable, and in which they are not inconsistent with the Standing

RULE 27 QUORUM

(a) Majority constitutes a quorum.--A majority of Senators elected shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members. (Const. Art. II, Sec. 10)

(b) When less than a quorum is present.--When, upon a call, which may be demanded by not less than four Senators, it is found that less than a quorum is present, it shall be the duty of the presiding officer to order the doors of the Senate to be closed, and to direct the Reading Clerk to call the roll of the Senate and note the absentees after which the names of the absentees shall be again called. A Senator whose absence is not excused, or for whom an insufficient excuse is made, may by order of a majority of the Senators present be sent for and taken into custody by the Chief Sergeant-at-Arms, or assistant sergeants-at-arms appointed for the purpose. Any unexcused Senator shall be brought before the bar of the Senate, where the Senator, unless excused by a majority of the Senators present, shall be publicly reprimanded by the presiding officer for neglect of duty.

(c) When less than a quorum vote but are present.--When less than a quorum vote upon any subject under the consideration of the Senate, not less than four Senators may demand a call of the Senate, when it shall be the duty of the presiding officer to order the doors of the Senate to be closed and the roll of the Senators to be called. If it is ascertained that a quorum is present, either by answering to their names, or by their presence in the Senate, the presiding officer shall again order the yeas and nays; and, if any Senator present refuses to vote, the name or names of such Senator shall be entered on the Journal as "Present but not voting." Such refusal to vote shall be deemed a contempt; and, unless purged, the presiding officer shall direct the Chief Sergeant-at-Arms to bring the Senator before the bar of the Senate, where the Senator shall be publicly reprimanded by the presiding officer.

RULE 28 EXECUTIVE NOMINATIONS

(a) Presentation and reference.--

(1) All nominations by the Governor or the Attorney General shall be submitted to the Secretary-Parliamentarian of the Senate. All nominees shall file the financial statements required pursuant to 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure) with the Secretary-Parliamentarian of the Senate. Copies of the nominations and financial statements shall be furnished by the Secretary-Parliamentarian of the Senate to the Majority Caucus Secretary and Minority Caucus Secretary or their

designees.

(2) Nominations shall, after being read, without a motion, be referred by the presiding officer to the Committee on Rules and Executive Nominations. After having been reported by the committee, the final question on every nomination shall be: "Will the Senate advise and consent to this nomination?"

(3) The Chair of the Committee on Rules and Executive Nominations shall designate an appropriate standing committee of the Senate to conduct a public hearing for nominees that have Statewide jurisdiction and to which salaries are attached. The Committee on Rules and Executive Nominations shall refer those nominees to the designated committee for the purpose of holding a public hearing to scrutinize the qualifications of nominees and to report its recommendations. Public hearings may be held for nominees for any other office.

(b) Information concerning nominations.—All information, communication or remarks made by a Senator when acting upon nominations in committee, concerning the character or qualifications of the person nominated, may be kept confidential. If, however, charges shall be made against a person nominated, the committee may, in its discretion, notify the nominee, but the name of the person making such charges shall not be disclosed.

(c) Consideration.—When the consideration of executive nominations is reached in the order of business, a Senator may make a motion to go into executive session for the purpose of confirming the nominations which have been reported from committee; and on the motion being agreed to, the nomination or nominations shall be considered until finally disposed of, unless the same shall be postponed by a majority of the Senate.

(d) Executive session.—When in executive session, no communication shall be received from the Governor, unless it be relative to the nomination under consideration, nor from the House of Representatives, nor shall any other business be considered.

(e) Reconsideration.—When a nomination is confirmed or rejected by the Senate, any Senator may move for a reconsideration on the same day on which the vote was taken, or on either of the next two days of voting session of the Senate; but if a notification of the confirmation or rejection of a nomination shall have been sent to the Governor before the expiration of the time within which a motion to reconsider may be made, the motion to reconsider shall be accompanied by a motion to request the Governor to return such notification to the Senate. A motion to reconsider the vote on a nomination may be laid on the table without prejudice to the nomination.

RULE 29 RESOLUTIONS

(a) **Introduction.**—All resolutions, Senate and concurrent, shall be introduced by presenting five copies of the Resolution, with the sponsor identified, to the presiding officer.

(b) **Consideration.**—The following resolutions, after being read, shall be referred to an appropriate committee without debate unless by unanimous consent the Senate shall otherwise direct and, if favorably reported by the committee, shall lie over one day for consideration, after which the resolutions may be called up under the appropriate order of business:

(1) All Senate concurrent resolutions and House concurrent resolutions, excepting resolutions in reference to adjournment sine die, recesses and resolutions recalling bills from the Governor, which shall be regarded as privileged.

(2) Resolutions containing calls for information from the heads of departments or to alter the Rules.

(3) Resolutions giving rise to debate, except those that relate to the disposition of matters immediately before the Senate, those that relate to the business of the day on which they were offered, and those that relate to adjournment sine die or a recess.

(c) **Printing in Senate History.**—

(1) (Reserved).

(2) All resolutions shall be adopted by a majority vote of the Senators present except as specifically provided for in these Rules.

(d) **Joint Resolutions.**—

(1) Joint resolutions shall be limited to constitutional amendments and shall be adopted by a vote of a majority of the Senators elected to the Senate.

(2) A Joint resolution when passed by both Houses shall not be transmitted to the Governor for approval or disapproval but shall be filed in the Office of the Secretary of the Commonwealth in accordance with Article XI, section 1 of the Constitution of Pennsylvania.

RULE 29.1 CITATIONS

(a) **Preparation.**—A member making a request that a Senate Citation be issued to a particular person or on a specified occasion shall provide the Legislative Reference Bureau with the facts necessary for the preparation of the citation on a suitable form.

(b) **Filing.**—The citation request shall be filed with the Secretary-Parliamentarian of the Senate and

automatically referred to the President Pro Tempore, who may approve and sign the citation on behalf of the Senate.

(c) Issuance.—One original citation shall be issued by the Secretary-Parliamentarian of the Senate.

RULE 30

GENERAL ACCESS TO THE SENATE FLOOR PROHIBITED

The Secretary-Parliamentarian of the Senate shall cause the doors to the Senate Floor to be closed to all persons except those who are entitled to access pursuant to the Rules of the Senate. On days when the Senate is not in session, access to the Senate Floor by any person not connected with the Senate is prohibited. Other than the Senator, no person shall be permitted to occupy the seat of a Senator at any time.

RULE 31

VETO

(a) Passing over veto.—When any bill is not approved by the Governor, he shall return it with his objection to the House in which such bill originated. Thereupon such House shall enter the objections upon their Journal and proceed to reconsider it. If, after such reconsideration, two-thirds of all the Members elected to that House shall agree to pass the bill, it shall be sent with the objections to the other House by which likewise it shall be reconsidered and, if approved by two-thirds of all the members elected to that House, it shall become a law. (Const. Art. IV, Sec. 15)

(b) Consideration during second regular session.—A bill vetoed in a first regular session and not finally acted upon may be brought up for consideration in a second regular session.

RULE 32

DIVISION OF A QUESTION

Any Senator may call for a division of a question by the Senate if the question includes points so distinct and separate that, one of them being taken away, the other will stand as a complete proposition. The motion to strike out and insert is indivisible.

RULE 33

COORDINATION WITH OTHER SENATE RULES

Any use of Senate resources or time shall be governed by the Financial Operating Rules and the Ethical Conduct Rules of the Senate.

RULE 34

COMMITTEE ON ETHICS

(a) **Composition.**--In addition to the committees created by Rule 14, there shall be a Senate Committee on Ethics which shall be composed of six members appointed by the President Pro Tempore. Three members shall be of the Majority Party and three members shall be of the Minority Party. The Minority Party members will be appointed on the recommendation of the Minority Leader.

(b) **Organization.**--The Senate Committee on Ethics shall be organized as follows:

(1) The President Pro Tempore shall appoint one of the Majority Party members as Chair and, on the recommendation of the Minority Leader, one of the Minority Party members as Vice Chair. A quorum for this committee shall be four members, and the committee shall have such duties, powers, procedure and jurisdiction as are prescribed and authorized in this Rule.

(2) The chair shall notify all members of the committee at least 24 hours in advance of the date, time and place of a meeting. Whenever the chair shall refuse to call a meeting, a majority of the committee may call a meeting by giving two days' written notice to the Majority Leader and the Minority Leader of the Senate setting forth the time and place for such meeting. A meeting commenced in this manner shall be held at the time and place specified in the notice.

(3) Except as provided in subsection (j), all meetings of the committee shall be open to the public and notice of such meetings shall be given as generally provided in these Rules for the convening of committees.

(4) The committee may adopt rules of procedure for the orderly conduct of its affairs, investigations, hearings and meetings, which rules are not inconsistent with this Rule.

(c) **Receipt of complaint.**--The committee shall receive complaints against any Senator alleging unethical conduct in violation of a Senate Rule, statute or constitutional provision governing the ethical conduct of a Senator. Any complaint filed with the committee shall:

- (1) be submitted in writing;
- (2) be sworn or affirmed by the person filing the complaint; and
- (3) detail the alleged unethical conduct in question and specify the Rule, statute or constitutional provision allegedly violated.

(d) **Review of complaint.**--Upon receipt of a complaint that conforms with all the requirements of this Rule, the Senate Committee on Ethics shall review the complaint and determine whether or not a preliminary investigation is warranted within 30 days of receiving the complaint. For good cause, a majority of the members

of the committee may vote to grant an additional 30 days to complete the committee's review. A frivolous or de minimis complaint may be dismissed by a majority of the members of the committee, with prejudice. The chair shall notify the complainant and the subject Senator of the disposition of a dismissed complaint.

(e) **Disposition of complaints.**—If it is determined by a majority of the members of the Senate Committee on Ethics that an ethical conduct violation may have occurred, the Senator against whom the complaint has been brought shall be notified in writing and given a copy of the complaint. Within 15 days after receipt of the complaint, the Senator may file a written answer to the complaint with the committee. If no answer is filed, the complaint shall be deemed denied by the subject Senator. The lack of an answer shall not be deemed to be an admission or create an inference or presumption that the complaint is true. The lack of an answer shall not prohibit a majority of the members of the committee from either proceeding with a formal investigation or dismissing the complaint.

(f) **Preliminary investigation.**—The committee shall have 30 days from the date that receipt of the answer to the complaint is to be provided to complete its preliminary investigation. For good cause, a majority of the members of the committee may vote to grant an additional 30 days to complete the committee's review. The committee may employ an independent counsel to conduct a preliminary investigation. Upon conclusion of the preliminary investigation, by vote of a majority of the members of the committee, the committee shall determine whether to proceed with a formal investigation, which may include hearings. In the event that the committee vote is equally divided, the question falls. If the committee does not decide to proceed to a formal investigation, the Chair shall notify the complainant and the subject Senator of the disposition of the complaint and shall summarize the committee's rationale for its conclusion.

(g) **Confidentiality.**—Prior to the commencement of a formal investigation, the fact that a preliminary investigation is being conducted or is to be conducted shall be confidential information. If, however, the filing of a complaint or a preliminary investigation is made public by the complainant, the committee may publicly confirm the receipt of a complaint.

(h) **Indictment.**—When an indictment is returned against a member of the Senate, and the gravamen of the indictment is directly related to the ethical conduct of a Senator in violation of a Senate Rule, statute or constitutional provision governing the ethical conduct of a Senator, the Senate Committee on Ethics shall not initiate any new investigation and shall suspend any ongoing investigation initiated pursuant to this Rule until the subject matter of the indictment that relates to the Senator's alleged unethical conduct is resolved.

(i) **Alternative procedure.**—In addition to action on formal complaints as provided in subsection (c), a

majority of the members of the Senate Committee on Ethics may initiate a preliminary investigation of suspected unethical conduct in violation of a Senate Rule, statute or constitutional provision governing the ethical conduct of a Senator. If it is determined by a majority of the members of the committee that a violation may have occurred, the Senator in question shall be notified in writing of the alleged unethical conduct in question and the Rule, statute or constitutional provision allegedly violated. Within 15 days of the receipt of this information, the Senator may file a written answer with the committee. The lack of an answer shall not be deemed to be an admission or create an inference or presumption that the complaint is true. The lack of an answer shall not prohibit a majority of the members of the committee from either proceeding with a formal investigation or dismissing the complaint. The committee shall have 30 days from the date that receipt of the answer to the complaint is to be provided to complete its preliminary investigation. For good cause, a majority of the members of the committee may vote to grant an additional 30 days to complete the committee's review. Upon conclusion of the preliminary investigation, by vote of a majority of the members of the committee, the committee shall determine whether to proceed with a formal investigation, which may include hearings. In the event that the committee vote is equally divided, the question falls.

(j) Closed session.--The committee shall conduct its preliminary investigations, hearings and meetings related to a specific investigation or a specific Senator in closed session unless the Senator subject to investigation advises the committee in writing that the Senator wants such meetings or hearings to be held publicly. In the event that the Senator in question makes such a request, the committee shall furnish the Senator with a public meeting or hearing.

(k) Formal investigation.--In the event that the Senate Committee on Ethics shall elect to proceed with a formal investigation of alleged unethical conduct by a Senator, the committee may employ an independent counsel to conduct a formal investigation. The committee and any independent counsel employed by the committee shall comply with the following procedural requirements at all stages of the investigation:

(1) The Chair of the Senate Committee on Ethics may continue any hearing for reasonable cause.

Upon the vote of a majority of the members of the committee, or upon the request of the Senator subject to investigation, the Chair shall issue subpoenas for the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under formal investigation by the committee.

The Chair of the committee may administer oaths or affirmations, examine and receive evidence, or rule on any objections raised during the course of a hearing.

(2) All testimony, documents, records, data, statements or information received by the committee in

the course of any preliminary or formal investigation shall be private and confidential except in the case of public meetings or hearings or in a report to the Senate.

(3) All constitutional rights of any Senator under investigation shall be preserved, and the Senator shall be entitled to present evidence, cross-examine witnesses, face the accuser and be represented by counsel.

(4) An oath or affirmation shall be executed in writing before any member of the committee, any independent counsel employed by the committee to conduct a preliminary or formal investigation, or any employee of the Senate related to the investigation may have access to information that is confidential pursuant to the rules of the committee as follows:

"I do solemnly swear or affirm that I will not disclose, to any person or entity outside of the Senate Committee on Ethics, any information received in the course of my service with the committee, except as authorized by the committee or in accordance with the Rules of the Senate."

