

July 2, 2024

VIA EMAIL

Fairfax County Office of Elections
12000 Government Center Pkwy. Ste. 323
Fairfax, VA 22035
voting@fairfaxcounty.gov

Re: Virginia Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Virginia Freedom of Information Act, Va. Code Ann. § 2.2-3700, I, Anisha Hindocha, a resident of Virginia, make the following request for records.

Requested Records

I request that the Fairfax County Office of Elections produce the following records within five working days:

1. Records sufficient to identify all materials relied upon in an investigation run by former Fairfax County Electoral Board member Hans von Spakovsky in 2011 regarding noncitizen immigrants voting.¹
2. Any final report, memoranda, recommendations, or other final product resulting from the investigation referenced in part 1.
3. All records resulting from the investigation referenced in part 1 that were transmitted to the Commonwealth's Attorney for Fairfax County, the U.S. Department of Justice, or any other law enforcement office or agency.
4. All records reflecting the decision to act or not act upon the final product referenced in part 2.

Please provide all responsive records from February 1, 2010, through February 28, 2013.

Please notify me 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, I provide the following guidance regarding the scope of the records sought and the search and processing of records:

¹ For further identifying information, please see Hans von Spakovsky & J. Christian Adams, *Despite Liberals' Hysterical Denials, Aliens Are Registering and Voting*, Daily Signal, June 6, 2024, <https://www.dailysignal.com/2024/06/06/despite-liberals-hysterical-denial-aliens-are-registering-and-voting/>.

- 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 X (formerly Twitter) 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. I 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.
- My 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 this request, this 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. 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 me, please do not hesitate to reach out to my representative at the contact information listed below to discuss this request. I welcome an opportunity to discuss this request with you before you undertake your search or incur search or duplication costs. By working together at the outset, we 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 to the address listed below. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. If it will accelerate release of responsive records, please also provide responsive material on a rolling basis.

Conclusion

We share a common mission to promote transparency in government. I look 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) 897-3915.²

Sincerely,

/s/ Anisha Hindocha
Anisha Hindocha

² My colleagues at American Oversight are authorized to act as my representatives in connection with this request. *See* Va. Code Ann. § 2.2-3713(A). Please note that, although Mr. Kronig is not admitted to the Virginia bar, he represents me on this request pursuant to Rule of Professional Conduct 5.5(d)(4)(ii). He is admitted in the District of Columbia, with an office address of 1030 15th St. NW, Suite B255, Washington, D.C. 20005.