

**IN THE DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LAWYERS' COMMITTEE FOR CIVIL RIGHTS
UNDER LAW

1401 New York Avenue, NW
Washington, D.C. 20005,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW
Washington, D.C. 20530,

U.S. DEPARTMENT OF HOMELAND SECURITY,
245 Murray Lane, SW
Washington, D.C. 20528,

Defendants.

Docket No.

COMPLAINT

INTRODUCTION

Plaintiff Lawyers' Committee for Civil Rights Under Law (the "Lawyers' Committee") brings this action under the Freedom of Information Act, 5 U.S.C. § 522 ("FOIA"), against Defendants United States Department of Justice ("DOJ") and United States Department of Homeland Security ("DHS") to compel Defendants to disclose records relating to the Presidential Advisory Commission on Election Integrity ("PACEI" or the "Commission") requested by the Lawyers' Committee under FOIA.

This suit concerns the Government's failure to abide by basic requirements of openness and transparency. During its entire existence, PACEI operated under a cloud of pervasive secrecy, in violation of federal law, refusing to make almost all of its records available to the public. Given the Commission's clandestine operations, and the Commission's continued refusal

to disclose information pertaining to it, it is critically important that the activities of DOJ and/or DHS in relation to the Commission be disclosed to the public.

PARTIES

1. Plaintiff the Lawyers' Committee was founded in 1963 and is committed to full and fair enforcement of federal civil rights laws and ensuring equal justice under law for all. The Lawyers' Committee has been at the forefront of the legal struggle to advance and protect the right to vote, and accordingly has substantial interest in the work and potential consequences of the Commission. The Lawyers' Committee's rights under FOIA have been violated by Defendants' refusal to disclose records as required by law. The Lawyers' Committee is located in Washington, D.C.

2. Defendant DOJ is a federal agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1), and includes the Office of Information Policy and the Office of the Solicitor General. DOJ is headquartered at 950 Pennsylvania Avenue, NW, Washington D.C. 20530, and has possession, custody, and control of documents that the Lawyers' Committee seeks in response to its FOIA request.

3. Defendant DHS is a federal agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1). DHS is headquartered at 245 Murray Lane, SW, Washington D.C. 20528, and has possession, custody, and control of documents that the Lawyers' Committee seeks in response to its FOIA request.

JURISDICTION AND VENUE

4. The Court has jurisdiction under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

5. Venue is proper in this district under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

STATEMENT OF FACTS

A. The Presidential Advisory Commission on Election Integrity

6. On November 27, 2016, then-President-Elect Donald J. Trump expressed his belief that he would have won the popular vote, in addition to the electoral college, if not for millions of purported illegal votes cast for his opponent. He tweeted: “In addition to winning the Electoral College in a landslide, I won the popular vote if you deduct the millions of people who voted illegally.” Ex. A. The President-Elect offered no evidence to support this assertion.

7. Five days after taking office, on January 25, 2017, the President announced in a series of tweets that he would launch an investigation into voter fraud. Ex. B.

8. On May 11, 2017, President Trump established the Commission by Executive Order and appointed Vice President Pence to serve as its Chair. Exec. Order 13799, 82 FR 22389 (May 11, 2017). The Executive Order declared that the Commission’s stated purpose was to “study the registration and voting processes used in Federal elections,” and to produce a report to the President on topics including “those vulnerabilities in voting systems and practices used for Federal elections that could lead to improper voter registrations and improper voting, including fraudulent voter registrations and fraudulent voting.” *Id.* § 3.

9. The following day, President Trump named Kansas Secretary of State Kris Kobach as Vice Chair of the Commission. The other members of the Commission were Connie Lawson (Indiana Secretary of State), Bill Gardner (New Hampshire Secretary of State), Matthew Dunlap (Maine Secretary of State), Ken Blackwell (former Ohio Secretary of State), Christy McCormick (Commission, Election Assistance Commission), Mark Rhodes (Clerk of Wood County, West Virginia), Hans von Spakovsky (Senior Legal Fellow, Heritage Foundation), J. Christian Adams (President and General Counsel, Public Interest Legal Foundation), David

Dunn (former Arkansas State Representative), and Alan King (Probate Judge, Jefferson County, Alabama).

10. Several members of the Commission have a documented history of engaging in efforts designed to suppress voter participation. For example, as Kansas Secretary of State, Vice Chair Kobach instituted a series of measures ostensibly designed to reduce voter fraud but which in reality targeted and suppressed minority voters.¹ Kobach has also suggested comparing voter rolls with DHS's "database of all known aliens, green card holders, [and] temporary visa holder[s] in the United States" as a means to prove his allegations of voter fraud.²

11. Von Spakovsky has led efforts urging states to adopt strict photo identification requirements to vote, which disproportionately affects minority voters, and to purge voter registration rolls.³ Likewise, Adams has long championed efforts to purge voter registration and has even claimed that an "alien invasion" exists at the voting booth.⁴

12. On June 29, 2017, Vice Chair Kobach sent a letter to officials of all 50 states requesting that they provide the Commission with personal information of registered voters,

¹ See Greg Palast, *The GOP's Stealth War Against Voters*, Aug. 24, 2016, Rolling Stone, <http://www.rollingstone.com/politics/features/the-gops-stealth-war-against-voters-w435890>.

² *Kobach Talks Goals of New Voter Fraud Commission; Commerce Secretary on North Korea Missile Test, China Trade Deal*, Transcript, May 14, 2017, <http://www.foxnews.com/transcript/2017/05/14/kobach-talks-goals-new-voter-fraud-commission-commerce-secretary-on-nkorea-missile-test-china-trade-deal.html>.

³ See Alex Horton & Gregory S. Schneider, *Trump's Pick to Investigate Voter Fraud is Freaking Out Voting Rights Activists*, Washington Post, June 30, 2017, https://www.washingtonpost.com/news/post-nation/wp/2017/06/30/trumps-pick-to-investigate-voter-fraud-is-freaking-out-voting-rights-activists/?utm_term=.5c57c2cec96b.

⁴ Jane C. Timm, *Voter Fraud Crusader J. Christian Adams Sparks Outrage*, NBC News, Aug. 27, 2017, <https://www.nbcnews.com/politics/donald-trump/vote-fraud-crusader-j-christian-adams-sparks-outrage-n796026>.

including their full names, addresses, dates of birth, voting history, and the last four digits of their Social Security numbers.⁵

13. Also on June 29, 2017, T. Christian Herren, Jr., Chief of the Voting Section of DOJ's Civil Rights Division, sent a letter to the chief election officials of all 50 states requesting that they provide "information regarding [each] State's procedures for compliance with state voter registration list maintenance provisions of the National Voter Registration Act ('NVRA')." ⁶

14. The timing of these two letters has raised suspicion about undisclosed cooperation between DOJ and the Commission.⁷

15. On July 10, 2017, the Lawyers' Committee filed a complaint against the Commission and other government entities (who are not defendants in this suit) to enforce the disclosure obligations under the Federal Advisory Committee Act ("FACA"), 5 U.S.C. app. II. *See Lawyers' Committee for Civil Rights Under Law v. Presidential Advisory Commission on Election Integrity, et al.*, No. 1:17-cv-01354-CKK (D.D.C.) ("PACEI Litigation"). Throughout the PACEI Litigation, the defendants in that case have maintained that they are only required to disclose a minimal number of Commission-related records under FACA.

⁵ Bryan Lowry, *Kris Kobach wants every U.S. voter's personal information for Trump's commission*, June 29, 2017, Kansas City Star, <http://www.kansascity.com/news/politics-government/article158871959.html>.

⁶ Sam Levine, *This DOJ Letter May Be More Alarming Than Trump Commission's Request For Voter Data*, HuffPost, July 5, 2017, http://www.huffingtonpost.com/entry/department-of-justice-voter-purge_us_595d22b1e4b0da2c7326c38b.

⁷ Pam Fessler, *Advocates Worry Trump Administration Wants To Revamp Motor Voter Law*, NPR, July 8, 2017, <https://www.npr.org/2017/07/08/536006813/advocates-worry-trump-administration-wants-to-revamp-motor-voter-law>.

16. The Commission held its first official meeting on July 19, 2017. President Trump attended the meeting and in his opening remarks repeated claims about voter fraud during the 2016 Presidential Election.⁸ He also applauded the states that had agreed to share information with the Commission and suggested that states refusing to do so were hiding something.⁹

17. At the July 19, 2017 meeting, Vice Chair Kobach directed Commission staff to begin collecting data from other federal agencies relevant to the Commission's work.¹⁰ Commissioner von Spakovsky recommended that the Commission "should have access to . . . DHS data " in particular, in order to study (among other things) whether DHS was sharing information with DOJ.¹¹

18. In response to a motion to compel filed by the Lawyers' Committee in the PACEI Litigation, on August 30, 2017, Judge Kollar-Kotelly ordered the defendants in the PACEI Litigation to produce a *Vaughn*-type index "detailing what specific documents have been collected with respect to the Commission to date, which of those have been disclosed, and if they have not been disclosed, on what basis." Dkt. 28, No. 1:17-cv-01354-CKK (D.D.C.).

19. The Commission held a second meeting on September 12, 2017, which focused on the issue of purported voter fraud in the State of New Hampshire. Although Vice Chair

⁸ Pam Fessler & Brett Nelly, *Talk of Voter Fraud Dominates First Meeting of Election Integrity Commission*, NPR, July 18, 2017, <https://www.npr.org/2017/07/19/538152713/talk-of-voter-fraud-dominates-first-meeting-of-election-integrity-commission>.

⁹ *Remarks by President Trump and Vice President Pence at the Presidential Advisory Commission on Election Integrity Meeting*, July 19, 2017, <https://www.whitehouse.gov/the-press-office/2017/07/19/remarks-president-trump-and-vice-president-pence-presidential-advisory>.

¹⁰ Presidential Advisory Commission on Election Integrity, Meeting Minutes at 5, July 19, 2017, <https://www.whitehouse.gov/sites/whitehouse.gov/files/documents/Minutes%20for%20July%2019%2C%202017%20Public%20Meeting.pdf>

¹¹ *Id.*

Kobach had claimed that there was proof of widespread voter fraud during the November 2016 election—possibly enough to have influenced the outcome of the election—New Hampshire Secretary of State Bill Gardner, another member of the Commission, denied such claims and stated that the November 2016 election was “real and valid.”¹²

20. Also on September 12, 2017, it was revealed that, prior to the formal establishment of the Commission, von Spakovsky had sent an email about the Commission’s membership that was ultimately received by Attorney General Sessions. Von Spakovsky wrote in that email, dated February 22, 2017, that the Commission should not be “bipartisan” and should not include any “Democrats,” “mainstream Republicans,” or “academics.”¹³

21. On September 29, 2017, defendants in the PACEI Litigation produced the *Vaughn*-type index ordered by Judge Kollar-Kotelly. Dkt. 33-3, No. 1:17-cv-01354-CKK (D.D.C.). The index indicates that members and staff of the Commission had extensive written communications with other federal agencies, including DOJ and DHS.

22. Following production of the *Vaughn* index, the defendants in the PACEI Litigation continued to take the position that the Commission is entitled to operate in complete secrecy and the defendants are not required to make any Commission records available to the public pursuant to FACA.

¹² Pam Fessler, *Tension And Protests Mark Trump Voting Commission Meeting*, NPR, Sept. 12, 2017, <https://www.npr.org/2017/09/12/550518986/tension-and-protests-mark-trump-voting-commission-meeting>.

¹³ Dell Cameron, *Jeff Sessions Was Lobbied to Exclude Democrats From Trump's Election Fraud Panel*, Gizmodo, Sept. 12, 2017, <https://gizmodo.com/jeff-sessions-was-lobbied-to-exclude-democrats-from-tru-1804006784>.

23. On information and belief, DOJ and DHS personnel engaged in other external and internal communications about the Commission and its activities beyond those identified on the *Vaughn* index.

24. The activities of the Commission have generated extensive public interest and media scrutiny. They have also become embroiled in legal controversy. The Government Accountability Office announced in October 2017 that it would investigate the Commission's use of federal funds to support the Commission's work and whether the Commission was following federal regulations.¹⁴ And in November, Commission member Matthew Dunlap sued the Commission under the Federal Advisory Committee Act for refusing to provide documents to him that other Commissioners had purportedly received.¹⁵

25. On January 3, 2018, President Trump dissolved the Commission.¹⁶ In announcing its dissolution, the White House Press Secretary announced that the President "has asked the Department of Homeland Security to review [the Commission's] initial findings and determine next courses of action."¹⁷ The following day, the White House Press Secretary stated "we are going to send the preliminary findings from the commission to the Department of Homeland

¹⁴ October 25, 2017 Letter from K. Siggerud, U.S. Government Accountability Office to Sen. M. Bennett, available at <https://www.scribd.com/document/362680901/GAO-Acceptance-of-Voter-Commission-Investigation>.

¹⁵ See *Dunlap v. Presidential Advisory Commission on Election Integrity et al.*, No. 17-cv-2361-CKK (D.D.C.).

¹⁶ Executive Order 13820, 83 FR 969 (Jan. 3, 2018).

¹⁷ *Statement by the Pres Secretary on the Presidential Advisory Commission on Election Integrity*, Jan. 3, 2018, <https://www.whitehouse.gov/briefings-statements/statement-press-secretary-presidential-advisory-commission-election-integrity/>.

Security and make determinations on the best way forward”¹⁸ And Vice Chair Kobach stated that “what’s happening is a tactical shift where the mission of the commission is being handed off to Homeland Security . . . I’ll be working closely with the White House and DHS to ensure the investigations continue.”¹⁹ Kobach also stated that it “became clear that the better way to move forward would be to have the Department of Homeland Security do it . . . DHS knows all the people who have green cards. DHS knows the identity of all the people who have temporary visas, and they also know the identity of illegal aliens who are in removal proceedings . . . I’ll be working with the Department of Homeland Security and with the White House as the investigations continue within the executive branch.”²⁰

26. Given the pervasive secrecy surrounding the Commission, and the Commission’s continued refusal to disclose information pertaining to it, it is critically important that the activities of DOJ and/or DHS in relation to the Commission be disclosed to the public.

B. The Lawyers’ Committee’s FOIA Request to DOJ

27. On August 10, 2017, the Lawyers’ Committee submitted a FOIA request to the Department of Justice Office of Information Policy (“OIP”) and the Solicitor General’s Office (“SG”) (*see* Ex. C), seeking, among other records, documents relating to or reflecting efforts to coordinate the Commission’s activities with DOJ, DOJ’s efforts to obtain and supply voter data

¹⁸ *Press Briefing by Press Secretary Sarah Sanders*, Jan. 4, 2018, <https://www.whitehouse.gov/briefings-statements/press-briefing-by-press-secretary-sarah-sanders01042018/>

¹⁹ John Binder, *Kris Kobach: Voter Fraud Commission ‘Being Handed Off to DHS’* *Breitbart News*, Jan. 3, 2018, <http://www.breitbart.com/big-government/2018/01/03/exclusive-kris-kobach-voter-fraud-commission-being-handed-off-to-dhs-will-no-longer-be-stonewalled-by-dems/>

²⁰ *Kris Kobach on What Led to the Disbandment of Controversial Election Commission*, NPR, Jan. 4, 2018, <https://www.npr.org/2018/01/04/575774092/kris-kobach-on-what-led-to-the-disbandment-of-controversial-election-commission>

to the Commission, and the SG's reversal of legal positions in *Husted v. A. Phillip Randolph Institute*, No. 16-980 (2016), a case currently pending before the United States Supreme Court.

28. More specifically, the August 10, 2017 FOIA request to OIP/SG sought:

1. All records containing, reflecting, documenting, summarizing, or otherwise relating to communications (including emails, telephone call logs, calendar entries, meeting agendas, or any other records reflecting communications) since January 20, 2017, between any employee of your agency and any of the following individuals:
 - a. Kris Kobach
 - b. J. Kenneth Blackwell
 - c. Hans von Spakovsky
 - d. J. Christian Adams
 - e. Andrew Kossack
 - f. H. Christopher Coates
 - g. Robert Popper
 - h. Any employees or agents of the Public Interest Law Foundation (including anyone with an email address ending in @publicinterestlegal.org).
 - i. Any employees or agents of the American Civil Rights Union (including anyone with an email address ending in @theacru.org).
 - j. Any employees or agents of Judicial Watch (including anyone with an email address ending in @judicialwatch.org).
2. All records containing, reflecting, documenting, summarizing, or otherwise relating to communications (including emails, telephone call logs, calendar entries, meeting agendas, or any other records reflecting communications) since January 20, 2017, between any employee of your agency and any employee of the Ohio Attorney General's Office (including anyone with an email address ending in @OhioAttorneyGeneral.gov) as it pertains to *Husted v. A. Phillip Randolph Institute*.

29. DOJ has agency records responsive to this request.

30. The Lawyers' Committee requested expedited processing pursuant to 5 U.S.C.

§ 552(a)(6)(E) and 28 C.F.R. § 16.5(b) & (e)(1)(iv).

31. The Lawyers' Committee also requested a fee waiver pursuant to 5 U.S.C.

§ 552(a)(4)(A)(iii) and 28 C.F.R. § 16.10(k).

32. On August 16, 2017, OIP acknowledged receipt of the August 10, 2017 request on behalf of the Offices of the Attorney General and Deputy Attorney General and assigned the request case reference numbers DOJ-2017-005986 (AG) and DOJ-2017-006057 (DAG). *See* Ex. D.

33. On September 18, 2017, the SG acknowledged receipt of the August 10, 2017 request and assigned it the case reference number DOJ-2017-126879. *See* Ex. E.

