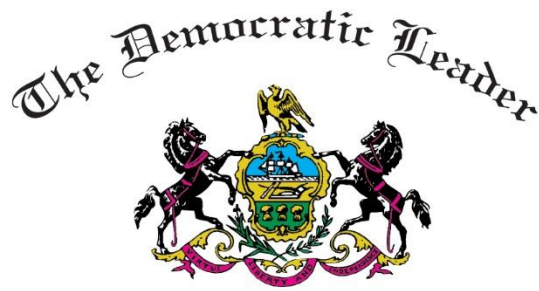


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Senate of Pennsylvania

COMMITTEES
APPROPRIATIONS, EX-OFFICIO
RULES & EXECUTIVE NOMINATIONS,
DEMOCRATIC CHAIR
INTERGOVERNMENTAL OPERATIONS

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7 July 2021

Senate President Pro Tempore Jake Corman
Senate Box 203034
Harrisburg, PA 17120-3034
Room: 350 Main Capitol

Senate Majority Leader Kim Ward
Senate Box 203039
Harrisburg, PA 17120-3039
Room: 292 Main Capitol

Dear President Corman and Leader Ward:

It has come to our attention that Senator Doug Mastriano intends to use his position as Chairman of the Intergovernmental Operations Committee to request or subpoena election materials needed to conduct a “forensic investigation” of the 2020 General and 2021 Primary election in a number of counties.

This action is inappropriate for a variety of reasons which I will proceed to outline, and I am formally requesting that you use your leadership roles to end this misguided and political farce immediately.

First, election oversight is outside of the authority of the Intergovernmental Operations Committee. That committee was established in the 2011-12 legislative sessions 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. Long-standing practice provides that election related matters fall under the authority of the State Government Committee. Further, 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.

Already he is corrupting the committee process and politicizing it for the whims of former President Donald Trump. He attempts to usurp the authority of not only the State

Government Committee, but the Local Government Committee as well. Should you allow this to continue, Senator Mastriano will have built a Frankenstein creation of a committee with limitless power, frighteningly controlled by a Senator intent on tainting every level of our government. It is your duty as officers of this body to put a stop to this.

We have grave concerns about the authority and legality of such an audit, let alone the ability of Senator Mastriano to lead it, or frankly to continue his role as a committee chair or even member of the Pennsylvania Senate. He coordinated and provided transportation for participants to the January 6th attempted interference with the counting and certification of the Electoral College vote – that vote being required by the United States Constitution and federal law. His further participation in the events at the U.S. Capitol on January 6, 2021 have never been investigated. He instigated an election audit in Fulton County by a company that prior to that had no experience in election audits. That audit was cited as support for the audit of election results in Maricopa County, Arizona which Senator Mastriano toured. This does not appear to be a coincidence.

It is the actions outlined above that warrant “forensic investigation” – not the results of a settled and certified election as conducted and completed pursuant to the federal constitution and statutes as well as the Pennsylvania Constitution and statutes.

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 pilot risk limiting audit. To conduct yet another review with Pennsylvania taxpayer dollars is an insult to our stewardship of those resources.

This is nothing more than an attempt to appease the disgruntled supporters of former President Donald Trump and serve as a campaign vehicle for Senator Mastriano to advance his run for Governor.

We urge you to issue a cease and desist order for this member of the chamber before he does even more damage to the credibility of government institutions. His behavior over the last six months has eroded the integrity of the State Senate and it must be stopped.

Upon our return to session, we should be working on election reform legislation with broad and bipartisan support by groups including the County Commissioners Association of Pennsylvania and the Department of State. They have asked us for simple fixes to improve the execution of our elections, for example: extended windows to apply for a mail in ballot, better pay for poll workers and the ability to pre-canvass mailed ballots as is done in many other states highlighted by voluminous testimony before the three separate committees studying the 2020 presidential election.

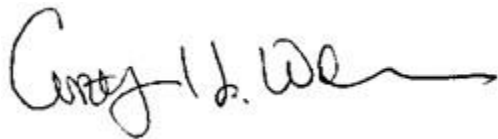
It's time for us to look forward and restore faith in our processes – faith that has been damaged by the behavior of your party, without merit or fact. We can work together again, but we must start now.

Please contact us with any questions and to review your next steps to end Senator Mastriano's unlawful witch hunt.

Sincerely,

A handwritten signature in black ink that reads "Jay Costa". The signature is written in a cursive style with a large, looped initial "J".

Senate Democratic Leader Jay Costa

A handwritten signature in black ink that reads "Anthony H. Williams". The signature is written in a cursive style with a large, looped initial "A".

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