IN THE SENATE OF PENNSYLVANIA

Appeal of Gelimson	:	**Senate RTK Appeal 03-2026**

FINAL DETERMINATION
September 25, 2026

INTRODUCTION

Dr. Anatolij Gelimson ("Requester") submitted a request to the Senate of Pennsylvania ("Senate") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq.*, seeking "all pending amendments to all bills from the 2025-2026 legislative session," including "all filed amendments regardless of whether they have been voted on or not." The Senate Open Records Officer ("Senate RTKL Officer") denied the request. Requester appealed. For the reasons stated in this Final Determination, the appeal is denied, and the Senate is not required to take any further action on this request.

FACTUAL BACKGROUND

On July 6, 2026, Requester submitted a RTKL request[1] to the Senate RTKL Officer as follows:

> "I would like to request all pending amendments to all bills from the 2025-2026 legislative session. It is my understanding that amendments that have been filed but not voted on by the Senate (or House) are currently not published on the palegis.us website. I ask that you share all filed amendments regardless of whether they have been voted or not."

[1] The Requester's request is attached to this Final Determination and labeled "Request."

On August 10, 2026, following a thirty-day extension[2] during which to respond, 65 P.S. § 67.902(b), the Senate RTKL Officer responded to the Requester denying his request on the basis that the records requested are not legislative records under the RTKL.[3] The Senate RTKL Officer noted that, "'*all filed amendments*' are not included within the definition of legislative record." The Senate RTKL Officer further responded that the definition of legislative record under the RTKL "only includes '*...amendments offered thereto in committee or in legislative session,...*" Finally, the Senate RTKL Officer asserted that "[u]ntil such time as a bill is consider[ed] in a committee meeting or during a legislative session and the amendment is officially offered by a member during the consideration of the bill in committee or session, the amendment is not a legislative record and is not accessible under the RTKL." The Senate RTKL Officer provided the Requester with information concerning how Requester could appeal the denial under the RTKL. 65 P.S. § 67.903.

On August 26, 2026, Requester submitted an appeal via email to this Office pursuant to the RTKL appealing the denial of his request. After the Senate Appeals Officer notified[4] the Requester of a deficiency with his appeal, Requester completed his appeal by submitting the additional materials required via email on August 27, 2026.[5]

In the appeal, Requester points to the definition of legislative record under the RTKL which includes the following provision: "[a] bill or resolution that has been introduced and amendments offered thereto in committee or in legislative session..." Requester argues that this language treats the introduction of bills and the offering of amendments as "parallel events," and that "neither

[2] The Senate's extension notice is attached to this Final Determination and labeled "Extension."
[3] The Senate's response is attached to this Final Determination and labeled "Senate's Response."
[4] The deficiency letter is attached to this Final Determination and labeled "Deficiency Letter."
[5] The Requester's appeal, including his August 26, 2026 and August 27, 2026 emails, is attached to this Final Determination and collectively labeled as "Requester's Appeal."

requires that the measure survive, pass, or receive a vote." Requester further contends that "[a] bill is unquestionably a legislative record the moment it is introduced, regardless of whether it ever receives a vote, advances out of committee, or is ultimately abandoned by its sponsor." Requester maintains that "there is no principled basis to read 'offered' more restrictively than 'introduced' when both terms appear in the same sentence, describing the equivalent stage of the process for amendments as for bills." Requester also argues that delaying public notice of amendments until called up on the floor or in committee undermines the right of citizens to petition the government under Article I, Section 20 of the Pennsylvania Constitution. Requester also argues that any ambiguity with the meaning of the word "offered" in the RTKL must be resolved in favor of transparency. Finally, the Requester claims that "[u]ntil recently, the public could review pending, unvoted amendments in person via a dedicated terminal in the Capitol Building." He concludes that the General Assembly's "longstanding practice of making these records available for public review" as well as the Senate's ongoing practice of publishing voted-on amendments on the General Assembly's website confirms the Senate's own understanding that amendments are legislative records. Requester asks that the denial of his RTKL request be reversed, that all filed amendments to bills from the 2025-2026 legislative session, regardless of voting status, be provided as legislative records, and that the Senate Appeals Officer direct that these records be provided electronically, consistent with the Senate's existing practice for other legislative records.

On September 1, 2026, the Senate Appeals Officer issued a submission schedule[6] to the parties. On September 11, 2026, counsel for the Senate submitted a letter brief in support of the Senate's position.[7] Requester did not make any further submission in support of his appeal in this matter.

[6] The submission schedule is attached to this Final Determination and labeled as "Submission Schedule."
[7] Counsel for the Senate's letter brief is attached to this Final Determination and labeled "Senate's Brief."

LEGAL ANALYSIS

"[T]he objective of the Right-to-Know Law…is to empower citizens by affording them access to information concerning the activities of their government." *SWB Yankees LLC v. Wintermantel*, 45 A.3d 1029, 1042 (Pa. 2012). Further, the law is "designed to promote access to official government information in order to prohibit secrets, scrutinize the actions of public officials, and make public officials accountable for their actions." *Pennsylvania State Police v. McGill*, 83 A.3d 476, 479 (Pa.Cmwlth. 2014) (citing *Office of Governor v. Scolforo*, 65 A.3d 1095, 1100 (Pa.Cmwlth. 2013).

The Senate is a legislative agency subject to the RTKL, and, as such, is required to disclose its legislative records. 65 P.S. § 67.303(a). A legislative record in the possession of a legislative agency is presumed to be a public record in accordance with the RTKL unless an exemption applies. 65 P.S. § 67.305(b). The initial burden is on the requester to prove that a requested record is a legislative record under the RTKL, and therefore subject to disclosure. The burden of proving that a legislative record is exempt from public access is on the legislative agency receiving a request by a preponderance of the evidence. 65 P.S. § 67.708(a)(2).

Under the RTKL, legislative agencies are only required to provide statutorily defined legislative records. *See* 65 P.S. § 67.303(a). Legislative records are limited in scope and comprise only those records specifically designated as such in the RTKL. If the record or document sought does not satisfy the definition of a legislative record, there is no need to discuss whether the document is in the possession, custody or control of the legislative agency or whether there are exemptions to disclosure. In such instances, the record or document is not subject to disclosure under the RTKL.

Section 102 of the RTKL defines legislative record as:

"Legislative record." Any of the following relating to a legislative agency or a standing committee, subcommittee or conference committee of a legislative agency:

(1) A financial record.

(2) A bill or resolution that has been introduced and amendments offered thereto in committee or in legislative session, including resolutions to adopt or amend the rules of a chamber.

(3) Fiscal notes.

(4) A cosponsorship memorandum.

(5) The journal of a chamber.

(6) The minutes of, record of attendance of members at a public hearing or a public committee meeting and all recorded votes taken in a public committee meeting.

(7) The transcript of a public hearing when available.

(8) Executive nomination calendars.

(9) The rules of a chamber.

(10) A record of all recorded votes taken in a legislative session.

(11) Any administrative staff manuals or written policies.

(12) An audit report prepared pursuant to the act of June 30, 1970 (P.L.442, No.151) entitled, "An act implementing the provisions of Article VIII, section 10 of the Constitution of Pennsylvania, by designating the Commonwealth officers who shall be charged with the function of auditing the financial transactions after the occurrence thereof of the Legislative and Judicial branches of the government of the Commonwealth, establishing a Legislative Audit Advisory Commission, and imposing certain powers and duties on such commission."

(13) Final or annual reports required by law to be submitted to the General Assembly.

(14) Legislative Budget and Finance Committee reports.

(15) Daily legislative session calendars and marked calendars.

(16) A record communicating to an agency the official appointment of a legislative appointee.

(17) A record communicating to the appointing authority the resignation of a legislative appointee.

(18) Proposed regulations, final-form regulations and final-omitted regulations submitted to a legislative agency.

(19) The results of public opinion surveys, polls, focus groups, marketing research or similar efforts designed to measure public opinion funded by a legislative agency.

65 P.S. § 67.102.

Unless a record satisfies one of the categories of legislative records enumerated under Section 102 of the RTKL, it is not required to be produced by a legislative agency under the RTKL.

65 P.S. § 67.102.

1. Amendments Become Legislative Records When They Are Offered to a Bill or Resolution

Determining whether filed or introduced amendments are legislative records within the language of the RTKL is a matter of statutory construction. "The object of all interpretation and construction of statutes is to ascertain and effectuate the intention of the General Assembly. Every statute shall be construed, if possible, to give effect to all its provisions." 1 Pa.C.S. § 1921(a). "When the words of a statute are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit." 1 Pa.C.S. § 1921(b). In determining the meaning of a statute, the plain language of that statute is the clearest indication of legislative intent. When the language of a statute is unambiguous, there is no need to resort to other indicia of legislative intent.

The definition of a legislative record under Section 102 of the RTKL includes the following category: "A bill or resolution that has been introduced and amendments offered thereto in committee or in legislative session, including resolutions to adopt or amend the rules of a chamber." 65 P.S. § 67.102(2). Requester contends that amendments should be treated similarly to bills or resolutions, and therefore become legislative records upon introduction. The Senate counters that the language of this section treats bills or resolutions differently from amendments. Bills or resolutions become legislative records upon introduction. Amendments become legislative records when they are offered in committee or in legislative session. Before a bill or resolution is introduced, it is merely a draft. Similarly, before an amendment is offered, it is likewise merely a draft.

The Senate's argument is well-taken. The relevant provision under Section 102 contemplates two separate categories of documents. The first category includes bills or resolutions

that have been introduced. The second category includes amendments which have been offered to a bill or resolution either in committee or in legislative session. To be clear, bills become legislative records upon introduction regardless of whether they are ever voted upon or whether they die during the legislative process. Similarly, an amendment becomes a legislative record once it is offered either in committee or in legislative session, regardless of whether the amendment is adopted or fails.

The Senate's reading of the language of Section 102 as to when amendments become legislative records is clear and free of any ambiguity. On the other hand, Requester's reading would contradict the plain language of the RTKL and would render the word "offered" meaningless. Under principles of statutory interpretation, all the provisions in the statute should be given effect and not be rendered superfluous. If the General Assembly had intended to include amendments which have been "filed" or "introduced" within the definition of legislative record, it could have said so. Instead, it used the term "offered" which has a clear and unambiguous meaning in the legislative process.

In legislative procedure, amendments are in essence motions to amend a bill or resolution. *See, e.g.,* Senate Rule 11(b)(11) setting the motion to amend within the precedence of motions. Under Senate Rule 13, amendments are in order "when a bill is reported or re-reported from committee, on second consideration and on third consideration." Senate Rule 13(a)(1). This Rule also describes the procedures for offering an amendment, including that "No amendment may be considered by the Senate until the Secretary-Parliamentarian of the Senate has posted the amendment on the Internet website maintained by the Senate." Senate Rule 13(a)(2). The offering of an amendment occurs when a member is recognized during consideration of a bill or resolution

and makes a motion to amend.[8] Once offered, the amendment becomes a legislative record for purposes of the RTKL.

In short, the plain language of the statute makes clear that amendments become legislative records subject to disclosure under the RTKL when they are offered by a member either in committee or in legislative session. Amendments which have not been offered are not legislative records and therefore not subject to disclosure under the RTKL.

2. Requester's Additional Arguments Also Fail

Requester also asserts that delaying public notice of amendments until they are called up on the floor or in committee undermines the right of citizens to petition the government under Article I, Section 20 of the Pennsylvania Constitution. The Constitution vests the legislative power of the Commonwealth in the General Assembly, consisting of the Senate and the House of Representatives. Pa. Const. Art. II, Section 1. The Constitution also grants each house the "power to determine the rules of its proceedings..." Pa. Const. Art. II, Section 11. The Senate has adopted rules for the legislative procedures in its chamber. Those rules specify when amendments to bills and resolutions are in order, and the manner in which they are offered. The Constitution also sets forth a number of requirements for, and restrictions on, legislation. For example, Article III, Section 1 states that "No law shall be passed except by bill, and no bill shall be altered or amended, on its passage through either House, as to change its original purpose." Additionally, Article III, Section 4 states, in relevant part, that every bill must be considered on three different days in each House, and that "All amendments made thereto shall be printed for the use of the members before

[8] This motion typically takes the form of "I offer the following amendment and move for its immediate adoption."

the final vote is taken on the bill..." These constitutional protections serve the purposes of public notice cited by the Requester.

