

# Pa. State Secy. Resigns After Flubbing Sex Abuse Amendment

By [James Boyle](#)

Law360 (February 1, 2021, 4:44 PM EST) -- Pennsylvania's secretary of state has resigned effective the end of the week after her office failed to advertise a proposed constitutional amendment that would have extended the statute of limitations for child sex abuse survivors.

Kathy Boockvar will leave the Department of State on Feb. 5, according to a statement released Monday by Gov. Tom Wolf. Her resignation follows the discovery that her office did not follow the procedure for amending the state constitution, setting back a proposed amendment advocated by child sex abuse survivors to at least 2023.

"The delay caused by this human error will be heartbreaking for thousands of survivors of childhood sexual assault, advocates and legislators, and I join the Department of State in apologizing to you," Gov. Wolf said in a prepared statement. "I share your anger and frustration that this happened, and I stand with you in your fight for justice."

Wolf will appoint Veronica Degraffenreid to serve as acting secretary of state, according to the statement.

As the top elections official, Boockvar's office was responsible for advertising proposed constitutional amendments.

House Bill 963, first passed in 2019, would have amended the state constitution to give survivors of child sex abuse, who under the old statute of limitations could not sue once they were past the age of 30, a two-year window to file suits against their abusers if passed by voters. The amendment also would have extended the age limit for future cases by 25 years, to 55 years old.

Richard Serbin, an of counsel attorney for [Janet Janet & Suggs LLC](#) in Altoona, Pennsylvania, has represented more than 100 victims of clergy sexual abuse, providing key testimony for a 2018 grand jury report on such abuse.

On the phone from Lima, Peru, Serbin was not aware of Boockvar's resignation or the reasons behind it. When informed by a reporter of the news, he expressed disappointment.

"Child sex abuse survivors have been waiting decades to have an opportunity to seek out justice they deserve," Serbin said. "This is just another roadblock in their efforts. I hear from clients all the time and communicate my hope the law will be changed finally. If this process is halted even temporarily, it will be extremely hurtful and disappointing for many sex abuse survivors."

Under state law, a similar bill must pass the general assembly in two consecutive legislative sessions before being placed on the ballot for a voter referendum. After each legislative passage, the wording of the amendment must be advertised in two newspapers in every county in each of the three months before the next election. That advertising did not occur before the 2020 general election.

"I'm extremely proud of what we've accomplished for the people of Pennsylvania," Boockvar said in a statement. "I've always believed that accountability and leadership must be a cornerstone of public service. While I only became aware of the mistake last week and immediately took steps to alert the administration to the error, I accept responsibility on behalf of the department."

The version of the amendment before the 2021-2022 General Assembly, House Bill 14, passed the state House of Representatives last month. The bill's sponsors, including State Reps. Jim Gregory, Mark Rozzi and State Sen. Lisa Baker, were preparing to put it before the state Senate for final passage when the news broke.

The bill will now have to complete passage this term and again in the 2023-2024 session before being placed on the 2023 primary election ballot.

"We have lost two years of work expended by Sen. Lisa Baker, Rep. Rozzi, myself and, most importantly, dedicated Pennsylvanians who survived assault and want to recapture their voice in the courts," Gregory said in a statement. "I am finding it difficult to express the anger and outrage on behalf of the victims that once again are left empty-handed. This takes us back to the starting point and means the earliest voters can choose to grant these protections will be the 2023 primary election."

Gregory told Law360 that his shock turned to inconsolable sobbing when Wolf informed him and Rozzi on the phone Monday morning. He has now turned to anger at what he calls a "historical gravity of incompetence in the commonwealth."

"I'm not going to apologize for that," Gregory said. "Victims have been waiting for years and were this close, only to have something like this happen."

The proposed amendment is the direct result of a scathing 2018 grand jury report released by the state attorney general's office, which detailed decades of sexual abuse by members of the Pennsylvania Catholic clergy. More than 300 priests had molested more than 1,000 children in Pennsylvania since the 1940s, the report said, and the Catholic Church systematically covered up those crimes.

"The Department of State's failure to carry out its responsibilities in the constitutional amendment process is shameful, and all options must be on the table to fix this immediately," Pennsylvania Attorney General Josh Shapiro said in a statement. "Too many institutions have failed survivors of sexual abuse for far too long, and I am determined for that disgraceful streak to end and to make sure justice is no longer denied."

Pennsylvania dioceses have paid nearly \$150 million to eligible statewide victims of child sex abuse. In December, the [Catholic Diocese of Pittsburgh](#) settled 224 claims with a \$19.2 million payment. The [Archdiocese of Philadelphia](#) paid out \$43.8 million through its victims' compensation fund as of April and expects to ultimately distribute a total \$130 million of settlements.

--Editing by Philip Shea.

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