

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

ARTHUR HAYWOOD	:
JULIE HAYWOOD	:
PETITIONERS	:
	: NO.
VS	:
	:
VERONICA DEGRAFFENREID	:
ACTING SECRETARY OF STATE	:
COMMONWEALTH OF PENNSYLVANIA	:
RESPONDENT	:

NOTICE TO PLEAD

To: Veronica DeGraffenreid, Acting Secretary of State, Commonwealth of Pennsylvania.

You are hereby notified to file a written response to the enclosed petition within thirty (30) days from service hereof, in accordance with Pennsylvania Rule of Appellate Procedure 1516(b), or a judgment may be entered against you.

Dated: September 27, 2021

/s/Tamika N. Washington

Tamika N. Washington, Esquire (Bar No. 93553)
LEGIS GROUP LLC
3900 Ford Road, Suite B
Philadelphia, PA 19131
Main: 800.350.7321 | Direct: 267.978.2223
Fax: 215.878.1164

Attorney for Petitioners

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 Pennsylvania Rule of Appellate Procedure 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, THESE OFFICES 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

LEGIS GROUP, LLC

BY: Tamika Washington, Esquire
Bar No. 93553
Park Plaza Building
3900 Ford Road, Suite B
Philadelphia, PA 19131
Main: 800.350.7321 | Direct: 267.978.2223
Fax: 215.878.1164

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

ARTHUR HAYWOOD	:
JULIE HAYWOOD	:
PETITIONERS,	:
	:
	: NO. _____ MD 2021
VS.	:
	:
VERONICA DEGRAFFENREID	:
ACTING SECRETARY OF STATE	:
COMMONWEALTH OF PENNSYLVANIA	:
RESPONDENT	:

PETITION FOR REVIEW IN THE NATURE OF A COMPLAINT IN EQUITY FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

Introduction

1. Pennsylvania citizens have constitutionally guaranteed rights to the protection of their personal information and the right to vote. Both fundamental rights are threatened by the subpoena at the center of this case.

2. Arthur Haywood and Julie Haywood bring this action to protect all

Pennsylvania voters from an unlawful attempt to subpoena their private information and share it with unknown third parties.

3. On September 15, 2021, Senator Cris Dush and Senate Republicans voted to subpoena the Secretary of State to obtain the personal information of all Pennsylvania voters in the November 3, 2020 general election and the May 18, 2021 primary election (collectively referred to herein as “Elections”) on September 15, 2021. The personal information requested includes voter driver license number and the last four digits of a voter’s social security number. The subpoena request is set forth in Exhibit B, attached hereto.

4. The information requested in the subpoena must be released by the Secretary of State for the Commonwealth of Pennsylvania by October 1, 2021.

JURISDICTION AND VENUE

5. The Petitioners are both residents of Montgomery County, Pennsylvania.

6. The Acting Secretary of State for the Commonwealth of Pennsylvania is the Respondent.

7. This court has original jurisdiction under 42 Pa. C.S.A. § 761.

PARTIES

Arthur Haywood, an individual, is a resident of Pennsylvania and registered voter who resides in Montgomery County, Pennsylvania.

8. Julie Haywood, an individual, is a resident of Pennsylvania and registered voter who resides in Montgomery County, Pennsylvania.

9. Veronica Degraffenreid is the Acting Secretary of State for the Commonwealth of Pennsylvania.

STATEMENT OF FACTS

10. Arthur Haywood and Julie Haywood registered to vote with the knowledge that their personal information including driver's license and social security numbers would be private and not released.

11. Arthur Haywood and Julie Haywood voted by mail in the November 3, 2020 general election.

12. Arthur Haywood and Julie Haywood voted by mail in the May 18, 2021 primary election in Pennsylvania.

13. Donald Trump lost the Pennsylvania presidential election vote of November 3, 2020 to Joseph Biden by 80,000 votes.

14. The election results in Pennsylvania were certified by the Pennsylvania Department of State on November 24, 2020.

15. However, there have been continued attempts to overturn the election results with claims of election fraud, and false claims of Trump's victory in Pennsylvania and other states.

