

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,
PENNSYLVANIA DEPARTMENT OF STATE
And VERONICA DEGRAFFENREID, Acting
Secretary of the Commonwealth of
Pennsylvania,

Petitioners,

Vs.

SENATOR CRIS DUSH, SENATOR JAKE
CORMAN, and THE PENNSYLVANIA
STATE SENATE INTERGOVERNMENTAL
OPERATIONS COMMITTEE,

Respondents.

No. 322 MD 2021

NOTICE OF PLEAD

TO: SENATOR CRIS DUSH, SENATOR JAKE CORMAN, AND THE
PENNSYLVANIA STATE SENATE INTERGOVERNMENTAL OPERATIONS
COMMITTEE

You are hereby notified to file a written response to the enclosed petition for review within thirty (30) days from service hereof, in accordance with Pa. R.A.P. 1516(b), or a judgment may be entered against you.

Dated: October 4, 2021

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Pennsylvania; Common Cause Pennsylvania
and Make the Road Pennsylvania*

**Pro hac vice* forthcoming

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within thirty (30) days after this complaint and notice are served, in accordance with Pa. R.A.P. 1516(b), by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

MidPenn Legal Services
213-A North Front Street
Harrisburg, PA 17101
(717) 232-0581

Dauphin County Lawyer Referral Service
213 North Front Street
Harrisburg, PA 17101
(717) 232-7536

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Respondents.

No. 322 MD 2021

**PETITION FOR REVIEW OF PETITIONER-INTERVENORS
ROBERTA WINTERS, NICHITA SANDRU, KATHY FOSTER-SANDRU,
ROBIN ROBERTS, KIERSTYN ZOLFO, MICHAEL ZOLFO, PHYLLIS
HILLEY, BEN BOWENS, THE LEAGUE OF WOMEN VOTERS OF
PENNSYLVANIA, COMMON CAUSE PENNSYLVANIA AND MAKE THE
ROAD PENNSYLVANIA IN THE NATURE OF A COMPLAINT IN
EQUITY AND FOR DECLARATORY JUDGMENT**

1. On September 15, 2021, the Intergovernmental Operations Committee of the Pennsylvania Senate issued a Subpoena to the Acting Secretary of State, to compel the disclosure of constitutionally-protected private personal information of approximately nine million registered voters in Pennsylvania. The Secretary and the Commonwealth filed a Petition for Review in the above-captioned case challenging the legitimacy and enforceability of that Subpoena. The Intervenor-Petitioners -- voters and organizations that work to empower and support voters in Pennsylvania -- assert their rights in the private, personal information that the Subpoena seeks and request that the Court block the subpoena to prevent the impermissible disclosure of that information.

2. The Subpoena demands personally-identifying information, including driver's license numbers and the last four digits of social security numbers in addition to names and addresses, for every registered voter in Pennsylvania. The Intervenor-Petitioners and their members and constituents, and all registered Pennsylvania voters, indisputably have a constitutional right of privacy in this information, thereby giving them a concrete and personal stake in the resolution of this dispute.

3. The disclosure of this sensitive, personally-identifying information carries real risks of identity theft and financial fraud, especially when compiled together for all nine million Pennsylvania registered voters in one dataset. In

particular, social security numbers and driver's license numbers are used by the government and businesses to identify individuals, and can be used to access financial information, bank accounts, credit cards, medical records and many other forms of highly confidential personal information. In analogous situations earlier this year where voter data was shared outside official election channels, data breaches occurred. This information also enables bad actors to conduct targeted voter intimidation efforts. Moreover, bad actors who gain access to this information would have all the data they need to control the voters' registrations, and even their votes, and thus, the Subpoena actually increases the risk of disruption to elections and to registered voters' attempts to cast their vote.

4. There is no legitimate purpose for requesting the disclosure of social security numbers and driver's license numbers of nine million registered voters. Such information is not needed for conducting an election audit in accordance with best practices for conducting such audits. Nor have Respondents explained why such information is necessary to help draft future legislation or provided any other legitimate rationale. In short, there is no compelling state interest in the production of this information. Further, any ostensible Committee interest is vastly outweighed by Intervenor-Petitioners' constitutional privacy rights and the serious potential risks from disclosure of that information. Accordingly, this Court should

enjoin any attempt by the Intergovernmental Operations Committee to compel the disclosure of Pennsylvania voters' sensitive personal information.

Parties and Jurisdiction

5. Roberta Winters is a United States citizen, a resident of Delaware County, Pennsylvania, and is a registered voter in the Republican party. Ms. Winters cast votes in the November 2020 election and May 2021 primary. Certain private information of Ms. Winters is included within the information sought by the Subpoena described below.

6. Ms. Winters has twice had her private information disclosed through data breaches and, previously, a criminal gained access to her and her husband's joint bank account and drained it of all funds.

7. In light of these past incidents, Ms. Winters is concerned that her private information will be disseminated to people and third parties to whom she has not consented to disclose her information.

8. Ms. Winters is also concerned that the Department of State's compliance with the Subpoena and exposure of her sensitive personal information

will make her more vulnerable to identity theft and further public intrusions into her private financial and personal information.

9. As a member of the League of Women Voters, Ms. Winters understands that the information sought in the Subpoena is exactly the information necessary to register, change a voter registration or request a mail-in or absentee ballot. She is concerned that the release of the sensitive personal information will dramatically increase the risk of fraudulent manipulation of voter registration records in Pennsylvania.

10. Ms. Winters seeks to prevent the harm that the exposure of her sensitive personal information could cause by asserting her constitutional right to privacy with respect to the personal information that is requested in the Subpoena.

11. Nichita Sandru is a United States citizen, a resident of Monroe County, Pennsylvania, and is a registered voter in the Democratic party. Mr. Sandru first registered to vote in Pennsylvania about five years ago, when he became a naturalized U.S. citizen. He cast a vote in the November 2020 election. Mr. Sandru's private information is included within the information sought by the Subpoena described below.

12. Mr. Sandru is very proud to have become a U.S. citizen, in part because he has a right to vote and thus has a say in the governance of the country.

This is very different from his experience in Romania, from which he fled in 1988 when military police were surveilling his home.

13. Mr. Sandru is a systems engineer at a large technology company and is particularly concerned that the Subpoena will lead to the exploitation of his personal information. In his work experience, this type of personally-identifying information enables others to collect even more information about an individual. Mr. Sandru is concerned that his personally-identifying information will be disclosed to others without his consent.

14. Mr. Sandru also understands this risk personally. His debit card was hacked several years ago and used to make illegal purchases. Mr. Sandru is highly concerned that the Department of State's compliance with the Subpoena and exposure of his sensitive personal information will make him more vulnerable to identity theft and further public intrusions into his private financial and personal information.

15. Mr. Sandru seeks to prevent the harm that the exposure of his sensitive personal information could cause by asserting his constitutional right to privacy with respect to the personal information that is requested in the Subpoena.

