



8 July 2021

The Honorable City Commissioner Lisa Deeley
The Office of the Philadelphia City Commissioners
1400 John F Kennedy Building
Philadelphia, PA 19107

Dear Commissioner Deeley:

It has come to our attention that Senator Doug Mastriano intends to use his position as Chairman of the Intergovernmental Operations Committee to request election materials from Philadelphia (and two other counties) to conduct a “forensic investigation” of the 2020 General and 2021 Primary election.

This action is inappropriate for a variety of reasons and as a result, we are of the opinion that you should not comply with this request.

First, election oversight is outside of the authority of the Intergovernmental Operations Committee. That committee was established in the 2011-12 legislative session with the sole authority, in Senate practice, of oversight of the Regulatory Review Act. Elections and Department of State activity has always fallen under the purview of the State Government Committee, of which Senator Mastriano is not the chairman.

Second, even if it were within the jurisdiction of this committee (that we, the undersigned, are the Democratic members of) it is not within his sole discretion to compel you to provide the materials requested in his letter. Under Senate Rule 14(d)(3), it takes an act of the full committee to issue a subpoena, not a simple request of a chairperson. To proceed with a subpoena, he must be granted the authority of the committee – requiring a publicly advertised hearing and vote of its members. This has not yet happened, though he is using his chairmanship to begin his requests to counties.

Further, if a subpoena is ultimately issued by an act of the committee, we continue to question the jurisdiction of this committee to issue one in this scenario or for one to be issued for the specific materials that have been requested.

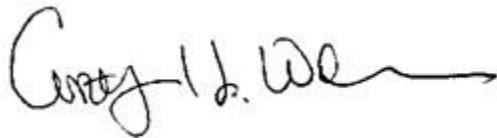
Yet another audit would be redundant and a waste of taxpayer dollars. The 2020 election has been audited and reviewed extensively. The results of the 2020 election have been

challenged in the courtrooms of 86 judges and upheld initially in 85 of them; the 86th was ultimately decided against former President Trump as well.

The Pennsylvania Department of State has also already completed statistical sampling as required in Title 25 and a risk limiting audit. To conduct yet another review with Pennsylvania taxpayer dollars is an insult to our stewardship of those resources.

Please contact us with any questions about our opinion on the authority of the Senate in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony H. Williams". The signature is fluid and cursive, with a long horizontal flourish at the end.

Senator Anthony H. Williams
Democratic Whip
Democratic Chair, Intergovernmental Operations Committee

A handwritten signature in black ink, appearing to read "Jay Costa". The signature is bold and cursive, with a large initial "J" and a long horizontal flourish.

Senate Democratic Leader Jay Costa
Member, Intergovernmental Operations Committee

A handwritten signature in black ink, appearing to read "Vincent Hughes". The signature is cursive and somewhat stylized, with a long horizontal flourish at the bottom.

Senator Vincent Hughes
Member, Intergovernmental Operations Committee

A handwritten signature in black ink, appearing to read "Steve Santarsiero". The signature is cursive and somewhat stylized, with a long horizontal flourish at the bottom.

Senator Steve Santarsiero
Member, Intergovernmental Operations Committee