



June 3, 2024

**VIA ONLINE PORTAL**

Janice Ross, Clerk of Commission  
700 Poplar Street  
Macon, GA 31201  
Via Online Portal

**Re: Open Records Request**

Dear Records Custodian:

Pursuant to the Georgia Open Records Law (O.C.G.A. §§ 50-18-70 et seq.), American Oversight makes the following request for records.

**Requested Records**

American Oversight requests that your office produce the following within three business days:

1. Any records—including but not limited to instructions, descriptions, guidance, and/or analysis—related to accessing the Macon-Bibb County Dominion Voting System provided to Ben Cotton or anyone affiliated with CyFIR.
2. All records reflecting communications (including any emails or text messages) from any Macon-Bibb County official between any local, state, or federal law enforcement related to accessing the county's Dominion Voting System provided to Ben Cotton or anyone affiliated with CyFIR.

Responsive records would include, but not be limited to (a) electronic or hard copy records provided to Ben Cotton, or (b) formal or informal descriptions, analyses, or other records related to the alleged voting machines security breaches reported by Mr. Cotton.

**To be clear, American Oversight is not requesting the disclosure of names or other personally identifiable information, and it does not object to the redaction of such information from responsive documents.**

3. All email communications (including emails, email attachments, calendar invitations, and calendar invitation attachments) and text messages (including complete text message threads or conversations) or messages on messaging platforms (such as Signal, Slack, GChat or Google Hangouts, Lync, Skype, Twitter direct messages, Facebook messages, WhatsApp, Telegram, or Parler) between (a) the Macon-Bibb County Government



officials listed below, and (b) Ben Cotton ([ben.cotton@cytechservices.com](mailto:ben.cotton@cytechservices.com), [ben.cotton@cyfir.com](mailto:ben.cotton@cyfir.com)), Kurt Olsen, or anyone affiliated with CyFIR.

Macon-Bibb County Government Officials:

- a. Mayor Lester Miller
- b. Commissioner Valerie Wynn
- c. Commissioner Paul Bronson
- d. Commissioner Elaine Lucas
- e. Commissioner Mallory Jones
- f. Commissioner Raymond Wilder
- g. Commissioner Bill Howell
- h. Commissioner Virgil Watkins
- i. Commissioner Brendalyn Bailey
- j. Commissioner Seth Clark
- k. Chairman Karen Evans-Daniel
- l. Board of Elections Member Joel Hazard
- m. Board of Elections Member Mike Kaplan
- n. Board of Elections Member Robert Abbott
- o. Board of Elections Member Thomas Ellington
- p. Elections Supervisor Thomas Gillon

**Please note that American Oversight does not seek, and that part 2 of 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. For example, if Mayor Miller received a mass-distribution news clip email from anyone affiliated with CyFIR, that initial email would not be responsive to this request. However, if Mayor Miller forwarded that email to another individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

**Please provide all responsive records from September 1, 2023, through the date the request is received.**

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

**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. For instance, if the request seeks “communications,” please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or

other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter.com direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.

- 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. We 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.
- 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 Open Records Act.<sup>1</sup>
- 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 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.

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<sup>1</sup> O.C.G.A. § 50-18-70(b)(2).

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.<sup>2</sup>

We share a common mission to promote transparency in government. American Oversight looks forward to working with you on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Khahilia Shaw at [records@americanoversight.org](mailto:records@americanoversight.org) or 202.539.6507.

Sincerely,

/s/ Khahilia Shaw  
Khahilia Shaw  
on behalf of  
American Oversight

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<sup>2</sup> American Oversight currently has approximately 16,000 followers on Facebook and 111,400 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited May 29, 2024); American Oversight (@weareoversight), X (formerly Twitter), <https://twitter.com/weareoversight> (last visited May 29, 2024).