

FW: Public Records Request (TX-SOS-19-1447)

AO Records <records@americanoversight.org>

Wed 2/12/2020 10:45 AM

To: Dylan Winters <dylan.winters@americanoversight.org>

■ 1 attachments (2 MB)

2.11.20 Documents.zip;

TX-SOS-19-1447

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>

Date: Tuesday, February 11, 2020 at 5:01 PM

To: AO Records <records@americanoversight.org>

Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>

Subject: RE: Public Records Request (TX-SOS-19-1447)

Ms. Lewis,

This email responds to your clarified request for information under Chapter 552 of the Texas Government Code, which we received on December 20, 2019. We provided you a cost estimate on January 13, 2020 and received your check for \$99.36 (covering the 80% requested deposit) on January 28, 2020.

We have continued to process your request in accordance with the terms of the Texas Public Information Act. To that end, please find the attached documents in response to your request. The attached materials reflect the entirety of responsive information in our records; therefore, we do not anticipate providing any additional documents in response to your December 20, 2019 request.

Please note that the responsive documents contain email addresses of members of the public, which are confidential under Section 552.137 of the Texas Government Code. The attorney general has authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion. See Open Records Decision No. 684 (2009). As such, this information has been redacted from the enclosed materials.

With the completion of our document collection and production, we wanted to update you on the costs associated with responding to your request. As you know, we initially estimated that it would take us 6 hours to process your request; thus, we provided you with a cost estimate of \$124.20 pursuant to the Texas Public Information Act. You subsequently sent us a check for \$99.36, which equaled the deposit of 80% of our estimated cost. However, we ended up spending less time responding to your request than we initially anticipated, resulting in a negligible actual cost to our office. Accordingly, we will not deposit the \$99.36 check that you sent to our office and you will not owe any fees for this request. We will destroy and shred the check that you sent to our office, unless you would prefer that we return the check to you; please let us know how you would like our office to proceed with the check.

Please let us know if you encounter any problems opening the attached zip file or any of the enclosed documents.

Sincerely,

Adam Bitter
General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Monday, January 13, 2020 3:11 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Records Request (TX-SOS-19-1447)

Good afternoon,

Please see the attached letter, with enclosures, in response to your request for information under Chapter 552 of the Texas Government Code.

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: AO Records <records@americanoversight.org>
Sent: Friday, December 20, 2019 2:22 PM
To: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: Re: Public Records Request (TX-SOS-19-1447)

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

Mr. Bitter,

Thank you for speaking with me earlier today. As per our conversation, our clarifications to Request SOS PIR No. 19-1115 are as follows:

1. We agree to narrow both Requests 1 and 2 to communications sent to or received by anyone serving in the following positions in the Secretary of State's office:
 - a. Secretary of State David Whitley, or anyone communicating on his behalf, such as a scheduler or assistant
 - b. Deputy Secretary of State (currently Jose Esparza), or anyone communicating on his behalf
 - c. General Counsel (currently Adam Bitter)
 - d. Legal Assistant (currently Jennifer Williams)
 - e. Executive Assistant/Scheduler (currently Linda Payne, Dianne Gattuso, and

Sondra Hadley)

- f. Administrative Assistant (currently Nicholas Cooper)
- g. Director of Communications (currently Stephen Chang)
- h. Director of Protocol (currently Cammy Jones)
- i. Elections Division Director (currently Keith Ingram)
- j. Elections Funds Management (currently Dan Glotzer)
- k. Election Administration & Voter Registration (currently Kristi Hart)
- l. General Law (currently Christina Adkins)

We request the records of anyone serving in the listed positions during the time specified in the request, and have given the names of the individual(s) we believe to be currently serving in those positions based on publicly available information. To the extent that other individuals were serving in these positions between December 1, 2019 and May 29, 2019, those individuals' records should be searched.

2. We are not seeking to limit our request by topic. Regarding search terms, we request that the Secretary of State's office search each custodian's records for the names of any requested individual or entity, as well as search for communications between the custodian and any email address given for the individual or entity. For example, a search for records reflecting communications with entity #1 would include the search term "Republican State Leadership Committee" as well as any communications with any email address ending in rslc.gop. Please let me know if you need any further clarification on this point.

Please note that the request also asks for text messages – if any custodian has any reason to believe that he or she was communicating with any requested individual or entity regarding official state business via text message or personal email that would not be captured by an IT search, those records would also be responsive to this request and should be produced.

3. Our request contains all of the identifying information we have regarding the requested individuals and entities, and we are not able to provide any further information at this time.
4. We are seeking internal communications to the extent that those communications reflect external communications with any listed individual or entity. For example, an email between two custodians in the Secretary of State's office which states "I met with Adam Kincaid last Tuesday" would be a record reflecting communications and would thus be responsive to the request.

If you have any further questions regarding this request, or if you have an estimated fee for production of records responsive to this request, please email records@americanoversight.org and we will respond as soon as possible.

