



March 18, 2021

VIA EMAIL

Oklahoma Office of the Attorney General
313 N.E. 21st Street
Oklahoma City, OK 73105
openrecordsrequest@oag.ok.gov

Re: Open Records Act Request

Dear Records Access Officer:

Pursuant to the Oklahoma Open Records Act, O.S. tit. 51, §§ 24A.1 et seq., American Oversight makes the following request for records.

In early December 2020, Texas Attorney General Ken Paxton filed a lawsuit seeking to block various states from casting allegedly “unlawful and constitutionally tainted votes” in the Electoral College.¹ Seventeen additional states, including Oklahoma, filed motions backing Texas’s efforts.² Later, public reporting revealed that a team of lawyers associated with the Trump campaign formulated the plan which ultimately led to Texas’s challenge.³

Accordingly, American Oversight seeks records concerning the formulation and implementation of the plan to stop states from casting votes in the Electoral College.

Requested Records

American Oversight requests that the Office of the Attorney General produce the following records within five business days:

1. All email communications (including emails, complete email chains, email attachments, calendar invitations, and calendar attachments) between (a) any of the Office of the Attorney General officials listed below and (b) any of the external parties listed below.

¹ Emma Platoff, *In New Lawsuit, Texas Contests Election Results in Georgia, Wisconsin, Michigan, Pennsylvania*, Tex. Tribune, Dec. 8, 2020, <https://www.texastribune.org/2020/12/08/texas-ken-paxton-election-georgia/>.

² Todd J. Gillman, *17 States and Trump Join Texas Request for Supreme Court to Overturn Biden Wins in Four States*, Dallas Morning News (Dec. 9, 2020, 10:34 AM), <https://www.dallasnews.com/news/politics/2020/12/09/trump-says-hell-join-texas-lawsuit-asking-supreme-court-to-block-62-biden-electors-from-four-states/>.

³ Jim Rutenberg et al., *77 Days: Trump’s Campaign to Subvert the Election*, N.Y. Times, Jan. 31, 2021, <https://www.nytimes.com/2021/01/31/us/trump-election-lie.html>.



Oklahoma Attorney General Officials:

- i. Mike Hunter, Attorney General, or anyone communicating on that official's behalf (such as an assistant or scheduler)
- ii. Anyone serving as Chief of Staff to Attorney General Hunter
- iii. Mithun Mansinghani, Solicitor General

External Parties:

- iv. Kris Kobach (including, but not limited to, at the email addresses kkobach@gmail.com or kris@kriskobach.com)
 - v. Lawrence Joseph (including, but not limited to, at the email addresses ljoseph@larryjoseph.com or lj@larryjoseph.com)
 - vi. Mark Martin (including, but not limited to, at the email address mmartin@regent.edu)
2. All text messages or communications on messaging applications similar in form to text messages (including, but not limited to, Signal, WhatsApp, Facebook Messenger, and Twitter direct messages) between (a) any of the Office of the Attorney General officials listed above and (b) any of the external parties listed above.
 3. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) sent by any of the Office of the Attorney General officials listed above to any email address ending in .com, .net, .org, .mail, or .edu, containing any of the following key terms:

Key Terms:

- a. "Texas v. Pennsylvania"
- b. "TX v. PA"
- c. "592 U.S."
- d. separation-of-powers
- e. "separation of powers"
- f. electors
- g. "Article II"
- h. "fraud and abuse"
- i. "non-legislative actors"
- j. amicus
- k. amici
- l. unconstitutional
- m. "voting by mail"
- n. "vote by mail"
- o. Paxton
- p. "safe harbor"
- q. Kobach
- r. "Larry Joseph"
- s. "Lawrence Joseph"
- t. "Mark Martin"

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited item 3 of its request to emails sent by the listed custodians. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both Attorney General Hunter's response to an email from an external party containing one of the key terms listed above and the initial received message are responsive to this request and should be produced.

For each item of this request, please provide all responsive records from November 3, 2020, through January 20, 2021.

Fee Waiver Request

In accordance with 51 O.S. tit. 51, § 24A.5(4), American Oversight requests that your office charge no search fees in connection with processing this request for records. Release of the requested records "is in the public interest," because American Oversight, in accordance with its organizational mission, makes this request "to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants."⁴ Specifically, the requested records have the potential to shed light on the Office of the Attorney General's efforts to overturn then-President-elect Joe Biden's victories in key swing states.⁵ Records with the potential to shed light on this matter, including whether and to what extent Office of the Attorney General officials coordinated with affiliates of the Trump campaign, would contribute significantly to public understanding of whether public servants are fulfilling their duties.

American Oversight's work is aimed solely at serving the public interest.⁶ 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. Rather, 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. Similar to members of the news media, 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.⁷ American Oversight has also demonstrated its commitment to

⁴ O.S. tit. 51, § 24A.5(4).

⁵ Angela Shen, *Oklahoma AG Joins Brief to Support Lawsuit Challenging Presidential Election*, KFOR (Dec. 10, 2020, 6:23 PM), <https://kfor.com/news/local/oklahoma-ag-joins-brief-to-support-lawsuit-challenging-presidential-election/>.

⁶ See O.S. tit. 51, § 24A.5(4).

⁷ American Oversight currently has approximately 15,600 page likes on Facebook and 105,400 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Mar. 3, 2021); American

the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.⁸

American Oversight is committed to transparency and makes the responses public bodies provide to public records requests publicly available, and the public's understanding of the government's activities—including whether public servants are honestly, faithfully, and competently performing their duties—would be enhanced through American Oversight's analysis and publication of these records.

Therefore, in accordance with O.S. tit. 51, § 24A.5(4), American Oversight respectfully requests that you limit any copying fees to the reasonable, direct costs of record copying, or mechanical reproduction, if any such costs are incurred.

American Oversight asks that if its request for a fee waiver is denied in whole or in part, that you contact us prior to incurring any costs.

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.
- 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

Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Mar. 3, 2021).

⁸ See generally *News*, American Oversight, <https://www.americanoversight.org/blog>; *State Investigations*, American Oversight, <https://www.americanoversight.org/states>; see also, 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>; *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>.

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.⁹ 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 Christine Monahan at records@americanoversight.org or (202) 869-5244.

Sincerely,

/s/ Christine Monahan
Christine Monahan
on behalf of
American Oversight

⁹ O.S. tit. 51, § 24A.5(2).