



September 26, 2023

VIA ONLINE PORTAL

Wake County Board of Elections
PO Box 695
Raleigh, NC 27602
Via Online Portal

Re: Public Records Act Request

Dear Public Records Custodian:

Pursuant to the North Carolina Public Records Act, as codified at North Carolina General Statutes ch. 132, American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office produce the following records as promptly as possible:

1. All email communications (including emails, complete email chains, email attachments, calendar invitations, and calendar invitation attachments) between (a) the Wake County Board of Elections officials listed below, and (b) any of the external entities or individuals listed below or anyone communicating on their behalf (including, **but not limited to**, at the listed email addresses and/or domains).

Wake County Board of Elections Officials:

- i. Anyone acting as Elections Director, including Gary Sims or Olivia McCall
- ii. Anyone acting as Deputy Elections Director, including Olivia McCall
- iii. Board Secretary Angela Hawkins
- iv. Board Member Keith Weatherly

External Entities and Individuals:

- a. Anyone communicating on behalf of Valid Vote, including Graham Ellison (graham@mcommwireless.com), Rick Evans (revans@smecpa.com), Jim Norvell (jim.norvell@raymondjames.com), or Bowen Klosinski (bak@klosinski.com)
- b. Anyone communicating on behalf of Eagle AI NETWORK, including Rick Richards (dr@r@cathaid.com, dr@eagleai.pro), John Richards (johnrichards@eagleai.pro), Scott Klosinski (scott@klosinski.com), or anyone communicating from an email ending in eagleai.pro
- c. Anyone communicating on behalf of North Carolina Election Integrity Team, including anyone communicating from an email ending in nceit.org



- d. Compass Legal Group (compasslegal.org)
- e. Election Integrity Network (electionintegrity.network)
- f. Virginia Institute of Public Policy (virginiainstitute.org)
- g. James (Jim) Womack (James.K.Womack@gmail.com)
- h. Cleta Mitchell (cleta@cletamitchell.com, cmitchell@foley.com)
- i. Conservative Partnership Institute (cpi.org or conservativepartnership.org)
- j. Election Integrity Network (whoscounting.us, electionintegrity.network)
- k. Jay Delancy (jay@voterintegrityproject.com)
- l. Jim Hoft (midwestjim@charter.net) or anyone communicating on behalf of The Gateway Pundit (thegatewaypundit.com)
- m. Restoration of America (restorationofamerica.org or restorationpac.com)
- n. Jay Valentine (jay@contingencysales.com) or anyone communicating on behalf of Omega4America (omega4america.com, contingencysales.com, or jayvalentine.com, electionwatch.info)
- o. Heather Honey (heather@verityvote.us, hhoney@haystackinvestigations.com, h20int@protonmail.com)
- p. Verity Vote (verityvote.us)
- q. Patrice Johnson (Patricejohnson11@gmail.com)
- r. Patricia Chandler (jsia34765@gmail.com)
- s. Anyone communicating from an email ending in fractalweb.app
- t. Voter Reference Foundation (voteref.com, voterreferencefoundation.com, restorationaction.com, or ginaswoboda@hotmail.com)

Please note that American Oversight does not seek, and that request item 1 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. In other words, for example, if an official received a mass-distribution news clip email from the Virginia Institute of Public Policy, that initial email would not be responsive to this request. However, if the official forwarded that email to a listed individual with their own commentary, that subsequent message would be responsive to this request and the complete email chain should be produced.

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

Key Terms:

- i. EagleAI
- ii. "Eagle AI"
- iii. "Thomas Reuters"
- iv. "Thomson Reuters Clear"
- v. VoteRef
- vi. Fractal

For part 2 of this request, in an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited request item 2 to emails sent by the specified individuals. To be clear, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both an individuals' response to an email and the initial received message are responsive to this request and should be produced.

For both parts of this request, please provide all responsive records from July 1, 2022, through the date the search is conducted.

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

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:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- 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 Public 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

¹ See Atty. Gen. Josh Stein, *North Carolina Open Government Guide at 22* (2019), <https://ncdoj.gov/wp-content/uploads/2020/01/2019-Open-Government-Guide-2.pdf> (“Emails about official business are public records even if they are sent using the personal email account of an employee or official.”).

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 to discuss this request. 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 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.com.²

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not

² American Oversight currently has approximately 16,000 followers on Facebook and 111,900 followers on Twitter.com. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Sept. 18, 2023); American Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited Sept. 18, 2023).

understand any part of this request, please contact Rachel Baron at records@americanoversight.org or (202) 897-2365.

Sincerely,

/s/ Rachel Baron

Rachel Baron
on behalf of
American Oversight