Additionally, Requester contends that any ambiguity with the meaning of the word "offered" in the RTKL must be resolved in favor of transparency. However, as stated above, the language of the RTKL is not ambiguous. An amendment becomes a legislative record, and thereby accessible under the RTKL, when it is offered to a bill or resolution either in committee or in legislative session. An amendment is offered when a member is recognized either in committee or during legislative session, and presents an amendment to the bill or resolution under consideration. The plain language of Section 102 leaves no ambiguity to resolve: amendments which have been offered to bills or resolutions are legislative records. There is therefore no need to construe this language liberally as sought by Requester. "When the words of a statute are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit." *Levy v. Senate of Pennsylvania*, 65 A.3d 361, 380 (Pa. 2013) (quoting 1 Pa.C.S. § 1921(b)).

Finally, Requester contends that the past practice within the General Assembly of publishing "pending, unvoted amendments" demonstrates that such amendments are legislative records. As noted in the Senate's letter brief, such practice was limited to the House of Representatives, a separate legislative agency from the Senate. *See* 65 P.S. § 67.102 (definition of "legislative agency"). Any past practice of the House of Representatives is not relevant to this appeal. The relevant question here is whether the RTKL requires the Senate to disclose amendments before they have been offered. As noted above, the language of the RTKL is clear: amendments become legislative records when they are offered. Once an amendment becomes a legislative record, it is subject to disclosure under the RTKL. Before it is offered in committee or

in legislative session, an amendment is not a legislative record and therefore is not subject to disclosure under the RTKL.[9]

CONCLUSION

The documents sought by the Requester are not legislative records and therefore are not accessible under the Right-to-Know Law. Requester's appeal is denied and the Senate is not required to take any further action. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal to the Commonwealth Court. 65 P.S. § 67.1301(a). All parties must be served with notice of the appeal.

[9] Requester also points to "the Senate's ongoing practice of publishing voted-on amendments online" on palegis.us as evidence that the Senate understands amendments to be legislative records. Of course, in order for an amendment to be voted on, it must first be offered. Once offered, it is a legislative record subject to disclosure under the RTKL.

IN THE SENATE OF PENNSYLVANIA

Appeal of Gelimson	:	**Senate RTK Appeal 03-2026**

FINAL DETERMINATION
September 25, 2026

ORDER

AND NOW, this 25th day of September 2026, the appeal is DENIED. The Senate is not required to take any further action regarding the request.

MICHAEL GERDES
Senate Appeals Officer

APPEALING THIS DECISION TO COMMONWEALTH COURT

Within 30 days of the mailing date of this final determination, either party to this action may appeal the decision to the Commonwealth Court. 65 P.S. § 67.1301. If you have any questions about the procedure to appeal, you may call the Prothonotary of the Commonwealth Court at 717-255-1650.

Request

PENNSYLVANIA STATE SENATE
RECORD REQUEST

New Request Track

Request #RTK-2026-44

I would like to request all pending amendments to all bills from the 2025-2026 legislative session. It is my understanding that amendments that have been filed but not voted on by the Senate (or House) are currently not being published on the palegis.us website. I ask you to share all filed amendments regardless whether they have been voted on or not. Thank you, Anatolij Gelimson

Details

Submitted
Mon, Jul 06, 2026

Status
Completed

Requested Documents

Folder Location	File	Description	Size	Upload Date
No documents have been added				

Rows per page: 5 – < >

This site is protected by reCAPTCHA and the Google Privacy Policy and Terms of Service apply.

Extension

Gmail

Anatolij Gelimson <anatolij@fastdemocracy.com>

RTK Request RTK-2026-44 Anatolij Gelimson - Extension

RTK Officer (Pennsylvania State Senate) <PASen@request.justfoia.com> Wed, Jul 8, 2026 at 12:45 PM
Reply-To: ec3fc33f-7aab-415a-9f16-f47b8e9a3c0d.PASen@request.justfoia.com
To: ANATOLIJ@fastdemocracy.com
Cc: rtkofficer@occ.pasen.gov

Dear Mr. Gelimson,

I am responding to your recent RTK request, which was received on Monday July 6, 2026, in which you requested:

"...all pending amendments to all bills from the 2025-2026 legislative session.

It is my understanding that amendments that have been filed but not voted on by the Senate (or House) are currently not being published on the palegis.us website.

I ask you to share all filed amendments regardless whether they have been voted on or not."

Section 902 of the Right-to-Know law provides for an extension of time of up to 30 days to respond to the request if any of seven reasons enumerated in Section 902(a) of the Act apply. If so, the open records officer shall send written notice to the requester within five business days of receipt of the request for access. 65 P.S. §67.902.

As provided by Section 902, I am hereby notifying you that an extension is necessary to respond to your request for the reasons indicated below.

- *§902(a)(3) a timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations;* and
- *§902(a)(4) a legal review is necessary to determine whether the record is a record subject to access under this act;*

I expect to have a response to you within the 30-day extension window provided for in Section 902, with an extension due date of August 12, 2026.

If you have any questions, please call Michael Sarfert of my staff or please email me at RTKofficer@occ.pasen.gov.

Sincerely,

Jessica P. Rodic, Open Records Officer
Senate of Pennsylvania
Room 104 North Office Building | Harrisburg, PA 17120-3052
Office: 717.787.7163 Fax: 717.783.4296
RTKofficer@occ.pasen.gov | www.pasen.gov
Link to Senate RTKL website - http://www.pasen.gov/RTKL/index.cfm

Privileged Communication: The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material and may be subject to attorney client privilege and exempt from disclosure under applicable law. Any review, retransmission, dissemination, copying or other use of, or taking of any action in reliance upon, this communication by persons or entities other than the intended recipient is prohibited. If you receive this in error, please contact the sender by reply email and delete the material from any computer. It is the responsibility of the recipient of this message to protect against harmful content.

Senate's Response

Gmail

Anatolij Gelimson <anatolij@fastdemocracy.com>

RTK Request RTK-2026-44 Anatolij Gelimson - Response - Denied

RTK Officer (Pennsylvania State Senate) <PASen@request.justfoia.com> Mon, Aug 10, 2026 at 11:31 AM
Reply-To: ec3fc33f-7aab-415a-9f16-f47b8e9a3c0d.PASen@request.justfoia.com
To: ANATOLIJ@fastdemocracy.com
Cc: rtkofficer@occ.pasen.gov

Dear Mr. Gelimson,

I am responding to your RTK request in which you requested the following:

"I would like to request all pending amendments to all bills from the 2025-2026 legislative session.

It is my understanding that amendments that have been filed but not voted on by the Senate (or House) are currently not being published on the palegis.us website.

I ask you to share all filed amendments regardless whether they have been voted on or not."

In reviewing your request, the following sections of the Right-to-Know Law (RTKL), 65 P.S. § 67.101 et. seq., are relevant:

Section 303(a) of the RTKL provides that *"[a] legislative agency shall provide legislative records in accordance with this act."* 65 P.S. § 67.303(a). Section 102 defines *"legislative agency"* to include the Senate. 65 P.S. § 67.102.

Section 305(b) provides that "*A legislative record in the possession of a legislative agency. . . shall be presumed to be available in accordance with this act. The presumption shall not apply if: (1) the record is exempt under section 708; (2) the record is protected by a privilege; or (3) the record is exempt from disclosure under any other Federal or State law, regulation or judicial order or decree."* 65 P.S. § 67.305(b). Accordingly, if the record requested is not considered a "*Legislative record"* under the RTKL, it is not presumed to be available to the public.

Section 102 of the Act provides the following definition of *"legislative record". "Any of the following relating to a legislative agency or a standing committee, subcommittee or conference committee of a legislative agency:*

1. *A financial record.*
2. *A bill or resolution that has been introduced and amendments offered thereto in committee or in legislative session, including resolutions to adopt or amend the rules of a chamber.*
3. *Fiscal notes.*
4. *A co-sponsorship memorandum.*
5. *The journal of a chamber.*
6. *The minutes of, record of attendance of members at a public hearing or a public committee meeting and all recorded votes taken in a public committee meeting.*
7. *The transcript of a public hearing when available.*
8. *Executive nomination calendars.*
9. *The rules of a chamber.*
10. *A record of all recorded votes taken in a legislative session.*
11. *Any administrative staff manuals or written policies.*
12. *An audit report prepared pursuant to the act of June 30, 1970 (P.L.442, No.151) entitled, "An act implementing the provisions of Article VIII, section 10 of the Constitution of Pennsylvania, by designating the Commonwealth officers who shall be charged with the function of auditing the financial transactions after the occurrence thereof of the Legislative and Judicial branches of the government of the Commonwealth, establishing a Legislative Audit Advisory Commission, and imposing certain powers and duties on such commission."*
13. *Final or annual reports required by law to be submitted to the General Assembly.*
14. *Legislative Budget and Finance Committee reports.*
15. *Daily legislative session calendars and marked calendars.*
16. *A record communicating to an agency the official appointment of a legislative appointee.*
17. *A record communicating to the appointing authority the resignation of a legislative appointee.*
18. *Proposed regulations, final-form regulations and final-omitted regulations submitted to a legislative agency.*
19. *The results of public opinion surveys, polls, focus groups, marketing research or similar efforts designed to measure public opinion funded by a legislative agency." 65 P.S. § 67.102.*

Section 901 provides the general rule for responding to RTK requests.

Section 901. General rule.

Upon receipt of a written request for access to a record, an agency shall make a good faith effort to determine if the record requested is a public record, legislative record or financial record and whether the agency has possession, custody or control of the identified record, and to respond as promptly as possible under the circumstances existing at the time of the request. All applicable fees shall be paid in order to receive access to the record requested. The time for response shall not exceed five business days from the date the written request is received by the open-records officer for an agency. If the agency fails to send the response within five business days of receipt of the written request for access, the written request for access shall be deemed denied. 65 P.S. § 67.901.

The request is hereby denied as the records requested, "*all filed amendments*", are not included within the definition of legislative record. The definition of legislative record only includes "... *amendments offered thereto in committee or in legislative session, ...* ".

Until such time as a bill is consider in a committee meeting or during a legislative session and the amendment is officially offered by a member during the consideration of the bill in committee or session, the amendment is not a legislative record and not accessible under the RTKL.

Records that do not fall within the definition of legislative record are not covered by the presumption of accessibility under the RTKL. Please see the following case *Couloumbis v Senate of Pennsylvania*, No. 1071 C.D. 2023 (Pa. Commw. Ct. 2025)(Communications) and final determinations, *Senate RTK Appeals: 01-2009 & 02-2009, Scolforo* (Correspondence); *02-2012, Carollo* (Communications); *01-2013, Miller* (E-Mails); *02-2016, Pellington* (E-Mails); *02-2023, Caruso* (E-Mails); *04-2023, Avery* (Tickets Stubs and Gallery Passes) (Legislative Reference Bureau decided the appeal); and *02-2025, Lauchle* (Records, Communications, Letters, Internal Memorandum) where the denial of access to records that do not fall within the definition of legislative record have been appealed and the denials have been upheld. As the request has been denied, please find below information regarding the appeal process.

If you have any questions, please call Michael Sarfert of my staff or please email me at RTKofficer@occ.pasen.gov.

