



December X, 2020

VIA ELECTRONIC MAIL

Open Records Custodian
Office of the Secretary of State
214 State Capitol
Atlanta, Georgia 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 and All Voting is Local Georgia (together, Requesters) make the following request for records.

Requested Records

Requesters ask 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:

All email communications (including emails, email attachments, calendar invitations, or attachments thereto) sent by any of the Office of the Secretary of State staff listed in below regarding allegations made by the Secretary of State's office that various voting groups have been attempting to register "individuals who are ineligible to cast ballots in the January runoffs" including encouraging non-Georgia residents "to come to Georgia solely to cast ballots"¹ and attempting to register dead individuals to vote.²

Secretary of State Officials:

- a. Secretary of State Brad Raffensperger (brad@sos.ga.gov)
- b. Anyone serving as Chief of Staff to Secretary Raffensperger
- c. Deputy Secretary Jordan Fuchs (jfuchs@sos.ga.gov)
- d. General Counsel Ryan Germany (rgermany@sos.ga.gov)
- e. Deputy General Counsel Anna Braue (abraue@sos.ga.gov)

¹ Press Release, *Secretary Raffensperger Launches Investigation Into Groups Encouraging Fraudulent Registrations*, Georgia Secretary of State, Dec. 2, 2020,

https://sos.ga.gov/index.php/elections/secretary_raffensperger_launches_investigation_into_groups_encouraging_fraudulent_registrations.

² Kate Brumback, *Georgia Official Says Alleged Election Problems Will Be Investigated, But Dismisses Claims of Widespread Fraud*, PBS (Nov. 30, 2020, 5:53 PM),

<https://www.pbs.org/newshour/politics/georgia-official-says-alleged-election-problems-will-be-investigated-but-dismisses-claims-of-widespread-fraud>.



- f. Elections Director Chris Harvey (wharvey@sos.ga.gov)
- g. Voting Implementation Manager Gabriel Sterling (sterlinginnovative@gmail.com, gsterling@sos.ga.gov)
- h. Deputy Elections Director Ted Koval (tkoval@sos.ga.gov)
- i. Senior Elections Attorney Gabrielle Holland, (gabriellegholland@sos.ga.gov)

Requesters believe that records containing the terms listed below are likely to be responsive, and suggests that your office, at a minimum, employ these search terms to identify responsive records:

Suggested Search Terms:

- “New Georgia Project”
- NGP
- “Vote Forward”
- “America Votes”
- “Operation New Voter Registration”

Please provide all responsive records from November 3, 2020, to the date this request is received.

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, Requesters have limited its request to emails sent by the specified custodians. To be clear, however, Requesters still ask that complete email chains be produced, displaying both sent and received messages. This means, for example, that both Secretary Raffensperger’s response to a responsive email and the initial received message are responsive to this request and should be produced. This request includes all prior messages (whether incoming or outgoing) reflected in the responsive correspondence and any attachments thereto.

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

Requesters seek 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, Requesters insist 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. Requesters are 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.

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, Requesters welcome 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, Requesters 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 Requesters, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records, please also provide responsive material on a rolling basis.

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 Requesters, please do not hesitate to contact the American Oversight to discuss this request. Requesters welcome 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, Requesters and your office can decrease the likelihood of costly and time-consuming litigation in the future.

We share a common mission to promote transparency in government. Requesters look 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,

A handwritten signature in blue ink that reads "Austin R. Evers". The signature is fluid and cursive, with a long horizontal line extending to the left.

Austin R. Evers
Executive Director
American Oversight

A handwritten signature in blue ink that reads "Aklima Khondoker". The signature is circular and stylized, with a prominent loop at the top.

Aklima Khondoker
Georgia State Director, All Voting is Local
The Leadership Conference Education Fund
The Leadership Conference on Civil and Human
Rights