



U.S. Department of Justice
Civil Rights Division

KK:AW
21-00019-F

*Freedom of Information/PA Unit – 4CON
950 Pennsylvania Ave., NW
Washington, DC 20530*

Via Electronic Mail

Mr. Austin Evers
American Oversight
1030 15th St NW
Washington, DC 20005
foia@americanoversight.org

December 11, 2023

Dear Mr. Evers:

This is in response to your Freedom of Information Act request, which was sent to and received by the Civil Rights Division on October 7, 2020, seeking access to records regarding:

All orders, directives, or guidance provided to the offices of U.S. Attorneys regarding potential investigations, evaluations, reviews, or probes into cases of election fraud, ballot fraud or voter fraud, or otherwise concerning the enforcement of election-related laws. Please provide responsive records from January 1, 2020, through the date of the search.

Attached, please find 2 pages of documents responsive to your request. I have determined that these records may be disclosed to you subject to the deletion of personal information pursuant to 5 U.S.C. § 552 (b)(5) since the intra-agency communications consist of pre-decisional deliberative material, (b)(6) since disclosure thereof would constitute an unwarranted invasion of personal privacy and (b)(7)(C) since disclosure thereof could reasonably be expected to constitute an unwarranted invasion of personal privacy. Please be advised that we have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.

Finally, in searching for documents responsive to your request, we located 328 pages which originated with DOJ's Criminal Division (CRM). Pursuant to Department of Justice regulations, 28 C.F.R. § 16.1 *et. seq.*, a copy of your request, complaint and the responsive documents have been referred to the originating component's FOIA office for review and a direct response to you. Any questions you may have concerning these referred documents should be directed to: Alison Epstein, CRM FOIA Public Liaison, crm.foia@usdoj.gov or 202.616.0307.

If you are not satisfied with the Civil Rights Division's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account on the following website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 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."

I hope the Civil Rights Division has been of some assistance to you in this matter.

Sincerely,

Kilian Kagle

Kilian Kagle, Chief
Freedom of Information/Privacy Acts Unit
Civil Rights Division

To: Herren, Chris (CRT) (b) (6)
From: Davis, Elliott (CRT) (b) (6)
Sent: Tue 3/24/2020 5:48:23 PM (UTC-04:00)
Subject: Re: WV Primary

That makes sense — I'll tell OPA that's in PIN's domain.

On Mar 24, 2020, at 5:46 PM, Herren, Chris (CRT) (b) (6) wrote:

Thanks Elliott. CRT does not do the press release templates for USAOs that talk about vote fraud. PIN does those templates since it is their jurisdiction. I don't know if PIN does the templates for the primaries or just the general. I can ask PIN.

A quick search of the DOJ website pulled up only two recent examples of such USAO press releases from 2020, from NH and IL: <https://www.justice.gov/usao-nh/pr/district-election-officer-and-primary-day-hotline-established-united-states-attorney-s-0> and <https://www.justice.gov/usao-ndil/pr/us-attorney-s-office-conduct-election-day-monitoring-3>

The joint press releases we have worked on in the past between CRT and PIN are the November federal general election releases.

I will ask PIN.

From: Davis, Elliott (CRT)
Sent: Tuesday, March 24, 2020 5:30 PM
To: Herren, Chris (CRT) (b) (6)
Subject: FW: WV Primary

Chris:

I wanted to check with you on this.

Thanks,
Elliott

Elliott M. Davis
Acting Principal Deputy Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
(b) (6)

From: Lloyd, Matt (PAO)
Sent: Tuesday, March 24, 2020 5:28 PM
To: Davis, Elliott (CRT) (b) (6)
Subject: FW: WV Primary

Elliott, do you all have any plans on the below?

From: Hornbuckle, Wyn (OPA) (b) (6)
Sent: Tuesday, March 24, 2020 11:24 AM
To: Eder, Deanna (USAWVS) (b) (6)

DOJ-20-2484-A-000001

Cc: Lloyd, Matt (PAO) (b) (6)

Subject: RE: WV Primary

Thanks Deanna. You are right to avoid doing anything jointly with a candidate for reelection.

Copying Matt in case he knows or can check with CRT if they will be distributing a voter fraud template release for USAOs as they normally do.

From: Eder, Deanna (USAWVS) (b) (6)

Sent: Tuesday, March 24, 2020 9:53 AM

To: Hornbuckle, Wyn (OPA) <(b) (6)>

Subject: WV Primary

Wyn,

The WV Secretary of State (WVSOS) has notified USA Stuart that his office will be mailing out absentee ballot applications to all WV registered voters in preparation for the May primary.

(b) (5), (b) (6), (b) (7)(C)

Thanks,

Deanna Eder

Law Enforcement Coordinator/Public Information Officer

U.S. Attorney's Office, SDWV

300 Virginia Street East, Suite 4000

Charleston, WV 25301

(b) (6) – direct

(b) (6) – cell

(b) (6) – fax