



REPUBLICAN PARTY OF PENNSYLVANIA

March 16, 2018

Robert Torres
Acting Secretary of the Commonwealth
Office of the Secretary
Pennsylvania Department of State
302 North Office Building
Harrisburg, PA 17120

RE: 18th Congressional District Special Election on March 13, 2018

Dear Mr. Torres:

Please be advised that I represent the Pennsylvania Republican Party (“Party”). I am formally requesting that the Department of State open an investigation into a number of irregularities that took place during the Special Election on Tuesday, March 13, 2018. Pennsylvania voters deserve a speedy and thorough investigation based on the overwhelming evidence of voter confusion and election mismanagement outlined in part below. In the interest of transparency and nonpartisanship, we ask that you consider assigning this task to a Commonwealth elections official capable of conducting an impartial investigation in light of the positions you’ve taken on ongoing redistricting litigation.

First, an authorized campaign attorney, Russell Giancola, presented several forms of permissible credentials but was prevented from observing the computation of the vote count in Allegheny County Tuesday night. In order to satisfy Allegheny County Election Manager Mark Wolosik’s unprecedented preconditions to admission, attorney Giancola ultimately provided the demanded but unnecessary redundant letter of authorization. While attorney Giancola was finally able to obtain this compliance with the inappropriate preconditions, the delay deprived the campaign of the right to have counsel present during the computation reporting process. The Allegheny County Elections Division’s refusal to acknowledge his poll watcher certificate, an email from the campaign, or an email from the Chair of the Republican Committee of Allegheny County violated the Elections Code, including but not limited to 25 P.S. §§ 3153 and 2650, as well as the Campaign’s rights pursuant to 42 U.S.C. § 1983.

Second, we have received reports and preliminarily determined that Allegheny County and Washington County failed to properly provide notice of the Special Election under the Uniform Military and Overseas Voters Act. County election boards are required to provide notice of elections 90 days in advance of regular elections and as soon as practicable before a special election. See 25 P.S. § 3514(a). Notices must be made available on the county election boards’ websites. See § 3514(d). The Allegheny County Elections Division website does not mention the Act, and Washington appears to have wholly failed to add this notice to its website.

Third, we received multiple complaints throughout the 18th Congressional District regarding calibration issues involving the voting machines. Numerous voters have called the Party and the Saccone campaign to complain that they selected Rick Saccone on the voting screen, only for Conor Lamb to appear on the confirmation screen. It is our understanding that some of these issues were not resolved during the Special Election.

Fourth, the Party received numerous complaints about voters not appearing on the voter rolls, and being denied the ability to cast a provisional ballot at their polling place. In at least one instance, a voter was denied a provisional ballot at his precinct and directed to vote at his prior precinct in the neighboring county where he used to reside before moving several months ago. This violates voters rights under the Help America Vote Act and the Commonwealth's implementing statutes and regulations. In addition, given the closeness of this election, denial of the right to vote for even a small number of eligible voters could cast the outcome of this election into doubt.

Finally, as your office was made aware on election day, the Department of State's website www.votespa.com errantly directed voters to polling places matched to their address under the recently imposed Pennsylvania Supreme Court map. Any voter who visited your website and clicked on the "Find Your Polling Place" link on the homepage was provided their polling place under the new map rather than the congressional district lines in use for the Special Election. Since election day, we have heard from potential voters in Pennsylvania's 18th Congressional District who attempted to vote but were informed that they did not live in the district any longer.

All Pennsylvanians benefit from having faith in the integrity of our elections. We therefore request that you immediately commence an investigation into the numerous irregularities that took place during the Special Election on Tuesday.

Sincerely,



Joel L. Frank
PA GOP General Counsel