Sincerely,

Jessica P. Rodic, Open Records Officer
Senate of Pennsylvania
Room 104 North Office Building | Harrisburg, PA 17120-3052
Office: 717.787.7163 Fax: 717.783.4296
RTKofficer@occ.pasen.gov | www.pasen.gov
Link to Senate RTKL website - http://www.pasen.gov/RTKL/index.cfm

Privileged Communication: The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material and may be subject to attorney client privilege and exempt from disclosure under applicable law. Any review, retransmission, dissemination, copying or other use of, or taking of any action in reliance upon, this communication by persons or entities other than the intended recipient is prohibited. If you receive this in error, please contact the sender by reply email and delete the material from any computer. It is the responsibility of the recipient of this message to protect against harmful content.

Right to Appeal

In accordance with Section 903 of the Right-to-Know Law, you are hereby notified of your rights to appeal a denial under Chapter 11 of the Act. 65 P.S. §67.903.

The Senate has appointed the Secretary of the Senate, to serve as Appeals Officer. 65 P.S. §67.503. The Appeals Officer can be contacted as follows:

Michael Gerdes
Senate Appeals Officer
Room 462, State Capitol Building
Harrisburg, PA 17120-3053
Telephone: (717) 787-5920
RTKAppeals@os.pasen.gov

Please be sure to include your complete contact information with any appeal, a copy of the original request and this denial.

Chapter 11 of the law governs the appeals process and provides for the following:

1. An appeal must be filed with the Senate's Appeals Officer within 15 business days of the mailing date of this response.
2. An appeal shall state the grounds upon which the requester asserts that the record is a legislative record, which includes a financial record and shall address any grounds stated by the agency for delaying or denying the request. 65 P.S. §67.1101(a)(1). An appeal must also be filed in accordance with the provisions of Chapter 7 of Title 104 (Senate of Pennsylvania) of the Pennsylvania Code.
3. The Appeals Officer is required to make a final determination, in writing, within 30 days of receiving an appeal. Prior to making the final determination, the Appeals Officer may hold a hearing.

Deficiency Letter

Senate of Pennsylvania

August 27, 2026

Dr. Anatolij Gelimson
FastDemocracy Corp.
911 Washington Avenue, #500
Saint Louis, MO 63101
VIA EMAIL

RE: Appeal of Gelimson
Senate RTK Appeal 03-2026

Dear Dr. Gelimson:

Upon review of your Right-to-Know Law appeal docketed at the above-referenced docket number, it appears that your appeal is insufficient. Specifically, your appeal, which I received via email on August 26, 2026, did not include a complete copy of your Right-to-Know request. It also did not include a complete copy of the Senate Open Records Officer's response to your request.

These documents are necessary in order to form a complete record upon which to base a determination of your appeal. Furthermore, without this information, we would be unable to provide a complete record on appeal to an appellate court as required by the Right-to-Know Law.

Please submit these documents no later than September 3, 2026. If a complete appeal is not received by that date, this appeal will be dismissed.

Sincerely,

MICHAEL GERDES
Senate Appeals Officer

cc: Jessica P. Rodic, Open Records Officer *via email*

Requester's Appeal

Gerdes, Michael

From: Anatolij Gelimson <anatolij@fastdemocracy.com>
Sent: Wednesday, August 26, 2026 11:42 PM
To: RTKAppeals
Subject: Appeal - RTK Request RTK-2026-44 Anatolij Gelimson
Attachments: senate_appeal_letter.pdf

** External Email ** This email has come from an external source. Please use caution when opening attachments and clicking on links as they could contain malicious items.
Dear Officer Gerdes,

Please find attached my appeal to RTK-2026-44. I would appreciate if you could confirm receipt or let me know in case it should be sent via mail and not email.

Thank you,

Anatolij Gelimson

--

Dr. Anatolij Gelimson

Co-Founder and CTO, FastDemocracy.com

DPhil in Theoretical Physics (Oxford University)

Dr. Anatolij Gelimson

FastDemocracy Corp.

911 Washington Avenue #500
Saint Louis, MO 63101
314 379 6200 | anatolij@fastdemocracy.com

August 26th 2026

VIA EMAIL TO

Michael Gerdes
Senate Appeals Officer
Pennsylvania Senate
Room 462, State Capitol Building
Harrisburg, PA 17120

Re: **Appeal of Denial of Right-to-Know Law Request RTK 2026-44** (dated June 6, 2026; denial dated August 10 2026)

Dear Appeals Officer:

Pursuant to Section 1101(a) of the Right-to-Know Law, 65 P.S. § 67.1101(a), I appeal the Senate's denial, dated August 10th, 2026, of my Right-to-Know Law request. This appeal is timely filed within 15 business days of the mailing date of the denial.

Background

On June 6th, 2026, I requested "all pending amendments to all bills from the 2025-2026 legislative session," including amendments that have been filed but not yet voted on, which are not currently published on palegis.us. The Senate denied the request on the ground that "pending amendments" are not "legislative records" under Section 102 of the Right-to-Know Law, 65 P.S. § 67.102, reasoning that "[u]ntil such time as a bill is consider[ed] in a committee meeting or during a legislative session and the amendment is officially offered by a member during the consideration of the bill in committee or session, the amendment is not a legislative record" and not accessible under the RTKL. I appeal that determination.

Argument: An Amendment Is "Offered" When Filed, Not When Voted On

Section 102 defines a legislative record to include, in a single clause, "[a] bill or resolution that has been introduced and amendments offered thereto in committee or in legislative session." 65 P.S. § 67.102. This clause treats the introduction of a bill and the offering of an amendment as parallel events, and neither requires that the measure survive, pass, or receive a vote. A bill is unquestionably a legislative record the moment it is introduced, regardless of whether it ever receives a vote, advances out of committee, or is

ultimately abandoned by its sponsor. The great majority of introduced bills in any legislative session never become law, and many never receive any floor action at all, yet no one disputes that an introduced bill is, from the moment of introduction, a "legislative record." There is no principled basis to read "offered" more restrictively than "introduced" when both terms appear in the same sentence, describing the equivalent stage of the process for amendments as for bills.

Had the General Assembly intended to limit legislative records to amendments that were actually called up, debated, or voted upon, it could easily have used words to that effect: "considered," "acted upon," "voted upon," or "moved." It instead chose "offered," a term that in ordinary legislative and parliamentary usage describes the act of putting a proposal forward, not the outcome of that proposal.

Delaying Public Notice Until Immediately Before a Vote Undermines the Public's Right to Petition Its Government

Under the Senate's reading of Section 102, the public has no right to know that a bill might be amended, or what the amendment would do, until the amendment is called up on the floor of committee, which may occur shortly before the vote itself. Senators and their staff, by contrast, may obtain a copy of a proposed amendment upon request under Rule 13(a)(1) well before that point. The Senate's interpretation would make meaningful advance notice available to legislators and unavailable, as a matter of law, to the people those legislators represent. That result is difficult to square with Article I, Section 20 of the Pennsylvania Constitution, which guarantees citizens "the right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by petition, address or remonstrance." Pa. Const. art. I, § 20. A right to petition one's government is of little value if the government is free to keep the public in the dark about the very proposals the public would wish to petition against until it is too late to do so.

Any Remaining Ambiguity Must Be Resolved in Favor of Transparency

To the extent any ambiguity remains about the meaning of "offered," Pennsylvania law resolves it in the Requester's favor. Statutes are generally to be "liberally construed to effect their objects and to promote justice." 1 Pa.C.S. § 1928(c). The Pennsylvania Supreme Court has specifically held that the Right-to-Know Law is remedial legislation, enacted to "promote access to official government information in order to prohibit secrets, scrutinize the actions of public officials, and make public officials accountable for their actions," and that it must be construed liberally to effect that purpose, with restrictions on public access construed narrowly. Levy v. Senate of Pennsylvania, 65 A.3d 361 (Pa. 2013). Where the Senate's reading of "offered" is not compelled by the statutory text, that ambiguity should be resolved in favor of the interpretation that furthers the RTKL's transparency purpose.

The Senate's own past practice confirms this reading.

Until recently, the public could review pending, unvoted amendments in person via a dedicated computer terminal in the Capitol building. I understand this terminal has been removed, reportedly for cybersecurity reasons, with no confirmed restoration date. Whatever the reason for its removal, the General Assembly's own longstanding practice of making these records available for public review — through that terminal, and through the Senate's ongoing practice of publishing voted-on amendments online at palegis.us — confirms the Senate's own understanding that amendments are legislative records subject to public access, and that electronic distribution of such records is entirely practicable. A denial resting on the theory that these records were never public in the first place is difficult to reconcile with the General Assembly having maintained, for years, a mechanism for the public to review them, and with the Senate's continued practice of publishing the same category of record online once it is voted upon.

Requested Relief

I respectfully request that the Appeals Officer:

1. Reverse the denial and direct that all filed amendments to bills from the 2025-2026 legislative session, regardless of voting status, be provided as legislative records under Section 102; and

2. Direct that these records be provided electronically (by email or by posting to palegis.us alongside amendments that have been offered on the floor), consistent with the Senate's existing practice for other legislative records.

Thank you for your timely consideration of this appeal.

Respectfully,



Anatolij Gelimson

FastDemocracy Corp.

Gerdes, Michael

From:	Anatolij Gelimson <anatolij@fastdemocracy.com>
Sent:	Thursday, August 27, 2026 3:45 PM
To:	RTKAppeals
Cc:	RTKofficer
Subject:	Re: Appeal - RTK Request RTK-2026-44 Anatolij Gelimson
Attachments:	FastDemocracy Mail - RTK Request RTK-2026-44 Anatolij Gelimson - Extension.pdf; FastDemocracy Mail - RTK Request RTK-2026-44 Anatolij Gelimson - Response - Denied.pdf

** External Email ** This email has come from an external source. Please use caution when opening attachments and clicking on links as they could contain malicious items.
Hello Mr. Gerdes,

Of course, I assumed you had access to that information. You can find the original request here

and I'm attaching all the responses from the Senate Open Records Officer so far (extension and denial).

Let me know if you need anything else from me.

Best,

Anatolij

On Thu, Aug 27, 2026 at 1:33 PM RTKAppeals <RTKAppeals@os.pasen.gov> wrote:

> Dr. Gelimson,
>
> Please see the attached letter concerning this Right-to-Know Appeal.
>
> Sincerely,
>
> Michael Gerdes
>
> Senate Appeals Officer
>
> Room 462 Main Capitol Building
>
> Harrisburg, PA 17120

717-787-5920

RTKAppeals@os.pasen.gov

From: Anatolij Gelimson <anatolij@fastdemocracy.com>
Sent: Wednesday, August 26, 2026 11:42 PM
To: RTKAppeals <RTKAppeals@os.pasen.gov>
Subject: Appeal - RTK Request RTK-2026-44 Anatolij Gelimson

** External Email ** This email has come from an external source. Please use caution when opening attachments and clicking on links as they could contain malicious items.

Dear Officer Gerdes,

Please find attached my appeal to RTK-2026-44. I would appreciate if you could confirm receipt or let me know in case it should be sent via mail and not email.

Thank you,

Anatolij Gelimson

--

Dr. Anatolij Gelimson

Co-Founder and CTO, FastDemocracy.com

DPhil in Theoretical Physics (Oxford University)

--

Dr. Anatolij Gelimson

Co-Founder and CTO, FastDemocracy.com

DPhil in Theoretical Physics (Oxford University)

Gmail

Anatolij Gelimson <anatolij@fastdemocracy.com>

RTK Request RTK-2026-44 Anatolij Gelimson - Extension

RTK Officer (Pennsylvania State Senate) <PASen@request.justfoia.com> Wed, Jul 8, 2026 at 12:45 PM
Reply-To: ec3fc33f-7aab-415a-9f16-f47b8e9a3c0d.PASen@request.justfoia.com
To: ANATOLIJ@fastdemocracy.com
Cc: rtkofficer@occ.pasen.gov

Dear Mr. Gelimson,

I am responding to your recent RTK request, which was received on Monday July 6, 2026, in which you requested:

"...all pending amendments to all bills from the 2025-2026 legislative session.

