



March 8, 2022

**VIA EMAIL**

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

1. All email communications (including emails, email attachments, calendar invitations, and calendar invitation attachments) between (a) State Election Board Member Dr. Janice W. Johnston, and (b) any of the external individuals or representatives of any of the entities listed below (including, but not limited to, at the listed email addresses and domains).

**External Parties:**

- i. David Shafer and anyone communicating on behalf of the Georgia Republican Party (@gagop.org)
- ii. Catherine Engelbrecht, Maureen Riordan, Courtney Kramer, Ellen Swensen, Erin Anderson, and anyone communicating on behalf of True the Vote (@truethevote.org)
- iii. Heritage Foundation (@heritage.org and @heritageaction.com)
- iv. Public Interest Legal Foundation (@publicinterestlegal.org and @electionlawcenter.com)
- v. Judicial Watch (@judicialwatch.org)
- vi. Garland Favorito (garlandf@msn.com)
- vii. Voter GA (@voterga.org)
- viii. Justin Clark (jrclark@michaelbest.com)
- ix. Nathan Groth (ndgroth@michaelbest.com)
- x. Stefan Passantino (spassantino@michaelbest.com and stefanpassantino@onebox.com)
- xi. Jason Snead (jason@jasonsnead.com)
- xii. Jason Stuckey (jstuckey@bricker.com)
- xiii. Jason Torchinsky (jtorchinsky@hvjt.law)



- xiv. Honest Elections Project (@honestelections.org)
  - xv. James Bopp, Jr. (@bopplaw.com and jboppjr@aol.com)
  - xvi. Kandiss Taylor (kandisstaylor@protonmail.com)
  - xvii. Vincent Russo (vrusso@robbinsfirm.com)
  - xxviii. Josh Belinfante (jbelinfante@robbinsfirm.com)
  - xix. Carey Miller (cmiller@robbinsfirm.com)
  - xx. Bryan Tyson (btyson@taylorenghish.com)
  - xxi. Jonathan Crumly, Sr. (jcrumly@taylorenghish.com)
  - xxii. Bryan Jacoutot (bjacoutot@taylorenghish.com)
  - xxiii. Loree Anne Paradise (lparadise@taylorenghish.com)
  - xxiv. Ray Smith, III (rsmith@smithliss.com)
  - xxv. Harry McDougald (hmacdougald@cpdlawyers.com)
  - xxvi. Sidney Powell
  - xxvii. L. Lin Wood (lwood@fightback.law)
  - xxviii. Howard Kleinhendler (howard@kleinhendler.com)
  - xxix. Kurt Hilbert (khilbert@hilbertlaw.com)
  - xxx. John Eastman (jeastman@claremont.org)
  - xxxi. Cleta Mitchell (cleta@cletamitchell.com)
2. All email communications (including emails, email attachments, calendar invitations, and calendar invitation attachments) sent by State Election Board Member Dr. Janice W. Johnston, containing any of the search terms listed below.

Search Terms:

- |                             |                         |
|-----------------------------|-------------------------|
| i. "True the Vote"          | x. "Voter GA"           |
| ii. TTV                     | xi. Favorito            |
| iii. Engelbrecht            | xii. "Honest Elections" |
| iv. Shafer                  | xiii. Snead             |
| v. Heritage                 | xiv. Cleta              |
| vi. "Public Interest Legal" | xv. Powell              |
| vii. PILF                   | xvi. Wood               |
| viii. "Judicial Watch"      | xvii. Hilbert           |
| ix. VoterGA                 | xviii. Eastman          |

In an effort to accommodate the Office of the Secretary of State and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by State Election Board Member Johnston. 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 Johnston's response to an email from containing the term "True the Vote" and the initial received message are responsive to this request and should be produced.

3. All materials received by the Office of the Secretary of State in connection with Janice Johnston's nomination and eventual appointment to the Georgia State Election Board, including, but not limited to, Johnston's appointment or nomination application, formal or informal recommendations or

references, statement of interest, resume, ethics waivers or authorizations, recusal determinations, and conflict determinations or analyses.

Please provide all responsive records from January 1, 2022, through the date the request is received.

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:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, if the request seeks “communications,” please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their 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 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.<sup>1</sup>

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<sup>1</sup> O.C.G.A. § 50-18-70(b)(2).

- 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 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.<sup>2</sup>

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

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<sup>2</sup> American Oversight currently has approximately 15,730 page likes on Facebook and 117,800 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Mar. 7, 2022); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Mar. 7, 2022).

the requested records, please contact Khahilia Shaw at [records@americanoversight.org](mailto:records@americanoversight.org) or 202.539.6507.

Sincerely,

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