16. Kathy Foster-Sandru is a United States citizen, a resident of Monroe County, Pennsylvania, and is a registered voter in the Democratic party. Ms.

Foster-Sandru cast a vote in the November 2020 election. Ms. Foster-Sandru's private information is included within the information sought by the Subpoena described below.

17. Ms. Foster-Sandru is concerned that her personally-identifying information, especially her social security number and driver's license number, will be disclosed to others without her express permission, and may be misused. She is particularly concerned about how the disclosure of such information may impact her family. As an African-American woman in a mixed-race marriage, with two sons from that marriage, she is concerned that her family may be targeted by voter intimidation efforts.

18. Ms. Foster-Sandru also understands the risk of identity theft personally. Her debit card was hacked within the past two months, and was used to make illegal purchases. Her bank advised her that this was identity theft. Ms. Foster-Sandru is highly concerned that the Department of State's compliance with the Subpoena and exposure of her sensitive personal information will make her more vulnerable to identity theft and further public intrusions into her private financial and personal information.

19. Ms. Foster-Sandru seeks to prevent the harm that the exposure of her sensitive personal information could cause by asserting her constitutional right to privacy with respect to the personal information that is requested in the Subpoena.

20. Robin Roberts is a United States citizen, a resident of Philadelphia County, Pennsylvania, and a registered voter in the Democratic party. Ms. Roberts cast votes in the November 2020 election and May 2021 primary. Ms. Roberts' private information is included within the information sought by the Subpoena described below.

21. Ms. Roberts is very concerned that her personally-identifying information will be disclosed to others without her express permission, and may be misused. She is particularly concerned about the potential for voter intimidation efforts using this information.

22. Ms. Roberts also understands this risk personally. Her husband's bank card was used to make illegal online purchases. Ms. Roberts is highly concerned that the Department of State's compliance with the Subpoena and exposure of her sensitive personal information will make her more vulnerable to identity theft and further public intrusions into her private financial and personal information.

23. Ms. Roberts seeks to prevent the harm that the exposure of her sensitive personal information could cause by asserting her constitutional right to privacy with respect to the personal information that is requested in the Subpoena.

24. Kierstyn Zolfo is a United States citizen, a resident of Bucks County, Pennsylvania, and a registered Independent voter. Ms. Zolfo cast a vote in the November 2020 election and May 2021 primary. Ms. Zolfo's private information is included within the information sought by the Subpoena described below.

25. Ms. Zolfo is concerned about the potential release of her social security and driver's license numbers. Ms. Zolfo has a disability and has numerous current prescriptions. She is concerned that someone could use her personally-identifying information to gain access to her prescriptions. For example, with her date of birth, zip code and the last four digits of her social security number, someone could order a refill of her prescriptions and have them sent to a different address. She is similarly concerned that this information would allow others to access her medical records and bank accounts, and create new credit cards, among other things.

26. Ms. Zolfo is concerned that the Department of State's compliance with the Subpoena and exposure of her sensitive personal information will make

her more vulnerable to identity theft and further public intrusions into her private financial and personal information.

27. Ms. Zolfo seeks to prevent the harm that the exposure of her sensitive personal information could cause by asserting her constitutional right to privacy with respect to the personal information that is requested in the Subpoena.

28. Michael Zolfo is a United States citizen, a resident of Bucks County, Pennsylvania, and a registered voter in the Republican party. Mr. Zolfo first registered to vote in Bucks County sixteen years ago. He cast a vote in the November 2020 election and the May 2021 primary. Mr. Zolfo's private information is included within the information sought by the Subpoena described below.

29. Mr. Zolfo is currently a web developer for a publishing company in Philadelphia. Previously, he was an IT consultant in the health care industry and is very familiar with strict rules for access to and disclosure of private and confidential information under HIPAA.

30. He is particularly concerned that the Subpoena will lead to the exploitation of his personal information. In his work experience, this type of personally-identifying information enables others to collect even more information about an individual. Mr. Zolfo is concerned that his personally-identifying

information will be disclosed to others without his consent. He understands that the transfer of large amounts of digital information can increase the risk that the data could be compromised or leaked.

31. Mr. Zolfo never expected that the confidential personal information he provided to his county for the purpose of voter registration would be disclosed to unnamed outside parties for some other, undefined purpose.

32. Mr. Zolfo's experience with voting in Pennsylvania confirms his belief that the county and election workers handle his ballot securely, limit the access to his ballot and prevent others from disrupting the process.

33. Mr. Zolfo is concerned that the Department of State's compliance with the Subpoena and exposure of his sensitive personal information will make him more vulnerable to identity theft and further public intrusions into his private financial and personal information.

34. Mr. Zolfo seeks to prevent the harm that the exposure of his sensitive personal information could cause by asserting his constitutional right to privacy with respect to the personal information that is requested in the Subpoena.

35. Phyllis Hilley is a United States citizen, a resident of Delaware County, Pennsylvania, and a registered voter in the Democratic party. She has been a registered voter for 46 years. Ms. Hilley cast votes in the November 2020

election and May 2021 primary. Ms. Hilley's private information is included within the information sought by the Subpoena described below.

36. Ms. Hilley serves as a Judge of Elections in Yeadon Precinct 1 in Delaware County. She knows most people in her precinct, knows how careful all poll workers are, and feels strongly that there is virtually no possibility of any voter fraud in her precinct.

37. Ms. Hilley is concerned that her personally-identifying information will be disclosed to others without her express permission, and may be misused. She works as the Program Director for a public interest organization, and advocates for people with disabilities who receive Social Security benefits and who work part-time. Because of her work with the Social Security system, she is acutely aware of why personally-identifying information, including social security numbers, must remain private. She also is aware of friends and neighbors who have experienced identity theft, and is concerned that she could also become a victim.

38. Ms. Hilley is concerned that the Department of State's compliance with the Subpoena and exposure of her sensitive personal information will make her more vulnerable to identity theft and further public intrusions into her private financial and personal information.

39. Ms. Hilley seeks to prevent the harm that the exposure of her sensitive personal information could cause by asserting her constitutional right to privacy with respect to the personal information that is requested in the Subpoena.

40. Ben Bowens is a United States citizen, a resident of Philadelphia County, Pennsylvania, and a registered voter in the Democratic party. Mr. Bowens cast votes in the November 2020 election and May 2021 primary. Mr. Bowens' private information is included within the information sought by the Subpoena described below.

41. Mr. Bowens is concerned that his personally-identifying information will be disclosed to others without his express permission, and may be misused.

42. Mr. Bowens has received notifications of data breaches from several large companies that involved private customer information. Mr. Bowens is concerned that the Department of State's compliance with the Subpoena and exposure of his sensitive personal information will make him more vulnerable to identity theft and further public intrusions into his private financial and personal information.

43. Mr. Bowens seeks to prevent the harm that the exposure of his sensitive personal information could cause by asserting his constitutional right to privacy with respect to the personal information that is requested in the Subpoena.

