

Pennsylvania Member of Congress Tracking Report - 11/22/20

This is a 100% volunteer effort brought to you by a handful of progressive Democrats and Independents who share a vision of an informed electorate. We want to offer a big thank you to the Demcast and Pennsylvania Indivisible organizations who host our report and help us share it out to the residents of our Commonwealth!

Scheduling FYI - We do not anticipate having a MoCTrack Report on Thanksgiving weekend, unless there is unexpected legislating in the three days before the holiday. Also, it is possible that the coming Georgia special election and the demands of helping out there may cause some upcoming irregularities in the MoCTrack schedule in the coming 6 weeks. Please bear with us as we [show 2020 the door](#) and help out with these last senate-deciding elections.

Tracking Congress in the Age of Trump

The lower the number, the more the legislator votes in opposition to the Trump agenda.

Member of Congress	This week's score	Change from last report
Senator Bob Casey (D)	29.0%	0.0%
Senator Pat Toomey (R)	88.2%	0.0%
PA-01 Rep. Brian Fitzpatrick (R)	62.9%	0.0%
PA-02 Rep. Brendan Boyle (D)	12.9%	0.0%
PA-03 Rep. Dwight Evans (D)	11.4%	0.0%
PA-04 Rep. Madeleine Dean (D)	3.6%	0.0%
PA-05 Rep. Mary Gay Scanlon (D)	5.7%	0.0%
PA-06 Rep. Chrissy Houlahan (D)	4.8%	0.0%
PA-07 Rep. Susan Wild (D)	8.0%	0.0%
PA-08 Rep. Matt Cartwright (D)	19.0%	0.0%
PA-09 Rep. Dan Meuser (R)	97.5%	0.0%
PA-10 Rep. Scott Perry (R)	90.4%	0.0%
PA-11 Rep. Lloyd Smucker (R)	95.4%	0.0%
PA-12 Rep. Fred Keller (R)	94.4%	0.0%
PA-13 Rep. John Joyce (R)	97.6%	0.0%
PA-14 Rep. Guy Reschenthaler (R)	95.1%	0.0%
PA-15 Rep. Glenn W. Thompson (R)	97.8%	0.0%
PA-16 Rep. Mike Kelly (R)	96.6%	0.0%
PA-17 Rep. Conor Lamb (D)	22.0%	0.0%
PA-18 Rep. Mike Doyle (D)	14.7%	0.0%

Nate Silver's [FiveThirtyEight website](#) assesses the voting records of our MoCs to provide this index, by comparing any bills where President Trump has stated a position, and comparing the vote of the legislator to that opinion. No bills were scored this week, as the president is far too involved in undermining the results of the presidential election (and democracy) to care about any of the bills passing this week.

Quick Links

[Votes of Interest](#)

[The Defense Authorization Process continue in both the House and Senate](#)
[Apprenticeship Program sparks Partisan Divide in the House](#)
[House agrees to Reduce Ocean Pollution, with some GOP objections](#)
[Lame Duck Judicial Confirmation #3 - Mississippi](#)
[Lame Duck Judicial Confirmation #4 - Kentucky](#)
[Lame Duck Judicial Confirmation #5 - Kansas](#)
[Lame Duck Judicial Confirmation #6 - Florida](#)
[Lame Duck Judicial Confirmation #7 - Court of International Trade](#)
[Unanimously passed legislation](#)

[ELECTION SPECIAL - One Day, Two Republicans MoCs, Two Opposite Reactions](#)
[Our Two Senators reveal contrasting priorities via a pair of threads on Twitter](#)
[Member of Congress Tweets of the Week](#)
[Call to Action - GEORGIA](#)

Votes of Interest

The Defense Authorization Process continues in both the House and Senate

[House Vote](#) on Closing Portions of the Conference: [H.R. 6395](#): National Defense Authorization Act

The Defense Authorization for 2021 was passed by the House back in July, but the Senate passed a different version this week (via voice vote). This requires the creation of a conference, so that members from the House and Senate can hash out the differences. If you check out the Additional Reading segment below, you can learn more about some of the issues that will be debated in the conference negotiations.

When one goes into the [Congressional Record](#), this is what the process looks like to permit a closed conference::

MOTION TO GO TO CONFERENCE ON [H.R. 6395](#), NATIONAL DEFENSE AUTHORIZATION
ACT FOR FISCAL YEAR 2021

Motion to Permit Closed Conference Committee Meetings

Mr. SMITH of Washington. Mr. Speaker, pursuant to clause 12 of rule XXII, I move that meetings of the conference between the House and Senate on [H.R. 6395](#) may be closed to the public at such times as classified national security information may be discussed, provided that any sitting Member of Congress shall be entitled to attend any meeting of the conference.

The SPEAKER pro tempore. Pursuant to clause 12 of rule XXII, the motion is not debatable, and the yeas and nays are ordered.

The vote was taken by electronic device, and there were--yeas 396, nays 8, not voting 25, as follows:

Vote date: Wednesday, November 18, 2020 **Vote Tally:** 396-8

Party Breakdown: The 8 representatives who voted NO came from across the political spectrum - the sole Libertarian, 2 Democrats, and 5 Republicans, one of whom was PA-10's Rep. Scott Perry.

