



June 25, 2024

VIA EMAIL

Rhode Island Department of State
Attn: APRA
Office of Public Information
Rhode Island State House, Room 38
Providence, RI 02903
opengov@sos.ri.gov

Re: Access to Public Records Act Request

Dear Records Custodian:

Pursuant to the Access to Public Records Act ("APRA"), R.I. Gen. Laws, Tit. 38, Ch. 2, American Oversight makes the following request for records.

Requested Records

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

1. A complete copy (including all attachments) of all written reports, audit materials, or complaints received from United Sovereign Americans, Public Interest Legal Foundation, Voter Reference Foundation, Judicial Watch, or the Republican National Committee.

Records responsive to item 1 of this request include, but are not limited to, reports, spreadsheets, or other forms of aggregated data.

2. All email communications (including emails, email attachments complete email chains, calendar invitations, and calendar invitation attachments) between (a) any of the officials listed below, and (b) any of the external individuals or entities listed below (including individuals communicating from the listed email addresses or domains).

Officials:

- i. Secretary of State Gregg Amore
- ii. Executive Director Robert Rapoza
- iii. Legal Counsel Raymond Marcaccio
- iv. Director of Elections Kathy Placencia

External Individuals or Entities:

- a. Public Interest Legal Foundation (publicinterestlegal.org, electionlawcenter.com)
- b. Republican National Committee (gop.org, gop.com, rnc.org)



- c. United Sovereign Americans (unite4freedom.com, usa4freedom.org)
- d. Voter Reference Foundation (voteref.com, voterreferencefoundation.com)
- e. Christie Moore
- f. Harry Haury
- g. Kate Sullivan (citizenvoter2024@gmail.com)
- h. Marly Hornik
- i. Michelle Peterson
- j. New York Citizens Audit (NYCA.info@proton.me, auditny.com)
- k. Judicial Watch (judicialwatch.org)

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 forwarding such emails are responsive to this request. In other words, if an official received a mass-distribution news clip email from a listed external individual or entity, that initial email would not be responsive to this request. However, if that official forwarded that email to another individual with their own commentary, that subsequent message would be responsive to this request and should be produced.

3. 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 2 and containing any of the key terms listed below.

Key Terms:

- a. “NVRA notice”
- b. “NVRA violation”
- c. “Notice of violation”
- d. §20510

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 3 of this request to emails sent by the specified officials. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means that both an official’s response to an email and the initial received message are responsive to this request and should be produced.

Please provide all responsive records from March 1, 2024, through the date the search is conducted.

Fee Waiver Request

American Oversight respectfully requests that your office consider waiving any fees permitted under R.I. Gen. Laws § 38-2-4(a)–(b) associated with processing this request for records. To the extent your office elects to charge for copies or for the search and retrieval of the requested records, we request that you provide a fee estimate before

incurring such costs, as well as a detailed itemization of the costs to be charged for search and retrieval, pursuant to R.I. Gen. Laws § 38-2-4(c)-(d).

Disclosure of the requested information “is in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government and is not primarily in the commercial interest of the requester.”¹ The public has a significant interest in lawsuits or complaints filed against the government.² Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether Rhode Island has received any notices of NVRA violations from external groups. American Oversight is committed to transparency and makes the responses agencies provide to public records requests publicly available, and the public’s understanding of the government’s activities would be enhanced through American Oversight’s analysis and publication of these records.

This request is primarily and fundamentally for non-commercial purposes.³ As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight’s financial interest. American Oversight’s mission is 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.com (formerly Twitter).⁴

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.⁵ Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records and analysis related to the organization’s investigations into misconduct and corruption in state governments;⁶ posting records and analysis of federal and state governments’

¹ R.I. Gen. Laws § 38-2-4(e).

² Sara D. Wire & Mackenzie Mays, *Inside the Far-Right Plan to Use Civil Rights Law to Disrupt the 2024 Election*, LA Times (May 1, 2024, 3:00 AM PT), <https://www.latimes.com/politics/story/2024-05-01/california-election-group-aiding-national-effort-to-stop-state-from-certifying-election-results>.

³ See R.I. Gen. Laws § 38-2-4(e).

⁴ 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), Twitter.com, <https://twitter.com/weareoversight> (last visited June 18, 2024).

⁵ See generally *News*, American Oversight, <https://www.americanoversight.org/blog>.

⁶ See generally *State Investigations*, American Oversight, <https://www.americanoversight.org/states>; see, e.g., *State Government Contacts with Voting-Restriction Activists*, American Oversight, [https://www.americanoversight.org/investigation/state-government-contacts-with-](https://www.americanoversight.org/investigation/state-government-contacts-with)

responses to the Coronavirus pandemic;⁷ posting records received as part of American Oversight’s “Audit the Wall” project to gather and analyze information related to the Trump administration’s proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;⁸ and the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department’s process for issuing such waivers.⁹

Accordingly, American Oversight qualifies for a fee waiver.

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

[voting-restriction-activists](https://www.americanoversight.org/investigation/georgias-voting-machines-and-election-security); *Georgia’s Voting Machines and Election Security*, American Oversight, <https://www.americanoversight.org/investigation/georgias-voting-machines-and-election-security>.

⁷ See, e.g., *The Trump Administration’s Response to Coronavirus*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus>; *Tulsa Health Officials Initially Estimated Trump Rally Would Directly Lead to 2 to 9 Deaths*, American Oversight, <https://www.americanoversight.org/tulsa-health-officials-initially-estimated-trump-rally-would-directly-lead-to-2-to-9-deaths>; *Wisconsin Documents Offer Window into Early Uncertainty over COVID-19*, American Oversight, <https://www.americanoversight.org/wisconsin-documents-offer-window-into-early-uncertainty-over-covid-19>; *In the Documents: Florida Health Department Efforts to Suppress Release of Coronavirus Records*, American Oversight, <https://www.americanoversight.org/in-the-documents-florida-health-department-efforts-to-suppress-release-of-coronavirus-records>.

⁸ See generally *Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; see, e.g., *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

⁹ *DOJ Records Relating to Solicitor General Noel Francisco’s Recusal*, American Oversight, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

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.¹⁰ If the request is denied in whole, please state the specific reasons for the denial, including why it is not reasonable to segregate portions of the record for release.¹¹ Furthermore, if the request is denied in whole or in part, please provide the specific reasons for the denial in writing.¹²
- 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.

Conclusion

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.

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 understand any part of this request, please contact David Kronig at records@americanoversight.org or (202) 897-3915. Also, if American Oversight's

¹⁰ R.I. Gen. Laws § 38-2-3(b).

¹¹ *Id.*

¹² R.I. Gen. Laws § 38-2-7(a).

request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ David Kronig
David Kronig
on behalf of
American Oversight