It is my understanding that amendments that have been filed but not voted on by the Senate (or House) are currently not being published on the palegis.us website.

I ask you to share all filed amendments regardless whether they have been voted on or not."

Section 902 of the Right-to-Know law provides for an extension of time of up to 30 days to respond to the request if any of seven reasons enumerated in Section 902(a) of the Act apply. If so, the open records officer shall send written notice to the requester within five business days of receipt of the request for access. 65 P.S. §67.902.

As provided by Section 902, I am hereby notifying you that an extension is necessary to respond to your request for the reasons indicated below.

- *§902(a)(3) a timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations;* and
- *§902(a)(4) a legal review is necessary to determine whether the record is a record subject to access under this act;*

I expect to have a response to you within the 30-day extension window provided for in Section 902, with an extension due date of August 12, 2026.

If you have any questions, please call Michael Sarfert of my staff or please email me at RTKofficer@occ.pasen.gov.

Sincerely,

Jessica P. Rodic, Open Records Officer
Senate of Pennsylvania
Room 104 North Office Building | Harrisburg, PA 17120-3052
Office: 717.787.7163 Fax: 717.783.4296
RTKofficer@occ.pasen.gov | www.pasen.gov
Link to Senate RTKL website - http://www.pasen.gov/RTKL/index.cfm

Privileged Communication: The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material and may be subject to attorney client privilege and exempt from disclosure under applicable law. Any review, retransmission, dissemination, copying or other use of, or taking of any action in reliance upon, this communication by persons or entities other than the intended recipient is prohibited. If you receive this in error, please contact the sender by reply email and delete the material from any computer. It is the responsibility of the recipient of this message to protect against harmful content.

Gmail

Anatolij Gelimson <anatolij@fastdemocracy.com>

RTK Request RTK-2026-44 Anatolij Gelimson - Response - Denied

RTK Officer (Pennsylvania State Senate) <PASen@request.justfoia.com> Mon, Aug 10, 2026 at 11:31 AM
Reply-To: ec3fc33f-7aab-415a-9f16-f47b8e9a3c0d.PASen@request.justfoia.com
To: ANATOLIJ@fastdemocracy.com
Cc: rtkofficer@occ.pasen.gov

Dear Mr. Gelimson,

I am responding to your RTK request in which you requested the following:

"I would like to request all pending amendments to all bills from the 2025-2026 legislative session.

It is my understanding that amendments that have been filed but not voted on by the Senate (or House) are currently not being published on the palegis.us website.

I ask you to share all filed amendments regardless whether they have been voted on or not."

In reviewing your request, the following sections of the Right-to-Know Law (RTKL), 65 P.S. § 67.101 et. seq., are relevant:

Section 303(a) of the RTKL provides that *"[a] legislative agency shall provide legislative records in accordance with this act."* 65 P.S. § 67.303(a). Section 102 defines *"legislative agency"* to include the Senate. 65 P.S. § 67.102.

Section 305(b) provides that "*A legislative record in the possession of a legislative agency. . . shall be presumed to be available in accordance with this act. The presumption shall not apply if: (1) the record is exempt under section 708; (2) the record is protected by a privilege; or (3) the record is exempt from disclosure under any other Federal or State law, regulation or judicial order or decree.*" 65 P.S. § 67.305(b). Accordingly, if the record requested is not considered a "*Legislative record*" under the RTKL, it is not presumed to be available to the public.

Section 102 of the Act provides the following definition of *"legislative record"*. "*Any of the following relating to a legislative agency or a standing committee, subcommittee or conference committee of a legislative agency:*

1. *A financial record.*
2. *A bill or resolution that has been introduced and amendments offered thereto in committee or in legislative session, including resolutions to adopt or amend the rules of a chamber.*
3. *Fiscal notes.*
4. *A co-sponsorship memorandum.*
5. *The journal of a chamber.*
6. *The minutes of, record of attendance of members at a public hearing or a public committee meeting and all recorded votes taken in a public committee meeting.*
7. *The transcript of a public hearing when available.*
8. *Executive nomination calendars.*
9. *The rules of a chamber.*
10. *A record of all recorded votes taken in a legislative session.*
11. *Any administrative staff manuals or written policies.*
12. *An audit report prepared pursuant to the act of June 30, 1970 (P.L.442, No.151) entitled, "An act implementing the provisions of Article VIII, section 10 of the Constitution of Pennsylvania, by designating the Commonwealth officers who shall be charged with the function of auditing the financial transactions after the occurrence thereof of the Legislative and Judicial branches of the government of the Commonwealth, establishing a Legislative Audit Advisory Commission, and imposing certain powers and duties on such commission."*
13. *Final or annual reports required by law to be submitted to the General Assembly.*
14. *Legislative Budget and Finance Committee reports.*
15. *Daily legislative session calendars and marked calendars.*
16. *A record communicating to an agency the official appointment of a legislative appointee.*
17. *A record communicating to the appointing authority the resignation of a legislative appointee.*
18. *Proposed regulations, final-form regulations and final-omitted regulations submitted to a legislative agency.*
19. *The results of public opinion surveys, polls, focus groups, marketing research or similar efforts designed to measure public opinion funded by a legislative agency." 65 P.S. § 67.102.*

Section 901 provides the general rule for responding to RTK requests.

Section 901. General rule.

Upon receipt of a written request for access to a record, an agency shall make a good faith effort to determine if the record requested is a public record, legislative record or financial record and whether the agency has possession, custody or control of the identified record, and to respond as promptly as possible under the circumstances existing at the time of the request. All applicable fees shall be paid in order to receive access to the record requested. The time for response shall not exceed five business days from the date the written request is received by the open-records officer for an agency. If the agency fails to send the response within five business days of receipt of the written request for access, the written request for access shall be deemed denied. 65 P.S. § 67.901.

The request is hereby denied as the records requested, "*all filed amendments*", are not included within the definition of legislative record. The definition of legislative record only includes "... *amendments offered thereto in committee or in legislative session, ...* ".

Until such time as a bill is consider in a committee meeting or during a legislative session and the amendment is officially offered by a member during the consideration of the bill in committee or session, the amendment is not a legislative record and not accessible under the RTKL.

Records that do not fall within the definition of legislative record are not covered by the presumption of accessibility under the RTKL. Please see the following case *Couloumbis v Senate of Pennsylvania,* No. 1071 C.D. 2023 (Pa. Commw. Ct. 2025)(Communications) and final determinations, *Senate RTK Appeals: 01-2009 & 02-2009, Scolforo* (Correspondence); *02-2012, Carollo* (Communications); *01-2013, Miller* (E-Mails); *02-2016, Pellington* (E-Mails); *02-2023, Caruso* (E-Mails); *04-2023, Avery* (Tickets Stubs and Gallery Passes) (Legislative Reference Bureau decided the appeal); and *02-2025, Lauchle* (Records, Communications, Letters, Internal Memorandum) where the denial of access to records that do not fall within the definition of legislative record have been appealed and the denials have been upheld. As the request has been denied, please find below information regarding the appeal process.

If you have any questions, please call Michael Sarfert of my staff or please email me at RTKofficer@occ.pasen.gov.

Sincerely,

Jessica P. Rodic, Open Records Officer
Senate of Pennsylvania
Room 104 North Office Building | Harrisburg, PA 17120-3052
Office: 717.787.7163 Fax: 717.783.4296
RTKofficer@occ.pasen.gov | www.pasen.gov
Link to Senate RTKL website - http://www.pasen.gov/RTKL/index.cfm

Privileged Communication: The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material and may be subject to attorney client privilege and exempt from disclosure under applicable law. Any review, retransmission, dissemination, copying or other use of, or taking of any action in reliance upon, this communication by persons or entities other than the intended recipient is prohibited. If you receive this in error, please contact the sender by reply email and delete the material from any computer. It is the responsibility of the recipient of this message to protect against harmful content.

Right to Appeal

In accordance with Section 903 of the Right-to-Know Law, you are hereby notified of your rights to appeal a denial under Chapter 11 of the Act. 65 P.S. §67.903.

The Senate has appointed the Secretary of the Senate, to serve as Appeals Officer. 65 P.S. §67.503. The Appeals Officer can be contacted as follows:

Michael Gerdes
Senate Appeals Officer
Room 462, State Capitol Building
Harrisburg, PA 17120-3053
Telephone: (717) 787-5920
RTKAppeals@os.pasen.gov

Please be sure to include your complete contact information with any appeal, a copy of the original request and this denial.

Chapter 11 of the law governs the appeals process and provides for the following:

1. An appeal must be filed with the Senate's Appeals Officer within 15 business days of the mailing date of this response.
2. An appeal shall state the grounds upon which the requester asserts that the record is a legislative record, which includes a financial record and shall address any grounds stated by the agency for delaying or denying the request. 65 P.S. §67.1101(a)(1). An appeal must also be filed in accordance with the provisions of Chapter 7 of Title 104 (Senate of Pennsylvania) of the Pennsylvania Code.
3. The Appeals Officer is required to make a final determination, in writing, within 30 days of receiving an appeal. Prior to making the final determination, the Appeals Officer may hold a hearing.

Submission Schedule

Senate of Pennsylvania

September 1, 2026

Jessica P. Rodic
Open Records Officer
Senate of Pennsylvania
104 North Office Building
Harrisburg, PA 17120
VIA EMAIL & HAND DELIVERY

Dr. Anatoli Gelimson
FastDemocracy Corp.
911 Washington Avenue, #500
Saint Louis, MO 63101
VIA EMAIL & FIRST CLASS MAIL

RE: Appeal of Gelimson
Senate RTK Appeal 03-2026

Dear Ms. Rodic and Dr. Gelimson:

This letter establishes the submission schedule for documents in the above-captioned RTK appeal. As you know, Dr. Gelimson has appealed a denial of access to certain records. The appeal was filed pursuant to the Right-to-Know Law, 65 P.S. § 67.101 *et seq.*, a copy of which was provided to Ms. Rodic via email on August 27, 2026.

Ms. Rodic, as the Senate's Open Records Officer, may file a memorandum of law and any other evidentiary documentation in support of her denial of access with my Office by the close of business Friday, September 11, 2026. A copy of any and all submissions shall also be served on Dr. Gelimson. Dr. Gelimson may submit a memorandum of law or any other evidentiary documentation in support of his appeal with my Office by close of business Monday, September 21, 2026. A copy of any and all submissions by Dr. Gelimson shall also be served on Ms. Rodic. Thank you for your cooperation.

Sincerely,

MICHAEL GERDES
Senate Appeals Officer

Senate's Brief

PA SEN SECRETARY OFC-ROLD
'26 SEP 11 PM1:55

Senate of Pennsylvania

September 11, 2026

Michael Gerdes, Senate Appeals Officer
Room 462, Main Capitol
Harrisburg, PA 17120-3053

By Email and Hand Delivery

Re: *Gelimson v. Senate of Pennsylvania*, Senate RTK Appeal 03-2026 (Senate RTK Request 2026-44)

Dear Senate Appeals Officer Gerdes:

I represent the Senate of Pennsylvania and the Senate's Open Records Officer in the above matter. I write to submit the Senate's merits submission in response to the requester's appeal. For the reasons below, the Senate requests denial of the appeal and an order that the Senate need not take further action on the request.

