

Monday, December 2, 2024 at 09:39:47 Eastern Standard Time

Subject: County of Lancaster Request 826-2024
Date: Tuesday, November 26, 2024 at 8:09:51 PM Eastern Standard Time
From: County Open Records
To: AO Records
Attachments: image001.png, Request 826-2024 - Response.pdf, Request 826-2024 - Request.pdf, Binder1_Redacted.pdf

EXTERNAL SENDER

Good Day:

Thank you for writing to the County of Lancaster with your Request. Attached please find a Response.

Sincerely,

Tammy L. Bender
Open Records Office



Tammy L. Bender
Open Records Officer/Office Manager
County Solicitor's Office
County of Lancaster
150 North Queen Street – Suite 714, Lancaster, PA 17603
Phone: 717-735-1584– FAX: 717-293-7208
Web: www.lancastercountypa.gov

Note: The message and attachment(s) to this email are intended for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, printing or copying of this communication is strictly prohibited. If you received this in error, please contact the sender and delete the original message, any attachment(s) and copies. Thank you for your cooperation.

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From: [Miller, Christa](#)
To: [Burnett, David](#)
Subject: RE: Re: Two quick questions
Date: Friday, August 16, 2024 10:33:00 AM
Attachments: [image001.png](#)

Exactly! And every board does. It is a very silly statute honestly.



Christa Miller
Chief Clerk/Chief Registrar
Lancaster County Board of Election and Registration Commission
County of Lancaster
Phone: [REDACTED]

From: Burnett, David [REDACTED]@pasen.gov>
Sent: Friday, August 16, 2024 10:31 AM
To: Miller, Christa [REDACTED]@lancastercountypa.gov>
Subject: [EXTERNAL] RE: Re: Two quick questions

Ha! That 50 day timeline is a bit meaningless since the [actual language](#) says any board can do it sooner if they want:

*Applications for mail-in ballots shall be received in the office of the county board of elections not earlier than 50 days before the primary or election, **except that if a county board of elections determines that it would be appropriate to the county board of elections' operational needs, any applications for mail-in ballots received more than 50 days before the primary or election may be processed before that time.***

David Burnett

Counsel and Executive Director
Senate State Government Committee
9 East Wing
Harrisburg, PA 17120
Phone: [REDACTED]

From: Miller, Christa [REDACTED]@lancastercountypa.gov>
Sent: Friday, August 16, 2024 10:27 AM
To: Burnett, David [REDACTED]@pasen.gov>
Subject: RE: Re: Two quick questions

⦿ CAUTION : External Email ⦿

Ahh sorry for the confusion! Yes we are also already processing. There is a 50 day statute that you cannot start any later than 50 days before the election. But I do not know a single county that waits that long to start processing them. We would never be able to get them done in time.



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Lancaster County Board of Election and Registration Commission

County of Lancaster

Phone: [REDACTED]

From: Burnett, David [REDACTED]@pasen.gov>

Sent: Friday, August 16, 2024 10:15 AM

To: Miller, Christa [REDACTED]@lanastercountypa.gov>

Subject: [EXTERNAL] RE: Re: Two quick questions

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To: Burnett, David <[REDACTED]@pasen.gov>

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Lancaster County Board of Election and Registration Commission

County of Lancaster

Phone: [REDACTED]

From: Burnett, David [REDACTED]@pasen.gov>

Sent: Monday, August 5, 2024 10:41 AM
To: Miller, Christa [REDACTED]@lanastercountypa.gov>
Subject: [EXTERNAL] Re: Two quick questions

Good morning Christa!

Two quick questions for you.

Last week it was reported that Berks County would be processing mail-in ballot applications sooner than the general 50-day window as allowed by law. My working assumption was that this date was also when actual ballots would be ready to go. However, I'm learning that's not quite correct. Can you share when the actual ballots (mail-in and absentee) will be ready to go (e.g., available for pick-up in-person if a voter wants) in Lancaster county?

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To: [Burnett, David](#)
Subject: RE: Re: Two quick questions
Date: Friday, August 16, 2024 10:27:00 AM
Attachments: [image001.png](#)

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Date: Friday, August 16, 2024 9:51:00 AM
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Phone: [REDACTED]

From: [Jonathan Moseley - Election Integrity](#)
To: [Voter WebMail](#)
Cc: [Luke Bunting - Election Integrity](#)
Subject: [EXTERNAL] RNC Letter
Date: Wednesday, October 9, 2024 2:23:13 PM
Attachments: [RNC Letter re PA Priorities 4.0 - LANCASTER.pdf](#)

To Whom It May Concern,

Please see attached a letter from the Republican National Committee.

