

Freyvogel, Christine

From: DeWind, Peter
Sent: Wednesday, August 3, 2022 11:36 AM
To: Freyvogel, Christine
Subject: FW: FOIL APPEAL
Attachments: TIO06-20220722-057-ED.pdf

From: Sauerbrey, Martha <SauerbreyM@tiogacountyny.gov>
Sent: Friday, July 22, 2022 1:54 PM
To: DeWind, Peter <DeWindP@tiogacountyny.gov>
Subject: FW: FOIL APPEAL

fyi

Martha Sauerbrey
Chair, Tioga County Legislature
607-687-8234

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From: janetfaello <[REDACTED]>
Sent: Friday, July 22, 2022 1:47 PM
To: Sauerbrey, Martha <SauerbreyM@tiogacountyny.gov>
Subject: FOIL APPEAL

Janet Faello

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

July 22, 2022

Martha Sauerbrey

Appeal Officer

Tioga County

56 Main Street

Owego, NY 13827

Sent: VIA E-File: sauerbreym@tiogacountyny.gov

Re: Cast Vote Records FOIL Appeal

Denied on July 22, 2022 by the Tioga County Board of Elections.

Dear Martha Sauerbrey:

I submitted a certified FOIL request for Register of Poll Watchers/Inspectors/Clerks from the Tioga County Board of Elections by written statement made on July 14, 2022. The following information is stated in the original certified FOIL request below.

In accordance with the New York Freedom of Information Law ("FOIL"), Public Officers Law § 87 *et seq.*, I hereby request the following *records* be produced, in the original, copied image or common electronic format within five (5) business days as stated in POL § 89 3 (a) you must grant the request, deny the request in writing, as well as provide a certified response for the reason of any denial in whole or part, or provide a date certain when such a response will be provided.

All cast vote *records* in the custody of the Tioga County Board of Elections starting October 13, 2020 through November 8, 2020 generated with, or produced by, stored on, or processed through, by the following devices:

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FOIL Request Cast Vote Records Appeal

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- Imagecast
- ES&S DS200
- ES&S Automark
- Ballot-Marking Devices (BMD's) and systems (BMD's) Optical scan.

Please refer to chapter 14 of <https://www.sos.state.co.us/pubs/elections/VotingSystems/DVS-DemocracySuite511/documentation/UG-RTR-UserGuide-5-11-CO.pdf>. This is for Dominion, but the steps should be similar on ES&S.

Select the choices for:

- ALL records
- SEPARATE file per batch
- JSON format

Then, after that CVR report is generated, run the action again with the choices for:

- ALL records
- EXCEL format (xlsx)

I request a text, comma or tab delimited file, or a text-based report, listing, in the sequence processed by the county, every ballot, it's sequential ID, its timestamp, its method of voting (early inperson, absentee,

mail-in, in person – whichever apply to the county), the specific votes contained for all races, and the batch id and tabulator id. Should any fields not be available, please include the fields which are. To be clear, I am not requesting a summary report of votes, I am requesting a per-ballot report. This set of information is sometimes known as a “cast vote record”, “ballot log”, or a “summary of ballots”. If the data exists as multiple files or reports, for instance by batch or by precinct, you do not need to aggregate them, please send the individual files. I specifically do not want included any information which identifies a specific voter, and I guarantee and stipulate that this information will not be used for that purpose.

“Records” means any information kept, held, filed, produced or reproduced by, with, or for this agency, in any physical form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or disks, rules, regulations or codes as stated in Article 6 of The Freedom of Information Law.

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I am requesting certified digital copies of the above public records in any of the following formats: .csv, .xls, .xlsx. For records that only exist only on paper, Adobe PDF scans will be sufficient. I am requesting that these PDF scans be e-mailed to the above address.

If my appeal does not adequately describe the records to be produced, please contact me via email so that I may clarify my appeal and when appropriate, inform me of the manner in which records are filed, retrieved or generated.

In addition, please be advised that the Freedom of Information Law directs that all appeals and the determinations that follow be sent to the Committee on Open Government, Department of State, One Commerce Plaza, 99 Washington Ave. Albany, New York 12231.

These records requested will not be used for solicitation or fund-raising purposes.

Please feel free to email me with any questions or suggestions you may have.

Sincerely,

Janet Faello

cc: Attorney File