I. Background

On July 6, 2026, the Senate's Open Records Officer (ORO), received the request which requested access to and stated the following:

> *"I would like to request all pending amendments to all bills from the 2025-2026 legislative session. It is my understanding that amendments that have been filed but not voted on by the Senate (or House) are currently not being published on the palegis.us website. I ask you to share all filed amendments regardless whether they have been voted on or not."* (Exhibit 1)

The Senate ORO timely applied an extension to the request with an anticipated due date of August 12, 2026. (Exhibit 2). A final determination was provided on August 10,

2026, denying the request because it did not seek legislative records, citing appropriate case law and final determinations, and providing information on the appeals process. (Exhibit 3)

On August 26, 2026, the requester appealed and on August 27, 2026, in response to the Senate Appeals Officer notification that the appeal was insufficient for failure to include required documents, the requester provided the required documents to make the appeal complete. (Exhibit 4 – Argument only)

On September 1, 2026, the Senate Appeals Officer established a submission schedule, and the Senate was directed to make a written submission in support of its position by September 11, 2026. It now timely submits this letter brief and requests denial of the appeal.

II. Argument

A. The appeal should be denied because the requested records are not "legislative records", which is limited to amendments that have been "Offered".

This matter arises under the Right-To-Know Law (RTKL), 65 P.S. §67.101 to §67.3104. The starting point is its plain language, as the "clearest indication of legislative intent is generally the plain language of a statute." *Off. of Governor v. Donahue*, 59 A.3d 1165, 1168 (Pa. Commw. Ct. 2013), *aff'd*, 98 A.3d 1223, 1237-38 (Pa. 2014). "When the words of a statute are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit." *Levy v. Senate of Pa.*, 65 A.3d 361, 380 (Pa. 2013) (quoting 1 Pa.C.S. §1921(b)). Thus, where statutory language is unambiguous, there is "no need to resort to other indicia of legislative intent." *Donahue*, 59 A.3d at 1168-69.

The RTKL language here is clear and unambiguous. The Senate of Pennsylvania is a "legislative agency." 65 P.S. §67.102. A "legislative agency" is presumptively to

provide requested "legislative records." *Id.*, §67.303(a).[1]

The RTKL defines "legislative records" as 19 specific kinds of items:

1. *A financial record.*
2. *A bill or resolution that has been introduced and amendments offered thereto in committee or in legislative session, including resolutions to adopt or amend the rules of a chamber.*
3. *Fiscal notes.*
4. *A co-sponsorship memorandum.*
5. *The journal of a chamber.*
6. *The minutes of, record of attendance of members at a public hearing or a public committee meeting and all recorded votes taken in a public committee meeting.*
7. *The transcript of a public hearing when available.*
8. *Executive nomination calendars.*
9. *The rules of a chamber.*
10. *A record of all recorded votes taken in a legislative session.*
11. *Any administrative staff manuals or written policies.*
12. *An audit report prepared pursuant to the act of June 30, 1970 (P.L.442, No.151) entitled, "An act implementing the provisions of Article VIII, section 10 of the Constitution of Pennsylvania, by designating the Commonwealth officers who shall be charged with the function of auditing the financial transactions after the occurrence thereof of the Legislative and Judicial branches of the government of the Commonwealth, establishing a Legislative Audit Advisory Commission, and imposing certain powers and duties on such commission."*
13. *Final or annual reports required by law to be submitted to the General Assembly.*
14. *Legislative Budget and Finance Committee reports.*
15. *Daily legislative session calendars and marked calendars.*
16. *A record communicating to an agency the official appointment of a legislative appointee.*
17. *A record communicating to the appointing authority the resignation of a legislative appointee.*

---

[1] "Section 305. Presumption.

...(b) Legislative records and financial records.--A legislative record in the possession of a legislative agency and a financial record in the possession of a judicial agency shall be presumed to be available in accordance with this act. The presumption shall not apply if:

(1) the record is exempt under section 708;

(2) the record is protected by a privilege; or

(3) the record is exempt from disclosure under any other Federal or State law, regulation or judicial order or decree." 65 P.S. §67.102.

18. *Proposed regulations, final-form regulations and final-omitted regulations submitted to a legislative agency.*
19. *The results of public opinion surveys, polls, focus groups, marketing research or similar efforts designed to measure public opinion funded by a legislative agency. Id.*, 65 P.S. §67.102.

In short, the plain language of the RTKL presumptively requires the Senate to only produce the above 19 types of items.

Within the definition of *legislative record* is:

2. A bill or resolution that has been introduced and amendments offered thereto in committee or in legislative session, including resolutions to adopt or amend the rules of a chamber.

This language has a very specific meaning, which the General Assembly was aware of when the RTKL was updated in 2008 and first applied to the General Assembly. "*Offered*" means the actual recognition of a member in a committee meeting or on the Senate Floor during a session and the offering of the amendment for consideration by the committee or the full Senate.[2] The Senate Journals are filled with hundreds - if not thousands - of instances where a member is recognized as having "offered" an amendment, not that the member had "filed" an amendment. For instance, Exhibit 5 includes several examples of this recognition and "offering" process on the Senate Floor during the consideration of Senate Bill 1 during the 2007-2008 Session of the General Assembly (Senate Bill 1 – the

[2] "Rule 13
Amendments
(a) When in order.

(2) Amendments offered on the Floor shall be read by the Reading Clerk and stated by the presiding officer to the Senate before being acted upon. Amendments shall be presented with at least four typewritten copies obtained electronically through the Legislative Reference Bureau, which shall have the Sponsor identified. No amendment may be considered by the Senate until the Secretary-Parliamentarian of the Senate has posted the amendment on the Internet website maintained by the Senate." Rules of the Senate of Pennsylvania, Rule 13(a)(2).

update to the Right-To-Know Law, Act 8 of 2008). (Exhibit 5).

The requester attempts to makes the argument that "offered" is synonymous with "introduced" and once an amendment is "filed" it should be considered the same as a bill that has been "introduced". However, from a statutory construction perspective, if "introduced" and "offered" were synonymous there would have been no reason in the RTKL to distinguish between a bill and an amendment – the definition in subsection 2 could merely have been "A bill, resolution or amendment that has been introduced..."

Thus, the requester's argument ignores the fact that these specific words were included to limit and define the records for which access is being granted under the RTKL. This distinction is borne out by process. For example, when a bill is introduced, it is an actual action taken by a member - the submission of the bill to the Senate Secretary's Office, at which time the bill is numbered.[3] It is that official action of "introduction" with the Secretary's Office that makes the bill a legislative record; prior to that, it is merely a draft bill not subject to the Right to Know Law.

Requester's argument also ignores the fact that "filing" is a misnomer in the context of amendments. All amendments are "filed" and placed on the legislative website once they have been "offered" on the Floor or in Committee by way of formally making a motion to amend the underlying bill[4]. It is the "offering" that is the official legislative act;

---

[3] "Rule 6 Duties of the Secretary-Parliamentarian.

...

(c) Specific Duties.

(1) Direct the following functions:

...

(iv) Numbering Senate bills as they are introduced and causing them to be distributed to the chair of the committee to which they are referred and receiving a receipt for the same." Rules of the Senate of Pennsylvania, Rule 6 (c)(1)(iv).

[4] Rule 11 recognizes that, in order to offer an amendment as part of the normal legislative process, a Senator

everything prior to that is anticipatory, preliminary and subject to a member deciding not to move forward with an amendment. Thus, until the underlying bill is scheduled for consideration and the "*amendments offered thereto in committee or in legislative session*" by a Senator it does not become a legislative record.[5] The specific words of the RTKL, "*...amendments offered thereto in committee or in legislative session*" are used in the context of the legislative process. The plain meaning of the full definition, in the context of the legislative process, is a Senator offering the amendment for consideration during a committee meeting or on the Floor during session regardless of whether it is adopted or rejected. As a matter of statutory construction, each word in a statutory provision has to be given meaning and not treated as surplusage; that axiom requires distinguishing between

---

must make an official motion to amend the bill subject to a majority vote. That is the only way to "offer" an amendment to the underlying bill. *See* Rules 11 (formally recognizing how to make a motion to amend, its precedence in relation to other main motions, and whether it is subject to debate) and 13 (discussing when the motion to amend is allowed). Rules of the Senate of Pennsylvania, Rules 11 & 13. (See https://www.palegis.us/senate/rules)

[5] The specific language used in the definition of "legislative records" provides clarity for what is a legislative record. The definition of a public record is broad and encompassing. Both have the same list of exemptions.

> "Public record." A record, including a financial record, of a Commonwealth or local agency that:
> (1) is not exempt under section 708;
> (2) is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree, or
> (3) is not protected by privilege.
>
> "Record." Information, regardless of physical form or characteristics, that documents a transaction or activity of an agency and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the agency. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically and a data processed or image-processed document. 65 P.S. 67.102.

While the Senate stands by the interpretation supported in this brief, Section 708(b)(9) of the RTKL exempts "[t]he draft of a bill, resolution, regulation, statement of policy, management directive, ordinance or amendment thereto prepared by or for an agency." 65 P.S. 67.708(b)(9). Case law supports the exemption for a draft until such time as it is scheduled for consideration, which follows Senate rules and practices of when bills or resolutions are introduced and when bills are scheduled for consideration "and amendments are offered thereto in committee or in legislative session, ...". Either way the records requested are not accessible under the RTKL. See Philadelphia Public School Notebook v. School Dist. Of Philadelphia, 49 A.3d 445, Commw. Ct. 2012.

"introduced" and "offered" in the specific context those words are used and does not support requestor's argument to the contrary.

The Commonwealth Court has ruled on the issue of the definition of legislative record and upheld the SAO's interpretation of "legislative record" as limited to the specifically-listed 19 types of "legislative records." *See Couloumbis v. Senate of Pennsylvania*, 334 A.3d 48, 53-54 (Pa. Commw. Ct. 2025) ("If the legislature intended to include 'communications' in the definition of legislative record, the legislature could have included this language in the definition."). That decision tracks earlier SAO rulings. *See Appeal of Miller*, Jan. 17, 2014 (Senate RTK Appeal 01-2013) (Senate Appeals Officer decision denying appeal seeking email messages); *Appeal of Pellington*, Jan. 20, 2017 (Senate RTK Appeal 02-2016) (same); *Appeal of Scolforo*, Feb. 24, 2009 (Senate RTK Appeal 01-2009 & 02-2009) (denying appeal seeking correspondence with lobbyists); *Appeal of Carollo*, June 18, 2012 (Senate RTK Appeal 02-2012) (denying appeal seeking communications and correspondence); *Appeal of Caruso,* August 25, 2023 (Senate RTK Appeal 02-2023 / LRB Appeal No. 2023-02) (denying appeal seeking email messages and correspondence).*Appeal of Avery,*. January 16, 2024 (Tickets Stubs and Gallery Passes) (Legislative Reference Bureau decided the appeal); and *Appeal of Lauchle,* September 24, 2025 (Records, Communications, Letters, Internal Memorandum).[6] If the General Assembly had intended amendments to be accessible when filed then the word *"filed"* would have been used, not the phrase *"offered amendments thereto in committee or in legislative session"*.

[6] These decisions are publicly available here: www.secretary.pasen.gov/RTKL.cfm

The denial should be upheld based upon this argument alone.

B. <u>Requester offers no valid reason to sustain the appeal.</u>

Requester offers other arguments for access that in this case are not supported by the RTKL nor the facts.

The requester contends the public's right to petition its government is infringed by this plain meaning interpretation of the definition of "legislative record". As previously stated, the courts have ruled that when the plain meaning is clear they do not have the authority to expand the law. Additionally, there are constitutional protections and procedural rules in place as to how legislation is to be considered and to provide notice and opportunity to the public, including requirements that:

> "No bill shall be so altered or amended, on its passage through either House, as to change its original purpose"; Const. Art. III, Sec. 1;
>
> "No bill shall be passed containing more than one subject, which shall be clearly expressed in its title, except a general appropriation bill or a bill codifying or compiling the law or a part thereof." Const. Art. III, Sec. 2;
>
> "Every bill shall be considered on three different days in each House. All amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill..." Const. Art. III, Sec. 3;
>
> "(m) Printing of amended bills.—
>
> (1) All bills reported or re-reported from committee, if amended by the committee, and all bills on the Calendar, if amended by the Senate, shall be reprinted and a new printer's number assigned thereto before any action is taken thereon.
>
> (2) No bill or joint resolution re-reported from committee as amended shall be voted upon on final passage until at least 10 hours have elapsed from the time of the committee report." Rules of the Senate of Pennsylvania, Rule 12(m).