44. The League of Women Voters of Pennsylvania (“the League”) is a nonpartisan statewide non-profit formed in August 1920, shortly after the Nineteenth Amendment granted women suffrage in November 1918.

45. The League encourages the informed and active participation of citizens in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

46. The League and its members are dedicated to helping the people of Pennsylvania safely exercise their right to vote, as protected by the law.

47. The League has 30 chapters in 28 counties in Pennsylvania.

48. Members of the League are registered voters in Pennsylvania and are at risk of having their private information disclosed if the Secretary complies with the Subpoena.

49. The League supports full voting rights for all eligible citizens and opposes efforts that chill or burden the exercise of the fundamental right to vote.

50. The League works in the areas of voter registration, election protection, voter education, get out the vote, and grassroots mobilization around voting rights.

51. A significant part of the League's mission is voter registration. It conducts voter registration drives, staffs nonpartisan voter registration tables and works with local high schools to register new 18-year-old voters.

52. In its voter registration work, the League encounters resistance from voters who are wary of providing their driver's license number or last four digits of their Social Security number because they fear misuse of that private information.

53. If the nine million records of Pennsylvania voters containing driver's license numbers and the last four digits of Social Security numbers are released to the Committee members and staff, and unknown third-party vendors, the League will have more difficulty registering voters because they will be even more fearful of disclosing their private information and risking the release and publication of their information.

54. The disclosure of constitutionally protected private information will interfere with the League's ability to carry out its mission of registering voters and will cause it to divert resources towards educating voters about the release of their personally identifying information and the steps they will need to take to protect themselves from identity theft.

55. Common Cause Pennsylvania (“Common Cause”) is a non-profit political advocacy organization and a chapter of the national Common Cause organization.

56. Common Cause has approximately 36,000 members and supporters in Pennsylvania. These members live in all 67 counties of Pennsylvania.

57. Many members of Common Cause are registered voters in Pennsylvania and are similarly at risk of having their private information disclosed if the Secretary complies with the Subpoena.

58. Common Cause works to encourage civic engagement and public participation in democracy, and to ensure that public officials and public institutions are accountable to and reflective of all people.

59. Common Cause is nonpartisan and uses grassroots mobilization, community education, coalition building, legislative advocacy, and litigation to build a democracy that includes everyone.

60. Common Cause seeks to increase the level of voter registration and voter participation in Pennsylvania elections, especially in communities that are historically underserved and whose populations have a low propensity for voting. Many of these communities are communities of color.

61. In its voter registration efforts, Common Cause helps eligible voters to properly fill out and submit voter registration applications. During those efforts, Common Cause has encountered reluctance among voters to share highly sensitive personal information such as driver's license numbers and the last four digits of the voter's Social Security number.

62. Since the Committee vote on the Subpoena, Common Cause has received numerous calls from its members and supporters expressing anger at the prospect of the Secretary sharing their personally identifying information.

63. If the nine million records of Pennsylvania voters containing driver's license numbers and the last four digits of Social Security numbers are released to the Committee and unknown third-party vendors, Common Cause will have to divert resources to educating voters about how to try to protect themselves from possible identity theft as a result of the disclosure of their personal information.

64. If the nine million records of Pennsylvania Voters containing driver's license numbers and last four digits of Social Security numbers are released to the Committee and unknown third-party vendors, Common Cause will need to divert resources to monitoring the voter registration system to verify that voter registration records are not altered or tampered with by bad actors.

65. Make the Road Pennsylvania (“Make the Road PA”) is a not-for-profit, member-led organization formed in 2014 that builds the power of the working-class in Latino and other communities to achieve dignity and justice through organizing, policy innovation, and education services.

66. Make the Road PA’s more than 10,000 members are primarily working-class residents of Pennsylvania, many in underserved communities.

67. Many members of Make the Road PA are registered voters in Pennsylvania and are similarly at risk of having their private information disclosed if the Secretary complies with the Subpoena.

68. Make the Road PA has offices in Allentown, Reading, and Philadelphia and also works across the state, including engaging members and constituents in Berks, Bucks, Lehigh, Luzerne, Northampton, and Philadelphia counties. That work includes voter protection, voter advocacy and voter education on, for example, how to register to vote, how to apply for mail-in/absentee ballots, how to return mail-in/absentee ballots, and where to vote.

69. Make the Road PA has run active programs to register voters in historically underserved communities of color, especially in Berks, Bucks, Lehigh, Northampton and Philadelphia Counties. In 2021, Make the Road also began working in Luzerne County.

70. The voters that Make the Road PA assists in registering to vote are at risk of having their constitutionally-protected private information disclosed if the Secretary complies with the Subpoena.

71. If the nine million records of Pennsylvania voters containing driver's license numbers and the last four digits of Social Security numbers are released to the Committee and unknown third-party vendors, Make the Road PA will have more difficulty registering voters because they will be even more fearful of disclosing their private information and risking the release and publication of their information.

72. The disclosure of constitutionally protected private information will interfere with Make the Road PA's ability to carry out its mission of registering voters and will cause it to divert resources towards educating voters about the release of their personal information and the steps they will need to take to protect themselves from identity theft.

73. The organizational Intervenor-Petitioners (i.e. Common Cause Pennsylvania, the League of Women Voters of Pennsylvania and Make the Road Pennsylvania) represent, have as members, and/or have as constituents Pennsylvania voters who would be harmed by the disclosure of private information. Similarly, those whom they seek to register to vote may be

discouraged from registering to vote because of increased fear their private information will be disclosed. Such disclosure frustrates the organizations' missions, including registering more Pennsylvania voters, and diverts scarce resources needed to accomplish their organizational priorities.

74. The Organizations' members and constituents have a direct, tangible interest in the protection of their personal information. These interests are germane to the organizations' purpose and the claims and relief requested in this Petition do not require the participation of individual members. It is also impractical for all these organizations' members and constituents, or all nine million registered voters in Pennsylvania, to be joined or for them to raise these claims on their own.

75. Collectively, Ms. Winters, Mr. Sandru, Ms. Foster-Sandru, Ms. Roberts, Ms. Zolfo, Mr. Zolfo, Ms. Hilley, Mr. Bowens, the League, Common Cause and Make the Road PA are herein referred to as "Intervenor-Petitioners."

76. The Intergovernmental Operations Committee ("Committee") is a standing committee of the Pennsylvania State Senate.

77. Senator Cris Dush is a member of the Pennsylvania Senate, and is Chair of the Committee.

78. Senator Jake Corman currently serves as President Pro Tempore of the Pennsylvania State Senate.

79. This Court has original jurisdiction over this matter pursuant to 42 Pa. C.S. §761(a)(1), because the relief sought in this Petition is against the Commonwealth government or its officers. Alternatively, the original Petition was brought on behalf of the Commonwealth government, and therefore, this Court has original jurisdiction pursuant to 42 Pa.C.S. §761(a)(2).

