AMERICAN OVERSIGHT

VIA EMAIL

Open Records Custodian
Office of the Secretary of State
214 State Capitol
Atlanta, GA 30334
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.

American Oversight seeks records to shed light on the origin of the Secretary of State's investigation.

Requested Records

American Oversight requests that the Office of the Secretary of State produce the following within three business days:

1. All email communications (including emails, email attachments, calendar invitations, and calendar invitation attachments) <u>sent</u> by (a) any Office of the Secretary of State personnel listed in Column A below, to (b) any of the external individuals or any member or representative of any of the organizations listed in Column B below (including, but not limited to, at the listed email addresses or domains).

Column A: Secretary of State Personnel	Column B: External Parties

i. Brad Raffensperger, Secretary of State
ii. Anyone serving as Chief of Staff to Secretary of State Raffensperger
iii. Jordan Fuchs, Deputy Secretary of State
iv. Sam Teasley, Director of External Affairs
v. Tori Thompson, Executive Assistant
	Heritage Foundation:
	  i. Anyone communicating from an email address ending in @heritage.org
	  ii. Anyone communicating from an email address ending in @heritageaction.com
	
	FreedomWorks:
	  i. Anyone communicating from an email address ending in @freedomworks.org

vi. Ryan Germany, General Counsel
vii. Gabriel Sterling, Chief Operating Officer
viii. Blake Evans, Elections Division Director
	Public Interest Legal Foundation:
	  i. Anyone communicating from an email address ending in @publicinterestlegal.org
	  ii. Anyone communicating from an email address ending in @electionlawcenter.com
	
	Elections, LLC:
	  i. Justin Clark (jrclark@michaelbest.com)
	  ii. Nathan Groth (ndgroth@michaelbest.com)
	  iii. Stefan Passantino (spassantino@michaelbest.com or stefanpassantino@onebox.com)
	
	Judicial Watch:
	  i. Anyone communicating from an email address ending in @judicialwatch.org
	
	VoterGA:
	  i. Garland Favorito (garlandf@msn.com)
	  ii. Anyone communicating from an email address ending in @voterga.org
	
	Honest Elections Project:
	  i. Jason Snead (jason@jasonsnead.com)
	  ii. Jason Stuckey (including, but not limited ato, at jstuckey@bricker.com)
	  iii. Jason Torchinsky (including, but not limited to, at jtorchinsky@hvjt.law)
	  iv. Anyone communicating from an email address ending in @honestelections.org
	
	Office of U.S. Representative Jody Hice:
	  i. Representative Jody Hice (jody@jodyhice.com or jody.hice@mail.house.gov)

	ii. Tim Reitz (tim.reitz@mail.house.gov) iii. Kaitlyn Dwyer (Kaitlyn.dwyer@mail.house.gov) iv. Taylor Ford (taylor.ford@mail.house.gov) v. Sarah Selip (sarah.selip@mail.house.gov) vi. Ben Stout (ben.stout@mail.house.gov) Individuals: i. James Bopp, Jr. (@bopplaw.com or jboppjr@aol.com) ii. Kandiss Taylor (kandisstaylor@protonmail.com) iii. Vincent Russo (vrusso@robbinsfirm.com) iv. Josh Belinfante (jbelinfante@robbinsfirm.com) v. Carey Miller (cmiller@robbinsfirm.com) vi. Bryan Tyson (btyson@taylorenglish.com) vii. Jonathan Crumly, Sr. (jcrumly@taylorenglish.com) viii. Bryan Jacoutot (bjacoutot@taylorenglish.com) ix. Loree Anne Paradise (lparadise@taylorenglish.com) x. Ray Smith, III (rsmith@smithliss.com) xi. Harry McDougald (hmacdougald@cpdlawyers.com) xii. Sidney Powell xiii. L. Lin Wood (lwood@fightback.law) xiv. Howard Kleinhendler (howard@kleinhendler.com) xv. Kurt Hilbert (khilbert@hilbertlaw.com) xvi. John Eastman (jeastman@claremont.org) xvii. Cleta Mitchell (cleta@cletamitchell.com)

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails <u>sent</u> by the listed Secretary of State personnel. 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 General Counsel Ryan Germany's response to an email from Jason Snead and the initial received message are responsive to this request and should be produced.

Please provide all responsive records from June 1, 2021, to the date the request is received by your office.

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.

- 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 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.[1]

- 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.

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.[2]

---

[1] O.C.G.A. § 50-18-70(b)(2).
[2] American Oversight currently has approximately 15,730 page likes on Facebook and 117,700 followers on Twitter. American Oversight, Facebook, https://www.facebook.com/weareoversight/ (last visited Feb. 15, 2022); American Oversight (@weareoversight), Twitter, https://twitter.com/weareoversight (last visited Feb. 15, 2022).

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 or 202.539.6507.

Sincerely,

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