Additional Reading:

- ["Forts named after Confederate Generals could be sticking point for NDAA,"](#) from the *Federal News Network*
- ["Buy American Earmarks Slip In: Defense Committees Must Act,"](#) from *Breaking Defense*

- [“NDAA for FY 2021 Will Include Numerous Provisions Affecting Acquisition Programs and Cybersecurity Requirements,”](#) from *JD Supra*

Aye	R	Fitzpatrick, Brian	PA 1st	No	R	Perry, Scott	PA 10th
Aye	D	Boyle, Brendan	PA 2nd	Aye	R	Smucker, Lloyd	PA 11th
Aye	D	Evans, Dwight	PA 3rd	Aye	R	Keller, Fred	PA 12th
Aye	D	Dean, Madeleine	PA 4th	Aye	R	Joyce, John	PA 13th
Aye	D	Scanlon, Mary	PA 5th	Aye	R	Reschenthaler, Guy	PA 14th
Aye	D	Houlahan, Chrissy	PA 6th	Aye	R	Thompson, Glenn	PA 15th
Aye	D	Wild, Susan	PA 7th	Aye	R	Kelly, Mike	PA 16th
Aye	D	Cartwright, Matthew	PA 8th	Aye	D	Lamb, Conor	PA 17th
Aye	R	Meuser, Daniel	PA 9th	Aye	D	Doyle, Mike	PA 18th

Apprenticeship Program sparks Partisan Divide in the House

[House Vote](#) on [H.R. 8294](#): National Apprenticeship Act

This bill expands an existing apprenticeship program and provides additional funding. The [floor speech made by House Majority Leader Steny Hoyer](#) does an excellent job of explaining the goals of this legislation, as well as the objections brought up by House Republicans:

“This legislation we are considering today falls within the scope of the Make It In America plan that I’ve been proud to lead since 2010. That plan seeks to make our workers and businesses more competitive by legislating in the three key areas of education and skills training, infrastructure, and entrepreneurship. It is based on bipartisan ideas that most Americans support. One of those ideas is reauthorizing and enhancing the National Apprenticeship Act for the twenty-first century in order to help more of our people reach for the opportunities that enable them to make it in America.

“This bill would have been – and should have been – bipartisan, were it not for the Trump Administration’s insistence on including unaccredited and unproven apprenticeship programs that do not have adequate worker protections or quality standards. That’s a shame, and I hope we can revisit this effort and make it truly bipartisan once President-elect Biden has taken office...

...This legislation would invest more than \$3 billion in the National Apprenticeship System over the next five years in order to create nearly 1 million additional apprenticeship opportunities by 2025. For those worried about the cost of this legislation, here is another figure to consider: the \$10.6 billion in increased tax revenues and decreased spending on public-assistance programs and unemployment insurance that will be saved.”

Vote date: Friday, November 20, 2020

Vote Tally: 246-140

Party Breakdown: All Democrats present voted YES, along with 20 Republicans, The Libertarian and 139 Republicans voted NO. Two Pennsylvania Republicans crossed party lines to vote YES - ● PA-01’s Rep. Brian Fitzpatrick and ● PA-14’s Rep. Guy Reschenthaler.

Additional Reading:

- [“House passes bill to create 1M apprenticeships,”](#) from the *Las Vegas Review-Journal*
- [“House passes bill to allow apprenticeships to count for college credit,”](#) from *Fox 40*, Sacramento’s *Fox* affiliate

Aye	R	Fitzpatrick, Brian	PA 1st	No	R	Perry, Scott	PA 10th
Aye	D	Boyle, Brendan	PA 2nd	No	R	Smucker, Lloyd	PA 11th
Aye	D	Evans, Dwight	PA 3rd	No	R	Keller, Fred	PA 12th
Aye	D	Dean, Madeleine	PA 4th	No	R	Joyce, John	PA 13th
Aye	D	Scanlon, Mary	PA 5th	Aye	R	Reschenthaler, Guy	PA 14th
Aye	D	Houlahan, Chrissy	PA 6th	No	R	Thompson, Glenn	PA 15th
Aye	D	Wild, Susan	PA 7th	No	R	Kelly, Mike	PA 16th
Aye	D	Cartwright, Matthew	PA 8th	Aye	D	Lamb, Conor	PA 17th
No	R	Meuser, Daniel	PA 9th	Aye	D	Doyle, Mike	PA 18th

House agrees to Reduce Ocean Pollution, with some GOP objections

[House Vote](#) on [H.R. 4611](#): Ocean Pollution Reduction Act II

This is one of the many bills that was anticipated to pass unanimously via voice vote, like the other sixty-two bills that you'll read about in the next section. A handful of Freedom Caucus Republicans and the lone Libertarian objected to this effort "to modify permitting requirements with respect to the discharge of any pollutant from the Point Loma Wastewater Treatment Plant" (the subtitle of the bill), and called for a vote. As it was included in the list of bills to be handled via a suspension of the rules, those calling for the roll call vote had to know that this bill would pass easily. Their decision to call for the roll call was a way to signal their adherence to the deregulatory agenda of the last Congress, and an objection to the reimposition of environmental protections.

Vote date: **Tuesday, November 17, 2020** **Vote Tally:** **395-4**

Party Breakdown: The four Representatives who voted NO were Libertarian Justin Amash of Michigan, and Republicans Tom Rice of South Carolina, Louie Gohmert of Texas and Morgan Griffith of Virginia.