The Constitutional Right to Privacy

80. Citizens of this Commonwealth have a right to privacy that emanates from several provisions of the Pennsylvania Constitution. This constitutional right includes the right to privacy in one's own information.

81. The "right of informational privacy" includes "the right of the individual to control access to, or the dissemination of, personal information about himself or herself." *Pa. State Educ. Ass'n v. Commonwealth, Dep't of Community & Econ. Development*, 637 Pa. 337, 350, 148 A.3d 142, 150 (2016). *See also In re T.R.*, 557 Pa. 99, 105, 731 A.2d 1276, 1279 (1999) (plurality) ("There is no longer any question that the United States Constitution and the Pennsylvania Constitution provide protections for an individual's right to privacy . . . [including] . . . the individual's interest in avoiding disclosure of personal matters . . .").

82. Pennsylvania’s Constitution “provides even ‘more rigorous and explicit protection for a person’s right to privacy’ than does the U.S. Constitution.” *Pa. State Educ. Ass’n*, 148 A.3d at 151 (citation omitted). *See also Commonwealth v. Alexander*, 243 A.3d 177, 181, 206 (Pa. 2020) (“Article I, Section 8 affords greater protection to our citizens than the Fourth Amendment” and, referring also to Article I, Section I, “[w]e must consider our charter as a whole . . .”).

83. “The right to privacy is as much property of the individual as the land to which he holds title and the clothing he wears on his back.” *Commonwealth v. Murray*, 423 Pa. 37, 39, 223 A.2d 102, 109 (1966) (also describing this right as the right “to be let alone”).

84. This right to privacy is also based on the Pennsylvania Constitution’s prohibition against unreasonable searches and seizures. *Commonwealth v. Alexander*, 243 A.3d 177, 206 (Pa. 2020); *Lunderstadt v. Pennsylvania House of Representatives Select Comm.*, 513 Pa. 236, 519 A.2d 408, 413-14 (1986).

85. In particular, the constitutional right to privacy protects Pennsylvanians against legislative overreach, including unjustified and overbroad subpoenas. *See, e.g., Lunderstadt v. Pennsylvania House of Representatives Select Comm.*, 513 Pa. 236, 248, 519 A.2d 408, 415 (1986); *Annenberg v. Roberts*, 333 Pa. 203, 213, 2 A.2d 612, 617-18 (1938).

86. Information that is protected by the right to privacy includes personally-identifying information, such as social security numbers and driver's license numbers.¹ *Pa. State Educ. Ass'n*, 148 A.3d at 158; *Sapp Roofing Company, Inc. v. Sheet Metal Workers' Int'l Ass'n, Local Union No. 12*, 552 Pa. 105, 713 A.2d 627 (1998); *Governor's Office of Admin. v. Purcell*, 35 A.3d 811, 821 (Pa. Commw. 2011). *See also PSEA ex rel. Wilson v. OOR*, 981 A.2d 383, 385-86 (Pa. Commw. 2009); *Cypress Media, Inc. v. Hazleton Area Sch. Dist.*, 708 A.2d 866, 870 (Pa. Commw. 1998) (“[T]his Court has held that a person’s [personally-identifying information including] social security number are not subject to disclosure under the [previous Right-to-Know] Act because the benefits of disclosing such information are outweighed by a person’s privacy interests in that information.”) (citations omitted)).” *cf. Pa. State Univ. v. State Emples. Ret. Bd.*, 594 Pa. 244, 260, 935 A.2d 530, 539 (2007) (“With regard to the right to privacy in one’s social security number, . . . , we would have greater difficulty concluding that the public interest asserted here outweighs those basic rights to privacy”).

¹ Voters’ constitutional privacy interests are not limited to social security numbers and driver’s license numbers. Noting that the Petitioners’ Petition for Review addresses a broader range of information, this Petition focuses on these two types of information, which are uniformly recognized as highly confidential and the disclosure of which would create an especially heightened risk.

87. Driver's license numbers are specifically included as "personal information" that is not to be disclosed under the Drivers Protection Privacy Act, 18 U.S.C. §§2721, 2725(3), and can be used for identifying particular individuals just as easily as social security numbers. *See also* Pennsylvania Information Technology Policy No. ITP-SEC025 (March 19, 2010), https://www.oa.pa.gov/Policies/Documents/itp_sec025.pdf (defining personally identifiable information to include driver's license numbers, social security numbers and other information); Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, section 7.0, <https://www.pacourts.us/Storage/media/pdfs/20210517/211002-477jad-attach1.pdf> (identifying confidential information to include social security numbers and driver's license numbers).

Expectation of Privacy in Sensitive Information Provided to Exercise Constitutional Right to Vote

88. Pennsylvania's voter-registration process required (and requires) Intervenor-Petitioners and all Pennsylvanians to provide certain personally-identifying information to the Secretary of State, including their driver's license number or the last four digits of their social security number. 52 U.S.C.

§21083(a)(5)(i). *See also* 4 Pa. Code §183.1 (definition of personal information);

Voter Registration Application,

<https://www.pavoterservices.pa.gov/pages/VoterRegistrationApplication.aspx>.

89. Intervenor-Petitioners and eligible Pennsylvanians provide this private information when registering to vote solely to exercise their constitutional right to vote, and all voters have a reasonable expectation that this private information will remain confidential.

90. Under Pennsylvania law, this sensitive personally-identifying information is considered private and access is limited only to the Secretary and any employees or agents she assigns to administer the Statewide Uniform Registry of Electors (SURE) system, and elected commission officials in the respective counties. 25 Pa. C.S. §1222(c)). Indeed, the law includes criminal sanctions for unauthorized access to, or disclosure of, the information in the SURE system to further safeguard the privacy of this data. 25 Pa.C.S. §1707.

91. Upon an authorized request, the Department may provide a voter's name, address, date of birth and voting history, 4 Pa. Code §183.14, but the law specifically excludes voters' unique identifiers, driver's license number or social security number from any such production. §183.14(c). Further, home addresses

likewise are excluded for certain categories of voters with sensitive jobs.

§183.14(c)(4) and (5). *See also* 25 Pa.C.S. §1404.

92. “Street lists,” that is, lists of voters arranged either by street or house number or alphabetically by surname, may be compiled for individual districts, limited to names and addresses, 4 Pa. Code §183.13(a), and even this limited information is subject to safeguards. §183.13(c). This regulation specifies that a voter’s signature, unique identifier, driver’s license number and the last four digits of his/her social security number shall not be made available. §183.13(c)(5). *See also* 25 Pa.C.S. §1403.

93. State law prohibits the disclosure of records relating to the driving record of any person, 75 Pa.C.S. §6114, and this Court has held that information included in a driver’s license falls within this protection. *Advancement Project v. Pennsylvania Dep’t of Transp.*, 60 A.3d 891, 895-97 (Pa. Commw. 2013).

