



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

May 10, 2021

Austin Evers
American Oversight
1030 15th Street, NW
Suite B255
Washington DC 20005
foia@americanoversight.org

Re: FOIA-2020-02231
DRH:ERH

Dear Austin Evers:

This responds to your Freedom of Information Act (FOIA) request dated and received in this Office on September 9, 2020, in which you requested copy of a memorandum provided to Attorney General William Barr concerning voter fraud in Texas.

Please be advised that a search has been conducted in the Office of the Attorney General, and no memorandum was located that is responsive to your request. This Office did locate two pages that are related to your request which I have determined are appropriate for release without withholdings, and copies are enclosed.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2018). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaison, Valeree Villanueva, for any further assistance and to discuss any aspect of your request at: Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001; telephone at 202-514-3642.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, MD 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with this Office's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001, or

you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically submitted within ninety days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in blue ink, appearing to read "Douglas R. Hibbard", with a small "DR" monogram at the end.

Douglas R. Hibbard
Chief, Initial Request Staff

Enclosure

Zapotosky, Matt

From: Zapotosky, Matt
Sent: Thursday, September 3, 2020 5:09 PM
To: Kupec, Kerri (OPA)
Subject: Re: This is the case the AG was referring to

Ok, I will do that.

I've now talked to the assistant district attorney who investigated that case, a guy named Andy Chatham, who claims, of Barr's comments, "That's not what happened at all."

In his telling, they began investigating suspected mail in voter fraud after receiving reports from people who had not requested mail in ballots getting notices that they were about to receive them. And they do find that one name suspiciously on 700 ballots.

But when they actually trace the suspected fraudulent ballots they find...there's not a lot of evidence of actual fraud. Some of the ballots are blank. Many voters say they actually filled them out, and voted for who they wanted to. They don't help one particular candidate or another.

Do you want to respond at all to his comments?

From: Kupec, Kerri (OPA) <Kerri.Kupec@usdoj.gov>
Sent: Thursday, September 3, 2020 4:25 PM
To: Zapotosky, Matt <matt.zapotosky@washpost.com>
Subject: RE: This is the case the AG was referring to

You can quote me as saying he meant 700, not 1700.

From: Zapotosky, Matt <matt.zapotosky@washpost.com>
Sent: Thursday, September 3, 2020 4:19 PM
To: Kupec, Kerri (OPA) <kkupec@jmd.usdoj.gov>
Subject: Re: This is the case the AG was referring to

Thanks. Can I quote you on the record as saying he misspoke on the figure? Do you want to offer any other clarity or statement on that?

From: Kupec, Kerri (OPA) <Kerri.Kupec@usdoj.gov>
Sent: Thursday, September 3, 2020 4:06 PM
To: Zapotosky, Matt <matt.zapotosky@washpost.com>
Subject: RE: This is the case the AG was referring to

Yes and Yes (those were the facts around the charge)

From: Zapotosky, Matt <matt.zapotosky@washpost.com>
Sent: Thursday, September 3, 2020 4:05 PM
To: Kupec, Kerri (OPA) <kkupec@jmd.usdoj.gov>
Subject: Re: This is the case the AG was referring to

So he misspoke on that figure? And he was referring to the 700 that bore this man's name as having helped fill them out?

From: Kupec, Kerri (OPA) <Kerri.Kupec@usdoj.gov>
Sent: Thursday, September 3, 2020 4:03 PM
To: Zapotosky, Matt <matt.zapotosky@washpost.com>
Subject: RE: This is the case the AG was referring to

700 not 1700

From: Zapotosky, Matt <matt.zapotosky@washpost.com>
Sent: Thursday, September 3, 2020 4:02 PM
To: Kupec, Kerri (OPA) <kkupec@jmd.usdoj.gov>
Subject: Re: This is the case the AG was referring to

Thanks, Kerri. Where did the AG get the figure 1,700? "For example, we indicted someone in Texas, 1,700 ballots collected, he -- from people who could vote, he made them out and voted for the person he wanted to." I see this story says 700 ballots (1,000 less than 1,700) were turned in that had the same name of a person giving assistance, but this story seems to imply there are only charges in connection with one.

Investigators in the case believe Hernandez is responsible for at least one of the tainted mail-in ballots discovered in the District 6 City Council election between Monica Alonzo and Omar Narvaez. In that race, about 700 voters ballots were turned in bearing the name Jose Rodriguez as having assisted the voter in filling out the ballot.

Best,

Matt

From: Kupec, Kerri (OPA) <Kerri.Kupec@usdoj.gov>
Sent: Thursday, September 3, 2020 3:52 PM
To: Zapotosky, Matt <matt.zapotosky@washpost.com>
Subject: This is the case the AG was referring to

CAUTION: EXTERNAL SENDER

<https://www.dallasobserver.com/news/dallas-county-grand-jury-indicts-one-for-west-dallas-voter-fraud-9646968>
[dallasobserver.com] [protect2.fireeye.com] [protect2.fireeye.com]