



July 29, 2021

**VIA ELECTRONIC MAIL**

Open Records Custodian  
Office of the Secretary of State  
214 State Capitol  
Atlanta, GA 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 makes the following request for records.

Recent reporting indicates that former President Donald Trump and external groups continue to spread disinformation regarding the 2020 general election. According to *Mother Jones*, both *The Federalist* and former President Trump have recently published stories or sent fundraising emails pushing false narratives about illegal voting in the election.<sup>1</sup>

**Requested Records**

American Oversight requests that your office produce the following within three business days, or provide a written description of any responsive records with a timeline for their availability within three business days:

1. All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Twitter, Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp)), between (a) any of the Secretary of State's office officials listed in Column A and (b) any of the external parties listed in Column B below:

Column A: Secretary of State Officials	Column B: External Parties
<ol style="list-style-type: none"><li>i. Brad Raffensperger, Secretary of State</li><li>ii. Jordan Fuchs, Deputy Secretary of State</li></ol>	<p>The Federalist:</p> <ol style="list-style-type: none"><li>i. Margot Cleveland, including, but not limited to at the Twitter handle @ProfMJCleveland</li></ol>

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<sup>1</sup> See David Corn, *How Trump and Conservative Media Are Cashing in on Disinformation*, Mother Jones, July 21, 2021, <https://www.motherjones.com/politics/2021/07/donald-trump-federalist-big-lie-disinformation/>.



<ul style="list-style-type: none"> <li>iii. Anyone serving as Chief of Staff to Secretary of State Raffensperger</li> <li>iv. Sam Teasley, Director of External Affairs</li> <li>v. Gabriel Sterling, Chief Operating Officer (including but not limited to at <a href="mailto:sterlinginnovative@gmail.com">sterlinginnovative@gmail.com</a>)</li> <li>vi. Ari Schaffer, Press Office</li> <li>vii. Robin Carr, Executive Assistant</li> <li>viii. Ryan Germany, General Counsel</li> <li>ix. Chris Harvey, Former Elections Director</li> <li>x. Ted Koval, Former Deputy Elections Director</li> <li>xi. Kevin Rayburn, Former Deputy Elections Director and Deputy General Counsel</li> </ul>	<ul style="list-style-type: none"> <li>ii. Anyone communicating from an email address ending in <a href="mailto:@thefederalist.com">@thefederalist.com</a>.</li> </ul> <p>Data Productions Inc.</p> <ul style="list-style-type: none"> <li>iii. Mark Davis, President</li> <li>iv. Anyone communicating from an email address ending in <a href="mailto:@dataproductions.com">@dataproductions.com</a></li> </ul> <p>True the Vote:</p> <ul style="list-style-type: none"> <li>v. Catherine Engelbrecht (including, but not limited to, at <a href="mailto:catherine@truethevote.org">catherine@truethevote.org</a>)</li> <li>vi. Anyone communicating from an email address ending in <a href="mailto:@truethevote.org">@truethevote.org</a></li> </ul> <p>Former President Trump</p> <ul style="list-style-type: none"> <li>vii. Former President Donald Trump</li> <li>viii. Anyone communicating on his behalf, including anyone communicating from an email address ending in <a href="mailto:@donaldtrump.com">@donaldtrump.com</a>, <a href="mailto:@donaldjtrump.com">@donaldjtrump.com</a>, <a href="mailto:@trumpvictory.com">@trumpvictory.com</a>, <a href="mailto:@45office.com">@45office.com</a>, or <a href="mailto:@trumporg.com">@trumporg.com</a></li> <li>ix. Sidney Powell, or anyone communicating on behalf of Sidney Powell, P.C. (including anyone communicating from an email address ending in <a href="mailto:@federalappeals.com">@federalappeals.com</a>)</li> <li>x. Cleta Mitchell, or anyone communicating on Mitchell's behalf (including, but not limited to at the email addresses <a href="mailto:cleta@cletamitchell.com">cleta@cletamitchell.com</a> and <a href="mailto:cmitchell@foley.com">cmitchell@foley.com</a>, or anyone communicating from email addresses ending in <a href="mailto:@bradleyfdn.org">@bradleyfdn.org</a> or <a href="mailto:@freedomworks.org">@freedomworks.org</a>)</li> <li>xi. Rudolph Giuliani, or anyone communicating on Giuliani's behalf (such as Jo Ann Zafonte,</li> </ul>
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	<p>Christianne Allen, Beau Wagner, or anyone communicating from an email address ending in @giulianisecurity.com, giulianipartners.com, gdcillc.com)</p> <p>Honest Elections Project:</p> <p>xii. Anyone communicating from an email address ending in @honestelections.org</p> <p>Public Interest Legal Foundation:</p> <p>xiii. Anyone communicating from an email address ending in @publicinterestlegal.org or @electionlawcenter.com</p> <p>Elections, LLC:</p> <p>xiv. Justin Clark (including, but not limited to, at the email address <a href="mailto:jrclark@michaelbest.com">jrclark@michaelbest.com</a>)</p> <p>xv. Nathan Groth (including, but not limited to, at the email address <a href="mailto:ndgroth@michaelbest.com">ndgroth@michaelbest.com</a>)</p> <p>xvi. Stefan Passantino (including, but not limited to, at the email address <a href="mailto:spassantino@michaelbest.com">spassantino@michaelbest.com</a> or <a href="mailto:stefanpassantino@onebox.com">stefanpassantino@onebox.com</a>)</p>
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Please provide all responsive records from November 25, 2020, through the date your office receives this request.

2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) received by (a) any of the Secretary of State officials listed above in Column A from (b) any email address ending in .com, .net, .org, .mail, .edu, identifying individuals who may have voted unlawfully in 2020 or 2021.

Please provide all responsive records from November 25, 2020, through the date your office receives this request.

3. All hardcopy communications (including mailed or hand-delivered letters, facsimiles, or notes of phone conversations) received by (a) any of the Secretary of State officials listed above in Column A from (b) any non-governmental entity or individual identifying individuals who may have voted unlawfully in 2020 or 2021.

Please provide all responsive records from November 25, 2020, through the date your office receives this request.

American Oversight does not object to the redaction of names or other personally identifying information of individuals not specified above from records responsive to this request.

To be clear, American Oversight is not requesting protected records regarding specific ongoing investigations into election issues, but instead is seeking records related to the general decision to investigate election-related matters. Therefore, responsive records should not be subject to the law enforcement exemption of the Open Records Act under O.C.G.A. §§ 50-18-72(a)(4).

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 Secretary Raffensperger received a mass-distribution news clip email referencing the relevant statement by the president, that initial email would not be responsive to this request. However, if Secretary 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.

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; 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, 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.

## **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.<sup>2</sup>

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

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<sup>2</sup> American Oversight currently has approximately 16,300 followers on Facebook and 106,600 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Jul. 28, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Jul. 21, 2021).

the requested records, please contact Khahilia Shaw at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 919-6303.

Sincerely,

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