Similarly, the Drivers’ Privacy Protection Act prohibits the disclosure of personal information obtained in connection with a motor vehicle record. 18 U.S.C. §2721. This personal information includes a person’s driver identification number and social security number. 18 U.S.C. §2725(3).

94. These laws and regulations demonstrate a strong public policy in favor of protecting individuals' personally-identifying information from unwanted and unwarranted disclosure.

95. Similarly, in *Pa. State Educ. Ass'n*, the Pennsylvania Supreme Court quoted an earlier decision by the United States Supreme Court:

We are not unaware of the threat to privacy implicit in the accumulation of vast amounts of personal information in computerized data banks or other massive government files . . . The right to collect and use such data for public purposes is typically accompanied by a concomitant statutory or regulatory duty to avoid unwarranted disclosures.

Id. (quoting *Whalen v. Roe*, 429 U.S. 589, 605, 97 S. Ct. 869, 879 (1977)).

96. Numerous Pennsylvania laws and governmental representations provide assurance to Intervenor-Petitioners, and indeed all Pennsylvania voters, that their private information will remain confidential. These protections reassure voters that they have a strong, reasonable and legally protected expectation of privacy in the personally-identifying information they have provided to the Department of State in order to register to vote, which is a prerequisite to exercising their right to vote. *Cf. Commonwealth v. DeJohn*, 486 Pa. 32, 47, 403 A.2d 1283, 1289, 1291 (1979) (bank customers had reasonable expectation of privacy of bank records in possession of bank).

97. The disclosure of registered voters' personally-identifying information may cause others to refrain from registering to vote and exercising their constitutional right to vote for fear that their personal information also will be unexpectedly and unreasonably divulged.

The Subpoena

98. On September 15, 2021, the Committee issued a subpoena *duces tecum* to Veronica Degraffenreid, Acting Secretary of State ("Subpoena"), a true and correct copy of which is attached hereto as Exhibit A.

99. The Subpoena requires the Secretary of State to turn over citizens' private personal information. In particular, the Subpoena seeks the following information for ***every registered voter*** in Pennsylvania: the name, date of birth, driver's license number, last four digits of social security number, address and date of last voting activity. (Subpoena, ¶¶4 through 13). For example, paragraph 4 of the Subpoena requests as follows:

A complete list containing the name, date of birth, driver's license number, last four digits of social security number, address, and date of last voting activity of all registered voters within the Commonwealth of Pennsylvania as of May 1, 2021, by County.

100. The Subpoena thus purports to require the Secretary to turn over the constitutionally-protected personal information of nine-million registered voters in the Commonwealth.

101. Enforcing the Subpoena will cause the Secretary to disclose constitutionally-protected and highly sensitive personal information of Intervenor-Petitioners (and indeed all the Commonwealth's registered voters) to individuals that they neither expected nor authorized to receive it when they registered to vote.

102. The Committee's failure to specify exactly how the information will be used, who will have access to it, and how security will be maintained makes enforcement of the Subpoena even more dangerous for Intervenor-Petitioners' and voters' privacy rights. The Committee has not identified the individuals who would have access to this information. From the Subpoena language and the testimony of Senator Dush, however, it appears such information would be shared with the Committee (consisting of eleven members, their staffs, and their counsel), the General Counsel of the Senate Republican Caucus, and unidentified third parties to whom the Committee intends to send the information for further review.

103. The constitutionally-protected information that the Subpoena seeks is personally identifying information, the unauthorized disclosure of which poses

significant risk above and beyond the infringement of voters' constitutional right to privacy, and the adverse impact on the voters' constitutional right to vote.

104. The requested information can be used to commit identity theft and financial fraud. In particular, this same information is used by government entities and businesses to identify individuals.

105. The Subpoena increases the risk of a data breach that would expose voters' constitutionally-protected personal information. Several instances within the past year involving analogous election reviews, conducted outside ordinary and legal channels, have already resulted in dangerous voter-information breaches. For example, in a lawsuit filed in Colorado, one of the parties disclosed a January 22, 2021, email offering more than 100 gigabytes of election data from Antrim County, Michigan, to another attorney in support of election challenges. Neither individual was entitled to possess that information. Omnibus Response to Motion to Dismiss, at paragraphs 27-28 in *Coomer v. Donald J. Trump for President, Inc.*, No. 2020CV34319 (Denver County, CO), found at <https://int.nyt.com/data/documenttools/coomer-lawsuit-motion/1095e8a9731b885b/full.pdf>. More recently, in May 2021, county officials made forensic images of voting system data in Mesa County, CO, which in August 2021, was distributed publicly at a Cyber Symposium event and now is available worldwide via certain file sharing services. Furthermore, during the audit in

Maricopa County, AZ, on which Senator Dush is modeling this effort, copies of voting system data were sent to an unnamed lab in Montana, which resulted in the voter data file being posted online. A. Kimbel-Sannit, Arizona Audit Data Might Be in Montana, or Maybe Virginia (Arizona Mirror June 2, 2021), <https://www.azmirror.com/blog/arizona-audit-data-might-be-in-montana-or-maybe-virginia/>; https://twitter.com/Garrett_Archer/status/1437485829442588672.

106. The information subpoenaed by the Committee, which includes driver's license numbers and social security numbers, would give anyone with access to the information the keys to control the registrations -- and even the votes -- of all nine million Pennsylvania voters. For example, a bad actor could use such information to tamper with an individual's voter registration, such as changing the voter's address, the voter's party affiliation or even the voter's name. This could disenfranchise voters by making them ineligible to vote in a primary, or unable to vote at all when their polling place has no record of their registration when they appear to vote on Election Day. The requested information also would allow a bad actor to request a mail-in ballot for the voter and have it sent to a different mailing address. Consequently, disclosure of the requested information would allow bad actors to disrupt elections and citizens' attempts to vote.

107. The disclosure of personally-identifying information along with multiple other data points for each individual voter is especially concerning, as that

makes identity theft much easier. In addition, having multiple data points for nine million voters in one dataset only enhances this risk.

108. Bad actors also could use the information to engage in voter intimidation. For example, in York County, members of a so-called “election integrity committee” went door-to-door, asking residents how they voted.

<https://www.ydr.com/story/news/2021/07/29/york-county-voter-intimidation-alleged-residents-asked-about-elections-investigation-follows/5418312001/>. The

United States Department of Justice has noted “[t]his sort of activity raises concerns regarding potential intimidation of voters.” United States Department of Justice, Federal Law Constraints on Post-Election Audits (July 28, 2021),

<https://www.justice.gov/opa/press-release/file/1417796/download>.

The Committee’s Purported Interest in Voters’ Personal Information

109. At a September 15, 2021, Intergovernmental Operations Committee hearing, Senator Dush described the purpose of its investigation as follows: “this body’s investigation into the 2020 general election and 2021 primary election and how the election code is working after the sweeping changes of Act 77 of 2020.” (Transcript of September 15, 2021 hearing, at 4:14-16). *See also* Transcript of September 9, 2021 hearing, at 2:20 to 3:1 (purpose is “looking intensely into the

general election held November 2020 and the primary election held in May of 2021, to evaluate our election code is working and to confirm whether or not these things and their worth – if there were things that need to be changed in the law to make our elections run better for everyone”).