Aye	R	Fitzpatrick, Brian	PA 1st	Aye	R	Perry, Scott	PA 10th
Aye	D	Boyle, Brendan	PA 2nd	Aye	R	Smucker, Lloyd	PA 11th
Aye	D	Evans, Dwight	PA 3rd	Aye	R	Keller, Fred	PA 12th
Aye	D	Dean, Madeleine	PA 4th	Aye	R	Joyce, John	PA 13th
Aye	D	Scanlon, Mary	PA 5th	Aye	R	Reschenthaler, Guy	PA 14th
Aye	D	Houlahan, Chrissy	PA 6th	Aye	R	Thompson, Glenn	PA 15th
Aye	D	Wild, Susan	PA 7th	Aye	R	Kelly, Mike	PA 16th
Aye	D	Cartwright, Matthew	PA 8th	Aye	D	Lamb, Conor	PA 17th
Aye	R	Meuser, Daniel	PA 9th	Aye	D	Doyle, Mike	PA 18th

[Last week](#) we discussed Senate Majority Leader Mitch McConnell's big push to confirm a final batch of Trump judges to lifetime appointments in our nation's country. He shoved through two judges in that first week of lame duck confirmations, so we now pick up with judges three through seven this week. For more on this judicial action, see the Politico article, "[Republicans seek to stymie Biden with final Trump nominees.](#)"

Lame Duck Judicial Confirmation #3 - Mississippi

[Senate Confirmation Vote](#) on Kristi Haskins Johnson to be United States District Judge for the Southern District of Mississippi

Our friends at [The Vetting Room](#) say all that needs to be mentioned about the confirmation of this former federal prosecutor in the US Attorney's office in Mississippi - "Kristi Haskins Johnson served as Mississippi Solicitor General for a month before her appointment to the federal bench was announced, marking a remarkable rise for the 38-year old attorney."

Vote date: Tuesday, November 17, 2020 **Vote Tally:** 53-43

Party Breakdown: All 50 Republicans present voted YES, and they were joined by 3 Democrats (Doug Jones of Alabama, Kyrsten Sinema of Arizona and Joe Manchin of West Virginia). Forty-one Democrats and two Independents voted NO.

Additional Reading:

- "[Kristi Haskins Johnson – Nominee to the U.S. District Court for the Southern District of Mississippi](#)," from *The Vetting Room*
- "[1st woman confirmed as US judge for southern Mississippi](#)," from *The Clarion Ledger*

Casey voted NO and Toomey voted YES.

Lame Duck Judicial Confirmation #4 - Kentucky

[Senate Confirmation Vote](#) on Benjamin Joel Beaton to be United States District Judge for the Western District of Kentucky

Again, we leave the assessment of this new judge to the folks at [The Vetting Room](#):

"While still under the age of forty, Beaton has significant litigation experience, a prestigious Supreme Court clerkship, solidly conservative credentials (including membership in the Federalist Society), and a paper trail reflecting a penchant for textualist and originalist judging. All of this adds up to a conservative but confirmable nominee.

Senators may raise concerns that Beaton lacks the twelve years of practice experience the ABA seeks as a base level of qualifications, but proponents will note his Supreme Court clerkship. Other Senators may oppose Beaton based on his litigation against EPA anti-pollution rules. However, these concerns should not affect his confirmation. Given that he hails from the state of Kentucky, expect the Majority Leader to pull out the stops to get Beaton on the bench before the end of the year."

Vote date: Tuesday, November 17, 2020 **Vote Tally:** 52-44

Party Breakdown: All 50 Republicans present voted YES, and they were joined by 2 Democrats (Kyrsten Sinema of Arizona and Joe Manchin of West Virginia). Forty-two Democrats and two Independents voted NO.

Additional Reading:

- "[Benjamin Beaton – Nominee to the U.S. District Court for the Western District of Kentucky](#)," from *The Vetting Room*
- "[Kentucky's Beaton confirmed as U.S. District judge](#)," from ABC 36, the Lexington, Kentucky ABC affiliate
- "[Paducah native to serve as federal judge in Western District of Ky.](#)" from *The Murray Ledger*

Casey voted NO and Toomey voted YES.

Lame Duck Judicial Confirmation #5 - Kansas

[Senate Confirmation Vote](#) on Toby Crouse to be United States District Judge for the District of Kansas

Toby Crouse was nominated to fill a vacancy on the Kansas federal court that opened up when the previous judge resigned after being reprimanded for sexually harassing court employees.

All of Crouse's schooling took place in Kansas and after receiving his degree, he served as a clerk for an Appeals Court judge. He worked in the private sector before being named Kansas's Solicitor General in 2018.

Vote date: Tuesday, November 17, 2020 **Vote Tally:** 50-43

Party Breakdown: All 49 Republicans present voted YES, and they were joined by Democrats Joe Manchin of West Virginia. Forty-one Democrats and two Independents voted NO.

Additional Reading:

- "[Toby Crouse – Nominee to the U.S. District Court for the District of Kansas](#)," from *The Vetting Room*
- "[US Senate confirms third federal judge to District of Kansas](#)," from *The Island Packet*
- "[Kansas federal judge approved by Senate committee](#)," from *WIBW 13* of Topeka

Casey voted NO and Toomey voted YES.

Lame Duck Judicial Confirmation #6 - Florida

[Senate Confirmation Vote](#) on Kathryn Kimball Mizelle to be United States District Judge for the Middle District of Florida

Kathryn Kimball Mizelle is a former clerk of Supreme Court Justice Clarence Thomas who graduated from law school eight years ago, well short of the dozen years required by the American Bar Association for judicial nominees, who rated her "unqualified." Prior to her confirmation she was employed by Jones Day, the law firm favored by President Trump. She is 33 years old, making her the country's youngest federal court judge.

Vote date: Wednesday, November 18, 2020 **Vote Tally:** 49-41

Party Breakdown: This broke on party lines. All 49 Republicans present voted YES, and all Democrats and Independents voted NO.

Additional Reading:

- "[Kathryn Kimball Mizelle – Nominee to the U.S. District Court for the Middle District of Florida](#)," from *The Vetting Room*
- "[Senate confirms Trump's youngest federal judge to serve in Tampa](#)," from *The Tampa Bay Times*
- "[Lakeland native Kathryn Kimball Mizelle headed to lifetime seat on federal court](#)," from *The Lakeland Ledger*

Casey voted NO and Toomey voted YES.