The next argument the requester makes is that there is ambiguity in the language and that it should be resolved in favor of transparency. The appeal cites *Levy* on this topic.

but the court in the same decision stated "[w]hen the words of a statute are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit." *Levy v. Senate of Pa.*, 65 A.3d 361, 380 (Pa. 2013) (quoting 1 Pa.C.S. §1921(b)). Again, the plain language is the first rule when considering whether or not the records are subject to access under the RTKL and as outlined above, the Senate's reading of the full statutory text leaves no ambiguity – "*...amendments offered thereto in committee or in legislative session*", therefore there is no need nor occasion for the language to be construed liberally. Resolving a matter in favor of transparency is only as a last resort when a matter is unclear, which is not the case in this matter.

The requester refers to a past practice of amendments being made available via a computer in the Capitol building, which inaccurately implies the Senate's involvement in that previous access. It is my understanding that the computer referenced was controlled solely by the Pennsylvania House of Representatives, a separate and distinct legislative agency, that only House amendments were made available, and those practices do not reflect the practice of the Senate in this matter. While the requestor believes our denial under the RTKL is in conflict with a past practice and the two cannot be reconciled, that belief is false since there was in fact no such past practice as to the Senate and no reconciliation is necessary. If Senate amendments were available, it was without the knowledge and consent of the Senate, in violation of Senate Rules, and the Senate is the sole agency to determine whether to grant access to Senate records exempt from access under the RTKL (see Section 506(c)).[7]

---

[7] Section 506. Requests

...

(c) Agency discretion.--An agency may exercise its discretion to make any otherwise exempt record accessible for inspection and copying under this chapter, if all of the following apply:

(1) Disclosure of the record is not prohibited under any of the following:

III. Conclusion

Requester has the initial burden to prove a requested record is accessible under the RTKL, in this case a "legislative record," and presumptively subject to disclosure. For the reasons outlined in this response, the Senate of Pennsylvania and its Open Records Officer request the denial of the requester's appeal and an order that the Senate need not take any further action regarding the request.

Respectfully submitted,

Michael A. Sarfert

Michael A. Sarfert, Counsel
Office of the Chief Clerk
/ Senate Open Records Officer
Senate of Pennsylvania

Attachments (Exhibits)
c: Anatolij Gelimson, anatolij@fastdemocracy.com and mail

(i) Federal or State law or regulation.
(ii) Judicial order or decree.
(2) The record is not protected by a privilege.
(3) The agency head determines that the public interest favoring access outweighs any individual, agency or public interest that may favor restriction of access.

The Senate Appeal Officer is without the authority to order the Senate ORO to exercise the discretion provided for by Section 506(c) and release the records. See Pa. Dep't of Pub. Welf. v. Froelich, 29 A.3d 863 (Pa. Commw. Ct. 2011); Loro v. Delaware Cnty., OOR Dkt. AP 2019-0779, 2019 PA O.O.R.D. LEXIS 590. (Cases where the Pennsylvania Office of Open Records ruled they lacked the authority to order an agency to exercise its discretion and release records.)

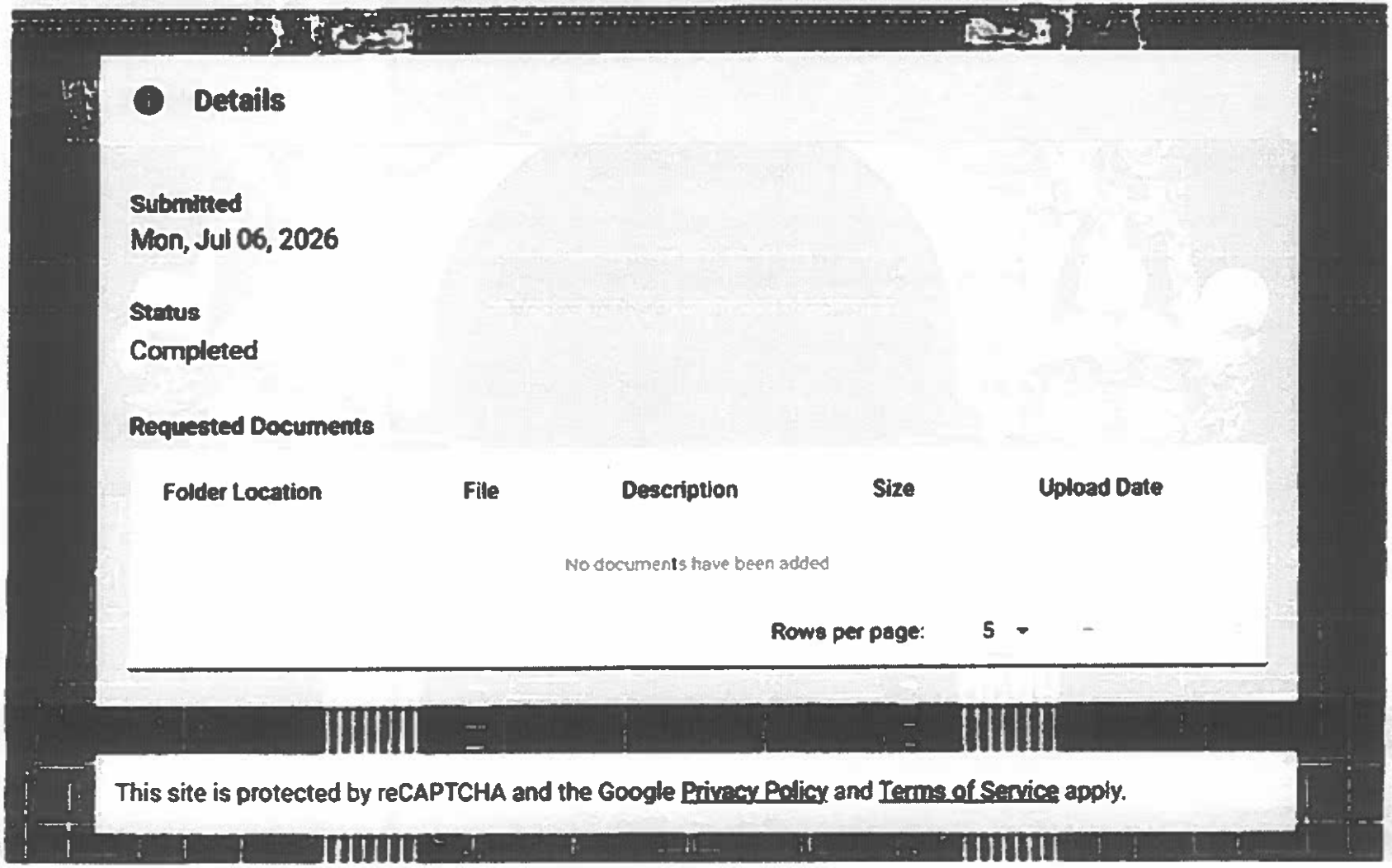
PENNSYLVANIA STATE SENATE
RECORD REQUEST

New Request Track

Exhibit 1

Request #RTK-2026-44

I would like to request all pending amendments to all bills from the 2025-2026 legislative session. It is my understanding that amendments that have been filed but not voted on by the Senate (or House) are currently not being published on the palegis.us website. I ask you to share all filed amendments regardless whether they have been voted on or not. Thank you, Anatolij Gelimson



Details

Submitted
Mon, Jul 06, 2026

Status
Completed

Requested Documents

Folder Location	File	Description	Size	Upload Date

No documents have been added

Rows per page: 5 –

This site is protected by reCAPTCHA and the Google Privacy Policy and Terms of Service apply.

Exhibit 2

From:	RTK Officer (Pennsylvania State Senate)
To:	ANATOLI@FASTDEMOCRACY.COM
Cc:	RTKofficer
Subject:	RTK Request RTK-2026-44 Anatolij Gelimson - Extension
Date:	Wednesday, July 8, 2026 1:45:47 PM

** External Email **
This email has come from an external source. Please use caution when opening attachments and clicking on links as they could contain malicious items.

Dear Mr. Gelimson,

I am responding to your recent RTK request, which was received on Monday July 6, 2026, in which you requested:

"*...all pending amendments to all bills from the 2025-2026 legislative session.*

It is my understanding that amendments that have been filed but not voted on by the Senate (or House) are currently not being published on the palegis.us website.

I ask you to share all filed amendments regardless whether they have been voted on or not."

Section 902 of the Right-to-Know law provides for an extension of time of up to 30 days to respond to the request if any of seven reasons enumerated in Section 902(a) of the Act apply. If so, the open records officer shall send written notice to the requester within five business days of receipt of the request for access. 65 P.S. §67.902.

As provided by Section 902, I am hereby notifying you that an extension is necessary to respond to your request for the reasons indicated below.

- *§902(a)(3) a timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations;* and
- *§902(a)(4) a legal review is necessary to determine whether the record is a record subject to access under this act;*

I expect to have a response to you within the 30-day extension window provided for in Section 902, with an extension due date of August 12, 2026.

If you have any questions, please call Michael Sarfert of my staff or please email me at RTKofficer@occ.pasen.gov.

Sincerely,

Jessica P. Rodic, Open Records Officer
Senate of Pennsylvania
Room 104 North Office Building | Harrisburg, PA 17120-3052
Office: 717.787.7163 Fax: 717.783.4296
RTKofficer@occ.pasen.gov | www.pasen.gov
Link to Senate RTKL website - http://www.pasen.gov/RTKL/index.cfm

Privileged Communication: The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material and

may be subject to attorney client privilege and exempt from disclosure under applicable law. Any review, retransmission, dissemination, copying or other use of, or taking of any action in reliance upon, this communication by persons or entities other than the intended recipient is prohibited. If you receive this in error, please contact the sender by reply email and delete the material from any computer. It is the responsibility of the recipient of this message to protect against harmful content.

Exhibit 3

From: RTK Officer (Pennsylvania State Senate)
To: ANATOLIJ@FASTDEMOCRACY.COM
Cc: RTKofficer
Subject: RTK Request RTK-2026-44 Anatolij Gelimson - Response - Denied
Date: Monday, August 10, 2026 12:31:41 PM

** External Email **
This email has come from an external source. Please use caution when opening attachments and clicking on links as they could contain malicious items.

Dear Mr. Gelimson,

I am responding to your RTK request in which you requested the following:

"I would like to request all pending amendments to all bills from the 2025-2026 legislative session.

It is my understanding that amendments that have been filed but not voted on by the Senate (or House) are currently not being published on the palegis.us website.

I ask you to share all filed amendments regardless whether they have been voted on or not."

In reviewing your request, the following sections of the Right-to-Know Law (RTKL), 65 P.S. § 67.101 et. seq., are relevant:

Section 303(a) of the RTKL provides that *"[a] legislative agency shall provide legislative records in accordance with this act."* 65 P.S. § 67.303(a). Section 102 defines *"legislative agency"* to include the Senate. 65 P.S. § 67.102.

Section 305(b) provides that "*A legislative record in the possession of a legislative agency. . . shall be presumed to be available in accordance with this act. The presumption shall not apply if: (1) the record is exempt under section 708; (2) the record is protected by a privilege; or (3) the record is exempt from disclosure under any other Federal or State law, regulation or judicial order or decree.*" 65 P.S. § 67.305(b). Accordingly, if the record requested is not considered a "*Legislative record*" under the RTKL, it is not presumed to be available to the public.

