



April 13, 2021

**VIA EMAIL**

Patsy Spaw  
Secretary of the Senate  
Texas Capitol, Room 2E.22  
1200 Congress Avenue  
Austin, TX 78701  
[Patsy.spaw@senate.tx.us](mailto:Patsy.spaw@senate.tx.us)

**Re: Public Information Request**

Dear Secretary Spaw:

Pursuant to the Texas Public Information Act, as codified at Tex. Code ch. 552, American Oversight makes the following request for public records.

**Requested Records**

American Oversight requests that the Texas Senate promptly produce the following:

1. Any formal or informal assessment or analyses regarding the impact of SJR 61. For reference, SJR 61 was authored by Senators Campbell, Bettencourt, Buckingham, Hall, Hancock, Hughes, Kolkhorst, Paxton, Perry, Schwertner, and Springer. Please provide all responsive records from January 1, 2021, through March 11, 2021.
2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar attachments) sent between January 1, 2021, through March 11, 2021, by any of the individuals listed in Column A below containing any of the key terms listed in Column B below.

| Column A: Texas Legislators & Staff  | Column B: Key Terms  |
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| <u>Office of Senator Campbell:</u> <ol style="list-style-type: none"><li>i. Sen. Donna Campbell or anyone communicating on their behalf (such as a Chief of Staff, scheduler, or assistant)</li><li>ii. Carrie Smith, Chief of Staff</li><li>iii. Jason Kirksey, Legislative Director</li><li>iv. Nick Eastwood, Communications Director</li></ol> <u>Office of Senator Bettencourt:</u> | <ol style="list-style-type: none"><li>1. "voter fraud"</li><li>2. "election fraud"</li><li>3. "alleged fraud"</li><li>4. "alleging fraud"</li><li>5. Absentee</li><li>6. Amend</li><li>7. Amended</li><li>8. Suspend</li><li>9. Suspended</li><li>10. "state of disaster"</li><li>11. S.J.R.61</li><li>12. "S.J.R. 61"</li></ol> |



