



May 1, 2023

VIA EMAIL

Office of the Secretary of State
600 West Main Street
Jefferson City, MO 65101
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 that the Missouri Office of the Secretary of State produce copies of the following records within three business days:

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent or received by any of the Missouri Office of the Secretary of State personnel listed below, containing any of the key terms listed below. For this request item, please note that American Oversight does not object to the exclusion of communications exclusively internal to members of the Missouri state government.

Missouri Office of the Secretary of State Personnel:

- a. Jay Ashcroft, Secretary of State (or anyone communicating on his behalf, such as an assistant or scheduler)
- b. Trish Vincent, Deputy Secretary of State & Chief of Staff
- c. Frank Jung, General Counsel
- d. Chrissy Peters, Director of Elections

Key Terms:

- i. ERIC¹
- ii. "Electronic Registration"
- iii. "Voter registration network"

¹ American Oversight does not object to excluding results where "ERIC" is the only key term to appear in the record and the term is not in reference to Electronic Registration Information Center.



- iv. Hamlin
- v. Haas
- vi. Whitt
- vii. Becker
- viii. “list maintenance”
- ix. ericstates.org

For request item 1, 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 or responding to such emails are responsive to this request. In other words, for example, if Director of Elections Chrissy Peters received a mass-distribution newsletter mentioning “list maintenance,” that initial email would not be responsive to this request. However, if Director Peters forwarded that email to another individual with her own commentary, that subsequent message would be responsive to this request, and the complete email chain should be produced.

2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) any of the Missouri Office of the Secretary of State personnel listed in item 1 above, and (b) any of the external parties or representatives of any of the external entities listed below (including, but not limited to, anyone communicating from an email address containing any of the listed domains).

External Parties:

- i. Shane Hamlin, Ericka Haas, Sarah Whitt, or anyone communicating on behalf of the Electronic Registration Information Center (ERIC) (ericstates.org)
- ii. Conservative Partnership Institute (cpi.org or conservativepartnership.org)
- iii. Cleta Mitchell (cleta@cletamitchell.com)
- iv. Erick Kaardal or anyone communicating on behalf of Mohrman, Kaardal & Erickson, P.A. (mklaw.com)
- v. Tim Griffin, or anyone communicating on behalf of the Thomas More Society (thomasmoresociety.org)
- vi. Phill Kline (phillklineva@gmail.com)
- vii. Luis Cornelio (luis.cornelio@protonmail.com, lcornel001@citymail.cuny.edu)
- viii. The Heritage Foundation (heritage.org or heritageaction.com)
- ix. Hans von Spakovsky (hans.vonspakovsky@heritage.org)
- x. Public Interest Legal Foundation (publicinterestlegal.org)
- xi. J. Christian Adams (a@electionlawcenter.com, adams@electionlawcenter.com, and jadams@usccr.gov)
- xii. Jim Hoft (midwestjim@charter.net), or anyone communicating on behalf of The Gateway Pundit (thegatewaypundit.com)

- xiii. Victoria Marshall (victoria@thefederalist.com), Molly Hemingway (mzhemingway@thefederalist.com), or anyone communicating on behalf of The Federalist (thefederalist.com)
- xiv. Hayden Ludwig, or anyone communicating on behalf of Capital Research Center (capitalresearch.org)
- xv. Restoration of America (restorationofamerica.org or restorationpac.com)
- xvi. Mike Lindell (mike@mypillow.com), or anyone communicating on behalf of MyPillow (mypillow.com)
- xvii. Michele Replogle (micrep@protonmail.com, micrep@pm.me, causeofamerica@protonmail.com), or anyone communicating on behalf of Cause of America (causeofamerica.org)
- xviii. Jay Valentine (jay@contingencysales.com), or anyone communicating on behalf of Omega4America (omega4america.com, contingencysales.com, or jayvalentine.com)
- xix. Alaska Division of Elections (3exas3.gov)
- xx. Florida Department of State (dos.myflorida.com)
- xxi. Iowa Secretary of State (sos.iowa.gov)
- xxii. Office of the Ohio Secretary of State (ohiosecretaryofstate.gov)
- xxiii. Texas Secretary of State (sos.texas.gov)
- xxiv. West Virginia Office of the Secretary of State (wvsos.gov or wvsos.com)
- xxv. Louisiana Secretary of State (sos.la.gov)
- xxvi. Alabama Secretary of State (sos.alabama.gov)

For request item 2, 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 of State Jay Ashcroft received a mass-distribution newsletter email from The Heritage Foundation, that initial email would not be responsive to this request. However, if Secretary Ashcroft responded to or forwarded that email to anyone at one of the emails or domains listed above, that subsequent message would be responsive to this request, and the complete email chain should be produced.

For both parts of this request, please provide all responsive records from January 1, 2023, through the date the search is conducted.

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.”² The public has a significant interest in Missouri’s decision to withdraw from ERIC.³ Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government and its election administration activities, including, for example, communications with other entities regarding this decision. 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.⁴ 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.⁵

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.⁶ 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;⁷ posting records and analysis of federal and state governments’

² Mo. Rev. Stat. § 610.026.1(1).

³ Jason Hancock, *Jay Ashcroft Withdraws Missouri from Group Designed to Help Combat Voter Fraud*, Mo. Independent (March 6, 2023, 3 PM), <https://missouriindependent.com/2023/03/06/jay-ashcroft-withdraws-missouri-from-group-designed-to-help-combat-voter-fraud/>.

⁴ Mo. Rev. Stat. § 610.026.1(1).

⁵ American Oversight currently has approximately 16,000 followers on Facebook and 112,200 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Apr. 26, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Apr. 26, 2023).

⁶ See generally *News*, American Oversight, <https://www.americanoversight.org/blog>.

⁷ 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;⁸ 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;⁹ 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.¹⁰

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

⁸ 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>.

⁹ 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>.

¹⁰ *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.¹¹

- 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.¹² 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

¹¹ Mo. Rev. Stat. § 610.010(6).

¹² Mo. Rev. Stat. § 610.024.1.

understand any part of this request, please contact Mehreen Rasheed at 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