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September 1, 2021

Email Only: records@americanoversight.org

Zachery Morris on behalf of
American Oversight
1030 15th Street NW, Suite B255
Washington, DC 20005

Re: Docket No. 21-0218 --Date of Original Docketing: 7/26/2021

Dear Mr. Morris:

As you are aware, the County of York invoked its right to an additional thirty (30) days to respond to your Open Records Request requesting the following information:

All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) sent or received by Elections Director Steve Ulrich and/or Assistant Director Annie Mendoza regarding attempts by the Pennsylvania legislature or its agents to conduct inquiries or investigations into York County's November 2020 elections, including but not limited to Senator Doug Mastriano's December 2020 request to conduct a "voluntary forensic examination of the general election."....

Please provide all responsive records from November 3, 2020, through February 28, 2021.

Based upon the information in your request, the County perform a search and have located one document that may be responsive to your request which is attached.

Please also note, part of your request was not sufficiently specific to determine what exactly was being requested. The purpose of the Right-To-Know law is to promote access to official governmental information in order to prohibit secrets, scrutinize the actions of public officials, and make public officials accountable for their actions. In pertinent part, Section 703 of the Act provides that a request for records "should identify or describe the records sought with sufficient specificity to enable the agency to ascertain which records are being requested." The specificity of a request must be construed in the request's context, rather than envisioning everything the

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request might conceivably encompass. With that in mind, your request is partially denied pursuant to 65 P.S. §67.703 because it is overly broad in the scope of documents sought.

Portions of your request that ask for “communications with other York County Officials”, “communications with other Pennsylvania officials”, “communications regarding any allegations of fraud: and “communications regarding the implications of examinations or their findings ...” is overbroad, vague and is unable to be used to determine the documents you are requesting. Despite this fact some documents from executive members of the County and other legislative members were located and reviewed and have been provided here.

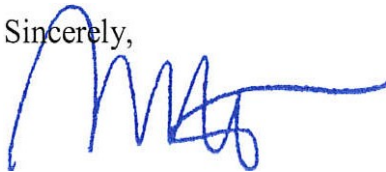
It is important to note that the documents were limited by the dates provided of November 20, 2020, and February 28, 2021.

Please be advised that where your requests docketed at 21-0215, 21-0216, 21-0217 and 21-0218 have requested duplicative items, they will not be provided again with each request

Pursuant to the Office of Open Records’ final Decision in *Jenkins vs. Pa. Dep’t of State*, OOR Dkt. AP 2009-065, it should be noted that: “It is not a denial of access when an agency does not possess records and [there is no] legal obligation to obtain them (see e.g. Section 67.506(d)(1)).”

You have the right to appeal the denial of any information, if applicable, in writing to Office of Open Records, 333 Market Street, 16th Floor, Harrisburg, PA 17101-2234. Your appeal must be filed with the Office of Open Records within fifteen (15) business day of the date of this letter.

Sincerely,



Michéllé Pokrifka, Esquire

MP/acp

Attachment

Pokrifka, Miche'lle

From: Gene Kern <gkern@waketsi.com>
Sent: Tuesday, January 5, 2021 3:52 PM
To: Pokrifka, Miche'lle
Cc: Ulrich, Steven F.; Doug Zubeck
Subject: Re: Forensic Audit Request
Attachments: PastedGraphic-4.tiff; PastedGraphic-5.tiff

I'm sorry that you did not understand my comments. I will explain in more detail so it is clear.

The York County Election Website - <https://yorkcountypa.gov/voting-elections/polling-places.html> lists York City, Townships and Boroughs for voters to see where they need to vote (see screen shot below).

When you select the Townships link it takes you to a list of the various Townships voting locations. When you scroll to the bottom of the list the last entry is York Township 5th Ward 3, Golden Connections Senior Center, 20 Gotham Place, Red Lion.

On the York Website at <https://yorkcountypa.gov/voting-elections/2020-election-information/sample-ballots.html> is a list of your sample ballots for people to review before voting. There is one ballot for each voting precinct that you have defined within your voting system (approximately 162 sample ballots). These sample ballots list the voting precinct they are representing in the upper left hand corner of the document. This list seems to be in alphabetical order. The sample ballot corner I show below (5-3-1) follows the York Township 5-3-0 ballot with a Ballot ID of 805. This one is labeled York Township 5-3-1 with a ballot ID of 489, and is before the last one in the list which is Yorkana Borough, Ballot ID 294.

This is the sample ballot that we could not find in the list of voting places that identifies a voting location as York Township 5-3-1.

I did not provide this information to be mean or rude to any person or any agency with these comments. I was just trying to assist the election commission in rectifying a minor issue that could cause some of your voters an issue in the next election when they go to find out where they are supposed to vote.

We look at the details (forensic analysis) of how the election was conducted, including communications with the voters and handling of the ballots, from an external viewpoint as well as looking at the actual ballots and voting machines. This was just a minor detail that I thought you should be informed of so it could be fixed prior to the next election.

Gene Kern
EVP
(610) 291-0133

On Jan 5, 2021, at 2:06 PM, Pokrifka, Miche'lle <MPokrifka@YorkCountyPA.gov> wrote:

Gene, thank you for the response, but the info you provided below needs to be clarified. That particular district has been split by the most recent PA Supreme Court redistricting and as a result some of the district is located in the 10th district and some of the district is now in the 11th district. We

do not have a separate polling location for 5-3 based upon the congressional district split into the 11th district.

I would ask that if you provided the below information to the Senator's office that you please also clear up the misunderstanding about how you interpreted the information.

Michèle Pokrifka, Esquire
County of York Solicitor
Administrative Building
Solicitors Office
28 East Market Street, Second Floor
York, PA 17401
717-771-4777

From: Gene Kern [<mailto:gkern@waketsi.com>]
Sent: Tuesday, January 5, 2021 8:54 AM
To: Baker, Nedra L. <NLBaker@YorkCountyPA.gov>
Cc: Pokrifka, Miche'lle <MPokrifka@YorkCountyPA.gov>
Subject: Re: Forensic Audit Request

CAUTION: External email!

Thank you Nedra. I have forwarded this email to Senator Mastriano and his staff.

On the County web site under sample ballots and polling locations there is a set of slight errors that the County may want to fix for the next election.

"York Township 5th Ward 3" is listed with the address shown below but it is not referred to as 3-0 as it is on the sample ballots. "York Township 5th Ward 3-1" from the sample ballots is not listed on the polling places list at all.

ID #	Borough/Ward	Building
805	York Township 5th Ward 3-0	Golden Connections Senior Center
489	York Township 5th Ward 3-1	NOT ON LIST OF POLLING PLACES

I am sorry that we were unable to audit the mail-in and absentee ballots at this time.

Gene Kern
EVP
(610) 291-0133

On Jan 4, 2021, at 12:28 PM, Baker, Nedra L. <NLBaker@YorkCountyPA.gov> wrote:
Dear Mr. Kern: Attached please find correspondence regarding the Forensic Audit Request.

Thank you,
*Nedra L. Baker, Legal Assistant
Solicitor's Office
York County Administrative Center
28 E. Market Street
York, PA 17401
(717) 771-4777*

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