

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 357 Session of 2022

INTRODUCED BY HAYWOOD AND KANE, OCTOBER 26, 2022

REFERRED TO STATE GOVERNMENT, OCTOBER 26, 2022

A CONCURRENT RESOLUTION

1 Urging the Secretary of the Commonwealth to enforce the
2 disqualification clause of the Constitution of the United
3 States by declaring ineligible to appear on a ballot in this
4 Commonwealth for any office a candidate who has previously
5 taken an oath of office to uphold the Constitution and then
6 engaged in insurrection or rebellion against the United
7 States or given aid or comfort to the enemies.

8 WHEREAS, The Constitution of the United States requires
9 presidential candidates to meet qualifications to hold office
10 such as age, citizenship, residency and compliance with section
11 3 of the 14th Amendment, known as the disqualification clause of
12 the Constitution of the United States; and

13 WHEREAS, The disqualification clause bars an individual who
14 has taken an oath to uphold the Constitution of the United
15 States and who subsequently engages in insurrection against the
16 United States government from holding any present or future
17 public office; and

18 WHEREAS, Federal law requires that congressional candidates
19 demonstrate that the candidate meets qualifications to hold
20 office, including citizenship, duration of in-State residency
21 and compliance with the disqualification clause; and

1 WHEREAS, State law also requires gubernatorial and lieutenant
2 gubernatorial candidates to demonstrate that the candidate meets
3 qualifications to hold office, including citizenship, duration
4 of in-State residency, compliance with section 5 of Article IV
5 of the Constitution of Pennsylvania and compliance with the
6 disqualification clause; and

7 WHEREAS, State law requires candidates for State Senator or
8 Representative in the General Assembly to demonstrate that the
9 candidate meets qualifications to hold office, including
10 citizenship, duration of in-State and in-district residency,
11 compliance with section 5 of Article II of the Constitution of
12 Pennsylvania and compliance with the disqualification clause;
13 and

14 WHEREAS, State law requires other elected offices in this
15 Commonwealth such as justices, judges, district justices, county
16 or local officials and school directors to demonstrate that the
17 candidate meets qualifications to hold office, including
18 citizenship, residency and compliance with the disqualification
19 clause; and

20 WHEREAS, It is the responsibility of the Secretary of the
21 Commonwealth to uphold the Constitution of the United States,
22 the Constitution of Pennsylvania and all electoral laws of this
23 Commonwealth; and

24 WHEREAS, It is the fundamental responsibility and legal
25 obligation of the Secretary of the Commonwealth to adhere to the
26 disqualification clause and exclude from a presidential ballot
27 an ineligible candidate; and

28 WHEREAS, In keeping with the responsibility and legal
29 obligation to exclude from any ballot an ineligible candidate
30 who does not meet the qualifications for the office, including a

1 candidate who is non-natural born, is underage or, after taking
2 an oath of office to uphold the Constitution, has then engaged
3 in insurrection or rebellion against the United States or given
4 aid or comfort to the enemies thereof, the Secretary of the
5 Commonwealth's oath of office requires the Secretary to ensure
6 that a candidate is disqualified under section 3 of the 14th
7 amendment and does not appear on a ballot in Pennsylvania;
8 therefore be it

9 RESOLVED (the House of Representatives concurring), That the
10 General Assembly urge the Secretary of the Commonwealth to
11 enforce the disqualification clause of the Constitution of the
12 United States by declaring ineligible to appear on a ballot in
13 this Commonwealth for any office a candidate who has previously
14 taken an oath of office to uphold the Constitution and then
15 engaged in insurrection or rebellion against the United States
16 or given aid or comfort to the enemies; and be it further

17 RESOLVED, That, after adoption of this concurrent resolution
18 by both chambers of the General Assembly, the Chief Clerk of the
19 Senate shall:

20 (1) transmit a copy of this resolution to the Secretary
21 of the Commonwealth as an official action of the General
22 Assembly;

23 (2) transmit a copy of this resolution to each of the 67
24 county boards of elections within this Commonwealth;

25 (3) transmit a copy of this resolution to each member of
26 Congress from Pennsylvania;

27 (4) transmit a copy of this resolution to the
28 Legislative Reference Bureau for publication in the
29 Pennsylvania Bulletin under 45 Pa.C.S. § 725(a)(4); and

30 (5) provide public notice of adoption of this resolution

1 by publishing a summary of this resolution in newspapers of
2 general circulation in this Commonwealth within five days of
3 adoption.