Respectfully,

Jonny Moseley

Election Integrity Counsel

Republican National Committee

██████████@gop.com

From: [Burnett, David](#)
To: [Miller, Christa](#)
Subject: [EXTERNAL] Re: Two quick questions
Date: Monday, August 5, 2024 10:40:47 AM

Good morning Christa!

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Senate State Government Committee
9 East Wing
Harrisburg, PA 17120
Phone: [REDACTED]*

From: [Burnett, David](#)
To: [Miller, Christa](#)
Subject: [EXTERNAL] RE: Re: Two quick questions
Date: Friday, August 16, 2024 10:31:12 AM
Attachments: [image001.png](#)

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Phone: [REDACTED]*

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Sent: Friday, August 16, 2024 9:51 AM
To: Burnett, David <[\[REDACTED\]@pasen.gov](mailto:[REDACTED]@pasen.gov)>
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826-2024

Carter, April

From: noreply@civicplus.com
Sent: Tuesday, October 22, 2024 11:12 AM
To: County Open Records
Subject: [EXTERNAL] Online Form Submittal: County of Lancaster Open Records Request Form

County of Lancaster Open Records Request Form

Request submitted by: Web form

Requestor's First Name: Chloe

Requestor's Last Name: Dennison

Requestor's Address1: 1030 15th Street NW

Requestor's Address2: Suite b255

Requestor's City: Washington

Requestor's State: DC

Requestor's Zip: 20005

Requestor's Phone Number: 2025167117

Requestor's Fax Number: *Field not completed.*

Requestor's Email Address: records@americanoversight.org

Records Requested: PA-LANCASTER-24-2311
 October 22, 2024

VIA ONLINE PORTAL

Lancaster County
 150 N. Queen St.
 Lancaster, PA 17603
 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. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) any of the officials listed below, and (b) any of the external entities and individuals listed below at the listed email addresses and domains).

Lancaster County Officials:

- i. Christa Miller, Chief Clerk/Chief Registrar, Board of Elections
- ii. Alice Yoder, Commissioner
- iii. Ray D'Agostino, Commissioner
- iv. Joshua Parsons, Commissioner

External Entities and Individuals:

- a. Audit the Vote PA (auditthevotepa.com)
- b. Charles "Sam" Faddis
- c. Clela Mitchell (cleta@cletamitchell.com)
- d. Conservative Partnership Institute (cpi.org, conservativepartnership.org)
- e. David Burnett (dburnett@pasen.gov)
- f. Election Integrity Network (electionintegrity.network, whoscounting.us)
- g. Election Research Institute (election-institute.com)
- h. Gina Swoboda (ginaswoboda@hotmail.com, ginaswo@asu.edu, gs@voterreferencefoundation.com, gswoboda@azleg.gov)
- i. Haystack Investigations (haystackinvestigations.com)
- j. Heather Honey (heather@verityvote.us, hhoney@haystackinvestigations.com, h2osint@protonmail.com)
- k. Karen DiSalvo (kd@election-institute.com, kstapp@pct.edu)
- l. Karen Taylor
- m. Karl Lampart
- n. Linda Kerns (linda@lindakernslaw.com)
- o. Melissa Ellis
- p. PA Fair Elections (pafairelections.com)
- q. Patriots 4 Action (patriots4action.com)
- r. Patriots of PA (patriotsofpa@gmail.com)
- s. Pennsylvania Integrity Network (paintegrity.org)

- t. Pennsylvania Patriot Coalition
- u. Republican National Committee (gop.com)
- v. Republican Party of Pennsylvania (pagop.org)
- w. Seeran Mizii
- x. State Senator Cris Dush (cdush@pasen.gov)
- y. State Senator Doug Mastriano (dmastriano@pasen.gov)
- z. Toni Shuppe
- aa. True the Vote (truethevote.org)
- bb. Unite PA (unitepa@protonmail.com)
- cc. Verity Vote (verityvote.us)
- dd. Virginia Institute of Public Policy (virginia institute.org)
- ee. Voter Reference Foundation (voteref.com, voterreferencefoundation.com)
- ff. William "Bill" Allen

For part 1 of this request, please note that American Oversight does not seek, and that 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. In other words, for example, if an official received a mass-distribution news clip email from the Election Integrity Network, that initial email would not be responsive to this request. However, if the 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.

2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by any of the officials listed above in part 1 and containing any of the key terms listed below.

Key Terms:

- i. fraud
- ii. audit
- iii. "election certification"
- iv. "certify election"
- v. "certify results"
- vi. "certify the election"
- vii. "certification of elections"
- viii. "certification of the election"
- ix. observer
- x. "hand count"
- xi. hand-count
- xii. handcount
- xiii. elector
- xiv. "fair elections"

- xv. "Eagle AI"
- xvi. EagleAI
- xvii. non-citizen
- xviii. noncitizen
- xix. "non citizen"
- xx. "student ID"
- xxi. "student identification"

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited part 2 of this request to emails sent by the specified individuals. However, American Oversight requests that complete email chains be produced, displaying both sent and received messages. This means that both an individual's response to an email and the initial received message are responsive to this request and should be produced.