16. On January 4, 2021, Pennsylvania Senate Republicans, including Senators Corman and Dush, wrote a letter to Senator McConnell and Representative Kevin McCarthy asking that Congress delay certification of the election results based on alleged fraud in the election and stating incorrectly that there was a pending case before the U.S. Supreme Court that might affect the outcome of Pennsylvania's election. See Exhibit A.

17. Pennsylvania courts rejected claims of November 2020 election fraud in Pennsylvania.

18. The election results for the United States were certified by the Congress of the United States on January 6, 2021 following a failed violent insurrection to overturn the election results.

19. Joseph Biden was sworn in as President of the United States on January 20, 2021.

20. The Pennsylvania Department of State conducted an audit of the November 3, 2020 election on February 5, 2021 and stated that it found "strong evidence of the accuracy of the count."

21. The Special Committee on Election Integrity and Reform of the Pennsylvania State Senate conducted an election review of the November 3, 2020 election and issued a report on June 14, 2021 that found no vote count irregularities or fraud.

22. The Chair of the Intergovernmental Committee Senator Doug Mastriano initiated a “forensic audit” of the November 2020 election on July 7, 2021.

23. On August 23, 2021, Senator Jacob Corman removed Senator Mastriano as Chair of the Intergovernmental Committee (“Committee”) and replaced him with Senator Cris Dush.

24. Chair Dush and Senate Republicans voted to subpoena the Secretary of State to obtain the personal information of all Pennsylvania voters in the November 3, 2020 general election and the May 18, 2021 primary election (collectively referred to herein as “Elections”) on September 15, 2021. The personal information requested includes a voter’s driver license number and the last four digits of a voter’s social security number. The subpoena request is set forth in Exhibit B, attached hereto.

25. In accordance with the subpoena, the requested information must be released by the Secretary of State for the Commonwealth of Pennsylvania in four days, by October 1, 2021.

COUNT ONE

Declaratory Judgment and Injunctive Relief

(Committee Subpoena Requests Information Protected from Disclosure by the Pennsylvania Election Code and Regulations of the Department of State)

26. Each of this Petition's Paragraphs are incorporated in this Count by reference.

27. The Senate Intergovernmental Operations Committee's subpoena duces tecum issued to the Acting Secretary of the Commonwealth requests, in part, the following items:

- a. 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.
- b. 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.
- c. 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.

- d. 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.
- e. 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.
- f. 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

28. The Constitution of Pennsylvania protects the right of all eligible citizens of the Commonwealth to vote. It guarantees that “[e]lections shall be free and equal” and that “no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.” Pa. Cons. art. I, § 5. It further provides that “secrecy in voting shall be preserved.” Pa. Cons. art. VII, § 4.

29. Elections are governed by Pennsylvania's Election Code and subject to federal law.

30. As required by federal law, any qualified person wishing to register to vote in Pennsylvania must provide a driver's license number or the last four digits of their Social Security number. 52 U.S.C. § 21083(a)(5)(i). Someone who has not been issued either still may register to vote, but will be identified

on the Commonwealth's voter rolls by a unique number that the Commonwealth creates for all registered voters. 52 U.S.C. § 21083(a)(5)(ii)].

31. The process for registering to vote in the Commonwealth of Pennsylvania is governed by Title 25 of the Pennsylvania Consolidated Statutes and details the procedures that county and state officials must use.

32. Pursuant to these statutes, the Secretary of the Commonwealth is granted the authority to promulgate regulations necessary to establish, implement and administer the Statewide Uniform Registry of Electors (SURE) system. 25 Pa.C.S. § 1222(f). The SURE system is a single, uniform integrated computer system of registered votes. The regulations governing the operation of the SURE system allows limited access by authorized personnel to voter registration information.

