



January 25, 2018

VIA ELECTRONIC MAIL

Office of the Texas Secretary of State
Elections Division
General Counsel Division
P.O. Box 12060
Austin, TX 78711-2060
elections@sos.texas.gov

Office of the Texas Secretary of State
Office of the General Counsel
P.O. Box 12887
Austin, TX 78711-2887
generalcounsel@sos.texas.gov

Re: Public Information Act Request

Dear Public Information Officer:

Pursuant to the Texas Public Information Act, codified in the Texas Government Code at Chapter 552, American Oversight makes the following request for records.

On November 13, 2017, Senator Claire McCaskill, Ranking Member of the U.S. Senate Committee on Homeland Security and Governmental Affairs, sent a letter to Tim Horne, Acting Administrator of the U.S. General Services Administration (GSA), requesting documents related to the “extent of GSA’s involvement” with the Presidential Advisory Commission on Election Integrity (Commission), established on May 11, 2017, by Executive Order 13799.¹ The letter requested any responsive records related to GSA’s role in helping the Commission with travel arrangements, complying with Federal Advisory Committee Act requirements, assisting with the purchase of voter data from the States, and providing a host of additional support services to the Commission.²

¹ See Letter from Claire McCaskill, Ranking Member, U.S. Senate Comm. on Homeland Sec. & Governmental Affairs, to Tim Horne, Acting Adm’r, U.S. Gen. Servs. Admin. (Nov. 13, 2017), <http://www.hsgac.senate.gov/download/mccaskill-letter-to-gsa-re-kobach-voter-commission> [hereinafter *McCaskill Letter*]; Exec. Order No. 13,799 of May 11, 2017, 82 Fed. Reg. 22,389 (May 16, 2017).

² See *McCaskill Letter*, at 2.



On December 19, 2017, Mr. Horne sent a letter accompanied by sixty-nine pages of records to Senator McCaskill.³ The responsive documents contain information on administrative support, services, staff, and equipment GSA provided to the Commission.⁴ Among these documents are order forms to the States for their voter registration data.⁵ In particular, the order form for Texas's voter registration data sent to the Office of the Secretary of State includes an invoice detail numbered 76226842 for "Public Information - Statewide VH/VD, active/suspense/cancelled, Hispanic surname flag, voted in Gen Elec's '06, '08, '10, '12, '14, '16." The fees amounted to \$3,437.30. The order form is attached to this letter as Exhibit A.

American Oversight submits this request to shed light on GSA's involvement in providing support to the Commission, and the work carried out by the Commission with respect to collecting voter data from Texas.

Requested Records

American Oversight requests that the Office of the Texas Secretary of State produce the following within ten business days:

All records reflecting communications (including emails, telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, or other materials) between any individual in the Office of the Secretary of State of Texas and Ron/Ronald Williams (whose email is likely to end in "@ovp.eop.gov") regarding the order submitted to the Office of the Secretary of State of Texas by the U.S. General Services Administration or the Presidential Advisory Commission on Election Integrity for Texas statewide voter registration data.

Please provide all responsive records from January 20, 2017, through the date the search is conducted.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the term "record" in its 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. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

In addition, American Oversight insists that the Office of the Texas Secretary of State use the most up-to-date technologies to search for responsive information and take steps to ensure that the most

³ See Letter from Tim Horne, Acting Adm'r, U.S. Gen. Servs. Admin., to Claire McCaskill, Ranking Member, U.S. Senate Comm. on Homeland Sec. & Governmental Affairs (Dec. 19, 2017), <http://www.hsgac.senate.gov/download/gsa-letter-to-mccaskill> [hereinafter *Horne Letter*].

⁴ See *Commission Document Production*, U.S. GEN. SERVS. ADMIN. (Dec. 19, 2017), <http://www.hsgac.senate.gov/download/gsa-letter-to-mccaskill>.

⁵ See *id.*

complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

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 it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

You should institute a preservation hold on information responsive to this request. American Oversight intends to pursue all legal avenues to enforce its right of access under Public Information Act, including litigation if necessary. Accordingly, the Office of the Texas Secretary of State is on notice that litigation is reasonably foreseeable.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, 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 the Office of the Texas Secretary of State can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF 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.

Conclusion

American Oversight is a 501(c)(3) nonprofit with the mission 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.⁶

⁶ American Oversight currently has approximately 11,800 page likes on Facebook, and 39,200 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Jan. 24, 2018); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Jan. 24, 2018).

We share a common mission to promote transparency in government. American Oversight looks forward to working with the Secretary of State on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Pooja Chaudhuri at foia@americanoversight.org or 202.897.3918.

Sincerely,

A handwritten signature in blue ink, appearing to read "Austin R. Evers", with a long horizontal flourish extending to the left.

Austin R. Evers
Executive Director
American Oversight

Attachment:

Exhibit A – Texas Voter Registration Data Order Form (Sept. 19, 2017)