



July 1, 2024

**VIA ONLINE FORM**

Newton County Board of Elections & Registration  
1113 Usher Street  
Suite 103  
Covington, GA 30014  
Via Online Form

**Re: Open Records Request**

Dear Records Custodian(s):

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. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) the Newton County officials listed below, and (b) any of the external entities and individuals listed below, including, but not limited to, at the listed email addresses and/or domains.

**Officials:**

- i. Board of Elections and Registration Chairman Phil Johnson
- ii. Board of Elections and Registration Member Kim Shue
- iii. Board of Commissioners Chairman Marcello Banes
- iv. Commissioner Stan Edwards
- v. Commissioner Demond Mason
- vi. Commissioner Alana Sanders
- vii. Commissioner J.C. Henderson
- viii. Commissioner Ronnie Cowan

**External Entities or Individuals:**

- a. Cleta Mitchell ([cleta@cletamitchell.com](mailto:cleta@cletamitchell.com), [cmitchell@foley.com](mailto:cmitchell@foley.com)), and/or anyone communicating from an email address ending in whoscounting.us
- b. Garland Favorito ([garlandf@voterga.org](mailto:garlandf@voterga.org), [garlandf@msn.com](mailto:garlandf@msn.com), [garlandf@voterga.net](mailto:garlandf@voterga.net))
- c. David Cross
- d. Jason Frazier
- e. Suzi Voyles
- f. Liz Harrington



- g. Holly Kessler
- h. Julie Adams
- i. Joe Rossi
- j. Kevin Moncla
- k. Doug Frank ([drdougglasgfrank@protonmail.com](mailto:drdougglasgfrank@protonmail.com), [drdougglasgfrank@outlook.com](mailto:drdougglasgfrank@outlook.com), frankspeech.com)
- l. Senator Max Burns ([max.burns@senate.ga.gov](mailto:max.burns@senate.ga.gov))
- m. Rick Jeffares ([rjeffares.seb@gmail.com](mailto:rjeffares.seb@gmail.com))
- n. Janice Johnston ([jjohnstonmd.seb@gmail.com](mailto:jjohnstonmd.seb@gmail.com))
- o. John Fervier ([jfervier.seb@gmail.com](mailto:jfervier.seb@gmail.com))
- p. Lt. Gov Burt Jones ([burt.jones@senate.ga.gov](mailto:burt.jones@senate.ga.gov))
- q. Georgia Republican Party (gagop.org)
- r. Newton County Republican Party (newtongop.org)
- s. Jovan Hutton Pulitzer ([jovanhuttonpulitzer@gmail.com](mailto:jovanhuttonpulitzer@gmail.com))
- t. Stefan Bartelski
- u. Rick Richards ([drr@cathaid.com](mailto:drr@cathaid.com), [drr@eagleai.pro](mailto:drr@eagleai.pro))
- v. John Richards ([johnrichards@eagleai.pro](mailto:johnrichards@eagleai.pro))
- w. Anyone communicating from an email address ending in eagleai.pro

**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 responding to or forwarding such emails are responsive to this request. For example, if a listed official received a mass-distribution news clip email from an email address ending in gagop.org, that initial email would not be responsive to this request. However, if the listed 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. Records reflecting any challenges to voter registrations received by the Newton County Board of Elections and Registration or the Newton County Board of Commissioners, and any action taken by the Newton County Board of Elections and Registration or the Newton County Board of Commissioners in response to said challenges, including, but not limited to, all email communications sent or received concerning challenged voter registrations.

Please provide all responsive records from August 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

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

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.

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 June 27, 2024); American Oversight (@weareoversight), X (formerly Twitter), <https://twitter.com/weareoversight> (last visited June 27, 2024).