



April 22, 2019

**VIA ELECTRONIC MAIL**

Cynthia Willingham  
Supervisor of Elections  
1261 Commercial Drive SW  
Suite B  
Conyers, GA 30094  
% [renee.phifer@rockdalecountyga.gov](mailto:renee.phifer@rockdalecountyga.gov)

**Re: Open Records Request**

Dear Open Records Officer:

Pursuant to the Georgia Open Records Law, as codified at O.C.G.A. § 50-18-70 et seq., American Oversight makes the following request for public records.

**Requested Records**

American Oversight requests that Rockdale County produce the following within three business days, or provide a written description of any responsive records with a timetable for their production within three business days:

All communications (including emails, email attachments, text messages, calendar invitations/entries, letters, memoranda, or other communications) between any county elections official and any of the individuals or entities listed below:

- Kris Kobach (including communications from [kkobach@gmail.com](mailto:kkobach@gmail.com), [kris@kriskobach.com](mailto:kris@kriskobach.com), or any email addresses ending in ks.gov)
- J. (John) Christian Adams
- Hans von Spakovsky
- John R. Lott Jr.
- Ken Block
- Donal Palmer
- Robert Popper
- Catherine Engelbrecht
- Christy McCormick (including communications with [cacm@aol.com](mailto:cacm@aol.com))
- Anyone communicating on behalf of the Election Law Center ([electionlawcenter.com](http://electionlawcenter.com))
- Anyone communicating on behalf of the Government Accountability Institute ([g-a-i.org](http://g-a-i.org))



- Anyone communicating on behalf of Simpatico Software Systems (simpaticosoftware.com)
- Anyone communicating on behalf of Judicial Watch (judicialwatch.org)
- Anyone communicating on behalf of Heritage Foundation (heritage.org)
- Anyone communicating on behalf of Heritage Action for America (heritageaction.com)
- Anyone communicating on behalf of Public Interest Legal Foundation (publicinterestlegal.org)
- Anyone communicating on behalf of American Civil Rights Union (theacru.org)
- Anyone communicating on behalf of True The Vote (truethevote.org)

American Oversight believes that your office is the most likely location for the records it seeks. However, if other county boards, commissions, offices, departments, or divisions are likely to possess records responsive to this request, American Oversight asks that you forward this request to those boards, commissions, offices, departments, or divisions or promptly notify American Oversight so that it may submit this request directly to those boards, commissions, offices, departments, or divisions.

Please provide all responsive records from November 9, 2016, to the date the search is conducted.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the term “record” in its broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

In addition, American Oversight insists that your office use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; governmental authorities may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

Please search all records regarding official business, **including files or emails in the personal custody of your officials, such as personal email accounts.**

If this request is denied in whole or in part, we ask that you cite in writing the specific statutory exemption upon which you rely, as required by law. In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and

how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Please take appropriate steps to ensure that records responsive to this request are not deleted by your office before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

To ensure that this request is properly construed, that searches are conducted in an adequate and efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your office can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

### Conclusion

We share a common mission to promote transparency in government. American Oversight looks forward to working with your office on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Beth France at [foia@americanoversight.org](mailto:foia@americanoversight.org) or 202.897.2465.

Sincerely,

A handwritten signature in blue ink that reads "Austin R. Evers". The signature is fluid and cursive, with a long horizontal line extending to the left.

Austin R. Evers  
Executive Director  
American Oversight