



October 15 2019

**VIA ELECTRONIC MAIL**

Open Records Custodian  
Office of the Secretary of State  
214 State Capitol  
Atlanta, Georgia 30334  
[openrecords@sos.ga.gov](mailto:openrecords@sos.ga.gov)

**Re: Open Records Request**

Dear Records Custodian:

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

**Requested Records**

American Oversight requests that the Secretary of State's Office 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:

1. All email communications (including emails, email attachments, and calendar invitations) sent by (a) former Secretary of State Brian Kemp (b) to anyone using a @kennesaw.edu email address.

Please provide all responsive records from March 1, 2017, to July 10, 2017.

2. All email communications (including emails, email attachments, and calendar invitations) sent by (a) former Secretary of State Brian Kemp (b) to any of the officials listed below containing the key terms listed below:

Specified Officials:

- a) Deputy Secretary of State Tim Fleming
- b) Director of Administration John Jurkiewicz
- c) Chief of Staff & Legal Counsel David B. Dove
- d) Assistant Deputy Secretary of State Lorri Smith
- e) Elections Director Chris Harvey
- f) Chief Information Officer Merritt Beaver
- g) General Counsel Ryan Germany



Key Terms:

- a) Kennesaw
- b) server
- c) “elections server”
- d) “election server”
- e) “elections.kennesaw.edu”
- f) delete
- g) erase
- h) FBI
- i) Federal Bureau of Investigations

Please provide all responsive records from March 1, 2017 to July 10, 2017.

In an effort to accommodate the Secretary of State’s office and reduce the number of responsive records to be processed and produced, American Oversight has limited its request to emails sent by former Secretary Brian Kemp. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both the sent messages and the prior received messages in each email chain. This means, for example, that both former Secretary Kemp’s response to an email from Elections Director Chris Harvey and the initial received message are responsive to this request and should be produced.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fees.

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 The Secretary of State’s 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; your office may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

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 but 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 The Secretary of State's 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**

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>1</sup>

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

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<sup>1</sup> American Oversight currently has approximately 12,250 page likes on Facebook and 54,300 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Oct. 11, 2019); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Oct. 11, 2019).

request, have any questions, or foresee any problems in fully releasing the requested records, please contact Khahilia Shaw at [records@americanoversight.org](mailto:records@americanoversight.org) or 202.539.6507.

Sincerely,

A handwritten signature in blue ink, reading "Austin R. Evers", with a long horizontal flourish extending to the left.

Austin R. Evers  
Executive Director  
American Oversight