Copies of the executed oath or affirmation shall be provided to the Secretary-Parliamentarian of the Senate as part of the records of the Senate. Any Senator or other person who violates the confidentiality requirements of this subsection shall be removed immediately from the committee and replaced by another Senator, counsel or employee of the Senate appointed in like manner as the person's original appointment or selection.

(l) Report.—No report regarding unethical conduct by a Senator shall be made to the Senate unless a majority of the members of the Senate Committee on Ethics determines that a finding of unethical conduct in violation of a Senate Rule, statute or constitutional provision governing the ethical conduct of a Senator has occurred. No finding of unethical conduct by a Senator in violation of a Senate Rule, statute or constitutional provision governing the ethical conduct of a Senator adopted by the Senate Committee on Ethics shall be valid unless signed by at least a majority of the members of the committee. Any such report may include a minority report. A report adopted by the committee that contains findings of unethical conduct by a Senator in violation of a Senate Rule, statute or constitutional provision governing the ethical conduct of a Senator shall not be filed with the Secretary-Parliamentarian of the Senate or released to the public until at least seven days after a copy of the report is sent by certified mail to the Senator under investigation.

(m) Distribution of report.—After the expiration of the seven-day notice requirement contained in subsection (l), the Senate Committee on Ethics shall file its report with the Secretary-Parliamentarian of the Senate, who shall cause a copy of the report of the committee to be distributed to the members of the Senate.

The report of the Senate Committee on Ethics shall be placed on the Senate Calendar and shall be acted upon by the Senate within 10 legislative days of the adoption of a temporary rule setting forth rules of procedure for the orderly disposition of the report by the full Senate. A vote by a majority of the members elected to the Senate shall be necessary to adopt each finding set forth in the Ethics Committee Report.

(n) Sanction.--Should the full Senate vote to adopt an unethical conduct finding against a Senator as set forth in the Ethics Committee Report, that Senator may be subject to sanction by the full Senate. A sanction may include any of the following depending on the circumstances of the violation:

- (1) a warning;
- (2) a written reprimand;
- (3) restitution for damages; or
- (4) any other sanction provided for pursuant to the Rules of the Senate or the Constitution of

Pennsylvania.

(o) Advisory opinion.--The Senate Committee on Ethics, at the request of a Senator or officer who has an ethical question or concern regarding the Senate Rules individually or in conjunction with others, may issue an advisory opinion seeking to clarify the ethical requirements of the Senate Rules. These advisory opinions, with such deletions and changes as shall be necessary to protect the identity of the persons involved or seeking the advisory opinions, may be published and shall be distributed to all members, officers and employees of the Senate. No action regarding unethical conduct may be taken against a Senator, officer or employee who has relied on a written advisory opinion, whether directly addressed to that person or not, which is reasonably construed as being applicable to the conduct in question.

(p) Committee member under investigation.--In the event that a member of the Senate Committee on Ethics shall be under investigation, that Senator shall be temporarily replaced on the committee in a like manner to the Senator's original appointment.

(q) Costs and expenses.--Whenever the committee shall employ independent counsel to conduct a preliminary or formal investigation or shall incur other expenses pursuant to its duties pursuant to this Rule, payment of costs of such independent counsel or other expenses incurred by the committee pursuant to this Rule shall be paid by the Chief Clerk of the Senate upon submission of vouchers and necessary documentation. The vouchers shall be signed by both the Chair and Vice Chair of the committee. Included in such allowable expense items shall be travel and per diem for the members of the committee. The Chief Clerk shall pay such expenses out of funds appropriated to the Chief Clerk for incidental expenses.

RULE 35

STATUS OF MEMBERS INDICTED OR CONVICTED OF A CRIME

(a) **Status generally.**—When an indictment is returned against a member of the Senate, and the gravamen of the indictment is directly related to the Senator's conduct as a committee chair, ranking minority committee member or in a position of leadership, the Senator shall be relieved of such committee chairmanship, ranking minority committee member status, or leadership position until the indictment is disposed of, but the member shall otherwise continue to function as a Senator, including voting, and shall continue to be paid.

(b) **Restoration.**—If, during the same legislative session, the indictment is quashed, or the court finds that the Senator is not guilty of the offense alleged, the Senator shall immediately be restored to the committee chairmanship, ranking minority committee member status, or leadership position retroactively from which that Senator was suspended.

(c) **Resolution of expulsion.**—Upon a finding or verdict of guilt by a judge or jury, a plea or admission of guilt or plea of nolo contendere of a crime by a member of the Senate, the gravamen of which relates to the member's conduct as a Senator, and upon imposition of sentence, the Secretary-Parliamentarian of the Senate shall prepare a resolution of expulsion under session, which shall appear on the Calendar on the next legislative session day following an imposition of sentence based upon a determination or admission of guilt or a plea of nolo contendere.

RULE 36

STATUS OF OFFICERS OR EMPLOYEES INDICTED OR CONVICTED OF A CRIME

(a) **Suspension.**—Whenever any officer or employee of the Senate is indicted or otherwise charged before a court of record with the commission of a felony or a misdemeanor, the gravamen of which relates to the officer's or employee's conduct or status as an officer or employee of the Commonwealth or the disposition of public funds, the officer or employee shall be suspended immediately without pay and benefits by the Chief Clerk of the Senate. After a finding or a verdict of guilt by a judge or jury, plea or admission of guilt, or plea of nolo contendere, and upon imposition of sentence, the employment shall be terminated.

(b) **Termination of suspension.**—If the indictment is quashed, or the court finds that the officer or employee is not guilty of the offense alleged, the suspension without pay shall be terminated, and the officer or employee shall receive compensation for the period of time during which the officer or employee was suspended, which compensation shall be reduced by the amount of any compensation the officer or employee earned from other employment during the period of suspension.

(c) Appeal.--If the officer or employee or the supervising Senator of such employee disagrees with the decision of the Chief Clerk of the Senate as to whether an indictment for particular conduct shall be a crime requiring suspension or dismissal, the officer or employee in question or the supervising Senator of the employee may appeal the suspension to the Senate Committee on Ethics, which shall determine whether the conduct charged is an offense requiring suspension. Whenever an appeal of a suspension shall be taken to the committee, the suspension shall remain effective pending a decision by the committee.

RULE 37

AFFILIATION WITH NONPROFIT ENTITIES

(a) Requirements.--In order for a Senator or Senate employee, including a family member of the Senator or Senate employee, to be affiliated with a nonprofit entity, the nonprofit entity must meet all of the following:

(1) Be a legal entity formed under the laws of this Commonwealth or another state that is qualified for nonprofit status.

(2) Have a formally established board of directors with at least four members that is fully accountable for the nonprofit entity's overall operation.

(3) Have a written set of bylaws or rules, approved by its board of directors, that establishes its composition and governance process.

(4) Require official action of the board of directors to be approved and executed in a manner consistent with its bylaws or rules.

(5) Not receive grant funding directly from the Commonwealth that comprises its sole source of operational funding.

(b) Prohibitions.--A Senator or Senate employee, including a family member of that Senator or Senate employee, who is affiliated with a nonprofit entity may not do any of the following with regard to a nonprofit entity with which that Senator or Senate employee, including a family member of that Senator or Senate employee, is affiliated:

(1) Exercise sole and unilateral control of a final action of the nonprofit entity regarding allocation or disbursement of grant funding that the nonprofit entity receives directly from the Commonwealth.

(2) Direct a Senate employee to staff or provide services to the nonprofit entity as a condition of employment.

(3) Direct the personnel or other resources of the nonprofit entity for the benefit of a Senator's campaign.

(4) Comingle funds from any Senate expense account with the funds of the nonprofit entity with the knowledge and intent that those funds are to be used for the direct reimbursement of expenses incurred by that nonprofit entity.

(5) Maintain a Senate district office within or contiguous to the same office as the nonprofit entity.

(c) Applicability.—A Senator or Senate employee, including a family member of that Senator or Senate employee, shall not be subject to the requirements of this Rule if the affiliated nonprofit entity receives no grant funding directly from the Commonwealth.

(d) Training.—To assure compliance with this Rule by Senators and Senate employees, appropriate training measures shall be implemented by the Senate. Training shall be provided annually for all Senators and Senate employees.

(e) Definitions.—As used in this Rule, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Affiliated." Serving:

- (1) as an officer of a nonprofit entity;
- (2) on the board of directors of a nonprofit entity;
- (3) as a paid employee of a nonprofit entity; or
- (4) as a contractor of a nonprofit entity.

"Family member." A spouse or child.

"Nonprofit entity." An entity that is qualified by the Internal Revenue Service as meeting the requirements of section 501(c) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)).

RULE 38

TEMPORARY EMERGENCY RULES OF THE SENATE

(a) Continuity of legislative operations.—In order to maintain the continuity of the legislative operations of the Senate and protect the health, safety and welfare of the residents of the Commonwealth, based on the declaration of disaster emergency issued by the Governor on March 6, 2020, the effect of which makes the convening of some or all of the members of the Senate as a body in the Senate chamber of the Capitol Building or at a single location imprudent, inexpedient or impossible, the following apply:

(1) Notwithstanding Rules 6 and 7 the following apply:

(i) In the absence of the Secretary-Parliamentarian and the Chief Clerk and subject to the direction of the President Pro Tempore, the Assistant Secretary shall attest all writs, warrants and

subpoenas issued by order of the Senate and shall certify as to the passage of Senate bills and the approval of executive nominations.

(ii) In the absence of both officers and the Assistant Secretary, the President Pro Tempore shall designate a signatory.

(2) ((2) deleted by amendment June 7, 2021).

(3) Notwithstanding Rule 14(h), members may remotely participate in committee meetings as follows:

(i) A quorum shall be established through a roll call.

(ii) Technology employed for remote committee meetings must safeguard the integrity of the legislative process and maintain the deliberative character of the meeting by providing for simultaneous aural and verbal communication among all participants.

(4) Notwithstanding Rule 14, the following apply:

(i) The President Pro Tempore may appoint a Senator to serve in a temporary capacity as a member of a committee, serving only for the duration of a single session day for a particular committee meeting.

(ii) The President Pro Tempore shall transmit this designation to the Secretary-Parliamentarian for retention during the two-year legislative session, and this record shall be available for public inspection upon request.

(iii) The communication shall be read across the desk and printed in the Senate Journal on the next legislative day of the Senate.

(5) In addition to the provisions of Rule 14, the following apply:

(i) Regulations may be deposited with the Legislative Reference Bureau.

(ii) The bureau shall transmit the regulations to the appropriate committee for consideration within 24 hours.

(iii) The bureau shall transmit notice of the transmission of the regulations to the Secretary-Parliamentarian.

(iv) The time for consideration shall begin on the date the committee receives the regulations from the bureau.

(6) In addition to the provisions of Rule 17, the following apply:

(i) Members participating remotely may cast votes for all measures considered and brought to

a vote by the committee, as if the members were physically present at the committee meeting.

(ii) The identity of the voting member must be verified by the Chair.

(iii) A member may also vote on matters before the committee pursuant to Rule 16(3).

(7) Notwithstanding Rule 20, members may remotely participate in the session of the Senate as follows:

(i) Members participating remotely may cast votes for all measures considered and brought to a vote during session, as if the members were physically present at the session of the Senate.

(ii) The identity of the voting member must be verified by the presiding officer.

(iii) Technology employed for remote participation in Senate session must safeguard the integrity of the legislative process and maintain the deliberative character of the session by providing for simultaneous aural and verbal communication among all participants.

(iv) A member may also vote as provided in Rule 20(b)(1) and (2).

(8) Notwithstanding Rule 23, the Chief Clerk may provide for remote participation technology that enables members to participate in committee meetings and Senate session.

(9) Notwithstanding Rule 27, the following apply:

(i) Senators participating remotely in the session of the Senate shall be counted for the purpose of determining a quorum.

(ii) A quorum shall be established through a roll call if the identity of the voting member is identified by the presiding officer.

(10) This rule shall expire July 1, 2021, or 10 days following the expiration of the emergency declaration, whichever is earlier, unless otherwise further extended in accordance with the Rules of the Senate.

(b) **Definitions.**—As used in this Rule, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Remote participation." Simultaneous, interactive participation in a committee meeting by committee members not physically present at the location of the meeting, through means of communication technologies designed to accommodate and facilitate such simultaneous, interactive participation.

Exhibit C



**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE**

September 9, 2021

Senator Cris Dush
Majority Chair, Senate Intergovernmental Operations Committee
16 East Wing
Harrisburg, PA 17120

Senator Anthony H. Williams
Minority Chair, Senate Intergovernmental Operations Committee
11 East Wing
Harrisburg, PA 17120

Dear Senators Dush and Williams,

Thank you for the invitation to testify at the “Public Hearing on the Investigation of the 2020 General Election and the 2021 Primary Election” scheduled for today, September 9, 2021. As my office has demonstrated on numerous occasions prior to and since the 2020 General Election, we are committed to transparency and have sought to work productively with the Legislature.

However, this hearing will undoubtedly touch upon issues core to two pending lawsuits. Given the impact that those lawsuits might have on my office, on voters, and on taxpayers, I must respectfully decline the invitation to today’s hearing. The proper forum for publicly discussing the matters raised in those lawsuits now is before a court of law.

As you know, members of the Legislature recently filed a lawsuit against the Department of State (*Bonner, et al v. Degraffenreid*) challenging the constitutionality of Act 77, which expanded the right to vote by mail for all eligible voters in Pennsylvania beginning with the 2020 primary elections and continuing to this day. The lawsuit seeks a variety of relief against the Department, including attorneys’ fees and expenses that would be borne by the taxpayers of Pennsylvania. I also note that the Chairman of the Board of Elections for Fulton County is testifying at the hearing. You may be aware that he has also sued my office for elections related matters (*Ulsh, et al v. Secretary*), and that lawsuit similarly seeks, among other relief, “costs of suit” that would be payable by state taxpayers.

