



September 24, 2021

**VIA EMAIL**

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 Open 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.

On September 15, 2021, Cathy Woolard was appointed Chair of the Fulton County Election Board.<sup>1</sup> Before her appointment, Secretary of State Brad Raffensperger reportedly “threatened to seek the removal of Fulton’s entire election board because of Woolard’s appointment.”<sup>2</sup> American Oversight seeks records of communications related to this reported statement.

**Requested Records**

American Oversight requests that you produce the following within three business days:

1. All email communications (including emails, email attachments, complete email chains, and calendar invitations) sent by (a) Secretary of State Brad Raffensperger, (b) Chief Operating Officer Gabriel Sterling, or (c) Elections Director Blake Evans regarding the potential or actual appointment of Cathy Woolard as Chair of Fulton County’s Board of Elections.

American Oversight suggests that your office utilize the following key terms in conducting your search:

- a. Woolard
- b. Cathy
- c. Fulton
- d. “elections board”
- e. “election board”

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<sup>1</sup> Ben Brasch & Mark Niesse, *New Fulton Election Chair Appointed Over Objections to Fair Fight Ties*, Atlanta J.-Const., updated Sept. 15, 2021, <https://www.ajc.com/news/atlanta-news/raffensperger-opposes-fulton-elections-chair-nominee-due-to-her-work-with-fair-fight/DD2PA33SI5CKHM2OUOUR62HTKQ/>.

<sup>2</sup> *Id.*



- f. “Fair Fight”
- g. FF
- h. Stacey
- i. Stacy
- j. Abrams
- k. Ruth
- l. Johnson
- m. Wingate
- n. Crawford
- o. Wan

In an effort to accommodate the Office of the Secretary of State and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by Secretary Raffensperger, Chief Operating Officer Sterling, or Elections Director Evans. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both Secretary Raffensperger’s response to an email containing the listed search terms and the initial received message are responsive to this request and should be produced.

- 2. All text messages (including complete text message threads or conversations) sent or received by (a) Secretary Raffensperger, (b) Chief Operating Officer Sterling, or (c) Elections Director Evans, containing any of the key terms listed above.

To be clear, American Oversight requests that full text message threads/conversations be produced. For example, if Secretary Raffensperger sent or received a text message containing any of the key terms listed above, the complete thread/conversation for August 19, 2021 through the present should be produced, and not just the message containing the key term.

For both Part 1 and Part 2 of this request, please provide all responsive records from August 19, 2021, through the date the request is received.

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, 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.

- 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.<sup>3</sup>
- 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.

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<sup>3</sup> O.C.G.A. § 50-18-70(b)(2).

## 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>4</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 the requested records, please contact Khahilia Shaw at [records@americanoversight.org](mailto:records@americanoversight.org) or 202.539.6507.

Sincerely,

/s/ Khahilia Shaw

Khahilia Shaw

on behalf of

American Oversight

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<sup>4</sup> American Oversight currently has approximately 15,640 page likes on Facebook and 108,300 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Sept. 20, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Sept. 20, 2021)