



December 10, 2020

**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 and All Voting is Local Georgia (together, Requesters) make the following request for records.

**Requested Records**

Requesters ask that the Office of the Secretary of State 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 material (including formal or informal reports, summaries, talking points, handwritten or electronic notes, or other records) on which the Office of the Secretary of State relied on when alleging that various voting groups have been attempting to register “individuals who are ineligible to cast ballots in the January runoffs,” including encouraging non-Georgia residents “to come to Georgia solely to cast ballots” in the upcoming January runoffs<sup>1</sup> and registering dead individuals to vote.<sup>2</sup>

Please provide all responsive records from November 3, 2020, to the date this request is received.

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, Requesters have limited its request to emails sent by the specified custodians. To be clear, however, Requesters still ask that complete

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<sup>1</sup> Press Release, *Secretary Raffensperger Launches Investigation Into Groups Encouraging Fraudulent Registrations*, Georgia Secretary of State, Dec. 2, 2020,

[https://sos.ga.gov/index.php/elections/secretary\\_raffensperger\\_launches\\_investigation\\_into\\_groups\\_encouraging\\_fraudulent\\_registrations](https://sos.ga.gov/index.php/elections/secretary_raffensperger_launches_investigation_into_groups_encouraging_fraudulent_registrations).

<sup>2</sup> Kate Brumback, *Georgia Official Says Alleged Election Problems Will Be Investigated, But Dismisses Claims of Widespread Fraud*, PBS (Nov. 30, 2020, 5:53 PM),

<https://www.pbs.org/newshour/politics/georgia-official-says-alleged-election-problems-will-be-investigated-but-dismisses-claims-of-widespread-fraud>.



email chains be produced, displaying both sent and received messages. This means, for example, that both Secretary Raffensperger's response to a responsive email and the initial received message are responsive to this request and should be produced. This request includes all prior messages (whether incoming or outgoing) reflected in the responsive correspondence and any attachments thereto.

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

Requesters seek 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, Requesters insist 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. Requesters are 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, Requesters welcome 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, Requesters 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

Requesters, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records, please also provide responsive material on a rolling basis.

**Conclusion**

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to Requesters, please do not hesitate to contact the American Oversight to discuss this request. Requesters welcome 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, Requesters and your office can decrease the likelihood of costly and time-consuming litigation in the future.

We share a common mission to promote transparency in government. Requesters look forward to working with you 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 Khahilia Shaw at [records@americanoversight.org](mailto:records@americanoversight.org) or 202.539.6507.

Sincerely,



Austin R. Evers  
Executive Director  
American Oversight



Aklima Khondoker  
Georgia State Director, All Voting is Local  
The Leadership Conference Education Fund  
The Leadership Conference on Civil and Human Rights