

United Methodist Advocacy in Pennsylvania

October 31, 2019

On October 22, the United Methodist General Board of Church and Society introduced the Revised Social Principles of the Church. This document has been nearly eight years in the making. It is the first time the entire Social Principles have been revised since the document was adopted in 1972.

Of course, the new United Methodist Social Principles need to be approved at the 2020 General Conference.

The six sections of the original version have been consolidated into four. The Nurturing Community section has been incorporated into the Social Community section. The World Community section has been integrated throughout.

Representatives from the Central Conferences participated in the creation of the revised document, providing a global context and sensibility.

The Social Principles are an important tool and guide in my role as coordinator of United Methodist Advocacy in PA. Any United Methodist who has an interest in topics such as public policy, faith and politics, or social holiness needs to be aware of the UM Social Principles. They can be found at the beginning of the *Discipline* and they act as the structure to the *Book of Resolutions*.

The Revised Social Principles can be accessed online: www.umcjustice.org/sp2020

Following are recent and ongoing issues in Pennsylvania politics:

- **Religious and Non-Profit Security Grant Program**
- **PA House Resumes Faith-Based Prayer**
- **Questioning Support for Marijuana Legalization**
- **Expediting Pardons for Low-Level Marijuana Convictions**
- **\$48 Billion Opioid Settlement**
- **PA Receives \$53 million Pharmaceutical Settlement**
- **Chronic Pain Patients Rally for Opioid Use**
- **Report on Fentanyl**
- **Warning of Vaping Dangers**
- **Challenge to the Marcy's Law Referendum**
- **President Trump Visits Pittsburgh**
- **Marriage Age Limit**
- **Resistance to Closure of Centers for Intellectual Disabilities**
- **Heartbeat Abortion Bills**
- **Effort to Reinstate General Assistance**
- **Law to Prevent Undocumented Workers in Construction**
- **Preventing Child Custody to an Abusive Parent**
- **Pennsylvania Joining Regional Greenhouse Gas Initiative**
- **Judge Strikes Down Pittsburgh Gun Ordinances**
- **Bill to Update State Election Laws**

Religious and Non-Profit Security Grant Program

On October 23, the state Senate passed **House Bill 859** by a vote of 48-0, providing grant funding for safety and security to religious and nonprofit organization facilities. On the previous day the Senate amended the bill—that originally makes provisions for the state's 911 system—by adding the security grant provision.

The Senate action came a few days before the first anniversary, Oct. 27, of the mass shooting at the Tree of Life Synagogue in Pittsburgh, that provided much of the impetus for the amendment.

Because of the Senate amendment, HB859 returned to the House for a concurrence vote. On October 28, the bill was approved in the House, 192-4. The measure now goes to the governor, who is expected to sign it into law.

Sen. John DiSanto (R-Dauphin), sponsor of the amendment, said, "...when violent acts continue to be threatened and perpetuated in too many Pennsylvania communities, it's incumbent upon us to do more to ensure the safety and well-being of targeted groups."

The amendment would create the Pennsylvania Nonprofit Security Grant Program. The \$5 million would come from unexpended and unencumbered funds identified by the state Budget Secretary and transferred to the Pennsylvania Commission on Crime and Delinquency. The commission would make the grants to eligible non-profits as defined by the FBI in its 2017 hate crimes statistics publication.

The plan is to begin accepting grant applications March 1, 2020.

PA House Resumes Faith-Based Prayer

On October 3, Speaker of the Pennsylvania House of Representatives, Mike Turzai (R-Allegheny), announced that the chamber will resume opening its legislative sessions with faith-based prayers, beginning October 21.

The House of Representatives had disallowed non-believers from leading the invocation. Consequently, the policy was challenged in a lawsuit by atheists and non-believer groups. The House had been filling the guest chaplancy position—of providing an invocation—by using its own members, because of an injunction related to the lawsuit.

The practice of inviting religious leaders to begin legislative sessions with prayer will be resumed as a result of a 3rd U.S. Circuit Court of Appeals decision on August 23—overruling a lower court decision.

The case took three years to settle and cost the state about \$1.1 million. Rep. Turzai said the House's tradition of opening the legislative day with an invocation to a higher power began centuries ago. He commented, "As Speaker of the House, we were going to defend the longstanding tradition of beginning the legislative day with a prayer."