34. On September 29, 2017, the PACEI Litigation defendants produced the *Vaughn*-type index ordered by Judge Kollar-Kotelly listing documents collected from Commission members and staff related to the Commission's work. *See* Dkt. 33-3, No. 1:17-cv-1354-CKK (D.D.C.). The index lists multiple documents reflecting communications between DOJ and Commission members and/or staff.

- Entry 541: "Email exchange re: Chicago Board of Election," (DOJ official to Commissioner McCormick, dated 5/15/17)
- Entry 544: "Email exchange discussing voting issue with attachment" (DOJ official to Commissioner McCormick, dated 7/5/17-7/6/17)
- Entry 564: "E-mail forwarding link to news article" (DOJ official to Commissioner McCormick, dated 9/15/17)
- Entry 565: "Email exchange discussing Chicago voting issue (Third party to DOJ official and Commissioner McCormick, dated 9/6/27, 9/11/17)
- Entry 687: "Email about setting up time to speak" (Kossack to DOJ official, dated 6/15/17)
- Entry 738: "Email chain and planner setting a time for call [related to litigation]" (Kossack DHS Official and Staff and DOJ, dated 8/1/17)
- Entry 741: "Email chain and planner setting a time for call [related to litigation]" (DHS Official to Kossack, DHS, and DOJ, dated 8/2/17)
- Entry 748: "Email re: collecting data from non-state entities (chain)" (Kossack to DOJ, dated 8/22/17)

35. In Congressional testimony on October 18, 2017, Attorney General Sessions admitted in response to questioning that DOJ had “been asked for assistance on several issues” by the Commission.

36. On October 20, 2017, the Lawyers’ Committee contacted DOJ regarding case reference numbers DOJ-2017-005986 and DOJ-2017-006057. The Lawyers’ Committee identified specific communications responsive to its FOIA request that were identified by DOJ attorneys in the *Vaughn*-type index and provided a copy of the full index. See Exs. F.

37. On October 31, 2017, the Lawyers’ Committee asked OIP for a status update in light of the *Vaughn*-type index the Lawyers’ Committee provided. See Ex. G.

38. On November 1, 2017, OIP refused to provide the Lawyers’ Committee with a date by which it would produce documents responsive to the Lawyers’ Committee’s request. OIP stated that it did not have access to the documents identified in the *Vaughn*-type index, notwithstanding the fact that the DOJ lawyers defending the PACEI lawsuit had the documents when they prepared the *Vaughn*-type index. OIP also stated that it was still processing the Lawyers’ Committee’s request on behalf of the Office of the Attorney General and the Office of the Deputy Attorney General but that the email search process tends to take three to four months, or longer. See Exs. H.

39. Also on November 1, 2017, OIP informed the Lawyers’ Committee that it was denying its request for expedited processing of its FOIA request with respect to case reference numbers DOJ-2017-005986 (AG) and DOJ-2017-006057 (DAG). OIP did not provide a reason for denying the request for expedited processing. See Ex. I.

40. Neither of the DOJ entities has informed the Lawyers’ Committee whether or not it will grant its fee waiver request.

41. Pursuant to FOIA, within 20 business days of receipt of the Lawyers' Committee's request—that is, August 30, 2017—DOJ was required to “determine . . . whether to comply with such request” and to “immediately notify” the Lawyers' Committee of “such determination and the reasons therefor.” 5 U.S.C. § 552(a)(6)(A)(i).

42. DOJ's obligations under FOIA are independent of any obligations the Commission has under the Federal Advisory Committee Act. FOIA and FACA have different standards for disclosure. Any and all documents in DOJ's possession are subject to FOIA. And to the extent that DOJ has documents that are not also in the Committee's possession, they are not at issue in the PACEI Litigation.

43. Notwithstanding its statutory obligation to make a determination of the Lawyers' Committee's FOIA request within 20 working days, OIP and the SG have failed to produce any materials in response to that request or provide a determination whether OIP or SG will provide documents in response to the request.

44. Through DOJ's failure to respond within the statutory time limit, the Lawyers' Committee has constructively exhausted its administrative remedies and seeks immediate judicial review.

45. The Lawyers' Committee intends to share any documents transmitted via FOIA with the public (subject to any and all appropriate redactions of personal information), and to provide information and analysis about those documents as appropriate.

C. The Lawyers' Committee's FOIA Request to DHS

46. On information and belief, DHS has documents relating to the Commission, including documents regarding Vice Chair Kobach's to coordinate the Commission's activities with DHS, and documents relating to the transfer of responsibilities from the Commission to DHS following the Commission's termination.

47. The *Vaughn*-type index produced on September 29, 2017 in the PACEI Litigation lists multiple documents reflecting communications between DHS and Commission members, including:

- Entry 365: “Email about setting up call with DHS,” (Kossack to DHS official, dated 6/19/17)
- Entry 383: “Email chain about potential partnership opportunities with DHS,” (Kossack to Kobach and OVP staff, dated 6/28/2017)
- Entry 384: “Follow-up email with DHS official,” (Kossack to DHS official, dated 6/28/2017)
- Entry 445: “Email chain re: availability for call with DHS,” (Kossack to Kobach, dated 7/20/2017 to 7/24/2017)
- Entry 447: “Email re: draft follow up letter to states re: data collection (with attachment),” (Kossack to Kobach, dated 7/24/2017)
- Entry 472: “Email chain re: phone call with Kobach, OVP, and DHS staff,” (Kossack to DHS staff and Kobach, dated 8/22/2017)
- Entry 475: “Email re: phone number for DHS call,” (Kossack to Kobach, dated 8/24/2017)
- Entry 681: “Email chain from DHS requesting information about the scope of the Commission’s work,” (DHS to OVP Counsel, dated 5/12/2017)
- Entry 682: “Email chain re: scheduling a telephone call,” (DHS to OVP Counsel, dated 5/15/2017 to 5/16/2017)
- Entry 689: “Email about setting up time to talk about Commission,” (Counsel to OVP to DHS, Kossack, dated 6/19/2017 to 6/20/2017)
- Entry 693: “Planner for call with DHS personnel,” (Kossack to DHS personnel, OVP staff, Kobach, dated 6/21/2017)
- Entry 701: “Follow up scheduling email with DHS personnel,” (Kossack to DHS staff, dated 6/28/2017)
- Entry 703: “Follow-up email re: getting response,” (DHS official to Kossack, dated 7/1/2017)
- Entry 705: “Email about potential future coordination/overlap between entities,” (DHS to OVP staff, OVP counsel, EOP, dated 7/6/2017)

- Entry 706: “Email re: setting up time to talk,” (DHS official to OVP counsel, Kossack, dated 7/6/2017)
- Entry 711: “Email discussion about time for meeting,” (OVP counsel to DHS official, dated 7/8/2017)
- Entry 735: “Scheduling call,” (Kossack to DHS official, OVP staff, OVP counsel, dated 7/25/2017)
- Entry 738: “Email chain and planner setting a time for call [relating to litigation],” (Kossack to DHS official and staff, DOJ, dated 8/1/2017)
- Entry 739: “Call about litigation,” (Kossack to DHS, dated 8/1/2017)
- Entry 741: “Email chain and planner setting a time for call [relating to litigation],” (DHS official to Kossack, DHS, DOJ, dated 8/2/2017)
- Entry 742: “Email chain and planner setting a time for call [related to litigation],” (Kossack to DHS official, dated 8/3/2017)
- Entry 744: “Email chain and planner setting a time for call,” (Kossack to DHS official, OVP, dated 8/15/2017 to 8/16/2017)
- Entry 749: “Email chain and planner about setting up a time to speak,” (Kossack to DHS official, Kobach, OVP, dated 8/17/2017)

48. On October 24, 2017, the Lawyers’ Committee sent a FOIA request to DHS, seeking, among other records, documents relating to or reflecting efforts to coordinate the Commission’s activities with DHS, as well as the Commission’s efforts to obtain or utilize data collected by DHS,

49. More specifically, the Lawyers’ Committee October 24, 2017 FOIA request to DHS sought (see Ex. J):

1. All records containing, reflecting, documenting, summarizing, or otherwise relating to communications identified in the *Vaughn*-type index (Ex. A hereto) entry Nos. 365, 383, 384, 445, 447, 472, 475, 681, 682, 689, 693, 701, 703, 705, 706, 711, 735, 738, 739, 741, 742, 744, and 749.
2. Any other records containing, reflecting, documenting, summarizing, or otherwise relating to communications since January 20, 2017, between any employee of your agency and any of the following individuals:

- a. Kris Kobach, including but not limited to emails that include the email addresses kkobach@gmail.com and kris@kriskobach.com
 - b. Connie Lawson, including but not limited to emails that include the email address connie@lawsonandco.com
 - c. Bill Gardner, including but not limited to emails that include the email address chipkate@aol.com
 - d. Matthew Dunlap, including but not limited to emails that include the email address mattdunlap47@gmail.com
 - e. J. Kenneth Blackwell, including but not limited to emails that include the email address kennethblackwell693@gmail.com
 - f. Hans von Spakovsky, including but not limited to emails that include the email address Hans.VonSpakovsky@heritage.org
 - g. Christy McCormick, including but not limited to emails that include the email address cacm@aol.com
 - h. David Dunn, including but not limited to emails that include the email address david@capitolpartnersar.com
 - i. Mark Rhodes, including but not limited to emails that include the email address mrhodes@woodcountywv.com
 - j. Alan King, including but not limited to emails that include the email address aking2322@gmail.com
 - k. J. Christian Adams, including but not limited to emails that include the email address adams@electionlawcenter.com
 - l. Andrew Kossack
 - m. Mark Paoletta
 - n. Matthew Morgan
 - o. Ronald Williams
 - p. Deniz Baykin
 - q. Any other Commission staff members
3. Any other records of your agency, including but not limited to internal communications, communications with other federal agencies, and communications with third parties, that reference the individuals in Request (2) or the Commission itself by name.

50. The Lawyers' Committee requested expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E) and 6 C.F.R. § 5.5(e)(1)(iv).

51. The Lawyers' Committee also requested a fee waiver pursuant to 28 U.S.C. § 552(a)(4)(A)(iii) and 6 C.F.R. § 5.11(k).

52. DHS acknowledge receipt of the October 24, 2017 request on November 6, 2017, and assigned it the case reference number 2018-HQFO-00143. In a letter dated that same day,

DHS asked the Lawyers' Committee to provide it with a list of email accounts it wished DHS to search. Ex. K.

53. The Lawyers' Committee followed up with DHS via a telephone call on November 7, 2017. In that call, the Lawyers' Committee informed DHS that the documents referenced in the *Vaughn*-type index were in the possession of the DOJ Civil Division lawyers defending the PACEI litigation. The Lawyers' Committee also provided DHS with a description of the offices and/or personnel whose records should be searched; in particular, the Lawyers' Committee informed DHS that records responsive to the Lawyers' Committee FOIA request were likely located in the DHS's front office and in the possession of senior DHS political appointees.

54. Given the subject nature of the communications and the wide publicity the Commission has garnered, the likely recipients of the requested communications are readily ascertainable to DHS and would include members of the Secretary's front office and/or senior political appointees to DHS, including the following individuals:

- John Barsa, Deputy Assistant Secretary for Office of Partnership and Engagement
- Luke Beckman, Deputy White House Liaison
- Kevin Carroll, Special Advisor to the Secretary
- Tiffany Cissna, White House Liaison
- Elaine C. Duke, both in her capacity as Acting Secretary of Homeland Security and as Deputy Secretary of Homeland Security,
- Jon Feere, Senior Advisor to Director of Immigrant and Customs Enforcement
- Katherine Gorka, Advisor to Chief of Staff
- Eugene Hamilton, former Special Advisor to the DHS Secretary
- John F. Kelly, former Secretary
- Julie Kirschner, Citizenship and Immigration Services Ombudsman
- Kathy Kovarik, Chief, Office of Policy and Strategy, Citizenship and Immigration Services
- Scott Krause, Executive Secretary
- Joseph B. Maher, Acting General Counsel
- Alan Meltzler, Deputy Chief of Staff
- James Nealon, Acting Under Secretary, Office of Strategy, Policy, and Plans

- Emily Newman, Deputy Chief of Staff
- Kristjen M. Nielsen, both in her capacity as former Secretary Kelly's Chief of Staff and in her current capacity as Secretary
- James Norton, Deputy Chief of Staff
- Cameron Quinn, Director DHS Office of Civil Rights and Civil Liberties
- Lora Ries, Chief of Staff, Citizenship and Immigration Services
- Dimple Shah, Advisor & Deputy General Counsel
- Craig Symons, Advisor to Secretary
- Miles Taylor, former Counselor to Acting Secretary
- Chad Wolf, Acting Chief of Staff
- Frank Wuco, Senior White House Advisor

55. On December 26, 2016, DHS informed the Lawyers' Committee that DHS was administratively closing the FOIA request because the Lawyers' Committee purportedly had not provided adequate information to conduct a search. *See* Ex. L.

56. Pursuant to FOIA, within 20 business days of receipt of the Lawyers' Committee's request—that is, December 4, 2017—DHS was required to “determine . . . whether to comply with such request” and to “immediately notify” the Lawyers' Committee of “such determination and the reasons therefor.” 5 U.S.C. § 552(a)(6)(A)(i).

57. Also pursuant to FOIA, an “agency shall withhold information under this section only if” covered by an express exemption or “disclosure is prohibited by law.” 5 U.S.C. § 552(a)(8)(A).

58. DHS obligations under FOIA are independent of any obligations the Commission has under FACA. FOIA and FACA have different standards for disclosure. Any and all documents in DHS' possession are subject to FOIA. And to the extent that DHS has internal DHS documents or other materials that are not also in the Committee's possession, they are not at issue in the PACEI Litigation.

59. Notwithstanding its statutory obligations, DHS (i) failed to produce any materials within the statutorily required time frame, and (ii) is improperly withholding information called for by the request.

60. Through DHS's failure to produce responsive documents within the statutory time limit, the Lawyers' Committee has exhausted its administrative remedies and seeks immediate judicial review.

61. The Lawyers' Committee intends to share any documents transmitted via FOIA with the public (subject to any and all appropriate redactions of personal information), and to provide information and analysis about those documents as appropriate.

COUNT I

62. The Lawyers' Committee re-alleges and incorporates by reference paragraphs 1 through 61 as if fully set forth herein.

63. Defendants are in violation of FOIA by failing to respond to the Lawyers' Committee's requests within the statutorily prescribed time limit and by unlawfully withholding records responsive to the Lawyers' Committee's request.

PRAYER FOR RELIEF

WHEREFORE, the Lawyers' Committee requests that the Court:

- a. Order Defendants, by a date certain, to conduct a search that is reasonably likely to lead to the discovery of any and all records responsive to the Lawyers' Committee's request;
- b. Order Defendants, by a date certain, to disclose all non-exempt records responsive to the Lawyers' Committee's FOIA requests, as well as a *Vaughn* index of any records or portions of records withheld due to a claim of exemption;
- c. Order Defendants to grant the Lawyers' Committee's request for a fee waiver;

- d. Award the Lawyers' Committee its costs, attorneys' fees, and other disbursements for this action; and
- e. Grant any other relief that this Court deems appropriate.

DATED: January 26, 2018

Respectfully Submitted,

Kristen Clarke (D.C. Bar # 973885)
Jon Greenbaum (D.C. Bar # 489887)
Ezra D. Rosenberg (D.C. Bar # 360927)
Marcia Johnson-Blanco (D.C. Bar # 495211)
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erosenberg@lawyerscommittee.org

/s/ John A. Freedman
John A. Freedman (D.C. Bar No. # 453075)
Robert N. Weiner (D.C. Bar # 298133)
Eric A. Rubel (D.C. Bar 405421)
David J. Weiner (D.C. Bar # 499806)
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Facsimile: +1 213.243.4199

Counsel for Plaintiff Lawyers' Committee
for Civil Rights Under Law

EXHIBIT A



Donald J. Trump ✓

@realDonaldTrump

Follow



In addition to winning the Electoral College in a landslide, I won the popular vote if you deduct the millions of people who voted illegally

12:30 PM - 27 Nov 2016

52,576 Retweets 160,255 Likes



50K 53K 160K

EXHIBIT B



Donald J. Trump ✓

@realDonaldTrump

 Follow

I will be asking for a major investigation into VOTER FRAUD, including those registered to vote in two states, those who are illegal and....

7:10 AM - 25 Jan 2017



26,173



130,065



Donald J. Trump ✓

@realDonaldTrump

 Follow

even, those registered to vote who are dead (and many for a long time). Depending on results, we will strengthen up voting procedures!

7:13 AM - 25 Jan 2017



18,924



107,291



EXHIBIT C



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August 10, 2017

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Laurie Day
Chief, Initial Request Staff
Office of Information Policy
Department of Justice
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Nelson D. Hermilla
Chief, FOIA/PA Branch
Civil Rights Division
Department of Justice
BICN Bldg., Room 3234
950 Pennsylvania Avenue, NW

Valerie H. Yancey
FOIA Officer and Executive Officer
Office of the Solicitor General
Department of Justice
950 Pennsylvania Avenue, N.W., Room 6627
Washington, DC 20530-0001

Re: Freedom of Information Act Request

Dear Ms. Day, Mr. Hermilla, and Ms. Yancey,

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 et seq., and Department of Justice (DOJ) implementing regulations, 28 C.F.R. Part 16, the Lawyers' Committee for Civil Rights Under Law (the "Lawyers' Committee") makes the following request for records.

