



June 24, 2024

**VIA ONLINE PORTAL**

North Carolina State Board of Elections  
P.O. Box 27255  
Raleigh, NC 27611  
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, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) any of the North Carolina State Board of Elections officials listed below, and (b) any of the external entities or individuals listed below (including the listed email addresses and/or domains).

North Carolina State Board of Elections Officials:

- i. Alan Hirsch, Board Chair
- ii. Stacy “Four” Eggers IV, Board Member
- iii. Kevin Lewis, Board Member
- iv. Karen Brinson Bell, Executive Director
- v. Trena Parker Velez, Deputy Director
- vi. Paul Cox, General Counsel

External Entities and Individuals:

- a. America First Legal (aflegal.org, athospr.com)
- b. Andrew “Andy” Roth
- c. Conservative Coalition of North Carolina
- d. Conservative Partnership Institute (cpi.org, conservativepartnership.org)
- e. Election Integrity Network (whoscounting.us, ElectionIntegrity.Network)
- f. Election Transparency Initiative (electiontransparency.org)
- g. Federation for American Immigration Reform (FAIR) (fairus.org)
- h. Fair Election Fund (thefairelectionfund.com)



- i. Harry Haury
- j. Honest Elections Project (honestelections.org)
- k. Immigration Accountability Project (iaproject.org)
- l. Jay DeLancy ([jay@voterintegrityproject.com](mailto:jay@voterintegrityproject.com))
- m. Jenny Beth Martin
- n. Ken Cuccinelli ([ktc21968@gmail.com](mailto:ktc21968@gmail.com))
- o. Marly Hornik
- p. Michael Whatley
- q. New York Citizens Audit ([NYCA.info@proton.me](mailto:NYCA.info@proton.me), auditny.com)
- r. North Carolina Department of Transportation (ncdot.gov)
- s. North Carolina Election Integrity Team (nceit.org)
- t. Numbers USA (numbersusa.com)
- u. Only Citizens Vote Coalition (onlycitizensvotecoalition.com)
- v. Public Interest Legal Foundation (publicinterestlegal.org)
- w. Representative Dan Bishop, and/or anyone communicating on his behalf
- x. Rosemary Jenks
- y. State Freedom Caucus Network (statefreedomcaucus.org)
- z. State Senator Brad Overcash ([Brad.Overcash@ncleg.gov](mailto:Brad.Overcash@ncleg.gov))
- aa. State Senator Buck Newton ([Buck.Newton@ncleg.gov](mailto:Buck.Newton@ncleg.gov))
- bb. State Senator Warren Daniel ([Warren.Daniel@ncleg.gov](mailto:Warren.Daniel@ncleg.gov))
- cc. State Representative Destin Hall ([Destin.Hall@ncleg.gov](mailto:Destin.Hall@ncleg.gov))
- dd. State Representative Tim Moore ([Tim.Moore@ncleg.gov](mailto:Tim.Moore@ncleg.gov))
- ee. State Representative John Bell, IV ([John.Bell@ncleg.gov](mailto:John.Bell@ncleg.gov))
- ff. State Representative Karl Gillespie ([Karl.Gillespie@ncleg.gov](mailto:Karl.Gillespie@ncleg.gov))
- gg. Stephen Miller
- hh. Tea Party Patriots (teapartypatriots.org)
- ii. United Sovereign Americans (unite4freedom.com)
- jj. Virginia Institute of Public Policy (virginia institute.org)
- kk. Voter Integrity Project (voterintegrityproject.com)

For part 1 of this request, please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications 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 Election Transparency Initiative, that initial email would not be responsive to this request. However, if the official forwarded that email to another individual with their own commentary, that subsequent message would be responsive to this request and 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:

- a. “non citizen”

- b. non-citizen
- c. noncitizen
- d. "non-U.S."
- e. "citizenship review"
- f. citizens-only
- g. "citizens only"
- h. "Senate Bill 630"
- i. "SB 630"
- j. SB630
- k. "House Bill 1073"
- l. "HB 1073"
- m. HB1073
- n. "House Bill 1074"
- o. "HB 1074"
- p. HB1074
- q. "SAVE act"
- r. "SAVE federal"
- s. "Systematic Alien Verification for Entitlements"
- t. "Safeguard American Voter Eligibility"

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

3. Records reflecting any final formal or informal directives (including informal email communications), guidance, protocol, assessments, reports, analyses, or recommendations given to counties regarding the removal of non-citizen voters from the voter rolls.
4. Records reflecting any final formal or informal directives (including informal email communications), guidance, protocol, assessments, reports, analyses, or recommendations concerning the use of the SAVE federal database to verify citizenship status of voter registrations.
5. Records reflecting any final formal or informal directives (including informal email communications), protocol, guidance, assessments, reports, analyses, or recommendations concerning the use of non-citizen driver's license data.
6. Records sufficient to indicate (a) the number of voter registrations identified as potential non-citizens, (b) the number of voter registrations removed because of citizenship status, and (c) all supporting documentation or evidence justifying any voter registrations that were removed because of citizenship status.

Such records may include, but are not limited to, logs, reports, lists, spreadsheets, charts, summaries, and/or memoranda. To the extent that this information is aggregated and maintained in a database or spreadsheet, American Oversight requests a printout from the database. American Oversight does not object to the redaction of names, addresses, or other personally identifying information from records responsive to this request.

**For all parts of this request, please provide all responsive records from June 1, 2023, 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.
- 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.<sup>1</sup> 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 Public Records Act.<sup>2</sup>

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<sup>1</sup> N.C. Gen. Stat. Ann. § 132-1(a) (public records consist of documentary material “regardless of physical form or characteristics.”).

<sup>2</sup> 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>

- 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. 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 X (formerly Twitter).<sup>3</sup>

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

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(“Emails about official business are public records even if they are sent using the personal email account of an employee or official.”).

<sup>3</sup> American Oversight currently has approximately 16,000 followers on Facebook and 111,500 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited June 18, 2024); American Oversight (@weareoversight), X (Twitter), <https://twitter.com/weareoversight> (last visited June 18, 2024).

understand any part of this request, please contact Elizabeth Haddix at [records@americanoversight.org](mailto:records@americanoversight.org) or (252) 359-7424 ext. 1031.

Sincerely,

/s/ Elizabeth Haddix  
Elizabeth Haddix  
on behalf of  
American Oversight