

2020-176
Request

Scolforo, Mark <mscolforo@ap.org>

Thu 10/22/2020 10:39 AM

- Dennis, Laura;
- Scolforo, Mark <mscolforo@ap.org>

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To: Laura Dennis, Luzerne County Right-to-Know Law officer
200 N. River St.
Wilkes-Barre

From: Mark Scolforo, reporter
The Associated Press
Main Pennsylvania Capitol
Harrisburg

Oct. 22, 2020

VIA EMAIL

Dear Ms. Dennis,

Pursuant to Pennsylvania's Right-to-Know Law, I am requesting the following:

Documents in the possession of Luzerne County that indicate the name of the elections office clerk who has been blamed for improperly throwing away nine mail-in ballots.

Documents in the possession of Luzerne County that indicate the employment status, including hiring date, termination date, job title and salary, of the elections office clerk who has been blamed for improperly throwing away nine mail-in ballots.

Documents in the possession of Luzerne County that indicate any subcontractor or outside vendor who may have or may still employ the elections office clerk who has been blamed for improperly throwing away nine mail-in ballots.

Emails in the possession of Luzerne County in which county employees and officers, including the county elections director, elections staff, custodial staff, maintenance staff, county council and members, elections board and members, and county manager and his staff, or other employees and officers, in which they discuss the discovery of the ballots, the subsequent governmental response, contacts with outside agencies, the clerk who threw out the ballots, changes in policy as a result, training by the

Department of State and others and other relevant matters regarding the nine ballots that were discarded.

Emails, notes or any other records in the possession of Luzerne County that reflect discussion by the above parties or any others associated with the county regarding whether and how the nine ballots may be now be processed and/or counted.

Emails, notes and any other records by the above-listed parties regarding shortcomings of the elections office over the past 12 months.

If the records I am seeking contain both public information and information the county deems to be non-public, I request that you simply redact the non-public information and disclose the records.

If this request is likely to result in copying or other costs to me that may amount to more than \$250, please contact me at the phone number below.

Thank you for your kind attention to this matter.

Sincerely,

Mark Scolforo

Mark Scolforo
The Associated Press
Room 526, "E" Floor, Main Pennsylvania Capitol
Harrisburg PA 17120
w: 717-238-9413
c: 610-334-7067



Right-To-Know Response Form

October 27, 2020

Scolforo, Mark

Via email only to: mcolforo@ap.org

RTK REQUEST #2020-176

Dear Mr. Scolforo:

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