On June 28, 2017, T. Christian Herren, Jr., Chief of the Voting Section of the Civil Rights Division, sent a letter to the chief election officials of all fifty states requesting "information regarding [each] State's procedures for compliance with state voter registration list maintenance provisions of the National Voter



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**President and
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Kristen Clarke

Registration Act (“NVRA”).¹ Former senior DOJ officials indicated that such a request was unprecedented and likely was laying the groundwork for a new federal effort to require states to remove registered voters from their rolls.²

On the same day the Voting Section sent its unprecedented letter, Kansas Secretary of State Kris Kobach sent his own unprecedented letter to all fifty states. Kobach, who serves as the Vice Chair of the Presidential Commission on Election Integrity (the “Commission”), requested that states send the Commission the personal information and voting histories of all registered voters in their states.³ Kobach’s letter generated intense public controversy and has been at the forefront of the national news since it was sent. The timing of the Commission’s and DOJ’s letters also raised questions regarding potential coordination. DOJ has asserted that there was no coordination between the Commission and DOJ in sending their respective letters, even though the letters were sent on the same day, but former DOJ officials are skeptical of this claim.⁴

On July 19, 2017, the Commission held its first public meeting. Present and participating at the meeting were three other members of the Commission who have long worked with Kobach on efforts to purge voter registration lists, purportedly in an effort to prevent voter fraud: J. Kenneth Blackwell; Hans von Spakovsky; and J. Christian Adams. Also at the meeting was the Commission’s Designated Federal Officer, Andrew Kossack. At the meeting, von Spakovsky outlined various types of information he hoped the Commission would collect, and Kobach responded that DOJ had “coincidentally” just sent a letter to states requesting some of that very same information.⁵ Several minutes later Kobach instructed the Commission’s staff to collect information from any relevant databases across the federal government.⁶

¹ Sam Levine, *This DOJ Letter May Be More Alarming Than Trump Commission’s Request For Voter Data*, HuffPost, July 5, 2017, http://www.huffingtonpost.com/entry/departments-of-justice-voter-purge_us_595d22b1e4b0da2c7326c38b.

² *Id.*

³ Ltr from Kris Kobach to The Hon. John Merrill, June 28, 2017, <https://www.whitehouse.gov/sites/whitehouse.gov/files/docs/information-requests-to-states-06282017.pdf>

⁴ *Id.*

⁵ See <https://www.youtube.com/watch?v=oZI27wB8-po&feature=youtu.be> (1:35 mark).

⁶ See *id.* (1:37 mark).



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On August 7, 2017, the Solicitor General filed an *amicus* brief in *Husted v. A. Phillip Randolph Institute*, No. 16-980 (2016). That case, which is pending case before the U.S. Supreme Court, concerns the legality under the NVRA of an Ohio law that requires the removal of certain voters from the state's voter rolls. Consistent with the position staked out in the Voting Section's recent letter and with the mandate of the Commission, the Solicitor General's *amicus* brief reversed DOJ's prior position in the case and argued that Ohio's law does not violate the NVRA.⁷

Given the significant public controversy surrounding DOJ's new efforts to facilitate the removal of voters from state voters rolls, and the Commission's work to further those efforts, there is substantial public interest in any coordination or communications between DOJ and the above individuals who now serve on the Commission, or between DOJ and other individuals and groups who have long worked on efforts to remove voters from state voter rolls.

Requested Records

The Lawyers' Committee requests that your agency produce the following within twenty business days:

1. All records containing, reflecting, documenting, summarizing, or otherwise relating to communications (including emails, telephone call logs, calendar entries, meeting agendas, or any other records reflecting communications) since January 20, 2017 between any employee of your agency and any of the following individuals:
 - a. Kris Kobach
 - b. J. Kenneth Blackwell
 - c. Hans von Spakovsky
 - d. J. Christian Adams
 - e. Andrew Kossack
 - f. H. Christopher Coates
 - g. Robert Popper

⁷ See Ari Berman, *Trump Administration on the Right to Vote: Use It or Lose It*, Aug. 8, 2017, Mother Jones, <http://www.motherjones.com/politics/2017/08/trump-administration-on-the-right-to-vote-use-it-or-lose-it/>.



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- h. Any employees or agents of the Public Interest Law Foundation (including anyone with an email address ending in @publicinterestlegal.org).
 - i. Any employees or agents of the American Civil Rights Union (including anyone with an email address ending in @theacru.org).
 - j. Any employees or agents of Judicial Watch (including anyone with an email address ending in @judicialwatch.org).
2. All records containing, reflecting, documenting, summarizing, or otherwise relating to communications (including emails, telephone call logs, calendar entries, meeting agendas, or any other records reflecting communications) since January 20, 2017 between any employee of your agency and any employee of the Ohio Attorney General's Office (including anyone with an email address ending in @OhioAttorneyGeneral.gov) as it pertains to *Husted v. A. Phillip Randolph Institute*:

The Lawyers' Committee seeks all records meeting the above criteria regardless of the capacity in which the individuals identified above were acting at the time of the communications, and regardless of the email address the individuals were using at the time of any such communications.

Please ensure that your searches covers all career and political staff (including PAS and PA appointees) in the Attorney General's Office, the Deputy Attorney General's Office, the office of the Acting Assistant Attorney General for the Civil Division, the Solicitor General's Office, and the Civil Rights Division.

In addition to the records requested above, the Lawyers' Committee also requests records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

The Lawyers' Committee seeks all 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. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as



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well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. No category of material should be omitted from search, collection, and production.

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Please search all records regarding agency business. You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts. Records of official business conducted using unofficial systems or stored outside of official files is subject to the Federal Records Act and FOIA.⁸ It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; the Lawyers' Committee has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, through negligence or willfulness, failed to meet their obligations.⁹

In addition, please note that in conducting a "reasonable search" as required by law, you must employ the most up-to-date technologies and tools available, in addition to searches by individual custodians likely to have responsive information. Recent technology may have rendered your agency's prior FOIA practices unreasonable. In light of the government-wide requirements to manage information electronically by the end of 2016, it is no longer reasonable to rely exclusively on custodian-driven searches. Furthermore, agencies that have adopted the National Archives and Records Agency (NARA) Capstone program, or similar policies, now maintain emails in a form that is reasonably likely to be more complete than individual custodians' files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency's archiving tools would capture that email under Capstone. Accordingly, the Lawyers' Committee insists that your agency use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. The Lawyers' Committee is available to work with you to craft appropriate search terms. However, custodian searches are still required; agencies

⁸See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149-50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955-56 (D.C. Cir. 2016).

⁹See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016) ("The Government argues that because the agency had a policy requiring [the official] to forward all of his emails from his [personal] account to his business email, the [personal] account only contains duplicate agency records at best. Therefore, the Government claims that any hypothetical deletion of the [personal account] emails would still leave a copy of those records intact in [the official's] work email. However, policies are rarely followed to perfection by anyone. At this stage of the case, the Court cannot assume that each and every work related email in the [personal] account was duplicated in [the official's] work email account." (citations omitted)).



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may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.

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Under the FOIA Improvement Act of 2016, agencies must adopt a presumption of disclosure, withholding information “only if . . . disclosure would harm an interest protected by an exemption” or “disclosure is prohibited by law.”¹⁰ If it is your position that any portion of the requested records is exempt from disclosure, the Lawyers’ Committee requests that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). As you are aware, a *Vaughn* index must describe each document claimed as exempt with sufficient specificity “to permit a reasoned judgment as to whether the material is actually exempt under FOIA.”¹¹ Moreover, the *Vaughn* index “must describe each document or portion thereof withheld, and for each withholding it must discuss the consequences of disclosing the sought-after information.”¹² Further, “the withholding agency must supply ‘a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.’”¹³

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 it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. Claims of nonsegregability must be made with the same degree of detail as required for claims of exemptions in a *Vaughn* index. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Please institute a preservation hold on information responsive to this request. The Lawyers’ Committee intends to pursue all legal avenues to enforce its right of access under FOIA, including litigation if necessary. Accordingly, your agency is on notice that litigation is reasonably foreseeable.

¹⁰ FOIA Improvement Act of 2016 § 2 (Pub. L. No. 114–185).

¹¹ *Founding Church of Scientology v. Bell*, 603 F.2d 945, 949 (D.C. Cir. 1979).

¹² *King v. U.S. Dep’t of Justice*, 830 F.2d 210, 223–24 (D.C. Cir. 1987) (emphasis in original).

¹³ *Id.* at 224 (citing *Mead Data Central, Inc. v. U.S. Dep’t of the Air Force*, 566 F.2d 242, 251 (D.C. Cir. 1977)).



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To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, the Lawyers' Committee 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, the Lawyers' Committee and your agency can decrease the likelihood of costly and time-consuming litigation in the future. Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to the Lawyers' Committee for Civil Rights Under Law, 1401 New York Ave., NW, Washington DC, 20005. If it will accelerate release of responsive records to the Lawyers' Committee, please also provide responsive material on a rolling basis.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and 28 C.F.R. § 16.10(k), the Lawyers' Committee requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to public understanding of those operations in a significant way.¹⁴ Moreover, the request is primarily and fundamentally for non-commercial purposes.¹⁵

The Lawyers' Committee requests a waiver of fees because disclosure of the requested information is "in the public interest because it is likely to contribute significantly to public understanding" of the operations or activities of the federal government.¹⁶ The disclosure of the information sought under this request will reveal the operations of the federal government, including how public funds are spent and how officials conduct the public's business, as well currently non-public documents related to coordination between your agency and the Commission. In all events, the disclosure will produce information on matters of intense public interest and importance. The Lawyers' Committee "will disseminate the information to a reasonably broad audience of persons" through its social media accounts and its website.

This request is primarily and fundamentally for non-commercial purposes.¹⁷ As a 501(c)(3) nonprofit, the Lawyers' Committee does not have a commercial purpose and the release of the information requested is not in the Lawyers' Committee's financial interest. The Lawyers' Committee was founded in 1963 and is committed

¹⁴ 28 C.F.R. § 16.10(k)(1).

¹⁵ *Id.*

¹⁶ 28 C.F.R. § 16.10(k)(1), (2)(i)-(iii).

¹⁷ 28 C.F.R. § 16.10(k)(1), (2)(iii).



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to full and fair enforcement of federal civil rights laws and ensuring equal justice under law for all. The Lawyers' Committee has been at the forefront of the legal struggle to advance and protect the right to vote, and accordingly it has substantial interest in the work of your agency that could affect the voting rights of Americans.

The Lawyers' Committee uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. The Lawyers' Committee also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter. The Lawyers' Committee has demonstrated its commitment to the public disclosure of documents.

Accordingly, the Lawyers' Committee qualifies for a fee waiver.

Application for Expedited Processing

Pursuant to 5 U.S.C. § 552(a)(6)(E)(1) and 28 C.F.R. § 16.5(b), (e)(1)(iv), the Lawyers' Committee requests that your agency expedite the processing of this request.

I certify to be true and correct to the best of my knowledge and belief, that there is widespread and exceptional media interest in, and that there exist possible questions concerning, data collection and/or enforcement efforts by DOJ that will affect the voting rights in this nation. As discussed above, the Voting Section's June 28, 2017 letter to states and the Solicitor General's brief were both unprecedented, and there is strong reason to believe that DOJ is, and has been, coordinating with the individual identified in this request since the change in Administrations. Whether the federal government is undertaking efforts that could affect the fundamental right to vote of Americans is a quintessential example of "[a] matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence."¹⁸

Accordingly, the Lawyers' Committee's request satisfies the criteria for expedition.

¹⁸ 28 C.F.R. § 16.5(e)(1)(iv).



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Conclusion

We share a common mission to promote transparency in government. The Lawyers' Committee looks forward to working with DOJ 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 Ezra Rosenberg at erosenberg@lawyerscommittee.org or (202) 662-8345. Also, if the Lawyers' Committee's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Thank you very much for your assistance.

Sincerely,

Kristen Clarke
Jon Greenbaum
Ezra Rosenberg
Marcia Johnson-Blanco
Lawyers' Committee for Civil
Rights Under Law

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EXHIBIT D



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
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Telephone: (202) 514-3642

August 16, 2017

Mr. Ezra Rosenberg
Lawyers Committee for Civil Rights Under Law
1401 New York Avenue NW
Suite 400
Washington, DC 20005
erosebnerg@lawyerscommittee.org

Re: DOJ-2017-005986 (AG)
DOJ-2017-006057 (DAG)
VRB:VAV:KJK

Dear Mr. Rosenberg:

This is to acknowledge receipt of your letter dated and received in this Office on August 10, 2017, in which you requested 1) communications with named individuals or email domains concerning state voter rolls; and 2) communications with the Ohio Attorney General's Office pertaining to *Husted v. A. Phillips Randolph Institute*. This response is made on behalf of the Offices of the Attorney General and Deputy Attorney General.

You have requested expedited processing of your request pursuant to the Department's standard involving "[a] matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence." See 28 C.F.R. § 16.5(e)(1)(iv) (2016). Pursuant to Department policy, we directed your request to the Director of Public Affairs, who makes the decision whether to grant or deny expedited processing under this standard. See id. § 16.5(e)(2). Please be advised that as of the date of this letter, a decision on your expedition request is still pending. Once a determination has been made, we will promptly notify you. Nevertheless, please be advised that your request has been assigned to a Government Information Specialist in this Office and a records search has been initiated in the Offices of the Attorney General and Deputy Attorney General.

The records you seek require searches in other Offices, and so your request falls within "unusual circumstances." See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii). Because of these unusual circumstances, we need to extend the time limit to respond to your request beyond the ten additional days provided by the statute. We have not yet completed a search to determine whether there are records within the scope of your request. The time needed to process your request will necessarily depend on the complexity of our records search and on the volume and complexity of any material located. For your information, this Office assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. Simple requests usually receive a response in about a month, whereas complex requests necessarily take longer. At this time, your request has been assigned to the complex track. In an effort to speed up our records search, you may wish to narrow the scope of your request to limit the number of

-2-

potentially responsive records or agree to an alternative time frame for processing, should records be located; or you may wish to await the completion of our records search to discuss either of these options.

We have not yet made a decision on your request for a fee waiver. We will do so after we determine whether fees will be assessed for this request.

If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact the analyst processing this request, Kim Kochurka, by telephone at the above number or you may write to her at the above address. You may also contact our FOIA Public Liaison, Laurie Day, for any further assistance and to discuss any aspect of your request at:

1425 New York Avenue, NW
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Telephone: (202) 514-3642
Fax: (202) 514-1009

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request for expedited processing, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal at <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically submitted within ninety days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,



Vanessa R. Brinkmann
Senior Counsel

EXHIBIT E



U.S. Department of Justice

Office of the Solicitor General

SEP 18 2017

Washington, D.C. 20532

VIA U.S. MAIL or VIA EMAIL to <erosenberg@lawyerscommittee.org>

Kristen Clarke
1401 New York Avenue, NW
Suite 400
Washington, D.C. 20005-2124

Re: OSG FOIA No. **2017-126879**

Dear Ms. Clarke:

This letter acknowledges our receipt of your Freedom of Information Act (FOIA) request dated August 10, 2017 and received by the Office of the Solicitor General (OSG) on August 21, 2017, in which you requested:

- All records since January 20, 2017 between any employee of our agency and any of the individuals listed in your request, and
- All records since January 20, 2017 between any employee of our agency and any employee of the Ohio Attorney General's Office (including anyone with an email address ending in @OhioAttorneyGeneral.gov) as it pertains to *Husted v. A. Phillip Randolph Institute*.

This Office has assigned the following FOIA tracking number to your request: **2017-126879**.

You have requested expedited processing of your request pursuant to the Department's standard involving "[a] matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence." 28 C.F.R. § 16.5(e)(1)(iv) (2015). Pursuant to Department policy, we directed your request to the Director of the Department's Office of Public Affairs, who makes the decision whether to grant or deny expedited processing under this standard. See *id.* at § 16.5(e)(2).

If you have any questions, if you wish to discuss reformulation or an alternative time frame for the processing of your request, or if you wish to discuss any aspect of your request, you may contact our FOIA Coordinator at osgfoia@usdoj.gov or at 202-514-

2203, using the assigned FOIA tracking number, 2017-126879, or you may write to OSG at:

OSG FOIA Coordinator
Office of the Solicitor General
950 Pennsylvania Avenue, N.W
Washington, DC 20530-0009

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001

Email: ogix@nara.gov
Telephone: 202-741-5770; toll free at 1-877-684-6448
Facsimile: 202-741-5769

Due to the high volume of correspondence received by this office, we have adopted a first in/first out practice of processing all incoming requests. Your request has been placed in chronological order based on the date of receipt and will be handled as quickly as possible when it is assigned for processing.

Sincerely,

Office of the Solicitor General

OSG/ss

EXHIBIT F

From: "Hermilla, Nelson (CRT)" <Nelson.Hermilla@usdoj.gov>
Date: October 20, 2017 at 4:57:18 PM EDT
To: Ezra Rosenberg <erosenberg@lawyerscommittee.org>
Subject: RE: FOIA Request

Mr. Rosenberg,

This is very helpful.

In a quick review of the documents, this confirms CRT's preliminary searches.

I appreciate your communicating directly with me on this subject matter.

I may be reached at 202-616-3959 or via email as you have done.

Thank you very much for this list.