Lame Duck Judicial Confirmation #7 - Court of International Trade

[Senate Confirmation Vote](#) on Stephen A. Vaden to be a Judge of the U.S. Court of International Trade

The experts at *The Vetting Room* provided context for this nomination and the partisan split:

The U.S. Court of International Trade is a specialized court that hears cases involving international trade and customs laws, but whose judges, nonetheless, sit for lifetime appointments...

In 2017, Vaden was nominated to be General Counsel for the U.S. Department of Agriculture and serving as acting General Counsel during his nomination. However, his nomination was criticized by Democrats for his work defending voter restrictions in Ohio and North Carolina...

Vaden was also implicated in the widely criticized decision by USDA to relocate the Economic Research Service and the National Institute of Food Agriculture to Kansas City. The decision was criticized for being politically motivated and for forcing workers to quit. The move was also lambasted by the Department's Inspector General, who argued that it violated laws requiring congressional approval before spending money to relocate offices. In response, Vaden justified the decision in a memo, stating:

"USDA is not required to abide by unconstitutional laws."

Vote date: **Wednesday, November 18, 2020** **Vote Tally:** **49-43**
Party Breakdown: This broke on party lines. All 49 Republicans present voted YES, and all Democrats and Independents voted NO.

Additional Reading:

- ["Stephen Vaden – Nominee to the U.S. Court of International Trade,"](#) from *The Vetting Room*
- ["Obion Co. native confirmed to U.S. Court of International Trade,"](#) from *WBBJ 7*, the ABC affiliate from Jackson, Tennessee

Casey voted NO and Toomey voted YES.

Unanimously passed legislation

The following bills were passed through unanimous consent or voice vote (which presumes unanimity, as any member can object to the voice vote and ask for a roll call). This list excludes bills related to post offices, stamps, memorials, awareness weeks and other ceremonial activities.

- [H.R.4636](#) - Partnering and Leveraging Assistance to Stop Trash for International Cleaner Seas Act
- [H.R.4644](#) - Libya Stabilization Act
- [H.R.4802](#) - To amend the State Department Basic Authorities Act of 1956 to authorize rewards under the Department of State's rewards program relating to information regarding individuals or entities engaged in activities in contravention of United States or United Nations sanctions
- [H.R.5408](#) - Ukraine Religious Freedom Support Act
- [H.R.5586](#) - To measure the progress of recovery and efforts to address corruption, rule of law, and media freedoms in Haiti
- [H.R.6334](#) - Securing America From Epidemics Act
- [H.R.7276](#) - To establish an interagency working group to develop a comprehensive, strategic plan to control locust outbreaks in the East Africa region and address future outbreaks in order to avert mass scale food insecurity and potential political destabilization
- [H.R.7703](#) - Caribbean Basin Security Initiative Authorization Act
- [H.R.7954](#) - Tropical Forest and Coral Reef Conservation Reauthorization Act
- [H.R.7990](#) - FENTANYL ("Fighting Emerging Narcotics Through Additional Nations to Yield Lasting") Results Act
- [H.R.8259](#) - To prohibit Russian participation in the G7
- [H.R.8405](#) - American Values and Security in International Athletics Act
- [H.R.8438](#) - Belarus Democracy, Human Rights, and Sovereignty Act
- [H.Res.825](#) - Urging the United States to continue to be a leader in supporting the Treaty on the Nonproliferation of Nuclear Weapons (NPT) and the global nonproliferation regime to reap the benefits the NPT and such regime bring to United States and international security

- [H.Res.1033](#) - Condemning acts by the People's Republic of China and the Government of the Hong Kong Special Administrative Region that violate fundamental rights and freedoms of Hong Kong residents as well as acts that undermine Hong Kong's high degree of autonomy
- [H.Res.1145](#) - Condemning the poisoning of Russian opposition leader Alexei Navalny and calling for a robust United States and international response
- [S.512](#) - Seniors Fraud Prevention Act
- [S.2904](#) - IOGAN ("Identifying Outputs of Generative Adversarial Networks") Act
- [H.R.1668](#) - IoT ("Internet of Things") Cybersecurity Improvement Act
- [H.R.2117](#) - FASTER ("Food Allergy Safety, Treatment, Education, and Research") Act
- [H.R.2281](#) - Easy MAT ("Medication Access and Treatment") for Opioid Addiction Act
- [H.R.2466](#) - State Opioid Response Grant Authorization Act
- [H.R.2610](#) - Fraud and Scam Reduction Act
- [H.R.2914](#) - Housing Survivors of Major Disasters Act
- [H.R.3878](#) - Block, Report, And Suspend Suspicious Shipments Act
- [H.R.4358](#) - Preliminary Damage Assessment Improvement Act
- [H.R.4499](#) - NIMHD ("National Institute on Minority Health and Health Disparities") Research Endowment Revitalization Act
- [H.R.4712](#) - Fairness in Orphan Drug Exclusivity Act
- [H.R.4806](#) - DEBAR ("Debarment Enforcement of Bad Actor Registrants") Act
- [H.R.4812](#) - Ensuring Compliance Against Drug Diversion Act
- [H.R.5668](#) - MODERN ("Making Objective Drug Evidence Revisions for New") Labeling Act
- [H.R.5855](#) - Bipartisan Solution to Cyclical Violence Act
- [H.R.5901](#) - Information Technology Modernization Centers of Excellence Program Act
- [H.R.5919](#) - National Children's Museum Act
- [H.R.5953](#) - Preventing Disaster Revictimization Act
- [H.R.6096](#) - READI ("Reliable Emergency Alert Distribution Improvement") Act
- [H.R.6435](#) - Combating Pandemic Scams Act
- [H.R.6624](#) - USA Telecommunications Act
- [H.R.7310](#) - Spectrum IT Modernization Act
- [H.R.8121](#) - Pandemic Effects on Home Safety and Tourism Act
- [H.R.8266](#) - FEMA Assistance Relief Act
- [H.R.8326](#) - CED ("Child Care is Economic Development") Act
- [H.R.8408](#) - Aircraft Certification Reform and Accountability Act
- [S.1869](#) - Secure Federal LEASEs ("Leases from Espionage and Suspicious Entanglements") Act
- [S.2216](#) - TEAM ("Transparency and Effective Accountability Measures") Veteran Caregivers Act
- [H.R.835](#) - Rodchenkov Anti-Doping Act
- [H.R.1964](#) - Lumbee Tribe of North Carolina Recognition Act
- [H.R.6237](#) - PRC ("Proper and Reimbursed Care") for Native Veterans Act
- [S.732](#) - AMBER Alert Nationwide Act
- [S.910](#) - National Sea Grant College Program Amendments Act
- [S.1069](#) - Digital Coast Act
- [S.1342](#) - Great Lakes Environmental Sensitivity Index Act
- [S.2174](#) - Missing Persons and Unidentified Remains Act
- [S.2981](#) - National Oceanic and Atmospheric Administration Commissioned Officer Corps Amendments Act
- [S.3312](#) - Crisis Stabilization and Community Reentry Act
- [S.3587](#) - Department of Veterans Affairs Website Accessibility Act
- [S.4054](#) - United States Grain Standards Reauthorization Act
- [S.4462](#) - FLOODS ("Flood Level Observation, Operations, and Decision Support") Act
- [S.4612](#) - Methamphetamine Response Act
- [H.R.6395](#) - National Defense Authorization Act for Fiscal Year 2021
- [S. 3147](#) - Improving Safety and Security for Veterans Act
- [S. 327](#) - Wounded Veterans Recreation Act

