AMERICAN OVERSIGHT

June 4, 2021

VIA FACSIMILE

Office of the Indiana Attorney General
Indiana Government Center South
302 W. Washington St., 5th Floor
Indianapolis, IN 46204
Fax: (317) 232-7979

Re: Public Records Request

Dear Public Official:

Pursuant to the Indiana Access to Public Records Act (APRA), Ind. Code §§ 5-14-3-1 et seq., American Oversight makes the following request for records.

Earlier this month, public reporting revealed that Heritage Action for America, the lobbying and advocacy affiliate of the Heritage Foundation, took credit for writing many of the recent restrictive voting bills enacted throughout the country.[1] Records previously released to American Oversight suggest that Attorney General Todd Rokita was a member of the Heritage Foundation's Election Law Working Group. Accordingly, American Oversight seeks records that may shed light on Rokita's association with the Heritage Foundation.

Requested Records

American Oversight requests that the Office of the Indiana Attorney General produce the following records within seven days:

1. All email communications (including emails, email attachments, calendar invitations, and calendar invitation attachments) between (a) Attorney General Todd Rokita, and (b) any of the external individuals listed below (including, but not limited to, at the listed email addresses), concerning the Heritage Foundation, Heritage Action for America, the Heritage Foundation's Election Law Working Group, or any issue within its purview:

   External Individuals:
   - Leslie Rutledge
   - Christy McCormick
   - Don Palmer
   - Tyler Hermann
     (thermann@eac.gov)

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[1] Ari Berman & Nick Surgey, *Leaked Video: Dark Money Group Brags About Writing GOP Voter Suppression Bills Across the Country*, Mother Jones, May 13, 2021, https://www.motherjones.com/politics/2021/05/heritage-foundation-dark-money-voter-suppression-laws/.

- Sharmili Edwards
- Mike Roman
  (mike@mikeroman.com)
- John Gore
- Don McGahn
- Eric Dreiband
- Cameron Quinn
- Caroline Hunter
- Lee Goodman
- Matt Petersen
- Adam Laxalt
  (alaxalt@cooperkirk.com)
- Scott Gessler
  (scott@scottgessler.com)
- Brian Newby
- Clara Belle Wheeler
- Eric Brown
  (ebrown@gop.com)
- Justin Riemer
  (jriemer@gop.com)
- Alyssa Gonzales Specht
  (aspecht@gagop.org or
  amspecht07@gmail.com)
- Sloane S. Carlough
  (scarlough@nrcc.org)
- Darby Grant
  (dgrant@nrsc.org)
- Lisa Dixon
  (dixon@republicanlawyer.net)
- Michael Thielen
  (thielen@republicanlawyer.net)
- Andrew Wynne
  (awynne@rslc.gop)
- Bill Meierling
  (wmeierling@alec.org)
- Michael Bowman
  (mbowman@alec.org)
- Carrie Ann Donnell
  (cdonnell@americanjurislink.org)
- Jason Crye
  (jcrye@bradleyfdn.org)
- John Samples
  (jsamples@cato.org)
- Trevor Burru
  (tburrus@cato.org)
- Ken Blackwell
- Roman Buhler
  (roman@rbuhler.com)
- Ed Meese
  (ed.messe@heritage.org)
- Bridgett Wagner
  (bridgett.wagner@heritage.org)
- Jason Snead
  (jason@jasonsnead.com)
- Allen Dickerson
  (adickerson@campaignfreedom.org)
- David Keating
  (dkeating@campaignfreedom.org)
- Bob Popper
  (rpopper@judicialwatch.org)
- Matthew C. Forys
  (matt@landmarklegal.org)
- Mike O'Neill
  (mike@landmarklegal.org)
- Pete Hutchison
- John Fund
- Kaylan Phillips
  (kphillips@publicinterestlegal.org)
- Noel Johnson
  (njohnson@publicinterestlegal.org)
- J. Christian Adams
  (a@electionlawcenter.com)
- Kathleen O'Hearn
  (ohearn@spn.org)
- Francisco Canseco
  (gcanseco@texaspolicy.com)
- Michael Lelaad
  (mleland@texaspolicy.com)
- Craig Engle
  (craig.engle@arentfox.com)

