



June 27, 2024

VIA EMAIL

Cuyahoga County Board of Elections
2925 Euclid Avenue
Cleveland, OH 44115
BOEpublicrecordsrequests@cuyahogacounty.gov

Re: Public Records Act Request

Dear Public Records Officer(s):

Pursuant to the Ohio Public Records Act (PRA), Ohio Rev. Code § 149.43, and other applicable Ohio law, American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office promptly produce the following records:

1. 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 entities and individuals listed below (including anyone communicating from the listed email address or domains).

Cuyahoga County Board of Elections Officials:

1. Anthony Kaloger, Deputy Director
2. Henry Curtis, Board Chairman
3. Lisa Stickan, Board Member

External Entities and Individuals:

- a. America First Policy Institute (americafirstpolicy.com)
- b. Check My Vote (checkmyvote.org)
- c. Cleta Mitchell (cleta@cletamitchell.com, cmitchell@foley.com)
- d. Doug Frank (drdougglasfrank@protonmail.com, drdougglasfrank@outlook.com)
- e. EagleAI NETwork (eagleai.pro)
- f. Eileen Watts
- g. Election Integrity Network (electionintegrity.network, whoscounting.us)
- h. Election Transparency Initiative (electiontransparency.org)
- i. Heritage Foundation (heritage.org, heritageaction.com)
- j. Honest Elections Project (honestelections.org)
- k. Marcell Strbich
- l. Ohio 4 Truth (ohio4truth.com)
- m. Ohio Election Integrity Network (ohioein.org)



- n. Ohio Republican Party (ohiogop.org)
- o. Ohio Votes Count (ohiovotescount@protonmail.com, ohiovotescount.org)
- p. Ohioans for Transparency (ohioansfortransparency.com)
- q. Phani Mantravadi
- r. Public Interest Legal Foundation (publicinterestlegal.org, electionlawcenter.com)
- s. Restoring Integrity and Trust in Elections (riteusa.org)
- t. Rick Richards (dronline@me.com)
- u. Thomas Wood (thomas.wood@usa4freedom.org), and/or anyone communicating on behalf of United Sovereign Americans (unite4freedom.com, usa4freedom.org)
- v. Tim Vetter
- w. True the Vote (truethevote.org)
- x. Virginia Institute of Public Policy (virginia institute.org)
- y. Voter Reference Foundation (voteref.com, voterreferencefoundation.com)
- z. Cuyahoga County Republican Party (cuyahoga.gop)

Please note that American Oversight does not seek, and that part 1 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 a listed official received a mass-distribution news clip email from a listed external entity or individual, that initial email would not be responsive to this request. However, if a listed official forwarded that email to another individual with 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 and containing any of the key terms listed below.

Key Terms:

- a. “cast vote record”
- b. “certify the election”
- c. “clean the voter roll”
- d. “data integrity”
- e. “Eagle AI”
- f. “election audit”
- g. “election certification”
- h. “election fraud”
- i. “election integrity”
- j. “hand count”
- k. “vote fraud”
- l. “voter fraud”
- m. “voter roll clean”
- n. “voting fraud”
- o. CVR

- p. EagleAI
- q. elector
- r. hand-count
- s. handcount
- t. Non-citizen
- u. Noncitizen
- v. observer

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 its request to emails sent by the listed officials. To be clear, however, American Oversight requests that complete email chains be produced, displaying both sent and received messages. This means that both a listed official's response to an email containing a listed key term and the initial received message are responsive to this request and should be produced.

For both parts of this request, please provide all responsive records from November 1, 2023, through the date you receive this request.

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:

- 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.
- 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.¹ If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.

¹ Ohio Rev. Code § 149.43(B)(1).

- 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 Twitter.com.²

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

² 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 (formerly Twitter), <https://twitter.com/weareoversight> (last visited June 18, 2024).

understand any part of this request, please contact Ben Sparks at records@americanoversight.org or (202) 873-1741.

Sincerely,

/s/ Ben Sparks

Ben Sparks
on behalf of
American Oversight