

Resolution 2023-02

**HOW THE FAR LEFT IS USING REPUBLICANS TO
DEFEAT REPUBLICANS**

**At a Regular Meeting of the Berks County Republican Committee held
on February 11, 2023, at Muhlenberg Township, Pennsylvania,
a quorum being present,**

WHEREAS we, the party officers of the Berks County Republican Committee, sitting as a committee of the whole, find the following:

(1) In the May 2022 Primary, the Berks County Republican Committee held an election for party offices. There are 202 precincts in Berks County and in that Primary there were 535 authorized party offices in our County Committee from among those 202 precincts. In the past, we eliminated the requirement of receiving a minimum of 10 write-in ballots in order to win, for the sake of trying to bring-in more Republican electors. But that necessitated a credentialing process, which occurs after the Primary and before the term of party office begins, to ensure that qualified persons were elected. In a Primary, for instance, write-in ballots can be cast for persons who are not seeking party office. Or for those who are not enrolled in the Republican Party. Or for those who were not a resident of the precinct where the vote was cast. Under our Bylaws, candidates for party office are not eligible to be seated if they refuse to participate in our credentialing process.

(2) We find that our credentialing process, where eligibility is determined after an election but before the term of party office begins in our County Committee, is necessitated in its entirety to prevent inter-party raids by Democrats and leftists. But Democrats and leftists, with their allies in corporate media, are engaged in an “accept all comers” propaganda campaign against us so that Republican county committees will be trapped as hired opposition within a corrupt uniparty.

(3) In addition to failing to help Doug Mastriano win the governorship in our Commonwealth, the Republican State Committee of Pennsylvania has now taken the position that Democrats and leftists should be allowed to infiltrate and control county committees like ours, by claiming we cannot have a credentialing process.

(4) Contrary to the assertions of *USA Today*, we are not a “county club,” but a hard-working committee that experienced growth of 265% in party office since 2018 and where Republican voter registrations in our County are nearly equal to the number of Democrats. We were the only Republican county committee in Pennsylvania who endorsed Doug Mastriano for Governor before the 2022 Primary. In light of numerous complaints from voters in our County concerning electronic voting machines, and the danger of double-voting through mail-in ballots and in-person voting, we commenced recounts in the Berks County Court of Common Pleas and to show courage by continuing that cause on appeal. We are the only Republican county committee in Pennsylvania to have done that.

(5) In the May 2022 Primary, there were approximately 97 write-in ballots for electors who were not enrolled in the Republican Party, and 99 were ineligible by reason of residency or other requirements under our Bylaws. Of all potentially eligible electors, we submitted a mailing to them, inviting them to complete the credentialing process and be seated as party officers.

(6) Half a year ago, a write-in candidate named Jamie Kyle refused to participate in our credentialing process and, as a result, she was not seated in our County Committee. Mrs. Kyle now complains to corporate media over the fact that she had to complete a credentialing process to be seated.

(7) The questionnaire we propounded to candidates for party office in the 2022 Primary asked each recipient if they would agree to abide by our Bylaws as may become amended from time to time. This is a normative, American principle for all organizations, for-profit and non-profit. As one court put it, “[W]here rules have been adopted by a county committee of a political party they must be conformed to until amended or changed. So long as they are in force they are the private law of the committee and must be obeyed . . .”¹ That is beyond debate. No one, except for Leftists and anarchists, can reasonably disagree with that.

(8) Our questionnaire asked Mrs. Kyle to approximate how long she was enrolled in our Party and if she agreed or disagreed, “So long as I am a member of the BCRC, I will voluntarily remain enrolled in the Republican Party and, if I voluntarily change my Party enrollment, then I will resign.” That restates an existing eligibility requirement and defines the expectations of our Republican electors. Our questionnaire, likewise, asked each recipient to disclose their employer so we could

¹ *Casey v. Nuttall*, 308 N.Y.S.2d 957, 962 (Sup. Ct. Rensselaer Cnty. 1970).

verify that they were, in fact, not employed by the Democratic Party or their Leftist fellow travelers.