Thank you,

Emma Lewis
Counsel
American Oversight

From: General Counsel <GeneralCounsel@sos.texas.gov>

Date: Thursday, December 5, 2019 at 6:47 PM

To: AO Records <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Records Request (TX-SOS-19-1447)

Ms. Pintado,

Please see the attached letter in response to your request for information under Chapter 552 of the Texas Government Code.

Sincerely,

Adam Bitter
General Counsel
Office of the Texas Secretary of State

From: AO Records <records@americanoversight.org>
Sent: Monday, November 18, 2019 12:05 PM
To: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: Public Records Request (TX-SOS-19-1447)

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Dear Public Records Officer:

Please find attached a request for records under Texas public records laws.

Sincerely,

Mariuxi Pintado
Paralegal
American Oversight
records@americanoversight.org
www.americanoversight.org | @weareoversight

Public Records Request: (TX-SOS-19-1447)

From: DeFonce, Daniel [REDACTED] >
Sent: Wednesday, January 30, 2019 2:17 PM
To: Linda Payne
Subject: FW: Invitation to Heritage Foundation Election Briefing for Secretaries of State - Fri. Feb. 01

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Hello Linda,

I am finalizing our guest list for our SOS Election Briefing this Friday Feb. 1st.

Will Keith Ingram be joining us or no?

Thank you,
Daniel

Daniel DeFonce

Research and Administrative Assistant
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6181
heritage.org

From: Secretary <Secretary@sos.texas.gov>
Sent: Wednesday, January 23, 2019 11:43 AM
To: DeFonce, Daniel [REDACTED] >
Subject: RE: Invitation to Heritage Foundation Election Briefing for Secretaries of State - Fri. Feb. 01

Hi Daniel,

Thanks for your e-mail. Secretary Whitley is unable to attend the NASS Conference next month. However, Keith Ingram our Elections Director will be attending the conference. If you would like to reach out to him, please let me know.

Have a wonderful day!

Best regards,

Linda Payne

Executive Assistant/Scheduler for
Secretary of State David Whitley
Capitol Building, Room 1E.8
(512) 463-5702
lpayne@sos.texas.gov



From: DeFonce, Daniel [[mailto:\[REDACTED\]](mailto:[REDACTED])]
Sent: Wednesday, January 23, 2019 10:11 AM
To: Secretary <Secretary@sos.texas.gov>
Subject: RE: Invitation to Heritage Foundation Election Briefing for Secretaries of State - Fri. Feb. 01

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Good morning,

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We are honored to have former Attorney General Ed Meese III join us for the briefing, and we hope that the Secretary can attend as well.

Sincerely,
Daniel

Daniel DeFonce
Research and Administrative Assistant
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6181
heritage.org

From: DeFonce, Daniel
Sent: Thursday, January 10, 2019 5:06 PM
To: 'secretary@sos.state.tx.us' <secretary@sos.state.tx.us>
Subject: @ @s @ @f Invitation to Heritage Foundation Election Briefing for Secretaries of State - Fri. Feb. 01



EDWIN MEESE III CENTER FOR
LEGAL AND JUDICIAL STUDIES

TO: David Whitley

FROM: Hans von Spakovsky, Senior Legal Fellow

SUBJECT: Heritage Foundation Election Briefing for Secretaries of State

EVENT DATE: Friday, Feb. 1, 2019 at 12:00 p.m. – 5:00 p.m. *(buffet lunch provided)*

LOCATION: The Heritage Foundation

On behalf of The Heritage Foundation, I cordially invite you to participate in a private briefing for Secretaries of State that I will be hosting. The briefing will take place on **Friday, Feb. 1 from 12:00 p.m.-5:00 p.m. at The Heritage Foundation, 214 Massachusetts Avenue, NE, Washington, D.C. 20002**. At the outset of the meeting, we will have a lunch buffet for the Secretaries of State. We will have speakers that include congressional staffers from key Senate and House committees with jurisdiction over election issues.

The roundtable discussion will include proposed election reforms and election security issues, proposed legislation in the new Congress, and on-going and expected litigation, among other topics. The purpose of the briefing is to have in-depth discussions of these election issues and to share strategy and tactics on achieving long-term goals and objectives shared by the Secretaries.

Please RSVP to Daniel DeFonce at [REDACTED] or (202) 608-6181.

Best,

Hans von Spakovsky

From: DeFonce, Daniel <[REDACTED]>
Sent: Wednesday, January 23, 2019 10:11 AM
To: Secretary
Subject: RE: Invitation to Heritage Foundation Election Briefing for Secretaries of State - Fri. Feb. 01

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Sincerely,
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The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6181
heritage.org

From: DeFonce, Daniel
Sent: Thursday, January 10, 2019 5:06 PM
To: 'secretary@sos.state.tx.us' <secretary@sos.state.tx.us>
Subject: @s @f Invitation to Heritage Foundation Election Briefing for Secretaries of State - Fri. Feb. 01



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LEGAL AND JUDICIAL STUDIES

TO: David Whitley
FROM: Hans von Spakovsky, Senior Legal Fellow
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Please RSVP to Daniel DeFonce at [REDACTED] or (202) 608-6181.

