



June 25, 2024

VIA ONLINE PORTAL

Public Records Office
PO Box 40224
Olympia, WA 98504-0224
Via Online Portal

Re: Public Records Act Request

Dear Public Records Officer:

Pursuant to the Public Records Act, RCW, Ch. 42.56, American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office produce the following records within five 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 Steve Hobbs
- ii. Deputy Secretary Randy Bolerjack
- iii. Elections Director Stuart Holmes

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

In accordance with RCW § 42.56.120(4), American Oversight requests a waiver of fees associated with providing copies of the requested records to the extent permitted by your agency’s rules and regulations.

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 information gathered through research and public records requests, 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).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 Washington state government, including whether Washington has received any notices of NVRA violations from external groups.

Accordingly, American Oversight respectfully requests a fee waiver.

To the extent your agency anticipates charging any fees in connection with this request for records, American Oversight requests that you inform us in advance of doing so.

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 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

¹ 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).

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>.

using unofficial systems or stored outside of official files are subject to the Public Records Act.³

- 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.⁴ If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release. If a request is denied in whole or in part, please state specifically which statute renders the records or portions exempt from disclosure and provide a brief explanation of how the exemption applies to the record or portion withheld.⁵
- 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.

³ See, e.g., *O’Neill v. City of Shoreline*, 170 Wn.2d 138, ¶ 11 (2010) (holding agency records on city officials’ personal computers subject to PRA, and noting “If government employees could circumvent the PRA by using their home computers for government business, the PRA could be drastically undermined.”); *Nissen v. Pierce County*, 183 Wn.2d 581, 585 (2015) (holding agency records on personal cell phones subject to PRA); see also Washington State Att’y Gen. Bob Ferguson, *Washington State Sunshine Laws 2016, An Open Government Resource Manual* at 7 (Oct. 31, 2016), <https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Home/About the Office/Open Government/Open Government Internet Manual/Open%20Government%20Resource%20Manual%202016%20-%20Oct.%2031%202016%20%282%29.pdf>.

⁴ RCW § 42.56.210(1).

⁵ RCW § 42.56.210(3).

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 Emma Lewis at records@americanoversight.org or (202) 919-6303. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Emma Lewis
Emma Lewis
on behalf of
American Oversight