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| <ul style="list-style-type: none"> <li>v. Sen. Paul Bettencourt or anyone communicating on their behalf (such as a Chief of Staff, scheduler, or assistant)</li> <li>vi. Marc Salvato, Chief of Staff</li> <li>vii. David Clark, Senior Policy Analyst</li> <li>viii. Robert Flanagan, Communications Director</li> </ul> <p><u>Office of Senator Buckingham:</u></p> <ul style="list-style-type: none"> <li>ix. Sen. Dawn Buckingham or anyone communicating on their behalf (such as a Chief of Staff, scheduler, or assistant)</li> <li>x. Aaron Harris, Chief of Staff</li> <li>xi. Britton Davis, General Counsel</li> <li>xii. Ginny Bell, Legislative Director</li> <li>xiii. Adrian Piloto, Senior Policy Analyst</li> <li>xiv. Madison Kieschnick, Senior Policy Analyst</li> </ul> <p><u>Office of Senator Hall:</u></p> <ul style="list-style-type: none"> <li>xv. Sen. Bob Hall or anyone communicating on their behalf (such as a Chief of Staff, scheduler, or assistant)</li> <li>xvi. Amy Lane, Chief of Staff</li> <li>xvii. Kathi Seay, Policy &amp; Legislative Director</li> </ul> <p><u>Office of Senator Hancock:</u></p> <ul style="list-style-type: none"> <li>xviii. Sen. Kelly Hancock or anyone communicating on their behalf (such as a Chief of Staff, scheduler, or assistant)</li> <li>xix. Stacey Chamberlin, Chief of Staff</li> <li>xx. Caity Jackson, Deputy Chief of Staff &amp; Legislative Director</li> </ul> <p><u>Office of Senator Hughes:</u></p> <ul style="list-style-type: none"> <li>xxi. Sen. Bryan Hughes or anyone communicating on their behalf (such as a Chief of Staff, scheduler, or assistant)</li> <li>xxii. Cody Terry, Chief of Staff</li> </ul> | <ul style="list-style-type: none"> <li>13. SJR61</li> <li>14. "SJR 61"</li> <li>15. "Resolution 61"</li> <li>16. Cruz</li> <li>17. Engelbrecht</li> <li>18. TTV</li> <li>19. "True the Vote"</li> <li>20. "Christian Adams"</li> <li>21. Churchwell</li> <li>22. PILF</li> <li>23. "Public Interest Legal Foundation"</li> <li>24. Spakovsky</li> <li>25. Heritage</li> <li>26. Cleta</li> <li>27. FreedomWorks</li> <li>28. "Conservative Partnership Institute"</li> <li>29. CPI</li> </ul> |
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| xxiii.                               | James Odom, Senior Policy Advisor & Communications Director   |  |
| xxiv.                                | Burwell Thompson, Policy Advisor  |  |
| <u>Office of Senator Kolkhorst:</u>  |   |  |
| xxv.                                 | Sen. Lois Kolkhorst or anyone communicating on their behalf (such as a Chief of Staff, scheduler, or assistant)     |  |
| xxvi.                                | Chris Steinbach, Chief of Staff   |  |
| xxvii.                               | Grant McLoughlin, Legislative Director & General Counsel  |  |
| xxviii.                              | Matthew Russell, Communications Director  |  |
| <u>Office of Senator Paxton:</u>     |   |  |
| xxix.                                | Sen. Angela Paxton or anyone communicating on their behalf (such as a Chief of Staff, scheduler, or assistant)      |  |
| xxx.                                 | Randy Samuelson, Chief of Staff   |  |
| xxxi.                                | Sheacy Thompson, Deputy Chief of Staff  |  |
| xxii.                                | Laura Stowe, Legislative Director   |  |
| xxiii.                               | Alex Sprague, Senior Legislative Policy Analyst   |  |
| <u>Office of Senator Perry:</u>      |   |  |
| xxiv.                                | Sen. Charles Perry or anyone communicating on their behalf (such as a Chief of Staff, scheduler, or assistant)      |  |
| xxv.                                 | Matthew Dowling, Chief of Staff   |  |
| xxvi.                                | Rob Callan, General Counsel   |  |
| xxvii.                               | Robert Papierz, Legislative Director  |  |
| xxviii.                              | Shannon Harmon, Senior Policy Analyst   |  |
| <u>Office of Senator Schwertner:</u> |   |  |
| xxix.                                | Sen. Charles Schwertner or anyone communicating on their behalf (such as a Chief of Staff, scheduler, or assistant) |  |
| xl.                                  | Drew Graham, Chief of Staff   |  |
| xli.                                 | Lola Fender, General Counsel  |  |

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| xlii.                              | Deandra Porter, Administrative Director  |  |
| <u>Office of Senator Springer:</u> |  |  |
| xliii.                             | Sen. Drew Springer or anyone communicating on their behalf (such as a Chief of Staff, scheduler, or assistant) |  |
| xliv.                              | Terry Franks, Chief of Staff   |  |
| xlv.                               | Jonathan Mathers, Legislative Director   |  |
| xlvi.                              | Murphy McCollough, Communications Director   |  |
| xlvii.                             | Cassidy Riza, Policy Analyst   |  |

In an effort to accommodate the offices and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited Item 2 of its request to emails sent by the listed custodians. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both Senator Campbell's response to an email containing any of the specified terms and the initial received message are responsive to this request and should be produced.

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. **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 for purposes of the Texas Public Information Act.<sup>1</sup>

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 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.

### **Fee Waiver Request**

In accordance with Tex. Code § 552.267(a), American Oversight requests a waiver of fees associated with processing this request for records because such a waiver “is in the public interest because providing the copy of the information primarily benefits the general public.” The requested records are directly related to the work of state legislators, with the potential to shed light on efforts to prevent the amendment or suspension of absentee voting qualifications and procedures as well as more broadly reform electoral processes. This matter is a subject of substantial public interest in Texas.<sup>2</sup> Accordingly, release of records that may help the public understand the operations and activities of their elected legislators is in the public interest.