Nelson Hermilla

From: Ezra Rosenberg [<mailto:erosenberg@lawyerscommittee.org>]
Sent: Friday, October 20, 2017 4:43 PM
To: Hermilla, Nelson (CRT) <Nelson.Hermilla@crt.usdoj.gov>
Cc: Kochurka, Kimberley (OIP) <kkochurka@jmd.usdoj.gov>
Subject: Re: FOIA Request

My apologies. Here is the attachment. I am sending this from lan iPhone. If you cannot open the document, let me know and I will send you another copy later tonight. Thank you.

From: "Hermilla, Nelson (CRT)" <Nelson.Hermilla@usdoj.gov>
Date: October 20, 2017 at 4:14:11 PM EDT
To: Ezra Rosenberg <erosenberg@lawyerscommittee.org>, "Kochurka, Kimberley (OIP)" <Kimberley.Kochurka@usdoj.gov>
Subject: RE: FOIA Request

Dear Mr. Rosenberg:

Thank you for your email regarding your August 10, 2017 FOIA request.

I apologize for the delay in providing you with the response within the 20 working days the statute allows.

The Civil Rights Division is currently processing its response to your request. Please note that the Civil Rights Division FOI/PA Branch is responsible for Civil Rights Division generated documents only. Many of the documents that you are referencing originate with components other than the Civil Rights Division.

Your note below states that you have attached a "Vaughn-type index" created by the Presidential Advisory Commission on Election Integrity and filed in court.

A copy of that attachment would be very helpful as this office makes every effort to comply with your FOIA request, however, the attachment did not come through with your email. I will be grateful for any assistance you may provide this office so that we may respond to your request as expeditiously as possible.

Sincerely,

Nelson D. Hermilla, Chief
FOI/PA Branch
Civil Rights Division
United States Department of Justice

From: Ezra Rosenberg [<mailto:erosenberg@lawyerscommittee.org>]
Sent: Friday, October 20, 2017 3:58 PM
To: Kochurka, Kimberley (OIP) <kkochurka@jmd.usdoj.gov>; Hermilla, Nelson (CRT) <Nelson.Hermilla@crt.usdoj.gov>
Subject: FOIA Request

Dear Ms. Kochurka and Mr. Hermilla:

I am following up on our August 10, 2017 FOIA request 2017--005986 (AG), [2017-006057](#) (DAG), and [2017-006185](#) (Civil Rights) -- given several recent developments that may help the Department identify relevant materials and expedite processing of our claim.

1. On September 29, 2017, the Presidential Advisory Commission on Election Integrity filed a Vaughn-type index in a federal filing (attached for your reference). That index detailed a number of exchanges between DOJ and Commission members and/or staff, including:

- Entry 541: "Email exchange re: Chicago Board of Election," (DOJ official to Commissioner McCormick, dated 5/15/17)
- Entry 544: "Email exchange discussing voting issue with attachment" (DOJ official to Commissioner McCormick, dated 7/5/17-7/6/17)
- Entry 564: "E-mail forwarding link to news article" (DOJ official to Commissioner McCormick, dated 9/15/17)
- Entry 565: "Email exchange discussing Chicago voting issue (Third party to DOJ official and Commissioner McCormick, dated [9/6/27](#), 9/11/17)
- Entry 687: "Email about setting up time to speak" (Kossack to DOJ official, dated 6/15/17)
- Entry 738: "Email chain and planner setting a time for call [related to litigation]" (Kossack DHS Official and Staff and DOJ, dated 8/1/17)
- Entry 741: "Email chain and planner setting a time for call [related to litigation]" (DHS Official to Kossack, DHS, and DOJ, dated 8/2/17)

· Entry 748: "Email re: collecting data from non-state entities (chain)" (Kossack to DOJ, dated 8/22/17)

2. On October 17, 2017, nine members of the Senate Judiciary Committee sent a letter to DOJ requesting that DOJ "immediately produce records of any and all communications between Department of Justice or Civil Rights Division leadership and the White House, the Office of the Vice President, the White House Counsel's Office, the Commission, or any of the Commission's members or representatives, regarding the Commission or its work, either before or after its formation. any and all communications with the Commission." The Senators noted that the "Vaughn index shows the Department has records of these communications in its possession and should be able to produce them to us without further delay."

3. In Congressional testimony on October 18, 2017, Attorney General Sessions admitted in response to questioning that DOJ has "been asked for assistance on several issues" by the Commission.

Given these developments, there is clearly a strong public interest in responding to our FOIA request in an expedited manner. Moreover, with respect to the records from the Vaughn index listed above, the DOJ attorneys working on the litigation already have these records in their possession, and therefore there is no need for DOJ to search for them. Those DOJ attorneys are Elizabeth Shapiro, Carol Federighi, Kristina Wolfe, and Joseph Borson, all of whom work in the Civil Division Federal Programs Branch. Mr. Borson's direct dial is [202-514-1944](tel:202-514-1944) and Ms. Federighi's is [202-514-1903](tel:202-514-1903).

As we have previously indicated, we will accept rolling production of materials responsive to our FOIA request, which should begin with the immediate production of these already identified materials and then proceed expeditiously to other documents.

Please provide us the estimated time under which you will produce the materials identified above, as well as an updated timeframe for your complete response to our request. Thank you. - Ezra Rosenberg

Ezra D. Rosenberg
Co-Director, Voting Rights Project
Lawyers' Committee for Civil Rights Under Law
1401 New York Ave., NW
Washington D.C. 20005
erosenberg@lawyerscommittee.org
Office: (202) 662-8345
Cell: (609) 216-9683

EXHIBIT G

From: Ezra Rosenberg
Sent: Tuesday, October 31, 2017 2:49 PM
To: 'Kochurka, Kimberley (OIP)' <Kimberley.Kochurka@usdoj.gov>
Subject: RE: Regarding DOJ-2017-005986

Hi, Kim. In light of the information that we provided you several days ago concerning the Vaughn Index, which specifically identified documents that DOJ has reviewed, can you confirm that you are able to speed up the response process, and, if so, when we can expect to start receiving documents on a rolling basis? Thanks. - Ezra

From: Kochurka, Kimberley (OIP) [<mailto:Kimberley.Kochurka@usdoj.gov>]
Sent: Tuesday, October 17, 2017 11:17 AM
To: Ezra Rosenberg <erosenberg@lawyerscommittee.org>
Subject: Regarding DOJ-2017-005986

Good morning Ezra,

I just had a quick question about your FOIA request, DOJ-2017-005986. For part 1 of your request, communications between DOJ and certain named individuals – can you confirm if the communication pertains just to the case Husted v. Phillip Randolph Institute? Is this acceptable, in order to best facilitate search and review?

Please let me know at your earliest convenience, and thank you for your time.

Kim Kochurka
Government Information Specialist
Office of Information Policy
U.S. Department of Justice
Ph: (202) 616-9712
Kimberley.Kochurka@usdoj.gov

EXHIBIT H

From: Kochurka, Kimberley (OIP) [<mailto:Kimberley.Kochurka@usdoj.gov>]
Sent: Wednesday, November 1, 2017 8:33 AM
To: Ezra Rosenberg <erosenberg@lawyerscommittee.org>
Subject: RE: Regarding DOJ-2017-005986

Good morning Ezra,

I checked into this for you, and regarding these documents – due to the fact that DOJ is decentralized, and each component processes its documents separately, you would need to go directly to the Civil Division. On our end, we're continuing to process your request on behalf of the Offices of the Attorney General and Deputy Attorney General. Please be advised that your email search is still pending – unfortunately, there is quite a substantial backlog in this area; email searches tend to take 3-4 months or longer. We will respond to you again once our review of any located material is completed and any disclosure determinations are made.

Thank you,

Kim Kochurka
Government Information Specialist
Office of Information Policy
U.S. Department of Justice
Ph: (202) 616-9712
Kimberley.Kochurka@usdoj.gov

From: Ezra Rosenberg [<mailto:erosenberg@lawyerscommittee.org>]
Sent: Tuesday, October 31, 2017 2:52 PM
To: Kochurka, Kimberley (OIP) <kkochurka@jmd.usdoj.gov>
Subject: RE: Regarding DOJ-2017-005986

Hi, Kim. In light of the information that we provided you several days ago concerning the Vaughn Index, which specifically identified documents that DOJ has reviewed, can you confirm that you are able to speed up the response process, and, if so, when we can expect to start receiving documents on a rolling basis? Thanks. - Ezra

From: Kochurka, Kimberley (OIP) [<mailto:Kimberley.Kochurka@usdoj.gov>]
Sent: Tuesday, October 17, 2017 11:17 AM
To: Ezra Rosenberg <erosenberg@lawyerscommittee.org>
Subject: Regarding DOJ-2017-005986

Good morning Ezra,

I just had a quick question about your FOIA request, DOJ-2017-005986. For part 1 of your request, communications between DOJ and certain named individuals – can you confirm if the communication pertains just to the case Husted v. Phillip Randolph Institute? Is this acceptable, in order to best facilitate search and review?

Please let me know at your earliest convenience, and thank you for your time.

Kim Kochurka
Government Information Specialist
Office of Information Policy
U.S. Department of Justice
Ph: (202) 616-9712
Kimberley.Kochurka@usdoj.gov

Exhibit I



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

November 1, 2017

Mr. Ezra Rosenberg
Lawyers Committee for Civil Rights Under Law
1401 New York Avenue NW
Suite 400
Washington, DC 20005
erosebner@lawyerscommittee.org

Re: DOJ-2017-005986 (AG)
DOJ-2017-006057 (DAG)
VRB:VAV:KJK

Dear Mr. Rosenberg:

This concerns your request for expedited processing of your Freedom of Information Act (FOIA) request dated and received in this Office on August 10, 2017, in which you requested 1) communications with named individuals or email domains concerning state voter rolls; and 2) communications with the Ohio Attorney General's Office pertaining to *Husted v. A. Phillips Randolph Institute*. This response is made on behalf of the Offices of the Attorney General and Deputy Attorney General.

By letter dated August 16, 2017, this Office acknowledged receipt of your request and advised you that your request for expedited processing pursuant to the Department's standard involving "[a] matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence," See 28 C.F.R. § 16.5(e)(1)(iv) (2016), was still pending with the Director of Public Affairs for determination. See *id.* § 16.5(e)(2). Please be advised that the Director has determined that your request for expedited processing should be denied. As previously advised, your request has been assigned to a Government Information Specialist in this Office, and records searches have been initiated in the Offices of the Attorney General and Deputy Attorney General.

If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact the analyst handling your request, Kim Kochurka, by telephone at the above number or you may write to her at the above address. You may contact our FOIA Public Liaison, Douglas Hibbard, for any further assistance and to discuss any aspect of your request at: Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001; telephone at 202-514-3642; or facsimile at 202-514-1009.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government

-2-

Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request for expedited processing, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal at <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically submitted within ninety days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in blue ink, appearing to read "Vanessa R. Brinkmann".

Vanessa R. Brinkmann
Senior Counsel

Exhibit J



1401 New York Avenue, NW
Suite 400
Washington, DC 20005-2124

Tel: 202.662.8600
Fax: 202.783.0857
www.lawyerscommittee.org

October 24, 2017

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Andrew W. Kentz

General Counsel
Nicholas T. Christakos

*President and
Executive Director*
Kristen Clarke

Sam Kaplan
Chief Privacy Officer/Chief FOIA Officer
The Privacy Office
U.S. Department of Homeland Security
245 Murray Lane SW
STOP-0655
Washington, DC 20528-0655

Re: Freedom of Information Act Request

Dear Mr. Kaplan:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 *et seq.*, and Department of Homeland Security (DHS) implementing regulations, 6 C.F.R. Part 5, the Lawyers' Committee for Civil Rights Under Law (the "Lawyers' Committee") makes the following request for records.

On May 11, 2017, President Trump established the Presidential Commission on Election Integrity. Exec. Order 13799. Although the Commission was purportedly formed to "study the registration and voting processes used in Federal elections," *id.* § 3, the Commission's activities to date have focused on suppressing voting rights through spurious claims of voter fraud.¹ Vice Chair Kris Kobach has publicly referred to the Department of Homeland Security's "database of all known aliens, green card holders, [and] temporary visa holder[s] in the United States" as potential evidence supporting his allegations of voter fraud.²

The Lawyers' Committee filed suit against the Commission in July based on the Commission's failure to comply with the requirements set forth in the Federal Advisory Commission Act ("FACA"), codified at 5 U.S.C. app. II. *See Lawyers' Committee for Civil Rights Under Law v. Presidential Advisory Commission on Election Integrity, et al.*, No. 1:17-cv-01354-CKK (D.D.C. 2017). The Lawyers'

¹ Pam Fessler, *Talk of Voter Fraud Dominates First Meeting of Election Integrity Commission*, July 19, 2017, <http://www.npr.org/2017/07/19/538152713/talk-of-voter-fraud-dominates-first-meeting-of-election-integrity-commission>.

² *Kobach Talks Goals of New Voter Fraud Commission; Commerce Secretary on North Korea Missile Test, China Trade Deal*, Transcript, May 14, 2017, <http://www.foxnews.com/transcript/2017/05/14/kobach-talks-goals-new-voter-fraud-commission-commerce-secretary-on-nkorea-missile-test-china-trade-deal.html>.



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President and

Executive Director

Kristen Clarke

Committee seeks to enforce the transparency requirements embodied in FACA to ensure that the Commission is not being used improperly to advance private agendas. In the course of this lawsuit, the district court ordered the Commission to provide the Lawyers' Committee with a *Vaughn*-type index of all Commission records. *See* Aug. 30, 2017 Minute Entry; Sept. 27, 2017 Minute Entry. The index, attached as Exhibit A, reveals that there have been substantial discussions between Commission members and/or staff with DHS about potential collaboration between the Commission and DHS. *See, e.g.*, Dkt. 33-3, No. 705 ("Email about potential future coordination/overlap between entities").

Given the significant public controversy surrounding the Commission, as well as Vice Chair Kobach's demonstrated interest in examining DHS's immigration records, there is substantial public interest in work being undertaken at DHS in conjunction with, or in any way related to, the Commission.

Requested Records

The Lawyers' Committee requests that your agency produce the following within twenty business days:

1. All records containing, reflecting, documenting, summarizing, or otherwise relating to the communications identified in the *Vaughn*-type index (Ex. A hereto) entry Nos. 365, 383, 384, 445, 447, 472, 475, 681, 682, 689, 693, 701, 703, 705, 706, 711, 735, 738, 739, 741, 742, 744, and 749.
2. Any other records containing, reflecting, documenting, summarizing, or otherwise relating to communications since January 20, 2017, between any employee of your agency and any of the following individuals:
 - a. Kris Kobach, including but not limited to emails that include the email addresses kkobach@gmail.com and kris@kriskobach.com
 - b. Connie Lawson, including but not limited to emails that include the email address connie@lawsonandco.com
 - c. Bill Gardner, including but not limited to emails that include the email address chipkate@aol.com
 - d. Matthew Dunlap, including but not limited to emails that include the email address mattdunlap47@gmail.com
 - e. J. Kenneth Blackwell, including but not limited to emails that include the email address kennethblackwell693@gmail.com
 - f. Hans von Spakovsky, including but not limited to emails that include the email address Hans.VonSpakovsky@heritage.org



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General Counsel
Nicholas T. Christakos

*President and
Executive Director*
Kristen Clarke

- g. Christy McCormick, including but not limited to emails that include the email address cacm@aol.com
- h. David Dunn, including but not limited to emails that include the email address david@capitolpartnersar.com
- i. Mark Rhodes, including but not limited to emails that include the email address mrhodes@woodcountywv.com
- j. Alan King, including but not limited to emails that include the email address aking2322@gmail.com
- k. J. Christian Adams, including but not limited to emails that include the email address adams@electionlawcenter.com
- l. Andrew Kossack
- m. Mark Paoletta
- n. Matthew Morgan
- o. Ronald Williams
- p. Deniz Baykin
- q. Any other Commission staff members

- 3. Any other records of your agency, including but not limited to internal communications, communications with other federal agencies, and communications with third parties, that reference the individuals in Request (2) or the Commission itself by name.

The Lawyers' Committee seeks all records meeting the above criteria regardless of the capacity in which the individuals identified above were acting at the time of the communications, and regardless of the email address the individuals were using at the time of any such communications.

Please ensure that your searches covers all career and political staff (including PAS and PA appointees) in the Secretary's Office, the Deputy Secretary's Office, the General Counsel's Office, and the Executive Secretary's Office.

In addition to the records requested above, the Lawyers' Committee also requests records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.



1401 New York Avenue, NW
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www.lawyerscommittee.org

The Lawyers' Committee seeks all 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. 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 includes any attachments to these records. No category of material should be omitted from search, collection, and production.

Co-Chairs

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Executive Director

Kristen Clarke

Please search all records regarding agency business. You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts. Records of official business conducted using unofficial systems or stored outside of official files is subject to the Federal Records Act and FOIA.³ It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; the Lawyers' Committee has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, through negligence or willfulness, failed to meet their obligations.⁴

In addition, please note that in conducting a "reasonable search" as required by law, you must employ the most up-to-date technologies and tools available, in addition to searches by individual custodians likely to have responsive information. Recent technology may have rendered your agency's prior FOIA practices unreasonable. In light of the government-wide requirements to manage information electronically by the end of 2016, it is no longer reasonable to rely exclusively on custodian-driven searches. Furthermore, agencies that have adopted the National Archives and Records Agency (NARA) Capstone program, or similar policies, now maintain emails in a form that is reasonably likely to be more complete than individual custodians' files. For example, a custodian may have deleted a responsive email

³See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149-50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955-56 (D.C. Cir. 2016).

