



Department of State
Right-To-Know Office
307 North Office Building
Harrisburg, Pennsylvania 17120-0029
Telephone: (717) 783-1621
Fax: (717) 772-4175

Mailing Date: July 20, 2004

Kenneth Farrall
Electronic Privacy Information Center
4710 Springfield Ave.
Second Floor
Philadelphia, PA 19143

Re: Right-to-Know Law Request No. 2004-24.

Dear Mr. Farrall,

This letter acknowledges receipt by the Department of State of your written request for records under the Pennsylvania *Right-to-Know Law* (65 P. S. §§ 66.1 et seq., as amended). Your request was received on July 6, 2004. A copy of your request is attached. For purposes of this letter, the "identified records" are those identified in your letter.

Your request has been granted in part and denied in part. Because the Pennsylvania Department of State does not acquire any voting systems or technology, including direct recording electronic (DRE) devices, this office cannot provide you any records pertaining to this voting technology. In Pennsylvania, the individual counties are responsible for the acquisition of the election equipment that is utilized under their respective jurisdictions. The Department of State is only responsible for certifying the use of specific voting systems.

Beaver, Berks, Dauphin, Greene, Mercer, Montgomery, Philadelphia and Potter Counties are the only counties in the Commonwealth that use DRE systems for their elections. If you wish to contact the County Board of Elections within these counties, you may obtain telephone numbers and addresses for their offices at the Department's website for the Bureau of Commissions, Elections and Legislation, www.dos.state.pa.us/bcel.

Likewise, since the individual counties, not the Department of State, administer the voting process on Election Day, all records of complaints from local precincts, individual citizens and non-profit organizations regarding the use of DRE systems must be directed to the counties that utilize this type of voting technology.

Furthermore, all records of communication between the Department of State and DRE vendors are not considered public records for purposes of the *Right-to-Know Law*. Likewise, all records of communication between the Department of State and any other party discussing or interpreting Section 301(a)(2)(B) of the Help America Vote Act of 2002 are not considered public records for purposes of the *Right-to-Know Law*. However, the Department's statement concerning this portion of the Help America Vote Act is set forth in the Pennsylvania State Plan, which can be accessed through the Department's website listed above.

A portion of your request has been granted. Enclosed you will find reports of all the DRE voting systems that are in use in Pennsylvania today. Additional public records relating to certification are

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available for inspection and copying at the Department of State. If you wish to review these documents, please contact this office.

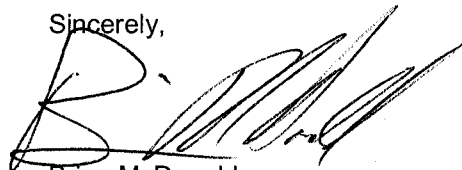
All statutorily set fees for this request have been waived. However, please be advised that any future requests you make through this office may carry a fee, as set by the *Right-to-Know Law*.

Right to Appeal

YOU HAVE A RIGHT TO CHALLENGE THIS DENIAL OF YOUR REQUEST. IN ORDER TO DO SO, YOU MUST FILE WRITTEN "EXCEPTIONS" TO THE RIGHT TO KNOW LAW EXCEPTIONS UNIT FOR THIS AGENCY WITHIN FIFTEEN (15) BUSINESS DAYS OF THE MAILING DATE OF THIS LETTER. YOUR WRITTEN EXCEPTIONS MUST STATE THE REASONS WHY YOU CLAIM THAT EACH IDENTIFIED RECORD IS A PUBLIC RECORD FOR PURPOSES OF THE RIGHT-TO-KNOW ACT. YOUR WRITTEN EXCEPTIONS ALSO MUST EXPLAIN WHY YOU DISAGREE WITH THE REASONS SET FORTH IN THIS LETTER FOR DENYING YOUR REQUEST. YOUR APPEAL MUST BE ADDRESSED TO THE FOLLOWING OFFICE:

HERBERT ABRAMSON, ESQ.
RIGHT TO KNOW LAW EXCEPTIONS UNIT
DEPARTMENT OF STATE
302 NORTH OFFICE BUILDING
HARRISBURG, PENNSYLVANIA 17120-0029

Sincerely,



Brian McDonald
Right-to-Know Law Official
Department of State

Enclosures