The Third Circuit ruling in favor of the Pennsylvania House was authored by judge Thomas L. Ambro. He concluded that the Pennsylvania House's prayer policy does not violate the Establishment Clause of the U.S. Constitution, nor is it covered by free speech protections.

Observing that the policy is consistent with Pennsylvania's historical practice, the court found it was also consistent with the purposes of legislative prayer. Judge Ambro wrote, "As a matter of traditional practice, a petition to human wisdom and the power of science does not capture the full sense of 'prayer,' historically understood. At bottom, legislative prayers seek 'divine guidance' in lawmaking."

The court also noted that prayer presumes a higher power, agreeing that the practice of excluding non-theists from performing opening invocations is consistent with the Establishment Clause.

Ambro also noted, "Legislative prayer is government speech, so the policy is not susceptible to attack on free-speech, free exercise (of religion) or equal protection grounds." The Free Speech challenge doesn't apply. Legislative prayer is government speech, and the Free Speech Clause's purpose is to protect the speech of private citizens, not government officials.

Questioning Support for Marijuana Legalization

Gov. Tom Wolf has recommended legalization of adult use of recreational marijuana in Pennsylvania because of popular support for the measure—see my September report. However, it is not clear that the governor's contention is accurate.

Wolf seems to be relying heavily on the anecdotal results of Lt. Governor John Fetterman's recreational marijuana listening tour of all Pennsylvania counties. Fetterman interpreted clear support across the state for recreational marijuana use, based on who attended his meetings. But, results of a poll conducted by Susquehanna Polling and Research would contradict that assertion.

Findings of the poll, commissioned by WPMT Fox 43 News, York, suggest that legalization is not necessarily the majority view in the state. The poll was conducted Sept. 30 through Oct. 6 by live telephone interviews. It found that 48 percent of respondents oppose legalizing marijuana for recreational purposes, 37 percent support legalization and 15 are undecided (margin of error of +/- 3.8 percent). The sample consisted of 650 randomly-selected registered voters.

Of those polled, 47 percent were Democrats, 40 percent were Republicans, 10 percent were other or independent, and 3 percent refused to provide affiliation.

Sixteen percent identified as liberal, 6 percent as progressive, 35 percent as moderate, 31 percent as conservative, 7 percent as undecided, 4 percent other, 2 percent unstated.

Thirty-two percent were age 65 or older, 23 percent were 55-64, 20 percent were 45-54, 14 percent were 30-44, 10 percent were 18-29, and 2 percent refused an age category. Furthermore, 54 percent were female and 46 percent male.

Expediting Pardons for Low-Level Marijuana Convictions

On October 2, at a Capitol press conference, Gov. Tom Wolf, Lt. Gov. John Fetterman and Pennsylvania Board of Pardons Secretary Brandon Flood announced plans to expedite applications for pardons from those with low-level marijuana convictions.

Lt. Gov. Fetterman observed that a minor offense on one's record can be a burden for an entire lifetime, impacting one's ability to improve one's conditions and participate in society.

Secretary Flood explained the current pardons process can take as long as two-and-a-half years before an applicant gets a board hearing. The intention of the expedited process is to have a hearing held within a year or less.

Gov. Wolf noted that the expedited process would not be "a rubber stamp" for any of the cases it reviews.

On Oct. 4, Pennsylvania District Attorneys Association executive director Lindsay Vaughan responded to the Board of Pardons. Among other points, Vaughan stated, "As prosecutors, we believe expedited pardons may be appropriate in many non-violent, small-amount marijuana cases. However, the inclusion of fast-tracking pardons for felony convictions regarding marijuana gives us pause and raises concerns among our membership. The initiative announced by the Board of Pardons includes the felony crime of possession with intent to deliver or delivery of marijuana (PWID). PWID is more than possession and most often used in for-profit dealing cases. Those offenses include intent to deliver, delivery and manufacturing of marijuana. We see a big difference in expediting pardons for possessing or sharing a small amount of marijuana and possessing more than a small amount of marijuana with the intent to traffic it into communities."

