CREW

CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

June 14, 2024

**BY EMAIL:** Laura.Dennis@LuzerneCounty.org

Luzerne County
Laura Dennis, Esq.
Luzerne County Office of Law
Wilkes-Barre, PA 18711

**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., Citizens for Responsibility and Ethics in Washington (CREW) makes the following request for records.

**Requested Records**

1. All communications from November 1, 2020 to the date this request is processed sent by or to Alyssa Fusaro or Daniel Schramm and any of the following organizations:
    - True the Vote (@truethvote.org)
    - Restoring Integrity and Trust in Elections (@riteusa.org)
    - Election Integrity Network (@whoscounting.us)
    - The Heritage Foundation (@heritage.org)
    - The Election Research Institute (@electionresearchinstitute.org)
    - VoteRef (@voteref.com)
    - Foundation for Government Accountability (@thefga.org)
    - Honest Elections Project (@honestelections.org)
    - ALEC Action (@alecaction.org)
    - Election Transparency Initiative (@electiontransparency.org)
    - Virginia Fair Elections Project (@vafairelections.org)
    - The America Project (@americaproject.com)
    - Vote Your Vision (@voteyourvision.org)
    - Public Interest Legal Foundation (@publicinterestlegal.org)

- The Center for Election Integrity
- America First Policy Institute (@americafirstpolicy.com)
- Tea Party Patriots Action (@teapartypatriots.org)
- Conservative Legal Defense and Education Fund (@cldef.org)
- Conservative Partnership Institute (@cpi.org)
- Election Integrity Force (@electionintegrityforce.com)
- Election Integrity Fund
- American Voters' Alliance (@americanvotersalliance.org)
- The Amistad Project (@theamistadproject.org)
- Thomas More Society (@thomasmoresociety.org)
- The American Greatness Fund
- Liberty University's Falkirk Center
- America's Future (@americasfuture.org)
- Election Fairness Institute (@electionfairnessinstitute.org)
- Allied Security Operations Group
- Cyber Ninjas
- Audit the Vote PA (@auditthevotepa.com)
- Free PA (@freepa.net)
- Toni Shuppe
- Ballot Security Now (@ballotsecuritynow.org)
- Bill Bachenberg
- Grassroots Unite PA (@grassrootsunite.com)
- Lions for Liberty (@lionsforliberty.com)
- Pennsylvania Liberty Alliance (@palibertyalliance.org)
- Pennsylvania Patriot Coalition (@pennsylvaniapatriotcoalition.com)
- Berks County Patriots (@berkscountypatriots.org)
- Sam Brancadora
- Unite PA (@unitepa.net)
- Sam Feddis
- Verity Vote (@verityvote.us)

2. All records November 1, 2020 to the date this request is processed sent by or to Alyssa Fusaro or Daniel Schramm mentioning any of the terms listed above in Part 1 of this request.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, as well as those who were cc'ed or bcc'ed on any emails. 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.

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.[1]

If it is your position any portion of the requested records is exempt from disclosure, please cite each specific exemption you feel justifies the refusal to release the information and notify CREW of the appeal procedures available under the law. CREW requests that you state in writing and with particularity the reasons for any conclusion that a record is exempt or confidential. 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.

**Fee Waiver Request**

In accordance with 65 P.S. § 67.1307(f)(2), CREW 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 an interest in the administration and certification of elections in Pennsylvania, including the activities of those tasked with overseeing elections who may be involved in efforts to undermine public confidence in elections in Pennsylvania.[2] The requested records would contribute to public understanding of operations of the government, including whether Pennsylvania public officials have communicated with external entities and individuals engaged in efforts to cast doubt on election results. Furthermore, the request is primarily and fundamentally for non-commercial purposes.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to

[1] *See, e.g.*, *Barkeyville Borough v. Stearns*, 35 A.3d 91, 95–97 (Pa. Commw. Ct. 2012).
[2] *See, e.g.*, *Democracy Under Threat: A Spotlight on 204 Officials Who Could Undermine Our Elections*, Informing Democracy (Apr. 20, 2023), https://www.informingdemocracy.org/research-library/democracy-under-threat.

highlighting and working to reduce the influence of money on politics, and the public's understanding of the government's activities would be enhanced through CREW's analysis and publication of these records. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. The release of information obtained through this request is not in CREW's financial interest.

CREW routinely disseminates information obtained through records requests to the public in several ways. For example, CREW's website receives hundreds of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through records requests. CREW also posts the documents it obtains through records requests on its website.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

**Conclusion**

CREW requests that Luzerne County produce the records within five business days, as required by 65 P.S. § 67.901 and 65 P.S. § 67.902. If you have any questions about this request or foresee any problems in fully releasing the requested records, please email me at [redacted] or call me at (202) 408-5565. Also, if CREW's request for a fee waiver is denied, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to foia@citizensforethics.org or by mail to Jordan Pilant, Citizens for Responsibility and Ethics in Washington, [redacted]

Sincerely,

Jordan Pilant

Jordan Pilant