110. Specifically with respect to the Subpoena for voters’ constitutionally-protected personal information, Senator Dush stated that the Committee’s purpose is to “verify the identity of individuals and their place of residence and their eligibility to vote” (September 15, 2021 hearing, at 16:22-17:20). When asked why it was necessary to verify the identities of individual voters, Senator Dush responded by referring only to unsubstantiated allegations by unidentified individuals who supposedly had raised unspecified “questions”:

Because there have been questions regarding the validity of the people who have voted, whether or not they exist. Again, we are not responding to proven allegations. We are investigating the allegations to determine whether or not they are factual.

(*Id.*, at 17:15-20).

111. Thus, the Committee is seeking to obtain the constitutionally-protected personal information of nine million Pennsylvania citizens based solely on unsubstantiated allegations by unidentified individuals who “question” whether certain unidentified voters may have committed voter fraud. Not only has the Committee failed to introduce any evidence to support these allegations, but courts

repeatedly dismissed complaints that made similar allegations without a factual basis. *See, e.g., Donald J. Trump for President, Inc. v. Secretary, Com. Of Pennsylvania*, No. 20-3371 (3d Cir. Nov. 27, 2020) (Bibas, J.) (“calling an election unfair does not make it so”).

112. Unsubstantiated allegations by unidentified individuals regarding other unidentified individuals cannot be the basis for invading the constitutionally-protected privacy rights of nine million Pennsylvania voters.

113. Moreover, the Committee has not explained why voters’ constitutionally-protected personal information is necessary for any such investigation. In prior investigations, the investigating bodies did not seek the information now sought by the Committee.

114. This personal information was not needed for the automatic recounts conducted by each county in Pennsylvania pursuant to 25 Pa. Stat. §3031.17.

115. This personal information was not needed for the risk-limiting audit conducted by 63 of Pennsylvania’s 67 counties.

116. This personal information was not needed for hearings conducted by the Pennsylvania House State Government Committee, which were designed to assess Pennsylvania’s election laws and “fix any identified problem within the election system and to regain the voters’ trust in . . . elections”. House State

Government Committee, A Comprehensive Review of Pennsylvania's Election Laws: How Pennsylvania Can Guarantee Rights and Integrity in Our Election System (May 10, 2021),

<http://www.pahousegop.com/Display/SiteFiles/OtherDocuments/Election%20Oversight%20Hearing%20Final%20Report.pdf>.

117. This personal information was not needed for hearings conducted by the Pennsylvania Senate's Special Committee on Election Integrity and Reform, which were designed to review "all aspects of" the November 2020 election, including the security of the vote, and the accuracy and security of the election process. Senate Special Committee on Election Integrity and Reform, Report on the Special Committee's Findings and Recommendations to the Senate and the Senate State Government Committee (June 2021),

<https://pasenelectioncommittee.com/wp-content/uploads/sites/106/2021/06/election-integrity-report-final.pdf>.

118. This personal information was not needed by the Advisory Board within the Joint State Government Commission, created by the General Assembly and whose purpose was to study election law and to make annual recommendations to the General Assembly as to election law amendments, regulations and best practices to ensure integrity and efficiency in Commonwealth elections. 25 P.S. §3150.22(c). This Advisory Board issued its first annual report

in June 2021 with its recommendations. Jt. State Gov't Comm., Report of the Election Law Advisory Board for the Fiscal Year 2020-2021 (Pa. June 2021), [http://jsg.legis.state.pa.us/resources/documents/ftp/publications/2021-06-23%20\(Act%2012\)%20ELAB%20web%206.23.2021.pdf](http://jsg.legis.state.pa.us/resources/documents/ftp/publications/2021-06-23%20(Act%2012)%20ELAB%20web%206.23.2021.pdf).

119. This personal information was not needed when the Senate passed H.B. 1300 on June 25, 2021. This bill made several changes to the voter registration system, created a Bureau of Election Audits, and required an audit of the SURE system every five years. House Bill No. 1300 (Session of 2021), <https://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=HTM&sessYr=2021&sessInd=0&billBody=H&billTyp=B&billNbr=1300&pn=1869>.

120. Thus, the Committee has no legitimate interest in this constitutionally-protected personal information.

Balancing of Interests

121. Intervenor-Petitioners and their members have a right to notice and an opportunity to assert their interests before this Court can even consider whether to enforce the Subpoena for the constitutionally-protected personal information of Intervenor-Petitioners and other Pennsylvania voters. *City of Harrisburg v. Prince*, 219 A.3d 602, 619 (Pa. 2019) (“before the City can perform the required balancing

test . . . the donors [those whose personal information was subject to potential disclosure] must be afforded notice and an opportunity to be heard”). *See also Easton Area Sch. Dist. v. Miller*, 232 A.3d 716, 733 (Pa. 2020).

122. Before the constitutionally-protected personal information of Intervenor-Petitioners and their members and constituents is subject to disclosure under the facts of this case, this Court must weigh the constitutional rights to be infringed against the Committee’s interest in obtaining that information. *PA State Educ. Ass’n*, 148 A.3d at 154; *City of Harrisburg*, 219 A.3d at 618.

123. In Pennsylvania, where important constitutional rights such as the right to privacy are at stake, the Committee must demonstrate a “compelling” state interest. *Commonwealth v. Nixon*, 563 Pa. 425, 434, 761 A.2d 1151, 1156 (2000) (“On the other hand, under Pennsylvania’s constitution, while the right to privacy is not absolute, we do not apply a flexible approach. In this Commonwealth, only a compelling state interest will override one’s privacy rights.” (citing *Stenger v. Lehigh Valley Hosp. Ctr.*, 530 Pa. 426, 609 A.2d 796 (1992))).

124. In *In re T.R.*, 557 Pa. 99, 731 A.2d 1276 (1999), the Pennsylvania Supreme Court explained the test as follows:

Privacy claims must be balanced against state interests. Our test of whether an individual may be compelled to disclose private matters, as we stated it in *Denoncourt*, is that “government’s intrusion into a person’s private affairs is

constitutionally justified when the government interest is significant and there is no alternate reasonable method of lesser intrusiveness to accomplish the governmental purpose.” 470 A.2d at 949. More recently, we have stated the test in terms of whether there is a compelling state interest. *Stenger*, 609 A.2d at 802. In reality, the two tests are not distinct. There must be both a compelling, i.e., “significant” state interest and no alternate reasonable method of lesser intrusiveness.

