



June 1, 2021

VIA EMAIL

Open Records Custodian
Office of the Secretary of State
214 State Capitol
Atlanta, GA 30334
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 your office produce the following within three business days:

All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, WhatsApp, Parler, or Telegram), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between (a) Secretary of State Brad Raffensperger or anyone communicating on Raffensperger's behalf, such as a Chief of Staff, assistant, or scheduler, and (b) the external individuals listed below.

Please provide all responsive records from January 1, 2021, through May 28, 2021.

1. Former President Donald Trump or anyone communicating on his behalf, including anyone communicating from an email address ending in @donaldtrump.com, @donaldjtrump.com, @trumpvictory.com, @45office.com, or @trumporg.com
2. Dan Scavino, Molly Michael, Nicholas Luna, Stephen Miller, Eliza Thurston, Desiree Thompson, or anyone communicating on behalf of the post-presidential transition office of former President Donald Trump
3. Jenna Ellis, or anyone communicating on behalf of Liberty University's Falkirk Center (including anyone communicating from an email address ending in @falkirkcenter.com or liberty.edu), the Thomas More Society



- (including anyone communicating from @thomasmoresociety.org), or the American Greatness Fund (@americangreatnessfund.com)
4. Sidney Powell, or anyone communicating on behalf of Sidney Powell, P.C. (including anyone communicating from an email address ending in @federalappeals.com)
 5. Cleta Mitchell, or anyone communicating on Mitchell's behalf (including, but not limited to at the email addresses cleta@cletamitchell.com and cmitchell@foley.com, or anyone communicating from email addresses ending in @bradleyfdn.org or @freedomworks.org)
 6. Rudolph Giuliani, or anyone communicating on Giuliani's behalf (such as Jo Ann Zafonte, Christianne Allen, Beau Wagner, or anyone communicating from an email address ending in @giulianisecurity.com, giulianipartners.com, gdcillc.com)
 7. Jason Rink (including but not limited communications from an email address ending in @jasonrink.com)
 8. Stop the Steal organizer Ali Alexander

Please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if Raffensperger received a mass-distribution news clip email from one of the external individuals listed above, that initial email would not be responsive to this request. However, if Raffensperger forwarded that email to another individual with his own commentary, that subsequent message would be 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.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, because the request seeks “communications,” please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all

prior messages sent or received in that email chain, as well as any attachments to the email.

- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Open Records Act.¹
- 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 a request is denied in whole, please state specifically why 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 the agency 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.

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 American Oversight, please do not hesitate to contact American Oversight to discuss this request. 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 agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF 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

¹ O.C.G.A. § 50-18-70(b)(2).

website and promotes their availability on social media platforms, such as Facebook and Twitter.²

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 any questions, or foresee any problems in fully releasing the requested records, please contact Khahilia Shaw at records@americanoversight.org or 202.539.6507.

Sincerely,

/s/ Khahilia Shaw
Khahilia Shaw
on behalf of
American Oversight

² American Oversight currently has approximately 15,700 page likes on Facebook and 106,200 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited May 27, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited May 27, 2021).