33. Voter registration is available to a citizen who will be 18 years of age on the date of the next election for which the person is registering to vote, has resided in the election district for at least 30 days prior to the next election and has not been confined for conviction of a felony within the last five years. 25 Pa.C.S. § 1301.

34. Voter registration may be completed by one of four prescribed methods provided by statute: in-person registration; registration with a driver's license application; registration by mail; or registration in conjunction with an

application for public benefits through a government agency. 25 Pa.C.S. § 1321.

35. As provided by statute and Department of State regulations, the applications are submitted to county commissions for the purposes of reviewing the applications, verifying the application and information of the applicant, and approving the registration or hearing challenges to the voter registration application. 25 Pa.C.S. § 1328.

36. If the voter registration application is approved, the county commission notifies the voter, assigns a voter identification number, and adds the registrations to the list of voters for the election district. This information is also forwarded to the Department of State to be included in the statewide database of voters.

37. Regulations promulgated pursuant to the Secretary's statutory authority provide that the Voter Registration Mail Application Form details the information to be provided by the applicant, which includes the name, address, date of birth, driver's license number and last four digits of the applicant's social security number. 4 Pa. Code § 183.1.

38. Pursuant to Title 25, only a very limited number of officials review and retain the information that an applicant provides to register to vote. The authorized officials include the election commission officials in each county, the Secretary of the Commonwealth, and the employees or agents that the

Secretary assigns for the administration of the SURE system, with only very limited, statutorily-prescribed exceptions.

39. The security and confidentiality of this system is so important that the General Assembly included a criminal provision for the unauthorized access to the SURE system without lawful authority or with the intent to unlawfully misuse the equipment or information contained in the system. 25 Pa.C.S. § 1707.

40. On request, a county registration commission may provide a list containing individual registered voters in the county to an authorized requester. However, the list may not contain a digitized or electronic signature or the SURE registration number of the voter. 25 Pa.C.S. § 1404(a).

41. Further, pursuant to regulation promulgated by the Secretary of the Commonwealth at 4 Pa. Code § 183.14, the Department of State may also provide public information lists on request. These lists may only include the following information regarding the registrant's:

Name.

Address.

Date of birth.

Voting history.

42. Public disclosure of certain information provided by the applicant and included in the SURE system, and the information concerning certain listed individuals, is **prohibited**. That protected information includes the very same information requested by the subpoena: the driver's license number of the voter or applicant, and the last four digits of that person's social security number, along with the registrant's unique identifier. 4 Pa. Code § 183.14(c)(3). The same regulation also prohibits disclosure of information regarding peace officers, corrections employees, judicial officials, and individuals who are protected by Protection from Abuse Orders.

43. The statutory framework that created the SURE system and established the process for applying to vote in the Commonwealth includes substantial and important privacy protections from the unauthorized disclosure of information provided in the application and subsequent registration. That framework provides that a limited number of specified officials have access to the information that applicants and registered voters provide, and includes criminal penalties for the unauthorized access or use of information included in the SURE system.

44. Because the Committee has stated its intention to funnel the requested information directly to an unknown private third-party

contractor, the Committee's subpoena requests are contrary to the authorized disclosure and privacy provisions contained in Title 25 of the Pennsylvania Consolidated Statutes, Part IV, and the regulations promulgated by the Acting Secretary of the Commonwealth pursuant to her statutory authority in administering and implementing Part IV of Title 25.

45. Additionally, the release of said information to a third party, without any previous disclosure of said party's security protocols opens up every voter and potential voter registrant to privacy concerns.

46. To date, there has been no disclosure of what security protocols this company will take to ensure that the information requested in the Subpoena remains safe and secure and is not misused.

47. To date, there has been no statement of whether the said third party will abide by the regulations outlined in Title 25.

48. The Pennsylvania Constitution protects the right of Pennsylvanians to informational privacy, which includes the right to control access to and the dissemination of personal information. Pa. Cons. art. I, § 1.

