



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 14, 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

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.¹ SPLC seeks records to understand this decision.

Requested Records

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

1. Records reflecting any final formal or informal directives or guidance concerning any of the following matters:
 - a. the decision to withdraw Alabama from the Electronic Registration Information Center (ERIC);
 - b. any amendments or alterations to the bylaws or membership agreement of ERIC;
 - c. voter roll list maintenance;

¹ *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/>.

- d. inactive and/or disqualified voters;
 - e. notifying eligible but unregistered voters of their eligibility;
 - f. any replacement system/s intended to serve the same function as ERIC membership.
2. 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 and 2, please provide all responsive records from January 16, 2023, through the date the search is conducted.

3. All calendars or calendar entries for Secretary of State Wes Allen and Elections Director Jeff Elrod, including any calendars maintained on their behalf from January 16, 2023, through April 30, 2023.

Please notify SPLC 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, 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,² 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

² See Ala. Code § 41-13-1.

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.

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

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. 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.

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