



August 30, 2022

**VIA EMAIL**

Office of the Secretary of State  
600 West Main Street  
Jefferson City, MO 65101  
[info@sos.mo.gov](mailto:info@sos.mo.gov)

**Re: Sunshine Law Request**

Dear Custodian of Records:

Pursuant to the Missouri Sunshine Law, Mo. Rev. Stat. § 610.010 et seq., American Oversight makes the following request for records.

**Requested Records**

American Oversight requests your office produce copies of the following records within three business days:

1. All records reflecting any costs reimbursed or paid directly by your agency for any reimbursable expenses attributable to trips undertaken by Secretary of State Jay Ashcroft from January 4, 2017, through the date the search is conducted.

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 Secretary Ashcroft and of any staff, family, or invited guests accompanying the Secretary of State on these trips.

2. All email communications (including emails, complete email chains, email attachments, calendar invitations, and calendar invitation attachments), text messages (including complete text message threads or conversations), and messages on messaging platforms (such as Slack, Gchat, Google Hangouts, Lync, Skype, or WhatsApp between (a) Secretary of State Jay Ashcroft (or anyone communicating on his behalf, such as an assistant or scheduler) and (b) any of the external individuals or entities listed below (including, but not limited to, at the listed email addresses or domains).

Please provide all responsive records from March 7, 2021, through the date the search is conducted.



External individuals or entities:

1. Al Hartman, Jenny Limcher, or anyone communicating on behalf of Hartman REIT (@hi-reit.com)
2. Ashe Epp (asheinamerica@protonmail.com)
3. Boris Epshteyn (bepshteyn@gmail.com)
4. Bruce Marks (marks@mslegal.com)
5. Catherine Engelbrecht, Courtney Kramer, or anyone communicating on behalf of True the Vote (@truethevote.org)
6. Cleta Mitchell (cleta@cletamitchell.com, cmithcell@foley.com, or @bradleyfdn.org)
7. Charles Bundren III (charles@bundrenlaw.com)
8. Chris Witt, Earl Eugene Kern, or anyone communicating on behalf of Wake Technology Services, Inc. (@waketsi.com)
9. Christina Bobb (christina@cgbstrategies.com), Chanel Rion, Graham Ledger, or anyone communicating on behalf of One America News Network (grahamledger@yahoo.com or @oann.com)
10. Doug Logan or anyone communicating on behalf of Cyber Ninjas (@cyberninjas.com)
11. Dr. Douglas Frank (drdouglasfrank@protonmail.com or Doug@ToolsForAnalysis.com)
12. Emily Newman, Todd Sanders, or anyone communicating on behalf of The America Project (enewman@protonmail.com, todd@krknsys.com, or @americaproject.com)
13. Former National Security Advisor Michael Flynn, Joseph Flynn, Charles Flynn, Michael Flynn Jr., or anyone communicating on behalf of America's Future (@generalflynn.com or @americasfuture.net)
14. Hans von Spakovsky (@heritage.org)
15. Holly Kasun (hollyataltitude@protonmail.com)
16. Ivan Raiklin (ivan@raiklin.com, ivan.raiklin@gmail.com or socialmediaraiklin@gmail.com)
17. Jacqueline Timmer, Mary Coran, or anyone communicating on behalf of the American Voter's Alliance (@got-freedom.org)
18. Jenna Ellis or anyone communicating on behalf of Liberty University's Falkirk Center or the American Greatness Fund (jenna.ellis.esq@gmail.com, @falkirkcenter.com or @americangreatnessfund.com)
19. Joe Oltmann (joe@fecunited.com or joe@pinbn.com)
20. J. (John) Christian Adams, Maureen Riordan, Logan Churchwell (@publicinterestlegal.org or @electionlawcenter.com)
21. John Eastman or anyone communicating on behalf of Constitutional Counsel Group (jeastman@claremont.org, jeastman@chapman.edu, johneastman@colorado.edu, jeastman@ccg1776.com, jeastman562@gmail.com, or @ccg1776.com)
22. John Lott (johnrlott@crimeresearch.org or johnrlott@gmail.com)
23. Jovan Hutton Pulitzer (jovanhuttonpulitzer@gmail.com)
24. Julie Fisher (aztrumplican@gmail.com, azwinos@gmail.com, or Julie.fisher@az51.org)
25. Katherine Friess (kfriess@protonmail.com)

