



October 16, 2024

VIA EMAIL

Alex Hardin
State Election Board
2 MLK Jr. Drive
Suite 802 Floyd West Tower
Atlanta, GA 30334
ahardin@sos.ga.gov

Re: Open Records Request

Dear Records Custodian:

Pursuant to the Georgia Open 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:

For all parts of this request, please provide all responsive records from September 15, 2024, through the date the request is received.

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) **and** text messages (including complete text message threads or conversations) or messages on messaging platforms (such as Signal, Slack, GChat or Google Hangouts, Lync, Skype, X (formerly Twitter) direct messages, Facebook messages, WhatsApp, Telegram, or Parler) between (a) any of the State Election Board members listed below and (b) any of the external individuals or entities listed below (or anyone communicating on their behalf, including, but not limited to, anyone communicating from an email address ending in the listed domains).

State Election Board Members:

- a. Executive Director Mike Coan
- b. Dr. Janice Johnston
- c. Rick Jeffares
- d. Janelle King

External Individuals and Entities:

- i. Amy Kremer
- ii. Jason Thompson
- iii. Joshua (Josh) McKoon



- iv. David Shafer
- v. Brad Carver
- vi. Bridget Thorne
- vii. Michael Heekin
- viii. Salleigh Grubbs
- ix. Chris Gardner
- x. Heather Honey
- xi. Fulton County Republican Party (fultongop.org)
- xii. America First Policy Institute (americafirstpolicy.com)
- xiii. Ken Cuccinelli
- xiv. Burt Jones (Burt@jpinsurance.com or anyone communicating from an email ending in burtjonesforga.com)
- xv. Loree Anne Paradise (la@burtjonesforga.com)
- xvi. Brad Vaughn
- xvii. Keith Williams
- xviii. Honest Elections Project (honestelections.org, jasonsnead.com)
- xix. America First Legal (aflegal.org, athospr.com)
- xx. Hans von Spakovsky or anyone communicating on behalf of Heritage Foundation (heritage.org, heritageaction.com)
- xxi. Josh Helton (jhelton12@gmail.com)
- xxii. Kimberly Slaughter
- xxiii. Jared Hooper
- xxiv. Ashley MacLeay
- xxv. Art Wittich
- xxvi. Jody Hice
- xxvii. Harry MacDougald
- xxviii. Phillip Davis
- xxix. Clay Parikh
- xxx. Marci McCarthy
- xxxi. Roy McClain
- xxxii. Michael Whatley
- xxxiii. Mike Crane
- xxxiv. Alex Kaufman

Please note that American Oversight does not seek, and part 1 of this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications responding to or forwarding such emails are responsive to this request. For example, if Mr. Jeffares received a mass-distribution news clip email from an email ending in burtjonesforga.com, that initial email would not be responsive to this request. However, if Mr. Jeffares forwarded that email to another individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

American Oversight is not in a position to provide email addresses and phone numbers for these individuals. To the extent that the listed State Election Board members are unable to provide them, please use their first and last names as search terms. For example, a search for text messages between Mr.

Jeffares and Josh McKoon would be conducted by searching Mr. Jeffares' text messages using the key terms "Josh McKoon," "Josh," and "McKoon."

2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by the State Election Board members listed above in part 1 and containing any of the key terms listed below.

Key Terms:

- i. Certify
- ii. Certification
- iii. Certified
- iv. Cleta
- v. Monitor
- vi. Watcher
- vii. Observer
- viii. Trump
- ix. "Monitoring team"
- x. "Fulton County"

3. All text messages or messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, X direct messages, Facebook messages, WhatsApp, Signal, Telegram, or Parler), including complete message threads/conversations, sent by the State Election Board members listed above in part 1 and any of the key terms listed above in part 2.

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited parts 2 and 3 of this request to emails and texts sent by the specified individuals. To be clear, however, American Oversight requests that complete email and text chains be produced, displaying both sent and received messages. This means that both an individual's response to an email or text and the initial received message are responsive to this request and should be produced.

For all parts of this request, the search should include text and email communications sent or received by any individual or personal accounts associated with the listed State Election Board members if they were used to conduct official business, as well as those sent or received by official phones.

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

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 search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Open Records Act.¹
- 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.

If you have any questions regarding how to construe this request for 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. 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.

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

¹ O.C.G.A. § 50-18-70(b)(2).

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 X (formerly Twitter).²

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 Julia Waddles at records@americanoversight.org or (202) 516-7117.

Sincerely,

/s/ *Julia Waddles*

Julia Waddles

on behalf of

American Oversight

² American Oversight currently has approximately 16,000 followers on Facebook and 111,100 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Oct. 15, 2024); American Oversight (@weareoversight), X (formerly Twitter), <https://x.com/weareoversight> (last visited Oct. 15, 2024).