



Public Records Request Form

Alabama citizens may complete and submit this form to make a general public records request. All fields must be completed with accurate information for your request to be processed.

Scope of Request

This form is for requesting public records from the Office of the Secretary of State. If you are looking for public records from another governmental entity within the State of Alabama, you should contact that entity directly.

I believe the records I am seeking are in the possession of the Office of the Secretary of State rather than some other governmental entity within the State of Alabama.

Requestor's Contact Information

Title _____ Full name Katherine W. Glenn
Organization SPLC Position Senior Policy Associate
Phone number 334-956-8249 Email address records@americanoversight.org
Are you an Alabama Citizen? Yes No
Do you have an Alabama Driver License? Yes, Issued 2021 Number _____
Do you have another State of Alabama issued ID? Yes, Type _____, Number _____
Current street address (DO NOT USE A P O Box)
400 Washington Avenue

City Montgomery County Montgomery
State Alabama Zip code 36104

Payment of Fees

Payment of fees may be required before your request is fulfilled.

I am willing to pay up to \$ \$100 in processing fees without prior notice by the agency.

Specific Records Requested

Be as specific as possible. Requests that are overly broad may qualify as time-intensive requests and will take longer to process.

Please see attached public records request.

Method of Delivery (Check Only One)

- I would like to receive responsive records electronically at the email address provided above.
- I would like to receive responsive records by U.S. Mail at the address specified above.
- I would like to schedule an office visit to inspect and/or copy records with my own equipment.

By my signature below, I hereby agree to the terms and conditions applicable to obtaining public records from the Secretary of State, including the requirement for advance payment, and, further, swear or affirm, to the best of my knowledge, that all information provided by me on this form is accurate, true, and correct.

Kath W. Glenn June 25, 2024
Signature Date

Southern Poverty Law Center
400 Washington Ave.
Montgomery, AL, 36104

July 2, 2024

VIA EMAIL

Laney Kelley
Executive Assistant/Director of Scheduling
Office of Secretary of State Wes Allen
Alabama State Capitol
600 Dexter Avenue, Suite S-105
Montgomery, AL 36130
Laney.Kelley@sos.alabama.gov

Re: Alabama Open Records Act Request

Dear Records Custodian:

Pursuant to the Alabama Open Records Act, Ala. Code § 36-12-40, the Southern Poverty Law Center (SPLC) makes the following request for records. SPLC is a citizen of Alabama that maintains its offices at 400 Washington Ave., Montgomery, Alabama 36104.

In September 2023, Alabama Secretary of State Wes Allen announced the creation of a new program intended to maintain voter registration lists, the Alabama Voter Integrity Database (AVID).¹ SPLC seeks records to understand the creation and use of AVID.

Requested Records

SPLC requests that the Secretary of State's office promptly produce the following records:

For all parts of this request, please provide all responsive records from July 14, 2023, through the date the search is conducted.

1. All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, meeting minutes, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) sent by any of

¹ *Secretary of State Wes Allen Introduces AVID*, Alabama Secretary of State, Sept. 18, 2023, <https://www.sos.alabama.gov/newsroom/secretary-state-wes-allen-introduces-avid>.

the Alabama Office of the Secretary of State personnel listed below regarding list maintenance practices and procedures. Such communications include, but are not limited to, communications containing any of the key terms listed below.

Alabama Office of the Secretary of State Personnel:

- a. Secretary of State Wes Allen
- b. Chief of Staff Clay Helms
- c. Director of Government Relations Jonathan Hester
- d. Director of Elections Jeff Elrod

Key Terms:

- i. "Voter Integrity Database"
- ii. "List maintenance"
- iii. "Roll maintenance"
- iv. "Voter list" AND "cross state"
- v. "Voter list" AND "interstate"
- vi. "Roster validation"
- vii. "Electronic Registration"
- viii. "Registration data comparison"
- ix. "Electronic Registration Information Center"
- x. "ERIC data"
- xi. "ERIC member"
- xii. "ERIC state"
- xiii. "ERIC replacement"
- xiv. "Replace ERIC"
- xv. "Replacement for ERIC"

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 1 of this request to emails sent by the specified individuals. 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 individual's response to an email and the initial received message are responsive to this request and should be produced.

2. Records reflecting any final formal or informal directives, guidance, or policy memoranda concerning the creation or implementation of the Alabama Voter Integrity Database (AVID).
3. Records sufficient to identify the **number** of cross-check "matches" identified using the AVID, including matches found by comparing Alabama voter lists to (a) Alabama Law Enforcement Agency data about registered voters who have moved and obtained a driver's license or non-driver ID in another state, (b) data from other states obtained through memoranda of understanding identifying individuals that may be registered to vote in Alabama and another state, (c) National Change of Address List data, or (d) Social Security Death Index data.

To the extent that this information is aggregated and maintained in a database or spreadsheet, SPLC would accept as responsive a printout from the database containing fields responsive to request item 3. SPLC does not object to the redaction of names, addresses, or other personally identifying information from records responsive to this request.

Please notify SPLC 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, SPLC 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.
- 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.²
- 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. 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.

² See Ala. Code § 41-13-1.

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 in response to this request, **please do not hesitate to make contact through SPLC's counsel, American Oversight, to discuss this request.** My counsel's contact information is as follows:

Khahilia Shaw, American Oversight
Telephone: (202) 539-6507
Email: records@americanoversight.org

We welcome 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, 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. 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.

The Southern Poverty Law Center is a catalyst for racial justice in the South and beyond, working in partnership with communities to dismantle white supremacy, strengthen intersectional movements, and advance the human rights of all people. For more information, visit www.splcenter.org.

We look forward to working with your agency on this request. **If you do not understand any part of this request, please contact my counsel at the contact information listed above.**

Sincerely,

/s/ Katie Glenn

Katie Glenn
on behalf of
Southern Poverty Law Center