49. The personal information requested by the Subpoena— i.e., name, birth date, address, driver’s license number, and last four digits of the Social Security number—can be used to commit identity theft and financial fraud because this information is used by federal, state, and local agencies, as well as by financial institutions and other businesses, as a means of identifying an individual.

50. This information can also be used to tamper with and change an individual’s voter registration. Changes include changing the voter’s name, the voter’s address, and the voter’s party affiliation.

51. If the information requested in the subpoena is shared with a third party--voters’ private, personal information, including partial Social Security numbers, driver’s license numbers, dates of birth, and addresses, current and prospective voters will fear that voting in future elections may risk the disclosure of private, personal information to either partisan actors or unknown third parties. They will also fear the intentional or unintentional misuse of that private, personal information.

52. Voters who fear that voting will risk the intentional or unintentional misuse of private information will be discouraged from exercising their fundamental right to vote and from participating in the

electoral process.

53. As such, the subpoena is in direct violation of the fundamental rights of the Plaintiffs and all voters and potential voters in Pennsylvania.

54. The potential immediate and permanent harm to the Plaintiffs and all voters in Pennsylvania is limitless.

55. This is a matter of immediate concern of the court, as it affects not just the Plaintiffs in this matter, but every single voter and potential voter in the state of Pennsylvania.

PRAYER FOR RELIEF

WHEREFORE, Petitioners respectfully request that the Court:

(a) Declare that the Plaintiffs' voter information requested by the Intergovernmental Operations Committee's subpoena is protected from disclosure under the Pennsylvania Election Code, the Pennsylvania Constitution, and Department of State regulations.

(b) Enjoin the release of Plaintiffs' personal

information to the Senate Intergovernmental Committee.

(c) Enjoin the release of the personal information of all voters in the Elections to the Senate Intergovernmental Committee.

(d) Grant such other relief that is just and appropriate.

Dated: September 27, 2021

/s/Tamika N. Washington

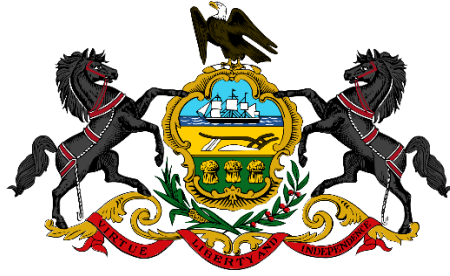
Tamika N. Washington, Esquire

Attorney for Petitioners,

Arthur Haywood and Julie Haywood

EXHIBIT

"A"



Senate of Pennsylvania

January 4, 2021

Honorable Mitch McConnell
The Majority Leader
United States Senate
317 Russell Senate Office Building
Washington, DC 20510

Honorable Kevin McCarthy
Republican Leader – US House of
Representatives
2468 Rayburn House Office Building
Washington, DC 20515

Dear Leader McConnell and Leader McCarthy,

As members of the Pennsylvania Senate, we believe in the integrity of the election process. After speaking with our colleagues, a majority of the State Senate is troubled by the many inconsistencies that happened in our Commonwealth during the 2020 election.

Due to numerous unlawful violations taken by Pennsylvania Governor, Tom Wolf; Secretary of State, Kathy Boockvar; and the rogue State Supreme Court, the balance of power was taken from the State Legislature, who by the U.S. and PA Constitutions, set the time, place and manner of holding elections.