557 Pa. at 106 (citing *Denoncourt v. Commonwealth State Ethics Comm’n*, 504 Pa. 191, 470 A.2d 945 (1983), and *Stenger*, *supra*). This balancing test is in addition to any statutory restrictions such as those pursuant to the right to know law, and applies to any government disclosure of personal information. *Reese v. Pennsylvanians for Union Reform*, 643 Pa. 530, 555-57, 173 A.3d 1143, 1159 (Pa. 2017).

125. Intervenor-Petitioners’ interests are significant. The right to privacy in one’s personal information is protected by the Pennsylvania Constitution, and is a seminal right: “the right to be let alone—the most comprehensive of rights and the right most valued by civilized [people].” *Denoncourt v. Commonwealth State Ethics Comm’n*, 504 Pa. 191, 199, 470 A.2d 945, 948-49 (1983) (quoting *Olmstead v. United States*, 277 U.S. 438, 478, 48 S. Ct. 564, 572 (1928) (dissenting opinion of J. Brandeis)).

126. The Committee has not identified any state interest that justifies this intrusion. And any as-yet unidentified interest of the Committee in this constitutionally-protected personal information would be suspect. Many other

already-conducted investigations did not require such information. Moreover, the Committee has not established any factual basis to justify or necessitate access to this personal information to verify voters' identities. Even if there were a factual basis (rather than just "questions") regarding inconsistencies or anomalies in certain voting precincts, the collection of this sensitive, personally-identifying information for every registered voter in the Commonwealth is overbroad. One does not perform surgery when a dose of aspirin will suffice.

127. Thus, the Committee cannot establish a "compelling" state interest in acquiring this information.

128. Even under a straight balancing test, the Committee's interest does not outweigh Intervenor-Petitioners' significant privacy interests.

129. The Supreme Court has cautioned against any such "fishing expeditions" where the investigating body has provided no factual basis for the request. *Lunderstadt v. Pennsylvania House of Representatives Select Comm.*, 513 Pa. 236, 519 A.2d 408 (1986). The Pennsylvania Supreme Court quoted the United States Supreme Court as follows:

Recognizing the danger of legislative inquiries intruding upon privacy interests, Mr. Justice Oliver Wendell Holmes, Jr. once stated,

Anyone who respects the spirit as well as the letter of the 4th Amendment would be loath to believe that Congress intended to authorize one of its subordinate agencies to sweep all our traditions

into the fire . . . and to direct *fishing expeditions* into private papers on the possibility that they may disclose evidence of crime It is contrary to the first principles of justice to allow a search through all the respondents' records, relevant or irrelevant, in the hope that something will turn up.

. . . The analogies of the law do not allow the party wanting evidence to call for all documents in order to see if they do not contain it. Some ground must be shown for supposing that the documents called for do contain it Some evidence of the materiality of the papers demanded must be produced.

. . .

FTC. v. American Tobacco Co., 264 U.S. 298, 305-307, 44 S.Ct. 336, 337-338, 68 L.Ed. 696, 700-701 (1924) (emphasis added).

513 Pa. 236, 245-46, 519 A.2d 408, 413.

130. The Committee has not proffered any factual or legitimate basis to justify the intrusion on the constitutional privacy rights of all registered voters in Pennsylvania, let alone voters in any particular community or precinct.

131. The Committee has not established that it has any interest, let alone a compelling interest, that outweighs the constitutional privacy rights of registered Pennsylvania voters.

132. Even if the Committee were to advance a legitimate legislative interest, the Subpoena is not narrowly tailored to advance that interest and is

overbroad. Nor has the Committee demonstrated that there is no alternate or less-intrusive means of advancing a legitimate interest.

Count I – Request for Injunctive Relief and Declaratory Judgment
(Infringement Upon Constitutionally-Protected Privacy Interest in Voters’
Personal Information)

133. Intervenor-Petitioners incorporate by reference paragraphs 1 through 132 of this Petition for Review as though set forth fully herein.

134. The Subpoena seeks to compel the disclosure of constitutionally-protected personal information of nine million registered voters in Pennsylvania, including Intervenor-Petitioners’ personal information.

135. The Committee has not identified any legitimate public interest that would be served by disclosure of this private information, let alone a compelling public interest.

136. The privacy interest of Pennsylvania voters, including the Intervenor-Petitioners, and their right to vote, heavily outweigh any potential public interest in the disclosure of such information.

137. Registered voters in Pennsylvania, including the Intervenor-Petitioners, have a reasonable expectation of privacy in their personally-identifying

information, including their drivers' license number and social security number (in whole or in part).

138. The Subpoena and any compliance therewith violates Intervenor-Petitioners' constitutional rights, as well as those of all registered voters in Pennsylvania.

WHEREFORE, Intervenor-Petitioners request that this Court (1) quash that portion of the Subpoena that purports to compel the disclosure of this protected information; (2) declare the Subpoena invalid and unenforceable to the extent it seeks this information; (3) enjoin the Secretary of State from disclosing protected information in response to the Subpoena; and (4) enjoin Respondents from taking any further action to enforce the Subpoena or compel the disclosure of protected information.

Dated: October 4, 2021

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Respectfully submitted,

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*Counsel for Roberta Winters, Nichita Sandru,
Kathy Foster-Sandru, Robin Roberts, Kierstyn
Zolfo, Michael Zolfo, Phyllis Hilley, Ben
Bowens, League of Women Voters of
Pennsylvania; Common Cause Pennsylvania
and Make the Road Pennsylvania*

**Pro hac vice forthcoming*

EXHIBIT A

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Senate of Pennsylvania



COPY

HARRISBURG, PA

Subpoena Duces Tecum

In the Senate of Pennsylvania

From: Intergovernmental Operations Committee

To: The Honorable Veronica Degraffenreid, Acting Secretary
Department of State
302 North Office Building
401 North Street
Harrisburg, Pennsylvania 17120

You are hereby ordered by the Senate Intergovernmental Operations Committee to supply the following documents listed below. This material shall be delivered to the General Counsel, Senate Republican Caucus, Crystal H. Clark, Esquire, at Room 350 Main Capitol Building, Harrisburg, Pennsylvania, no later than Friday, October 1, 2021 at 4:00 p.m.

1. Any and all communications (emails, letters, notes of calls and/or meetings, or otherwise) from the Department of State to any County Election Director or member of a County's Elections Board between May 1, 2020 and May 31, 2021.
2. A copy of each and every version of all directives, guidance(s), policies, or procedures in effect at any time between August 1, 2020 and June 30, 2021 relating to elections, election systems, mail-in ballot applications, ballots, voting, compliance with state or federal election laws, polling places, and/or poll watchers.
3. All training materials used to train County election workers, poll workers, poll watchers, Judges of Election, inspectors, clerks, and all persons who staffed voting offices between August 1, 2020 and May 31, 2021.
4. A complete list containing the name, date of birth, driver's license number, last four digits of social security number, address, and date of last voting activity of all registered voters within the Commonwealth of Pennsylvania as of May 1, 2021, by County.
5. A complete list containing the name, date of birth, driver's license number, last four digits of social security number, address, and date of last voting activity of all registered voters within the Commonwealth of Pennsylvania as of November 1, 2020, by County.

