



January 18, 2022

VIA EMAIL

Susan Clarke Schaar
Clerk of the Senate of Virginia
P.O. Box 396
Richmond, Virginia 23218
sschaar@senate.virginia.gov

Re: Virginia Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Virginia Freedom of Information Act, Va. Code Ann. § 2.2-3700, I, Austin Evers, a resident of Virginia, make the following request for records.

Virginia State Senator Amanda Chase has repeatedly denied the validity of the November 2020 election and in 2020 called for former President Trump to declare martial law to prevent its certification.¹ In the following year, Sen. Chase participated in further efforts to cast doubt on the election, including visiting the site of the Arizona Senate's widely discredited "audit" of Maricopa County's election results² and attending election conspiracist and MyPillow CEO Mike Lindell's "Cyber Symposium" in Sioux Falls, South Dakota.³

American Oversight seeks records with the potential to shed light on efforts to undermine faith in American elections, including records showing whether and to what extent Sen. Chase participated in these efforts.

Requested Records

I request that your office produce the following records within five working days:

¹ Laura Vozzella, *Republican Contender for Va. Governor Says Trump Should Declare Martial Law*, Wash. Post (Dec. 15, 2020),

https://www.washingtonpost.com/local/virginia-politics/chase-trump-martial-law/2020/12/15/95ca99a4-3ee5-11eb-9453-fc36ba051781_story.html.

² David Weigel, *The Trailer: The "Arizona Model:" Republicans Trek to Phoenix, Planning 2020 Election Audits Back Home*, Wash. Post (June 10, 2021, 5:54 PM),

<https://www.washingtonpost.com/politics/2021/06/10/trailer-arizona-model-republicans-trek-phoenix-planning-2020-election-audits-back-home/>.

³ Matt Shuham, *Dozens of State Lawmakers Sign Letter Calling for MAGA Audit of all 50 States*, Talking Points Memo (Oct. 18, 2021, 2:09 PM),

<https://talkingpointsmemo.com/news/dozens-of-state-lawmakers-sign-letter-calling-for-maga-audit-of-all-50-states>.

Records reflecting the expenses and costs incurred by the Virginia Senate or Sen. Amanda Chase's office in connection with her (and any of her staff's) attendance at the following events:

1. The June 2021 trip to Phoenix, Arizona to visit the site of the Arizona Senate's "audit" of Maricopa County's November 2020 election results.⁴
2. The "Cyber Symposium" organized by Mike Lindell, held in Sioux Falls, South Dakota from August 8-11, 2021.⁵
3. The September 1 "Justice for January 6" rally held at the Arizona State Capitol.⁶

To the extent your office has aggregated records sufficient to show all relevant expenses and costs, such as spreadsheets, I would accept production of such records as sufficient. To the extent your office does not have an aggregated record of these costs, I request records reflecting those costs, such as receipts, invoices, charge card or credit card statements, and reimbursement requests.

Relevant expenses may include, but are not limited to, hotel or other lodging costs; costs for air travel, rental car, or other transportation companies; costs incurred for government transportation; the cost of meals or refreshments; and per diem payments.

Relevant expenses include costs associated with the travel of Sen. Chase, and of any staff members, family members, or other individuals travelling with them.

Please notify me of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, I provide 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

⁴ See *supra* note 2.

⁵ See *supra* note 3.

⁶ *Arizona Audit Updates: Small Group Gathers at State Capitol for J6 Rally*, AZ Republic (updated Sept. 25, 2021, 6:15 PM), <https://www.azcentral.com/story/news/politics/elections/2021/09/01/arizona-election-senate-audit-cyber-ninjas-maricopa-county/5673563001/>.

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. I 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.
- My 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 this request, this 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. 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 me, please do not hesitate to reach out to my contact listed below to discuss this request. We welcome an opportunity to discuss this request with you before you undertake your search or incur search or duplication costs. By working together at the outset, we 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 to the address listed below. 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 Austin Evers, c/o American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records, please also provide responsive material on a rolling basis.

Conclusion

We share a common mission to promote transparency in government. I look forward to working with your agency on this request. If you do not understand any part of this request, please contact Rachel Baron at records@americanoversight.org or 202.897.2465.

Sincerely,

A handwritten signature in blue ink that reads "Austin Evers". The signature is fluid and cursive, with a long horizontal flourish extending to the left.

Austin Evers