



July 12, 2021

**VIA EMAIL**

Jeffery Lawson  
Cheboygan County Administrator  
870 South Main Street  
Cheboygan, MI 49721  
[adminlawson@cheboygancounty.net](mailto:adminlawson@cheboygancounty.net)

**Re: Freedom of Information Act Request**

Dear FOIA Coordinator:

Pursuant to Michigan's Freedom of Information Act (FOIA), as codified at Mich. Comp. Laws Ann. § 15.231 et seq., American Oversight makes the following request for records.

On June 22, 2021, the Cheboygan County Board of Commissioners voted to pursue an investigation of the November 2020 election, sending a letter to State Elections Director Jonathan Brater to request a review of the county's ballots and election equipment.<sup>1</sup> A report published by the Michigan Bureau of Elections in April, based on 250 post-election audits, found no evidence of widespread misconduct or fraud.<sup>2</sup> On June 23, the Michigan Senate Oversight Committee announced the results of its own investigation into the election,<sup>3</sup> discovering "no evidence of widespread or systematic fraud in Michigan's prosecution of the 2020 election."<sup>4</sup>

American Oversight seeks records with the potential to shed light on the Cheboygan County Board of Commissioners' decision to request an investigation of the November 2020 election, including whether or to what extent county officials have been in contact with external individuals or entities.

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<sup>1</sup> John Russell & Craig Mauger, *Michigan County that Backed Trump Seeks Review of 2020 Election*, Detroit News (updated Jun. 22, 2021, 5:25 PM), <https://www.detroitnews.com/story/news/politics/2021/06/22/michigan-county-backed-trump-seeks-review-2020-election/5306630001/>.

<sup>2</sup> MI Bureau of Elections, *Audits of the November 3, 2020 General Election*, Apr. 21, 2021, [https://www.michigan.gov/documents/sos/BOE\\_2020\\_Post\\_Election\\_Audit\\_Report\\_04\\_21\\_21\\_723005\\_7.pdf](https://www.michigan.gov/documents/sos/BOE_2020_Post_Election_Audit_Report_04_21_21_723005_7.pdf).

<sup>3</sup> Clara Hendrickson & Dave Boucher, *Michigan Republican-Led Investigation Rejects Trump's Claim that Nov. 3 Election Was Stolen*, Detroit Free Press (updated June 24, 2021), <https://www.freep.com/story/news/politics/elections/2021/06/23/michigan-senate-investigation-election-trump/5035244001/>.

<sup>4</sup> MI Sen. Oversight Comm., *Report on the November 2020 Election in Michigan*, [https://misenategopcdn.s3.us-east-1.amazonaws.com/99/documents/20210623/SMPO\\_2020ElectionReport.pdf](https://misenategopcdn.s3.us-east-1.amazonaws.com/99/documents/20210623/SMPO_2020ElectionReport.pdf).



## Requested Records

American Oversight requests that your office respond to this request for the following records within five business days:

All electronic communications (including emails, email attachments, calendar invitations and attachments, text messages, or messages on messaging platforms, such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp) between (A) Cheboygan County Commissioners John Wallace, Steve Warfield, Mary Ellen Tryban, and/or Michael Newman, and (B) any of the individuals or entities listed below. In the case of emails and texts, the search should include those sent or received from the specified officials' personal accounts and devices if they were used to conduct official business, as well those sent from their official email addresses or government-issued devices.

### Specified Entities:

1. Jason Roe, Ron Weiser, Meshawn Maddock, or anyone communicating on behalf of the Republican Party of Michigan (including anyone communicating from an email address ending in @migop.com)
2. Marian Sheridan, or anyone communicating on behalf of the Michigan Conservative Coalition (including michiganconservativecoalition@gmail.com or anyone communicating from an email address ending in @michiganconservativecoalition.com)
3. Cheboygan County Republican Party (including anyone communicating from an email address ending in @cheboygancountyrepublicans.com)
4. Former Michigan State Senator Patrick Colbeck
5. Secretary of State Candidate Kristina Karamo
6. Michigan State Representative Steve Carra
7. Michigan State Representative Sue Allor
8. Matthew DePerno, or anyone communicating on behalf of Deperno Law Office (including anyone communicating from an email address ending in @depernolaw.com)
9. Stefanie Lynn Junttila (or Stefanie Lambert, including, but not limited to attorneystefanielambert@gmail.com)
10. Former National Security Advisor Mike Flynn, Joseph Flynn, or anyone communicating on behalf of Defending the Republic (including anyone communicating from an email address ending in @defendingtherepublic.org)
11. Sidney Powell, or anyone communicating on behalf of Sidney Powell, P.C. (including anyone communicating from an email address ending in @federalappeals.com)
12. Doug Logan, and/or anyone communicating on behalf of Cyber Ninjas (including anyone communicating from an email address ending in @cyberninjas.com)
13. Colonel Phil Waldron (including, but not limited to, phil@onewarrior.com or p@bonfiresearch.org), Russell Ramsland (including, but not limited to ryuks9sq@alliedspecialops.us), and/or anyone communicating on behalf of

