



March 26, 2020

**VIA ELECTRONIC MAIL**

Open Records Custodian  
Office of the Governor  
206 Washington Street  
111 State Capitol  
Atlanta, Georgia 30334  
[open.records@georgia.gov](mailto:open.records@georgia.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.

Two days prior to the November 2018 gubernatorial election, former Secretary of State and gubernatorial candidate Brian Kemp accused the Georgia Democratic Party of attempting to hack the state's voter registration system.<sup>1</sup> In early March 2020, the Office of the Attorney General of Georgia concluded its investigation into the matter and released a report finding no evidence of a hacking attempt.<sup>2</sup> American Oversight seeks records with the potential to shed light on whether and to what extent then-Secretary Kemp relied on documented evidence in alleging an attempted hack of Georgia's voter registration system.

**Requested Records**

American Oversight requests that the Office of the Governor 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, calendar invitations, or attachments thereto) sent or received by any of the Office of the Governor staff listed below regarding then-Secretary Kemp's allegation that the Georgia Democratic Party

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<sup>1</sup> Mark Niese, *Without Disclosing Evidence, Kemp Accuses Georgia Democrats of Hacking*, ATLANTA JOURNAL-CONSTITUTION, Nov. 4, 2018, <https://www.ajc.com/news/state--regional-govt--politics/kemp-office-investigates-georgia-democrats-after-alleged-hacking-attempt/VyyeNgNH4NN6xaXUOfI8HL/>.

<sup>2</sup> Mark Niese, *Investigators Find No Evidence for Georgia Gov. Kemp's Hacking Claim*, ATLANTA JOURNAL-CONSTITUTION, Mar. 3, 2020, <https://www.ajc.com/news/state--regional-govt--politics/case-closed-evidence-hacking-alleged-georgia-gov-kemp/IeTYIcx3I3Ssb4CiVtdgaO/>.



attempted to hack the state's voter registration system or the subsequent investigation into the alleged hacking attempt.

Office of the Governor Staff:

- Former Governor Nathan Deal, or anyone communicating on his behalf
- Former Chief of Staff Chris Riley
- Former Deputy Chief of Staff for Communications Jen Talaber Ryan
- Former Executive Counsel Carey Miller

Please provide all responsive records from October 1, 2018, to January 14, 2019.

2. All email communications (including emails, email attachments, calendar invitations, or attachments thereto) sent or received by any of the Office of the Governor staff listed below regarding the Office of the Attorney General's findings indicating no evidence of a voter registration system hacking attempt by the Georgia Democratic Party, as alleged by then-Secretary Kemp.

Office of the Governor Staff:

- Governor Brian Kemp, or anyone communicating on his behalf
- Chief of Staff Tim Fleming
- Director of Communications Candice Broce
- Executive Counsel David Dove

Please provide all responsive records from January 1, 2020, to the date the search is conducted.

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 Office of the Governor 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 Office of the Governor 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>3</sup>

We share a common mission to promote transparency in government. American Oversight looks forward to working with you on this request. If you do not understand any part of this request, have

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<sup>3</sup> American Oversight currently has approximately 15,500 page likes on Facebook and 102,400 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Mar. 12, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Mar. 12, 2020).

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 that reads "Austin R. Evers". The signature is fluid and cursive, with a long horizontal line extending to the left of the first name.

Austin R. Evers  
Executive Director  
American Oversight