



April 1, 2021

VIA EMAIL

Sherry McKellar
Board of Commissioners Clerk
210 Humphrey St.
P.O. Box 340
Lincolnton, GA 30817
smckellar@lincolncountyga.com

Re: Open Records Request

Dear Clerk McKellar:

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 Lincoln County Board of Commissioners produce the following within three business days:

1. All email communications (including emails, complete email chains, email attachments, calendar invitations, and calendar attachments) sent by any of the Lincoln County Board of Commissioners members listed below concerning any proposed or implemented changes to the authority, composition, or member selection method of the Lincoln County Board of Elections (including, but not limited to, any communications concerning SB 283).

Lincoln County Board of Commissioners:

- i. Walker T. Norman
- ii. Brian Henderson
- iii. Larry Collins
- iv. Cooper Cliatt
- v. Stan Tankersley

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 1 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 Commissioner Norman's response to an email concerning the authority, composition, or member selection method of the Lincoln County Board of Elections and the initial received message are responsive to this request and should be produced.



2. All email communications (including emails, complete email chains, email attachments, calendar invitations, and calendar attachments) between (a) any of the Lincoln County Board of Commissioners members listed above and (b) any of the external parties listed below.

External Parties:

- i. Rep. Robert Leverett (Robert.leverett@house.ga.gov)
- ii. Administrative Assistant LaTricia Howard
(Latricia.howard@house.ga.gov)
- iii. Sen. Lee Anderson (lee.anderson@senate.ga.gov)
- iv. Legislative Assistant Leighton Kennedy
(Leighton.kennedy@senate.ga.gov)
- v. Sen. Butch Miller (butch.miller@senate.ga.gov)
- vi. Legislative Assistant Adeline Frost (adeline.frost@senate.ga.gov)
- vii. Chief of Staff Steve Tippins (steve.tippins@senate.ga.gov)
- viii. Sen. Jeff Mullis (jeff.mullis@senate.ga.gov)
- ix. Legislative Assistant Madeline Lara (madeline.lara@senate.ga.gov)
- x. Sen. Mike Dugan (mike.dugan@senate.ga.gov)
- xi. Legislative Assistant Elizabeth Fetzer
(Elizabeth.fetzer@senate.ga.gov)
- xii. Chief of Staff Ethan Stiles (ethan.stiles@senate.ga.gov)
- xiii. Sen. Steve Gooch (steve.gooch@senate.ga.gov)
- xiv. Legislative Assistant Gracie Boortz (gracie.boortz@senate.ga.gov)
- xv. Sen. Larry Walker III (larry.walker@senate.ga.gov)
- xvi. Legislative Assistant Ryann Miller (ryann.miller@senate.ga.gov)
- xvii. Sen. John Kennedy (john.kennedy@senate.ga.gov)
- xviii. Legislative Assistant Ali Farmer (ali.farmer@senate.ga.gov)

For item 2 of this request, please note that American Oversight does not seek, and that the request specifically excludes, the initial mailing of news clips, press releases, or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if Commissioner Norman received a press release from Rep. Robert Leverett, that initial email would not be responsive to this request. However, if Commissioner Norman forwarded that email to another individual with their own commentary, that subsequent message would be responsive to this request and should be produced.

For both items of this request, please provide all responsive records from November 3, 2020, to the date the request is received by your office.

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

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:

- 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. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Open Records Act.¹
- 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.

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

¹ O.C.G.A. § 50-18-70(b)(2).

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.²

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,

/s/ Khahilia Shaw
Khahilia Shaw
on behalf of
American Oversight

² American Oversight currently has approximately 15,700 page likes on Facebook and 106,000 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Mar. 31, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Mar. 31, 2021).