



May 1, 2023

**VIA EMAIL**

Virginia Department of Elections  
Washington Building, First Floor  
1100 Bank St., Richmond 23219  
[info@elections.virginia.gov](mailto:info@elections.virginia.gov)

**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, Heather Sawyer, a resident of Virginia, make the following request for records.

**Requested Records**

I request that the Department of Elections produce the following records within five working 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 Virginia Department of Elections personnel listed below containing any of the key terms listed below. For this request item, please note that I do not object to the exclusion of communications exclusively internal to members of the Virginia state government.

**Virginia Department of Elections Personnel:**

- a. Susan Beals, Commissioner
- b. Anyone serving as Department of Elections Chief of Staff
- c. John O'Bannon, State Board of Elections Chair
- d. Rosalyn R. Dance, State Board of Elections Vice-Chair
- e. Georgia Alvis-Long, State Board of Elections Secretary
- f. Donald W. Merricks, State Board of Elections Member
- g. Matthew Weinstein, State Board of Elections Member

**Key Terms:**

- i. ERIC<sup>1</sup>
- ii. "Electronic Registration"
- iii. "Voter registration network"
- iv. Hamlin

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<sup>1</sup> I do 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.



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

For request item 1, please note that I do 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 Commissioner Susan Beals received a mass-distribution newsletter mentioning “list maintenance,” that initial email would not be responsive to this request. However, if Commissioner Beals 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 Virginia Department of Elections 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](mailto: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](mailto:phillklineva@gmail.com))
- vii. Luis Cornelio ([luis.cornelio@protonmail.com](mailto:luis.cornelio@protonmail.com), [lcornel001@citymail.cuny.edu](mailto:lcornel001@citymail.cuny.edu))
- viii. The Heritage Foundation (heritage.org or heritageaction.com)
- ix. Hans von Spakovsky ([hans.vonspakovsky@heritage.org](mailto:hans.vonspakovsky@heritage.org))
- x. Public Interest Legal Foundation (publicinterestlegal.org)
- xi. J. Christian Adams ([a@electionlawcenter.com](mailto:a@electionlawcenter.com), [adams@electionlawcenter.com](mailto:adams@electionlawcenter.com), and [jadams@usccr.gov](mailto:jadams@usccr.gov))
- xii. Jim Hoft ([midwestjim@charter.net](mailto:midwestjim@charter.net)), or anyone communicating on behalf of The Gateway Pundit (thegatewaypundit.com)

- xiii. Victoria Marshall ([victoria@thefederalist.com](mailto:victoria@thefederalist.com)), Molly Hemingway ([mzhemingway@thefederalist.com](mailto: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](mailto:mike@mypillow.com)), or anyone communicating on behalf of MyPillow (mypillow.com)
- xvii. Michele Replogle ([micrep@protonmail.com](mailto:micrep@protonmail.com), [micrep@pm.me](mailto:micrep@pm.me), [causeofamerica@protonmail.com](mailto:causeofamerica@protonmail.com)), or anyone communicating on behalf of Cause of America (causeofamerica.org)
- xviii. Jay Valentine ([jay@contingencysales.com](mailto:jay@contingencysales.com)), or anyone communicating on behalf of Omega4America (omega4america.com, contingencysales.com, or jayvalentine.com)
- xix. Florida Department of State (dos.myflorida.com)
- xx. Iowa Secretary of State (sos.iowa.gov)
- xxi. Missouri Office of the Secretary of State (sos.mo.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 I do 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 Commissioner Susan Beals received a mass-distribution news clip email from The Heritage Foundation, that initial email would not be responsive to this request. However, if Commissioner Beals 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.

- 3. Records reflecting any formal or informal directives or guidance concerning any of the following matters:
  - a. Virginia's Electronic Registration Information Center (ERIC) membership;
  - b. any amendments or alterations to the bylaws or membership agreement of ERIC;
  - c. voter roll list maintenance;
  - d. notifying eligible but unregistered voters of their eligibility.
- 4. All final assessments, reports, analyses, or recommendations in your possession (including formal memoranda and other written products)

prepared by your office or otherwise provided to your office by other state or local offices, or independent experts, regarding any projected or actual impacts of withdrawing from the Electronic Registration Information Center.

For request items 1 through 4, please provide all responsive records from January 1, 2023, through the date the search is conducted.

5. All 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) sent or received by Commissioner Susan Beals (whether on government-issued or personal devices), concerning any government business.
6. Any record of any telephone calls made, received, or transferred to or by Commissioner Susan Beals, or anyone communicating on her behalf (such as an assistant, secretary, or scheduler). This request includes any detailed billing information or phone records received by the Virginia Department of Elections from any telecommunications provider for (a) state-owned/leased phones maintained by the Virginia Department of Elections, and (b) personal phones or devices to the extent they are used to conduct official business. I do not object to the redaction of personal telephone calls.

For request items 5 and 6, please provide all responsive records from March 1, 2023, through March 10, 2023.

7. All calendars or calendar entries for Commissioner Susan Beals, including any calendars maintained on her behalf, between January 1, 2023, and March 31, 2023.

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:

- 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. I 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.
- 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 representative 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. If it will accelerate release of responsive records, 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/ Heather Sawyer  
Heather Sawyer