⁴See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016) ("The Government argues that because the agency had a policy requiring [the official] to forward all of his emails from his [personal] account to his business email, the [personal] account only contains duplicate agency records at best. Therefore, the Government claims that any hypothetical deletion of the [personal account] emails would still leave a copy of those records intact in [the official's] work email. However, policies are rarely followed to perfection by anyone. At this stage of the case, the Court cannot assume that each and every work related email in the [personal] account was duplicated in [the official's] work email account." (citations omitted)).



**LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
UNDER LAW**

1401 New York Avenue, NW
Suite 400
Washington, DC 20005-2124

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General Counsel

Nicholas T. Christakos

**President and
Executive Director**

Kristen Clarke

from his or her email program, but your agency's archiving tools would capture that email under Capstone. Accordingly, the Lawyers' Committee insists that your agency use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. The Lawyers' Committee is available to work with you to craft appropriate search terms. However, custodian searches are still required; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.

Under the FOIA Improvement Act of 2016, agencies must adopt a presumption of disclosure, withholding information "only if . . . disclosure would harm an interest protected by an exemption" or "disclosure is prohibited by law."⁵ If it is your position that any portion of the requested records is exempt from disclosure, the Lawyers' Committee requests that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). As you are aware, a *Vaughn* index must describe each document claimed as exempt with sufficient specificity "to permit a reasoned judgment as to whether the material is actually exempt under FOIA."⁶ Moreover, the *Vaughn* index "must describe each document or portion thereof withheld, and for each withholding it must discuss the consequences of disclosing the sought-after information."⁷ Further, "the withholding agency must supply 'a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.'"⁸

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 it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. Claims of nonsegregability must be made with the same degree of detail as required for claims of exemptions in a *Vaughn* index. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

⁵ FOIA Improvement Act of 2016 § 2 (Pub. L. No. 114-185).

⁶ *Founding Church of Scientology v. Bell*, 603 F.2d 945, 949 (D.C. Cir. 1979).

⁷ *King v. U.S. Dep't of Justice*, 830 F.2d 210, 223-24 (D.C. Cir. 1987) (emphasis in original).

⁸ *Id.* at 224 (citing *Mead Data Central, Inc. v. U.S. Dep't of the Air Force*, 566 F.2d 242, 251 (D.C. Cir. 1977)).



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Suite 400
Washington, DC 20005-2124

Tel: 202.662.8600
Fax: 202.783.0857
www.lawyerscommittee.org

Please institute a preservation hold on information responsive to this request. The Lawyers' Committee intends to pursue all legal avenues to enforce its right of access under FOIA, including litigation if necessary. Accordingly, your agency is on notice that litigation is reasonably foreseeable.

Co-Chairs
James P. Joseph
Teresa Wynn Roseborough

Secretary
Eleanor H. Smith

Treasurer
Andrew W. Kentz

General Counsel
Nicholas T. Christakos

*President and
Executive Director*
Kristen Clarke

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, the Lawyers' Committee 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, the Lawyers' Committee and your agency can decrease the likelihood of costly and time-consuming litigation in the future. Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to Ezra Rosenberg, Lawyers' Committee for Civil Rights Under Law, 1401 New York Ave., NW, Washington DC, 20005. If it will accelerate release of responsive records to the Lawyers' Committee, please also provide responsive material on a rolling basis.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and 6 C.F.R. § 5.11(k), the Lawyers' Committee requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to public understanding of those operations in a significant way.⁹ Moreover, the request is primarily and fundamentally for non-commercial purposes.¹⁰

The Lawyers' Committee requests a waiver of fees because disclosure of the requested information is "in the public interest because it is likely to contribute significantly to public understanding" of the operations or activities of the federal government.¹¹ The disclosure of the information sought under this request will reveal the operations of the federal government, including how public funds are spent and how officials conduct the public's business, as well currently non-public documents related to coordination between your agency and the Commission. In all events, the disclosure will produce information on matters of intense public interest and importance. The Lawyers' Committee will disseminate the information to a reasonably broad audience of persons through its social media accounts and its website.

⁹ 6 C.F.R. § 5.11(k)(1)(i).

¹⁰ *Id.* § 5.11(k)(1)(ii).

¹¹ *Id.* § 5.11(k)(1)(i).



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This request is primarily and fundamentally for non-commercial purposes.¹² As a 501(c)(3) nonprofit, the Lawyers' Committee does not have a commercial purpose and the release of the information requested is not in the Lawyers' Committee's financial interest. The Lawyers' Committee was founded in 1963 and is committed to full and fair enforcement of federal civil rights laws and ensuring equal justice under law for all. The Lawyers' Committee has been at the forefront of the legal struggle to advance and protect the right to vote, and accordingly it has substantial interest in the work of your agency that could affect the voting rights of Americans.

The Lawyers' Committee uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. The Lawyers' Committee also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter. The Lawyers' Committee has demonstrated its commitment to the public disclosure of documents.

Accordingly, the Lawyers' Committee qualifies for a fee waiver.

Application for Expedited Processing

Pursuant to 5 U.S.C. § 552(a)(6)(E)(1) and 6 C.F.R. § 5.5(e)(1)(iv), the Lawyers' Committee requests that your agency expedite the processing of this request.

I certify to be true and correct to the best of my knowledge and belief, that there is widespread and exceptional media interest in, and that there exist possible questions concerning the sharing of sensitive immigration status information by DHS that will affect the voting rights in this nation.¹³ As discussed above, Vice Chair Kobach has already expressed an interest in unfettered access to immigration records affecting millions of people and their right to vote. Whether the federal government is undertaking efforts that could affect the fundamental right to vote of Americans is a quintessential example of "[a] matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence."¹⁴

¹² *Id.* § 5.11(k)(1)(ii).

¹³ See, e.g., *Kobach Talks Goals of New Voter Fraud Commission; Commerce Secretary on North Korea Missile Test, China Trade Deal*, Transcript, May 14, 2017, <http://www.foxnews.com/transcript/2017/05/14/kobach-talks-goals-new-voter-fraud-commission-commerce-secretary-on-nkorea-missile-test-china-trade-deal.html>.

¹⁴ 6 C.F.R. § 5.5(e)(1)(iv).



LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
U N D E R L A W

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Suite 400
Washington, DC 20005-2124

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Accordingly, the Lawyers' Committee's request satisfies the criteria for expedition.

Conclusion

We share a common mission to promote transparency in government. The Lawyers' Committee looks forward to working with DHS 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 Ezra Rosenberg at erosenberg@lawyerscommittee.org or (202) 662-8345. Also, if the Lawyers' Committee's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Thank you very much for your assistance.

Sincerely,

/s/ Kristen Clarke
Kristen Clarke
Jon Greenbaum
Ezra Rosenberg
Marcia Johnson-Blanco
Lawyers' Committee for Civil
Rights Under Law

Encl.

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EXHIBIT 3

ACRONYMS

Commission or PACEI	Presidential Advisory Commission on Election Integrity
DFO	Designated Federal Officer
DHS	Department of Homeland Security
DOD	Department of Defense
DOJ	Department of Justice
DWHIT	Director of White House Information Technology
EEOB	Eisenhower Executive Office Building
EFT	Electronic Funds Transfer
EOP	Executive Office of the President
EPIC	Electronic Privacy Information Center
FACA	Federal Advisory Committee Act
FOIA	Freedom of Information Act
GAI	Government Accountability Institute
GAO	Government Accountability Office
GSA	General Services Administration
IT	Information Technology
MOU	Memorandum of Understanding
NARA	National Archives and Records Administration
NASS	National Association of Secretaries of State
OMB	Office of Management and Budget
OVP	Office of the Vice President
PRA	Presidential Records Act
SAFE	Safe Access File Exchange
SGE	Special Governmental Employee
SoS	Secretary of State
SSA	Social Security Administration
TRO	Temporary Restraining Order
VP	Vice President

1	Document(s)/Category Description	Document Originator (if applicable)	Document Recipient(s) (if applicable)	Date Document Created and/or Shared (if applicable)	Commission Views as Subject to 10(b)?	Has Document Been Currently Disclosed?	Rational for non-disclosure (see 3d Kossack Decl. ¶ 12)
2							
3	<i>Public Documents Related to the Creation and Organization of the Commission</i>						
4	Executive Order No. 13,799, establishing the Commission	The President	Members of the Public	11-May-17	Yes	Yes	NA
5	White House Press Release: President Announces Formation of Bipartisan Presidential Commission on Election Integrity (May 11, 2017)	White House Press Secretary	Members of the Public	11-May-17	Yes	Yes	NA
6	Charter: Presidential Advisory Commission on Election Integrity	Commission Staff	Commission Members	23-Jun-17	Yes	Yes	NA
7	<i>Public Documents Related to June 28 Organizational Call</i>						
8	Agenda for June 28, 2017, Organizational Conference Call	Commission Staff	Commission Members	For June 28 call	Yes	Yes	NA
9	Email regarding June 28, 2017, initial organizational call	Kossack	Commission Members	For June 28 call	No	discretionary release	NA
10	Readout of the Vice President's Call with the Presidential Advisory Commission on Election Integrity	White House Office of the Vice President	Members of the Public	28-Jun-17	Yes	Yes	NA
11	<i>Public Documents Related to July 19 Meeting</i>						
12	PACEI Bylaws (as adopted and as drafted)	Commission Staff	Commission Members	For July 19 meeting	Yes	Yes	NA
13	List of Possible Topics for Commission to Address	Kobach	Commission Members	For July 19 meeting	Yes	Yes	NA
14	GSA briefing on FACA and Presidential Records Act	GSA	Commission Members	Presentation delivered at an administrative session held before the July 19 meeting began	No	discretionary release	NA

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15	GSA briefing on Ethics Training for SGEs	GSA	Commission Members	Presentation delivered at an administrative session held before the July 19 meeting began	No	discretionary release	NA
16	Heritage Foundation: Database entitled A sampling of Election Fraud Cases From Across the Country	Shared by von Spakovsky	Commission Members	For July 19 meeting	Yes	Yes	NA
17	Report: Election Administration and Voting Survey - 2016 Comprehensive Report (by U.S. Election Assistance Commission)	Shared by McCormack	Commission Members	For July 19 meeting	Yes	Yes	NA
18	Opening Statement of J. Kenneth Blackwell (shared with other members)	Blackwell	Commission Members	For July 19 meeting	Yes	Yes	NA
19	PowerPoint presentation by Hans von Spakovsky (untitled)	von Spakovsky	Commission Members	For July 19 meeting	Yes	Yes	NA
20	Yale Law & Policy Review Article: The Other Voting Right: Protecting Every Citizen's Vote by Safeguarding the Integrity of the Ballot Box, by J. Kenneth Blackwell & Kenneth A. Klukowski	Shared by Blackwell	Commission Members	For July 19 meeting	Yes	Yes	NA
21	Video of the July 19 PACEI Meeting	Commission Staff	Commission Members	For July 19 meeting	Yes	Yes	NA
22	Remarks by President Trump and Vice President Pence at the Presidential Advisory Commission on Election Integrity meeting	White House Press Secretary	Members of the Public	19-Jul-17	Yes	Yes	NA
23	Remarks by Vice President Pence and Elected Officials at the First Meeting of the Presidential Advisory Commission on Election Integrity	White House Office of the Vice President	Members of the Public	19-Jul-17	Yes	Yes	NA
24	July 19, 2017 meeting agenda	Commission Staff	Commission Members	For July 19 meeting	Yes	Yes	NA
25	Revised July 19, 2017 meeting agenda	Commission Staff	Commission Members	For July 19 meeting	Yes	Yes	NA
26	Federal Register Meeting Notice for July 19 meeting	Commission Staff	Members of the Public	5-Jul-17	Yes	Yes	NA
27	Public Documents Related to September 12 Meeting						
28	Announcement of September 12 Commission Meeting	White House Press Secretary	Members of the Public	24-Aug-17	Yes	Yes	NA

1	Document(s)/Category Description	Document Originator (if applicable)	Document Recipient(s) (if applicable)	Date Document Created and/or Shared (if applicable)	Commission Views as Subject to 10(b)?	Has Document Been Currently Disclosed?	Rational for non-disclosure (see 3d Kossack Decl. ¶ 12)
29	Federal Register Meeting Notice for September 12, 2017 meeting	Commission Staff	Members of the Public	24-Aug-17	Yes	Yes	NA
30	Agenda for September 12, 2017 Commission Meeting	Commission Staff	Commission Members	For Sept. 12 meeting	Yes	Yes	NA
31	Written statement by Donald Palmer, Panelist at Sept. 12 meeting, entitled "Election Integrity Issues Affecting Public Confidence"	Donald Palmer (Panelist)	Commission Members	For Sept. 12 meeting	Yes	Yes	NA
32	PowerPoint presentation by Andrew E. Smith, Panelist at Sept. 12 meeting, entitled "Turnout and Voter Trust"	Andrew E. Smith (Panelist)	Commission Members	For Sept. 12 meeting	Yes	Yes	NA
33	PowerPoint presentation by John R. Lott, Jr., Panelist at Sept. 12 meeting, entitled "A suggestion and some evidence"	John R. Lott, Jr. (Panelist)	Commission Members	For Sept. 12 meeting	Yes	Yes	NA
34	Updated PowerPoint presentation by John R. Lott, Jr., Panelist at Sept. 12 meeting, entitled "A suggestion and some evidence"	John R. Lott, Jr. (Panelist)	Commission Members	For Sept. 12 meeting	Yes	Yes	NA
35	PowerPoint presentation by Ronald L. Rivest, Panelist at September 12 meeting, entitled "Remarks on Election Integrity"	Ronald L. Rivest (Panelist)	Commission Members	For Sept. 12 meeting	Yes	Yes	NA
36	Report by Government Accountability Institute: "America the Vulnerable: The Problem of Duplicate Voting"	Shared by von Spakovsky	Commission Members	For Sept. 12 meeting	Yes	Yes	NA
37	PowerPoint presentation by Hans von Spakovsky, PACEI Member/Panelist at Sept. 12 meeting (untitled)	von Spakovksy	Commission Members	For Sept. 12 meeting	Yes	Yes	NA
38	PowerPoint presentation by Harri Hursti, Panelist at Sept. 12 meeting, entitled "Threat models and the tools of the industry"	Harri Hursti (Panelist)	Commission Members	For Sept. 12 meeting	Yes	Yes	NA
39	PowerPoint presentation by Ken Block, Panelist at Sept. 12 meeting, entitled "Data Mining for Potential Voter Fraud"	Ken Block (Panelist)	Commission Members	For Sept. 12 meeting	Yes	Yes	NA
40	PowerPoint presentation by Kimball Brace, panelist at Sept. 12 meeting, entitled "The Election Process From a Data Prospective"	Kimball Brace (Panelist)	Commission Members	For Sept. 12 meeting	Yes	Yes	NA
41	Updated PowerPoint presentation by Kimball Brace, panelist at Sept. 12 meeting, entitled "The Election Process From a Data Prospective"	Kimball Brace (Panelist)	Commission Members	For Sept. 12 meeting	Yes	Yes	NA
42	Letter from Shawn N. Jasper, Speaker of the New Hampshire House of Representatives, to New Hampshire Secretary of State and Commissioner of Department of Public Safety re: efforts to insure the accuracy and validity of New Hampshire's voter checklists	Shared by Secretary Gardner	Commission Members	For Sept. 12 meeting	Yes	Yes	NA

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43	PowerPoint presentation by William Gardner, Commission Member/Sept. 12 meeting host (untitled)	Gardner	Commission Members	For Sept. 12 meeting	Yes	Yes	NA
44	PowerPoint presentation by Andrew W. Appel, Panelist at Sept. 12 meeting, entitled "Record and counting votes in a trustworthy way"	Andrew W. Appel (panelist)	Commission Members	For Sept. 12 meeting	Yes	Yes	NA
45	Press release by N.H. Speaker Jasper re: response to inquiry of NH Departments of State and Safety	Shared by Gardner	Commission Members	For Sept. 12 meeting	Yes	Yes	NA
46	Response to N.H. Speaker's request for information by N.H. Department of State and Department of Safety, re: voter verification request	Shared by Gardner	Commission Members	For Sept. 12 meeting	Yes	Yes	NA
47	Written statement by Judge Alan L. King, PACEI Member, entitled "Statement of Issues/Recommendations"	King	Commission Members	For Sept. 12 meeting	Yes	Yes	NA
48	Paper: "Evidence of Voter Fraud and the Impact that Regulations to Reduce Fraud have on Voter Participation Rates," by John R. Lott, Jr. (2007)	John R. Lott, Jr. (Panelist)	Commission Members	For Sept. 12 meeting	Yes	Yes	NA
49	Report: "Garden State Gotcha" by Public Interest Legal Foundation (Sept. 2017)	Shared by Adams	Commission Members	For Sept. 12 meeting	Yes	Yes	NA
50	Belitto v. Sinipes, 221 F. Supp. 3d 1354 (S.D. Fla. 2016)	Shared by Adams	Commission Members	For Sept. 12 meeting	Yes	Yes	NA
51	ACLU v. Martinez-Rivera, 166 F. Supp. 3d 779 (S.D. Fla. 2017)	Shared by Adams	Commission Members	For Sept. 12 meeting	Yes	Yes	NA
52	Voter Integrity Project NC, Inc. v. Wake Cty. Bd. of Elections, No. 5:16-cv-683-BR (E.D.N.C. Feb. 21, 2017)	Shared by Adams	Commission Members	For Sept. 12 meeting	Yes	Yes	NA
53	Bates in the News: Nov. 11, 2016 - Voter Suppression (by Jay Burns)	Shared by Dunlap	Commission Members	For Sept. 12 meeting	Yes	Yes	NA
54	Written Statement by Robert D. Popper, Panelist at Sept. 12 meeting, entitled "It is Time to Start Enforcing the National Voter	Robert D. Popper (panelist)	Commission Members	For Sept. 12 meeting	Yes	Yes	NA
55	Article: "It Appears That Out-of-State Voters Changed The Outcome of the New Hampshire U.S. Senate Race" (by Kris Kobach, published on Breitbart)	Kobach	Commission Members	For Sept. 12 meeting	Yes	Yes	NA
56	List of panelists and biographies for Sept. 12 Meeting	Commission Staff	Commission Members	For Sept. 12 meeting	Yes	Yes	NA
57	Report: "Alien Invasion II: The Sequel to the Discovery and Cover-Up of Non-Citizen Registration and Voting in Virginia" (by Public Interest Legal Foundation)	Mentioned by Adams	Commission Members	For Sept. 12 meeting	Yes	Yes	NA
58	Guare v. New Hampshire, No. 2014-5 (N.H. 2015)	Mentioned by Kobach	Commission Members	For Sept. 12 meeting	Yes	Yes	NA