(9) Our Republican electors want the Berks County Republican Committee to hold accountable elected leaders, especially RINOs. Our questionnaire also asked candidates if they agreed or disagreed, “Critical Race Theory, educational equity, and other racist ideologies, as well as the promotion of transgenderism in children, must be opposed in the public schools.” Democrat operatives have the ability to change their Party registration to the Republican Party and to seek an inter-party raid, in order to undermine and subvert our County Committee. Pennsylvania courts agree that a political party has a right “to protect its identity as an association by excluding from the field of choice for party office, nominees who have demonstrated allegiance to opposition candidates.”² We have every right to ask the questions we propounded.

(10) Jamie Kyle then complained to the Republican State Committee of Pennsylvania (the “State Committee”) and obtained a bad faith opinion by their counsel which palpably distorts the law. Mrs. Kyle asserts the amendments to our Bylaws were not approved by the State Committee. Since the beginning of the Berks County Republican Committee in the 19th Century,³ we have continuously amended our Bylaws without approval by the Republican State Committee of Pennsylvania. It is a long-standing custom, since the beginning of the Republican Party, that the Republican National Committee and the Republican State Committee of Pennsylvania do not interfere in the internal affairs of county committees, such as ours. In keeping with this principle and with quorums present, we amended our Bylaws on March 25, 2021, September 11, 2021, April 23, 2022, and September 8, 2022. Each of the foregoing actions were amendments, not an adoption of Bylaws. Approval by the State Committee applies only where a newly-organized county committee adopts bylaws for the first time.

(11) From the amendment on April 23, 2022, we created a Credentials Committee (now, the Credentials Subcommittee) to review the eligibility of all candidates who win a Primary for party office in our County Committee. We find that a credentialing process, where eligibility is determined after an election but

² *In re Kielstock*, 473 A.2d 713, 716 (Pa. Commw. Ct. 1984).

³ MICHAEL J. DUBIN, UNITED STATES CONGRESSIONAL ELECTIONS, 1788—1997, at 183, 185, 189 (1998) (8th Congressional District of Pennsylvania); MORTON L. MONTGOMERY, HISTORY OF BERKS COUNTY IN PENNSYLVANIA 478, 481-83, 516 (1886) (in 1858, barnburner Democrats combined with the Republican Party to elect John Schwartz to Congress for Berks County).

before the term of party office begins in our County Committee, is not inconsistent with the law or with the Rules and Bylaws of the Republican Party of Pennsylvania (filed by the State Committee on September 25, 2015) or with the Rules of the Republican Party (last amended by the RNC on April 14, 2022).

(12) We find the lawfulness of our credentialing process is not open to question and plainly within our fundamental rights of speech and association protected under the U.S. and Pennsylvania constitutions as paramount law. Under the First Amendment, “the freedom to associate for the common advancement of political beliefs necessarily presupposes the freedom to identify the people who constitute the association, and to limit the association to those people only.”⁴ The U.S. Supreme Court agrees, “[A] State cannot substitute its judgment for that of the party as to the desirability of a particular internal structure, any more than it can tell a party that its proposed communication to party members is unwise.”⁵

(13) In America, it is a normative principle that a person becomes a member and may be suspended, dismissed, or expelled from an organization, in accordance with its own rules and without any need for permission from the government.⁶ For party offices in Pennsylvania, as one federal judge put it, “The law does not even require that members of the County Committee be elected by the voters, though in practice they are.”⁷ From the First Amendment cases of *California Democratic Party v. Jones*, 530 U.S. 567 (2000) and *Tashjian v. Republican Party of Connecticut*, 479 U.S. 208 (1986), neither can Pennsylvania law force a political party to hold a Primary as the method for nominating candidates.⁸ We are, and always have been, a self-governing organization with its own constitutional rights of speech and association.

(14) We find that a credentialing process, where eligibility is determined after an election but before the term of office begins, has always been part of

⁴ *Democratic Party of the United States v. Wisconsin ex rel. La Follette*, 450 U.S. 107, 122 (1981) (internal quotations deleted).

⁵ *Eu v. San Francisco County Democratic Comm.*, 489 U.S. 214, 233 (1989).

⁶ Under the Uniform Unincorporated Nonprofit Association Law, “A person becomes a member and may be suspended, dismissed or expelled in accordance with the governing principles,” 15 Pa.C.S. § 9126(a)(1), that is, by the agreement of the unincorporated nonprofit association, *id.* § 9112 (defining “Governing principles”). “Governing principles are the equivalent of the articles of incorporation, bylaws and agreements that govern the internal affairs of a nonprofit association.” 15 Pa.C.S.A. § 9112, Uniform Law Comment.