ELECTION SPECIAL - One Day, Two Republican MoCs, Two Opposite Reactions

On Saturday, November 21, 2020, two of Pennsylvania's Republican lawmakers took two very different paths in terms of accepting the results of the presidential election.

At 4:00 AM on Saturday, a coalition of Republican lawmakers that that included ● PA-16's Rep. Mike Kelly, Sean Parnell (the challenger who lost the congressional election in PA-17 against Rep. Conor Lamb) and six state lawmakers filed [a lawsuit against the Commonwealth of Pennsylvania](#). In that suit, they seek to invalidate 2.5 million Pennsylvania votes.

The *Reuters* reporter [Brad Heath](#) dissected the lawsuit thoroughly, and his [analysis](#) is worth reviewing:

"...some Pennsylvania Republicans led by Rep. @MikeKellyPA are asking a state court to declare that the state's entire vote-by-mail system violates the state constitution and that millions of votes cast this year must now be invalidated.

The lawsuit is marked as having been filed at 4 a.m.

Received 11/21/2020 4:00:02 AM Commonwealth Court of Pennsylvania

Filed 11/21/2020 4:00:00 AM Commonwealth Court of Pennsylvania
620 MD 2020

The lawsuit is a challenge to Act 77, which it says is "another illegal attempt to override the limitations on absentee voting" in the state constitution. The act was approved more than a year ago; the lawsuit doesn't say why they waited until after this election to challenge it.

The lawsuit claims that to expand mail-in voting, Pennsylvania would need to amend its constitution, which it didn't do, so the whole thing is illegal.

Here's the portion of the PA Constitution the Republicans think makes mail-in voting illegal. Notably, the state Supreme Court referenced this very section in a case earlier this year in which it construed Act 77 and said not a peep about unconstitutionality.

§ 14. Absentee voting.

(a) The Legislature shall, by general law, provide a manner in which, and the time and place at which, qualified electors who may, on the occurrence of any election, be absent from the municipality of their residence, because their duties, occupation or business require them to be elsewhere or who, on the occurrence of any election, are unable to attend at their proper polling places because of illness or physical disability or who will not attend a polling place because of the observance of a religious holiday or who cannot vote because of election day duties, in the case of a county employee, may vote, and for the return and canvass of their votes in the election district in which they respectively reside.

So, Rep. @MikeKellyPA argues, the mail-in part of Pennsylvania's election was actually invalid, the state legislature can swoop in to choose the winner. The lawsuit filed today by Rep.

@MikeKellyPA is explicitly asking a Pennsylvania court to say that 2.5 *million* votes must be thrown out and shouldn't count when the state certifies its election results.

(Or, in the alternative, he's asking a court to tell the General Assembly to pick the winner of the presidential election in Pennsylvania, which means the state would still count the many votes he says were illegal in other races, including his own?)

The lawsuit is here: <https://beta.documentcloud.org/documents/20413920-620-md-2020-petition-for-review-filed>

It faces some obvious challenges, not the least of which is why the plaintiffs waited more than a year - until after their preferred candidate lost the election - to bring the challenge.”

Then, eighteen hours later, we have a statement from ● **Senator Toomey**. This acceptance of Joe Biden as our president-elect dropped on [his website](#), [Twitter](#), and [Facebook](#) at around 10PM on Saturday night, two weeks after most press outlets had called the election:

Release: Toomey Statement on PA Federal Court Decision, Congratulates President-elect Biden Allentown, Pa. – U.S. Senator Pat Toomey (R-Pa.) issued the following statement after Judge Matthew Brann’s decision to dismiss the Trump campaign’s lawsuit challenging the election results in Pennsylvania:

“With today’s decision by Judge Matthew Brann, a longtime conservative Republican whom I know to be a fair and unbiased jurist, to dismiss the Trump campaign’s lawsuit, President Trump has exhausted all plausible legal options to challenge the result of the presidential race in Pennsylvania.

