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Right-to-Know Law Office

2004-24

June 29, 2004

Secretary of State
 Pennsylvania Department of State
 FOIA Officer, Press Office
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 Harrisburg, PA 17120

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Washington DC 20009

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PUBLIC RECORDS REQUEST

Dear Records Custodian:

Pursuant to the Pennsylvania Open Records Law, Pa. Stat. Ann. tit. 65, sec. 66.1 to 66.4, on behalf of Electronic Privacy Information Center, I request access to and copies of the following records:

1. All records pertaining to the acquisition of direct recording electronic devices (DRE) voting technology by the State of Pennsylvania.
2. All records related to the compliance assessment of all state-purchased DRE technology with existing state laws regarding the administration of elections and the acquisition of information technology.
3. All records of complaints from local precincts, individual citizens and non-profit organizations regarding the use of DRE systems in state-wide elections as well as responses to these complaints. Further, we request any available statistical information regarding the submission of complaints and their responses.
4. All documents related to the certification of specific DRE systems for use in state elections.
5. All records of any communication between the Office of the Secretary of State and vendors of DRE systems.
6. All records of communications between the Secretary of State and any other party discussing or interpreting Section 301(a)(2)(B) of the Help America Vote Act of 2002 (codified at 42 U.S.C. §15481(a)(2) (B)).

Please redact any personal information incidentally submitted in conjunction with any complaint. Pursuant to Pennsylvania Open Records Law, Pa. Stat. Ann. tit. 65, sec. 66.2-66.3, I am a citizen of the Commonwealth of Pennsylvania.

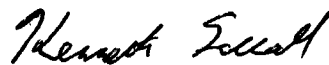
For purposes of fee assessments, we request that EPIC be placed in the category of "news media" requester. EPIC publishes a biweekly electronic newsletter, issues regular public reports and analyses, and maintains a free online electronic library. EPIC staff members are also regular contributors to numerous newspapers, newsletters, magazines, and law reviews. Any information that is obtained as a result of this request will be disseminated through these publications and others. We note that the FTC, the National Security Agency, and other agencies have previously recognized that EPIC qualifies for "news media" status. We also request a waiver of all applicable duplication fees, as release of this information will contribute significantly to the public's understanding of the activities and operations of government. This information is being sought on behalf of EPIC for dissemination to the general public.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

As I am making this request as a member of a news media organization and this information is of timely value, I would appreciate your communicating with me by telephone, rather than by mail, if you have questions regarding this request.

I look forward to your timely reply within 20 business days. Thank you for your assistance. Please direct all correspondence related to this request to my legal colleague, Chris Hoofnagle, at Electronic Privacy Information Center, 1718 Connecticut Ave., N.W., Suite 200, Washington, DC 20009, USA.

Sincerely,



Kenneth Farrall
IPIOP Clerk, EPIC

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