\$48 Billion Opioid Settlement

On October 21, Pennsylvania Attorney General Josh Shapiro announced that he and the attorneys general of North Carolina, Tennessee and Texas arrived at an agreement in principle with five pharmaceutical companies: Cardinal Health, McKesson, AmerisourceBergen, Johnson & Johnson, and Teva. The agreement would secure a total of \$48 billion, shared among the companies', for their roles in the nation's opioid epidemic.

The agreement includes \$22.25 billion in cash during the next 18 years and \$26 billion in treatment drug provision over ten years. Furthermore, Cardinal Health, McKesson and AmerisourceBergen, the distributors of opioids, have agreed to change their policies as to prevent over-distribution. Johnson & Johnson and Teva, the manufacturers of opioids, have agreed not to market any opioid products.

The four attorneys general said the agreement has been offered to the nation's 46 other states, with each state and its counties to receive a share of the \$22.25 billion in cash—to be used to abate opioid addiction—based on a formula that is being finalized as more states sign on to the agreement.

"The opioid, heroin and fentanyl epidemic claims the lives of 12 Pennsylvanians per day, and this public health and public safety crisis was engineered by opioid manufacturers and distributors," Shapiro said. "I am confident that the framework agreed upon today is our best path forward to deliver relief to those suffering from this epidemic and enact corporate change to prevent this from happening again."

PA Receives \$53 Million Pharmaceutical Settlement

On October 24, Pennsylvania Attorney General Josh Shapiro announced that Pennsylvania, along with other states, reached a \$700 million settlement with pharmaceutical distributor Reckitt Benckiser Group. Pennsylvania will receive \$53 million from the settlement.

The settlement results from allegations that Reckitt improperly marketed Suboxone, defrauding state Medicaid systems. Suboxone is a powerful and addictive opioid approved for use by those recovering from substance abuse

disorder. Its purpose is to reduce withdrawal symptoms. Shapiro said Reckitt Benckiser did not reveal Subosone's risks and promoted it to physicians with unsafe prescribing practices.

Chronic Pain Patients Rally for Opioid Use

On October 16, a rally in the state Capitol's rotunda was conducted by advocates for responsible use of opioids for the control of chronic pain. The rally criticized the Center for Disease Control's (CDC) guidelines restricting opioids, saying the policy limits the pain medication needed by chronic pain sufferers. This is a ramification of the effort to address the opioid crisis not often heard. The rally in Harrisburg was part of a series of national events organized by the Don't Punish Pain movement.

Pain sufferers say that CDC guidelines, released in 2016, for prescribing opioids were only recommendations for primary care clinicians outside of active cancer treatment, palliative care and end-of-life care. In fact, last year, the CDC reported that many doctors were misapplying the guideline by setting hard limits and cutting off opioids altogether.

One of the speakers, Kelly Bryan, a former registered nurse, declared, "We are targeting the wrong cause. People are being punished for a crisis they didn't cause."

Patients who have been treated appropriately and professionally by the same health care provider for years are now finding it difficult to obtain the pain relief they need. Millions of chronic illness patients found they were being dropped from their medications without a safe and controlled weaning.

The purpose of the rally was to bring to the attention of lawmakers the unforeseen harmful results of well-intended opioid legislation.

Report on Fentanyl

On October 16, state Auditor General Eugene DePasquale called for legalization of test strips designed for on-site detection of fentanyl. Fentanyl strips are currently illegal in Pennsylvania, because they are considered to be drug paraphernalia. House Bill 1741, sponsored by Rep. James Struzzi (R-Indiana), would legalize fentanyl strips for personal use. The bill is before the House Judiciary Committee.

A report issued by DePasquale's office, entitled "A Deadly Dose: Fentanyl's Impact on Pennsylvania," said fentanyl played a role in two-thirds of the 5,465 overdose deaths in Pennsylvania in 2017. According to the report, while overdose deaths declined from 2017 to 2018, fentanyl is getting more powerful and deadlier. "Fentanyl, which can be 50 times more powerful than heroin, is often present in street drugs such as heroin and cocaine, but users don't realize it," said DePasquale. Fentanyl is a synthetic drug illegally imported from China.

The test strips require mixing a small amount of a drug with water, then dipping a test strip into the mixture to see if fentanyl is present.

If legalized, law enforcement officials and public health professionals should decide the best method for making the test strips available, said DePasquale.

