



May 27, 2021

VIA EMAIL

Office of the Lieutenant Governor
P.O Box 12068
Austin, TX 78711
Alix.morris@ltgov.texas.gov

Re: Public Information Request

Dear Public Information Officer:

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 your office promptly produce the following:

All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), 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) Lieutenant Governor Dan Patrick or anyone communicating on Patrick's behalf such as a Chief of Staff, scheduler, or assistant and (b) any of the external parties listed below.

Please provide all responsive records from November 1, 2020, through the date the search is conducted.

1. Jessica Anderson, Garrett Bess, or any person communicating from an email address ending in @heritageaction.com
2. Ed Meese, Bridgett Wagner, Hans von Spakovsky or any person communicating from an email address ending in @heritage.org
3. Kris Kobach (including, but not limited to, communications with the email kkobach@gmail.com or kris@kriskobach.com)
4. J. (John) Christian Adams, Maureen Riordan, or any person communicating from an email address ending in @publicinterestlegal.org or @electionlawcenter.com
5. Cleta Mitchell, or any person communicating from an email address ending in @freedomworks.org or @foley.com
6. Catherine Engelbrecht, Courtney Kramer, or any person communicating from an email address ending in @truethevote.org



7. Trent England, or any person communicating from an email address ending in @saveourstates.com
8. Ken Cuccinelli, or any person communicating from an email address ending in @sba-list.org, @americanprinciplesproject.org, or @electiontransparency.org
9. Leonard Leo, Jason Snead, or any person communicating from an email address ending in @honestelections.org, @fed-soc.org, or @jasonsnead.com
10. Tracie Sharp, Kathleen O'Hearn, or any person communicating from an email address ending in @spn.org
11. Bill McCollum, John Merrill, Andrew Wynne, Ruth Johnson, Tre Hargett, or any person communicating from an email address ending in @rslc.gop
12. Jenna Ellis, or any person communicating from an email address ending in @americangreatnessfund.com or @thomasmoresociety.org
13. Michael Bowman, Bill Meierling, or any person communicating from an email address ending in @alec.org
14. Florida GOP Chairman Joe Gruters (including but not limited to communications with the email gruters.joe@flsenate.gov)
15. James Bopp, or any person communicating from an email address ending in @bopplaw.com
16. Will Consovoy, Michael Connally, or any person communicating from an email address ending in @consovoymccarthy.com
17. Jason Torchinsky or any person communicating from an email address ending in @hvjt.law
18. Stefan Passatino, Justin Clark, or any person communicating from an email address ending in @michaelbest.com
19. Francisco Canseco, Michael Leland, or any person communicating from an email address ending in @texaspolicy.com

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 Patrick received a mass-distribution news clip email sent by one of the external parties, that initial email would not be responsive to this request. However, if Patrick forwarded that email to another individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

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 officials, with the potential to shed light on the potential influence of anti-voting activists on the 2021 session of the Texas legislature. This matter is a subject of substantial public

interest in Texas.¹ Accordingly, release of records that may help the public understand the operations and activities of state officials is in the public interest.

Release of the requested records will primarily benefit the public.² 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.³

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.⁴ 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;⁵ the posting of records related to the Trump Administration's contacts with Ukraine and analyses of those contacts;⁶ posting records and editorial content about the federal government's response to the Coronavirus pandemic;⁷ posting records

¹ See e.g., Alex Ura, *Here's How Texas Elections Would Change, and Become More Restrictive, Under the Bill Texas Republicans are Pushing*, Texas Trib. (Apr. 29, 2021), <https://www.texastribune.org/2021/04/21/texas-voting-restrictions-senate-bill-7/>, Taylor Goldenstein & Austin Bureau, *Texas House Advances Controversial GOP Voting Bill After All-night Debate*, Houston Chronicle (May 7, 2021, 8:40 AM), <https://www.houstonchronicle.com/politics/texas/article/Democrats-seek-to-chip-away-at-GOP-voting-16158453.php>.

² Tex. Code § 552.267(a).

³ American Oversight currently has approximately 15,700 followers on Facebook and 106,100 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited May 19, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited May 19, 2021).

⁴ *News*, American Oversight, <https://www.americanoversight.org/blog>.

⁵ *State Investigations*, American Oversight, <https://www.americanoversight.org/states>.

⁶ *Trump Administration's Contacts with Ukraine*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-contacts-with-ukraine>.

⁷ See generally *The Trump Administration's Response to Coronavirus*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations->

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 U.S.-Mexico border, and analyses of what those records reveal;⁸ 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;⁹ and posting records and analysis of federal officials’ use of taxpayer dollars to charter private aircraft or use government planes for unofficial business.¹⁰

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 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,

[response-to-coronavirus](https://www.americanoversight.org/cdc-calendars-from-2018-and-2019-pandemic-related-briefings-and-meetings); 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>.

⁸ 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>.

⁹ *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>.

¹⁰ 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>.

/s/ Emma Lewis
Emma Lewis
on behalf of
American Oversight