⁷ *Lynch v. Torquato*, 228 F. Supp. 268, 270 (W.D. Pa. 1964), *aff’d*, 343 F.2d 370 (3d Cir. 1965).

⁸ *6th Congressional District Republican Comm. v. Alcorn*, 913 F.3d 393, 403 (4th Cir. 2019).

American government, where the U.S. Constitution vests each house of the U.S. Congress as “the Judge of the Elections, Returns and Qualifications of its own Members,”⁹ and where the Pennsylvania Constitution vests the General Assembly with the same authority.¹⁰ We find that a credentialing process is found in Robert’s Rules of Order, as well as the Rules and Bylaws of the Republican Party of Pennsylvania (filed by the State Committee on September 25, 2015) and with the Rules of the Republican Party (last amended by the RNC on April 14, 2022). If the State Committee can do it, then so can we.

(15) We find the Far Left’s claim that we are somehow “disenfranchising” persons who were ineligible to hold party office in our County Committee to be just as hollow as to say that a candidate may run for President of the United States who is not a natural born citizen, or not at least 35 years of age, or not having resided in the United States for at least 14 years. Political organizations, like ours, are free to adopt political eligibility that is consistent with our viewpoints — and that goes to the heart of the ordered liberty on which America was founded. The Republican Party, itself, was founded in the 19th Century because of the failures with the two-party system at that time.

(16) We find that corporate media, in collusion with Democrats and leftists and seeking to capitalize on the public’s ignorance over civics, are purposefully failing to inform the public that at no point does the government pass upon the eligibility of a candidate for party office. In the absence of a statute, a county board of elections “may not make a determination of a candidate’s qualification for office in considering the validity of a nomination petition.”¹¹ A county board of elections may certify which candidate for party office received the most votes in a Primary but the County Committee “ultimately passes upon the membership of such committee.”¹²

(17) In short, the Berks County Board of Elections does not determine a candidate’s eligibility to hold party office in accordance with our Bylaws, only whether a candidate made a minimum showing for ballot access and whether a candidate received the most legal votes in a Primary.

⁹ U.S. Const., art. I, § 5, cl. 1.

¹⁰ Pa. Const., art. II, § 9.

¹¹ *Egan v. Mele*, 634 A.2d 1074, 1076 (Pa. 1993).

¹² *In re Hodgen’s Election*, 19 Pa. D. & C. 283, 284 (C.P. Delaware 1933); *see also, In re Corydon Township Election*, 84 A. 1107, 1108 (Pa. 1912) (certification of election results “merely determined which candidate received the highest number of legal votes and is entitled to the certificate,” not whether the candidate is eligible to hold office).

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. We urge our Republican electors to guard themselves against the hollow and deceptive philosophy of the Far Left, and their allies in corporate media and Establishment RINOs, regarding our credentialing process, as this is an attempt to use Republicans to defeat Republicans and to reduce Republican county committees into hired opposition as a corrupt uniparty.

Section 2. We urge Republican electors of Berks County, who share our viewpoints that the Republican Party needs to be reformed from the bottom-up, to attend our events, especially our Region meetings, and to apply for appointment to vacant party offices.

Section 3. Our amendments to the Bylaws passed on March 25, 2021, September 11, 2021, April 23, 2022, and September 8, 2022 are hereby ratified and valid from the date of their passage, and were not an “adoption” of Bylaws. We direct our County Chair to file an amended certification, if necessary, with the Berks County Board of Elections.

Section 4. We direct for our County Chair to obtain a legal opinion from a member of the Pennsylvania bar in rebuttal to the State Committee’s Opinion.

Section 5. We direct for this Resolution to be published on our Web site and for a copy to be given to the Berks County Patriots, and our County Chair is authorized to cause its publication in the *Lehigh Valley Commentator* and *The Lancaster Patriot*, and in any other publication which the County Chair finds appropriate.

Section 6. We authorize our County Chair to pay from the treasury of the Berks County Republican Committee the expenses he judges requisite to carry out this Resolution.

Attest:

/s/ Clay D. Breece
Clay D. Breece, Chair
Berks County Republican Committee