26. Ken Bennett (kbennettaz7@gmail.com, kbazos@gmail.com, or kjbennettaz@gmail.com)
27. Kris Kobach (kkobach@gmail.com or kris@kriskoback.com)
28. Kurt Olsen (kurtols@protonmail.com)
29. Matt Braynard (matt@braynard.com) or anyone communicating on behalf of Look Ahead America (@lookaheadamerica.org)
30. Matthew DePerno (matthew@depernolaw.com)
31. Jeff Young, Michele Replogle, or anyone communicating on behalf of Cause of America (@causeofamerica.org)
32. Mike Lindell (mike@mypillow.com or @mypillow.com)
33. Mike Roman (mikeroman@protonmail.com)
34. Phill Kline, Luis Cornelio, or anyone communicating on behalf of the Thomas Moore Society or the Amistad Project (phillklineva@gmail.com, lcornel001@citymail.cuny.edu, luis.cornelio@protonmail.com or @thomasmooresociety.org)
35. Colonel Phil Waldron (phil@onewarrior.com or @bonfiresearch.org)
36. Rob Natelson (rob.natelson1@gmail.com)
37. Russell Ramsland, J. Keet Lewis, or anyone communicating on behalf of Allied Security Operations Group (yrku9sqs@protonmail.com, keet@jkeetlewis.com, or @alliedspecialops.us)
38. Seth Keshel (skeshel@protonmail.com, skeshel@gmail.com, or @captk.com)
39. Shawn Smith (luftsas@gmail.com, ratioinvictus@protonmail.com)
40. Shiva Ayyadurai (vashiva@vashiva.com or @echomail.com)
41. Sidney Powell (sherlock1776@protonmail.com, sp@seeking-justice.org or sidney@federalappeals.com)
42. William Olson (williamolsen@lawandfreedom.com or wjo@mindspring.com)
43. Any employee or representative of the Conservative Partnership Institute (@conservativeparternship.org)

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 Ashcroft received a mass-distribution news clip email from an external individual or entity, that initial email would not be responsive to this request. However, if Secretary Ashcroft forwarded that email to another individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

### **Fee Waiver Request**

In accordance with Mo. Rev. Stat. § 610.026.1(1), American Oversight requests a waiver of fees associated with processing this request for records. Disclosure of the requested records is in the public interest because it will likely contribute to a better

understanding of relevant government procedures by the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information “is likely to contribute significantly to public understanding of the operations or activities of [a] public governmental body.”<sup>1</sup> The public has a significant interest in the potential influence of third-party actors on the actions of Secretary Ashcroft. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether the Secretary of State, as an elections official, has been in contact with individuals or entities seeking to undermine public confidence in elections and which events and meetings taxpayer funds contribute. American Oversight is committed to transparency and makes the responses agencies provide to public records requests publicly available, and the public’s understanding of the government’s activities would be enhanced through American Oversight’s analysis and publication of these records.

This request is primarily and fundamentally for non-commercial purposes.<sup>2</sup> As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight’s financial interest. American Oversight’s mission is 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>3</sup>

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.<sup>4</sup> Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records and analysis related to the organization’s investigations into misconduct and corruption in state governments;<sup>5</sup> posting records and analysis of federal and state governments’

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<sup>1</sup> Mo. Rev. Stat. § 610.026.1(1).

<sup>2</sup> Mo. Rev. Stat. § 610.026.1(1).

<sup>3</sup> American Oversight currently has approximately 16,000 followers on Facebook and 118,400 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Aug. 2, 2022); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Aug. 4, 2022).

<sup>4</sup> See generally *News*, American Oversight, <https://www.americanoversight.org/blog>.

<sup>5</sup> See generally *State Investigations*, American Oversight, <https://www.americanoversight.org/states>; see, e.g., *State Government Contacts with Voting-Restriction Activists*, American Oversight, <https://www.americanoversight.org/investigation/state-government-contacts-with-voting-restriction-activists>; *Georgia’s Voting Machines and Election Security*, American Oversight, <https://www.americanoversight.org/investigation/georgias-voting-machines-and-election-security>.

responses to the Coronavirus pandemic;<sup>6</sup> posting records received as part of American Oversight’s “Audit the Wall” project to gather and analyze information related to the Trump administration’s proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;<sup>7</sup> and the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department’s process for issuing such waivers.<sup>8</sup>

Accordingly, American Oversight qualifies for a fee waiver.

### **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.
- 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

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<sup>6</sup> See, e.g., *The Trump Administration’s Response to Coronavirus*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus>; *Tulsa Health Officials Initially Estimated Trump Rally Would Directly Lead to 2 to 9 Deaths*, American Oversight, <https://www.americanoversight.org/tulsa-health-officials-initially-estimated-trump-rally-would-directly-lead-to-2-to-9-deaths>; *Wisconsin Documents Offer Window into Early Uncertainty over COVID-19*, American Oversight, <https://www.americanoversight.org/wisconsin-documents-offer-window-into-early-uncertainty-over-covid-19>; *In the Documents: Florida Health Department Efforts to Suppress Release of Coronavirus Records*, American Oversight, <https://www.americanoversight.org/in-the-documents-florida-health-department-efforts-to-suppress-release-of-coronavirus-records>.

<sup>7</sup> See generally *Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; see, e.g., *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

<sup>8</sup> *DOJ Records Relating to Solicitor General Noel Francisco’s Recusal*, American Oversight, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

transcripts, notes, or minutes of any meetings, telephone conversations or discussions.<sup>9</sup>

- 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>10</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.

## **Conclusion**

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.

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

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<sup>9</sup> Mo. Rev. Stat. § 610.010(6).

<sup>10</sup> Mo. Rev. Stat. § 610.024.1.

understand any part of this request, please contact Mehreen Rasheed at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 848-1320. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

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