I want to reiterate that the Department’s has sought to work with the Legislature productively and to discuss publicly election related matters in the proper forums. Late last month, Deputy Secretary of Elections and Commissions Jonathan Marks and I had the honor to testify before both of you at the Senate State Government Committee hearing on risk-limiting audits for almost two hours. We were happy to work with that committee, which has jurisdiction over election issues, to bring together a panel of additional audit experts for the hearing as well.

Earlier this year, on March 23, Mr. Marks and I were also given the opportunity to testify before the Senate's Special Committee on Election Integrity and Reform. That Committee held three days of hearings with 21 witnesses and in mid-June it issued a report on its findings regarding the administration of elections.¹

In addition, the Department participated in an extensive set of hearings conducted by the House State Government Committee from January to April this year. A total of 52 witnesses appeared over ten days before that committee. More than 31 hours of testimony were taken at the hearings. Mr. Marks testified at six of those hearings, on January 21, January 28, February 11, March 4, March 10, and March 18, 2021. The hearing on January 21st specifically focused on guidance issued last year, and the Department provided over three hours of testimony in response to Committee members' questions. The committee ultimately produced a 98-page report in May covering a variety of matters from the Statewide Uniform Registry of Electors to Department guidance to audits and more.² Questions submitted to the Department on these issues both before and after those hearings have also been answered with additional information and data.

The Department also has prepared numerous reports regarding the administration of the 2020 election. In June, we sent a report, "The Administration of Voter Registration in Pennsylvania," to the General Assembly.³ In May, we produced and publicly distributed our "Report on the 2020 General Election."⁴ Additionally, we have publicly posted material regarding the official post-election audits the Department facilitated, and we have shared data regarding those efforts with the Senate's State Government Committee.⁵

The 2020 general election in Pennsylvania was free, fair, and accurate. The votes were counted in public and in front of observers from both major parties. The county canvasses were conducted transparently and then conveyed to the Department which certified the results. A statutorily required statistical audit of two percent of the ballots cast was conducted by all 67 counties and no irregularities were detected. Afterward, 63 counties participated in a pilot risk-limiting audit which reinforced the earlier results of the two percent audit. At least 19 post-election lawsuits were filed in 2020, and none of the judges to review those lawsuits found fraud or reason to support accusations that the election was improperly conducted or that the outcome was in error.

¹ Pennsylvania Senate Special Committee On Election Integrity And Reform, "Report On The Special Committee's Findings And Recommendations To The Senate And The Senate State Government Committee," June 2021, available at <https://pasenelectioncommittee.com/wp-content/uploads/sites/106/2021/06/election-integrity-report-final.pdf>

² Pennsylvania House of Representatives, "A Comprehensive Review of Pennsylvania's Election Laws: How Pennsylvania Can Guarantee Rights and Integrity in Our Election System," May 10, 2021, available at <http://www.pahousegop.com/Display/SiteFiles/1/OtherDocuments/Election%20Oversight%20Hearing%20Final%20Report.pdf>

³ Pennsylvania Department of State, "The Administration Of Voter Registration In Pennsylvania 2020: Report To The General Assembly," June 2021, available at <https://www.dos.pa.gov/VotingElections/OtherServicesEvents/VotingElectionStatistics/Documents/Annual%20Reports%20on%20Voter%20Registration/2020-Annual-Voter-Registration-Report.pdf>

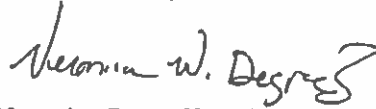
⁴ Pennsylvania Department of State, "Report on the 2020 General Election," May 14, 2021, available at <https://www.dos.pa.gov/VotingElections/Documents/2020-General-Election-Report.pdf>

⁵ Pennsylvania Department of State, "Post-Election Audits," available at <https://www.vote.pa.gov/About-Elections/Pages/Post-Election-Audits.aspx>

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Last year, a record 6.9 million Pennsylvanians turned out to cast their ballots in the midst of a global pandemic. The election was overseen by thousands of trusted and hard-working county officials, as well as our Department's staff. We are proud of the work we did together to ensure Pennsylvanians were able to cast their ballots in an accessible, safe, and secure manner in 2020, and we look forward to continuing our work to make our democracy a shining beacon and one in which all Pennsylvanians can have faith.

Yours Sincerely,



Veronica Degraffenreid
Acting Secretary of the Commonwealth

Exhibit D



**TESTIMONY ON
COUNTY EXPERIENCES IN THE 2020 ELECTIONS**
Presented to the Senate Intergovernmental Operations Committee

By
Lisa Schaefer, Executive Director

September 9, 2021

The County Commissioners Association of Pennsylvania (CCAP) is a non-profit, non-partisan association representing the commonwealth's 67 counties. Being the key administrators of the on-the-ground election, Pennsylvania's 67 counties have a significant responsibility in assuring elections remain fair, secure, accurate and accessible at every step of the process. Over the past several years, counties have worked closely with the General Assembly to achieve historic changes to the Pennsylvania Election Code, including the implementation of mail-in ballots under Act 77 of 2019. We appreciate this opportunity to offer our feedback related to our role "behind the counter" every day.

To say that 2020 was a challenging year for our counties to administer elections would be an understatement at best. As you are aware, this was the first time counties implemented the changes created by Act 77 of 2019, while facing additional complications created by the very serious and unprecedented circumstances of the global COVID-19 pandemic – and in the middle of a highly contentious and high turnout presidential election. We applaud the county election offices and the tens of thousands of volunteers for the many challenges that were addressed in an extremely professional manner to maintain the security and integrity of the results and deliver successful elections in 2020.

That said, counties learned a great deal from their experience implementing Act 77 during the 2020 elections, and we know there are ways in which changes to the law can improve our ability to administer elections, as well as our ability to provide more efficient results. CCAP's Elections Reform Committee – which comprises county officials and county election directors from across the state – convened shortly after the November 2020 election and began reviewing county experiences, ultimately resulting in a preliminary report and recommendations released in January, which is attached to this testimony.

Beyond counties' top two priorities for further election reforms – additional time to pre-canvass and moving the deadline for mail-in ballot applications from seven to 15 days – the report covers additional matters for review that we hope will inform clear and prompt policy changes. These include additional Election Code amendments, particularly to tighten up those matters that became subjects of interpretation throughout the various lawsuits and guidance.

In the months leading up to the November 2020 election, counties struggled to keep up with the ongoing litigation, as more than three dozen election-related lawsuits were filed between the primary and general election in 2020, and with the guidance issued by the Department of State. At the same time, the possibility of additional legislation as bills continued to advance through the General Assembly during the fall left counties in limbo wondering if other last-minute changes might also need to be addressed. Counties' responsibility in administering elections is to make sure all of the rules are followed, but this ongoing uncertainty in the weeks leading up to the November election left numerous questions and anxiety and forced counties to pivot multiple times and up to the very last minute, while also managing the pressures of a highly visible presidential election in the middle of a pandemic.

To be clear, CCAP does not comment on the merits of any of the litigation, and we acknowledge that we supported efforts to pass legislation to expand pre-canvassing throughout the fall. But we would be remiss if we did not point out that any time there is uncertainty around the rules of election administration, the more challenging it is for counties to do their job to follow the rules, and the more confusion it causes for voters who are not sure whether they have the latest and most accurate information, creating an undesirable situation across all 67 counties.

To provide a more detailed picture, we offer the following sampling. Please note that this list is meant to be generally illustrative of the landscape within which counties worked during 2020, not a comprehensive list as a multitude of additional orders, appeals and other communications also occurred during this time frame:

- *May 28*: Counties receive email from DOS in response to questions regarding disposition of absentee and mail-in ballots cast without secrecy envelopes, noting that there is not a statutory requirement or authorization for setting aside a ballot solely because the voter did not insert it in the proper envelope.
- *June 29*: Claim filed in the U.S. District Court claim that certain election practices (use of drop boxes, DOS guidance to accept mail-in ballots where signature does not match the one on file, restrictions on poll watcher residency) were unconstitutional under the federal or state constitutions.
 - Stay issued pending decision in similar Pa. Supreme Court case; once lifted, plaintiffs given until Sept. 20 to file notice of remaining viable claims
 - *Oct. 10*: U.S. District Court dismisses claim
- *July 10*: Petition for review filed in Commonwealth Court seeking to require poll watchers reside in the county where they are working and require counties to accept mail-in ballots submitted without secrecy envelopes
 - *Sept. 17*: Pennsylvania Supreme Court holds that the Election Code permits drop boxes, extends the absentee and mail-in ballot received by deadline to 5 p.m. on Nov. 6 if postmarked by 8 p.m. Nov. 3, and denies requests that counties contact individuals whose mail-in or absentee ballots contain minor defects to provide an opportunity to cure ballots and that ballots returned without a secrecy envelope be counted instead of invalidating them
 - ****Note**: Due to the timing of the Supreme Court's decision, some counties already printed outgoing envelopes noting that ballots must be returned to the county by 8 p.m. Election Night, and postmarks would not count
- *Aug. 19*: DOS issues guidance on absentee and mail-in ballot return, including ballot return sites
- *Sept. 2*: Pa. House approves HB 2626, containing a number of changes to the Election Code regarding mail-in and absentee ballots
- *Sept. 3*: Pa. Senate State Government Committee reports HB 2626
- *Sept. 11*: DOS issues guidance concerning examination of absentee and mail-in ballot return envelopes
- *Sept. 28*: DOS issues guidance concerning civilian absentee and mail-in ballot procedures, including over-the-counter voting and satellite county election offices

- **Sept. 28:** Emergency stay sought in the U.S. Supreme Court of the Pennsylvania Supreme Court injunction that allowed ballots received up to the Friday after Election Day to be counted so long as they were postmarked by Nov. 3
 - **Oct. 19:** U.S. Supreme Court reaches 4-4 split, denying the stay
 - **Oct. 23:** U.S. Supreme Court petitioned for writ of certiorari, asking the court to vacate the Pa. Supreme Court's Sept. 17 decision and eliminate the three-day extension
 - **Oct. 28:** U.S. Supreme Court refuses to grant motion to expedite review of the petition for cert, but several justices issue a statement that they were eager to grant cert after the election. After petition, Justice Alito orders all absentee ballots received after 8 p.m. be segregated, and if counted, that their tally be counted separately.
- **Oct. 6:** DOS issues guidance regarding poll watchers and authorized representatives permitted to be present at the canvass and pre-canvass, also noting these individuals do not have a legal right to observe or be present at election offices or designated ballot return sites.
- **Oct. 21:** DOS issues guidance regarding the issuance, voting and examination of provisional ballots
- **Oct. 22:** Complaint filed against DOS and all 67 counties regarding counting ballots received after Election Day but postmarked by Election Day in accordance with Pa. Supreme Court decision on Sept. 17.
 - **Nov. 13:** U.S. Circuit Court of Appeals for the Third Circuit upholds the District Court's rejection on grounds the plaintiffs lacked standing
- **Oct. 23:** Pennsylvania Supreme Court holds that Election Code does not authorize or require county election boards to reject absentee or mail-in ballots during the canvassing process based on an analysis of a voter's signature
- **Oct. 28:** DOS issues guidance to securely segregate mail-in and absentee ballots received before 8 p.m. Election Day from those received after 8 p.m. Election Day and before 5 p.m. the following Friday.
- **Oct 29:** In response to the U.S. Supreme Court's denial to expedite review of the petition for cert, DOS sends a subsequent email to counties encouraging each county to affirmatively confirm it would comply with the Oct. 28 guidance
- **Nov. 1:** DOS issues further guidance on how to canvass and pre-canvass segregated ballots
- **Nov. 2:** DOS sends email to counties referencing the Oct. 21 guidance on provisional ballots, indicating that to facilitate communication with voters whose ballots are rejected, counties should provide information to party and candidate representatives during the pre-canvass that identifies voters whose ballots have been rejected.
- **Nov. 4:** Injunctive relieve sought to prohibit counties and the state from allowing absentee and mail-in voters to provide proof of ID by Nov. 12, and to prohibit counting of absentee and mail-in ballots of voters whose proof of ID was not received and verified by Nov. 9

- *Nov. 5/6:* Commonwealth Court orders counties to segregate ballots for which ID was received and verified on Nov. 10, 11 and 12 from ballots for which ID was received and verified on or before Nov. 9.
 - *Nov. 12:* Commonwealth Court holds that the Secretary of the Commonwealth did not have the authority to extend the proof of ID period by three days and grants injunction against counting ballots that followed those guidelines.
- *Nov. 6:* Commonwealth Court of Pennsylvania issues order that all provisional ballots cast on Election Day where the elector's absentee ballot or mail-in ballot was received timely be segregated and secured from other provisional ballots pending review on the validity of the provisional ballot under the Election Code. DOS sends email to counties urging them to comply with the Court's directive.
- *Nov. 6:* U.S. Justice Alito issues order regarding ballots received from the U.S. Postal Service after 8 p.m. on Tuesday, Nov. 3, and until 5 p.m. that day for counties to comply with the Oct. 28 and Nov. 1 DOS guidance to segregate such ballots and if counted, be counted separately. DOS requests counties confirm by 9 a.m. the following day that they will comply with the order and the guidance.
- *Nov. 9:* Complaint filed alleging DOS and counties did not allow for sufficient poll watching of mail-in ballots and that the lack of uniform statewide standards for curing mistakes violates voters' equal protection and due process rights; injunction sought to prohibit certification of the results of the 2020 general election

As noted in the attached report, in addition to the changing statutory and litigation landscape, counties also experienced confusion because it was often unclear what statutory basis the DOS guidance had, and how much was truly guidance and/or best practices. While understanding that ongoing litigation was the underlying basis for some of the last-minute guidance changes in 2020, the Department must issue guidance as far in advance as possible to avoid the confusion of having to implement new practices immediately prior to an election and to offer greater opportunity for questions and input. But more broadly, counties also need an environment where last-minute changes in general do not continually disrupt the administration of elections and cause confusion for voters by creating ongoing uncertainty as to what the rules actually are.

In addition, counties need the Department to more consistently reference the sections of the Election Code on which its guidance is based, and more clearly indicate when the guidance is merely a best practice and when it is based on a statutory requirement or court order.

Furthermore, counties selected elections reforms as their top legislative priority for 2021, which includes a renewed call for additional pre-canvassing time, as well as a recommendation to move back the mail-in ballot application deadline to 15 days prior to an election. Counties believe that making these two changes would resolve a substantial portion of the challenging circumstances we faced since implementing the provisions of Act 77.