For both parts of this request, please provide all responsive records from June 1, 2024, through the date the request is received.

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 in communications between Pennsylvania officials and election integrity activists. 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 election integrity activists have influenced officials' decisions.

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 (formerly Twitter).

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. 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; posting records and analysis of federal and state governments' responses to the Coronavirus pandemic; 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 border, and analyses of what those records reveal; 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.

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.
- 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 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.
- 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 Chloe Dennison at records@americanoversight.org or 202.516.7117. Also, if

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

Sincerely,

/s/ Chloe Dennison
Chloe Dennison
on behalf of
American Oversight

Please check one of the following boxes: I am only requesting a copy of the documents identified above.

If you are requesting a copy of the documents identified above, please check one of the following boxes: Other format (please specify below)

Specify format requested - if something other than paper Electronic copies preferred, paper if it's the only option

Acknowledgement I agree

Email not displaying correctly? [View it in your browser.](#)



Open Records Office

150 North Queen Street
Suite #714
Lancaster, PA 17603
Phone: 717-735-1584
www.co.lancaster.pa.us

November 26, 2024

County Commissioners

Joshua G. Parsons
Ray D'Agostino
Alice Yoder

Open Records Officer

Tammy L Bender

VIA EMAIL ONLY TO:
records@americanoversight.org

Chloe Dennison
1030 15th Street NW
Suite b255
Washington, DC 20005

Re: County of Lancaster Right to Know Request #826-2024

Dear Ms. Dennison:

Thank you for writing to the County of Lancaster with your request pursuant to the Pennsylvania Right to Know Law.

On October 22, 2024, the County of Lancaster Open Records Office received your request for the following:

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) any of the officials listed and (b) any of the external entities and individuals listed below at the listed email addresses and domains. A copy of the list of the external entities and individuals you provided are attached hereto and made part of this Response. The County Officials you reference in your request are as follows: Christa Miller, Chief Clerk/Chief Registrar, Board of Elections, Alice Yoder, Commissioner, Ray D'Agostino, Commissioner, Joshua Parsons, Commissioner.
2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by any of the officials listed above in part 1 and containing certain key terms. A copy of the list of key terms you provided are also attached hereto for reference and are incorporated into this Response.

On October 29, 2024, the County invoked an extension of time in which to respond to your request in accordance with the Pennsylvania Right to Know Law Section 902(a)(7).

Your request is granted in part and denied in part as follows:

1. As to Paragraph 1 above, your request is granted in part and denied in part as follows:



A. Your request is granted in that some of the responsive records found within the scope of your request after a thorough search of the County's records have been attached hereto.

B. Your request is granted in that some of the attached records have been redacted in part in accordance with the Pennsylvania Right to Know Law Section 708(b)(6)(i)(A) as a record containing all or part of a person's Social Security number, driver's license number, personal financial information, home, cellular or personal telephone numbers, personal e-mail addresses, employee number or other confidential personal identification number.

C. Your request is denied in part in that some responsive correspondence have been withheld in accordance with the Pennsylvania Right to Know Law Section (29) as correspondence between a person and a member of the General Assembly and records accompanying the correspondence which would identify a person that requests assistance or constituent services.

D. Your request is also denied in part in accordance with the Pennsylvania Right to Know Law Section 705 in that an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record. By way of further, no records were found related to the Board of Commissioners, only correspondence as it related to Ms. Miller.

2. As to Paragraph 2 of your request is denied in accordance with the Pennsylvania Right to Know Law Section 703 in that a written request should identify or describe the records sought with sufficient specificity to enable the agency to ascertain which records are being requested. By way of further response this portion of your request is overly broad in that it does not identify the transaction or activity of the agency for which the record is sought.

Please note that any attachments to emails can be accessed by double clicking on the name of the attachment in the address block at the top of the email.

You have a right to appeal this denial of information in writing to Liz Gerloff Wagenseller, Executive Director, Office of Open Records, 333 Market Street, 16th Floor, Harrisburg, PA 17126-0333. If you choose to file an appeal, you must do so within 15 business days of the mailing date of this letter, as outlined in Section 1101 of the Right to Know Law. An appeal must be submitted in writing either by mail, fax (717-425-5343), or email (openrecords@pa.gov). The appeal must include a copy of your original request and this response letter and must state the grounds upon which you assert that the record is a public record and must address any grounds stated by the agency for denying the request.

Please be advised this correspondence will serve to close this record with our office as permitted by law.

Sincerely,



Tammy L. Bender
Open Records Officer
County of Lancaster

Attachment