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<sup>1</sup> Tex. Code § 552.002(a-2); *see also Adkisson v. Paxton*, 459 S.W.3d 761, 773 (Tex. App. 2015).

<sup>2</sup> Alexa Ura, *Texas Republicans Begin Pursuing New Voting Restrictions As They Work to Protect Their Hold on Power*, Tex. Trib. (Mar. 22, 2021, 9:00 AM CST), <https://www.texastribune.org/2021/03/22/texas-republicans-voting-restrictions/>; *See*

Release of the requested records will primarily benefit the public.<sup>3</sup> As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the requested records is not in American Oversight's financial interest, but is rather in the public interest. American Oversight is committed to transparency and makes the responses governmental authorities provide to public records requests publicly available. As noted, the subject of this request is a matter of public interest, and the public would benefit from an enhanced understanding of the government's activities through American Oversight's analysis and publication of these records. American Oversight's mission is 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>4</sup>

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through numerous substantive analyses posted to its website.<sup>5</sup> Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records related to the organization's investigations into misconduct and corruption in state governments;<sup>6</sup> the posting of records related to the Trump Administration's contacts with Ukraine and analyses of those contacts;<sup>7</sup> posting records and editorial content about the federal government's response to the Coronavirus pandemic;<sup>8</sup> posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the administration's proposed construction of a barrier along the

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also Jane C. Timm, *Texas GOP Launches Avalanche of Bills to Curtail Voting*, NBC News (Mar. 15, 2021, 5:01 AM), <https://www.nbcnews.com/politics/elections/texas-gop-launches-avalanche-bills-curtail-voting-n1260747>.

<sup>3</sup> Tex. Code § 552.267(a).

<sup>4</sup> American Oversight currently has approximately 16,400 followers on Facebook and 106,000 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Mar. 24, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Mar. 24, 2021).

<sup>5</sup> *News*, American Oversight, <https://www.americanoversight.org/blog>.

<sup>6</sup> *State Investigations*, American Oversight, <https://www.americanoversight.org/states>.

<sup>7</sup> *Trump Administration's Contacts with Ukraine*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-contacts-with-ukraine>.

<sup>8</sup> See generally *The Trump Administration's Response to Coronavirus*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus>; see, e.g., *CDC Calendars from 2018 and 2019: Pandemic-Related Briefings and Meetings*, American Oversight, <https://www.americanoversight.org/cdc-calendars-from-2018-and-2019-pandemic-related-briefings-and-meetings>.

U.S.-Mexico border, and analyses of what those records reveal;<sup>9</sup> the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department's process for issuing such waivers;<sup>10</sup> and posting records and analysis of federal officials' use of taxpayer dollars to charter private aircraft or use government planes for unofficial business.<sup>11</sup>

Accordingly, American Oversight qualifies for a fee waiver. If your office denies our request for a fee waiver, please notify American Oversight of any anticipated fees or costs in excess of \$40 prior to incurring such costs or fees.

## **Conclusion**

We share a common mission to promote transparency in government. American Oversight looks forward to working with your county 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](mailto:records@americanoversight.org) or (202) 919-6303. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Emma Lewis

Emma Lewis

on behalf of

American Oversight

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<sup>9</sup> See generally *Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; see, e.g., *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

<sup>10</sup> *DOJ Records Relating to Solicitor General Noel Francisco's Recusal*, American Oversight, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

<sup>11</sup> See generally *Swamp Airlines: Chartered Jets at Taxpayer Expense*, American Oversight, <https://www.americanoversight.org/investigation/swamp-airlines-private-jets-taxpayer-expense>; see, e.g., *New Information on Pompeo's 2017 Trips to His Home State*, American Oversight, <https://www.americanoversight.org/new-information-on-pompeos-2017-trips-to-his-home-state>.