VIA EMAIL

November 4, 2022

Maria Malloy  
Open Records Officer  
124 W Diamond Street  
Butler, PA 16001  
openrecords@co.butler.pa.us

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:

All records reflecting Butler County’s decision regarding which precincts to hand recount for the November 2020 election, including any communications or formal or informal analyses supporting this selection.

Please provide all responsive records from June 1, 2022, through August 31, 2022.

Fee Waiver Request

In accordance with 65 P.S. § 67.1307(c)(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 the administration of elections in Pennsylvania.¹ Records with the potential to shed light on this matter would contribute significantly to

---

public understanding of operations of the government, including regarding the decision of Butler County officials to conduct a hand recount of ballots in certain precincts.

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 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 to Stop the Use of Electronic Voting Machines Across Pa., Pittsburgh Post-Gazette (Sept. 14, 2022, 6:21 AM), https://www.post-gazette.com/news/politics-state/2022/09/13/pa-election-deniers-voting-machines-conservative-activists-mike-lindell-seth-keshel-trump-patriot-groups/stories/202209110075.


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. For instance, if the request seeks “communications,” please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.

- 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.\textsuperscript{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
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 Mehreen Rasheed at records@americanoversight.org or (202) 848-1320.

Sincerely,

/s/ Mehreen Rasheed
Mehreen Rasheed
on behalf of
American Oversight