



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

May 25, 2022

Austin Evers
American Oversight
1030 15th Street, NW
Suite B255
Washington DC 20005
foia@americanoversight.org

Re: FOIA-2020-02429
DRH:ERH

Dear Austin Evers:

This responds to your Freedom of Information Act (FOIA) request dated and received in this Office on September 30, 2020, in which you requested communications between named officials in the Office of the Attorney General, Office of the Deputy Attorney, and Office of Public Affairs and the Executive Office of the President pertaining to an investigation into mail-in ballots in Pennsylvania since August 23, 2020.

Please be advised that a search has been conducted in the Office of the Attorney General, Office of the Deputy Attorney, and Office of Public Affairs, and two pages were located that are responsive to your request. I have determined that this material is appropriate for release with certain information withheld pursuant to Exemption 6 of the FOIA, 5 U.S.C. § 552(b)(6), which pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy. Please be advised that we have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2021). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaison, Valeree Villanueva, for any further assistance and to discuss any aspect of your request at: Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001; telephone at 202-514-3642.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, MD 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with this Office's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically submitted within ninety days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in blue ink, appearing to read "Douglas R. Hibbard", with a small "RH" monogram at the end.

Douglas R. Hibbard
Chief, Initial Request Staff

Enclosures

From: [Kupec, Kerri \(OPA\)](#)
To: (b) (6) (b) (6)
Subject: Statement -US. Attorney Freed
Date: Thursday, September 24, 2020 1:30:03 PM
Attachments: [Statement Luzerne County_9_24_20.pdf](#)
[ATT00001.htm](#)



Department of Justice

**United States Attorney David J. Freed
Middle District of Pennsylvania**

FOR IMMEDIATE RELEASE
THURSDAY, SEPTEMBER 24, 2020
WWW.JUSTICE.GOV/USAO/PAM

PIO CONTACT: (b) (6)

WORK:

CELL:

EMAIL:

(b) (6)

STATEMENT OF U.S. ATTORNEY FREED ON INQUIRY INTO REPORTS OF POTENTIAL ISSUES WITH MAIL-IN BALLOTS

HARRISBURG - On Monday, September 21, 2020, at the request of Luzerne County District Attorney Stefanie Salavantis, the Office of the United States Attorney along with the Federal Bureau of Investigation, Scranton Resident Office, began an inquiry into reports of potential issues with a small number of mail-in ballots at the Luzerne County Board of Elections.

Since Monday, FBI personnel working together with the Pennsylvania State Police have conducted numerous interviews and recovered and reviewed certain physical evidence. Election officials in Luzerne County have been cooperative. At this point we can confirm that a small number of military ballots were discarded. Investigators have recovered nine ballots at this time. Some of those ballots can be attributed to specific voters and some cannot. All nine ballots were cast for presidential candidate Donald Trump.

Our inquiry remains ongoing and we expect later today to share our up to date findings with officials in Luzerne County. It is the vital duty of government to ensure that every properly cast vote is counted.

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