



December 21, 2020

VIA ELECTRONIC MAIL

Janine Eveler
Director of Elections
P.O. Box 649
Marietta, GA 30061-0649
ElectionsORR@CobbCounty.org

Re: Open Records Request

Dear Public Records Custodian:

Pursuant to the Georgia Public 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 your office produce the following within three business days:

All email communications (including email messages, email attachments, calendar invitations, and calendar attachments) between the specified county officials listed in Column A and the external parties listed in Column B below.

Column A: Cobb County Elections and Registration & Board of Elections Officials	Column B: External Parties
i. Director of Elections & Registration Janine Eveler or anyone communicating on her behalf ii. Registration Manager Beau Gunn iii. Elections Manager Brenda Jemison iv. Preparation Center Manager Gerry Miller v. Board of Elections Chairman Phil Daniell vi. Vice Chairman Fred Aiken vii. Secretary Jessica M. Brooks viii. Board Member Pat Garland ix. Board Member Darryl O. Wilson, Jr.	<u>True the Vote</u> a. Catherine Engelbrecht b. Anyone communicating on behalf of True the Vote (including, but not limited to, anyone communicating from an email address ending in @truethevote.org) c. Derek Somerville d. Mark Davis e. Mark Williams f. Ron Johnson g. James Cooper <u>Public Interest Legal Foundation</u> a. J. Christian Adams (including but not limited to, adams@publicinterestlegal.org)



	or any email address ending in @electionlawcenter.com) b. Logan Churchwell (including, but not limited to, at lchurchwell@publicinterestlegal.org) c. Sue Becker (including, but not limited to, at sbecker@publicinterestlegal.org) d. Anyone communicating on behalf of Public Interest Legal Foundation (including, but not limited to, anyone communicating from an email address ending in @publicinterestlegal.org)
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Please provide all responsive records from December 10, 2020, through the date the request is received.

Please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if the Director of Elections received a mass-distribution news clip email referencing the relevant statement by the president, that initial email would not be responsive to this request. However, if the Director forwarded that email to another individual with their own commentary, that subsequent message would be 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 attachments to these records. No category of material should be omitted from search, collection, and production.

In addition, American Oversight insists that your 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 your 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.

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.¹

¹ American Oversight currently has approximately 15,600 page likes on Facebook and 106,100 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Dec. 18, 2020); American

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 the requested records, please contact Khahilia Shaw at records@americanoversight.org or 202.539.6507.

Sincerely,

A handwritten signature in blue ink, reading "Austin R. Evers", with a long horizontal flourish extending to the left.

Austin R. Evers
Executive Director
American Oversight

Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Dec. 18, 2020).