Other election reforms

In reviewing their experience with the 2020 elections, counties also raised a number of additional Election Code amendments, particularly to tighten up these matters that became the subjects of interpretation throughout the various lawsuits and guidance. As noted earlier in our testimony, counties continue to call for clear and prompt policy changes, in particular to promote clarity and consistency across the commonwealth. Again, we emphasize that counties delivered three successful elections under the current parameters of Act 77 and can continue to do so, but there are many areas where we can amend the Election Code to improve election administration to the benefit of counties and voters. These issues were further outlined in our January report, and need the thoughtful input of counties to craft workable solutions.

Achieving successful reform

Finally, and perhaps most importantly, counties urge the General Assembly to continue to bring counties to the table to discuss and provide feedback as any elections-related legislation is being developed so that we may work together to accomplish meaningful reforms. Counties have valuable experience to provide in the development of legislation to assure we can continue to administer elections that are secure and accurate and that provide accessibility to our voters so that all have an opportunity to engage in the democratic process. Regardless of whether counties have a policy position on any given reform, counties must be consulted to ensure any new provisions are logistically possible and feasible.

We appreciate that conversations, hearings and even some legislation have been ongoing throughout 2021, and that both the House and Senate have included broad perspectives from our county officials and election directors over the past several months. We also note that the Election Law Advisory Board is a concept CCAP supported long before Act 77 as a means of offering a standing group of county representatives and other election stakeholders who can be readily available to provide input and feedback on election-related legislation on an ongoing basis. The members of this Board carry a wealth of collective elections expertise and can play an integral role in the collaboration required to achieve meaningful and appropriate election reforms as well.

We conclude by echoing any changes to the Election Code must be enacted well in advance of an election to allow for enough time to properly implement any changes, particularly if they involve developing new protocols or procedures, retraining poll workers, and so forth.

Regardless of the challenges brought on by the pandemic, regardless of the rhetoric, regardless of the lawsuits, regardless of the noise, our county officials and the dedicated public servants who work in our county election offices remained laser focused on their responsibility as stewards of our democracy. We hope you will join us in celebrating our counties' professionalism, dedication and commitment to the integrity of our elections in the face of unimaginably stressful circumstances.

Thank you again for the opportunity to offer our testimony and your consideration of these comments. We look forward to working with you on the necessary legislative changes to improve the administration of elections in Pennsylvania.

CCAP ELECTION REFORM PRELIMINARY REPORT

January 2021

Counties have a significant responsibility in assuring elections remain fair, secure and accessible at every step of the process. In 2020, this task was complicated greatly by a perfect storm of factors. First, counties had to implement the provisions of Act 77 of 2019, including expansion of absentee ballots to all eligible voters, and like many other significant legislative changes, they discovered a number of areas of the Election Code that would need further clarification. Then, election directors, county commissioners and other county officials confronted the unprecedented responsibility of considering risk to public health in holding an election during a global pandemic, as well as the resulting explosion in demand for mail-in ballots. And finally, ongoing uncertainty regarding court challenges at the state and federal level, as well as the potential for additional state legislation, in the weeks leading up to the November election left numerous questions and anxiety during a highly contested and highly visible presidential election.

While the first two elections using mail-in ballots were successfully completed, counties have been reviewing their experiences and lessons learned from the front lines to call for additional changes to the Election Code that will streamline administrative requirements and provide clarity and consistency across the commonwealth. This report outlines county priorities, with a renewed call to allow counties additional time to pre-canvass, as well as to move the deadline for mail-in ballot applications back to 15 days to coincide with the voter registration deadline. These two items alone could resolve a significant portion of the challenges counties saw during 2020.

Background

Our counties and our election staff deserve our utmost respect and gratitude for administering a smooth, fair and successful election. Regardless of the challenges brought on by the pandemic, disagreements and lawsuits, these dedicated public servants have remained laser focused on their responsibility as stewards of our democracy.

But we have also learned a great deal from the 2020 elections, and this report outlines a number of additional matters for review that we hope will inform clear and prompt policy changes. These include additional Election Code amendments, particularly to tighten up those matters that became subjects of interpretation throughout the various lawsuits. However, they also include administrative issues to be addressed with the state, as well as recommendations related to county operations and administration.

CCAP stands ready to engage with the General Assembly and the administration to assess the successes and challenges of the 2020 General Election, so that we can work together to create positive, effective election policy. Counties, as the entities that administer our elections, must be at the table for these conversations to help create any changes brought forth regarding

elections, to help create language that is clear and easily understood, and identify challenges up front regarding how, or even if, certain changes can be practically and successfully implemented. And any changes to the Election Code must be enacted well in advance of an election to allow for enough time to properly implement any changes, particularly if they involve developing new protocols or procedures, retraining poll workers, and so forth.

It is our responsibility to work together in the future to promote a smoother election process in support of our democracy. Running elections should not be a partisan battle but should be about making sure that our systems are secure and accurate and that our voters can have confidence that every properly cast vote will count.

It is time to put political differences aside and resolve to make meaningful improvements to the Pennsylvania Election Code. Elections are a fundamental government function, and every level of government has a stake in assuring they are secure, fair, and accurate. We look forward to working together on this important topic.

Summary of Priority Recommendations

Counties have identified the following issues as top priorities for further election reforms, which could resolve many of the challenges they faced regarding the implementation of Act 77 of 2019.

Please note: Given that absentee ballots and mail-in ballots are, for all intents and purposes when it comes to application, processing and voting, the same, the terms may be used interchangeably throughout this report. However, regardless of the terminology, any reforms counties propose here are intended to be applied to both absentee and mail-in ballots.

Offer counties as much time as possible to begin pre-canvassing ballots to improve the likelihood of timely election results.

Prior to Act 77, absentee ballots were provided to each voter's precinct on Election Day, to be counted and added to that precinct's vote counts once the polls closed at 8 p.m. The small number of absentee ballots made this process reasonable and did not cause any appreciable delay in tabulating results.

However, with the increase expected once mail-in ballots were available to all registered voters, Act 77 moved the processing and counting of these ballots from the precincts to central count at the county board of elections. The Election Code continued to permit the canvassing of absentee and mail-in ballots beginning at 8 p.m. on election night.

Counties began to raise concerns early in 2020 that with the expected volume of absentee and mail-in ballots, they would not be able to complete the canvass in a timely fashion if they could not begin the process until after polls closed. In response, amendments to the Election Code in Act 12 of 2020 permitted counties to begin a pre-canvass period as early as 7 a.m. on Election Day.

While these additional hours were helpful to some counties, for most it meant the prospect of essentially conducting two elections – both an in-person election and a mail-in election – on the same day, with the same resources. As expected, even with the ability to begin at 7 a.m., it took several days in most counties to fully process all of the mail-in ballots.

Immediately following the June election, counties spent the months prior to the General Election advocating for legislation that would allow them to begin pre-canvassing – opening and preparing the mail-in and absentee ballots – prior to Election Day so that results could be available on election night or shortly thereafter. Without an extended pre-canvass period, counties expected that it could take days or weeks *following the election* to see final results, because they also needed to focus their efforts on a successful in-person election on Nov. 3, rather than on the manual labor of opening and preparing substantial numbers of mail-in ballots. While any time provided ahead of Election Day would have been a significant help, counties asked for as much time as possible to avoid the anticipation of very real challenges in providing the timely results they knew would be sought, especially in a highly contested and highly visible presidential election.

But with counties only able to begin pre-canvassing on Election Day, as predicted it took several days for the millions of mail-in ballots to be counted, delaying election results and causing confusion despite counties' best efforts. Therefore, counties renew their call for legislation to allow pre-canvassing to begin prior to Election Day, thus allowing counties to focus on administering an in-person election on Election Day, improving workload management and allowing results to be available much more efficiently.

Move back the deadline to apply for mail-in ballots to 15 days before an election.

Act 77 of 2019 permitted voters to apply for a mail-in ballot up to seven days before an election, which created timing challenges with the postal service. This ultimately led to some voters not receiving their ballots before the deadline to submit them at 8 p.m. on Election Day or receiving them too close to the deadline to make it logistically possible for ballots to be returned via mail by 8 p.m. on election night, so that many voters faced uncertainty about whether the county would receive their ballot in time. This in turn led voters to come to their polling place to spoil their mail-in ballot and vote on the machines, or to vote by provisional ballot, just "to be on the safe side." This wholly undermines the flexibility and convenience mail-in ballots should provide and causing unnecessary lines, crowds, more time spent in the polling location and a longer wait on election results as counties must then reconcile mail-in and provisional ballots for accuracy.

With postal delays and public health concerns, shifting this deadline to 15 days before an election (to coincide with the voter registration deadline) will benefit voters by providing more time for the ballot to be able to get from the county to the voter and back again through the mail, creating less uncertainty over whether ballots were received by 8 p.m. election night. Voters will be able to receive their confirmation email and feel confident that their ballot was received, so that they do not need to come to the polling place or find other means of returning their ballot. At the same time, counties will have more time to assure poll books are as current

as possible with those voters who have applied for, and submitted, mail-in ballots, all adding up to more efficient polling place operations as well as preventing unnecessary crowds as counties continue to implement COVID-19 risk management strategies. The emergency absentee period could also be extended accordingly to accommodate this longer deadline period.

Counties also note that changing the receipt deadline to allow ballots postmarked by election day and received up to three days after the election, instead of moving back the deadline, *will likely cause a delay in results and disruption at the polls*. This "solution" will do nothing to discourage voters from waiting until the last minute to return ballots, requires additional clarity on what constitutes a postmark as voters seek other delivery methods, and will lead to more provisional voting at the polls as, again, voters who do not yet have confirmation that their mail-in ballot was received will still show up in person to be on the safe side. Moving the application deadline back is the best opportunity to enfranchise our mail-in voters.

Topic Review and Discussion

In addition to the two priority issues noted above, counties seek meaningful reforms that can address other issues that arose during the 2020 elections, in particular to promote clarity and consistency across the commonwealth. As discussions evolve, counties must continue to be at the table to provide input and perspective on how amendments can be implemented on the ground.

Topic: Election Code Amendments

Drop boxes:

Background

- Questions were raised as to whether Act 77 permitted the use of drop boxes for mail-in ballots, and whether drop boxes constituted polling places.
- In *Pennsylvania Democratic Party v Boockvar*, the Pennsylvania Supreme Court determined in its Sept. 17, 2020, ruling that the Election Code permits counties to use drop boxes.
- On Oct. 10, 2020, a federal district court dismissed claims that certain election practices were unconstitutional under the federal or state constitutions, including the claim that the use of drop boxes for mail-in ballots is unconstitutional.

Policy Considerations

- Counties also seek further clarity in the law on their authority to use drop boxes for mail-in ballots.
- If drop boxes or return locations other than county government locations are permitted, language must be developed in conjunction with counties regarding any criteria on their location.
- Attention must also be paid to the staffing and other resource considerations that would be needed for implementation.

Ballot signatures

Background

- The law is unclear, or in some cases silent, on how counties should address certain situations, such as what to do with naked ballots and whether voters should be contacted to be permitted to cure defects with their mail-in ballot.
- This lack of clarity was the basis for many of the lawsuits that were filed at the state and federal level after the 2020 Primary Election
- Changing court decisions, in addition to the statutory language or lack thereof, led to a situation where counties struggled to implement the law on a consistent basis.

Policy Considerations

- The fatal flaws under which a mail-in ballot is not to be counted must be clearly identified.
 - Should a mail-in ballot be counted if a signature or date is missing from the voter's declaration?
 - Should naked ballots be counted?
 - What should a county do with mail-in ballots that contain writing on the privacy envelope?
- Counties need a clear rule in the law on when or if curing of flaws may happen, and whether or not a county is required to contact a voter to cure their ballot.

Permanent status

Background

- Act 77 allows a voter to request to be placed on a permanent mail-in voter list. These individuals will have a ballot application mailed to them by the first Monday of February each year which, if completed and returned, entitles them to receive ballots in the mail for all elections taking place during the remainder of that calendar year.
- However, this process has created frustrations for both the voter and the county.
- Experience shows that voters often did not remember checking the box for the permanent list and thought they were getting ballots they did not request.
- The number of renewal letters that must be sent out annually further add to the burdens on county workloads.

Policy Considerations

- Additional discussion is needed on the number of renewal letters/applications that must be mailed out each year
- Discussion is also needed regarding whether the responsibility for sending the renewal letters/applications should be at the county or state level.

Topic: Administrative issues with the state

Beyond the law itself, counties experienced a number of challenges working with the commonwealth and the Department of State that should be addressed to improve administration of elections going forward.

SURE system and ballot tracking website

Background

- Counties routinely experience technical difficulties with the SURE system, including slow speeds or even full system crashes that make it impossible to process voter registrations and ballot applications in a timely fashion, unnecessarily increasing county workloads.
- The ballot tracking website was often confusing to voters as they attempted to understand where their mail-in ballot was in the process.

Policy considerations

- Upgrades/replacement of the SURE system are under consideration, and counties must be part of these conversations as changes are made to assure they are easily understood and user friendly.
- As the ballot tracking website is updated going forward, counties must also be part of these conversations to help identify areas of concern, either now or in the future.
- The state should consider the possibility of a state phone bank that could facilitate voter questions.

DOS guidance to counties

Background

- In addition to the changing statutory and litigation landscape, counties also experienced confusion because of ever-changing guidance from the Department of State related to the administration of mail-in ballots.
- It was often unclear what statutory basis the DOS guidance had, and how much was truly guidance/best practices.

Policy considerations

- While understanding that ongoing litigation was the underlying basis for some of the last-minute guidance changes in 2020, the Department of State must issue guidance as far in advance as possible to avoid the confusion of having to implement new practices immediately prior to an election and to offer greater opportunity for questions and input.
- The Department must more consistently reference the sections of the Election Code on which its guidance is based, and more clearly indicate when the guidance is merely a best practice rather than based on a statutory requirement.

Topic: County operations and administration

Election staff retention and development

Background

- Since the implementation of Act 77 in 2019, more than 20 counties have experienced the loss of their election director and other top elections staff.
- The increased workloads and stress of implementing an entirely new law during a highly contentious presidential election and a global pandemic, while also having to constantly

correct misinformation, respond to confused, angry and often threatening voters on a daily basis, and defend their work implementing a fair and secure election, no longer make this work environment palatable for many.

