

September 3, 2020

VIA E-MAIL

Re: Records Request

Dear Open Records Officer:

Pursuant to the Pennsylvania Right-to-Know Law, 65 Pa. Stat. Ann. §§ 67.101 *et seq.*, and the applicable public inspection provisions of the Pennsylvania Elections Law, 25 Pa. Stat. Ann. Ch.14, I request the following information and data in connection with the November 6, 2018 general election for federal offices in your county:

1. Copies of the records of the initial vote count, including any returns, from all voting locations in the county for federal offices in the 2018 general election, including any worksheets and abstracts from polling places, machine results receipts/printouts, etc.
2. Copies of any and all election records, returns, and reports from the canvass of federal offices in the 2018 general election, as computed pursuant to 25 Pa. Stat. Ann. § 3154.
3. Any records from the retabulation conducted to correct a discrepancy upon completion of the count pursuant 25 Pa. Stat. Ann. § 3031.13.
4. Any and all training manuals, handbooks, instruction sheets, procedural documents, etc., etc., used by officials who conduct the canvass or related in any way to conducting the county canvass pursuant to 25 Pa. Stat. Ann. § 3154. If you have updated the Canvass Materials in preparation for the 2020 Primary or General Elections, please provide the updated Canvass Materials. Please also include COVID-19-related Canvass Materials.

If the requested records exist in electronic form (*e.g.*, .txt, .xls, .xlsx, .csv, .dbf), I request that you produce or provide access to the records in that form along with any software or instructions that may be required to access the records electronically. 65 Pa. Stat. Ann. §§ 67.701(a), 67.704(b). If documents, information, or data can be emailed, please email them to foia@unitedimpactgroup.com. Please provide me with documents in response to each request as soon as they are ready without waiting to complete your response to other requests.

If you anticipate being unable to comply with any part of this request, please let me know. If you intend to deny this request in whole or part, please advise me in writing of the particular statutory exemption upon which you are relying or other basis for your denial, as required by 65

Page 2

Pa. Stat. Ann. § 67.901 and § 67.902. Please produce all records you can provide, even if you conclude that you are unable to comply with certain parts of the request.

I request that you waive any fees or charges for the production of the requested records pursuant to 65 Pa. Stat. Ann. § 67.1307(f) because production is in the public interest. I further request that if you decline to waive fees, you produce the requested records without requiring prepayment of fees and that you promptly advise me of the estimated fees and the method of payment you require so that I may arrange payment without delaying production.

If you have any questions or concerns, please do not hesitate to contact my office at (515) 612-9974.

Sincerely,

Maxwell D. Nacheman



Right-To-Know Response Form

October 20, 2020

Maxwell D. Nacheman
Via email only to: foia@unitedimpactgroup.com

RTK REQUEST #2020-139

Dear Mr. Nacheman

Thank you for writing to Luzerne County with your request for information pursuant to the Pennsylvania Right-To-Know law ("RTKL").

Recently, the Luzerne County Office of Law received a request for documents from you in a Right To Know request. Please note that your request is denied. The request that you have submitted is not discoverable pursuant to the RTKL Statute §708 (b) (17) A record of an agency relating to a noncriminal investigation, including:

- (i) Complaints submitted to an agency;
- (ii) Investigative materials, notes, correspondence and reports;
- (iii) A record that includes the identity of a confidential source, including individuals subject to the act of December 12, 1986 (P.L.1559, No.169), known as the Whistleblower Law;
- (iv) A record that includes information made confidential by law;
- (vi) A record that, if disclosed, would do any of the following: (A) Reveal the institution, progress or result of an agency investigation, except the imposition of a fine or civil penalty, the suspension, modification or revocation of a license, permit, registration, certification or similar authorization issued by an agency or an executed settlement agreement unless the agreement is determined to be confidential by a court. (B) Deprive a person of the right to an impartial adjudication. (C) Constitute an unwarranted invasion of privacy. (D) Hinder an agency's ability to secure an administrative or civil sanction. (E) Endanger the life or physical safety of an individual.

You have a right to appeal this denial of information in writing to Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120.

If you choose to file an appeal, you must do so within 15 business days of the mailing date of the agency's response. Section 1101. If you have further questions, please contact Laura C. Dennis. Please be advised that this correspondence will serve to close this record with our office as permitted by law.

Respectfully,

Laura C. Dennis, Esq.
Luzerne County
Open Records Officer
200 North River Street
Wilkes-Barre, PA 18711