

From: Elizabeth Miller <[REDACTED]>
Sent: Thursday, September 22, 2022 2:23 PM
To: Sauerbrey, Martha <SauerbreyM@tiogacountyny.gov>
Subject: appeal re: SBOEID Number Certification FOIL Request

Sent: VIA E-file

Re: SBOEID Number Certification FOIL Request Appeal

Dear Tioga County Appeal Officer:

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

I submitted a certified FOIL request for SBOEID Number Certification from the Tioga County Board of Elections by written statement made on August 17, 2022. The following information is stated in the original certified FOIL request below. I believe that this request has been wrongfully denied. I have received the requested information from other Boards of Elections in response to this request, so it is not true that Boards of Elections may not certify the validity of these numbers. Please see the attached forwarded emails for the original request and the responses from Kevin Hume.

Pursuant to the New York Freedom of Information Law (“FOIL”), Public Officers Law § 89 *et seq.*, I hereby request the following records be produced, in the original or common electronic format as described below:

Please *certify* the attached SBOEID numbers are valid with their corresponding signatures and paper application within the Tioga County Board of Elections database. Also provide their current registration status and origin such as: DMV, mail or Board of Elections, etc.

Per N.Y. Comp. Codes R. & Regs. Tit. 9 § 6212.5 (f) The board of elections must maintain, *as public records* at the appropriate office of the board, a complete and current hard copy alphabetized list of all registered voters which includes the address, town or city, assembly district or ward, where appropriate, election district,

registration serial number, party enrollment, date of registration, sex and date of birth of each such voter and a complete and current hard copy list of all registered voters which is arranged by election district and which contains all the information required to be included for each voter on the registration poll list prepared for use at an election, together with the facsimile signature of each such voter.

All *records* requested above are foil able and a matter of public knowledge see: <https://www.elections.gov/NYSBOE/FOIL/2021SubjectMatterList.pdf>

“*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.

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 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.

The records requested will not be used for solicitation or fundraising purposes.

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

Sincerely,

Elizabeth K. Miller

cc: Attorney File

----- Forwarded Message -----

From: Humes, Kevin <humesk@tiogacountyny.gov>

To: 'Elizabeth Miller' <[REDACTED]>; FOIL <foil@tiogacountyny.gov>

Sent: Monday, August 22, 2022 at 10:00:51 AM EDT

Subject: RE: SBOEID Number Certification FOIL Request

Good Afternoon

The Tioga County Board of Elections has informed me that county boards of elections cannot certify State BOE ID numbers, so your request is denied. This request should be directed to the NYS Board of Elections.

The following is the name and business address of the Records Access Officer of the New York State Board of Elections, who maintains a list of available records and to whom requests should be addressed:

John W. Conklin

Director of Public Information

New York State Board of Elections

40 North Pearl Street, Suite 5

Albany, NY 12207-2729

Tel: (518) 474-1953

The Director of Public Information must respond within five (5) business days.

Thank you,

Kevin A. Humes

Tioga County Law Department

Paralegal

56 Main Street

Owego, New York 13827

Direct Line: (607) 687-8677

From: Elizabeth Miller <[REDACTED]>
Sent: Wednesday, August 17, 2022 11:45 AM
To: FOIL <foil@tiogacountyny.gov>
Subject: SBOEID Number Certification FOIL Request

Elizabeth Miller

[REDACTED]

[REDACTED]

Sent: VIA E-file

Re: SBOEID Number Certification FOIL Request

Dear Tioga County Board of Elections:

Pursuant to the New York Freedom of Information Law ("FOIL"), Public Officers Law § 89 *et seq.*, I hereby request the following records be produced, in the original or common electronic format as described below:

Please *certify* the following SBOEID numbers are valid with their corresponding signatures and paper application within the Tioga County Board of Elections database. Also provide their current registration status and origin such as: DMV, mail or Board of Elections, etc.

Per N.Y. Comp. Codes R. & Regs. Tit. 9 § 6212.5 (f) The board of elections must maintain, *as public records* at the appropriate office of the board, a complete and current hard copy alphabetized list of all registered voters which includes the address, town or city, assembly district or ward, where appropriate, election district, registration serial number, party enrollment, date of registration, sex and date of birth of each such voter and a complete and current hard copy list of all registered voters which is arranged by election district and which contains all the information required to be included for each voter on the registration poll list prepared for use at an election, together with the facsimile signature of each such voter.

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NY00000000052421799

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NY00000000059863680

All *records* requested above are FOIL-able and a matter of public knowledge see: <https://www.elections.gov/NYSBOE/FOIL/2021SubjectMatterList.pdf>

“*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 on paper, Adobe PDF scans will be sufficient. I am requesting that these PDF scans be e-mailed to the above address.

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

If no records exist responsive to the above request(s), I hereby request a certification to that effect. For records produced in response to the above request(s), I hereby request a certification that the record(s) produced are correct.

Pursuant to Public Officers Law § 89 (3), within five business days of the receipt of this request, 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. If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name, address and e-mail address of the person or body to whom an appeal should be directed.

The records requested will not be used for solicitation or fundraising purposes.

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

Sincerely,

Elizabeth K. Miller

cc: Attorney File