“This ruling follows a series of procedural losses for President Trump’s campaign. On Friday, the state of Georgia certified the victory of Joe Biden after a hand recount of paper ballots confirmed the conclusion of the initial electronic count. Michigan lawmakers rejected the apparent attempt by President Trump to thwart the will of Michigan voters and select an illegitimate slate of electoral college electors. These developments, together with the outcomes in the rest of the nation, confirm that Joe Biden won the 2020 election and will become the 46th President of the United States.

“I congratulate President-elect Biden and Vice President-elect Kamala Harris on their victory. They are both dedicated public servants and I will be praying for them and for our country. Unsurprisingly, I have significant policy disagreements with the President-elect. However, as I have done throughout my career, I will seek to work across the aisle with him and his administration, especially on those areas where we may agree, such as continuing our efforts to combat COVID-19, breaking down barriers to expanding trade, supporting the men and women of our armed forces, and keeping guns out of the hands of violent criminals and the dangerously mentally ill.

“Make no mistake about it, I am deeply disappointed that President Trump and Vice President Pence were not re-elected. I endorsed the president and voted for him. During his four years in office, his administration achieved much for the American people. The tax relief and regulatory overhauls that President Trump enacted with Republicans in Congress produced the strongest economy of my adult life. He also should be applauded for forging historic peace agreements in the Middle East, facilitating the rapid development of a COVID-19 vaccine through Operation Warp Speed, appointing three outstanding Supreme Court justices, and keeping America safe by neutralizing ISIS and killing terrorists like Qasem Soleimani and Abu Bakr al-Baghdadi.

“To ensure that he is remembered for these outstanding accomplishments, and to help unify our country, President Trump should accept the outcome of the election and facilitate the presidential transition process.”

Our Two Senators reveal contrasting priorities via a pair of threads on Twitter

● **Senator Bob Casey, @SenBobCasey, [11/21/20](#):**

“URGENT: In its last months in office, the Trump Administration is seeking to deport vulnerable children and their parents from the Berks Family Residential Center and the South Texas Family Residential Center. These parents and children fled unspeakable violence in their home countries in Haiti, Central America and South America. For many of them, deportation is tantamount to a death sentence.

Included in this group is a girl (15) who fled Honduras after gang members tried to torture, rape, and kill her; a boy (14) who fled domestic violence and human trafficking in Guatemala; a three-year-old who was ripped from his mother's arms and held captive by gang members... There's also a four-year-old girl whose father was violently murdered in Honduras immediately prior to her journey to the United States; a 16-year-old girl who was stripped naked, sliced with a knife, and almost raped by gang members in El Salvador; and so many more.

Katherin, 14 yrs old, wrote about her experience: "I don't have the warmth of family anymore, I feel alone & sad...Our lives are also in danger because of so many people who are infected with COVID-19. Please, I implore you...I don't want to spend another Christmas locked up."

Jhoselyn, 11—and his sisters Zoe, 8 & Emily, 6—wrote: "We have been locked up here for 11 months already, we spent our birthdays here & it's very hard...I can't stand it anymore & I cry a lot... Please, I don't want them to separate us. My sisters & I can't go back to Ecuador."

Juan David, 11 years old, wrote: "I'm afraid that the gangsters will hurt me..That's why I ask God to soften the hearts of the asylum officers and that I can go live with my aunt and uncle in New York...I want to have a normal life...Here, I always have a headache and anxiety."

@SenBooker & I are calling on @DHSgov to halt the deportation of these 28 children & parents, immediately release them to sponsors & allow them to present their claims for asylum. DHS should be focused on protecting our national security, not innocents fleeing danger & violence"

● **Senator Pat Toomey, @SenToomey, [11/19/20](#):**

"I applaud Treasury Secretary Steven Mnuchin's decision to wind down, by year-end, the CARES Act's temporary, emergency lending facilities, as Congress intended and the law requires.

These facilities, which were established in response to the unprecedented market turmoil caused by the COVID-19 pandemic earlier this year, have successfully achieved their intended purpose: stabilizing credit markets so private credit could once again flow to businesses, states, and municipalities.

These temporary facilities helped to both normalize markets and produce record levels of liquidity. Congress's intent was clear: these facilities were to be temporary, to provide liquidity, and to cease operations by the end of 2020.

With liquidity restored, they should expire, as Congress intended and the law requires, by December 31, 2020."

Member of Congress Tweets of the Week

● **Senator Bob Casey, @SenBobCasey, [11/20/20](#):**

The Senator retweeted content from the Senate Democrats account that quoted himself and included a great embedded video of Senator Casey speaking that is worth watching!

"It's time for Sen McConnell & Senate GOP to work with Democrats

"to pass COVID relief legislation that meets the needs of struggling small businesses and families who are out of work and can't pay rent or put food on the table."—@SenBobCasey

We won't stop fighting for relief."

● **Senator Pat Toomey, @SenToomey, [11/17/20](#):**

“Two of every three Pennsylvanians to die from COVID-19 were residents of nursing homes or other long-term care facilities. @SenBobCasey and I introduced a bipartisan bill to combat the systemic failures at these nursing homes in Pennsylvania and across the country.

Our bill will:

- ✓ Increase oversight of underperforming facilities
- ✓ Increase educational resources for such facilities
- ✓ Increase transparency for patients/families
- ✓ Create a council to advise @HHSGov on quality assessment of such facilities “

Tweeted with a link to the Senator’s [official website statement](#)

- **PA-01’s Rep. Brian Fitzpatrick, @RepBrianFitz, [11/18/20](#):**
“It has been months since the last bipartisan #COVID19 package.