- Allied Security Operations Group (including anyone communicating from an email address ending in @alliedspecialops.us)
14. Jovan Hutton Pulitzer (including, but not limited to jovanhuttonpulitzer@gmail.com)
  15. Bobby Piton (including, but not limited to rcpiton@gmail.com)
  16. Patrick Byrne, or anyone communicating on behalf of the America Project (including anyone communicating from an email address ending in @americaproject.com)
  17. Christina Bobb, or anyone communicating on behalf of One America News Network (including anyone communicating from an email address ending in @oann.com)
  18. Earl Eugene Kern, and/or anyone communicating on behalf of Wake Technology Services, Inc. (including anyone communicating from an email address ending in @waketsi.com)
  19. Ben Cotton, and/or anyone communicating on behalf of CyFir (including anyone communicating from an email address ending in @cyfir.com)
  20. Karen Fann, Sonny Borrelli, Mark Finchem (including, but not limited to markfinchem@me.com), or anyone communicating on behalf of the Arizona state senate (including anyone communicating from an email address ending in @azleg.gov)

Please provide all responsive records from February 1, 2021, through the date the search is conducted.

### **Fee Waiver Request**

In accordance with Mich. Comp. Laws Ann. § 15.234(2), American Oversight requests a waiver of fees associated with processing this request for records. A waiver of fees for this request “is in the public interest because searching for or furnishing copies of the public record[s] can be considered as primarily benefiting the general public.”<sup>5</sup>

The public has a significant interest in the decision of the Cheboygan County Board of Commissioners to request an investigation into the November 2020 election.<sup>6</sup> Records with the potential to shed light on this matter will help American Oversight and the general public understand whether and to what extent external individuals or entities have been in contact with county officials.

American Oversight is committed to transparency and makes the responses agencies provide to FOIA requests publicly available, and the general public’s understanding of the government’s activities would be enhanced 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

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<sup>5</sup> Mich. Comp. Laws Ann. § 15.234(2).

<sup>6</sup> See Russell & Mauger, *supra* note 1.

on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>7</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>8</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>9</sup> an ethics waiver received by a senior U.S. Department of Justice attorney and an analysis of what those records demonstrated regarding the Department's process for issuing such waivers;<sup>10</sup> posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the federal administration's proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;<sup>11</sup> posting records regarding potential self-dealing at the U.S. Department of Housing & Urban Development and related analysis;<sup>12</sup> posting records and analysis relating to the federal government's efforts to sell nuclear technology to Saudi Arabia;<sup>13</sup> and posting records and analysis regarding the U.S. Department of Justice's decision in response to demands from Congress to direct a U.S. Attorney to undertake a wide-ranging review and make recommendations regarding criminal investigations relating to the President's political opponents and allegations of misconduct by the Department of Justice itself and the Federal Bureau of Investigation.<sup>14</sup>

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<sup>7</sup> American Oversight currently has approximately 15,640 page likes on Facebook and 106,200 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited July 8, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited July 8, 2021).

<sup>8</sup> *News*, American Oversight, <https://www.americanoversight.org/blog>.

<sup>9</sup> *State Investigations*, American Oversight, <https://www.americanoversight.org/states>.

<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 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>12</sup> *Documents Reveal Ben Carson Jr.'s Attempts to Use His Influence at HUD to Help His Business*, American Oversight, <https://www.americanoversight.org/documents-reveal-ben-carson-jr-s-attempts-to-use-his-influence-at-hud-to-help-his-business>.

<sup>13</sup> *Investigating the Trump Administration's Efforts to Sell Nuclear Technology to Saudi Arabia*, American Oversight, <https://www.americanoversight.org/investigating-the-trump-administrations-efforts-to-sell-nuclear-technology-to-saudi-arabia>.

<sup>14</sup> *Sessions' Letter Shows DOJ Acted on Trump's Authoritarian Demand to Investigate Clinton*, American Oversight, <https://www.americanoversight.org/sessions-letter>.

Finally, this request is primarily and fundamentally for non-commercial purposes. As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest.

Accordingly, American Oversight qualifies for a fee waiver.

### **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, if 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.
- In conducting your search, please understand the terms "record," "document," and "information" in their 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 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 use all tools available to your agency to conduct a complete and efficient search for potentially responsive records. 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.<sup>15</sup> 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.

### **Conclusion**

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.

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 understand any part of this request, please contact Sarah Colombo at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 869-5244.

Sincerely,

/s/ Sarah Colombo  
Sarah Colombo  
on behalf of  
American Oversight

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<sup>15</sup> Mich. Comp. Laws Ann. § 15.234(14).