



**Public Records Request Form**

Alabama citizens may complete and submit this form to make a general public records request. All fields must be completed with accurate information for your request to be processed.

**Scope of Request**

This form is for requesting public records from the Office of the Secretary of State. If you are looking for public records from another governmental entity within the State of Alabama, you should contact that entity directly.

I believe the records I am seeking are in the possession of the Office of the Secretary of State rather than some other governmental entity within the State of Alabama.

**Requestor's Contact Information**

Title: Dr. Full name: Zachary Mahafza

Organization: SPLC Position: Research & Data Analyst

Phone number: 256-679-9062 Email address: zach.Mahafza@splcenter.org

Are you an Alabama Citizen?  Yes  No

Do you have an Alabama Driver License?  Yes, Issued: 4/12/2022 Number: 7874954

Do you have another State of Alabama issued ID?  Yes, Type: \_\_\_\_\_, Number: \_\_\_\_\_

Current street address (DO NOT USE A P.O. Box):

400 Washington Ave.

City: Montgomery County: \_\_\_\_\_

State: Alabama Zip code: 36104

**Payment of Fees**

Payment of fees may be required before your request is fulfilled.

I am willing to pay up to \$ \$250.00 in processing fees without prior notice by the agency.

**Specific Records Requested**

Be as specific as possible. Requests that are overly broad may qualify as time-intensive requests and will take longer to process: Please see attached request.

**Method of Delivery (Check Only One)**

I would like to receive responsive records electronically at the email address provided above.

I would like to receive responsive records by U.S. Mail at the address specified above.

I would like to schedule an office visit to inspect and/or copy records with my own equipment.

By my signature below, I hereby agree to the terms and conditions applicable to obtaining public records from the Secretary of State, including the requirement for advance payment, and, further, swear or affirm, to the best of my knowledge, that all information provided by me on this form is accurate, true, and correct:

/s/ Zachary Mahafza  
Signature

7/14/2023  
Date

Southern Poverty Law Center  
400 Washington Ave.  
Montgomery, AL, 36104

July 18, 2023

**VIA EMAIL**

Laney Kelley  
Executive Assistant/Director of Scheduling  
Office of Secretary of State Wes Allen  
Alabama State Capitol  
600 Dexter Avenue, Suite S-105  
Montgomery, AL 36130  
[Laney.Kelley@sos.alabama.gov](mailto:Laney.Kelley@sos.alabama.gov)

**Re: Alabama Open Records Act Request**

Dear Records Custodian:

Pursuant to the Alabama Open Records Act, Ala. Code § 36-12-40, the Southern Poverty Law Center (SPLC) makes the following request for records. SPLC is a citizen of Alabama that maintains its offices at 400 Washington Ave., Montgomery, Alabama 36104.

In January 2023, Secretary of State Wes Allen announced that Alabama would be withdrawing from the Electronic Registration Information Center (ERIC), a data-sharing partnership among states that helps state participants with voter roll maintenance.<sup>1</sup> SPLC seeks records to understand this decision.

**Requested Records**

SPLC requests that the Secretary of State's office promptly produce the following records:

1. All electronic communications (including emails, email attachments, complete email chains, calendar invitations, calendar invitation attachments, and text messages or messages on messaging platforms, such as Slack, GChat or Google Hangouts, Lync, Skype, Signal, Telegram or WhatsApp) sent or received by any of the Alabama Office of the Secretary of State personnel listed below containing any of the key terms listed below.

Alabama Office of the Secretary of State Personnel:

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<sup>1</sup> *Alabama Withdraws From Voter Registration Data Sharing Group*, CBS News (Jan. 17, 2023, 8:10 PM), <https://www.cbsnews.com/news/alabama-withdraws-voter-registration-data-sharing-group-secretary-of-state-wes-allen/>.

- a. Secretary of State Wes Allen
- b. Chief of Staff Clay Helms
- c. General Counsel Mike Jones
- d. Director of Scheduling and Executive Administrative Assistant  
Lindsay “Laney” Kelley
- e. Director of Government Relations Jonathan Hester
- f. Director of Elections Jeff Elrod

Key Terms:

- i. ERIC<sup>2</sup>
- ii. “Electronic Registration”
- iii. “Voter registration network”
- iv. Hamlin
- v. Haas
- vi. Whitt
- vii. Becker
- viii. “list maintenance”
- ix. “roll maintenance”
- x. “roster validation”
- xi. “voter list”
- xii. ericstates.org
- xiii. Soros
- xiv. GS

For request item 1, please note that SPLC 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 Secretary Allen received a mass-distribution newsletter mentioning “list maintenance,” that initial email would not be responsive to this request. However, if Secretary Allen forwarded that email to another individual with his 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 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:

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<sup>2</sup> SPLC 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 the Electronic Registration Information Center.

- 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. The Election Integrity Partnership (eipartnership.net)
- xx. American Legislative Exchange Council (alec.org)
- xxi. Heather Honey (heather@verityvote.us, hhoney@haystackinvestigations.com), Patricia (Patty) Chandler ([jsia34765@gmail.com](mailto:jsia34765@gmail.com)), Patrice Johnson ([patricejohnson11@gmail.com](mailto:patricejohnson11@gmail.com)) or anyone communicating on behalf of Verity Vote (verityvote.us) or Haystack Investigations (haystackinvestigations.com)
- xxii. Alabama Law Enforcement Agency (alea.gov)

For request item 2, please note that SPLC 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 Allen received a mass-distribution newsletter email from The Heritage Foundation, that initial email would not be responsive to this request. However, if Secretary Allen 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 16, 2023, through the date the search is conducted.

### **Guidance Regarding the Search & Processing of Requested Records**

In connection with its request for records, SPLC 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,<sup>3</sup> such as 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.
- 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. 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

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<sup>3</sup> See Ala. Code § 41-13-1.

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 in response to this request, **please do not hesitate to make contact through American Oversight, to discuss this request**, at the contact information below:

**Khahilia Shaw, American Oversight**  
**Telephone: (202) 539-6507**  
**Email: [records@americanoversight.org](mailto:records@americanoversight.org)**

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 [zach.mahafza@splcenter.org](mailto:zach.mahafza@splcenter.org). 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 the Southern Poverty Law Center at 400 Washington Ave., Montgomery, AL, 36104. If it will accelerate release of responsive records to SPLC, please also provide responsive material on a rolling basis.

The Southern Poverty Law Center is a catalyst for racial justice in the South and beyond, working in partnership with communities to dismantle white supremacy, strengthen intersectional movements, and advance the human rights of all people. For more information, visit [www.splcenter.org](http://www.splcenter.org).

We look forward to working with your agency on this request. **If you do not understand any part of this request, please make contact using the information listed above.**

Sincerely,

/s/ Zach Mahafza  
Zach Mahafza  
on behalf of  
Southern Poverty Law Center