

The State of Texas

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John B. Scott
Secretary of State

February 24, 2022

Emma Lewis
American Oversight

Sent via Electronic Mail in care of Dylan Winters to: records@americanoversight.org

Re: Request for records, TX-SOS-22-0147, received: February 9, 2022 (SOS PIR No. 22-0217)

Dear Ms. Lewis:

This letter responds to your request for information under the Public Information Act, Chapter 552 of the Texas Government Code (the "PIA"), which was received by the Office of the Texas Secretary of State (the "Office") via email on February 9, 2022 (the "Request").¹ In the Request, you indicate that you are seeking the following records dating back to September 1, 2021:

- 1. A complete copy (including any attachments) of any contract or subcontract, amendment, memorandum of understanding, or other written agreement between the Texas Secretary of State (or personnel thereof) and parties auditing, reviewing, or investigating the November 2020 election. At a minimum, this request should be interpreted to include agreements with: any elections investigators contracted by the Texas Secretary of State; any entities contracted for data analysis or review of election equipment; or any other individuals or entities contracted in association with any investigations of the 2020 election.*
- 2. A complete copy (including any attachments) of any resume, bid, project proposal, cost or time estimate, scope of work, application form, or other document submitted to the Texas Secretary of State (or personnel thereof) by entities auditing, reviewing, or investigating the November 2020 election or seeking to investigate the November 2020 election.*
- 3. A complete copy of any invoice from or payment to entities auditing, reviewing, or investigating the November 2020 election, or any of the other individuals or entities enumerated in item 1 above.*

For all portions of this request, this request should be interpreted to include records pertaining to the investigation announced by the Texas Secretary of State on September 23, 2021, and any other investigations by the Texas Secretary of

¹ The Office was closed on February 21, 2022 in observance of Presidents' Day. Therefore, the 10th business day from the date that the Office received the Request is today, February 24, 2022.

State, Office of the Governor, or Office of the Attorney General into any matters related to the November 2020 election.

We are processing your Request in accordance with the terms of the PIA.² To that end, we maintain no information responsive to Item 1 or Item 3 of the Request. We require additional time to review our records and produce information responsive to Item 2 of the Request. We will provide you responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on April 7, 2022. *See* Tex. Gov't Code § 552.221(d).

If you have any questions or need additional information, please do not hesitate to contact our office at (512) 463-5770.

Sincerely,



Adam Bitter
General Counsel
Office of the Texas Secretary of State
generalcounsel@sos.texas.gov
AB/jw

² The PIA applies only to information in existence as of the date that the governmental entity receives the request and thus does not require the entity to create new information in response to a request or comply with a continuing request to supply information on a periodic basis as such information is prepared in the future. *See* Tex. Gov't Code §§ 552.002, .021, .227, .351; *A&T Consultants, Inc. v. Sharp*, 904 S.W.2d 668, 676 (Tex. 1995); *Fish v. Dallas Indep. Sch. Dist.*, 31 S.W.3d 678, 681 (Tex. App.—Eastland 2000, pet. denied); Tex. Att'y Gen. Op. JM-48 at 2 (1983); Open Records Decision Nos. 476 at 1 (1987), 465 at 1 (1987), 452 at 2–3 (1986), 342 at 3 (1982).