AMERICAN OVERSIGHT

July 25, 2025

VIA EMAIL

Pennsylvania Department of State
306 North Office Building
401 North St.
Harrisburg, PA 17120
RA-RTK-DOS@pa.gov

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 the Pennsylvania Department of State 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) sent by any of the Pennsylvania Department of State officials listed below, and/or anyone communicating on their behalf, such as an assistant, secretary, and/or scheduler, and containing any of the key terms listed below.

   Pennsylvania Department of State Officials:
   i. Al Schmidt, Secretary of the Commonwealth
   ii. Jonathan Marks, Deputy Secretary for Elections and Commissions
   iii. Jessica Mathis, Director of Elections
   iv. Anyone serving as Deputy Director of Elections
   v. Anyone serving as Chief of Staff

   Key Terms:
   a. DOGE
   b. "Department of Government Efficiency"
   c. USDS
   d. U.S.D.S.
   e. Musk

   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 1 of this request to emails sent by the specified individuals. To be clear, however, American Oversight still 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.

2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between any of the Pennsylvania Department of State officials listed above in part 1, and (b) any of the external entities or individuals listed below (including the listed email domains).

   External Entities and Individuals:
   a. U.S. DOGE Service (doge.gov, doge.eop.gov)
   b. White House Office (who.eop.gov)
   c. Elon Musk
   d. Antonio Gracias
   e. Edward Coristine
   f. Kyle Schutt
   g. Aram Moghaddassi
   h. Payton Rehling
   i. Steve Davis

   Please note that American Oversight does not seek, and part 2 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. In other words, for example, if an official received a mass-distribution news clip email from the White House Office, that initial email would not be responsive to this request. However, if the official forwarded that email with commentary, that subsequent message would be responsive to this request and should be produced.

For parts 1-2 of this request, please provide all responsive records from May 29, 2025, through the date the search is conducted.

3. A complete copy (including any attachments) of all contracts or subcontracts, amendments, memoranda of understanding, or other written agreements between the Pennsylvania Department of State and the Department of Government Efficiency (DOGE), U.S. DOGE Service (formerly U.S. Digital Service), and/or the U.S. DOGE Service Temporary Organization.

For part 3 of this request, please provide all responsive records created or in effect from May 29, 2025, through the date the search is conducted.

4. A complete copy (including any attachments) of all formal or informal public records requests or requests for information submitted by any federal agency or representative thereof, including, but not limited to, the Department of Justice, Department of Homeland Security, Department of Government Efficiency (DOGE), U.S. DOGE Service (formerly U.S. Digital Service), and/or the U.S. DOGE Service Temporary Organization to the

Pennsylvania Department of State since January 20, 2025. This includes, but is not limited to, any requests submitted under the Right-to-Know Law (RTKL).

For part 4 of this request, please provide all responsive records from January 20, 2025, 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 federal government's construction of a centralized database housing data on immigrants.[1] Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including how Pennsylvania data is being used in this database.

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).[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

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[1] *See, e.g.*, Makena Kelly & Vittoria Elliott, *DOGE Is Building a Master Database to Surveil and Track Immigrants*, Wired (Apr. 18, 2025, 5:48 PM), https://www.wired.com/story/doge-collecting-immigrant-data-surveil-track/.

[2] American Oversight currently has approximately 16,000 followers on Facebook and 94,500 followers on X (formerly Twitter). American Oversight, Facebook, https://www.facebook.com/weareoversight/ (last visited July 8, 2025); American Oversight (@weareoversight), X (formerly Twitter), https://x.com/weareoversight (last visited July 8, 2025).

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

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 COVID-19 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 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.

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[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.

[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.

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.

- 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.

- 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.[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

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

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