



March 20, 2024

VIA EMAIL

Virginia Department of Elections
Washington Building, First Floor
1100 Bank St.
Richmond, VA 23219
foia@elections.virginia.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, Heather Sawyer, a resident of Virginia, make the following request for records.

Requested Records

I request that the Virginia Department of Elections produce the following records within five working days:

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) any of the Virginia Department 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 domains).

Virginia Department of Elections Officials:

- i. Susan Beals, Commissioner
- ii. Rachel Lawless, Policy Advisor
- iii. Ashley Coles, Policy Analyst
- iv. Ruth Hancock

External Entities and Individuals:

- a. Election Fairness Institute (electionfairnessinstitute.org)
- b. Haystack Investigations (haystackinvestigations.com)
- c. Heather Honey (heather@verityvote.us, hhoney@haystackinvestigations.com, h2osint@protonmail.com)
- d. Patrice Johnson (patricejohnson11@gmail.com)
- e. Patricia Chandler (jsia34765@gmail.com)
- f. Verity Vote (verityvote.us)
- g. Voter Reference Foundation (voteref.com, voterreferencefoundation.com)

For part 1 of this request, please note that I do not seek, and that this request 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 Voter Reference Foundation, that initial email would not be responsive to this request. However, if the official forwarded that email to another listed individual with their own commentary, that subsequent message would be responsive to this request and should be produced.

For part 1 of this request, please provide all responsive records from September 1, 2023, through the date the search is conducted.

2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) any of the Virginia Department of Elections officials listed above in part 1, 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 domains).

External Entities and Individuals:

- a. Chad Houck (chad@chadhouck.com)
- b. Cleta Mitchell (cleta@cletamitchell.com, cmitchell@foley.com)
- c. Conservative Partnership Institute (cpi.org, conservativepartnership.org)
- d. Ellen Laybourne (elblays@yahoo.com)
- e. Gina Swoboda (ginaswoboda@hotmail.com, ginaswo@asu.edu, gs@voterreferencefoundation.com, gswoboda@azleg.gov)
- f. Heritage Foundation (heritage.org, heritageaction.com)
- g. James “Jim” Womack (james.k.womack@gmail.com, jameskwomack@gmail.com)
- h. Jay Valentine (jay@contingencysales.com), or anyone communicating on behalf of Omega4America (omega4america.com, contingencysales.com, jayvalentine.com, electionwatch.info)
- i. Linda Rantz (cause.america.mo@pm.me, causeofamerica@protonmail.com), or anyone communicating on behalf of Cause of America (causeofamerica.org)
- j. Opearent (opearent.org)
- k. Public Interest Legal Foundation (publicinterestlegal.org)
- l. Restoration of America (restorationofamerica.org, restorationpac.com)
- m. Rick Richards (drronline@me.com)
- n. True the Vote (truethevote.org)
- o. Valid Vote
- p. Virginia Project (virginiaproject.com)

For part 2 of this request, please note that I do not seek, and that this request 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 Conservative Partnership Institute, that initial email would not be responsive to this request. However, if the official forwarded that email to another listed individual with their own commentary, that subsequent message would be responsive to this request and should be produced.

For part 2 of this request, please provide all responsive records from June 1, 2023, through the date the search is conducted.

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.
- 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/ Heather Sawyer
Heather Sawyer