Act 77 of 2019 that was signed into law, provides the following clear provisions:

- All mail-in ballots must be received by 8:00 p.m. election night
- Officials at polling places must authenticate the signatures of voters
- County Election Boards may begin pre-canvassing of absentee and mail-in ballots after 8:00 a.m. on election day
- Poll watchers selected by candidates and political parties are permitted to observe the process of canvassing absentee and mail-in ballots.
- No provisions were made for drop boxes or “curing” of ballots

Seven weeks before the 2020 General Election the PA Supreme Court overstepped their bounds by ruling that:

- Mail-in ballots could be received and counted up to three days later
- Ballots mailed without a postmark would be counted
- Signatures on mail-in ballots would not need to be verified

Secretary of State, Kathy Boockvar also usurped legislative authority by:

- Allowing for a proliferation of unsecured drop boxes in key Democratic areas
- On the day before the election, encouraged some counties (not all) to notify party and candidate representatives of mail-in voters whose ballots contained disqualifying defects and allowing them to “cure” these defects

In addition to these inconsistencies, certified Republican poll watchers in Philadelphia were prohibited from overseeing the canvassing of ballots. After a court ordered these poll watchers to be allowed to observe, they were “corralled” so far from the canvassing of ballots, that they could not view the activities.

Requests from legislators for independent investigations have been ignored by the administration.

Due to these inconsistent and questionable activities, we believe that PA election results should not have been certified by our Secretary of State.

Members, we ask for more time given the fact that the U.S. Supreme Court is to hear Trump vs. Boockvar in the coming days. We ask that you delay certification of the Electoral College to allow due process as we pursue election integrity in our Commonwealth.

Very respectfully,

Members of the PA Senate

cc: Republican US Senate Members
Republican US House Members

Jake Corman
President Pro Tempore

Kim Ward
Majority Leader

Judy Ward
Senator, 30th District

Kristin Phillips-Hill
Senator, 28th District

Mike Regan
Senator, 31st District

David G. Argall
Senator, 29th District

Dave Arnold
Senator, 48th District

Camera Bartolotta
Senator, 46th District

Gene Yaw
Senator, 23rd District

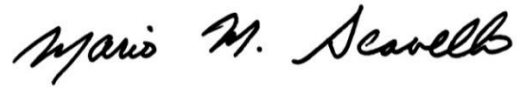
Bob Mensch
Senator, 24th District

Michele Brooks
Senator, 50th District

Scott Hutchinson
Senator, 21st District



Wayne Langerholc
Senator, 35th District



Mario Scavello
Senator, 40th District



Cris Dush
Senator, 25th District



Joe Pittman
Senator, 41st District



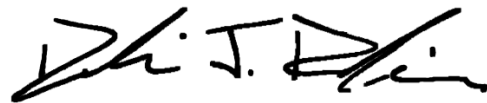
Pat Stefano
Senator, 32nd District



Scott Martin
Senator, 13th District



Ryan Aument
Senator, 36th District



Devlin Robinson
Senator, 37th District



Doug Mastriano
Senator, 33rd District

EXHIBIT
"B"

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

CERTIFICATE OF COMPLIANCE

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

Dated: September 27, 2021

/s/Tamika N. Washington

Tamika N. Washington, Esquire (Bar No. 93553)
LEGIS GROUP LLC
3900 Ford Road, Suite B
Philadelphia, PA 19131
Main: 800.350.7321 | Direct: 267.978.2223
Fax: 215.878.1164

Attorney for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon the following persons by certified mail, which service satisfies the requirements of

Pa.R.A.P. 121:

Veronica Degraffenreid
Secretary of the Commonwealth
301 N. Office Building
401 North Street
Harrisburg, PA 17120

Dated: September 27, 2021

/s/Tamika N. Washington

Tamika N. Washington, Esquire (Bar No. 93553)
LEGIS GROUP LLC
3900 Ford Road, Suite B
Philadelphia, PA 19131
Main: 800.350.7321 | Direct: 267.978.2223
Fax: 215.878.1164

Attorney for Petitioners

VERIFICATION

I, Tamika N. Washington, Esquire, hereby state that I am the Attorney for the Petitioners in this action and, make this verification as Petitioners' attorney and on their behalf, because of the exigency of time, and a verification cannot be obtained from the Petitioners in the time allowed for filing the pleading.

I understand that the statements made herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

DATE: 9-27-2021

/s/ Tamika N. Washington

Tamika N. Washington, Esquire
Attorney for Petitioners