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59	New Hampshire Voter Registration Form	Mentioned by Kobach	Commission Members	For Sept. 12 meeting	yes	Yes	NA
60	<i>Public Documents Related to Request to States for Data/Views</i>						
61	June 28, 2017, letter from Kobach to states, requesting views, recommendations, and publically available data (identical copies sent to election officials of the 50 states and District of Columbia)	Kobach	State Election Officials	28-Jun-17	Yes	Yes	NA
62	Statement from Kobach, Kansas Secretary of State and Vice Chair of the Presidential Advisory Commission on Election Integrity (related to data collection)	White House Press Secretary	Members of the Public	5-Jul-17	Yes	Yes	NA
63	July 26, 2017, letter from Kobach to state election officials, renewing June 28 informational request (identical copies sent to election officials of the states and the District of Columbia)	Kobach	State Election Officials	26-Jul-17	Yes	Yes	NA
64	Response to Data Request Letter	Michele Reagan, Arizona Secretary of State	Kobach	3-Jul-17	Yes	Yes	NA
65	Response to Data Request Letter	John Merrill, Alabama Secretary of State	Kobach	5-Jul-17	Yes	Yes	NA
66	Response to Data Request Letter	Jesse White, Illinois Secretary of State	Kobach	5-Jul-17	Yes	Yes	NA
67	Response to Data Request Letter	Ken Drezner, Florida Secretary of State	Kobach	6-Jul-17	Yes	Yes	NA
68	Response to Data Request Letter	Paul Zirax, Secretary of the Oklahoma State Election Board	Kobach	6-Jul-17	Yes	Yes	NA
69	Response to Data Request Letter	Kenneth R. Menzel, General Counsel, Illinois State Board of Elections	Kobach	7-Jul-17	Yes	Yes	NA
70	Response to Data Request Letter	Shantel Krebs, South Dakota Secretary of State	Kobach	10-Jul-17	Yes	Yes	NA
71	Response to Data Request Letter	Frank Jung, General Counsel, Missouri Secretary of State	Kobach	10-Jul-17	Yes	Yes	NA

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72	Response to Data Request Letter	Mac Warner, West Virginia Secretary of State	Kobach	11-Jul-17	Yes	Yes	NA
73	Response to Data Request Letter	Wayne W. Williams, Colorado Department of State	Kobach	14-Jul-17	Yes	Yes	NA
74	Response to Data Request Letter	Ed Murray, Wyoming Secretary of State	Kobach	14-Jul-17	Yes	Yes	NA
75	Response to Data Request Letter	Tre Hargett, Tennessee Secretary of State	Kobach	14-Jul-17	Yes	Yes	NA
76	Response to Data Request Letter	Delbert Hosemann, Mississippi Secretary of State	Kobach	19-Jul-17	Yes	Yes	NA
77	Response to Data Request Letter	James C. Condos, Vermont Secretary of State	PACEI	19-Jul-17	Yes	Yes	NA
78	Response to Data Request Letter	John Husted, Ohio Secretary of State	Commission Members	24-Jul-17	Yes	Yes	NA
79	Response to Data Request Letter	John Husted, Ohio Secretary of State	PACEI	24-Jul-17	Yes	Yes	NA
80	Response to Data Request Letter	Paul O. Pate, Iowa Secretary of State	Kobach	26-Jul-17	Yes	Yes	NA
81	Response to Data Request Letter	Scoti T. Nago, Chief Election Officer, Hawaii	Kobach	27-Jul-17	Yes	Yes	NA
82	Response to Data Request Letter	Bryan A. Caskey, Director of Elections, Kansas Secretary of State	Williams	27-Jul-17	Yes	Yes	NA
83	Response to Data Request Letter	John Conklin, Director of Public Information, NYS Board of Elections	Kossack	27-Jul-17	Yes	Yes	NA
84	Email re: point of contact for secure transfer of voting data	Brandon Newell, Office of Secretary of State, Arkansas	Williams	27-Jul-17	Yes	Yes	NA

1	Document(s)/Category Description	Document Originator (if applicable)	Document Recipient(s) (if applicable)	Date Document Created and/or Shared (if applicable)	Commission Views as Subject to 10(b)?	Has Document Been Currently Disclosed?	Rational for non-disclosure (see 3d Kossack Decl. ¶ 12)
85	Response to Data Request Letter	Wayne Thorley, Nevada Deputy Secretary of State for Elections	Williams	28-Jul-17	Yes	Yes	NA
86	Response to Data Request Letter	Matthew Dunlap, Maine Secretary of State	Kobach	31-Jul-17	Yes	Yes	NA
87	Letter containing instructions to request information from Texas databases	Lindsey Aston, General Counsel, Texas Secretary of State	Kobach	31-Jul-17	Yes	Yes	NA
88	Response to Data Request Letter	Jerold A. Bonnet, General Counsel, Office of the Indiana Secretary of State	Kobach	4-Aug-17	Yes	Yes	NA
89	Response to Data Request Letter	Tom Schedler, Louisiana Secretary of State	PACEI	9-Aug-17	Yes	Yes	NA
90	Response to Data Request Letter	Jade K. Fountain-Tanigawa, Office of the County Clerk, County of Kauai	Kobach	10-Aug-17	Yes	Yes	NA
91	Response to Data Request Letter	Bryon Mallott, Alaska Lt. Gov.	Kobach	21-Aug-17	Yes	Yes	NA
92	Response to Data Request Letter	Steve Simon, Minnesota Secretary of State	Kobach	22-Aug-17	Yes	Yes	NA
93	Response to Data Request Letter	Elaine Manlove, Delaware State Election Commissioner	Kobach	28-Aug-17	Yes	Yes	NA
94	Response to Data Request Letter	Alvin A. Jaeger, North Dakota Secretary of State	PACEI	5-Sep-17	Yes	Yes	NA
95	Response to Data Request Letter	John A. Gale, Nebraska Secretary of State	Kobach	19-Sep-17	Yes	Yes	NA

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96	Response to Data Request Letter	Kenneth Menzel, General Counsel, Illinois State Board of Elections	Kobach	19-Sep-17	Yes	Yes	NA
97	<i>State Data Received -- Listed by State</i>						
98	Arkansas				Yes	No	Exempt pursuant to (b)(6). See 3d Kossack Decl. ¶ 11
99	North Carolina				Yes	No	Exempt pursuant to (b)(6). See 3d Kossack Decl. ¶ 11
100	Florida				Yes	No	Exempt pursuant to (b)(6). See 3d Kossack Decl. ¶ 11
101	Ohio				Yes	No	Exempt pursuant to (b)(6). See 3d Kossack Decl. ¶ 11
102	Colorado				Yes	No	Exempt pursuant to (b)(6). See 3d Kossack Decl. ¶ 11
103	Washington				Yes	No	Exempt pursuant to (b)(6). See 3d Kossack Decl. ¶ 11
104	Nevada				Yes	No	Exempt pursuant to (b)(6). See 3d Kossack Decl. ¶ 11
105	New York				Yes	No	Exempt pursuant to (b)(6). See 3d Kossack Decl. ¶ 11
106	Kansas				Yes	No	Exempt pursuant to (b)(6). See 3d Kossack Decl. ¶ 11
107	Oklahoma				Yes	No	Exempt pursuant to (b)(6). See 3d Kossack Decl. ¶ 11
108	New Jersey				Yes	No	Exempt pursuant to (b)(6). See 3d Kossack Decl. ¶ 11

	Document(s)/Category Description	Document Originator (if applicable)	Document Recipient(s) (if applicable)	Date Document Created and/or Shared (if applicable)	Commission Views as Subject to 10(b)?	Has Document Been Currently Disclosed?	Rational for non-disclosure (see 3d Kossack Decl. ¶ 12)
109	Hawaii (Kaua'i County)				Yes	No	Exempt pursuant to (b)(6). See 3d Kossack Decl. ¶ 11
110	Montana				Yes	No	Exempt pursuant to (b)(6). See 3d Kossack Decl. ¶ 11
111	Pennsylvania				Yes	No	Exempt pursuant to (b)(6). See 3d Kossack Decl. ¶ 11
112	West Virginia				Yes	No	Exempt pursuant to (b)(6). See 3d Kossack Decl. ¶ 11
113	Alaska				Yes	No	Exempt pursuant to (b)(6). See 3d Kossack Decl. ¶ 11
114	Idaho				Yes	No	Exempt pursuant to (b)(6). See 3d Kossack Decl. ¶ 11
115	Oregon				Yes	No	Exempt pursuant to (b)(6). See 3d Kossack Decl. ¶ 11
116	Missouri				Yes	No	Exempt pursuant to (b)(6). See 3d Kossack Decl. ¶ 11
117	Iowa				Yes	No	Exempt pursuant to (b)(6). See 3d Kossack Decl. ¶ 11
118	Other Public Documents						
119	Book: Who's Counting? How Fraudsters and Bureaucrats Put Your Vote at Risk, by June Fund and Hans von Spakovsky	Shared by Hans von Spakovsky	Commission Members	Shared after July 19 meeting	Yes	Yes	NA
120	Public Comments received from members of the public to the Commission's email address and posted online	Members of the Public	Commission Members	6/29/17 - 09/12/2017	Yes	Yes	NA
121	Public Comments received from members of the public to the Commission's regulations.gov website and posted online	Members of the Public	Commission Members	Accepted through the submission of the Commission's final report	Yes	Yes	NA

	Document(s)/Category Description	Document Originator (if applicable)	Document Recipient(s) (if applicable)	Date Document Created and/or Shared (if applicable)	Commission Views as Subject to 10(b)?	Has Document Been Currently Disclosed?	Rational for non-disclosure (see 3d Kossack Decl. ¶ 12)
122	Public comments submitted to Commission, but not posted publicly because comments are overly profane and/or contain threats, and contain nothing by way of substance	Members of the Public	Commission Members	Since June 2017	No	No	(a)
123	Letter from Sen. Amy Klobuchar, et al. re: Commission activities	Members of Congress	The Vice President and Kobach	6/29/2017	Yes	Yes	NA
124	Letter from Sen. Amy Klobuchar, et al. re: Commission activities	Members of Congress	The Vice President and Kobach	7/6/2017	Yes	Yes	NA
125	Letter from Sen. Tester and Gov. Bullock re: Commission activities	Montana officials	The Vice President and Kobach	7/11/2017	Yes	Yes	NA
126	Letter from Rep. Cummings, et al. re: Commission activities	Members of Congress	Commission Members	7/18/2017	Yes	Yes	NA
127	Letter from Rep. Eshoo, et al. re: Commission activities	Members of Congress	The Vice President and Kobach	7/18/2017	Yes	Yes	NA
128	Letter from Sens. Klobuchar and Whitehouse re: Commission activities	Sens. Klobuchar and Whitehouse	Commission Members	9/12/2017	Yes	Yes	NA
129	Statement by Sen. Shaheen re: Sept 12 meeting re: Commission activities	Sen. Shaheen	Commission Members	9/12/2017	Yes	Yes	NA
130	<i>Emails Sent by Commission DFO to Commission Membership (To avoid repetition, these documents are not also listed separately under each Commissioner)</i>						
131	Welcome and Initial Organizational Call	Kossack	Commission Members	26-Jun-17	No	discretionary release	N/A
132	Email planner holding June 28, 2017 Organizational Call	Kossack	Commission Members	27-Jun-17	No	No	(b)
133	Email sending agenda for June 28, 2017 organizational call	Kossack	Commission Members	27-Jun-17	No	No	(b)
134	Updated email planner sending dial-in information for June 28 organizational call	Kossack	Commission Members	27-Jun-17	No	No	(b)
135	Email containing dial-in information related to June 28 call as well as documents related to ethics standards for special government employees	Kossack	Commission Members	27-Jun-17	No	No	(b)
136	Email containing copy of June 28 Kobach letter, to be sent to secretaries of state and chief state election officials	Kossack	Commission Members	28-Jun-17	No	No	(b)

	Document(s)/Category Description	Document Originator (if applicable)	Document Recipient(s) (if applicable)	Date Document Created and/or Shared (if applicable)	Commission Views as Subject to 10(b)?	Has Document Been Currently Disclosed?	Rational for non-disclosure (see 3d Kossack Decl. ¶ 12)
137	Email forwarding email sent from Commission to States, asking them to hold off sending data pending resolution of EPIC TRO	Kossack	Commission Members	10-Jul-17	No	No	(b)
138	Email regarding financial disclosure, EFT Enrollment form, and travel logistics for July 19 meeting	Kossack	Commission Members	11-Jul-17	No	No	(b)
139	Email regarding booking travel for July 19 meeting and reminder to submit 450 Financial Disclosure form	Kossack	Commission Members	13-Jul-17	No	No	(b)
140	Email containing agenda for July 19 meeting	Kossack	Commission Members	14-Jul-17	No	No	(b)
141	Email forwarding email from GSA containing information on how to book travel; cover email reviews meeting location and schedule	Kossack	Commission Members	14-Jul-17	No	No	(b)
142	Email containing logistical information for attending July 19 meeting and ethics question related to financial disclosure	Kossack	Commission Members	17-Jul-17	No	No	(b)
143	Email containing draft By-Laws, revised agenda, and reminder about July 19 meeting logistics	Kossack	Commission Members	18-Jul-17	No	No	(b)
144	Email containing instructions for travel expense reimbursements	Kossack	Commission Members	20-Jul-17	No	No	(b)
145	Email containing copies of letters received from Colorado and Wyoming secretaries of state	Kossack	Commission Members	21-Jul-17	No	No	(b)
146	Email containing letter from Ohio Secretary of State	Kossack	Commission Members	25-Jul-17	No	No	(b)
147	Email containing copy of July 26 letter from Kobach to states regarding data collection	Kossack	Commission Members	26-Jul-17	No	No	(b)
148	Email containing follow up communication from GSA regarding Hatch Act	Kossack	Commission Members	2-Aug-17	No	No	(b)
149	Email containing litigation holds (and attachments, i.e., complaints/filings)	Kossack	Commission Members	7-Aug-17	No	No	(b)
150	Email containing save-the-date for September 12 meeting	Kossack	Commission Members	18-Aug-17	No	No	(b)
151	Email containing travel and logistical information for September 12 meeting	Kossack	Commission Members	24-Aug-17	No	No	(b)
152	Email containing letter from Kobach regarding submission of meeting materials for September 12 meeting and reminder of litigation hold letter	Kossack	Commission Members	30-Aug-17	No	No	(b)
153	Email promising proposed agenda for September 12 meeting soon and asking members to submit any written materials by Sept. 7	Kossack	Commission Members	1-Sep-17	No	No	(b)

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154	Email containing reminder of ethics rules that govern teaching, speaking, and writing	Kossack	Commission Members	5-Sep-17	No	No	(b)
155	Email containing agenda for September 12 meeting	Kossack	Commission Members	5-Sep-17	No	No	(b)
156	Email containing revised agenda for September 12 meeting	Kossack	Commission Members	6-Sep-17	No	No	(b)
157	Email containing materials for September 12 meeting	Kossack	Commission Members	8-Sep-17	No	No	(b)
158	Email stating that materials prepared for September 12 meeting are posted online	Kossack	Commission Members	8-Sep-17	No	No	(b)
159	Email containing logistical information for September 12 meeting and reminder about FACA open-meeting requirements	Kossack	Commission Members	11-Sep-17	No	No	(b)
160	<i>Materials of Commission Member J. Christian Adams</i>						
161	Email forwarding news article	Adams	OVP Counsel	13-May-17	No	No	(h)
162	Email forwarding information about potential staff member for Commission	Adams	OVP Counsel	18-May-17	No	No	(g)
163	Email forwarding news article	Adams	OVP Counsel	30-May-17	No	No	(h)
164	Email forwarding news article	Adams	OVP Counsel	31-May-17	No	No	(h)
165	Email addressing potential research opportunities for Commission	Adams	OVP Counsel	5-Jun-17	No	No	(f)
166	Email addressing election integrity; suggesting potential outreach options	Adams	Kossack	5-Jul-17	No	No	(f)
167	Email about potential participants in Commission	Adams	Kossack, OVP Counsel	6-Jul-17	No	No	(g)
168	Email forwarding press release	Adams	Kossack, OVP Counsel, von Spakovsky	6-Jul-17	No	No	(h)
169	Email requesting Adam's preferred title for appointment announcement	Kossack	Adams	11-Jul-17	No	No	(c)
170	Email forwarding press release re: Adams' appointment to Commission	Adams	Kossack, OVP Counsel	11-Jul-17	No	No	(h)
171	Email forwarding link to television appearance	Adams	Kossack, OVP Counsel, von Spakovsky, Blackwell	17-Jul-17	No	No	(h)
172	Cover email forwarding material to be used for July 19 meeting	Adams	Kossack, OVP Counsel	18-Jul-17	No	No	(c)