- The resulting loss of institutional knowledge is immeasurable.

Policy considerations

- Counties and the state must work together as new laws and policies are developed to assure workload needs are also considered.
- New laws and policies must be enacted with sufficient time for their implementation.
- Education and training must be available to help develop needed skill sets among election staff.
- To improve staff retention, all levels of government must work together to promote accurate information at each election, which can help reduce the level of confusion and anxiety among voters, and thus the level of anger county elections staff must address.

County resource needs

Background

- As counties implemented Act 77 in 2020, most counties saw their budgets for elections-related costs increase significantly, as additional supplies were needed and staffing and overtime needs grew to address workload requirements.
- These impacts fell squarely on county shoulders, as they are solely responsible for administration of elections at the local level.

Policy considerations

- Counties and the state must work together as new laws and policies are developed to assure any increased costs and resource needs, including supplies and staffing, are also considered.
- Appropriate resources and funding support must be provided by the federal and state governments to support counties in their critical task of administering elections.

Exhibit E



COMMONWEALTH OF PENNSYLVANIA

OFFICE OF ATTORNEY GENERAL

JOSH SHAPIRO
ATTORNEY GENERAL

1600 ARCH STREET
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October 26, 2021

By Email

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Erik Anderson
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Harrisburg, PA 17101

Re: *Commonwealth v. Dush*, No. 322 MD 2021 (Pa. Commw. Ct.)

Dear Counsel:

I am writing on behalf of the Acting Secretary of the Commonwealth to follow up on our October 6, 2021, discussion about the Subpoena issued by the Senate Committee on Intergovernmental Operations on September 15, 2021.

As explained in the petition for review and application for summary relief filed in the above matter, the Subpoena is not justified by a legitimate legislative purpose. Rather, it seeks to further a false narrative about the 2020 election in Pennsylvania and undermine confidence in the Commonwealth's electoral process. It is regrettable that, nearly a full year after the 2020 election and after the results in Pennsylvania have been shown to be accurate through numerous court decisions, two audits, and multiple prior legislative investigations, the Committee continues to give fuel to these false narratives.

As we have previously discussed—and as members of the Committee surely are aware—certain of the materials demanded are publicly available without a subpoena. Some could be obtained through a request under the Pennsylvania Right to Know Law (RTKL), and others are available on the Department’s website. Therefore, in an attempt to narrow the issues before the Court, the Department is willing to voluntarily provide certain items to the Committee, provided that the Committee will agree to not seek to enforce the subpoena with respect to those items and that the Committee and all other parties to the litigation expressly agree that such production is voluntary and does not waive any argument as to the illegitimacy of the Subpoena or the requests therein, including those arguments set forth in the petition for review and application for summary relief, and that the Subpoena is therefore moot with respect to the items produced. Furthermore, consistent with the arguments put forward in Petitioners’ pleading in *Commonwealth v. Dush*, the Department will not provide the Committee with protected critical infrastructure information, nor will it produce materials that are protected from disclosure by the RTKL, the deliberative process privilege, or any other applicable privilege.

If all parties agrees to the above conditions, the Department agrees to provide the following materials to the Committee:

Request 1 (“*Any and all communications (emails, letters, notes of calls and/or meetings, or otherwise) from the Department of State to any County Election Director or member of a County’s Elections Board between May 1, 2020 and May 31, 2021.*”)

Subject to the above conditions, the Department will voluntarily provide the Committee with non-privileged, non-protected materials in its possession that are responsive to Request 1.

Request 2 (“*A copy of each and every version of all directives, guidance(s), policies, or procedures in effect at any time between August 1, 2020 and June 30, 2021 relating to elections, election systems, mail-in ballot applications, ballots, voting, compliance with state or federal election laws, polling places, and/or poll watchers.*”)

Subject to the above conditions, the Department will voluntarily provide the Committee with non-privileged, non-protected materials in its possession that are responsive to Request 2.

Request 3 (“*All training materials used to train County election workers, poll workers, poll watchers, Judges of Election, inspectors, clerks, and all persons who staffed voting offices between August 1, 2020 and May 31, 2021.*”)

Subject to the above conditions, the Department will voluntarily provide the Committee with non-privileged, non-protected materials in its possession that are responsive to Request 3.

Request 15 (“*A copy of the certified results for each and every race and/or ballot question on the 2020 General or 2021 Primary elections.*”)

Subject to the above conditions, the Department will voluntarily provide the Committee with the certified results for those races and/or ballot questions from the 2020 General and 2021 Primary Elections that are in its possession. Please be aware that the Department is not responsible for certifying the results of “each and every race and/or ballot question” from those elections, and will only provide certified results for the races and/or ballot questions for which it is responsible for certifying the results.

Request 16 (“A copy of all reports of audits and/or reviews of the SURE system conducted by or for the Department of State between 2018 and the present, including, but not limited to, any audits conducted under 25 Pa.C.S. 1803(a).”)

Subject to the above conditions, the Department will voluntarily provide the Committee with non-privileged, non-protected materials in its possession that are responsive to Request 16. Please be aware that the non-public version of the 2019 report of the Auditor General on the SURE System contains protected critical infrastructure information and will not be provided.

Request 17: (“A copy of the annual reports submitted to the Department in 2021 pursuant to 4 Pa. Code 183.17.”)

Subject to the above conditions, the Department will voluntarily provide the Committee with non-privileged, non-protected materials in its possession that are responsive to Request 17.

Please respond in writing as to whether your clients consent to the above proposal.

Requests 4 through 13 seek detailed personal information, including driver’s license numbers and partial Social Security numbers, for all Pennsylvanians who registered to vote and who exercised their right to vote in either the 2020 General Election or the 2021 Primary Election. Request 14 seeks “all changes to voter records,” which would necessarily entail producing similar personal information about voters in the Commonwealth, including driver’s license numbers and partial Social Security numbers. As explained in the Petitioners’ pleadings in *Commonwealth v. Dush*, this personal information is protected by the privacy rights contained in the Pennsylvania Constitution, and producing it would discourage participation in future elections. Moreover, the Committee has not shown any legitimate basis or compelling interest for demanding confidential information of millions of Pennsylvania voters, nor has it demonstrated that it has the capacity to ensure that such confidential information is adequately protected. Indeed, the Committee has not yet publicly identified the vendor or vendors with whom it apparently intends to share this information, much less informed the Department or the public what, exactly, the vendor will do with any information it receives. As a result, the Department will not be producing the requested materials.

During our previous conversation, counsel for the Committee stated that the Committee is unwilling to narrow the Subpoena in any way. It is unclear why the Committee continues to demand much of the information identified in the Subpoena, and in particular the personal information and other records on the Commonwealth's nine million registered voters, particularly in light of the justifications offered in the Committee's brief in support of its cross-application for summary relief. Should the Committee's position change, we remain willing to engage in additional discussions regarding the Subpoena in the hope of further narrowing the issues before the Court.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Fischer", with a long horizontal flourish extending to the right.

Michael J. Fischer
Chief Counsel and Executive Deputy Attorney General
Pennsylvania Office of Attorney General

Exhibit F



COMMONWEALTH OF PENNSYLVANIA

OFFICE OF ATTORNEY GENERAL

JOSH SHAPIRO
ATTORNEY GENERAL

1600 ARCH STREET
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PHILADELPHIA, PA 19103

November 18, 2021

By Email

Matt Haverstick
Joshua Voss
Kleinbard, LLC
1717 Arch Street, Floor 5
Philadelphia, PA 19103

Re: *Commonwealth v. Dush*, No. 322 MD 2021 (Pa. Commw. Ct.)

Dear Counsel:

I am writing on behalf of the Acting Secretary of the Commonwealth to voluntarily provide the Senate Committee on Intergovernmental Operations with certain election-related documents. This will be the first in a rolling set of voluntary productions. The documents included in today's production are being produced based upon agreement between the parties and under the conditions set forth in Mr. Fischer's October 26, 2021 letter. The Acting Secretary is thus producing these documents on the condition that the Committee will not seek to enforce the September 15 subpoena with respect to the items being produced, that this production is voluntary and does not waive any argument as to the illegitimacy of the subpoena or the requests therein, including those arguments set forth in the petition for review and application for summary relief, and that the subpoena is moot with respect to the items produced. We acknowledge that, pursuant to Mr. Voss's email of November 1, 2021, the Committee reserves the right to pursue full, unredacted copies of any documents not produced or produced in redacted form.

This voluntary production includes the following:

- In response to the category of material described in Request 2 of the subpoena, 16 guidance documents or directives that were in effect between August 1, 2020, and June 30, 2021.

- In response to the category of material described in Request 3 of the subpoena, nine documents that the Department made available for counties between August 1, 2020, and May 31, 2021 to use as additional resources to supplement their own poll worker training.
- In response to the category of material described in Request 15 of the subpoena, the certified election results from the 2020 general election and the 2021 primary election.
- In response to the category of material described in Request 16 of the subpoena, a copy of the Auditor General's December 2019 report following its audit of the Statewide Uniform Registry of Electors.
- In response to the category of material described in Request 17 of the subpoena, a copy of the Department's 2020 Report to the General Assembly titled *The Administration of Voter Registration in Pennsylvania*.

With respect to the category of material described in Requests 1 and 2 of the subpoena, the Department has identified 30 custodians who may have relevant material. Of just the ten custodians most likely to have relevant material, there are roughly 500,000 documents to review. The Department is currently reviewing for all documents that may be relevant to Requests 1 and 2. We will provide a further update about this review.

Sincerely,

/s/ Jacob Boyer

Jacob Boyer
Deputy Attorney General
Pennsylvania Office of Attorney General

cc without enclosures:

Clifford B. Levine
Erik Anderson
Keith Whitson
Tamika Washington



COMMONWEALTH OF PENNSYLVANIA

OFFICE OF ATTORNEY GENERAL

JOSH SHAPIRO
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PHILADELPHIA, PA 19103

December 24, 2021

By Email

Matt Haverstick
Joshua Voss
Kleinbard, LLC
1717 Arch Street, Floor 5
Philadelphia, PA 19103

Re: *Commonwealth v. Dush*, No. 322 MD 2021 (Pa. Commw. Ct.)

Dear Counsel:

I am writing on behalf of the Acting Secretary of the Commonwealth to voluntarily provide the Senate Committee on Intergovernmental Operations with certain election-related documents. This is the second in a rolling set of voluntary productions. Like the November 18, 2021 production, the documents included in today's production are being produced based upon agreement between the parties and under the conditions set forth in Mr. Fischer's October 26, 2021 letter. We acknowledge that, pursuant to Mr. Voss's email of November 1, 2021, the Committee reserves the right to pursue full, unredacted copies of any documents not produced or produced in redacted form.

This voluntary production includes some of the communications from the Department of State to County Election Directors or members of County Boards of Elections between May 1, 2020 and May 31, 2021.

Sincerely,

/s/ Jacob Boyer

Jacob Boyer
Deputy Attorney General
Pennsylvania Office of Attorney General

cc without enclosures:

Clifford B. Levine
Erik Anderson
Keith Whitson
Tamika Washington



COMMONWEALTH OF PENNSYLVANIA

OFFICE OF ATTORNEY GENERAL

JOSH SHAPIRO
ATTORNEY GENERAL

1600 ARCH STREET
SUITE 300
PHILADELPHIA, PA 19103

January 27, 2022

By Email

Matt Haverstick
Joshua Voss
Kleinbard, LLC
1717 Arch Street, Floor 5
Philadelphia, PA 19103

Re: *Commonwealth v. Dush*, No. 322 MD 2021 (Pa. Commw. Ct.)

Dear Counsel:

I am writing on behalf of the Acting Secretary of the Commonwealth to voluntarily provide the Senate Committee on Intergovernmental Operations with certain election-related documents. This is the third in a rolling set of voluntary productions. Like the November 18, 2021 and December 24, 2021 productions, the documents included in today's production are being produced based upon agreement between the parties and under the conditions set forth in Mr. Fischer's October 26, 2021 letter. We acknowledge that, pursuant to Mr. Voss's email of November 1, 2021, the Committee reserves the right to pursue full, unredacted copies of any documents not produced or produced in redacted form.

This voluntary production includes some of the communications from the Department of State to County Election Directors or members of County Boards of Elections between May 1, 2020 and May 31, 2021.

