



July 22, 2020

VIA ELECTRONIC MAIL

Open Records Custodian
Office of the Secretary of State
214 State Capitol
Atlanta, GA 30334
openrecords@sos.ga.gov

Re: Public Information Request

Dear Public Information Officer:

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

On March 27, 2020, President Donald Trump signed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) into law.¹ This Act includes \$400 million in Help America Vote Act (HAVA) emergency funds intended to help states prepare for and administer the 2020 elections.²

American Oversight seeks records to shed light on how Georgia is distributing and utilizing CARES Act funds in preparation for the November 3, 2020 election.

Requested Records

American Oversight requests that your 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. Any guidance sent to county election officials regarding funding afforded through the CARES Act. This request includes, but is not limited to, guidance regarding the process of requesting CARES Act funds and the timeline of distributing the funds.
2. Records sufficient to identify how funds afforded through the CARES Act are being distributed and spent, including the recipient of the funds (for example, a county), the

¹ EAC *Expediting Distribution of \$400 Million in CARES Act Election Funding for Coronavirus Response*, U.S. Election Assistance Comm'n, <https://www.eac.gov/news/2020/04/03/eac-expediting-distribution-400-million-cares-act-election-funding-coronavirus>.

² *Id.*



date of funding distribution, the amount distributed, and what the funds were used to purchase.

To the extent your agency maintains this data in aggregated form, such as in a spreadsheet or within a database or other format that can be readily exported to a spreadsheet, American Oversight requests responsive data in such format.

3. All email communications (including email messages, complete email chains, email attachments, calendar invitations, and any attachments thereto) sent by the officials or employees listed below containing any of the key terms listed below.

Secretary of State Officials and Employees:

- a. Brad Raffensperger, Secretary of State, or anyone communicating on his behalf (such as a scheduler or assistant)
- b. Chris Harvey, Elections Director, or anyone communicating on his behalf (such as a scheduler or assistant)
- c. Ted Koval, Deputy Elections Director
- d. Kevin Rayburn, Deputy Elections Director and Deputy General Counsel

Key Terms:

- a. "Help America Vote Act"
- b. HAVA
- c. "CARES Act"
- d. "CARES funding"
- e. "Personal protective equipment"
- f. PPE
- g. "Election Assistance Commission"
- h. EAC

In an effort to accommodate your agency and reduce the number of responsive records to be processed and produced, American Oversight has limited item 3 of its request to communications sent by the listed custodians. To be clear, however, American Oversight still requests that complete email chains be produced, displaying the sent messages, the prior received messages, and any subsequent messages in each email chain. This means that a custodian's response to an email, the initial received message, and any prior or subsequent messages within the same email thread are responsive to this request and should be produced.

Please provide all responsive records from March 27, 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 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. **You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts.** Emails conducting government business sent or received on the personal account of a governmental authority's officer or employee constitutes a record.

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 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 Emma Lewis at records@americanoversight.org or (202) 919-6303.

Sincerely,

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

Austin R. Evers
Executive Director
American Oversight