

Subject: VFOIA - 91663 | Haddix | Hindocha | American Oversight | Responding Documents
Date: Wednesday, April 24, 2024 at 8:41:19 AM Eastern Daylight Time
From: Elections FOIA
To: AO Records
Attachments: Re: VFOIA - 91663 | Haddix | Hindocha | American Oversight | 2.eml

EXTERNAL SENDER

Elizabeth Haddix
Via email: records@americanoversight.org

Elizabeth Haddix,
Thank you for your response received on April 17, 2024, clarifying the status of Anisha Hindocha's request for records. A copy of your email is attached for reference.

Your request seeks: "Emails to or from: Eric.spicer@fairfaxcounty.gov with keywords to include @elections.virginia.gov and Electronic Registration Information Center, Data sharing agreement(s), Eric withdrawal, post-eric, leave eric. The date range for the request is May 11, 2023, through February 22, 2024".

Response: The Department of Information and Technology (DIT) search resulted in 11 emails (20 pages). Responding emails are being transmitted via the Egnyte share file storage platform at the link below. Please download a copy of the responding documents for your use. Please note your access to the Egnyte link will expire May 23, 2024.

VFOIA - 91663 | Haddix | Hindocha | American Oversight | responding docs.pdf
Password: uRJdoMF9X9o4
<https://fairfaxcounty.egnyte.com/dl/bLX0ZUOweD>

Thank you for your interest in Fairfax County.

-

Patricia Ferguson, CERA
FOIA Coordinator
Fairfax County Office of Elections
12000 Government Center Pkwy, Suite 323, Fairfax VA 22035
O: 703.222.0776 D: 703.324.4951
For information and materials in Spanish, Vietnamese and Korean languages visit:
fairfaxcounty.gov/elections

From: Voting <Voting@fairfaxcounty.gov>
Sent: Monday, July 10, 2023 7:11 AM EDT
To: Spicer, Eric <Eric.Spicer@fairfaxcounty.gov>
Subject: Fwd: To Director Eric Spicer about Withdrawal from the use of ERIC

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From: dedeeley@aol.com <dedeeley@aol.com>
Sent: Friday, July 7, 2023 6:08:55 PM
To: Voting <Voting@fairfaxcounty.gov>
Subject: To Director Eric Spicer about Withdrawal from the use of ERIC

Dear Mr. Spicer,

Below is a message I sent to Susan Beals, Virginia Commissioner of Elections, regarding her decision to end Virginia's membership with the Electronic Registration Information Center (ERIC) on June 11, 2023. I have not yet received a response from her.

I do not agree with this decision. Do you? If not, is there anything you can do to prevent this from happening or at least make the public aware of what she is doing and urge Virginia citizens to react to such a move?

Thank you very much for your interest in my concern. I look forward to hearing from you.

Sincerely,
Donna Deeley

dedeeley@aol.com
To: susan.beals@elections.virginia.gov
Cc: ali.ahmad@governor.virginia.gov, rachel.lawless@elections.virginia.gov

Sun, Jun 11 at 12:49 PM

Dear Ms. Beals,

I was VERY dismayed to learn of your decision to end Virginia's membership with the Electronic Registration Information Center (ERIC).

From my perspective, the citizens of Virginia had no input into this decision; we were not even notified of the decision.

My understanding is that Virginia was one of the original founding states of ERIC in 2012 (seven states, four of which were led by Republican governors, three by Democratic governors).

I also understand that ERIC has been very valuable in ensuring accurate voter lists and in combating fraud. For example, from an AP NEWS article by Christina A. Cassidy and Denise Lavoie on May 12, 2023, "The system has been credited in Maryland with identifying some 66,000 potentially deceased voters and 778,000 people who may have moved out of state since 2013. In Georgia, officials said nearly 100,000 voters no longer eligible to vote in the state had been removed based on data provided by ERIC."

If you believe that there are problems with ERIC, why not put more effort into correcting the problems rather than tossing out "the baby with the bath water"?