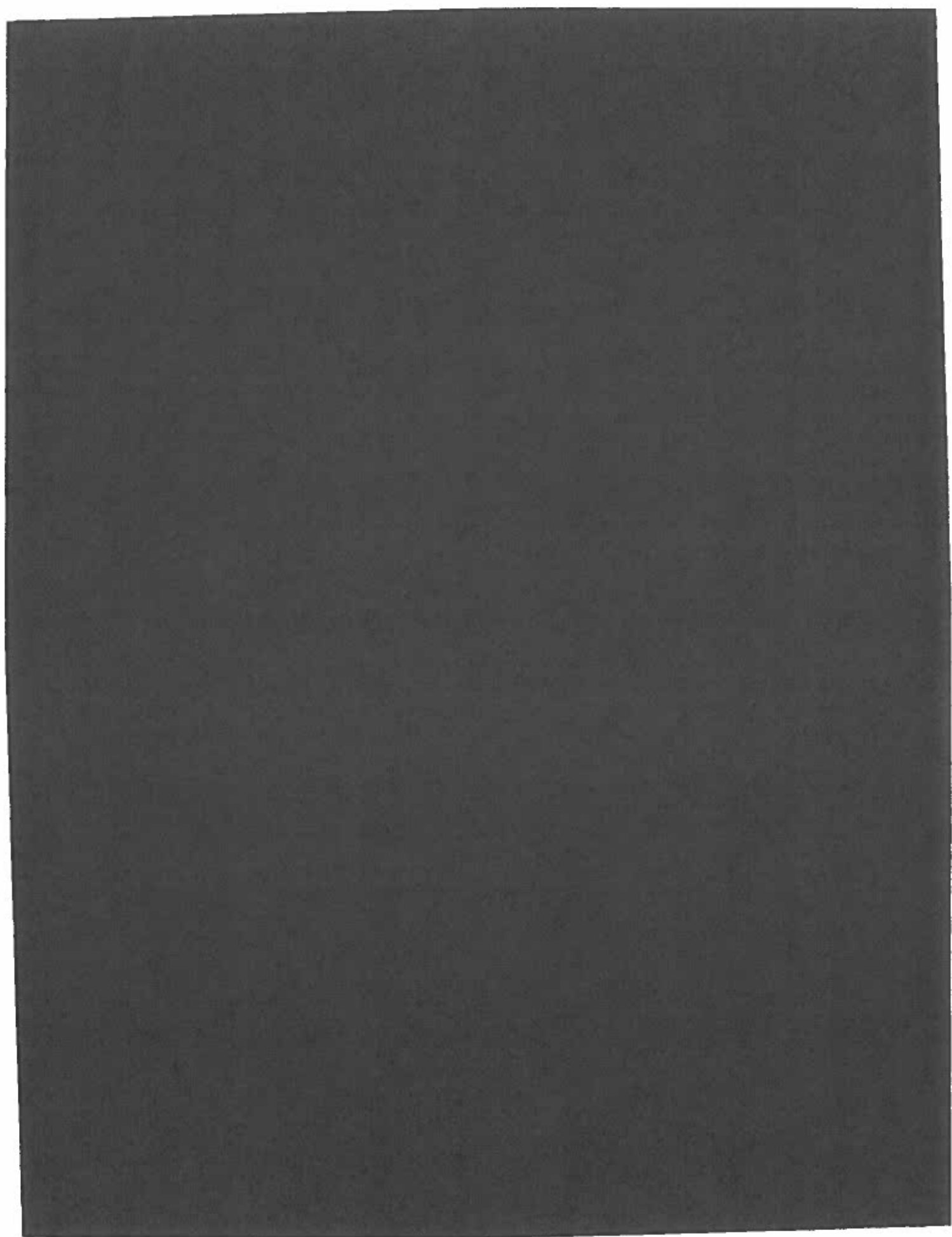
Sincerely,

/s/ Jacob Boyer

Jacob Boyer
Deputy Attorney General
Pennsylvania Office of Attorney General

cc without enclosures:

Exhibit G



From: Degraffenreid, Veronica [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=67BCD5C1DB1E4DC7B651270EBFE6383F [REDACTED]
Sent: 8/27/2020 12:15:08 AM
To: [REDACTED]
Subject: Re: [External] RE: County Webinar - Mail House Best Practices

Hi Jean Ann

So sorry. Please please please let us know if we can help you in any way. Feel free to call me any time.

[REDACTED]

[Get Outlook for iOS](#)

From: [REDACTED]
Sent: Wednesday, August 26, 2020 7:26 PM
To: Degraffenreid, Veronica
Subject: [External] RE: County Webinar - Mail House Best Practices

***ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to [REDACTED]*

Hi Veronica,
I am currently out of the office due to my husband testing positive for Covid 19. I had to have another test today and will not be in the office before Monday. If I can get on remotely, I will be there.
Thank you,
Jean Ann Hitchcock
Forest County

----- Original Message -----

Subject: County Webinar - Mail House Best Practices

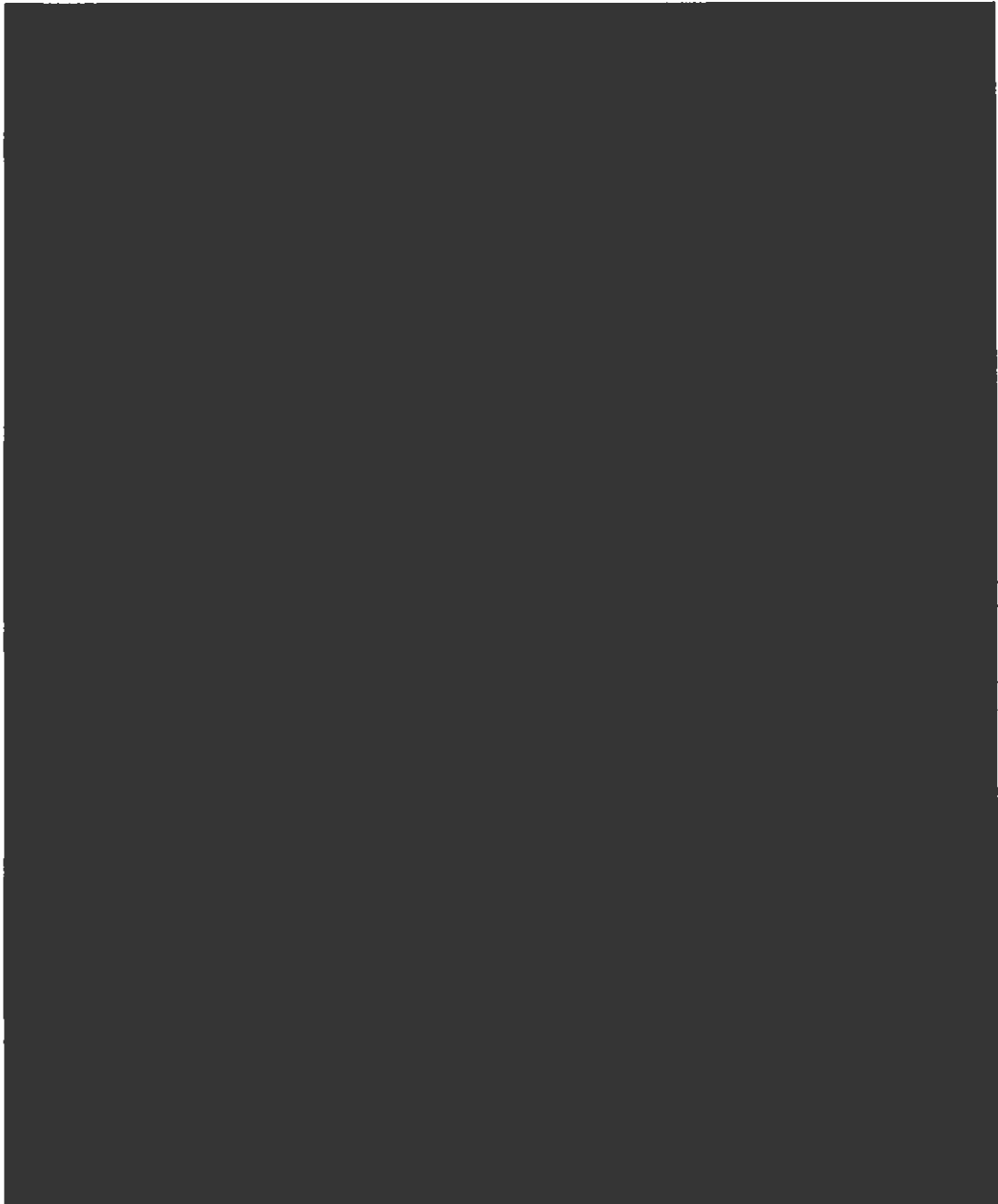
From: "Degraffenreid, Veronica" [REDACTED]

Date: Tue, August 25, 2020 9:30 am

To: [REDACTED]

"Voye, David"

[REDACTED]



"Laureen Hagan
Jean Byers

Cc: "Boss, Rachel"

"Datesman, Breanna"

"Dauberman, Elissa" "Fuhrman,
Zachary"

"Goril, Toni" "Henry,
Kristen"

"Hricak, Jennifer"

"Lawson, Tiffany" "Marks, Jonathan"

"Mathis, Jessica" "Moser, Michael"

"Robinson, Trisha" "Seitz,
Suzanne"

"Stevens, Sari" Swanger,
Zane"

"Wagner, Matt" "Yake,
Adam"

"Dean, Francis"

Top of Form

<https://pados.webex.com/pados/onstage/g.php?MTID=e452bd9c8285df481f6bf5196ceb14553> ">

From: Degraffenreid, Veronica [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=67BCD5C1DB1E4DC7B651270EBFE6383F-
Sent: 8/24/2020 2:59:07 PM
To: Degraffenreid, Veronica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=67bcd5c1db1e4dc7b651270ebfe63b3f-

[Redacted]

Jeff Greenburg

Nick Custodio

Laureen Hagan

Jean Byers

CC: Boss, Rachel; Datesman, Breanna; Dauberman, Elissa; Fuhrman, Zachary; Goril, Toni [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=fe3daf2f9e114b87923e0ee396ce084b-; Henry, Kristen; Hricak, Jennifer; Lawson, Tiffany; Marks, Jonathan; Mathis, Jessica; Moser, Michael; Seltz, Suzanne; Stevens, Sari; Swanger, Zane; Wagner, Matt; Yake, Adam; Dean, Francis; Robinson, Trisha
[/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eada5deb6531434eb7cf9920639d4114-

Subject: County Webinar - ~~MailHouse Best Practices~~
Location: WebEx Meeting
Start: 8/28/2020 1:30:00 PM
End: 8/28/2020 2:30:00 PM
Show Time As: Tentative

Required Attendees

[Redacted]

From: ST, SURE [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6DCE7FC913F8405F8FFF5EEAF84CA4EE-
Sent: 6/22/2020 9:00:49 PM
To: Adams - Crouse, Angle Allegheny - Abramovitz, Gwen
Voye, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user214bffc3]; Armstrong - Bellas, Jennifer B.
Beaver - Mandity, Dorene Bedford - Brown, Debra
Bedford - Ferguson, Angie Berks - Barsoum, Karen
Berks - Olivieri, Deborah Blair - Seymour, Sarah
Bradford - Smithkors, Renee Bucks - Freitag, Thomas
Bucks - Gale, Kelly E. Bucks - Giorno, Deanna M.
Butler - Brewer, Shari Butler - Herrit, Melissa
Butler - McCurdy, Chantell Cambria - Crowl, Shirley
Cambria - Latoche, Tina Cameron - Lupro, Misty
Cameron - Munz, Brenda Carbon - Dart, Lisa
Carbon - Krebs, Jane Centre - McKinley, Joyce
Centre - Neidlg, Jodi Centre - Stefanko, Tisha
Chester - Barsamian, Alexis Chester - Burke, Sandy
Chester - Saitis, Stephanie Clarion - Callihan, Cindy
Clearfield - Bumbarger, Donna Clearfield - Graham, Dawn
Clinton - Bolleau, Maria Columbia - Repasky, E.
Crawford - Chatfield, Gina Crawford - Little, Matthew
Cumberland - Orris, Megar Cumberland - Salzarulo, Rebecca
Dauphin - Feaser, Gerald Dauphin - Roach, Taryll Bethany
Delaware - Hagan, Lauren Delaware - Winterbottom, Crystal
Elk - Frey, Kim Elk - Martonik, Jessica Lynn
Erie - Fernandez, Tonla Erie - Smith, Doug
Eayette - Blosser, Larry Forest - Hitchcock, Jean Ann
Franklin - Aines, Jennie M. Franklin - Hart, John A.
Fulton - Beatty, Usa Fulton - Hann, Karen
Greene - Kiger, Tina Miller, Jennifer
Huntingdon - Fellman, Heather Huntingdon - Thompson, Tammy
Indiana - Maryal, Robin Jefferson - Lupone, Karen
Jefferson - Truitt, Wendy
Juniata - Weyrich, Eva Lackawanna - Medalls, Marion
Lancaster - Skilling, Diane Lawrence - Allison, Ed
Lebanon - Anderson, Michael L. Lebanon - Sohn, Jo-Ellen
Lehigh - Benyo, Timothy A. Lehigh - Harkins, Terri
Luzerne - Parsnik, Dave Luzerne - Steininger, Mary Beth
Luzerne - Watchilla, Shelby
Lycoming - Lehman, Forrest Lycoming - Shuman, Jill
Montgomery - Macekura, Matt McKean - Coast, Allison
McKean - Pratt, Lisa M. Jeff Greenburg
/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user8340a4d0];
Mercer - Whitman, Cindy Mifflin - Swanger, Zane
Monroe - May-Silfee, Sara Montgomery - Proietto, Sharon
Montgomery - Sisler, Karley Montour - Brandon, Holly A.
Montour - Dyer, Darlis Montour - Woodruff, Theresa
Northampton - Hess, Amy Northampton - Tupone, Andrew
Northumberland - Kozar, Robert
Northumberland - Purcell, Tara Perry - Delancey, Bonnie L.
Perry - Shrawder, Deborah Philadelphia - Ayers, Jenne
Philadelphia - Deeley, Lisa Philadelphia - Dietz, Garrett
Philadelphia - Dowling, Tim Philadelphia - Irving, Gregory
Philadelphia - Richardson, Kevin Richard Vito [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user6c76d76c]; Pike - DeFebo, Janice
Pike - Manzoni, Nadeen Potter - Lewis, Sandra

[REDACTED]; Powell, Pamela [REDACTED]; Schuylkill - Brennan, Frannie
[REDACTED]; Schuylkill - Matz, Conner [REDACTED] Snyder - Bilger, Debbie
Snyder - Guyer, Stacy [REDACTED]; Snyder - Nace, Patricia
Somerset - Pritts, Tina [REDACTED] Indiana - Streams, Debra
[REDACTED]; Sullivan - Doyle, Francine [REDACTED] Sullivan - Verelst, Hope
[REDACTED]; Susquehanna - Macy Rudock [REDACTED] Toga - Whipple, Penny
Venango - Backer, Sabrina [REDACTED] Venango - Kirkwood, Jamie
Venango - McGuinness, Gerry [REDACTED] Warren - Rivett,
Lisa [REDACTED] Washington - Ostrander, Melanie R. [REDACTED]
Wayne - Furman, Cindy [REDACTED] Westmoreland - Lechman, Beth
[REDACTED] Westmoreland - Sargent, Heather [REDACTED]
Westmoreland - Wright, Shari [REDACTED] Wyoming - Kellett, Florence
[REDACTED] York - Kohibus, Sally [REDACTED] York - Ulrich, Steve
[REDACTED]; Cameron - Lupro, Misty [REDACTED] Indiana - Streams, Debra
[REDACTED]; Wenger, Randall [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=user9de55eed]; McKean - Pratt, Lisa [REDACTED]
Montgomery - Macekura, Matt [REDACTED]; Union - Greene, Susan [REDACTED] Union -
Katherman, Greg [REDACTED]; Union - McLaughlin, Shawn [REDACTED] Union -
Radel, Glenda [REDACTED]; Union - Zerbe, Kim [REDACTED]

Subject: DOS Memo to Counties - Possible Duplicates Import

Attachments: DOS Memo to Counties - Possible Duplicates Import 06.22.2020.pdf; Potential Duplicates Process June 2020.pdf

Dear County Election/Voter Registration Official:

Please see the attached memorandum regarding the Possible Duplicates files that will be imported into SURE this evening beginning at 8:00 PM with the associated job aid.