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173	Email requesting copy of photograph from July 19 meeting	Adams	OVP Counsel	20-Jul-17	No	No	personal
174	Email chain discussing potential data analysts	Adams	Kossack	28-Jul-17	No	No	(i)
175	Email exchange in response to press inquiry about Commission	Adams	Kossack, OVP Counsel, von Spakowsky	14-Aug-17	No	No	(j)
176	Email asking about September 12 meeting location	Adams	Kossack	18-Aug-17	No	No	(c)
177	Email forwarding news article	Adams	Kossack	31-Aug-17	No	No	(h)
178	Email sending copy of materials to be used at September 12 presentation	Adams	Kossack, von Spakowsky	1-Sep-17	No	No	(c)
179	Email forwarding third-party individual's request for press credentials for September 12 meeting	Adams	Kossack	1-Sep-17	No	No	(c)
180	Email responding to ethics reminder	Adams	Kossack, OVP Counsel, Williams	5-Sep-17	No	No	(c)
181	Cover email sending copy of materials to be used at September 12 presentation	Adams	Kossack, Kobach, OVP Counsel, Williams	7-Sep-17	No	No	(c)
182	Email forwarding link to article	Adams	Kossack	7-Sep-17	No	No	(h)
183	Email forwarding link to article	Adams	Kossack, OVP Counsel	10-Sep-17	No	No	(h)
184	Email sending copy of press release	Adams	Kossack, OVP Counsel	11-Sep-17	No	No	(h)
185	Email sending link to news article	Adams	Kossack, OVP Counsel, Williams	13-Sep-17	No	No	(h)
186	Email about potential witnesses at a future Commission meeting	Adams	Kossack, OVP Counsel, Williams	15-Sep-17	No	No	(f)
187	Email forwarding news article	Adams	Kossack, OVP Counsel, Williams	20-Sep-17	No	No	(h)
188	Miscellaneous emails related to travel booking				No	No	(c)
189	Miscellaneous emails related to the submission of financial disclosure and government ethics forms; copies of government ethics forms				No	No	(c)
190	<i>Materials of Commission Member Kenneth Blackwell</i>						
191	Email re: scheduling time to speak	OVP Counsel	Blackwell	19-May-17	No	No	(c)

1	Document(s)/Category Description	Document Originator (if applicable)	Document Recipient(s) (if applicable)	Date Document Created and/or Shared (if applicable)	Commission Views as Subject to 10(b)?	Has Document Been Currently Disclosed?	Rational for non-disclosure (see 3d Kossack Decl. ¶ 12)
192	Email re: appointment documents and background information	OVP	Blackwell	19-May-17	No	No	(c)
193	Email chain sharing multiple news articles	Blackwell	OVP counsel, WHO members	7/5/2017 - 7/6/2017	No	No	(h)
194	Mass email sharing tweets/facebook posts	Blackwell	Mass email, received by Kossack	11-Jul-17	No	No	(h)
195	Email sharing link to news article	Blackwell	OVP and EOP staff members	14-Jul-17	No	No	(h)
196	Emails sending copy of opening remarks and law review article	Blackwell	Kossack	18-Jul-17	No	No	(c)
197	Email re: Blackwell's media availability	Blackwell	EOP staff member	18-Jul-17	No	No	(c)
198	Four tweets posted on July 19, 2017	Blackwell	Twitter	19-Jul-17	No	Yes	(h)
199	Email containing photo of commissioners	Blackwell	Kossack, Kobach, von Spakovsky, Adams	20-Jul-17	No	No	personal
200	Email re: interview request	News Producer	Blackwell	10-Aug-17	No	No	(j)
201	Email re: formation of a new interest group	Blackwell	Kossack, Kobach, OVP Counsel	14-Aug-17	No	No	(h)
202	Email re: time to speak	Kossack	Blackwell	18-Aug-17	No	No	(c)
203	Travel authorization documents for September 12 meeting	Travel Agency	Blackwell	6-Sep-17	No	No	(c)
204	Email chain re: time to speak	Kossack	Blackwell	7-Sep-17	No	No	(c)
205	Handwritten notes from September 12 meeting	Blackwell	N/A	12-Sep-17	No	No	(k)
206	Miscellaneous emails related to travel booking				No	No	(c)
207	Miscellaneous emails related to the submission of financial disclosure and government ethics forms; copies of government ethics forms				No	No	(c)
208	<i>Materials of Commission Member Matthew Dunlap</i>						
209	Request for interview and email exchange with Dunlap staff member regarding logistics	Reporter	Dunlap and staff	11-May-17	No	No	(j)
210	Press Release	Office of California Secretary of State	Members of the Press/Public	11-May-17	No	No	(n)
211	Email forwarding public statement of Kentucky Secretary of State	NASS staffer	Dunlap and staff	11-May-17	No	No	(o)
212	Email forwarding press release	Advocacy group	Dunlap and staff	18-May-17	No	No	(n)

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213	Emails regarding public record requests	Maine Secretary of State Communications Director	Dunlap and staff	5/18/17, 5/19/17, 5/22/17	No	No	(n)
214	Email acknowledging National Association of Secretaries of State (NASS) alert about Commission	Dunlap	NASS staffer	22-May-17	No	No	(m), (n)
215	Cover email attaching letter from Kobach to Dunlap in his official capacity as Secretary of State requesting publicly available voter roll information	Commission Staff	Dunlap	28-Jun-17	No	No	(n)
216	Email forwarding media request	Maine SoS Staff	Dunlap and staff	28-Jun-17	No	No	(j)
217	Email exchange regarding interview request and logistics	Reporter	Dunlap staff	29-Jun-17	No	No	(j)
218	Press Release regarding Commission's Request for publicly available voter roll information	Dunlap staff	Members of the Press/Public	30-Jun-17	No	No	(n)
219	E-mail coordinating response to citizen calls about the Commission	Maine Deputy Secretary of State	Dunlap and staff	30-Jun-17	No	No	(n)
220	E-mail from news organization to Dunlap's office requesting comment	Reporter	Dunlap and staff	30-Jun-17	No	No	(j)
221	E-mail exchange regarding request for Maine's voter information	Reporter	Dunlap	30-Jun-17	No	No	(n)
222	Email exchange about June 30 letter	Reporter	Dunlap	6/30/17, 7/6/17	No	No	(j)
223	Letter from Dunlap in official capacity as Secretary of State to Kobach responding to June 28 letter requesting voter information	Dunlap	Kobach	3-Jul-17	No	No	(n)
224	Email regarding data request	Dunlap	Maine SoS Communications Director	3-Jul-17	No	No	(n)
225	Press release regarding Dunlap's response to June 26 letter requesting voter information	Maine Secretary of State Communications Director	Members of the Press/Public	3-Jul-17	No	No	(n)
226	Draft letter responding to June 26 letter requesting voter information	Dunlap	Maine SoS staff	3-Jul-17	No	No	(n)
227	Email from advocacy group attaching legal memorandum	Advocacy group	Dunlap	7/4/17, 7/6/17	No	No	(o)
228	Email from from advocacy group to Dunlap	Advocacy group	Dunlap	5-Jul-17	No	No	(o)
229	Email with attachment about attempts to influence 2016 election	Third party	Kobach, Dunlap, Lawson, Gardner	5-Jul-17	No	No	(o)
230	Email exchange forwarding July 6 email from advocacy group	Dunlap staff	Dunlap	6-Jul-17	No	No	(m)
231	Email exchange	Dunlap	Reporter	6-Jul-17	No	No	(j)

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232	Email regarding press interest in July 19 meeting	Maine Secretary of State Communications Director	Dunlap	13-Jul-17	No	No	(j)
233	Press Release regarding Dunlap's participation in July 19 meeting	Maine Secretary of State Communications Director	Members of the Press/Public	20-Jul-17	No	No	(j)
234	Email inviting Dunlap to attend July 28 meeting to discuss Commission	Advocacy group	Dunlap	25-Jul-17	No	No	(j)
235	Email from advocacy group about providing voter information	Advocacy group	Dunlap	28-Jul-17	No	No	(o)
236	Letter from Dunlap in official capacity as Secretary of State to Kobach responding to July 26 letter requesting voter information	Dunlap	Kobach	31-Jul-17	No	No	(n)
237	Email requesting information	Reporter	Dunlap staff	1-Aug-17	No	No	(j)
238	Email chain confirming receipt of Dunlap's July 31, 2017 letter to Kobach regarding request for voter information	Dunlap Staff	Williams, Commission Staff and Dunlap	1-Aug-17	No	No	(n)
239	Email inquiring about status of letter responding to July 26 request for voter information	Dunlap Staff	Dunlap	1-Aug-17	No	No	(n)
240	Email forwarding Kossack's Aug 2 email about the Hatch Act to Commission Members	Dunlap	Dunlap staff	2-Aug-17	No	No	(c)
241	Email forwarding August 7 email from Kossack to Commission Members regarding Litigation Hold	Dunlap	Dunlap staff	7-Aug-17	No	No	(c)
242	Email chain re: location/date for September 12 meeting	Dunlap	Maine SoS Communications Director	24-Aug-17	No	No	(c)
243	Email exchange regarding request to attend September 12 meeting	Maine SoS Communications Director	Kossack	8/29/17 - 8/30/17	No	No	(c)
244	Email forwarding NASS handout for August 30 call	Dunlap	Kossack	1-Sep-17	No	No	(h)
245	Email forwarding link to news article	Dunlap	Kossack	7-Sep-17	No	No	(h)
246	Email exchanges regarding media coordination/inquiries	Maine Secretary of State Communications Director	Dunlap	5/11, 12, 15, 16/17; 6/19, 22, 23, 26, 27, 29, 30/17; 7/6/17	No	No	(j)
247	Handwritten notes/logs of constituent phone calls to Dunlap's office	Members of the Public	Dunlap	5/2017 - 8/2017	No	No	(n)

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1	Document(s)/Category Description						
248	Emails, postcards, and letters from constituents, advocacy groups regarding Commission	Members of the Public	Dunlap	6/2017 - 9/2017	No	No	(o)
249	Miscellaneous emails related to travel booking				No	No	(c)
250	Miscellaneous emails related to the submission of financial disclosure and government ethics forms; copies of government ethics forms				No	No	(c)
251	Miscellaneous emails forwarding procedural/logistic emails from Kossack to Maine Secretary of State staff				No	No	(c)
252	<i>Materials of Commission Member David Dunn</i>						
253	Email requesting guidance on responding to press questions	Dunn	Kossack	5-Jul-17	No	No	(j)
254	Email exchange confirming July 19 meeting	Dunn	Kossack	10-Jul-17	No	No	(c)
255	Typed Prepared Introductory Remarks for July 19 meeting	Dunn	N/A	18-Jul-17	No	No	(l)
256	Email exchange re: update on pending litigation	Dunn	Kossack	23-Jul-17	No	No	(c), (v)
257	Email exchange re: scheduling September meeting	Dunn	Kossack	11-Aug-17	No	No	(c)
258	Email exchange re: confirming Dunn's e-mail address; forwarding August 30 e-mail from Kossack to Commission Members re: letter from Vice Chair Kobach regarding submission of meeting materials for the September 12th meeting	Dunn	Kossack	30-Aug-17	No	No	(c)
259	Statement by Senator Jeanne Shaheen	Sen. Shaheen	Commission Members	12-Sep-17	Yes	Yes	N/A
260	Miscellaneous emails related to travel booking				No	No	(c)
261	Miscellaneous emails related to the submission of financial disclosure and government ethics forms; copies of government ethics forms				No	No	(c)
262	<i>Materials of Commission Member William Gardner</i>						
263	Document containing various quotes on election administration and turnout from academic articles and newspapers	Gardner	N/A	27-Jun-16	No	No	(l)
264	Email forwarding article about Gardner's participation in Commission	NH Secretary of State's Office	Gardner	22-May-17	No	No	(m)
265	Copy of June 28 letter sent to Gardner's SoS account	Kobach	Gardner	28-Jun-17	No	No	(n)
266	Copy of July 26 letter sent to Gardner's SoS account	Kobach	Gardner	28-Jun-17	No	No	(n)
267	Copy of July 10 request to hold off email sent to Gardner's SoS account	Kossack	Gardner	10-Jul-17	No	No	(n)
268	Email including names of staff members for attendance at July meeting [and associated email chain]	Gardner (via staff)	Kossack	7/14/2017, 7/18/2017	No	No	(c)
269	Email re: Gardner's potential press availability	OVP Staff member	Gardner	17-Jul-17	No	No	(j)

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270	Email forwarding July 19 meeting materials	Gardner	NH SecState office	7/17/2017, 7/18/2017	No	No	(c)
271	Handwritten notes made on July 19 handout	Gardner	N/A	19-Jul-17	No	No	(k)
272	Typed draft remarks for July 19 meeting	Gardner	N/A	19-Jul-17	No	No	(l)
273	Copy of chart on voting turnout	Gardner	N/A	19-Jul-17	No	No	(l)
274	Email attaching filings in court case	Gardner (via staff)	Kossack	7-Aug-17	No	No	(h)
275	Email attaching statistics, editorial	Gardner (via staff)	Kossack	9-Aug-17	No	No	(h)
276	Email attaching copy of press release	Gardner (via staff)	Kossack	10-Aug-17	No	No	(h)
277	News article printed for personal research	Gardner	N/A	10-Aug-17	No	No	(m)
278	Email requesting point of contact for data collection and information on study Gardner mentioned	Williams	Gardner	14-Aug-17	No	No	(f), (u)
279	Email attaching news article	Gardner (via staff)	Kossack	14-Aug-17	No	No	(h)
280	Email about potential participation in meeting	Potential panelist	Gardner	14-Aug-17	No	No	(r)
281	Article printed for personal research	Gardner	N/A	14-Aug-17	No	No	(m)
282	News article printed for personal research	Gardner	N/A	14-Aug-17	No	No	(m)
283	Article printed for personal research	Gardner	N/A	14-Aug-17	No	No	(m)
284	Email about uploading data; requesting contact information for potential panelists	Williams	NH SecState, Gardner	8/14/2017, 8/17/2017	No	No	(c)
285	Email attaching: news article, panelist bios	Gardner (via staff)	Kossack	15-Aug-17	No	No	(h)
286	Email attaching book excerpt	Gardner (via staff)	Kossack	15-Aug-17	No	No	(h)
287	Email re draft release announcing September meeting	Kossack	Gardner	17-Aug-17	No	No	(p)
288	Email forwarding press release about Sept. 12 meeting	Gardner	St. Anselm	18-Aug-17	No	No	(c)
289	Email forwarding press release about Sept. 12 meeting	Gardner	NH Deputy Secretary of State	21-Aug-17	No	No	(c)
290	Email about uploading data	Williams	NH Ssecretary of State's office, Gardner	21-Aug-17	No	No	(n)
291	Email attaching link to news article	Gardner (via staff)	Kossack	21-Aug-17	No	No	(h)
292	Email from Gardner to Kossack (via admin), attaching link to news article	Gardner (via staff)	Kossack	21-Aug-17	No	No	(h)
293	Email re: Contact information for potential September 12 meeting panelists	Williams	Gardner	22-Aug-17	No	No	(c)
294	Email forwarding press release	Gardner	NH SecState Office	23-Aug-17	No	No	(h)
295	Email chain about press release for September 12 meeting	Kossack	Gardner, Kobach	24-Aug-17	No	No	(p)
296	Email from about uploading data	Williams	NH SecState, Gardner	24-Aug-17	No	No	(n)

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297	Email re invitation to PACEI Sept. 12 meeting	Gardner	Staffer in Schumer office	28-Aug-17	No	No	(m)
298	Invitations to Congressional delegation	Gardner	Sens. Haasan, Shaheen, Schumer, Reps. Kuster, Shea-Porter	29-Aug-17	No	No	(m)
299	Email forwarding email from King stating that he will be unable to attend Sept. 12 meeting	Kossack	Gardner	30-Aug-17	No	No	(c)
300	Email chain about draft agenda for September 12 meeting (inc. attachment)	Kossack	Gardner	31-Aug-17	No	No	(p)
301	Email from constituent requesting to attend Sept. 12 meeting	Constituent	Gardner	1-Sep-17	No	No	(c), (o)
302	Email from constituent about Commission	Constituent	Gardner	1-Sep-17	No	No	(o)
303	Email about public comment at September 12 meeting	Constituent	Gardner, Williams	2-Sep-17	No	No	(o)
304	Email chain about draft agenda for September 12 meeting	Kossack	Gardner	5-Sep-17	No	No	(p)
305	Email re: agenda for September 12 meeting	Gardner	Reporter	6-Sep-17	No	No	(j)
306	Email chain re: time to speak	Kossack	Gardner	6-Sep-17	No	No	(c)
307	Email forwarding ethics reminder	Gardner	NH Deputy Secretary of State	6-Sep-17	No	No	(c)
308	Marked up copy of panelist list for Sept. 12 meeting	Commission Staff	Gardner	12-Sep-17	No	No	(k)
309	Statement by Sen. Shaheen re: Sept 12 meeting	Sen. Shaheen	Gardner	12-Sep-17	Yes	Yes	NA
310	Handwritten notes re: remarks for Sept 12 meeting	Gardner	N/A	12-Sep-17	No	No	(k)
311	Statements for Sept 12 meeting	Gardner	N/A	12-Sep-17	No	No	(l)
312	Email chain after Sept. 12 meeting	Panelist	Gardner	14-Sep-17	No	No	(r)
313	Article printed for personal research	Gardner	N/A	undated	No	No	(m)
314	Attendee lists for September 12 meeting (with handwritten notes)	Commission Staff	Gardner	undated	No	No	(k)
315	NH State FOIA requests				No	No	(n)
316	Postcards, letters, and other correspondence from members of the public regarding Commission				No	No	(o)
317	Miscellaneous mails related to travel booking				No	No	(c)
318	Miscellaneous emails related to the submission of financial disclosure and government ethics forms; copies of government ethics forms				No	No	(c)
319	<i>Materials of Commission Member Alan King</i>						
320	Email chain where King accepts offer to join Commission	King	Kossack	30-Jun-17	No	No	(c)

