



June 3 2022

**VIA U.S. MAIL**

FOIA Officer  
Office of the Secretary of the Commonwealth  
P.O. Box 2454  
Richmond, VA 23218

**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, Anisha Hindocha, a resident of Virginia, make the following request for records.

**Requested Records**

I request that Office of the Secretary of the Commonwealth produce the following records within five working days:

All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) and text messages or messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, Twitter direct messages, Facebook messages, WhatsApp, Signal, Telegram, or Parler) between (a) Secretary Kay Coles James or anyone communicating on her behalf, such as a Chief of Staff, scheduler, or assistant, and (b) any of the external parties listed below.

Please provide all responsive records from January 15, 2022, through the date the search is conducted.

1. Jessica Anderson, Garrett Bess, or any person communicating from an email address ending in @heritageaction.com
2. Ed Meese, Bridgett Wagner, Hans von Spakovsky or any person communicating from an email address ending in @heritage.org
3. Kris Kobach (including, but not limited to, communications with the email [kkobach@gmail.com](mailto:kkobach@gmail.com) or [kris@kriskobach.com](mailto:kris@kriskobach.com))
4. J. (John) Christian Adams, Maureen Riordan, Logan Churchwell or any person communicating from an email address ending in @publicinterestlegal.org or @electionlawcenter.com
5. Cleta Mitchell, or any person communicating from an email address ending in @cletamitchell.com or @freedomworks.org
6. Catherine Engelbrecht, Courtney Kramer, or any person communicating from an email address ending in @truethevote.org

7. Trent England, or any person communicating from an email address ending in @saveourstates.com
8. Ken Cuccinelli, or any person communicating from an email address ending in @sba-list.org, @americanprinciplesproject.org, @americarenewing.com, or @electiontransparency.org
9. Leonard Leo, Jason Snead, or any person communicating from an email address ending in @honestelections.org, @fed-soc.org, or @jasonsnead.com
10. Tracie Sharp, Kathleen O'Hearn, or any person communicating from an email address ending in @spn.org
11. Bill McCollum, John Merrill, Andrew Wynne, Ruth Johnson, Tre Hargett, or any person communicating from an email address ending in @rslc.gop
12. Jenna Ellis, or any person communicating from an email address ending in @americangreatnessfund.com or @thomasmoresociety.org
13. Michael Bowman, Bill Meierling, or any person communicating from an email address ending in @alec.org
14. James Bopp, or any person communicating from an email address ending in @bopplaw.com or from [jboppjr@aol.com](mailto:jboppjr@aol.com)
15. Will Consovoy, Michael Connolly, or any person communicating from an email address ending in @consovoymccarthy.com
16. Jason Torchinsky, or any person communicating from an email address ending in @hvjt.law or @holtzmanvogel.com
17. Stefan Passantino ([stefanpassantino@onebox.com](mailto:stefanpassantino@onebox.com)), Justin Clark, or any person communicating from an email address ending in @michaelbest.com
18. Gina Swoboda, or any person communicating from an email address ending in @voteref.com, @voterreferencefoundation.com, or @restorationaction.com
19. Commissioner Christy McCormick, U.S. Election Assistance Commission
20. Commissioner Donald Palmer, U.S. Election Assistance Commission

Please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if Secretary James received a mass-distribution news clip email from one of the listed external parties, that initial email would not be responsive to this request. However, if Secretary James forwarded that email to another individual with her own commentary, that subsequent message would be responsive to this request and should be produced.

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:

- 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 counsel at the contact information 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 Anisha Hindocha, c/o 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**

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](mailto:records@americanoversight.org) or 202.897.2465.

Sincerely,

*/s/ Anisha Hindocha*  
Anisha Hindocha  
4307 Gaines Rd  
Richmond VA 23222