Best,

Hans von Spakovsky

From: Secretary
Sent: Wednesday, January 23, 2019 10:43 AM
To: DeFonce, Daniel
Subject: RE: Invitation to Heritage Foundation Election Briefing for Secretaries of State - Fri. Feb. 01

Hi Daniel,

Thanks for your e-mail. Secretary Whitley is unable to attend the NASS Conference next month. However, Keith Ingram our Elections Director will be attending the conference. If you would like to reach out to him, please let me know.

Have a wonderful day!

Best regards,

Linda Payne

Executive Assistant/Scheduler for
Secretary of State David Whitley
Capitol Building, Room 1E.8
(512) 463-5702

lpayne@sos.texas.gov



From: DeFonce, Daniel [mailto:]
Sent: Wednesday, January 23, 2019 10:11 AM
To: Secretary <Secretary@sos.texas.gov>
Subject: RE: Invitation to Heritage Foundation Election Briefing for Secretaries of State - Fri. Feb. 01

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Daniel

Daniel DeFonce

Research and Administrative Assistant

The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6181
heritage.org

From: DeFonce, Daniel

Sent: Thursday, January 10, 2019 5:06 PM

To: 'secretary@sos.state.tx.us' <secretary@sos.state.tx.us>

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Please RSVP to Daniel DeFonce at [REDACTED] or (202) 608-6181.

Best,

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From: DeFonce, Daniel [REDACTED] >
Sent: Wednesday, January 23, 2019 10:49 AM
To: Secretary
Subject: RE: Invitation to Heritage Foundation Election Briefing for Secretaries of State - Fri. Feb. 01

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Linda,

Good to hear from you. Sorry that Secretary Whitley can't join us.

Yes, we would like to extend this invitation to Keith Ingram as well.

Best,
Daniel

Daniel DeFonce

Research and Administrative Assistant
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6181
heritage.org

From: Secretary <Secretary@sos.texas.gov>
Sent: Wednesday, January 23, 2019 11:43 AM
To: DeFonce, Daniel <[REDACTED]>
Subject: RE: Invitation to Heritage Foundation Election Briefing for Secretaries of State - Fri. Feb. 01

Hi Daniel,

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Have a wonderful day!

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Linda Payne

Executive Assistant/Scheduler for
Secretary of State David Whitley
Capitol Building, Room 1E.8
(512) 463-5702
lpayne@sos.texas.gov



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Please RSVP to Daniel DeFonce at [REDACTED] or (202) 608-6181.

Best,

Hans von Spakovsky

From: DeFonce, Daniel <[REDACTED]>
Sent: Wednesday, January 30, 2019 2:16 PM
To: Secretary
Subject: RE: Invitation to Heritage Foundation Election Briefing for Secretaries of State - Fri. Feb. 01

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Hello Linda,

I am finalizing our guest list for our SOS Election Briefing this Friday Feb. 1st.

Will Keith Ingram be joining us or no?

Thank you,
Daniel

Daniel DeFonce

Research and Administrative Assistant
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6181
heritage.org

From: Secretary <Secretary@sos.texas.gov>
Sent: Wednesday, January 23, 2019 11:43 AM
To: DeFonce, Daniel <[REDACTED]>
Subject: RE: Invitation to Heritage Foundation Election Briefing for Secretaries of State - Fri. Feb. 01

Hi Daniel,

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Have a wonderful day!

Best regards,

Linda Payne

Executive Assistant/Scheduler for
Secretary of State David Whitley
Capitol Building, Room 1E.8
(512) 463-5702
lpayne@sos.texas.gov



From: DeFonce, Daniel [mailto: [REDACTED]]
Sent: Wednesday, January 23, 2019 10:11 AM
To: Secretary <Secretary@sos.texas.gov>
Subject: RE: Invitation to Heritage Foundation Election Briefing for Secretaries of State - Fri. Feb. 01

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Please RSVP to Daniel DeFonce at [REDACTED] or (202) 608-6181.

Best,

Hans von Spakovsky

From: Linda Payne
Sent: Wednesday, January 30, 2019 2:36 PM
To: DeFonce, Daniel
Subject: RE: Invitation to Heritage Foundation Election Briefing for Secretaries of State - Fri. Feb. 01

Hi Daniel,

I apologize for the delay. Thanks for following up. I just heard back from Mr. Ingram and his calendar that day is full of meetings. So sorry it did not work out.

Best regards,

Linda Payne

Executive Assistant/Scheduler for
Secretary of State David Whitley
Capitol Building, Room 1E.8
(512) 463-5702
lpayne@sos.texas.gov



From: DeFonce, Daniel [mailto:]
Sent: Wednesday, January 30, 2019 2:17 PM
To: Linda Payne <LPayne@sos.texas.gov>
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lpayne@sos.texas.gov



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