Thank you.
Division of SURE

From: ST, SURE [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6DCE7FC913F8405F8FFF5EEAF84CA4E...]
Sent: 7/24/2020 2:15:37 PM
To: Adams - Crouse, Angie ... Allegheny - Abramovitz, Gwen [gabramovitz@alleghenycounty.us]; Voye, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user214bffc3]; Armstrong - Bellas, Jennifer B. ... Beaver - Mandity, Dorene ... Bedford - Brown, Debra ... Bedford - Ferguson, Andrea ... Berks - Barsoum, Karen ... Berks - Olivieri, Deborah ... Blair - Clapper, Virginia ... Blair - Seymour, Sarah ... Bradford - Smithkors, Renee ... Bucks - Freitag, Tom ... Bucks - Gale, Kelly E ... Bucks - Giorno, Deanna M ... Bucks - Miller, Jennifer ... Butler - Herrit, Melissa ... Butler - McCurdy, Chantell ... Cambria - Crowl, Shirley ... Cameron - Lupro, Misty ... Cameron - Munz, Brenda ... Carbon - Dart, Lisa ... Carbon - Krebs, Jane ... Centre - McKinley, Joyce ... Centre - Neldig, Jodi ... Centre - Stefanko, Tisha ... Chester - Barsamian, Alexis ... Chester - Burke, Sandy ... Chester - Saltis, Stephanie ... Clarion - Callihan, Cindy ... Clearfield - Bumbarger, Donna ... Clearfield - Graham, Dawn ... Clinton - Bolleau, Maria ... Columbia - Kara, Thea ... Columbia - Repasky, Matthew ... Crawford - Chatfield, Gina ... Crawford - Little, Rebecca ... Cumberland - Orris, Megan ... Cumberland - Salzarulo, Bethany ... Dauphin - Feaser, Gerald ... Dauphin - Roach, Taryll ... Delaware - Hagan, Lauren ... Delaware - Winterbottom, Crystal ... Elk - Frey, Kim ... Erie - Fernandez, Tonia ... Erie - Smith, Doug ... Fayette - Blosser, Larry ... Fayette - Guthrie, Billie Jo ... Forest - Hitchcock, Jean Ann ... Franklin - Aines, Jennie M. ... Franklin - Hart, John A. ... Fulton - Beatty, Lisa ... Fulton - Hann, Karen ... Greene - Kiger, Tina ... Huntingdon - Felman, Heather ... Huntingdon - Thompson, Tammy ... Indiana - Maryal, Robin ... Indiana - Streams, Debra ... Jefferson - Lupone, Karen ... Juniata - Weyrich, Eva ... Lackawanna - Medalis, Marlon ... Lancaster - Skilling, Diane ... Wenger, Randall [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user9de5Seed]; Lawrence - Allison, Ed ... Lebanon - Anderson, Michael L. ... Lebanon - Sohn, Jo-Ellen ... Lehigh - Benyo, Timothy A. ... Lehigh - Harkins, Terri ... Luzerne - Parsnik, Dave ... Luzerne - Watchilla, Shelby ... Luzerne - Steininger, Mary Beth ... Lycoming - Lehman, Forrest ... Lycoming - Shuman, Jill ... Mckean - Frey, Linda ... Mckean - Pratt, Lisa M. ... Jeff Greenburg [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user8340a4d0]; Mercer - Whitman, Cindy ... Mifflin - Powell, Pamela ... Monroe - May-Silfee, Sara ... Montgomery - Macekura, Matthew ... Montgomery - Marlatt, John ... Montgomery - Proietto, Sharon ... Montgomery - Sisler, Karley ... Montgomery - Soltysiak, Lee ... Montour - Brandon, Holly A. ... Montour - Dyer, Darlis ... Montour - Woodruff, Theresa ... Northampton - Cozze, Any ... Northampton - Hess, Amy ... Northumberland - McCarthy, MaryRose ... Northumberland - Savidge, Nathan ... Northumberland - Shaffer, Caleb ... Perry - Derancey, Bonnie L. ... Perry - Shrawder, Deborah ... Philadelphia - Ayers, Jenne ... Philadelphia - Bluestein, Seth ... Philadelphia - Deeley, Lisa ... Philadelphia - Dowling, Tim ... Philadelphia - Irving, Gregory

Philadelphia - Kelly, Kevin [redacted] Philadelphia - Richardson, Kevin
Richard Vito [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=user6c76d76c]; Nick Custodio [/o=ExchangeLabs/ou=Exchange
Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user5f82f42a]; Pike - DeFebo, Janice
Pike - Manzoni, Nadeen [redacted] Pike - Orben, Gary R. [redacted]
Potter - Lewis, Sandra [redacted] Schuylkill - Marmas, Chrissy [redacted]
Schuylkill - Matz, Conner [redacted] Snyder - Bilger, Debbie [redacted] Snyder -
Guyer, Stacy [redacted] Somerset - Pritts, Tina [redacted] Sullivan - Doyle,
Francine [redacted] Sullivan - Verelst, Hope [redacted] Susquehanna -
Rudock, Macy [redacted] Tioga - Whipple, Penny [redacted]; Union - Katherman,
Greg [redacted] Union - McLaughlin, Shawn [redacted] Union - Radel, Glenda
Union - Zerbe, Kim [redacted] Venango - Backer, Sabrina
[redacted]; Venango - Kirkwood, Jamie [redacted] Warren - Rivett, Lisa
Washington - Ostrander, Melanie R [redacted] Wayne -
Furman, Cindy [redacted] Westmoreland - Lechman, Beth
Westmoreland - Sargent, Heather [redacted]
Westmoreland - Wright, Shari [redacted] Wyoming - Kellett, Florence
York - Kohlbus, Sally [redacted] York - Ulrich, Steve

Subject: DOS Memo to Counties-ERIC List Maintenance Friendly Reminder
Attachments: DOS Memo to Counties - ERIC List Maintenance Friendly Reminder 07.24.2020.pdf

Dear County Election/Voter Registration Official:

Please see the attached memorandum regarding the ERIC In-State Moves, ERIC Out of State Moves, and ERIC Possible Duplicate list maintenance activities and the statutory deadline for completing the process.

Thank you.
Division of SURE

From: ST, SURE [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6DCE7FC913F8405F8FFF5EEAF84CA4E [REDACTED]]
Sent: 6/16/2020 8:40:59 PM
To: Adams - Crouse, Angie [REDACTED]; Allegheny - Abramovitz, Gwen [REDACTED]; Voye, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user214bffc3]; Armstrong - Bellas, Jennifer B. [REDACTED]; Beaver - Mandity, Dorene [REDACTED]; Bedford - Brown, Debra [REDACTED]; Bedford - Ferguson, Angie [REDACTED]; Berks - Barsoum, Karen [REDACTED]; Berks - Olivieri, Deborah [REDACTED]; Blair - Seymour, Sarah [REDACTED]; Bradford - Smithkors, Renee [REDACTED]; Bucks - Freitag, Thomas [REDACTED]; Bucks - Gale, Kelly E [REDACTED]; Bucks - Giorno, Deanna M. [REDACTED]; Butler - Brewer, Shari [REDACTED]; Butler - Herritt, Melissa [REDACTED]; Butler - McCurdy, Chantell [REDACTED]; Cambria - Crowl, Shirley [REDACTED]; Cambria - Latoche, Tina [REDACTED]; Cameron - Lupro, Misty [REDACTED]; Cameron - Munz, Brenda [REDACTED]; Carbon - Dart, Lisa [REDACTED]; Carbon - Krebs, Jane [REDACTED]; Centre - McKinley, Joyce [REDACTED]; Centre - Neidig, Jodi [REDACTED]; Centre - Stefanko, Tisha [REDACTED]; Chester - Barsamian, Alexis [REDACTED]; Chester - Burke, Sandy [REDACTED]; Chester - Saitis, Stephanie [REDACTED]; Clarion - Callihan, Cindy [REDACTED]; Clearfield - Bumbarger, Donna [REDACTED]; Clearfield - Graham, Dawn [REDACTED]; Clinton - Boileau, Maria [REDACTED]; Columbia - Repasky, E. [REDACTED]; Crawford - Chatfield, Gina [REDACTED]; Crawford - Little, Matthew [REDACTED]; Cumberland - Orris, Megan [REDACTED]; Cumberland - Salzarulo, Rebecca [REDACTED]; Dauphin - Feaser, Gerald [REDACTED]; Dauphin - Roach, Taryll [REDACTED]; Dauphin - Feaser, Gerald [REDACTED]; Delaware - Hagan, Lauren [REDACTED]; Delaware - Winterbottom, Crystal [REDACTED]; Elk - Frey, Kim [REDACTED]; Elk - Martonik, Jessica [REDACTED]; Elk - Frey, Kim [REDACTED]; Erie - Fernandez, Tonla [REDACTED]; Erie - Smith, Doug [REDACTED]; Erie - Fernandez, Tonla [REDACTED]; Fayette - Blosser, Larry [REDACTED]; Forest - Hitchcock, Jean Ann [REDACTED]; Franklin - Aines, Jennie M. [REDACTED]; Franklin - Hart, John A. [REDACTED]; Fulton - Beatty, Lisa [REDACTED]; Fulton - Hann, Karen [REDACTED]; Greene - Kiger, Tina [REDACTED]; Miller, Jennifer [REDACTED]; Huntingdon - Fellman, Heather [REDACTED]; Huntingdon - Thompson, Tammy [REDACTED]; Indiana - Maryal, Robin [REDACTED]; Jefferson - Lupone, Karen [REDACTED]; Jefferson - Truitt, Wendy [REDACTED]; Juniata - Weyrich, Eva [REDACTED]; Lackawanna - Medalis, Marlon [REDACTED]; Lancaster - Skilling, Diane [REDACTED]; Lawrence - Allison, Ed [REDACTED]; Lebanon - Anderson, Michael L. [REDACTED]; Lebanon - Sohn, Jo-Ellen [REDACTED]; Lehigh - Benyo, Timothy A. [REDACTED]; Lehigh - Harkins, Terri [REDACTED]; Luzerne - Parsnik, Dave [REDACTED]; Luzerne - Steininger, Mary Beth [REDACTED]; Luzerne - Watchilla, Shelby [REDACTED]; Lycoming - Lehman, Forrest [REDACTED]; Lycoming - Shuman, Jill [REDACTED]; Montgomery - Macekura, Matt [REDACTED]; McKean - Coast, Allison [REDACTED]; McKean - Pratt, Lisa M. [REDACTED]; Jeff Greenburg [REDACTED]; [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user8340a4d0]; Mercer - Whitman, Cindy [REDACTED]; Mifflin - Swanger, Zane [REDACTED]; Monroe - May-Silfee, Sara [REDACTED]; Montgomery - Proietto, Sharon [REDACTED]; Montgomery - Sisler, Karley [REDACTED]; Montour - Brandon, Holly A. [REDACTED]; Montour - Dyer, Darlis [REDACTED]; Montour - Woodruff, Theresa [REDACTED]; Northampton - Hess, Amy [REDACTED]; Northampton - Tupone, Andrew [REDACTED]; Northumberland - Kozar, Robert [REDACTED]; Northumberland - Purcell, Tara [REDACTED]; Perry - Delancey, Bonnie L. [REDACTED]; Philadelphia - Ayers, Jenne [REDACTED]; Philadelphia - Deeley, Lisa [REDACTED]; Philadelphia - Dietz, Garrett [REDACTED]; Philadelphia - Dowling, Tim [REDACTED]; Philadelphia - Irving, Gregory [REDACTED]; Philadelphia - Richardson, Kevin [REDACTED]; Richard Vito [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user6c76d76c]; Pike - DeFebo, Janice [REDACTED]; Pike - Manzoni, Nadeen [REDACTED]; Potter - Lewis, Sandra [REDACTED]

[redacted]; Powell, Pamela [redacted] Schuylkill - Brennan, Frannie
[redacted] Schuylkill - Matz, Conner [redacted] Snyder - Bilger, Debbie
Snyder - Guyer, Stacy [redacted]; Snyder - Nace, Patricia
Somerset - Pritts, Tina [redacted] Indiana - Streams, Debra
[redacted]; Sullivan - Doyle, Francine [redacted] Sullivan - Verelst, Hope
[redacted]; Susquehanna - Macy Rudock [redacted]; Tioga - Whipple, Penny
Venango - Backer, Sabrina [redacted]; Venango - Kirkwood, Jamie
Venango - McGuiness, Gerry [redacted] Warren - Rivett,
Lisa [redacted] Washington - Ostrander, Melanie R. [redacted]
Wayne - Furman, Cindy [redacted] Westmoreland - Lechman, Beth
[redacted] Westmoreland - Sargent, Heather [redacted]
Westmoreland - Wright, Shari [redacted] Wyoming - Kellett, Florence
York - Kohibus, Sally [redacted] York - Ulrich, Steve
[redacted] Cameron - Lupro, Misty [redacted]; Indiana - Streams, Debra
[redacted] Wenger, Randall [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=user9de5Seed]; McKean - Pratt, Lisa [redacted]
Montgomery - Macekura, Matt [redacted] Union - Greene, Susan [redacted]; Union -
Katherman, Greg [redacted] Union - McLaughlin, Shawn [redacted] Union -
Radel, Glenda [redacted] Union - Zerbe, Kim [redacted]

Subject: DOS Memo to Counties - In State Moves Import

Attachments: DOS Memo to Counties - In State Moves Import 06.16.2020.pdf; In State Moves Process June 2020.pdf

Dear County Election/Voter Registration Official:

Please see the attached memorandum regarding the In State Moves files that will be imported into SURE this evening beginning at 8:00 PM with the associated job aid.