6. A complete list containing the name, date of birth, driver's license number, last four digits of social security number, and address of all individuals who voted in person in the November 2020 General Election, by County.
7. A complete list containing the name, date of birth, driver's license number, last four digits of social security number, and address of all individuals who voted by mail-in ballot in the November 2020 General Election, by County.
8. A complete list containing the name, date of birth, driver's license number, last four digits of social security number, and address of all individuals who voted by absentee ballot in the November 2020 General Election, by County.
9. A complete list containing the name, date of birth, driver's license number, last four digits of social security number, and address of all individuals who voted by provisional ballot in the November 2020 General Election, by County.
10. A complete list containing the name, date of birth, driver's license number, last four digits of social security number, and address of all individuals who voted in person in the May 2021 Primary Election, by County.
11. A complete list containing the name, date of birth, driver's license number, last four digits of social security number, and address of all individuals who voted by mail-in ballot in the May 2021 Primary Election, by County.
12. A complete list containing the name, date of birth, driver's license number, last four digits of social security number, and address of all individuals who voted by absentee ballot in the May 2021 Primary Election, by County.
13. A complete list containing the name, date of birth, driver's license number, last four digits of social security number, and address of all individuals who voted by provisional ballot in the May 2021 Primary Election, by County.
14. A complete list of all changes to voter records made between May 31, 2020 and May 31, 2021.
15. A copy of the certified results for each and every race and/or ballot question on the 2020 General or 2021 Primary elections.
16. A copy of all reports of audits and/or reviews of the SURE system conducted by or for the Department of State between 2018 and the present, including, but not limited to, any audits conducted under 25 Pa.C.S. 1803(a).
17. A copy of the annual reports submitted to the Department in 2021 pursuant to 4 Pa. Code 183.17.

COPY

This subpoena is issued pursuant to permission granted to the Chair of the Senate Intergovernmental Operations Committee and in accord with the Constitution and Rules of the Senate of Pennsylvania.



Senator Cris Dush, Chair
Senate Intergovernmental
Operations Committee

Attest:



Megan Martin, Secretary
Senate of Pennsylvania

9/15/21

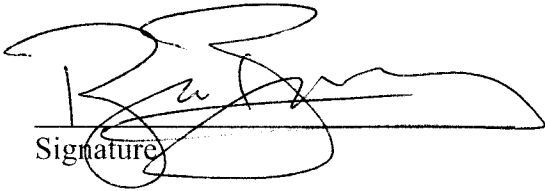
Date

COPY

SENATOR COSTA-RCUD
21 SEP 15 PM 12:05

VERIFICATION

I verify that the statements made in the foregoing proposed Petition for Review of Petitioner-Intervenors are true and correct to the best of my own personal knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.


Signature

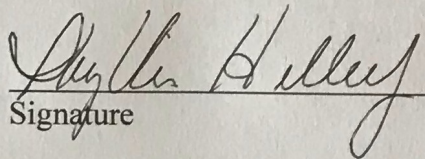
Ben Bowens
Name

Dated: October 3, 2021

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VERIFICATION

I verify that the statements made in the foregoing proposed Petition for Review of Petitioner-Intervenors are true and correct to the best of my own personal knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.


Signature

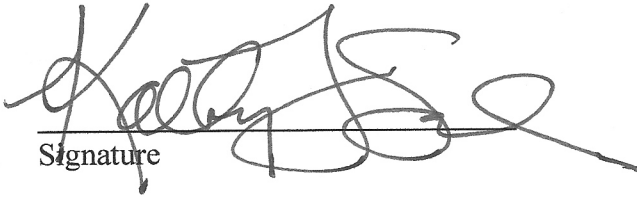
Phyllis Hilley
Name

Dated: October 3, 2021

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VERIFICATION

I verify that the statements made in the foregoing proposed Petition for Review of Petitioner-Intervenors are true and correct to the best of my own personal knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.


Signature

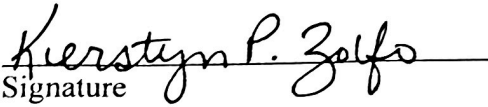
Kathy Foster-Sandru
Name

Dated: October 3, 2021

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VERIFICATION

I verify that the statements made in the foregoing proposed Petition for Review of Petitioner-Intervenors are true and correct to the best of my own personal knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.


Signature

Kierstyn P. Zolfo
Name

Dated: October 3, 2021

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VERIFICATION

I verify that the statements made in the foregoing proposed Petition for Review of Petitioner-Intervenors are true and correct to the best of my own personal knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.



Signature

Michael Zolfo

Name

Dated: October 3, 2021

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VERIFICATION

I verify that the statements made in the foregoing proposed Petition for Review of Petitioner-Intervenors are true and correct to the best of my own personal knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.



Signature

Nichita Sandru

Name

Dated: October 3, 2021

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VERIFICATION

I verify that the statements made in the foregoing proposed Petition for Review of Petitioner-Intervenors are true and correct to the best of my own personal knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.


Signature

Robin Roberts
Name

Dated: October 2, 2021

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VERIFICATION

I am authorized to make this verification on behalf of the League of Women Voters of Pennsylvania. I have read proposed Petition for Review of Petitioner-Intervenors, and verify that the statements contained therein are true and correct to the best of my knowledge, information and belief. I understand that the statements made herein are subject to the penalties of 18 Pa.

C.S. §4904 relating to unsworn falsification to authorities.



Name: Terrie Griffin

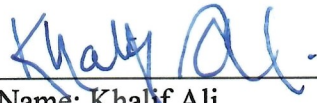
Title: President

Dated: October 3, 2021

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VERIFICATION

I am authorized to make this verification on behalf of the Common Cause of Pennsylvania. I have read proposed Petition for Review of Petitioner-Intervenors and verify that the statements contained therein are true and correct to the best of my knowledge, information and belief. I understand that the statements made herein are subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.



Name: Khalif Ali

Title: Executive Director, Common Cause PA

Dated: October 4, 2021

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VERIFICATION

I verify that the statements made in the foregoing proposed Petition for Review of Petitioner-Intervenors are true and correct to the best of my own personal knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.



Signature

Roberta L. Winters

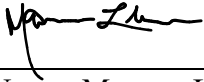
Name

Dated: October 2, 2021

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VERIFICATION

I am authorized to make this verification on behalf of Make the Road Pennsylvania. I have read the proposed Petition for Review of Petitioner-Intervenors, and verify that the statements contained therein are true and correct to the best of my knowledge, information and belief. I understand that the statements made herein are subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.



Name: Maegan Llerena

Title: Director, Make the Road PA

Dated: October 4, 2021

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CONFIDENTIAL DOCUMENTS CERTIFICATION

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

/s/ Keith E. Whitson
Keith E. Whitson

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via email, this 4th day of October, 2021, upon the following:

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