

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. **190** Session of
2021

INTRODUCED BY FONTANA, SANTARSIERO, FLYNN, SCHWANK, COMMITTA,
BREWSTER, KEARNEY AND HUGHES, OCTOBER 18, 2021

REFERRED TO RULES AND EXECUTIVE NOMINATIONS, OCTOBER 18, 2021

A RESOLUTION

1 Urging the Senate Intergovernmental Operations Committee to
2 withdraw and rescind the subpoena issued by the committee to
3 the Department of State on September 15, 2021, seeking the
4 personal information of Pennsylvania voters and urging the
5 committee to conduct public hearings, and the Senate as a
6 body to conduct public debate, on the issue.

7 WHEREAS, On September 9, 2021, the Senate Intergovernmental
8 Operations Committee convened to begin a series of hearings to
9 review the Commonwealth's 2020 General Election and the 2021
10 Primary Election; and

11 WHEREAS, Representatives from the Department of State were
12 invited to testify at the hearing but declined due to ongoing
13 litigation surrounding Act 77 of 2019, a comprehensive update to
14 Pennsylvania's Election Code, and a separate lawsuit filed on
15 behalf of Fulton County related to the decertification of the
16 county's election machines by the Department of State; and

17 WHEREAS, In response to the Department of State declining the
18 invitation to testify at the hearing, the Senate
19 Intergovernmental Operations Committee reconvened on September
20 15, 2021, for purposes of subpoenaing voter information, voting

1 records and other documents from the Department of State; and

2 WHEREAS, The subpoena considered by the committee sought to
3 compel the production of documents by the Department of State in
4 17 different areas, including the following:

5 (1) A complete list containing the name, date of birth,
6 driver's license number, last four digits of Social Security
7 number, address and date of last voting activity of all
8 registered voters within this Commonwealth as of May 1, 2021,
9 by county.

10 (2) A complete list containing the name, date of birth,
11 driver's license number, last four digits of Social Security
12 number, address and date of last voting activity of all
13 registered voters within this Commonwealth as of November 1,
14 2020, by county.

15 (3) A complete list containing the name, date of birth,
16 driver's license number, last four digits of Social Security
17 number and address of all individuals who voted in person in
18 the November 2020 General Election, by county.

19 (4) A complete list containing the name, date of birth,
20 driver's license number, last four digits of Social Security
21 number and address of all individuals who voted by mail-in
22 ballot in the November 2020 General Election, by county.

23 (5) A complete list containing the name, date of birth,
24 driver's license number, last four digits of Social Security
25 number and address of all individuals who voted by absentee
26 ballot in the November 2020 General Election, by county.

27 (6) A complete list containing the name, date of birth,
28 driver's license number, last four digits of Social Security
29 number and address of all individuals who voted by
30 provisional ballot in the November 2020 General Election, by

1 county.

2 (7) A complete list containing the name, date of birth,
3 driver's license number, last four digits of Social Security
4 number and address of all individuals who voted in person in
5 the May 2021 Primary Election, by county.

6 (8) A complete list containing the name, date of birth,
7 driver's license number, last four digits of Social Security
8 number and address of all individuals who voted by mail-in
9 ballot in the May 2021 Primary Election, by county.

10 (9) A complete list containing the name, date of birth,
11 driver's license number, last four digits of Social Security
12 number and address of all individuals who voted by absentee
13 ballot in the May 2021 Primary Election, by county.

14 (10) A complete list containing the name, date of birth,
15 driver's license number, last four digits of Social Security
16 number and address of all individuals who voted by
17 provisional ballot in the May 2021 Primary Election, by
18 county;

19 and

20 WHEREAS, The committee authorized the issuance of the
21 subpoenas on by a vote of 7-4, with all Republicans voting "aye"
22 and all Democrats voting "no"; and

23 WHEREAS, According to the Department of State, as of
24 September 20, 2021, there are more than 8,713,660 registered
25 voters in this Commonwealth; and

26 WHEREAS, While the subpoena sought information on all
27 8,713,660 registered voters in this Commonwealth, the members of
28 the Senate Intergovernmental Operations Committee represent only
29 approximately 1,144,772 of those voters, or 13% of the total
30 registered voters in this Commonwealth; and

1 WHEREAS, Since the issuance of the subpoena, members of both
2 the Senate Republican Caucus and the Senate Democratic Caucus
3 have publicly either expressed opposition to the issuance of the
4 subpoena or have raised concerns about seeking the personal
5 information of 8,713,660 Pennsylvania voters; and

6 WHEREAS, Pennsylvanians of all political persuasions have
7 expressed their strenuous objections to requiring the Department
8 of State to turn over their personal information to the Senate
9 Intergovernmental Operations Committee; and

10 WHEREAS, Pennsylvania voters have expressed numerous
11 concerns, including concerns relating to identity theft, the use
12 of the personal information, third-party access to the personal
13 information and storage and security of the personal information
14 by a yet-to-be-determined third party; and

15 WHEREAS, An issue as sensitive as subpoenaing the personal
16 information of more than 8.7 million Pennsylvania voters
17 residing in all 50 Senatorial Districts and all of
18 Pennsylvania's 67 counties is an issue best determined by the
19 Senate as a body after public debate, rather than to a Senate
20 standing committee; and

21 WHEREAS, The Pennsylvania Senate's General Operating Rules do
22 not provide a mechanism for the Senate as a body to overturn the
23 vote of a standing committee; and

24 WHEREAS, The General Operating Rules do not prohibit the
25 Senate as a body from expressing its concern or disagreement
26 with the actions of a standing committee; and

27 WHEREAS, The General Operating Rules do not prohibit the
28 Senate as a body from expressing that concern or disagreement
29 through a formal process in the form of the adoption of a Senate
30 Resolution; and

1 WHEREAS, By adopting this resolution, the Senate as a body
2 expresses it's legitimate concerns over subpoenaing the personal
3 information of Pennsylvania's registered voters as part of the
4 Senate Intergovernmental Operations Committee's review of the
5 2020 General Election and 2021 Primary Election; therefore be it

6 RESOLVED, That the Senate strongly urge the Intergovernmental
7 Operations Committee to reconvene no later than 24 hours after
8 the adoption of this resolution for purposes of withdrawing and
9 rescinding the subpoena issued by the committee to the
10 Department of State on September 15, 2021, seeking the personal
11 information of Pennsylvania voters; and be it further

12 RESOLVED, That the Senate urge the Intergovernmental
13 Operations Committee, upon withdrawing and rescinding the
14 subpoena, to schedule a public hearing, including public
15 testimony and comment, on the issue before taking any further
16 action related to subpoenas; and be it further

17 RESOLVED, That the Senate request that the Senate convene as
18 a Committee of the Whole in open session to conduct a public
19 debate on subpoenaing the personal information of Pennsylvania
20 registered voters; and be it further

21 RESOLVED, That a copy of this resolution be transmitted to
22 the Majority Chair and Minority Chair of the Senate
23 Intergovernmental Operations Committee, the President pro
24 tempore of the Senate, the Majority Leader of the Senate and the
25 Minority Leader of the Senate.