Section 102 of the Act provides the following definition of *"legislative record"*. "*Any of the following relating to a legislative agency or a standing committee, subcommittee or conference committee of a legislative agency:*

1. *A financial record.*
2. *A bill or resolution that has been introduced and amendments offered thereto in committee or in legislative session, including resolutions to adopt or amend the rules of a chamber.*
3. *Fiscal notes.*
4. *A co-sponsorship memorandum.*
5. *The journal of a chamber.*
6. *The minutes of, record of attendance of members at a public hearing or a public committee meeting and all recorded votes taken in a public committee meeting.*
7. *The transcript of a public hearing when available.*
8. *Executive nomination calendars.*
9. *The rules of a chamber.*

10. *A record of all recorded votes taken in a legislative session.*
11. *Any administrative staff manuals or written policies.*
12. *An audit report prepared pursuant to the act of June 30, 1970 (P.L.442, No.151) entitled, "An act implementing the provisions of Article VIII, section 10 of the Constitution of Pennsylvania, by designating the Commonwealth officers who shall be charged with the function of auditing the financial transactions after the occurrence thereof of the Legislative and Judicial branches of the government of the Commonwealth, establishing a Legislative Audit Advisory Commission, and imposing certain powers and duties on such commission."*
13. *Final or annual reports required by law to be submitted to the General Assembly.*
14. *Legislative Budget and Finance Committee reports.*
15. *Daily legislative session calendars and marked calendars.*
16. *A record communicating to an agency the official appointment of a legislative appointee.*
17. *A record communicating to the appointing authority the resignation of a legislative appointee.*
18. *Proposed regulations, final-form regulations and final-omitted regulations submitted to a legislative agency.*
19. *The results of public opinion surveys, polls, focus groups, marketing research or similar efforts designed to measure public opinion funded by a legislative agency." 65 P.S. § 67.102.*

Section 901 provides the general rule for responding to RTK requests.

Section 901. General rule.

Upon receipt of a written request for access to a record, an agency shall make a good faith effort to determine if the record requested is a public record, legislative record or financial record and whether the agency has possession, custody or control of the identified record, and to respond as promptly as possible under the circumstances existing at the time of the request. All applicable fees shall be paid in order to receive access to the record requested. The time for response shall not exceed five business days from the date the written request is received by the open-records officer for an agency. If the agency fails to send the response within five business days of receipt of the written request for access, the written request for access shall be deemed denied. 65 P.S. § 67.901.

The request is hereby denied as the records requested, "*all filed amendments*", are not included within the definition of legislative record. The definition of legislative record only includes "*... amendments offered thereto in committee or in legislative session, ...* ".

Until such time as a bill is consider in a committee meeting or during a legislative session and the amendment is officially offered by a member during the consideration of the bill in committee or session, the amendment is not a legislative record and not accessible under the RTKL.

Records that do not fall within the definition of legislative record are not covered by the presumption of accessibility under the RTKL. Please see the following case *Couloumbis v Senate of Pennsylvania*, No. 1071 C.D. 2023 (Pa. Commw. Ct. 2025)(Communications) and final determinations, *Senate RTK Appeals: 01-2009 & 02-2009, Scolforo* (Correspondence); *02-2012, Carollo* (Communications); *01-2013, Miller* (E-Mails); *02-2016, Pellington* (E-Mails); *02-2023, Caruso* (E-Mails); *04-2023, Avery* (Tickets Stubs and Gallery Passes) (Legislative Reference Bureau decided the appeal); and *02-2025, Lauchle* (Records,

Communications, Letters, Internal Memorandum) where the denial of access to records that do not fall within the definition of legislative record have been appealed and the denials have been upheld. As the request has been denied, please find below information regarding the appeal process.

If you have any questions, please call Michael Sarfert of my staff or please email me at RTKofficer@occ.pasen.gov.

Sincerely,

Jessica P. Rodic, Open Records Officer
Senate of Pennsylvania
Room 104 North Office Building | Harrisburg, PA 17120-3052
Office: 717.787.7163 Fax: 717.783.4296
RTKofficer@occ.pasen.gov | www.pasen.gov
Link to Senate RTKL website - http://www.pasen.gov/RTKL/index.cfm

Privileged Communication: The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material and may be subject to attorney client privilege and exempt from disclosure under applicable law. Any review, retransmission, dissemination, copying or other use of, or taking of any action in reliance upon, this communication by persons or entities other than the intended recipient is prohibited. If you receive this in error, please contact the sender by reply email and delete the material from any computer. It is the responsibility of the recipient of this message to protect against harmful content.

Right to Appeal

In accordance with Section 903 of the Right-to-Know Law, you are hereby notified of your rights to appeal a denial under Chapter 11 of the Act. 65 P.S. §67.903.

The Senate has appointed the Secretary of the Senate, to serve as Appeals Officer. 65 P.S. §67.503. The Appeals Officer can be contacted as follows:

Michael Gerdes
Senate Appeals Officer
Room 462, State Capitol Building
Harrisburg, PA 17120-3053
Telephone: (717) 787-5920
RTKAppeals@os.pasen.gov

Please be sure to include your complete contact information with any appeal, a copy of the original request and this denial.

Chapter 11 of the law governs the appeals process and provides for the following:

1. An appeal must be filed with the Senate's Appeals Officer within 15 business days of the mailing date of this response.
2. An appeal shall state the grounds upon which the requester asserts that the record is a legislative record, which includes a financial record and shall address any grounds stated by the agency for delaying or denying the request. 65 P.S. §67.1101(a)(1). An appeal must

also be filed in accordance with the provisions of Chapter 7 of Title 104 (Senate of Pennsylvania) of the Pennsylvania Code.

3. The Appeals Officer is required to make a final determination, in writing, within 30 days of receiving an appeal. Prior to making the final determination, the Appeals Officer may hold a hearing.

Exhibit 4

Dr. Anatolij Gelimson

FastDemocracy Corp

911 Washington Avenue #500
Saint Louis, MO 63101
314 379 6200 | anatolij@fastdemocracy.com

August 26th 2026

VIA EMAIL TO

Michael Gerdes
Senate Appeals Officer
Pennsylvania Senate
Room 462, State Capitol Building
Harrisburg, PA 17120

Re: **Appeal of Denial of Right-to-Know Law Request RTK 2026-44** (dated June 6, 2026; denial dated August 10 2026)

Dear Appeals Officer:

Pursuant to Section 1101(a) of the Right-to-Know Law, 65 P.S. § 67.1101(a), I appeal the Senate's denial, dated August 10th, 2026, of my Right-to-Know Law request. This appeal is timely filed within 15 business days of the mailing date of the denial.

Background

On June 6th, 2026, I requested "all pending amendments to all bills from the 2025-2026 legislative session," including amendments that have been filed but not yet voted on, which are not currently published on palegis.us. The Senate denied the request on the ground that "pending amendments" are not "legislative records" under Section 102 of the Right-to-Know Law, 65 P.S. § 67.102, reasoning that "[u]ntil such time as a bill is consider[ed] in a committee meeting or during a legislative session and the amendment is officially offered by a member during the consideration of the bill in committee or session, the amendment is not a legislative record" and not accessible under the RTKL. I appeal that determination.

Argument: An Amendment Is "Offered" When Filed, Not When Voted On

Section 102 defines a legislative record to include, in a single clause, "[a] bill or resolution that has been introduced and amendments offered thereto in committee or in legislative session." 65 P.S. § 67.102. This clause treats the introduction of a bill and the offering of an amendment as parallel events, and neither requires that the measure survive, pass, or receive a vote. A bill is unquestionably a legislative record the moment it is introduced, regardless of whether it ever receives a vote, advances out of committee, or is

ultimately abandoned by its sponsor. The great majority of introduced bills in any legislative session never become law, and many never receive any floor action at all, yet no one disputes that an introduced bill is, from the moment of introduction, a "legislative record." There is no principled basis to read "offered" more restrictively than "introduced" when both terms appear in the same sentence, describing the equivalent stage of the process for amendments as for bills.

Had the General Assembly intended to limit legislative records to amendments that were actually called up, debated, or voted upon, it could easily have used words to that effect: "considered," "acted upon," "voted upon," or "moved." It instead chose "offered," a term that in ordinary legislative and parliamentary usage describes the act of putting a proposal forward, not the outcome of that proposal.

Delaying Public Notice Until Immediately Before a Vote Undermines the Public's Right to Petition Its Government

Under the Senate's reading of Section 102, the public has no right to know that a bill might be amended, or what the amendment would do, until the amendment is called up on the floor of committee, which may occur shortly before the vote itself. Senators and their staff, by contrast, may obtain a copy of a proposed amendment upon request under Rule 13(a)(1) well before that point. The Senate's interpretation would make meaningful advance notice available to legislators and unavailable, as a matter of law, to the people those legislators represent. That result is difficult to square with Article I, Section 20 of the Pennsylvania Constitution, which guarantees citizens "the right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by petition, address or remonstrance." Pa. Const. art. I, § 20. A right to petition one's government is of little value if the government is free to keep the public in the dark about the very proposals the public would wish to petition against until it is too late to do so.

Any Remaining Ambiguity Must Be Resolved in Favor of Transparency

To the extent any ambiguity remains about the meaning of "offered," Pennsylvania law resolves it in the Requester's favor. Statutes are generally to be "liberally construed to effect their objects and to promote justice." 1 Pa.C.S. § 1928(c). The Pennsylvania Supreme Court has specifically held that the Right-to-Know Law is remedial legislation, enacted to "promote access to official government information in order to prohibit secrets, scrutinize the actions of public officials, and make public officials accountable for their actions," and that it must be construed liberally to effect that purpose, with restrictions on public access construed narrowly. Levy v. Senate of Pennsylvania, 65 A.3d 361 (Pa. 2013). Where the Senate's reading of "offered" is not compelled by the statutory text, that ambiguity should be resolved in favor of the interpretation that furthers the RTKL's transparency purpose.

The Senate's own past practice confirms this reading.

Until recently, the public could review pending, unvoted amendments in person via a dedicated computer terminal in the Capitol building. I understand this terminal has been removed, reportedly for cybersecurity reasons, with no confirmed restoration date. Whatever the reason for its removal, the General Assembly's own longstanding practice of making these records available for public review — through that terminal, and through the Senate's ongoing practice of publishing voted-on amendments online at palegis.us — confirms the Senate's own understanding that amendments are legislative records subject to public access, and that electronic distribution of such records is entirely practicable. A denial resting on the theory that these records were never public in the first place is difficult to reconcile with the General Assembly having maintained, for years, a mechanism for the public to review them, and with the Senate's continued practice of publishing the same category of record online once it is voted upon.

Requested Relief

I respectfully request that the Appeals Officer

1. Reverse the denial and direct that all filed amendments to bills from the 2025-2026 legislative session, regardless of voting status, be provided as legislative records under Section 102; and

2. Direct that these records be provided electronically (by email or by posting to palegis.us alongside amendments that have been offered on the floor), consistent with the Senate's existing practice for other legislative records.

Thank you for your timely consideration of this appeal.

Respectfully,



Anatolij Gelimson

FastDemocracy Corp.

Exhibit 5

FONTANA AMENDMENT A0754

Senator FONTANA offered the following amendment No. A0754:

Amend Title, page 1, line 1, by striking out "State" and inserting: public employee

Amend Sec. 1, page 1, line 6, by striking out "State" and inserting: Public Employee

Amend Sec. 2, page 1, lines 12 through 17; page 2, lines 1 through 5, by striking out all of said lines on said pages and inserting:

"Governmental body." Any department, authority, commission, committee, council, board, bureau, division, service, office, officer, administration, legislative body or other establishment in the executive, legislative or judicial branch of a State or a political subdivision thereof or any agency performing a governmental function. This term shall include any State-affiliated entity and any State-related institution.

"Public employee." Any individual employed by any governmental body.

"State-affiliated entity." A Commonwealth authority or a Commonwealth entity. The term includes the Pennsylvania Turnpike Commission, the Pennsylvania Housing Finance Agency, the Pennsylvania Municipal Retirement System, the Pennsylvania Infrastructure Investment Authority, the State Public School Building Authority, the Pennsylvania Higher Educational Facilities Authority and the State System of Higher Education.