Thank you.
Division of SURE

From: TenHuisen, Kerry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51345915ADF7456B8220CF48856649A6 [REDACTED]]
Sent: 8/28/2020 4:49:27 PM
To: Nick Custodio [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user5f82f42a]; Moser, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=785a3071027a48b8975d39d082cb20d9 [REDACTED]]
CC: Richard Vito [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user6c76d76c]; Seth Bluestein [REDACTED] Boockvar, Kathryn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=57a5ecef41814d83b6b6364a7ecc9f7 [REDACTED]]; Marks, Jonathan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4a8ed908653b41ed939420a5160f46c3 [REDACTED]]; Seitz, Suzanne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ff82eb9b1ca64bf39ef148a3ecc2fba5 [REDACTED]]
Subject: RE: SURE Terminals

Yes, they will.
We will configure them as DHCP. Thanks,

Kerry TenHuisen | Portfolio Manager
Project Management Office
Pennsylvania Department of State
B08 North Office Building, 401 North Street, Harrisburg, PA 17120
[REDACTED] 717.856.1690 | [REDACTED]
www.dos.pa.gov

From: Nick Custodio [REDACTED]
Sent: Monday, August 17, 2020 6:38 PM
To: Moser, Michael [REDACTED]
Cc: Richard Vito [REDACTED]; Seth Bluestein [REDACTED]; Boockvar, Kathryn [REDACTED]; Marks, Jonathan [REDACTED]; TenHuisen, Kerry [REDACTED]; Seitz, Suzanne [REDACTED]
Subject: Re: SURE Terminals

For the IP address questions, will this change if they are out in satellite locations?

Nick Custodio
Deputy Commissioner
Office of Commissioner Deeley; Chairwoman
1400 John F Kennedy Blvd
City Hall Room 130
Philadelphia, PA. 19107
[REDACTED]
F 215-686-3947

From: Moser, Michael [REDACTED]
Sent: Monday, August 17, 2020 6:03 PM
To: Nick Custodio [REDACTED]
Cc: Richard Vito <[REDACTED]>; Seth Bluestein <[REDACTED]>; Boockvar, Kathryn [REDACTED]; Marks, Jonathan <[REDACTED]>; TenHuisen, Kerry <[REDACTED]>; Seitz, Suzanne [REDACTED]
Subject: RE: SURE Terminals

[REDACTED]

Hi Nick,

Thank you so much for your request. We should have an update on the connection later this week. Additionally, can you please complete the attached request form for the SURE terminals?

We'll need to know the following for each winterm in order to image them for your county:

- IP static address
- Subnet
- IP Gateway
- DNS Server IP Address
- Are there enough network ports to support this request?

I have also attached an example for you. Please let me know if you have any questions. Thank you!

Kind regards,

Mike

Michael D. Moser, CSPO | Director
Bureau of Election Security and Technology
Pennsylvania Department of State
210 North Office Building, 401 North Street, Harrisburg, PA 17120
[REDACTED] 717.705.0721 | [REDACTED]
www.dos.pa.gov

From: Nick Custodio [REDACTED]
Sent: Monday, August 17, 2020 5:51 PM
To: Boockvar, Kathryn [REDACTED]; Marks, Jonathan [REDACTED]; Moser, Michael [REDACTED]
TenHuisen, Kerry [REDACTED]
Cc: Richard Vito [REDACTED]; Seth Bluestein [REDACTED]
Subject: SURE Terminals

Philadelphia needs to request 45 SURE terminals for use at the satellite offices. We would like to have them in place by Sept 1. Also is there any update to the secure SURE connection?

Thank you,
Nick

Nick Custodio
Deputy Commissioner
Office of Commissioner Deeley; Chairwoman
1400 John F Kennedy Blvd
City Hall Room 130
Philadelphia, PA. 19107
[REDACTED]
F 215-686-3947

From: Degraffenreid, Veronica [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=678CD5C1D81E4DC7B651270EBFE63B3F- [REDACTED]]

Sent: 8/24/2020 2:59:07 PM

To: Degraffenreid, Veronica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=67bcd5c1db1e4dc7b651270ebfe63b3f- [REDACTED]]

[REDACTED]

Jeff Greenburg

Nick Custodio

Laureen Hagan

Jean Byers

CC: Boss, Rachel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b42eaa911e5b44d89fd9dc7839c05753- [REDACTED]]; Datesman, Breanna [REDACTED]; Dauberman, Elissa [REDACTED]; Fuhrman, Zachary [REDACTED]; Goril, Toni [REDACTED]; Henry, Kristen [REDACTED]; Hricak, Jennifer [REDACTED]; Lawson, Tiffany [REDACTED]; Marks, Jonathan [REDACTED]; Mathis, Jessica [REDACTED]; Moser, Michael [REDACTED]; Seitz, Suzanne [REDACTED]; Stevens, Sari [REDACTED]; Swanger, Zane [REDACTED]; Wagner, Matt [REDACTED]; Yake, Adam [REDACTED]; Dean, Francis [REDACTED]; Robinson, Trisha [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eada5deb6531434eb7cf9920639d4114- [REDACTED]]

Subject: County Webinar - Mail House Best Practices
Location: WebEx Meeting

Start: 8/28/2020 1:30:00 PM
End: 8/28/2020 2:30:00 PM
Show Time As: Tentative

Required Attendees:

[REDACTED]

[REDACTED] Nick Custodio;

[REDACTED] Lauren Hagan [REDACTED]

Jean Byers

**Optional
Attendees:**

Boss, Rachel; Datesman, Breanna; Dauberman, Elissa; Fuhrman, Zachary; Goril, Toni; Henry, Kristen; Hricak, Jennifer; Lawson, Tiffany; Marks, Jonathan; Mathis, Jessica; Moser, Michael; Robinson, Trisha; Seltz, Suzanne; Stevens, Sari; Swanger, Zane; Wagner, Matt; Yake, Adam; Dean, Francis

**** Updated invite with registration information**

Please register for the webinar meeting using this link: [Registration Link](#)

<https://pados.webex.com/pados/onstage/g.php?MTID=e452bd9c8285df481f6bf5196ceb14553>

From: Datesman, Breanna [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F389A71AC61845F189E7F7089AB01FD [REDACTED]]
Sent: 2/8/2021 3:14:57 PM
To: May-Silfee, Sara [REDACTED]; Richard Vito [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user6c76d76c]; Nick Custodio [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user5f82f42a]
CC: Wagner, Matt [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4ebf4d06f36c4ee7a7f54b4cbab933bd [REDACTED]]; Santos, Francisco [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a83197801d8d4f76a975af3ca9df1f4 [REDACTED]]; Degraffenreid, Veronica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=67bcd5c1db1e4dc7b651270ebfe63b3f [REDACTED]]; Mathis, Jessica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5297c78c4c4d42ff9067d75ee74eb40 [REDACTED]]

Subject: SURE Modernization: Voter Reg Cont.
Location: Microsoft Teams Meeting

Start: 2/11/2021 7:00:00 PM
End: 2/11/2021 8:00:00 PM
Show Time As: Tentative

Required Attendees: May-Silfee, Sara; Richard Vito; Nick Custodio
Optional Attendees: Wagner, Matt; Santos, Francisco; Degraffenreid, Veronica; Jessica Mathis

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[REDACTED] United States, Philadelphia

Phone Conference ID [REDACTED]

[Find a local number](#) | [Reset PIN](#)

[Learn More](#) | [Meeting options](#)

From: Degraffenreid, Veronica [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=67BCD5C1DB1E4DC7B651270EBFE63838-
Sent: 11/9/2020 7:00:26 PM
To:
CC: Wagner, Matt [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4ebf4d06f36c4ee7a7f54b4cbab933bd-
Subject: Count of Segregated Ballots

Importance: High

Hi Tom,

At your earliest convenience, can you provide us with a count of the number of absentee and mail-in ballots your county received on 11/4, 11/5 and 11/6?

Veronica W. Degraffenreid | Special Advisor for Elections Modernization
Pennsylvania Department of State
North Office Building, Suite 302
401 North Street | Harrisburg, PA 17120

Office: | Email: |

From: Degraffenreid, Veronica [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=67BCD5C1DB1E4DC7B651270EBFE63B3F [REDACTED]]
Sent: 11/9/2020 10:09:02 PM
To: Freitag, Thomas [REDACTED]
CC: Wagner, Matt [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4ebf4d06f36c4ee7a7f54b4cbab933bd [REDACTED]]; Marks, Jonathan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4a8ed908653b41ed939420a5160f4 [REDACTED]]
Subject: Re: Count of Segregated Ballots

Thanks!!

Get [Outlook for iOS](#)

From: Freitag, Thomas [REDACTED]
Sent: Monday, November 9, 2020 5:06 PM
To: Degraffenreid, Veronica
Cc: Wagner, Matt
Subject: RE: Count of Segregated Ballots

Hi Veronica,

This includes ballots that were postmarked 11/3 or earlier by close of polls or ballots that had a missing or illegible postmark. These were received by 5:00 pm on 11/6.

11/4: 122
11/5: 417
11/6: 88

Thank you,

-Tom

From: Degraffenreid, Veronica [mailto:[REDACTED]]
Sent: Monday, November 9, 2020 2:00 PM
To: Freitag, Thomas [REDACTED]
Cc: Wagner, Matt [REDACTED]
Subject: Count of Segregated Ballots
Importance: High

Hi Tom,

At your earliest convenience, can you provide us with a count of the number of absentee and mail-in ballots your county received on 11/4, 11/5 and 11/6?

Veronica W. Degraffenreid | Special Advisor for Elections Modernization
Pennsylvania Department of State
North Office Building, Suite 302
401 North Street | Harrisburg, PA 17120
Office: [REDACTED] | Email: [REDACTED]

Please Be Advised

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From: ST, Sure_Helpdesk [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61850ED40A6F4AE79140EAC5764458F6-STSVCSURE_H]
Sent: 11/18/2020 8:54:10 PM
To: [REDACTED]
CC: Wagner, Matt [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4ebf4d06f36c4ee7a7f54b4cbab933b [REDACTED] ST, Sure_Helpdesk [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=61850ed40a6f4ae79140eac5764458f6-STSVCSure_H]
Subject: RE: voter registration history online

Amy,
This is Courtney from the SURE Help Desk.

Reading through your email, I think the voter wants to find out which elections they voted in. If that is correct, they can purchase and download a full voter export for your county. This can be done here:
<https://www.pavoterservices.pa.gov/Pages/PurchasePAFULLVoterExport.aspx>
This pulls information from the SURE VR system. Also, the Votes tab of their voter record would show this information.

If your voter is attempting to locate the status of their ballot for this recent election, they can access this site:
<https://www.pavoterservices.pa.gov/Pages/BallotTracking.aspx>
Until last week, this website wasn't designed for UOCAVA voters but they are included now.

Does this help answer your questions? If not, please feel free to reply back or contact us at the SURE Help Desk.

Thank You,

Courtney
SURE Help Desk
Bureau of Election Security and Technology
Pennsylvania Department of State
B-08 North Office Building, 401 North Street, Harrisburg, PA 17120
☎ 866.4PA.SURE | 📞 717.705.8401 | ✉ STSVCSure_Helpdesk@pa.gov
www.dos.pa.gov

From: Dalessandro, Amy [REDACTED]
Sent: Wednesday, November 18, 2020 11:36 AM
To: ST, VOTERREG <ra-voterreg@pa.gov>; ST, HAVA <RA-st-hava@pa.gov>
Cc: Dalessandro, Amy [REDACTED]
Subject: voter registration history online
Importance: High

Hi I am writing from the Voter Registration Office in Erie PA.

Is there a way someone can check their voter registration history online and see which elections they voted at in person?

I called and spoke with SURE and they said I had to create a Keystone login from the State website. I did create this, but from there cannot see where I am to go to check my voter history.

I also have a concern that overseas civilians and military voters are not coming up on the state website to check that they voted.

Thanks,

Amy Dalessandro
Election Coordinator
Erie County Courthouse
Voter Registration Office
140 W 6th St Rm 112
Erie, PA 16501



From: Degraffenreid, Veronica [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=67BCD5C1DB1E4DC7B651270EBFE63B3F [REDACTED]]
Sent: 8/11/2020 5:30:51 PM
To: Voyer, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user214bffc3]; Nick Custodio [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user5f82f42a]; Laureen Hagan [REDACTED]; Freitag, Thomas [REDACTED]; Joyce E. Mckinley [REDACTED]; Salzarulo, Bethany [REDACTED]; Jerry Feaser [REDACTED]; Michael L. Anderson [REDACTED]; Timothy Benyo [REDACTED]; [REDACTED] Mattis, Kimberly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8ec54296a36844fea30b8c7a32b00c31 [REDACTED]]; Veronica Degraffenreid [REDACTED]
Subject: Business Reply Mail
Attachments: ps6805.pdf

Good Afternoon,

It is our understanding that your county will offer prepaid postage to your mail voters by using Business Reply Mail (BRM). In order for us to coordinate setting up a new BRM account or linking your existing BRM account, please complete the attached form ASAP and send it to @Mattis, Kimberly and @Veronica Degraffenreid. You should complete this form even if you already have an existing BRM account. You do not need to send this form to your local or regional USPS representative. USPS has stood up a workgroup to help us with this process. Here's the workflow of what happens next:

1. DOS will submit the form to USPS. Can we begin forwarding the form now?
2. If there is a fee, DOS will pay the fee directly from our account. Note: we will pay for QBRM high-volume for Philadelphia, Allegheny, Montgomery and Bucks counties.
3. USPS will create a BRM sub-account or allow DOS to link the county's existing account to our master account. The effective date for the QBRM process should be on or about 9/14/2020 to 12/1/2020.
4. USPS will prepare the county BRM artwork.
5. USPS will share the artwork with the county and DOS.
6. Once you receive your artwork, you may begin customizing your envelope with your print vendor.
7. Share your final proof with DOS for sign-off (see Mike Moser's email)
8. Once you receive DOS approval, you may print your envelopes.
9. You or your print vendor must send physical samples of the new envelope to USPS' designated MDA contacts.
10. USPS will then approve the envelope for QBRM.
11. Any returned ballots will be charged to the DOS account at the QBRM rate.

If you have any questions, do not hesitate to give me a call.

Veronica W. Degraffenreid | Special Advisor for Elections Modernization
Pennsylvania Department of State
North Office Building, Suite 302
401 North Street | Harrisburg, PA 17120

Office: [REDACTED] | Email: [REDACTED]