



June 30, 2023

VIA EMAIL

Custodian of Public Records
Secretary of State R. Kyle Ardoin
8585 Archives Avenue
Baton Rouge, LA 70809
PublicRecordsRequest@sos.la.gov

Re: Public Records Law Request

Dear Records Custodian:

Pursuant to the Louisiana Public Records Law, La. Rev. Stat. Ann. 44:1 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that the Louisiana Secretary of State produce the following records within three business days:

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

Officials:

1. Secretary of State R. Kyle Ardoin, or anyone communicating on his behalf, such as an assistant or scheduler
2. First Assistant Secretary of State Nancy Landry
3. Undersecretary Shanda Jones
4. Chief of Staff Joe Salter
5. Deputy Secretary for Communications, Outreach and Promotions John Tobler
6. Deputy Secretary for Outreach/Special Projects Joel Watson
7. Chief Information Officer Brad Manuel
8. Commissioner of Elections Sherri Wharton Hadskey



Key Terms:

- i. ERIC¹
- ii. “Electronic Registration”
- iii. “voter registration network”
- iv. “voter registration compact”
- v. “voter registration data”
- vi. “voter rolls”
- vii. “voter data”
- viii. “voters’ personal information”
- ix. Hamlin
- x. Haas
- xi. Whitt
- xii. “list maintenance”
- xiii. ericstates.org
- xiv. Soros
- xv. “Open Society”
- xvi. “voter fraud”
- xvii. “election integrity”

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, we have limited request item 1 to emails sent by the specified officials. To be clear, however, we still request that complete email chains be produced, displaying both sent and received messages. This means, for example, that both an officials’ response to an email and the initial received message are responsive to this request and should be produced.

2. All electronic communications (including emails, email attachments, complete email chains, calendar invitations, calendar invitation attachments, text messages, or messages on messaging platforms, such as Slack, GChat or Google Hangouts, Lync, Skype, Signal, Telegram, or WhatsApp) between (a) any of the officials listed above in part 1, and (b) Shane Hamlin, Ericka Haas, Sarah Whitt, or anyone communicating on behalf of the Electronic Registration Information Center (ERIC) (ericstates.org).

Please note that American Oversight does not seek, and 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 Ardoin received a mass-distribution news clip email from one of the specified individuals, that initial email would not be responsive to this request. However, if Secretary Ardoin responded to or forwarded that email to another individual with his own commentary, that subsequent message would be responsive to this request and should be provided.

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.

3. Records reflecting any formal or informal directives or guidance concerning any of the following matters:
 - a. Louisiana'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;
 - e. any replacement system(s) intended to serve the same function as ERIC membership.
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 November 1, 2021, through the date the search is conducted.

5. All calendars or calendar entries for Secretary Ardoin, including any calendars maintained on his behalf, between November 1, 2021, and March 10, 2022.

Fee Waiver Request

In accordance with La. Rev. Stat. Ann. 44:32(C)(2), American Oversight requests a waiver of fees associated with processing this request for records. A waiver of fees for this request is appropriate, because American Oversight's use of the requested records "will be limited to a public purpose."

This request is made solely for a public purpose. The public has a significant interest in Secretary of State Kyle Ardoin's choice to withdraw Louisiana from the Electronic Registration Information Center, casting doubt on a system which allows for states to securely share voter registration data.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 Secretary of State Ardoin has been involved in efforts to discredit ERIC. 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.

² Miles Parks, *Right-Wing Conspiracies Have A New Target: A Tool That Fights Actual Voter Fraud*, NPR (Jan. 9, 2022, 5:00 AM ET), <https://www.npr.org/2022/02/09/1076529761/right-wing-conspiracies-have-a-new-target-a-tool-that-fights-actual-voter-fraud>.

Furthermore, this request is fundamentally made for non-commercial purposes. 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.³

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.⁴ 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;⁵ posting records and analysis of federal and state governments' responses to the Coronavirus pandemic;⁶ 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

³ American Oversight currently has approximately 16,000 followers on Facebook and 113,300 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited June 28, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited June 28, 2023).

⁴ See generally *News*, American Oversight, <https://www.americanoversight.org/blog>.

⁵ 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>.

⁶ 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>.

border, and analyses of what those records reveal;⁷ 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.⁸

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.
- 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. Public business communications conducted on private email accounts and devices are public records subject to the Public Records Law.⁹

⁷ 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>.

⁸ *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>.

⁹ La. Atty. Gen. Op. No. 01-155.

- 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 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 Khahilia Shaw at records@americanoversight.org or (202) 539-6507. 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/ Khahilia Shaw

Khahilia Shaw
on behalf of
American Oversight