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egiordano@norris-law.com
Hon. Emil Giordano, Esquire
515 Hamilton St #502
Allentown, PA 18104

Re: Formal request to decertify the results of the Democratic Party's
primary election for Representative in the General Assembly for the
22nd Legislative District

Dear Mr. Giordano:

We write as counsel to Friends of Enid Santiago and Candidate Enid Santiago with a formal request to decertify the results of the Democratic Party's primary election for Representative in the General Assembly for the 22nd Legislative District on the basis of the Board's findings that the election was permeated with fraud and on the basis of new evidence that we are sharing with the Board in this letter.

Shortly after the Board's unanimous findings were announced on July 29, the Commonwealth's voter database was updated to show whether or not a voter cast a ballot in the June 2, 2020 primary election. Friends of Enid Santiago were then able to compare the number of votes cast as reported by the canvass of votes by the Board of Elections of Lehigh County with the total number of voters casting ballots at the June 2, 2020 primary election as reported by the Pennsylvania Department of State.

The following table shows the results of our investigation:

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District	District Name	Santiago	Schweyer	Total Votes Cast	Total Voters according to VAN	Difference between 22nd District Votes & Voters in Van
10101	Allentown 1st Ward 1st District	120	28	148	146	2
10201	Allentown 2nd Ward 1st District	60	60	120	129	-9
10301	Allentown 3rd Ward 1st District	95	52	147	120	27
10401	Allentown 4th Ward 1st District	49	45	94	95	-1
10501	Allentown 5th Ward 1st District	66	43	109	114	-5
10601	Allentown 6th Ward 1st District	38	37	75	76	-1
10701	Allentown 7th Ward	102	66	168	181	-13
10801	Allentown 8th Ward 1st District	44	37	81	83	-2
10802	Allentown 8th Ward 2nd District	47	44	91	91	0
10901	Allentown 9th Ward 1st District	83	40	123	128	-5
11001	Allentown 10th Ward 1st District	71	42	113	126	-13
11101	Allentown 11th Ward 1st District	63	26	89	93	-4
11102	Allentown 11th Ward 2nd District	52	39	91	91	0
11201	Allentown 12th Ward 1st District	86	66	152	152	0
11202	Allentown 12th Ward 2nd District	90	120	210	218	-8
11203	Allentown 12th Ward 3rd District	54	120	174	177	-3
11204	Allentown 12th Ward 4th District	62	146	208	218	-10
						0
11205	Allentown 12th Ward 5th District	87	82	169	176	-7
11402	Allentown 14th Ward 2nd District	160	90	250	256	-6
11601	Allentown 16th Ward 1st District	83	87	170	177	-7
11602	Allentown 16th Ward 2nd District	155	166	321	335	-14
11901	Allentown 19th Ward 1st District	42	98	140	144	-4
11902	Allentown 19th Ward 2nd District	102	129	231	236	-5
11903	Allentown 19th Ward 3rd District	45	116	161	163	-2
11904	Allentown 19th Ward 4th District	74	79	153	162	-9
11905	Allentown 19th Ward 5th District	71	151	222	223	-1
	Allentown 19th Ward 6th District	141	188	329	334	-5
		2142	2197	4339	4444	-105

In the 3rd Ward, 1st District, whose polling place was located in the same room where the Board conducted its hearing on voter fraud on July 29th, the Election Board counted 147 ballots in its vote canvass while the Department of State reported that only 120 voters recorded as having cast votes at that election – **a difference of 27 fraudulently cast ballots**. This is the polling location where the conduct of the judge of election – Erika Bickford – was unanimously found by the Board to warrant referral for prosecution to the County District Attorney and the State Attorney General. **At the polling place for the 1st Ward, 1st Division, there appears to be 148 ballots canvassed by the Election Board but only 146 voters recorded as having cast votes at that election – a difference of 2 fraudulently cast ballots.**

Significantly prior to its discovery that credible evidence exists of fraud in the conduct of the 22nd Legislative District's primary election, this Election Board

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previously certified a canvass of votes in the 22nd Legislative District which declared that candidate Peter Schweyer received 55 more votes than candidate Enid Santiago. **A change of 28 votes from Schweyer to Santiago would have swung the election in favor of Santiago. The data above shows that at least 29 ballots were fraudulently cast in that race.**

With this new evidence of 27 fraudulent ballots having been counted in the 3rd Ward 1st District and 2 ballots in the 1st Ward 1st District, we formally request that the Election Board immediately rescind its certification of the results of the canvass of the 22nd Legislative District's Democratic Primary results on the basis of clear and convincing evidence that the Board's vote canvass cannot accurately reflect the number of votes cast for each candidate in that election because of the presence of 29 more ballots cast than voters casting ballots.

Our State's Supreme Court has long held that County Election Boards possess the quasi-judicial authority necessary to reverse its prior decision to certify the results of an election once the Board determines that credible evidence of fraud exists.

In *Boord v. Maurer*, 343 Pa. 309, 312-13, 22 A.2d 902, 904 (1941) the Supreme Court cited Section 304 of the Election Code for its holding that "The Election Code makes the County Board of Election more than a mere ministerial body. It clothes it with quasi-judicial functions ..." In that case, the Supreme Court upheld an Election Board's decision to strike a candidate's withdrawal from the record after the Board determined that it was filed under fraudulent circumstances.

Eleven years later, the State Supreme Court extended the holding in *Boord v. Maurer* to an Election Board's powers relating to the canvass and computation of votes. In its decision captioned *In re McCracken Appeal*, 370 Pa. 562, 564-65, 88 A.2d 787, 788 (1952), the Supreme Court cited *Boord v. Maurer* for its holding that "*Canvassing and computing necessarily embrace acts of discretion.*"

The *McCracken* Court went on to declare:

There could scarcely be a duty more apparent and impelling on an Election Board than that of ascertaining *for whom* votes were cast. In the computation of the vote, its functions are not limited to those of a humanized adding machine. The Board is not a multiple comptometer, making up as many lists as there are different spellings for what common sense and the obvious facts dictate are the same

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person. It is because the Board is charged with discretionary responsibilities that it has been armed with authority and power to issue subpoenas, summon witnesses and take testimony.

The County Election Board sets up the election machinery and presents the election returns to the general public.

The needs of our democracy require accurate and rapid ascertainment of the people's will. And it is for that reason that the Legislature has entrusted the County Board of Elections with plenary powers in the administration of the election code.

This board has been endowed with plenary powers by the General Assembly with the impelling duty to accurately ascertain the people's will. The overwhelming evidence before the Board is that at least 29 ballots were fraudulently cast in the election, which is a number higher than the margin of victory for the victorious candidate.

A recount could never restore justice in these circumstances because no one can identify which 29 fraudulent ballots should not be counted in a recount.

Decertification of the election results in this election is the only legally valid option before the Board.

We trust that Board will faithfully carry out its duty and obligations under the Election Code, decertify the results of the 22nd Legislative District's primary election and seek guidance from the Court of Common Pleas of Lehigh County to fashion a remedy to accurately determine who should be placed on the general election ballots by the Democratic Party as its candidate for State Representative in the 22nd Legislative District.

Respectfully submitted,



Steve Masters, Esquire

cc: Client