This is unacceptable.

Everyone must come back to the table and negotiate a commonsense, bipartisan, and targeted relief bill to help people and #smallbiz in need. We cannot afford to wait any longer. #LetsWork”



- **PA-02’s Rep. Brendan Boyle, @CongBoyle, [11/20/20](#):**
“Today, we honor the lives of members of the transgender community who have been killed as a result of transphobic violence. We must rededicate our efforts to end the epidemic of violence and discrimination--

-- all too often aimed against members of our transgender community. As allies, we continue to work toward a world where they receive the safety, dignity and joy they deserve.

#TransDayOfRemembrance” *tweeted with a link to a Yahoo News article titled “[The Names You Should Know on Transgender Day of Remembrance 2020](#)”*



● PA-03's Rep. Dwight Evans, @RepDwightEvans, [11/20/20](#):

"VIDEO: This morning I spoke on the House floor about the urgent need for more #Covid19 relief. America needs Senate Republicans to get back to the negotiating table! #Philly" *tweeted with embedded video, note that Rep. Evans came to the floor podium masked, and was removing it to speak in this screen-grab*



● PA-04's Rep. Madeleine Dean, @RepDean, [11/19/20](#):

"Pandemic fatigue is real — but human lives are on the line. Your actions could put a neighbor with underlying conditions or your elderly grandmother in jeopardy. Although we are all tired, we need to remember: there are human lives at stake."

● PA-05's Rep. Mary Gay Scanlon, @RepMGS, [11/21/20](#):

"These lawsuits aren't just an attempt to undermine our electoral system -- they are undermining the American people." *tweeted with a link to a New York Times article titled "[Trump's Legal Team sets a Precedent for Lowering the Bar](#)"*

- **PA-06's Rep. Chrissy Houlahan, @RepHoulahan, 11/20/20:**
"Lenni Lenape means "original people" in the Unami Language – spoken by those who lived here for generations before us. This #NativeAmericanHeritageMonth, we honor the history, culture, and contributions of all Indigenous peoples here in Pennsylvania and across our nation.

To learn more about the Lenape in Pennsylvania, check out <https://lenape-nation.org/cultural-center> and <https://americanindian.si.edu/nk360>"

- **PA-07's Rep. Susan Wild, @RepSusanWild, 11/20/20:**
"Wear. A. Mask.
That's it. That's the tweet."



- **PA-08's Rep. Matt Cartwright, @RepCartwright, 11/20/20:**
"Nearly everyone who finishes a registered apprenticeship is employed upon completion, earning an average starting wage of more than \$70,000/year. That's why I voted to expand apprenticeships and connect workers with stable, good-paying jobs and accelerate our economic recovery."

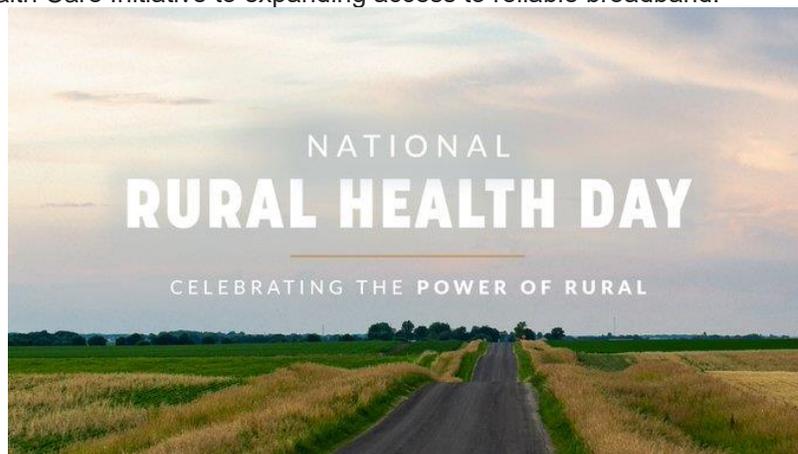


- **PA-09's Rep. Dan Meuser, @RepMeuser, 11/18/20:**

"ICYMI, I spoke on the House Floor this morning on the importance of an honest, lawful and fair vote count for Pennsylvania and the nation." *tweeted with embedded video, note that Rep. Meuser showed no sign of a mask at any point in this video*



- **PA-10's Rep. Scott Perry, @RepScottPerry, [11/17/20](#):**
"BIG HAT NO CATTLE — Issuing edicts placing burdens of law enforcement on business owners & neighbors isn't just empty rhetoric but atrocious lack of leadership. @GovernorTomWolf proves tragically unwilling (again) to consult & collaborate with stakeholders & experts."
- **PA-11's Rep. Lloyd Smucker, @RepSmucker, [11/19/20](#):**
"Today I spoke on the House Floor to discuss how H.R. 8294 is the wrong way to reform Apprenticeship programs. I've advanced solutions, but House Democrats have again squandered an opportunity to create real meaningful reform. Watch my remarks *"tweeted with embedded video of his floor speech"*
- **PA-12's Rep. Fred Keller, @RepFredKeller, [11/19/20](#):**
"Shutdowns don't work. We cannot make the same mistakes twice."
- **PA-13's Rep. John Joyce, @RepJohnJoyce, [11/19/20](#):**
"On #RuralHealthDay, I reaffirm my commitment to strengthening Pennsylvanians' access to quality & affordable health care - from renewing the pipeline of doctors entering rural communities with the Homegrown Health Care Initiative to expanding access to reliable broadband."



