



November 23, 2020

VIA ELECTRONIC MAIL

Open Records Custodian
Office of the Secretary of State
214 State Capitol
Atlanta, GA 30334
openrecords@sos.ga.gov

Re: Open Records Request

Dear Records Custodian:

Pursuant to the Georgia Open Records Law (O.C.G.A. § 50-18-70 et seq.), American Oversight makes the following request for records.

Requested Records

American Oversight requests that the Office of the Secretary of State produce the following within three business days, or provide a written description of any responsive records with a timetable for their production within three business days:

1. All formal or informal notes, official or unofficial policy directives, guidance documents and/or decision memoranda (including, but not limited to, Official Election Bulletins (OEBs)) **prepared by** any of the Secretary of State officials listed below regarding the Office's November 11, 2020 decision¹ to conduct a statewide hand recount of ballots cast in the 2020 general election.

Specified Officials:

- a. Secretary of State Brad Raffensperger (brad@sos.ga.gov)
- b. Deputy Secretary Jordan Fuchs (jfuchs@sos.ga.gov)
- c. General Counsel Ryan Germany (rgermany@sos.ga.gov)
- d. Deputy General Counsel Anna Braue (abraue@sos.ga.gov)
- e. Elections Director Chris Harvey (wharvey@sos.ga.gov)
- f. Voting System Implementation Manager Gabriel Sterling (sterlinginnovative@gmail.com, gsterling@sos.ga.gov)
- g. Deputy Elections Director Ted Koval (tkoval@sos.ga.gov)
- h. Senior Elections Attorney Gabrielle Holland (gabrielleg holland@sos.ga.gov)

Please provide all responsive records from November 1, 2020, through the date the search is conducted.

¹ Mark Niese & Greg Bluestein, *Georgia Launches Statewide Hand Recount of Presidential Race*, Atlanta J.-Const., Nov. 11, 2020, <https://www.ajc.com/politics/georgia-launches-statewide-hand-recount-of-presidential-race/7PWR53SU6BAWDBOFRBJAW6HERA/>.



2. Records sufficient to identify the projected or actual cost of conducting the statewide manual hand recount of ballots cast in the 2020 presidential election announced by Secretary Raffensperger on November 11, 2020.²

Please provide all responsive records from October 26, 2020, through the date your office receives this request.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fees.

We understand that your office's capacity may be impacted by the ongoing recount and upcoming runoff elections. Should that be the case, we would be happy to discuss potential streamlining or narrowing of our request, reasonable delays in processing this request, or other accommodations. Please feel free to contact us at the telephone number listed in the final paragraph of this letter; we look forward to working with you.

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 Secretary of State's Office use the most up-to-date technologies to search for responsive information and take steps to ensure that the most 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; your office 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.

Please take appropriate steps to ensure that records responsive to this request are not deleted by your office 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.

² *Supra* note 1.

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 Secretary of State's Office 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.³

We share a common mission to promote transparency in government. American Oversight looks forward to working with you 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 Khahilia Shaw at records@americanoversight.org or 202.539.6507.

Sincerely,



Austin R. Evers
Executive Director
American Oversight

³ American Oversight currently has approximately 15,600 page likes on Facebook and 106,100 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Nov. 17, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Nov. 17, 2020).