"State-related institution." The Pennsylvania State University, the University of Pittsburgh, Lincoln University or Temple University.

Amend Sec. 4, page 3, line 4, by striking out all of said line and inserting: the Commonwealth, whether of the Executive, Legislative or Judicial branch of the government.

Amend Bill, page 3, by inserting between lines 12 and 13:

Section 5. Online posting of certain salaries.

All other governmental bodies shall post, on their own official Internet websites or make such information available electronically upon request, and update on a monthly basis, the following concerning officers and employees:

(1) Title.

(2) Agency, department or other institution.

(3) Annual salary rate or other rate of compensation.

(4) Supplemental payments other than payments for unused vacation or unused sick leave.

Amend Sec. 5, page 3, line 13, by striking out "5" and inserting: 6

Amend Sec. 6, page 3, line 17, by striking out "6" and inserting: 7

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Fontana.

Senator FONTANA. Madam President, this amendment removes the language that would require posting of names on the Internet. The reason for that, Madam President, is I believe it is a matter of privacy and certainly security to protect employees against the identity theft that is happening more and more each day through the Internet.

This amendment also expands the requirement of posting salaries to all governmental bodies, which is away from just the State employees, but all public employees, and that is in the spirit of fairness and openness, if we want to be open, and we should be open to all public employees, so I ask for an affirmative vote.

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Madam President, as I understand the amendment, it would remove the requirement that names be available to the public, names of public employees. That would be a change in the existing law that allows the public to know what their taxpayer-funded employees are making as employees of government agencies, and a step backwards in our desire to bring more openness to government processes.

The second part, I was not clear on the comments, but if I understand it correctly, it would include State-related institutions under the provisions of this bill. My thoughts are not on that point but are that that issue is a substantive issue that is currently before the Supreme Court of Pennsylvania.

Although I support the extension of the Open Records Act to State-related institutions, I believe that debate should be held in the context of the expansion of the Open Records Act. I, in fact, have a bill that would do that, Senate Bill No. 1, which is currently in the Committee on State Government. My understanding is that committee will hold hearings on that bill where we can fully discuss the pros and cons of extending the Open Records Act to State-related institutions. Therefore, I do not believe that it is appropriate to try to include it in this bill at this time.

For those reasons, I recommend a "no" vote on the amendment.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Fontana.

Senator FONTANA. Madam President, just for clarification, we are not talking about a step backwards. This is obviously more information than ever before that will be on the Internet. The only thing we are removing is the name. The title, the job descriptions, the total amount of money, all that sort of thing would still be on there. What we are talking about is just one aspect of the bill, and that is the removal of the name. This is for the security of the employees the way I see it, especially with as much identity theft that is going on in this world today.

Thank you.

LEGISLATIVE LEAVE

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Madam President, I request a legislative leave for Senator Baker.

The PRESIDENT. Senator Pileggi requests a legislative leave for Senator Baker. Without objection, the leave will be granted.

LEAVE OF ABSENCE

Senator PILEGGI asked and obtained a leave of absence for Senator SCARNATI, for today's Session, for personal reasons.

And the question recurring,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Madam President, if I could follow up on the last point made, I think most of the Members and members of the public are aware of the fact that publicly available news services and newspapers maintain their own websites and/or publications of what is now publicly available information of

State employee names and public employee names. I think it would be, again, a reversal if in our own effort to make public information more available we have a more restrictive presentation of public information than is available in commercial news services.

So, again, I urge a negative vote on the amendment.

And the question recurring,
Will the Senate agree to the amendment?

The yeas and nays were required by Senator FONTANA and were as follows, viz:

YEA-20

Boscola	Fumo	Logan	Stout
Costa	Hughes	Mellow	Tartaglione
Dinniman	Kasunic	Musto	Williams, Anthony H.
Ferlo	Kitchen	O'Pake	Williams, Constance
Fontana	LaValle	Stack	Wozniak

NAY-28

Armstrong	Erickson	Piccola	Robbins
Baker	Folmer	Pileggi	Tomlinson
Browne	Gordner	Pippy	Vance
Brubaker	Greenleaf	Punt	Waugh
Corman	Madigan	Rafferty	White, Donald
Earll	McIlhinney	Regola	White, Mary Jo
Eichelberger	Orie	Rhoades	Wonderling

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,
Will the Senate agree to the bill on third consideration?

BOSCOLA AMENDMENT A0731

Senator BOSCOLA offered the following amendment No. A0731:

Amend Title, page 1, line 1, by striking out "State" and inserting: governmental

Amend Sec. 1, page 1, line 6, by striking out "State" and inserting: Governmental

Amend Sec. 2, page 2, by inserting between lines 5 and 6:

"Local agency." A county, township, borough, town, city, school district, local authority, commission or other similar entity performing a governmental function.

Amend Sec. 3, page 2, line 25, by striking out "A FORM AND STRUCTURE PRESCRIBED BY" and inserting: ASCII-delimited text format, Excel spreadsheet format or another format mutually agreed upon by the agency and

Amend Bill, page 3, by inserting between lines 12 and 13:

Section 5. Local agencies.

(a) General rule.–All local agencies shall post on their official Internet websites, and update on a monthly basis, the following concerning officers and employees:

(1) Name.
(2) Title.
(3) Agency, department or other institution.
(4) Annual salary rate or other rate of compensation.
(5) Supplemental compensation for the current month. For purposes of this section, supplemental compensation shall not include reimbursement payments to employees for appropriate business expenditures, or payments for unused vacation or unused sick leave.

(b) Exception.–If the local agency does not maintain an official Internet website, the information shall be made available electronically or in writing upon request within five days.

(c) Notification.–Each local agency shall notify the State Treasurer, in a form and structure prescribed by the State Treasurer, when it has complied with this act. When applicable, the notification shall include the main Internet website page address where the data received pursuant to subsection (a) is located.

(d) Directory.–The State Treasurer shall maintain an Internet website-based directory of the local agency Internet website page addresses received pursuant to subsection (c) on the official Internet website created pursuant to subsection (a).

Amend Sec. 5, page 3, line 13, by striking out "5" and inserting: 6

Amend Sec. 6, page 3, line 17, by striking out "6" and inserting: 7

On the question,
Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Madam President, Senate Bill No. 729 requires the posting of State salary information on the Internet, and what this amendment would do would be expanding that to include local governments, such as counties, townships, boroughs, cities, school districts, local authorities and commissions.

And the question recurring,
Will the Senate agree to the amendment?

The yeas and nays were required by Senator BOSCOLA and were as follows, viz:

YEA-48

Armstrong	Folmer	Mellow	Stack
Baker	Fontana	Musto	Stout
Boscola	Fumo	O'Pake	Tartaglione
Browne	Gordner	Orie	Tomlinson
Brubaker	Greenleaf	Piccola	Vance
Corman	Hughes	Pileggi	Waugh
Costa	Kasunic	Pippy	White, Donald
Dinniman	Kitchen	Punt	White, Mary Jo
Earll	LaValle	Rafferty	Williams, Anthony H.
Eichelberger	Logan	Regola	Williams, Constance
Erickson	Madigan	Rhoades	Wonderling
Ferlo	McIlhinney	Robbins	Wozniak

NAY-0

A majority of the Senators having voted "aye," the question was determined in the affirmative.

On the question,
Will the Senate agree to the bill on third consideration, as amended?

PILEGGI AMENDMENT A0732

Senator PILEGGI offered the following amendment No. A0732:

Amend Sec. 4, page 3, by inserting between lines 12 and 13:

(c) Redaction.–At the request of an agency, the State Treasurer

may redact the name of an individual who is regularly involved in the conduct of undercover criminal investigations if the State Treasurer determines it is necessary to protect the safety of the individual.

On the question,
Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Madam President, this is an amendment that allows for the redaction of the names of an individual who is regularly involved in the conduct of undercover criminal investigations necessary to protect the safety of the individual. I believe it is an agreed-to amendment.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Madam President, I desire to interrogate the gentleman from Delaware, Senator Pileggi.

The PRESIDENT. Will the gentleman from Delaware, Senator Pileggi, permit himself to be interrogated?

Senator PILEGGI. I will, Madam President.

Senator COSTA. Madam President, in light of the fact that we previously amended this bill to include county officials and local governments as well, and the intent of this legislation is to address those individuals working, as I understand, specifically and only with the Attorney General's Office. In light of the fact that there are a number of municipal police officials who work with task forces that work side by side with some of these same individuals, will this amendment allow for that exemption for those local municipal officials, whether they be county or local government officials? Do they also have the opportunity to petition the Treasurer for exemption of their information being posted?

Senator PILEGGI. Madam President, the intent of the language is to allow any agency to request that the Treasurer redact that information. It is not limited to the Attorney General.

Senator COSTA. Madam President, just so I am clear, any municipal government that has a person assigned to a task force would be able to share the same benefit of that exclusion. Is that correct?

Senator PILEGGI. Madam President, the exact language is "at the request of an agency." It is a very broadly defined term. I believe it would include local law enforcement agencies.

Senator COSTA. Madam President, thank you. I believe my question was answered.

And the question recurring,
Will the Senate agree to the amendment?
It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator PILEGGI.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Madam President, I request a recess of the Senate for the purpose of a meeting of the Committee on Appropriations to be held in the Rules room.

The PRESIDENT. For the purpose of a meeting of the Committee on Appropriations, without objection, the Senate stands in recess.

AFTER RECESS

The PRESIDENT. The time of recess having expired, the Senate will come to order.

UNFINISHED BUSINESS
BILL REPORTED FROM COMMITTEE

Senator ARMSTRONG, from the Committee on Appropriations, reported the following bill:

HB 112 (Pr. No. 1633) (Amended) (Rereported)

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for effect of act on existing laws and, in insurance holding companies, for definitions, for acquisition of control of or merger with domestic insurer and for acquisitions involving insurers not otherwise covered; establishing the Insurance Restructuring Board; providing for its powers and duties; establishing an account; providing for health care reporting; and making an inconsistent repeal.

CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered, and adopted by voice vote:

Congratulations of the Senate were extended to Mr. and Mrs. William Polak and to Douglas Andrew Patti by Senator Boscola.

Congratulations of the Senate were extended to Ella Zellefrow by Senator Brubaker.

Congratulations of the Senate were extended to Mr. and Mrs. Hubert E. Parsons, Justin David Miller, Robert E. Kennis and to Terry Eugene Ehpruim Ritzman by Senator Corman.

Congratulations of the Senate were extended to Samantha Lynne Palser, Dr. Henry A. Jordan, Dr. Mary Ann Maggitti, Dr. Linda K. Himmelberger, Barbara McNeil Jordan, Stephen L. McFalls, Dr. Bernard S. Proctor and to Paul Joseph Hogan by Senator Dinniman.

Congratulations of the Senate were extended to Presque Isle Women's Club by Senator Earll.

Congratulations of the Senate were extended to Brad Tyler Schoener by Senator Erickson.

Congratulations of the Senate were extended to Spencer C. Huff by Senator Ferlo.

Congratulations of the Senate were extended to Sharon A. Seldomridge and to Carol Ulrich by Senator Folmer.

Congratulations of the Senate were extended to Brianne Doak and to Maryanne Diehl by Senator Gordner.

Congratulations of the Senate were extended to Thomas Frattone, Terry Flowers, Peter Reilly, Richard Bowes, Nadir Osborne, Harvey Davis, Larry Clark, Tracy Houston, Tony Panebianco, Robert Jeter, Fredrick Baker, Michael Meskill, Gordon Andrew, Benjamin Baynard, Derek Lowery, Jason Seigafuse, Marquies Newsome, Scott Holmes, Richard Milsop, Timothy O'Toole, Adam Wojinicki, Charles Tizal, Troy Truesdale, Edward Wrenn, Matthew McCrory, Joshua Flowers,