

COUNTY COUNCIL OF LUZERNE COUNTY, PENNSYLVANIA
RESOLUTION NO. 2021-_____

A Resolution of Luzerne County Council to request an investigation of the May 18, 2021 Primary Election by the Luzerne County District Attorney's Office.

WHEREAS, On May 18, 2021 there was held a 2021 Primary Municipal Election in Luzerne County, and

WHEREAS, The Home Rule Charter states in Section 3.01—Other Elective Officials. In addition to the members of County Council, the elective officials of Luzerne County shall include a Controller, who shall serve as an independent watchdog over County fiscal and management activities, **and a District Attorney, who shall serve as the County's chief prosecuting authority.** Both the Controller and District Attorney shall devote full-time to their offices, and

WHEREAS, The County Home Rule Charter states in Section 2.17—Limitations/Non-Interference (D). No member of County Council shall direct or request the County Manager, any employee of the Executive Branch, the Controller, District Attorney or any employee of their offices, any member or employee of a County authority, board or commission, or any employee of the Judiciary or Office of Court Administration, to appoint, promote, or remove any person, or in any manner take part in, intervene or interfere with, or influence the appointment, promotion, or removal of any person, **except as may specifically be provided for in this Charter.**

WHEREAS, The County Home Rule Charter states in Section 2.09—Powers and Duties B.(9). **To make or cause to be made** such studies, audits, and **investigations applicable to County government as it determines are in the best interests of the County**, compel the attendance of witnesses and the production of documents and other evidence deemed necessary, and to administer oaths and issue subpoenas signed by officers of County Council. County Council shall also have the power to define and punish any contempt relating to the enforcement of subpoenas consistent with laws applicable to counties of Luzerne County’s classification functioning without a home rule charter or, in the absence of such laws, by state laws applicable to counties having populations closest to that of Luzerne County.

WHEREAS, On May 18, 2021 Luzerne County registered Voters of the Republican and Democratic Parties, proceeded to the polls to cast their votes for their respective political party candidates, and experienced several problems that lead to many being disenfranchised and concerned about the integrity of the election process in Luzerne County due to a “Coding Error” by the Dominion Voting machines, and

WHEREAS, There were several complaints to the Luzerne County Election Board and County Council, from registered voters, including County Council members of Luzerne County, regarding election procedure irregularities and voting machine ballot errors, in several Luzerne County voting Districts and Wards, and

WHEREAS, the Luzerne County Republican Party filed a complaint in the Prothonotary Office 2021- 05024 requesting an injunction to impound the election machines of Luzerne County, and

WHEREAS, The Luzerne County Board of Elections had a “Special Election Board Meeting” on May 24 2021”to provide input into the contributing factors that resulted in the mislabeling of the 2021 Republican Primary Ballot”.

THEREFORE, the Luzerne County Council is hereby requesting that the Luzerne County District Attorney’s office conduct an investigation into the practices and procedures of the Dominion Voting Machine programming and setup of the 2021 Primary Municipal Election Ballot, Luzerne County Bureau of Elections review and accuracy and logic testing, as required by the PA Department of State, Bureau of Commissions and Elections, and the Board of Elections role in oversight and security of election equipment of the 2021 Primary Municipal Election, which was held on May 18, 2021 and report their findings to County Council at their County Council Work Session scheduled on August 24, 2021

This Resolution shall become effective 6 days after adoption .
ADOPTED at a meeting of Luzerne County Council held May 25, 2021.

ROLL CALL VOTE: _____

YES:

NO:

ATTEST: _____
Sharon Lawrence Clerk to Council

By: _____
Tim McGinley Chair