



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1008

RONALD MARIANO

Speaker

ROOM 356

OFFICE PHONE
(617) 722-2500

March 24, 2023

The Honorable Diana DiZoglio
Auditor of the Commonwealth
State House, Room 230
Boston, MA 02133

Dear Auditor DiZoglio,

I write to confirm receipt of your letter dated March 7, 2023, claiming an authority to compel a performance audit of the General Court, including the House of Representatives, and the email from your staff dated March 15, 2023, requesting a meeting to begin the audit process. Upon receiving your letter, I asked the Counsel to the House of Representatives to research the legality of your claim. Counsel's conclusion and legal analysis are enclosed. This letter is the House's final response to your request, and is based on a careful reading of our history and laws.

That your office has the legal authority to conduct an audit of the General Court is a claim entirely without legal support or precedent, as it runs contrary to multiple, explicit provisions of the Massachusetts Constitution, and is wholly unnecessary as the public currently has full and ready access to the House's financial information.

All of the House's accounts are available on the Commonwealth's Financial Records Transparency Platform ("CTHRU") webpage, which can be viewed at www.macomptroller.org/cthru. There are **no expenditures** of the House that are not posted on CTHRU and available for public inspection. Additionally, the House adopts rules for each legislative session, including a rule that requires all House accounts to be independently audited on an annual basis "*in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States,*" and that the audit report be filed with the House Clerk for public inspection.

Any performance assessment of the House of Representatives relative to its budgeting, hiring, spending and procurement, active and pending legislation, committee appointments, legislative rules, and its policies and procedures are the sole constitutional purview of the Members elected to the House of Representatives by the people of the Commonwealth. The suggestion that you have such authority violates basic separation of powers principles that the Supreme Judicial Court has called "fundamental...to our form of government," and interferes with what that same Court opined are the "exclusive" and "absolute" constitutional powers of the House of Representatives.

The people of the Commonwealth are the final arbiters of the performance of their duly elected representatives. As those duly elected representatives, we safeguard these constitutional protections not because of institutional jealousies but because the Massachusetts Constitution guarantees “the people of this Commonwealth...the sole and exclusive right of governing themselves,” and that part of the Constitution which establishes the House of Representatives begins by declaring, “There shall be in the Legislature of this Commonwealth a representation of the people.” For an executive officer to claim any authority over the General Court is to suggest an authority over the people themselves.

Therefore, given that your attempt to conduct a performance audit of the House of Representatives exceeds your legal authority and is unconstitutional, your request to meet to begin such audit is respectfully denied.

Sincerely,



Ronald J. Mariano
Speaker of the House