- **PA-14's Rep. Guy Reschenthaler, @GReschenthaler, [11/18/20](#):**

“Apparently Big Tech’s censorship doesn’t go far enough for the left. @ChrisCoons wants @Jack to go even further and censor anything that doesn’t follow the leftist talking points on climate change.

In the Democrats’ ideal world, there is no free thinking.” *tweeted with embedded C-SPAN video of Sen. Coons*

● **PA-15’s Rep. Glenn W. Thompson, @CongressmanGT, 11/20/20:**

“Honored to be re-elected to the Republican Steering Committee and humbled to have received unanimous support from my colleagues in PA & KY. They can be assured they will have the strongest advocate for the region during the 117th Congress.” *tweeted with a link to his [official website statement](#)*

● **PA-16’s Rep. Mike Kelly, @MikeKellyPA, 11/18/20:**

“The same people who have spent years peddling the Russia hoax and claiming @realDonaldTrump is an illegitimate president are now telling us to just accept the unofficial election results that have shaken Americans’ trust in our electoral system.” *tweeted with a link to a [Breitbart article](#)*

● **PA-17’s Rep. Conor Lamb, @RepConorLamb, 11/20/20:**

“Today the House passed a bipartisan bill to create 1 million apprenticeships, which means jobs for people in #PA17 including those who lost a job due to #COVID19. The bill included my amendment to ensure veterans can also take advantage of apprenticeships. “ *tweeted with a link to his [official website statement](#)*

● **PA-18’s Rep. Mike Doyle, @USRepMikeDoyle, 11/20/20:**

“#COVID19 is raging, with new cases now averaging over 150k a day. It’s a shameful disservice to #frontlineworkers that #PPE shortages continue. @HouseDemocrats passed multiple bills to prevent this, while @SenateGOP ignored them! Get on it, @senatemajldr!” *tweeted with a link to a [ProPublica article](#) titled “[The Enraging Deja Vu of a Third Coronavirus Wave](#)”*

Call to Action - GEORGIA



We’re still focused on Georgia, and we will continue to have our eyes turned southwards until after the January 5th special election for the two Senate seat run-offs that will determine if the first two years of the Biden Presidency are bogged down in McConnell-flavored obstruction or solutions-oriented lawmaking.

Here is a reminder of the actions you can take to help the Georgia run-off election efforts:

1. **Educate Yourself** - Stacey Abrams and her Fair Fight organization have compiled this [How to Get Involved](#) guide. There are great links in there, but the best part is the “message guidance”

section, which starts on page 3. In it, you'll find the key dates in the upcoming run-off process, as well as the granular messaging points that you should familiarize yourself with before volunteering. Every election is different, and while you might have been 100% conversant with all of the talking points in your Pennsylvania district, they don't necessarily translate to the upcoming run off races.

2. **DONATE (if you can)** - this is going to be the most expensive run-off race in history. From [CNBC](#), "The coming Georgia Senate runoff between GOP Sen. Kelly Loeffler and Democratic challenger Raphael Warnock is shaping up to cost tens of millions of dollars. Republicans are expected to shell out at least \$100 million, according to a GOP strategist familiar with the plans... The parties are expected to spend even more if the other Georgia Senate election, between GOP Sen. David Perdue and Democrat Jon Ossoff, also heads to a January runoff." And as we know, that race is indeed part of the run-off. Here are some of the places where you can donate if your budget permits:
 - a. [Jon Ossoff Senate Campaign](#)
 - b. [Raphael Warnock Senate Campaign](#)
 - c. [GASenate.com](#) - A combined fund sponsored by Stacey Abrams' Fair Fight, that splits donations between the two candidate campaigns and Abrams' own organization, which combats voter suppression
 - d. [New Georgia Project](#) - an organization focused on voter registration, who is working to register thousands of Georgians who turn 18 in the window between November's Election Day and January 5th.
3. **Phone Bank** - in this age of reduced physical contact, phone banking is the most effective way you can reach voters from the safety of your home. Both campaigns have set up phone banks for volunteers, using the Mobilize platform.
 - a. [Warnock for Georgia Phone banking](#) - Mondays, Wednesdays and Sundays through to the election
 - b. [OUT OF STATE: Call Voters with Team Ossoff East!](#) - daily (except Thanksgiving) this week
4. **Adopt a State** - The Crooked Media/Vote Save America folks have a program where they will email you actions that you can take to help out with the Georgia run-off. This is a great system, because many of the post-carding, text-banking and letter writing opportunities are just now being scaled up so that folks from across the country can help, but they aren't quite ready for an influx of volunteers. So right now, you can adopt Georgia, and then you'll be contacted as these programs get up to speed. [Adopt Georgia HERE](#).
5. **Stand With Stacey and FAIR FIGHT** - remember that quote from Stacey Abrams above, where she said the most important thing you can do is let her and her allies know you can volunteer, so that when they are ready, they will let you know how to help? You can do that [right here](#).
6. **Social media, KNOW the LINGO** - our Georgia-based friends at DemCast have compiled [this document](#) with hashtags specific to the Georgia run-off and local media outlets to tag. If you like to use Twitter and Instagram, these are useful tools that you can start using now.

This report is brought to you by the Pennsylvania MoCTrack team...

CC	Linda Houk
Elayne Baker	Susan Vogel
Gary Garb	Kierstyn Piotrowski Zolfo

We can always use extra help. Our Congresspeople are always busy and there is always more for us to cover — tasks big and small to fit any level of time commitment or experience. Would you be willing to listen to a committee hearing and transcribe a few quotes from Pennsylvania lawmakers? Or are you a topic specialist on an issue of concern to activists, and would you like to contribute an occasional column? Please email KierstynPZ@gmail.com and put "MoCTrack Help" in the subject. Thanks!