

SCOTUS Asked to Grant Standing to Pennsylvania Legislators

Michigan Fair Elections and Wisconsin Voter Alliance File Brief

Biden Executive Order 14019 Takes Away Legislators' Constitutional duty to protect election integrity

Lansing, MI (Immediate Release) Michigan Fair Elections and the Wisconsin Voter Alliance submitted a brief to the U.S. Supreme Court. MFE and WVA's *amici* (friendly) brief supports 27 Pennsylvania legislators who requested standing, that is the right to bring an action or to appear in court and plead a case.

The legislators' lawsuit, *Keefer v Biden*, argues that the U.S. President Joseph Biden and Pennsylvania Governor Josh Shapiro usurped, by fiat, the Pennsylvania legislators' constitutionally-protected duty to determine election laws. In the face of conflicting case law, the legislators assert the question of standing is one that only the Supreme Court can and must determine before state and federal executive branches encroach further and cause irreparable harm to the republic's system of checks and balances.

The Pennsylvania legislators' petition to the Supreme Court comes after a federal court dismissed their lawsuit on the basis of lack of legislator standing. The "Keefer Legislators," as the Pennsylvania legislators are called, have appealed to the U.S. Court of Appeals for the Third Circuit. Meanwhile, they are asking the Supreme Court to decide the issue of standing. If the legislators are granted standing, the case against President Joseph Biden and Governor Josh Shapiro could proceed on the issues, and a federal judge has indicated the argument appears to have merit.

The MFE and WVA amici brief stated in part, "The Court's ruling as to whether the Keefer Legislators have standing will have far-reaching consequences. If they have standing, states will continue to be able to exercise their constitutionally-granted rights to direct the Time, Place, and Manner of elections and thus preserve election integrity. If they do not have standing, the Elections Clause will essentially be rendered null and void, and all election issues may ultimately be decided by executive order."

In March 2021, Biden's Executive Order 14019 directed, by fiat, federal agencies "to use government funds and resources for voter registration drives and get-out-the-vote activities." It also commanded "federal agencies to expend government resources to work with non-governmental third-party organizations." According to [Heritage Foundation](#), all but one of the non-governmental organizations were left-leaning.

Patrice Johnson, MFE Chair, said, “Most of us expect our elections to be administered in a fair, honest, and nonpartisan manner. For a U.S. President or a state governor to put their thumbs on the scales of elections for the purpose of influencing election outcomes is an attack on the founding principles of our republic. Individual legislators need to be allowed their day in court to protect election integrity, and to exert checks and balances on the other branches of government.”

The U.S. Constitution, Article I, Section 4 ([the Elections Clause](#)) requires state legislatures to regulate the time, place, and manner of federal elections.

Ron Heuer, WVA President, emphasized that the legislators’ case is narrow and limited to election laws only. “These clauses specifically put the power to protect elections in the hands of We the People through their locally elected state legislators. But state and federal executive branches have spun out of control.”

“The Circuit Court’s decision presents an imminent threat to bedrock constitutional principles,” MFE and WVA stated in the brief (attached).

Heuer asked, “If a Pennsylvanian legislator and other state legislators don’t have standing in court to challenge a violation of the U.S. Constitution regarding changes to election rules, then who does?”

“In 2020, battleground states like Georgia, Michigan, Pennsylvania, and Wisconsin were coerced into changing election laws during the COVID pandemic without the approval of the legislatures that have the ultimate constitutional authority to modify such procedures. Now we see President Biden’s administration through EO 14019 doing the same thing – overriding the ‘Time, Manner and Place’ clause of the U.S. Constitution. The Petitioners should have the standing to challenge it,” stated attorney Brad Carver, a partner from Hall Booth Smith’s Atlanta Office.

[Michigan Fair Elections](#) and the [Wisconsin Voter Alliance](#) submitted the amici curiae to support the preservation of elected legislators’ constitutional rights to have a say in determining election law.

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Michigan Fair Elections Institute d/b/a Michigan Fair Elections (“MFE”) is a Michigan-based, non-profit, 501(c)(3) non-partisan organization. MFE started in July 2022 with a handful of concerned citizens and has grown to more than 40 county task forces dedicated to restoring fair and honest elections through education, local citizen participation, and litigation when necessary. MFE is an issues-based, educational organization that serves the community and welcomes all

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who support election integrity and who support both the Michigan and United States Constitutions.

Wisconsin Voter Alliance (“WVA”) is a Wisconsin non-profit corporation. WVA seeks to facilitate and coordinate the restoration of voting integrity in Wisconsin. WVA’s mission is to effect change to law and policies surrounding elections by creating multi-faceted objectives to restore voter confidence and integrity in the election process. WVA educates the public and elected officials, works to establish best election practices, identifies and encourages debate on election policy and law, and encourages fairness during elections.

Hall Booth Smith is a 400-plus lawyer firm with offices in 12 different states headquartered in Atlanta, Georgia. Its Election Law team works to protect election integrity particularly in the all-important battleground states that will determine the outcome of the election in 2024. Counsel of Record for this amicus brief and Arkansas Partner, Todd Wooten from Little Rock and Brad Carver who chairs the State of Georgia’s Election Confidence Task Force along with fellow Little Rock Partner Baxter Drennon help election integrity groups like Michigan Fair Elections and Wisconsin Voter Alliance advance such interests. Hall Booth Smith’s Election Law team advocates for legislation to improve election confidence and then defends those laws in court.

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