- Chris Ashby (chris@ashby.law)
- Whit Ayres (whit@ayresmchenry.com)
- Mark Braden (mbraden@bakerlaw.com)
- Trevor Stanley (tstanley@bakerlaw.com)
- Craig Burkhardt (craig.burkhardt@btlaw.com)
- Jim Bopp
- Dan Backer (dan@political.law)
- Will Consovoy (will@consovoymccarthy.com)
- Michael Connally (mike@consovoymccarthy.com)
- Benjamin Keane (bkeane@mckennalong.com)
- Charles Spies (cspies@dickinson-wright.com)
- Jessica Brouckaert (jbrouckaert@dickinsonwright.com)
- Cleta Mitchell (cmitchell@foley.com)
- William Davis (wdavis@foley.com)
- Larry Levy (levyl@gtlaw.com)
- Linda Knight (lknight@gsrm.com)
- John Ryder (jryder@harrisshelton.com)
- Bradley Schlozman (bschlozman@hinklaw.com)
- Tom Josefiak (tomj@holtzmanlaw.net)
- Jason Torchinsky (jtorchinsky@hvjt.law)
- Mike Bayes (jmbayes@hvjt.law)
- Gineen Bresso
- Stewart Crosland
- Claudia Hrvatin (chrvatin@kslaw.com)
- David Warrington (david.warrintgon@kutarock.com)
- Stefan Passantino (spassantino@michaelbest.com)
- Justin Clark (jrclark@michaelbest.com)
- Stephen Davis (sdavis@truenorthlawgroup.com)
- Thor Hearne (thornet@ix.netcom.com)
- Michael Toner (mtoner@wileyrein.com)
- Eric Wang (ewang@wileyrein.com)
- Bob Sensenbrenner (bob.sensenbrenner@mail.house.gov)
- David Adkins (david_adkins@appro.senate.gov)
- Steve Donaldson (steve_donaldson@mcconnell.senate.gov)
- Paul Vinovich
- Caleb Hays
- Jackie Barber
- Alison Prange (alison.prange@ballotpedia.org)
- Geoff Pallay (Geoff.pallay@ballotpedia.org)
- Clark Benson (clark@polidata.us)
- Brad Smith (bsmith@law.capital.edu)
- Paul Kline (pdkline@liberty.edu)

- Cole Felder
  (cfelder@alumni.nd.edu)
- Eric Eversole
- Tripp Baird
  (tripp@offhillstrategies.com)

- Bennett Miller
- Carol Ann Coryell
- Heather Sidwell
- Mike Merrill

2. All email communications (including emails, email attachments, calendar invitations, and calendar invitation attachments) between (a) Attorney General Todd Rokita, and (b) anyone communicating on behalf of the Heritage Foundation or Heritage Action for America (including, but not limited to, anyone communicating from an email address ending in heritage.org or heritageaction.com), concerning the Heritage Election Law Working Group or any issue within its purview.

For both parts of this request, please provide all responsive records from November 3, 2020, through May 3, 2021.

Pursuant to Ind. Code § 5-14-3-8(b), American Oversight asks that no fees be charged in connection with searching for or reviewing potentially responsive records. To the extent your office anticipates charging any copying fees for this request in excess of $100, please notify us prior to incurring such 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:

- 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.

- 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.[2] 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

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[2] Ind. Code § 5-14-3-6(a).

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 website and promotes their availability on social media platforms, such as Facebook and Twitter.[3]

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not

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[3] American Oversight currently has approximately 15,700 page likes on Facebook and 106,100 followers on Twitter. American Oversight, Facebook, https://www.facebook.com/weareoversight/ (last visited June 3, 2021); American Oversight (@weareoversight), Twitter, https://twitter.com/weareoversight (last visited June 3, 2021).

understand any part of this request, please contact Mehreen Rasheed at records@americanoversight.org or (202) 848-1320.

Sincerely,

/s/ Mehreen Rasheed
Mehreen Rasheed
on behalf of
American Oversight