The Auditor General's report offers a list of recommendations to address fentanyl use, for example, pressuring China to block exports of fentanyl and giving physicians and health care workers greater access to medications such as suboxone to treat opioid users.

Warning of Vaping Dangers

On October 4, Secretary of the Department of Health, Dr. Rachel Levine held a news conference to caution Pennsylvanians regarding the dangers of vaping and vaping-associated lung disease.

Secretary Levine revealed that the department has reported one fatality along with nine confirmed cases of vaping-associated lung disease and 12 probable cases to the Centers for Disease Control and Prevention (CDC) in Atlanta. The CDC has initiated a national investigation on vaping.

The symptoms of potential lung injury associated with vaping include: cough, shortness of breath, chest pain, nausea or vomiting, diarrhea, fatigue, fever, and weight loss. Levine urged, "Please see your health care provider immediately if you or a loved one are showing these signs or symptoms." And she strongly urged anyone who is vaping illegally-bought products, those with tetrahydrocannabinol (THC) in particular, to stop.

Levine warned, “Generally, e-cigarettes are not safe for youth, young adults, pregnant women or adults who do not currently use tobacco products. It is also important to remember that e-cigarette aerosol is not harmless ‘water vapor.’ It can contain harmful substances, including nicotine and ultrafine particles that can be inhaled deep into the lungs; flavoring such as diacetyl, a chemical linked to a serious lung disease; volatile organic compounds; cancer-causing chemicals and heavy metals such as nickel, tin and lead.”

Injunction on Marsy’s Law Referendum

On October 23, Lawyers challenging a ballot referendum to amend the Pennsylvania Constitution to include crime victims’ rights, asked a judge to suspend the voting on the question—taking place on election day, Nov. 5—while their lawsuit proceeds. In opposition, the state argued that a stoppage would confuse voters and could affect the result.

The referendum, part of a national campaign known as Marsy’s Law, contains a list of victims’ rights, including the right to be notified about, attend and comment during plea hearings, sentencings and parole proceedings.

The challenge is being brought by the American Civil Liberties Union of PA on behalf of the PA League of Women Voters. The defendant, acting Secretary of State Kathy Boochvar—the state’s chief elections official—is being represented by the state attorney general’s office.

The lawsuit was first filed on October 10.

The plaintiffs claim that the ballot question is overly broad and vague regarding the rights that would be given to crime victims, it would change existing constitutional provisions that afford rights to the accused and, technically, the many provisions of the referendum should not be massed together, but voted as separate items.

Marsy’s Law has encountered practical and legal problems in some other states, including Kentucky, where the Supreme Court in June voided its Marsy’s Law constitutional amendment after it had passed.

On October 30, Commonwealth Court Judge Ellen Ceisler granted a preliminary injunction to the petitioners. According to Ceisler’s order, On Nov. 5, voters will still be able to vote on the referendum, but the results cannot be tabulated or certified until the legal challenge is concluded.

President Trump Visits Pittsburgh

On October 23, President Donald Trump visited Pittsburgh to deliver a speech to a gas industry conference, Shale Insight, at the Convention Center. The conference audience was for natural gas industry executives, related services from Pennsylvania, Ohio and West Virginia, and like-minded politicians.

President Trump lauded the potential of the natural gas industry and promised to “bring 100,000 energy jobs to Appalachia” and “rebuild this magnificent region.” The president received applause when he mentioned leaving the Paris Climate Accords. He said Democrats would “obliterate” energy jobs, something that under his watch would “never ever come close to happening,” earning him a standing ovation.

Some local labor leaders were skeptical. Darrin Kelly, leader of the Allegheny-Fayette Central Labor Council, said, “President Trump comes to Pittsburgh and says he stands with our workers, then goes back to Washington and proves the opposite with his policies. Every time he’s had the choice to be with us or against us, he’s gone against us.”

Wenonah Hauter, executive director of the environmental group Food and Water Action, said Trump “is speaking to his base today—the fracking companies whose profits he has put above the health and safety of the planet.”

Several groups conducted demonstrations during the president’s visit. Over a dozen protesters were taken into custody.

Marriage Age Limit

On October 23, the state Senate unanimously passed **Senate Bill 81** to establish the minimum age for marriage at 18 years old, with no exceptions. The bill now moves to the state House.

