



July 16, 2024

VIA ONLINE PORTAL

Matthew A. McDermott
Director of Administration
Lycoming County
48 West Third St.
Williamsport, PA 17701
Via Online Portal

Re: Right-to-Know Law Request

Dear Open Records Officer:

Pursuant to the Right-to-Know Law (RTKL), as codified at 65 P.S. §§ 67.101 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office produce the following records within five business days:

1. Records reflecting any challenges to voter registrations received by Lycoming County election officials, including any written affidavits challenging the legitimacy of any voter registrations and/or any other formal or informal challenges that sought to remove registered voters from the voter roll.
2. Records reflecting any action taken by Lycoming County election officials in response to any challenges to voter registrations, including, but not limited to, records reflecting any investigation opened in response to a voter challenge; the removal or denial of removal of any registered voter(s) from the voter roll in response to a voter challenge; and/or all email communications sent or received by election officials concerning challenged voter registrations.
3. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) between (a) any of the Lycoming County officials listed below, and (b) any of the external entities and individuals listed below (including, but not limited to, at the listed email addresses and/or domains).

Lycoming County Officials:

- a. Scott Metzger, Commissioner, Chair
- b. Marc Sortman, Commissioner, Vice Chair
- c. Mark Mussina, Commissioner, Secretary



- d. Forrest Lehman, Elections Director

External Entities and Individuals:

- a. Ian Camacho (ian.c.camacho@gmail.com) and/or anyone else communicating on behalf of Look Ahead America (@lookaheadamerica.org)
- b. Election Law Center (@electionlawcenter.com)
- c. The America Project (@americaproject.com)
- d. The Republican National Committee (@gop.com)
- e. Totes Legit Votes (toteslegitvotes@gmail.com)
- f. United Sovereign Americans (unite4freedom.com)
- g. Judicial Watch (judicialwatch.org)
- h. New York Citizens Audit (auditny.com)

Please note that American Oversight does not seek, and that part 3 of this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications responding to or forwarding such emails are responsive to this request. For example, if a specified official received a mass-distribution news clip email from an email address ending in @truethevote.org, that initial email would not be responsive to this request. However, if that official forwarded that email to another listed individual with their own commentary, that subsequent message would be responsive to this request and should be produced.

For all parts of this request, please provide all responsive records from January 1, 2024, through the date the search is conducted.

If American Oversight's request for a fee waiver, is not granted in full, please contact us immediately upon making such a determination. **Please notify us of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.**

Fee Waiver Request

In accordance with 65 P.S. § 67.1307(f)(2), American Oversight requests a waiver of fees associated with processing this request for records, because disclosure of the requested information is "in the public interest."

The public has a significant interest in efforts to challenge voter registrations by outside groups in Pennsylvania.¹ Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether and to what extent activists are communicating with local election officials about voter list maintenance.

¹ See, e.g., Julia Zenkevich & Charlie Wolfson, *Push to Cut 10s of Thousands from Allegheny County Voter Rolls Feeds Fears*, 90.5 WESA (March 18, 2024, 5:35 AM), <https://www.wesa.fm/politics-government/2024-03-18/allegheny-county-election-voter-rolls-registration-challenge-republican-democrat>.

American Oversight is committed to transparency and makes the responses agencies provide to open records requests publicly available, and the public's understanding of the government's activities would be enhanced through American Oversight's analysis and publication of these records. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and X.com (formerly Twitter).²

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.³ Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records and analysis related to the organization's investigations into misconduct and corruption in state governments;⁴ posting records and analysis of federal and state governments' responses to the Coronavirus pandemic;⁵ posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the Trump administration's proposed construction of a barrier along the U.S.-Mexico

² American Oversight currently has approximately 16,000 followers on Facebook and 111,500 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited July 10, 2024); American Oversight (@weareoversight), X (formerly Twitter), <https://x.com/weareoversight> (last visited July 10, 2024).

³ See generally *News*, American Oversight, <https://www.americanoversight.org/blog>.

⁴ See generally *State Investigations*, American Oversight, <https://www.americanoversight.org/states>; see, e.g., *State Government Contacts with Voting-Restriction Activists*, American Oversight, <https://www.americanoversight.org/investigation/state-government-contacts-with-voting-restriction-activists>; *Georgia's Voting Machines and Election Security*, American Oversight, <https://www.americanoversight.org/investigation/georgias-voting-machines-and-election-security>.

⁵ See, e.g., *The Trump Administration's Response to Coronavirus*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus>; *Tulsa Health Officials Initially Estimated Trump Rally Would Directly Lead to 2 to 9 Deaths*, American Oversight, <https://www.americanoversight.org/tulsa-health-officials-initially-estimated-trump-rally-would-directly-lead-to-2-to-9-deaths>; *Wisconsin Documents Offer Window into Early Uncertainty over COVID-19*, American Oversight, <https://www.americanoversight.org/wisconsin-documents-offer-window-into-early-uncertainty-over-covid-19>; *In the Documents: Florida Health Department Efforts to Suppress Release of Coronavirus Records*, American Oversight, <https://www.americanoversight.org/in-the-documents-florida-health-department-efforts-to-suppress-release-of-coronavirus-records>.

border, and analyses of what those records reveal;⁶ and the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department's process for issuing such waivers.⁷

Finally, this request is primarily and fundamentally for non-commercial purposes. As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest.

Accordingly, American Oversight qualifies for a fee waiver.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, if the request seeks "communications," please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or X.com (formerly Twitter) direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.
- In conducting your search, please understand the terms "record," "document," and "information" in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all

⁶ See generally *Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; see, e.g., *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

⁷ *DOJ Records Relating to Solicitor General Noel Francisco's Recusal*, American Oversight, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

prior messages sent or received in that email chain, as well as any attachments to the email.

- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Right-to-Know Law.⁸
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records under 65 P.S. § 67.706. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Loree Stark at records@americanoversight.org or (304) 913-6114. Also, if American Oversight's

⁸ See, e.g., *Barkeyville Borough v. Stearns*, 35 A.3d 91, 95–97 (Pa. Commw. Ct. 2012).

request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Loree Stark

Loree Stark
on behalf of
American Oversight