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703-938-0986

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Sent: Monday, July 10, 2023 12:36 PM EDT
To: Spicer, Eric <Eric.Spicer@fairfaxcounty.gov>
Subject: RE: To Director Eric Spicer about Withdrawal from the use of ERIC

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Say something like... The Fairfax County Office of Elections is not able to comment on guidance issued from the Virginia Department of Elections. However, our office continues to support a robust system of list maintenance with support from other government departments (DMV and courts). Our staff works diligently to support an accurate and confidential voter list to best serve our residents according to Virginia Election Law Title 24.2.

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Sent: Monday, July 10, 2023 1:27 PM EDT
To: dedeeley@aol.com <dedeeley@aol.com>
CC: Ferguson, Patricia S. <Patricia.Ferguson@fairfaxcounty.gov>; Ardalan, Bushra <Bushra.Ardalan@fairfaxcounty.gov>
Subject: RE: To Director Eric Spicer about Withdrawal from the use of ERIC

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Eric Spicer CERA
General Registrar and Director of Elections
Fairfax County Office of Elections
12000 Government Center Pkwy, Suite 323, Fairfax, VA 22035
703-324-4715 | 703-269-8669 | eric.spicer@fairfaxcounty.gov

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Subject: Re: To Director Eric Spicer about Withdrawal from the use of ERIC

Dear Mr. Spicer,

Thank you VERY much for your reply.

Unfortunately, after sending a second message to Susan Beals (ELECT), I still have received no response. I guess I will continue to "patiently" wait for her to get back to me.

Thanks for your diligence in maintaining accurate voter lists for Fairfax County.

Sincerely,
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On Jul 10, 2023, at 11:27 AM, Spicer, Eric <Eric.Spicer@fairfaxcounty.gov> wrote:

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My understanding is that Virginia was one of the original founding states of ERIC in 2012 (seven states, four of which were led by Republican governors, three by Democratic governors).

I also understand that ERIC has been very valuable in ensuring accurate voter lists and in combating fraud. For example, from an AP NEWS article by Christina A. Cassidy and Denise Lavoie on May 12, 2023, "The system has been credited in Maryland with identifying some 66,000 potentially deceased voters and 778,000 people who may have moved out of state since 2013. In Georgia, officials said nearly 100,000 voters no longer eligible to vote in the state had been removed based on data provided by ERIC."

If you believe that there are problems with ERIC, why not put more effort into correcting the problems rather than tossing out "the baby with the bath water"?

Thank you very much for paying attention to my concerns. I look forward to hearing from you.

Sincerely,

Donna Deeley

703-938-0986

From: Dawn Jenkins <djenkins@WESTMORELAND-COUNTY.ORG> on behalf of The official communication list for the General Registrars of the Commonwealth <GRLIST@LISTLVA.LIB.VA.US>
Sent: Thursday, September 21, 2023 9:27 AM EDT
To: GRLIST@LISTLVA.LIB.VA.US <GRLIST@LISTLVA.LIB.VA.US>
Subject: [GRLIST] News

Thought you all may find this of interest!

Wishing everyone a smooth start tomorrow!

[Virginia announces new, post-ERIC voter data agreements | VPM](#)

Dawn B Jenkins, CGRV
Director of Elections/General Registrar
Westmoreland County, VA
804-493-8898

To unsubscribe from the GRLIST list, e-mail verishelp@elections.virginia.gov.

This list is made possible by a grant from the U.S. Institute of Museum and Library Services (IMLS).

From: Ferguson, Patricia S. <Patricia.Ferguson@fairfaxcounty.gov>

Sent: Thursday, February 22, 2024 2:23 PM EST

To: Spicer, Eric <Eric.Spicer@fairfaxcounty.gov>

Subject: VFOIA | DRAFT | American Oversight L ERIC

Attachment(s): "VFOIA - xxxxD | American Oversight | ERIC.pdf"

Eric,

We received the attached VFOIA request from American Oversight (googled and found based in Wa. DC). There is a couple of ways we can go about this..

The requestor, Anisha Hindocha, did not provide a Virginia address, and we can request that as a response and go from there.