Currently, minors ages 16 or 17 may be issued a marriage license if the child has parental consent. Children age 15 or younger may be issued a license if a court decides it is in the child’s best interest and they have parental consent. Technically, there is no minimum age for marriage in Pennsylvania.

The sponsor of SB81, Sen. John Sabatina (D-Philadelphia) observed, “Children are unable to sign binding contracts, such as housing leases, financial agreements, divorce contracts... Yet, we allow them to enter into the contract of marriage... When you begin to acknowledge the abusive impact child marriages have on our children; impacting them

in terms of health, education, economic opportunity and quality of life, you then begin to understand the need to close these loopholes.”

Resistance to Closure of Centers for Intellectual Disabilities

On October 22, both the state Senate and state House received bills advanced from committee, proposing to stop the Pennsylvania Department of Human Services from closing the state’s White Haven (Luzerne County) and Polk (Venango County) facilities for persons with intellectual disabilities—see my report for August.

Senate Bill 906 and **House Bill 1918** are similar, both seeking to halt shutdown of the facilities.

The Wolf administration announced the closures this summer, saying they were justified by high costs—more than \$400,000 per-person to care for the 306 residents in both centers—and changes in disability rights over recent decades.

The House version of the bill, sponsored by Gerald Mullery (D-Luzerne), would block the Wolf administration from shutting down the two centers until the state clears a 13,000-deep waiting list for Medicare funding for in-home or community care. Following this, Mullery’s legislation calls for the creation of a task force to evaluate the impact of institutional closures on residents and the local economy.

Gov. Tom Wolf’s spokesman, J.J. Abbott, said the administration opposes HB1918.

Heartbeat Abortion Bills

On October 21, state Rep. Stephanie Borowicz (R-Clinton) introduced a so-called “heartbeat” abortion bill, alongside state Sen. Doug Mastriano, (R-Franklin). **House Bill 1977** and its companion legislation, **Senate Bill 912**, would require all physicians to determine if a fetus has a heartbeat before performing an abortion and immediately stop if one is detected.

Physicians say that a fetal heartbeat can be detected at about the sixth week. Abortion-rights advocates say that this occurs before many women know they are pregnant. Some anti-abortion advocates say that a heartbeat is evidence of human life that needs to be protected.

Currently, Pennsylvania law allows women to obtain abortions before 24 weeks of pregnancy, with exceptions for later in pregnancy if the mother’s life is endangered.

If enacted, Pennsylvania would become the 10th state to ban abortion if a fetal heartbeat can be detected. Louisiana, Missouri, Alabama, Georgia, Ohio, Utah, Mississippi, Arkansas and Kentucky all enacted similar legislation in the spring. However, those laws have been subject to legal challenges and many have been blocked by lower courts.

Pennsylvania Governor Tom Wolf promised to veto an abortion “heartbeat” bill.

Effort to Reinstate General Assistance

On October 16, advocates for reinstatement of General Assistance (GA) argued their appeal to the state Supreme Court.

The GA program provided about \$200 per month in temporary assistance to low income individuals, who can only use the program for nine months in a lifetime. It was serving about 10,000 individuals.

GA was discontinued by **House Bill 33 (now Act 12)**, that passed the Senate by one vote at the end of June.

Advocates for reinstatement of the program argue that House Bill 33 contained unrelated components—an invalid legislative practice—including provision for Medicaid money for Philadelphia hospitals. They want the court to rule the legislation to be unconstitutional, resulting in default resumption of GA. Opponents argue that all items in the bill were related, pertaining to assistance to low-income state residents.

The appeal to the Supreme Court was made on August 6, after a Commonwealth Court ruling denying the suit.

Law to Prevent Undocumented Workers in Construction

On October 7, **House Bill 1170** became law without Gov. Tom Wolf's signature—a rare move Wolf has only used for some budget items. Any bill that is not signed or vetoed within ten days becomes law under the state's constitution. The legislation is intended to stop the hiring of undocumented workers in the construction industry.

The legislation will require construction employers to verify an employee's eligibility through the federal E-Verify system and keep a record of the employment—E-Verify cross-checks information provided by an applicant with Social Security and federal immigration records to determine immigration status. In cases where it's suspected an employee isn't authorized to be employed, complaints can be filed with the state Department of Labor and Industry, which could investigate. If it's determined an employee is ineligible, the employer would have time to correct the matter. If the employer fails to make the correction, the state Attorney General could bring action against the employer.

