

July 30, 2021

Senator Doug Mastriano  
Senate Box 203033  
Room: 187 Main Capitol  
Harrisburg, PA 17120-3033

Dear Senator Mastriano,

I am in receipt of your July 7, 2021 Request for Information pertaining to the 2020 General Election and 2021 Primary Election and have shared your letter with Vice Chair, Commissioner Al Schmidt, and Secretary, Commissioner Omar Sabir, who together with myself comprise the Philadelphia County Board of Elections. It is our understanding that you, in your capacity as Chairman of the Senate Intergovernmental Operations Committee, would like Philadelphia County to provide the Intergovernmental Operations Committee with access to a broad range of the county's election management system, voting equipment, and records, including among other things electronic security keys, for inspection, testing, or sampling as part of a "forensic investigation" of the results and processes for the 2020 General Election and 2021 Primary Election.

I, on behalf of the Philadelphia Board of Election, assure you that Philadelphia County's election systems and processes are fair and secure. The equipment has been certified by both the Federal EAC and the Pennsylvania Department of State which has already ensured that the equipment went through security and penetration testing. Independent tests were done to ensure that election results, media used, reports, and audit logs were protected from attempts to decrypt, manipulate, or corrupt election data. Every state election official and state or federal judge who has considered the propriety of Philadelphia County's 2020 General and 2021 Primary Elections has confirmed that there has been no evidence of any election malfeasance.

Philadelphia County has already completed all required audits, reviews, and certifications for the 2020 General Election and the 2021 Primary including both the statutory "two percent" audit as required by 25 P.S. § 3031.17 and the Commonwealth's risk-limiting audit ("RLA"). As you know, the RLA is a statistically designed audit to determine if votes were tabulated accurately and to detect possible election interference or counting errors. The results of both these audits confirmed the outcomes of these elections.

Further, Philadelphia County participated in the bipartisan effort before the Senate's Special Committee on Election Integrity and Reform, which was established pursuant to Senate Rule 5(a)(2), to review all aspects of the 2020 General Election, including, among other things, "the security of the vote before, during and after Election Day [and] the accuracy and security of the election process[.]" Indeed, my fellow commissioners and I testified before the committee during a public hearing specifically focused on the administration of elections in Philadelphia and Allegheny Counties. The report by the Special Committee on Election Integrity and Reform does not contain any suggestion that Philadelphia County experienced any issues or identified any anomalies with its voting systems or processes.

Philadelphia County's participation in your proposed analysis would be duplicative of extensive efforts already undertaken by the Philadelphia County Board of Elections, the Pennsylvania Department of State, state and federal courts, and your colleagues in the Pennsylvania State Senate. Participation could also impair our ability to operate fair and secure elections in Philadelphia. Among other things, the analysis you are seeking to undertake would result in the unnecessary decertification of Philadelphia County's voting equipment. This is not a hypothetical concern, as the Department of State recently decertified equipment from Fulton County that were made available by that county for a purported audit.<sup>1</sup> Based on current estimates, replacing the voting system and equipment alone would cost over \$35,000,000, further costs would arise from staff overtime, shipping, and storage. In addition to being costly, replacing the voting system and equipment would likely take over a year when one accounts for obtaining the inventory necessary for the sixth largest city in America as well as the time and effort required for the Philadelphia Board of Elections to test and implement the replacement equipment in order that it could be used by Philadelphians to vote on an election day. This would render it impossible for Philadelphia to conduct the November 2021 General Election as well as the May 2022 Primary Election.

The board cannot agree to the undertaking of your proposed review of the county's election equipment. Among other things, there is no claim that Philadelphia County's election systems or processes were compromised nor is there any basis to jeopardize the constitutionally mandated secrecy of the votes cast by City of Philadelphia residents, to expose the taxpayers of the city to tens of millions of dollars in additional and unanticipated expenses, or to risk the very ability of Philadelphians to cast ballots in future elections if Philadelphia's system was decertified. Philadelphia's dedicated election staff ensured that the 2020 General Election and the 2021 Primary Election were secure, fair, and free from interference. While we welcome the opportunity to continue to engage with the Pennsylvania Legislature and appreciate your concern for the challenges faced by dedicated election officials across the Commonwealth, Philadelphia County will not participate in your proposed analysis.

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<sup>1</sup> See Letter from Veronica W. Degraffenreid, Acting Secretary of the Commonwealth to James M. Stein, July 20, 2021 ([www.dos.pa.gov/about-us/Documents/statements/2021-07-20-Letter-to-Fulton-County-Officials.pdf](http://www.dos.pa.gov/about-us/Documents/statements/2021-07-20-Letter-to-Fulton-County-Officials.pdf)).

Sincerely,

Lisa Deeley  
City Commissioner, Chairwoman  
Office of the City Commissioners

Cc: The Honorable Al Schmidt, Philadelphia City Commissioner  
The Honorable Omar Sabir, Philadelphia City Commissioner  
Jonathan M. Marks, Deputy Secretary for Elections & Commissions  
Veronica W. Degraffenreid, Acting Secretary of the Commonwealth  
Senator Anthony H. Williams, Minority Chair Senate Intergovernmental Operations Committee  
Senator Scott E. Hutchinson, Vice Chair Senate Intergovernmental Operations Committee  
Senator Jake Corman, President pro-tempore, State Senate  
Senator David G. Argall, Senate Intergovernmental Operations Committee Member  
Senator Chris Dush, Senate Intergovernmental Operations Committee Member  
Senator Chris Gebhard, Senate Intergovernmental Operations Committee Member  
Senator Judy Ward, Senate Majority Leader  
Senator Jay Costa, Senate Minority Leader  
Senator Steven J. Santarsiero, Senate Intergovernmental Operations Committee Member  
Benjamin H. Field, Divisional Deputy City Solicitor