



The Office of Secretary of State

Brad Raffensperger

SECRETARY OF STATE

Open Records Officer

February 5, 2020

VIA EMAIL

American Oversight
Austin R. Evers
Executive Director
1030 15th Street NW, Suite B255
Washington, DC 20005
records@americanoversight.org

Re: 2020-109- American Oversight

Dear Mr. Evers:

This letter is in response to your Open Record Request on January 31, 2020, made pursuant to Georgia's Open Records Act (O.C.G.A. § 50-18-70) asking for the following records:

American Oversight requests 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 records reflecting instructions—including formal or informal guidance documents, decision memoranda, directives, policies, procedures, or policy interpretations, whether or not attached to email or other communications—sent by the Secretary of State's Office to any representative of the counties listed below regarding language assistance for Limited-English proficiency (LEP) voters, language minority voters, or non-English speaking voters.

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2 MLK Jr. Dr. SE | West Tower | Suite 802 | Atlanta | Georgia | 30334

Cobb County, Georgia (including, but not limited to, anyone communicating with any email address ending in @cobbcounty.org or @cobbelections.org)

DeKalb County, Georgia (including, but not limited to, anyone communicating with any email address ending in @dekalbcountyga.gov)

Fulton County, Georgia (including, but not limited to, anyone communicating with any email address ending in @fultoncountyga.gov)

Gwinnett County, Georgia (including, but not limited to, anyone communicating with any email address ending in @gwinnettcountry.com)

Please provide all responsive records from January 1, 2019, to the date the search is conducted.

In an effort to accommodate your agency and reduce the number of responsive records to be processed and produced, American Oversight has limited its request to instructions sent by listed custodians. To be clear, however, to the extent an email is responsive to this request, American Oversight still requests that complete email chains be produced, displaying both the sent messages and the prior received messages in each email chain. This means, for example, that both a Secretary of State custodian's response to an email from a listed entity and the initial received message are responsive to this request and should be produced.

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

American Oversight seeks 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

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attachments to these records. No category of material should be omitted from search, collection, and production.

In addition, American Oversight insists 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. American Oversight is 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, 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 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 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.

After a preliminary review of the request and our records, we are unable to locate any responsive records to your request. This will serve as the final response for this request.

Sincerely,

Open Records Officer
Secretary of State