The state House passed the bill by a vote of 170-28 in June. The state Senate passed the bill, 46-3, in September.

Preventing Child Custody to an Abusive Parent

On October 4, Sen. Steven Santarsiero (D-Bucks), along with members of Kayden Mancuso's family and other lawmakers, announced his sponsorship of **Senate Bill 868**, *Kayden's Law*, to further evaluate assignment in child custody cases, protecting the child from an abusive parent.

Sen. Santarsiero said that 58,000 children have been ordered into the care of an abusive parent and that 704 of those children have been murdered in the last decade. Kayden Mancuso of Bucks County was the 647th victim.

Santarsiero said that Kayden's family came to him to help change Pennsylvania's law. He noted that he and Representatives Tina Davis (D-Bucks) and Perry Warren (D-Bucks) have spent the last 10 months working on the legislation. Davis and Warren will introduce similar legislation in the state House.

The legislation would require that no form of custody be awarded to a parent who has been found to jeopardize the health and safety of a child. The court must consider factors such as a parent's history of abuse of a household member and a history of violence, assault, or abusive behavior that could potentially put the child at risk. The court must also consider a child's fear and the parent's mental condition.

Santarsiero noted that the bill also requires courts to hold an evidentiary hearing to evaluate allegations of child abuse or history of domestic violence and use the standard of clear and convincing evidence. He asserted that if a court finds evidence of abuse, it shall award custody to the safe parent.

Pennsylvania Joining Regional Greenhouse Gas Initiative

On October 3, Governor Tom Wolf signed an Executive Order instructing the Pennsylvania Department of Environmental Protection (DEP) to join the Regional Greenhouse Gas Initiative (RGGI), a collaboration of nine Northeast and MidAtlantic states, to combat climate change and reduce greenhouse gas emission.

Gov. Wolf observed that for those states participating in RGGI, it has proven to be good for business, consumers, and the environment. He noted that those nine states have seen their gross domestic product (GDP) rates grow 31 percent faster than the rest of the country. Gov. Wolf remarked that those states have also seen a reduction in carbon dioxide emissions at a rate that is 90 percent faster than the rest of the country. "We need to make sure that the transition to a cleaner energy mix does not leave workers and communities behind," he said.

DEP Secretary Patrick McDonnell stated that the climate crisis is the most important environmental issue facing Pennsylvania. He asserted that there are already efforts underway to reduce carbon emissions outlined in the Pennsylvania Climate Action Plan released earlier in the year. McDonnell noted that other states in RGGI have experienced a reduction in emissions of about 45 percent since 2005.

However, the General Assembly's majority Republicans have expressed concern that the Wolf administration is excluding them. State House Republican leaders said in a statement. "We strongly disagree with Gov. Wolf's continued practice of go-it-alone approaches that are unhelpful in working cooperatively... We believe the executive branch cannot bind the state into multi-state agreements without the approval of the General Assembly, and we plan to execute the fullest extent of our legislative power on behalf of the people of Pennsylvania."

On the Senate-side, Senate President Pro Tem Joe Scarnati (R-Jefferson) and Senate Majority Leader Jake Corman (R-Centre) said in a join statement, "We expect that the Legislature will have the opportunity to engage in this process, to make sure that any change in energy policy ensures a balance between safeguarding the environment, preserving energy jobs and protecting ratepayers."

In an October 28 appearance at a hearing of the House Environmental Resources and Energy Committee, Sec. McDonnell stated the administration's position on the matter, "We absolutely want to be working with the Legislature through this process, but...there's also an urgency, and I think providing a timeline around dealing with that urgency is equally important."

Judge Strikes Down Pittsburgh Gun Ordinances

On October 29, the Allegheny County Court of Common Pleas ruled that Pittsburgh's local gun control measures violate state law. It said that the recently imposed ordinances are "void and unenforceable." According to state law, no county, municipality or township may in any manner regulate the lawful ownership, possession, transfer or transportation of firearms, ammunition or ammunition components when carried or transported for purposes not prohibited by the laws of the Commonwealth.

This past April, Pittsburgh City Council approved ordinances to regulate military-style weapons in public places, to ban most armor-piercing ammunition and high-capacity magazines, and to allow temporary seizure of guns from people who have been determined to be a "red flag" danger to themselves or others.

