



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Jason S. Miyares
Attorney General

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November 16, 2022

VIA ELECTRONIC MAIL

Heather Sawyer
3209 5th Street N
Arlington, VA 22201
records@americanoversight.org

Re: Freedom of Information Act request – received October 4, 2022

Dear Heather Sawyer:

The Office of the Attorney General for the Commonwealth of Virginia (“Office”) acknowledges receipt of the above-referenced correspondence in which you seek certain information contained in public records pursuant to the Virginia Freedom of Information Act, Virginia Code Section 2.2-3700, *et seq.* (“FOIA”). Specifically, you state:

1. The resume or curriculum vitae (CV) submitted by any individual(s) hired or appointed to work within the Election Integrity Unit.
2. All records reflecting any formal or informal directive, order, advisory, memorandum, guidance, final assessment, report, or analysis regarding the Election Integrity Unit issued by Attorney General Jason Miyares, Chief Deputy Attorney General Chuck Slemo, Chief of Staff Darrell “D.J.” Jordan, Jr., or Chief of External Affairs and Policy Klarke Kilgore.
3. Records sufficient to identify the relationship and relative rank of each position within the Election Integrity Unit, such as an organizational chart.
4. Records sufficient to identify any job openings within the Election Integrity Unit, including job descriptions and postings, if applicable.
5. Records sufficient to identify the Office of the Attorney General’s actual or prospective budget for the Election Integrity Unit (including, but not limited to, relevant employee salaries and projected election investigation expenses).
6. Records sufficient to identify all costs and expenses incurred by the Election Integrity Unit (including, but not limited to, relevant employee payments and election investigation expenses).
7. All policies, guidelines, or procedures governing or reflecting the structure, purview, or operations of the Election Integrity Unit.
8. Records sufficient to identify the number of election investigations proposed or otherwise considered by the Virginia Attorney General’s Election



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Integrity Unit, any categories or classification of proposal types, and the current disposition of each proposal.

This Office possesses one record responsive to part 2 of your request, which is attached to this letter. Additionally, there is approximately 100 records responsive to part 8 which are being withheld pursuant to Virginia Code Section 2.2-3706.1(C) and are regarding ongoing criminal investigations.

The below graph details the actual costs incurred by this Office in accessing, duplicating, supplying, or searching for the requested records.

Classification	Hourly Rate	Hours	Total
Senior Assistant Attorney General	\$72.69	2	\$145.38
Assistant Attorney General	\$41.13	1	\$41.13
General Counsel	\$69.23	.25	\$17.30
Grand Total:			\$203.81

This Office requested a deposit pursuant to Virginia Code Section 2.2-3704(H), which this Office received for the requested amount of \$464.46. Because the actual cost of fulfilling your request is less than what was anticipated, this Office will be sending a refund check for the amount of \$260.65 to the provided address 1030 15th Street NW, Suite B255, Washington, DC 20005.

Sincerely,

Tyler Barnes
Assistant Attorney General

OFFICE OF THE ATTORNEY GENERAL

INTEROFFICE MEMORANDUM

FROM: Chuck Slemm
Chief Deputy Attorney General

THRU: Ryan Ferguson
General Counsel

TO: Deputy Attorneys General Leslie Haley, Coke Morgan Stewart, Nicole Wittmann,
and Steven Popp

Subject: **Election Integrity Unit**

General Information

This memorandum is to advise you about the creation of and detail general information for your review regarding an Election Integrity Unit within the Office of the Attorney General.

Purpose and Background

As a first-generation American and the child of a parent who escaped an oppressive regime, Attorney General Miyares recognizes that the right to vote is among the most sacred of American freedoms. The ability to participate in a democracy through choosing your elected officials is an incredible right that we all hold dear. Accordingly, the Attorney General wants every Virginian to have absolute confidence in our election system.

The General Assembly of Virginia has vested broad and original jurisdiction over election law to the Office of the Attorney General. Our office already prosecutes violations of Virginia election law, brings and defends civil actions involving elections, and gives legal advice to the Department of Elections. We already have election law lawyers in our office, working every day to protect the sanctity of our election system.

We daily strive to improve efficiencies within the OAG as the Commonwealth's law firm, representing state government entities with excellence and protecting the interests of the people. The Election Integrity Unit will be a restructuring of lawyers, paralegals, and investigators already working within the office and working on election matters. The purpose and goal will be to be more effective in our statutory duties by working across divisions on election issues in a collaborative and efficient manner.

Funding

The Unit is simply a restructuring of *existing* resources within the OAG and the establishment of a process to promote quick collaboration between the different divisions of OAG that handle election-related issues.

No additional or new funds are required for this unit. The unit is made up of existing attorneys, investigators, and paralegals within the OAG who work on election-related issues/cases.

The Unit is made up of attorneys from the Government Operations Division who *already* advise the state agencies on election issues, attorneys from the Criminal Division who *already* prosecute criminal violations of election law or advise law enforcement with regard to election related crimes, from the Civil Division who *already* initiate civil actions for civil election law violations or civil rights violations, also from the Civil Division attorneys in the Trial Section who *already* defend the actions of state government, and attorneys within the Solicitor General's Office who *already* handle constitutional claims related to Virginia election law in appellate courts.

It is anticipated that 20 current staff members working across divisions on election related litigation will make up the Unit. Under *no circumstances* are attorneys or support staff to be taken away from other existing responsibilities or reassigned to perform work required by the Election Integrity Unit.

Unit Responsibilities

The Election Integrity Unit will perform the following duties:

- Providing legal advice to the State Board and Department of Elections.
- Investigating and prosecuting violations of Virginia election law and taking civil actions as appropriate to enforce election law.
- Defending challenges to Virginia's election law and practices.
- Working with the State Board and Department of Elections, law enforcement officials, and the election community to promote uniformity in elections and enforce the law as written.
- Protecting voting rights of Virginians and protecting against voter intimidation, or anything that wrongfully infringes on their right to vote.
- Continuing to review changes to voting practices, including to local precincts, boundaries, and polling places, to protect minority voters' right to vote.

Goals

The stated goal of the Unit is to work with the election community more efficiently by creating a more cooperative and collaborative approach from our office. The Unit will also work with civil rights attorneys to protect voting rights and crack down on voter intimidation.

Leadership and Structure

The work of the Election Integrity Unit will be supervised by Section Chief Josh Lief and Deputy AG Leslie Haley within the Government Operations and Transactions Division. Any cross-division collaboration will be initiated by Deputy AG Haley and subject to approval by the Chief Deputy AG.

Conclusion

The OAG has original and broad jurisdiction over election law issues and statutory authority to protect the rights of voters. It is anticipated that the restructuring of election-related cases into one Election Integrity Unit will promote cross-division efficiency across the OAG and serve the Commonwealth by protecting the rights of voters.

Please let me know if you have any questions.

Very truly yours,



Chuck Slemp
Chief Deputy Attorney General

