



July 17, 2024

VIA EMAIL

Alex Hardin
State Election Board
2 MLK Jr. Drive
Suite 802 Floyd West Tower
Atlanta, GA 30334
ahardin@sos.ga.gov

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 records (including, but not limited to, handwritten notes, memoranda, presentation materials, proposals, talking points, briefing materials, legal advisories, or guidance documents) consulted, referenced, or relied upon for (a) the State Election Board meeting held on July 9, 2024, and/or (b) the State Election Board meeting held on July 12, 2024.
2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) **and** text messages (including complete text message threads or conversations) or messages on messaging platforms (such as Signal, Slack, GChat or Google Hangouts, Lync, Skype, X (formerly Twitter) direct messages, Facebook messages, WhatsApp, Telegram, or Parler) between (a) the Georgia State Election Board Members listed below and (b) any of the external individuals and entities also listed below (including, but not limited to, anyone communicating from an email address ending in the listed domains).

State Election Board Members:

- a. Rick Jeffares
- b. Dr. Janice Johnston
- c. Janelle King
- d. Executive Director Mike Coan

External Individuals and Entities:



- i. Lieutenant Governor Burt Jones
- ii. Catherine Engelbrecht and/or anyone communicating on behalf of True the Vote (truethevote.org)
- iii. Cleta Mitchell (cleta@cletamitchell.com or cmitchell@foley.com) and/or anyone communicating on behalf of Election Integrity Network (whoscounting.us, electionintegrity.network, virginiainstitute.org, cpi.org)
- iv. J. Christian Adams and/or anyone communicating on behalf of Public Interest Legal Foundation (publicinterestlegal.org or electionlawcenter.com)
- v. Honest Elections Project (honestelections.org, jasonsnead.com)
- vi. America First Legal (aflegal.org, athospr.com)
- vii. Anyone communicating on behalf of Heritage Foundation (heritage.org, heritageaction.com)
- viii. State Senator Max Burns (maxburns.com, max.burns@senate.ga.gov)
- ix. House Speaker John Burns (john.burns@house.ga.gov)
- x. Voter GA (voterga.org, voterga.net)
- xi. Jason Frazier
- xii. Lucia Frazier
- xiii. David Cross
- xiv. Kevin Moncla
- xv. Joe Rossi
- xvi. Josh Helton (jhelton12@gmail.com)
- xvii. Suzi Voyles
- xviii. Holly Kessler
- xix. Kimberly Slaughter
- xx. Brad Carver
- xxi. Kelly Loeffler
- xxii. Jared Hooper
- xxiii. Ashley MacLeay
- xxiv. Art Wittich
- xxv. Jody Hice
- xxvi. Harry MacDougal
- xxvii. Phillip Davis
- xxviii. Clay Parikh

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 responding to or forwarding such emails are responsive to this request. For example, if Mr. Jeffares received a mass-distribution news clip email from an email ending in truethevote.org, that initial email would not be responsive to this request. However, if Mr. Jeffares forwarded that email to another individual with his 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 the

State Board of Elections members listed above in part 2 and containing any of the key terms listed below.

Key Terms:

- i. “Heather Honey”
- ii. “Christine Propst”
- iii. “Robert Barker”
- iv. “Garland Favorito”
- v. “Salleigh Grubbs”

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 individuals. To be clear, however, American Oversight 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.

For all parts of this request, please provide all responsive records from May 1, 2024, 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 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. 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.¹
- 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 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

¹ O.C.G.A. § 50-18-70(b)(2).

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 X (formerly Twitter).²

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 Loree Stark at records@americanoversight.org or (304) 913-6114.

Sincerely,

/s/ Loree Stark
Loree Stark
on behalf of
American Oversight

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 July 16, 2024); American Oversight (@weareoversight), X (formerly Twitter), <https://twitter.com/weareoversight> (last visited July 16, 2024).