Judge Joseph M. James noted in his decision, "The City has expended a large amount of energy attempting to categorize the restricted behavior in such a way that it is not expressly prohibited... Despite the City's efforts to avoid the specific preemption set forth in [the law], they are not able to avoid the obvious intent of the legislature to preempt this entire field."

Timothy McNulty, Mayor Bill Peduto's spokesman, said, "The city and its outside legal counsel have always expected this would be a long legal fight, and will continue to fight for the right to take common sense steps to prevent future gun violence. We will appeal."

The challenge to the city's ordinances was filed by plaintiffs Firearm Owners Against Crime, Firearm Policy Coalition Inc., Firearm Policy Foundation and three individuals. The defendants in the case were the City of Pittsburgh, Mayor Peduto and six city council members.

Bill to Update State Election Law

On October 29, the Pennsylvania General Assembly approved an omnibus election reform bill. **Senate Bill 421** passed both chambers on the same day. The measure goes to Gov. Tom Wolf, who has expressed willingness to sign the bill.

The state House approved SB421 by a vote of 138-61. Later in the day the Senate received the bill as amended by the House. The Senate approved the bill, 35-14.

"This is probably the most historic reform bill we've done, not only in my time, but in decades," said Senate Majority Leader Jake Corman (R-Centre), "Ultimately, it's the most significant modernization of our Election Code in decades."

Some Democrats voiced their opposition to the bill's elimination of a straight party voting option. Some also worried about the inclusion of "no-excuse" absentee voting—where any registered voter can vote by mail, avoiding going to a polling place, without providing a reason for being absent.

Prime sponsor of SB421, Sen. Lisa Boscola (D-Northampton) said, "In a society where convenience is emphasized, where you can shop in your living room and within 24 hours a box shows up at your doorstep, our voting process is finally catching up."

Following are the provisions contained in Senate Bill 421:

- Authorization of a \$90 million bond issuance to help Pennsylvania's counties pay for new voting machines.
- Requirement that counties applying for funding to help pay for their new voting machines certify to the Pennsylvania Department of State that the county has complied with state requirements for the establishment of a program to identify registered voters whose address may have changed or who have not appeared to have voted over a defined time-period.
- Requirement that the General Assembly be given 180-days notice prior to a decertification of voting machines in 50 percent or more of the state's counties.
- Elimination of straight party ticket voting.
- Allowance for voter registration up to 15 days before an election, instead of 30 days.

- Creation of a new mail-in voting option.
- Establishment of a single time-line for mailed-in ballots—with exceptions as required by federal law.
- Allowance for mailed-in ballots to be in by 8 p.m. on Election Day, as opposed to the current deadline of the Friday before the election.
- Prohibition on stickers for write-in candidates where paper ballots are used.
- Restriction of the authority of counties to alter the boundaries of election districts during the period Dec. 31, 2019 to Nov. 30, 2022.
- Removal of the requirement that petition for election circulators need to be residents of the district in which they're circulating the petition.
- Elimination of the notarization requirement for circulated petitions.
- Reduction in the number of paper ballots the counties are required to have on hand.
- Allowance for disabled absentee voters who are permanently disabled to submit a single absentee ballot application applicable for future years.
- Movement of absentee ballot count locations, centrally, to the county boards of elections, in lieu of polling places.
- Requirement that nomination petition signers provide the address where they are duly registered and enrolled.
- Increase the maximum compensation for inspectors of election, clerks and machine operators to \$200.
- Removal of the requirement that civilian applicants for absentee ballots and for mail-in ballots indicate the length of time they have been a citizen.
- Elimination from the Election Code outdated references to Traffic Court of Philadelphia.
- Requirement to post sample ballot information on each county's Internet website no later than the Thursday preceding an election.
- Allowance for the Dept. of State to use up to \$4 million for the communication, administration and assistance within each county of the Commonwealth for the purposes of ensuring a complete and accurate census count of the Commonwealth in the 2020 Federal census.
- Delegate to the Pennsylvania Supreme Court exclusive jurisdiction to hear challenges to various provisions within the bill, with all contents of the bill applicable to elections held on or after April 28, 2020.

Dai Morgan