



April 28, 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, complete email chains, calendar invitations, and attachments thereto) and text messages or messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, Twitter direct messages, Facebook Messenger, WhatsApp, Signal, Telegram, or Parler) between (a) any Missouri Office of the Secretary of State official listed below, and (b) any of the external entities or individuals listed below.

Missouri Office of the Secretary of State Officials:

- i. Jay Ashcroft, Secretary of State
- ii. Anyone serving as an assistant or scheduler to Secretary of State Jay Ashcroft
- iii. Trish Vincent, Executive Deputy Secretary of State & Chief of Staff

External Parties:

- i. Anyone communicating on behalf of the Heritage Foundation or Heritage Action for America (including, but not limited to, anyone communicating from an email address ending in heritage.org or heritageaction.com)
- ii. J. Christian Adams (a@electionlawcenter.com, adams@electionlawcenter.com, and jadams@usccr.gov), Logan Churchwell, Maureen Riordan, or anyone communicating on behalf of Public Interest Legal Foundation (including, but not limited to,



- anyone communicating from an email address ending in publicinterestlegal.org)
 - iii. Jason Snead (jason@jasonsnead.com) or anyone communicating on behalf of Honest Elections Project (including, but not limited to, anyone communicating from an email address ending in honestelections.org)
 - iv. Anyone communicating on behalf of the National Association of Secretaries of State (NASS) (including, but not limited to, anyone communicating from an email address ending in nass.org or sso.org)
- 2. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) sent or received by Secretary of State Jay Ashcroft, Executive Deputy Secretary of State & Chief of Staff Trish Vincent or anyone communicating on their behalf (such as an assistant or scheduler), containing any of the following terms “Heritage,” “Honest Elections Project,” “HEP,” “Snead,” “Public Interest Legal,” “PILF,” “Christian Adams,” “Churchwell,” “Riordan,” “Association of Secretaries,” or “NASS.”

For Parts 1 and 2 of this request, 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 responding to or forwarding such emails are responsive to this request. In other words, for example, if Secretary Ashcroft received a mass-distribution newsletter from Public Interest Legal Foundation, that initial email would not be responsive to this request. However, if Secretary Ashcroft forwarded that email with his own commentary, that subsequent message would be responsive to this request and the entire email chain should be produced.

- 3. The following records regarding (1) the February 15-18, 2023 National Association of Secretaries of State 2023 Winter Conference in Washington, DC, and (2) the February 14-15, 2023 Secretaries of State Conference hosted by The Heritage Foundation, Honest Elections Project, and Public Interest Legal Foundation in Washington, DC.
 - a. All records containing registration information related to Secretary of State Jay Ashcroft’s attendance;
 - b. All itineraries or agendas for Secretary of State Jay Ashcroft’s travel (including, but not limited to, records identifying the individuals accompanying Secretary of State Ashcroft and records identifying any related travel or housing accommodations);
 - c. Records sufficient to identify any expense requests or reimbursement requests (either for payment or reimbursement by the Office of the Secretary of State or by any external party, including, but not limited to, The Heritage Foundation) submitted in connection with Secretary of State Jay Ashcroft’s attendance;
 - d. Any handouts, presentation materials, summaries, or notes (electronic or handwritten) provided to or created by Secretary of State Jay

Ashcroft or anyone communicating on his behalf (such as an assistant or scheduler).

For Parts 1 through 3, please provide all responsive records from January 1, 2023, through March 1, 2023.

4. All calendars or calendar entries for Secretary of State Jay Ashcroft, including any calendars maintained on his behalf, from February 1, 2023, through February 28, 2023.

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.”¹ The public has a significant interest in efforts regarding the administration of elections in Missouri.² Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether and to what extent public officials have discussed election administration policies and practices with outside parties. 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.³ 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.⁴

¹ Mo. Rev. Stat. § 610.026.1(1).

² See Evan Lasseter, *Here’s the Lobbying Group Advocating Elections Changes in Missouri*, Columbia Missourian, May 1, 2022, https://www.columbiamissourian.com/news/heres-the-lobbying-group-advocating-elections-changes-in-missouri/article_27be65e2-c758-11ec-a54d-eb7112daf793.html.

³ Mo. Rev. Stat. § 610.026.1(1).

⁴ American Oversight currently has approximately 16,000 followers on Facebook and 112,200 followers on Twitter. American Oversight, Facebook,

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.⁵ 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;⁶ posting records and analysis of federal and state governments’ responses to the Coronavirus pandemic;⁷ 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;⁸ 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.⁹

<https://www.facebook.com/weareoversight/> (last visited April 27, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited April 27, 2023).

⁵ See generally *News*, American Oversight, <https://www.americanoversight.org/blog>.

⁶ 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>.

⁷ 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>.

⁸ 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>.

⁹ *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>.

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. 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.¹⁰
- 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.¹¹ 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

¹⁰ Mo. Rev. Stat. § 610.010(6).

¹¹ Mo. Rev. Stat. § 610.024.1.

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 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