



March 7, 2022

**VIA FACSIMILE**

Office of the Indiana Attorney General  
Indiana Government Center South  
302 W. Washington St., 5th Floor  
Indianapolis, IN 46204  
Fax: (317) 232-7979

**Re: Public Records Request**

Dear Public Official:

Pursuant to the Indiana Access to Public Records Act (APRA), Ind. Code § 5-14-3-1 et seq., American Oversight makes the following request for records.

In June 2021, public reporting revealed that Heritage Action for America, the lobbying and advocacy affiliate of the Heritage Foundation, took credit for writing many of the recent restrictive voting bills enacted throughout the country.<sup>1</sup> Records previously released to American Oversight suggest that Attorney General Todd Rokita was a member of the Heritage Foundation's Election Law Working Group. Accordingly, American Oversight seeks records that may shed light on Rokita's association with the Heritage Foundation.

**Requested Records**

American Oversight requests that the Office of the Indiana Attorney General produce the following records within seven days:

1. All email communications (including emails, complete email chains, email attachments, calendar invitations, and calendar invitation attachments) between (a) Attorney General Todd Rokita, and (b) Alexander Phipps (including, but not limited to, at [Alexander.Phipps@heritage.org](mailto:Alexander.Phipps@heritage.org)), containing any of the key terms listed below.
2. All email communications (including emails, complete email chains, email attachments, calendar invitations, and calendar invitation attachments) between (a) Attorney General Todd Rokita, and (b) any of the individuals specified below, including but not limited to at the listed email addresses or domains, containing any of the key terms listed below.

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<sup>1</sup> Ari Berman & Nick Surgey, *Leaked Video: Dark Money Group Brags About Writing GOP Voter Suppression Bills Across the Country*, Mother Jones, May 13, 2021, <https://www.motherjones.com/politics/2021/05/heritage-foundation-dark-money-voter-suppression-laws/>.



Specified Individuals

- a. Cleta Mitchell ([cmitchell@foley.com](mailto:cmitchell@foley.com), [cleta@cletamitchell.com](mailto:cleta@cletamitchell.com), or [@bradleyfdn.org](mailto:@bradleyfdn.org))
- b. Christy McCormick ([cmccormick@eac.gov](mailto:cmccormick@eac.gov))
- c. Don Palmer ([dpalmer@eac.gov](mailto:dpalmer@eac.gov))
- d. Cameron Quinn
- e. J. Christian Adams ([a@electionlawcenter.com](mailto:a@electionlawcenter.com))
- f. John Eastman ([jeastman@claremont.org](mailto:jeastman@claremont.org) or [jeastman@chapman.edu](mailto:jeastman@chapman.edu))

Key Terms:

- |                         |                           |
|-------------------------|---------------------------|
| i. Heritage             | xvii. Citizen             |
| ii. Heritage.org        | xviii. Citizenship        |
| iii. Heritageaction.com | xix. ID                   |
| iv. “Working group”     | xx. Identification        |
| v. Election             | xxi. Redistricting        |
| vi. Portal              | xxii. Redistrict          |
| vii. Voting             | xxiii. District           |
| viii. Voter             | xxiv. “Drop box”          |
| ix. Vote                | xxv. Drop-box             |
| x. Absentee             | xxvi. Dropbox             |
| xi. Ballot              | xxvii. Registration       |
| xii. Ballots            | xxviii. Maintenance       |
| xiii. VBM               | xxix. Purge               |
| xiv. By-mail            | xxx. “State of emergency” |
| xv. “By mail”           | xxx. Lawsuit              |
| xvi. Suppression        |                           |

To be clear, for both request items, American Oversight’s request includes complete email chains. For example, if Attorney General Rokita received an email from Cleta Mitchell containing the key term “vote,” the complete thread in which that email is contained should be produced, and not just the message containing the key term.

For both parts of this request, please provide all responsive records from November 3, 2020, through May 3, 2021.

Pursuant to Ind. Code § 5-14-3-8(b), American Oversight asks that no fees be charged in connection with searching for or reviewing potentially responsive records. To the extent your office anticipates charging any copying fees for this request in excess of \$100, please notify us prior to incurring such 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.
- 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.
- 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>2</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.

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

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<sup>2</sup> Ind. Code § 5-14-3-6(a).

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>3</sup>

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 Mehreen Rasheed at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 848-1320.

Sincerely,

/s/ Mehreen Rasheed  
Mehreen Rasheed  
on behalf of  
American Oversight

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<sup>3</sup> American Oversight currently has approximately 15,700 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).