



October 26, 2022

VIA EMAIL

FOIA Coordinator
Michigan Department of State
P.O. Box 30204
Lansing, MI 48918
MDOS-FOIA@michigan.gov

Re: Freedom of Information Act Request

Dear FOIA Coordinator:

Pursuant to Michigan's Freedom of Information Act (FOIA), as codified at Mich. Comp. Laws Ann. § 15.231 et seq., American Oversight makes the following request for records.

On November 23, 2020, the Michigan State Board of Canvassers voted to certify the outcome of the November 2020 election,¹ though member Norman Shinkle abstained from the vote and called for an audit of the results.² Following the election, activists in coordination with representatives of the Trump campaign accessed voting machines to attempt to assert that malfeasance had affected the results of the election.³

American Oversight seeks records with the potential to shed light on the role of Michigan public officials in challenging the November 2020 election, including whether or to what extent they communicated with external actors seeking to cast doubt on the election's results or administration.

Requested Records

American Oversight requests that your office respond to this request for the following records within five business days:

¹ Dave Boucher, *Michigan Board Votes to Certify Election Results Despite GOP Calls to Delay*, Detroit Free Press (updated Nov. 23, 2020, 7:40 PM), <https://www.freep.com/story/news/politics/elections/2020/11/23/did-michigan-certify-election-results-board-canvassers/6388768002/>.

² Tom Perkins, *Trump's Michigan Gambit Appears Doomed, But That Won't Stop His Extremist State Allies*, Slate (Nov. 23, 2020, 3:54 PM), <https://slate.com/news-and-politics/2020/11/michigan-board-certification-trump-appears-doomed.html>.

³ Jon Sawine, et al., *Giuliani Asked Michigan Prosecutor to Give Voting Machines to Trump Team*, Wash. Post (Feb. 9, 2022, 11:27 AM), <https://www.washingtonpost.com/investigations/2022/02/09/giuliani-antrim-prosecutor-voting-machines/>.



All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) and text messages or messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, Twitter direct messages, Facebook messages, WhatsApp, Signal, Telegram, or Parler) between, (A) former Michigan Board of Canvassers member Norman Shinkle, and (B) the external individuals or entities listed below:

Specified Entities:

1. Anyone communicating from an email address ending in @fightback.law
2. Anyone communicating from an email address ending in @theamericaproject.com
3. Ann Howard (ahoward@annhowardlaw.com)
4. Ben Cotton (bencotton@cytechservices.com)
5. Boris Epshteyn (bepshteyn@gmail.com)
6. Bernard Kerik (bernardkerik@protonmail.com)
7. Christina Bobb (christina@cgbstrategies.com)
8. Conan Hayes (sursfupno2@proton.com), or anyone communicating from an email address ending in @krknsys.com
9. Barry County Sheriff Dar Leaf (dleaf@barrycounty.org)
10. Douglas Frank (drdouglassfrank@outlook.com, drdouglassfrank@protonmail.com)
11. Eric Quinnell (equinnell@protonmail.com)
12. Jim Penrose, including anyone communicating from @jimpenrose.org
13. Jeff Lenberg (jeff.lenberg@wlpow.com)
14. John Eastman (jeastman@claremont.org, jeastman@ccg1776.com, jeastman@chapman.edu, john.eastman@colorado.edu, jeastman562@gmail.com)
15. Katherine Friess (kfriess@protonmail.com)
16. Linda Lee Tarver (lindaleetarver@gmail.com)
17. Luis Cornelio (luis.cornelio@protonmail.com, lcornel001@citymail.cuny.edu)
18. Mike Roman (mikeroman@protonmail.com)
19. Patrick Colbeck (pjcolbeck@comcast.net, patrick.colbeck@protonmail.com, patrick@migrassrootsalliance.org)
20. Phill Kline (phillklineva@gmail.com) or anyone communicating from an email address ending in @got-freedom.org
21. Sidney Powell (sherlock1776@protonmail.com)
22. William Charles Bundren (charles@bundrenlaw.net)

Please provide all responsive records from November 1, 2020, through January 20, 2021.

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 use all tools available to your agency to conduct a complete and efficient search for potentially responsive records. Please search all relevant records or systems containing records regarding agency business. Do not exclude financial records contained in 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. 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 financial 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 Sarah Colombo at records@americanoversight.org or (202) 869-5244. Also, if American Oversight's

request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Sarah Colombo
Sarah Colombo
on behalf of
American Oversight