However, since the information they are seeking is developed by Elect, I would suggest sending them to Elect for the requested documents. Please read the attached request, I look forward to your feedback. I am adding this to the Tracker and will have a tracker number shortly.

DRAFT below...

Thank you for submitting the attached Virginia Freedom of Information Act (VFOIA) request, which was received by the Fairfax County Office of Elections on February 21, 2024. This response is sent to you within five working days as required by the VFOIA. See Va. § 2.2-3704 et. Seq. A copy of your request is attached for reference.

Please be advised that the Virginia Freedom of Information Act (FOIA) only allows access to public records to citizens of the Commonwealth of Virginia, representatives of newspapers and magazines with circulation in the Commonwealth, and representatives of radio and television stations broadcasting in or into the Commonwealth. [Va. Code § 2.2-3704\(A\)](#). Accordingly, based on the information you provided we are unable to confirm Virginia residency. Please provide evidence of your residency at your earliest convenience.

Furthermore, you requested: "All new guidance, directives, memoranda, advisories, or other instructive materials provided to our office from the Virginia Department of Elections regarding voter roll maintenance following Virginia's withdrawal from the Electronic Registration Information Center".

Response: Guidance, directives, memoranda, advisories, and other instructive materials" is created by the Virginia Department of Elections. Please be advised that the records you seek may be in the custody of the Virginia Department of Elections. Contact information for the Virginia Department of Elections FOIA Coordinator, Terri Detrani, is included below and additional information on requesting records is available [online](#).

Virginia Department of Elections
FOIA Coordinator Terri Detrani
Phone: 804-593-2272
Fax: 804-371-0194
Email: foia@elections.virginia.gov

Thank you for your interest in Fairfax County.

Patricia Ferguson, CERA

FOIA Coordinator

Fairfax County Office of Elections

12000 Government Center Pkwy, Suite 323, Fairfax VA 22035

O: 703.222.0776 D: 703.324.4951

For information and materials in Spanish, Vietnamese and Korean languages visit: fairfaxcounty.gov/elections



February 22, 2024

VIA EMAIL

Fairfax County Office of Elections
12000 Government Center Pkwy. Ste. 323
Fairfax, VA 22035
voting@fairfaxcounty.gov

Re: Virginia Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Virginia Freedom of Information Act, Va. Code Ann. § 2.2-3700, I, Anisha Hindocha a resident of Virginia, make the following request for records.

Requested Records

I request that your office produce the following records within five working days:

All new guidance, directives, memoranda, advisories, or other instructive materials provided to your office from the Virginia Department of Elections regarding voter roll maintenance following Virginia's withdrawal from the Electronic Registration Information Center.

Please provide all responsive records from May 11, 2023, through the date this request is received.

Please notify me 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, I provide 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.
- In conducting your search, please understand the terms "record," "document," and "information" in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. I seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.

- My 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 this request, this 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.
- 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 me, please do not hesitate to reach out to my representative at the contact information listed below. I welcome an opportunity to discuss this request with you before you undertake your search or incur search or duplication costs. By working together at the outset, we 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 to the address listed below. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. If it will accelerate release of responsive records, please also provide responsive material on a rolling basis.

Conclusion

We share a common mission to promote transparency in government. I look forward to working with your agency on this request. If you do not understand any part of this request, please contact Elizabeth Haddix at records@americanoversight.org or (252) 359-7424 ext. 1031.

Sincerely,

/s/ Anisha Hindocha
Anisha Hindocha

From: Ferguson, Patricia S. <Patricia.Ferguson@fairfaxcounty.gov>
Sent: Thursday, February 22, 2024 2:48 PM EST
To: Spicer, Eric <Eric.Spicer@fairfaxcounty.gov>
Subject: VFOIA | DRAFT | American Oversight L ERIC

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Phone: 804-593-2272
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Thank you for your interest in Fairfax County.

Patricia Ferguson, CERA

FOIA Coordinator

Fairfax County Office of Elections

12000 Government Center Pkwy, Suite 323, Fairfax VA 22035

O: 703.222.0776 D: 703.324.4951

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