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321	Email forwarding news article	Third party	King	30-Jun-17	No	No	(o)
322	Email forwarding news article	Third party	King	30-Jun-17	No	No	(o)
323	Email re: collecting research materials about Commission subject-matter	King	King's staff member	2-Jul-17	No	No	(m)
324	Email asking staff member to conduct research	King	King's staff member	3-Jul-17	No	No	(m)
325	Email exchange about King's schedule	King	Kossack	20-Jul-17	No	No	(c)
326	Email forwarding fundraising campaign	Third party	King	21-Jul-17	No	No	(o)
327	Email forwarding news article	Third party	King	5-Aug-17	No	No	(o)
328	Email exchange about King's role on Commission	Third party	King	5-Aug-17	No	No	(o)
329	Email with third party forwarding news article (and marked-up copy of article)	Third party	King	14-Aug-17	No	No	(o)
330	Copy of news article (marked-up copy)	Printed by King		14-Aug-17	No	No	(m)
331	Copy of article (marked-up copy)	Printed by King		14-Aug-17	No	No	(m)
332	Copy of news article (marked-up copy)	Printed by King		14-Aug-17	No	No	(m)
333	Email exchange about unavailability for September 12 meeting and future availability schedule	King	Kossack	15-Aug-17	No	No	(c)
334	Email about participation in Commission	King	Third party	25-Aug-17	No	No	(o)
335	Email about Interstate Crosscheck program	Third party	King	1-Sep-17	No	No	(o)
336	Copy of news article	Printed by King		1-Sep-17	No	No	(m)
337	Email forwarding copy of news article	Third party	King	5-Sep-17	No	No	(o)
338	Email forwarding news articles	Third party	King	8-Sep-17	No	No	(o)
339	Email re how to respond to press inquiries	King	Kossack	8-Sep-17	No	No	(c)
340	Email forwarding news article	Third party	King	12-Sep-17	No	No	(o)
341	Email forwarding news stories	Third party	King	9/12/2017, 9/13/2017	No	No	(o)
342	Email forwarding magazine article	Third party	King	13-Sep-17	No	No	(o)
343	Email exchange re: sending materials for litigation index	Kossack	DOJ, King	15-Sep-17	No	No	(v)
344	Third party forwarding mass email by advocacy organization	Third party	King	15-Sep-17	No	No	(o)
345	Email exchange re: reporter inquiry	King	Reporter (forwarded by personal friend of King)	17-Sep-17	No	No	(j)
346	Email forwarding mass emails	Third party	King	17-Sep-17	No	No	(o)
347	Copy of online article about elections	Printed by King			No	No	(m)
348	Copy of National Conference of State Legislatures report	Printed by King			No	No	(m)
349	Miscellaneous mails related to travel booking				No	No	(c)

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350	Miscellaneous emails related to the submission of financial disclosure and government ethics forms; copies of government ethics forms				No	No	(c)
351	<i>Materials of Commission Vice Chair Kris Kobach</i>						
352	Email forwarding news article on launch of Commission	OVP Counsel	Kobach	5/11/2017	No	No	(f)
353	Email forwarding copy of Executive Order	OVP Counsel	Kobach	5/11/2017	No	No	(f)
354	Email forwarding research on voter fraud	Third party	Kobach	12-May-17	No	No	(m)
355	Email chain re: press interviews	Kobach	OVP Counsel, OVP staff	12-May-17	No	No	(j)
356	Email forwarding article that had been forwarded by Adams	OVP Counsel	Kobach	13-May-17	No	No	(h)
357	Email exchange re: potential Commission member	von Spakovsky	Kobach, Adams, OVP Counsel, OVP staff	15-May-17	No	No	(g)
358	Email exchange re: time to talk	OVP Counsel	Kobach	5/15/2017, 5/16/2017	No	No	(c)
359	Email forwarding email exchange with reporter	von Spakovsky	Kobach	16-May-17	No	No	(j)
360	Email chain about introductory phone call	Kossack	Kobach, von Spakovsky, Adams, OVP Counsel, OVP staff	13-Jun-17	No	No	(c)
361	Email from about potential Commission member (and chain discussing that member and other potential individuals)	OVP Counsel	Kossack, Adams, von Spakovsky, and Kossack	6/14/2017, 6/15/2017	No	No	(g)
362	Email re potential commission members	Kossack	Kobach	16-Jun-17	No	No	(g)
363	Email forwarding link to news article	Adams	Kobach	16-Jun-17	No	No	(h)
364	Emails about potential candidates for Commission	Kobach	Kossack	6/17/17, 6/19/17	No	No	(g)
365	Email about setting up call with DHS	Kossack	DHS official (Kobach copied)	6/19/2017 - 6/20/2017	No	No	(q)
366	Email re potential commission members (with biographical attachments)	Kossack	Kobach	20-Jun-17	No	No	(g)
367	Email chain regarding letters to state officials re data collection (present and future) [including draft letter attachments]	Kossack	Kobach, von Spakovsky, Adams, OVP staff	6/21/2017, 6/22/2017, 6/23/2017, 6/27/2017	No	No	(p)
368	Email chain re: reporter inquiry on Commission	Reporter	Kobach	21-Jun-17	No	No	(j)
369	Email re: potential Commission Member	Kossack	Kobach	22-Jun-17	No	No	(g)

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370	Email re: mechanics of state data collection	Kossack	Kobach	23-Jun-17	No	No	(c)
371	Email re: potential Commission member	Kossack	Kobach	26-Jun-17	No	No	(g)
372	Press inquiry	OVP Press Secretary	Kobach	26-Jun-17	No	No	(j)
373	Email exchange re: information requests	Kossack	Kobach, von Spakovsky, Adams, OVP Counsel	26-Jun-17	No	No	(c)
374	Email re: potential Commission Member	Kossack	Kobach	26-Jun-17	No	No	(g)
375	Email re: news article; study author	Kobach	Kossack, OVP Counsel	27-Jun-17	No	No	(f)
376	Email chain re: draft agenda for June 28 organizational call (with attachment)	Kossack	Kobach	27-Jun-17	No	No	(p)
377	Email re: talking points for June 28 organizational call	Kossack	Kobach	27-Jun-17	No	No	(l)
378	Email chain requesting finalization of letters to public officials re: voter collection	Kossack	Kobach	27-Jun-17	No	No	(p)
379	Email chain re: potential members of the Commission	Adams	Kobach, von Spakovsky, OVP Counsel	28-Jun-17	No	No	(g)
380	Email chain re: content of public official letters	Kossack	Kobach	28-Jun-17	No	No	(p)
381	Email re: phone number	Kossack	Kobach	28-Jun-17	No	No	(c)
382	Email chain re: updated letter to state election officials (including attachments)	Kossack	Kobach	28-Jun-17	No	No	(p)
383	Email chain about potential partnership opportunities with DHS	Kossack	Kobach, OVP Staff	28-Jun-17	No	No	(f)
384	Follow-up email with DHS official	Kossack	DHS official (Kobach copied)	28-Jun-17	No	No	(q)
385	Email chain forwarding examples of letters requesting voter information	Kossack	Kobach, OVP Counsel	28-Jun-17	No	No	(p)
386	Email asking for call	OVP Counsel	Kobach	28-Jun-17	No	No	(c)
387	Email forwarding WH press release	OVP Counsel	Kobach, von Spakovsky	29-Jun-17	No	No	(c)
388	Email re: potential Commission staff	Kobach	Kossack, OVP Counsel	29-Jun-17	No	No	(i)
389	Email re: potential Commission staff	Kobach	Kossack, OVP Counsel	29-Jun-17	No	No	(i)
390	Email re: potential witness for future committee meeting	Kobach	Kossack, OVP Counsel	29-Jun-17	No	No	(f)

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391	Email re: discussing public responses to information requests	Kobach	Kossack, OVP Counsel	29-Jun-17	No	No	(i)
392	Email chain about draft statement from Kobach re: appointment of von Spakovsky	Kobach	Kossack, OVP Counsel	29-Jun-17	No	No	(c)
393	Email re: potential witness at future Commission meeting	Kobach	Kossack, OVP Counsel	29-Jun-17	No	No	(f)
394	Email re: news article about and responses to June 28 letter	Kobach	Kossack, OVP Counsel	29-Jun-17	No	No	(h)
395	Email forwarding WH press release	White House Press Office	Kobach	29-Jun-17	No	No	(c)
396	Email attaching talking points to print (one attachment)	Kobach	Kobach	30-Jun-17	No	No	(l)
397	Email chain forwarding Pew Study on Voter Registration	Kobach	OVP Counsel, Kossack	30-Jun-17	No	No	(h)
398	Email about von Spakovsky press availability	OVP Counsel	Kossack, Kobach, OVP Press	30-Jun-17	No	No	(j)
399	Email chain re: discussing potential responses to questions raised by June 28 letter	Kossack	Kobach, OVP Counsel	30-Jun-17	No	No	(j)
400	Email chain discussing press interview	Kobach	Kossack, OVP Counsel	30-Jun-17	No	No	(j)
401	Email re: talking points for media interviews	OVP Staff	Kobach	30-Jun-17	No	No	(c)
402	Email forwarding Letter to Vice President from Members of Congress	OVP Counsel	Kobach	30-Jun-17	No	No	(c)
403	Email re: media interviews	Kobach	OVP Counsel, OVP staff	30-Jun-17	No	No	(j)
404	Email forwarding Tweet	OVP Staff	Kobach (copying OVP Counsel)	30-Jun-17	No	No	(c)
405	Email forwarding talking points to print (two attachments)	Kobach	Kobach	30-Jun-17	No	No	(c)
406	Email forwarding link to news article	Kobach	Kossack, OVP Counsel, Commission staff	30-Jun-17	No	No	(h)
407	Email asking for call	OVP Counsel	Kobach	1-Jul-17	No	No	(c)
408	Email forwarding Luis Borunda's resignation email	OVP Counsel	Kobach	3-Jul-17	No	No	(c)
409	Email forwarding tweet	OVP Counsel	Kobach	3-Jul-17	No	No	(c)
410	Email chain re: article written by Kobach (incl. draft of article); follow-up email	Kobach	OVP Counsel, Kossack	7/3/2017, 7/4/2017	No	No	(j)

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411	Email chain sharing link to newspaper article discussing data collection	Kobach	Kossack, OVP Counsel, OVP Press	4-Jul-17	No	No	(j)
412	Email regarding logistics for a call	OVP Counsel	Kobach	4-Jul-17	No	No	(c)
413	Email chain re: discussing follow-up letter to information requests	Kobach	OVP Counsel, Kossack	5-Jul-17	No	No	(p)
414	Email chain re: responding to press inquiry	Kobach	Kossack, OVP Counsel, OVP Press	5-Jul-17	No	No	(j)
415	Email requesting confirmation of access to email	OVP Counsel	Kobach	5-Jul-17	No	No	(c)
416	Email re: draft media statement	OVP Staff	Kobach (copying OVP Counsel)	5-Jul-17	No	No	(j)
417	Email confirming wifi/email access	OVP	Kobach	5-Jul-17	No	No	(c)
418	Email exchange re: information about data availability	von Spakovsky	Kobach, Kossack, Adams	6-Jul-17	No	No	(f)
419	Email forwarding draft data collection follow-up letter for review	OVP Counsel	Kobach	6-Jul-17	No	No	(p)
420	Email forwarding draft follow up letter with comments	OVP Counsel	Kobach	6-Jul-17	No	No	(p)
421	Email about the availability of data from a third party	von Spakovsky	Kossack (copying Kobach)	6-Jul-17	No	No	(f)
422	Email re: follow-up letter to states (plus attachment)	Kossack, OVP counsel	Kobach	7/6/2017, 7/7/2017	No	No	(p)
423	Email chain re: follow-up letter to states	Kobach	Kossack, OVP Counsel	7-Jul-17	No	No	(p)
424	Email exchange with person who offered to assist the Commission	Member of the Public	Kobach	7-Jul-17	No	No	(w)
425	Email chain re: draft statements regarding potential outcome of July 7 court hearing	OVP Counsel	Kobach (copying OVP staff)	7-Jul-17	No	No	(j)
426	Email re: how to reach Kobach via telephone	Kobach	OVP Counsel, OVP staff	7-Jul-17	No	No	(c)
427	Email re: availability for call	OVP Counsel	Kobach	9-Jul-17	No	No	(c)
428	Email re: draft agenda for July 19 meeting	Kossack	Kobach	11-Jul-17	No	No	(p)
429	Email re: litigation summary	Kossack	Kobach	11-Jul-17	No	No	(v)
430	Email forwarding information about Colorado's Motor Voter law	Third party	Kobach	12-Jul-17	No	No	(m)
431	Email forwarding blank EFT form	Kossack	Kobach	13-Jul-17	No	No	(c)
432	Email re: edits to draft PACEI by-laws	Kobach	Kossack	17-Jul-17	No	No	(p)

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433	Email chain re: draft by-laws (including attachments)	Kossack	Kobach	7/17/2017 - 7/18/2017	No	No	(p)
434	Email re: draft of possible topics for Commission to address (plus attachment)	Kossack	Kobach	18-Jul-17	No	No	(p)
435	Email chain re: draft article written by Kobach	Kobach	OVP Counsel, OVP Press	18-Jul-17	No	No	(j)
436	Email forwarding link to news article	Reporter	Kobach, von Spakovsky	18-Jul-17	No	No	(j)
437	Email chain re: current status of state responses to data request	Kobach	Kossack, OVP Counsel, OVP Press	18-Jul-17	No	No	(f)
438	Email re: update on number of states providing data	Kobach	Kossack, OVP Counsel, OVP Comms	7/18/17 - 7/19/17	No	No	(c)
439	Email chain re: Kobach opening statement for July 2017 meeting	Kobach	OVP staff	7/18/17 - 7/19/17	No	No	(l)
440	Email re: Letter drafted by members of PA House of Representatives	Kobach	OVP Counsel, Press, Kossack	19-Jul-17	No	No	(o)
441	White House Press Release of Remarks by President and Vice President at July 19 meeting	White House Press Office	Kobach	19-Jul-17	No	No	(c)
442	Email commenting on media interview	OVP Counsel	Kobach	19-Jul-17	No	No	(c)
443	Email exchange about request for voter information and letter member sent to Governor regarding request	Member, Pennsylvania House of Representatives	Kobach	19-Jul-17	No	No	(w)
444	Email inquiring if Kobach is available for a possible call	Kossack	Kobach	20-Jul-17	No	No	(c)
445	Email chain re: availability for call with DHS	Kossack	Kobach	7/20/2017 - 7/24/2017	No	No	(q)
446	Email chain about press statement	OVP Counsel	Kobach, Kossack	24-Jul-17	No	No	(j)
447	Email re: draft follow up letter to states re: data collection (with attachment)	Kossack	Kobach	24-Jul-17	No	No	(p)
448	Email re: updated draft follow up letter to states re: data collection (with attachment)	Kossack	Kobach	24-Jul-17	No	No	(p)
449	Email exchange with reporter	Reporter	Kobach	7/24/17 - 7/25/17	No	No	(j)
450	Email re: communication with Plaintiff's counsel in PACEI-related litigation	Kobach	Kossack	25-Jul-17	No	No	(v)
451	Email re: updated follow-up letter to states re: data collection and litigation update	Kossack	Kobach	25-Jul-17	No	No	(p)

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452	Email chain regarding July 26th data collection follow-up letter (and draft attachments)	Kossack	Kobach, OVP Counsel, OVP staff	26-Jul-17	No	No	(p)
453	Email re: contact information	Kossack	Kobach	26-Jul-17	No	No	(c)
454	Email requesting telephone number for a scheduled telephone call	Kossack	Kobach	26-Jul-17	No	No	(c)
455	Email from Kobach's Secretary of State account to Kobach sending back attached letter from Kobach to states	Kobach	Kossack	27-Jul-17	No	No	(n)
456	Email chain re: September meeting date/location and Kansas matching program	Kobach	Kossack	27-Jul-17	No	No	(f)
457	Email re: photographs from July 19 meeting	Kossack	Kobach	27-Jul-17	No	No	personal
458	Email forwarding July 26, 2017, letter	Kossack	Kobach	27-Jul-17	No	No	(c)
459	Email chain re: possible themes/topics for future meetings (and attachment)	Kossack	Kobach	7/27/2017 - 7/28/2017	No	No	(p)
460	Email forwarding article	von Spakovsky	Kobach	28-Jul-17	No	No	(h)
461	Email re: speaker request for Kobach	Kossack	Kobach	1-Aug-17	No	No	(j)
462	Email re: letter from Dunlap about data collection	Kossack	Kobach	1-Aug-17	Yes	Yes	N/A (posted as Maine's response letter, see above)
463	Email re: press article on litigation	Kossack	Kobach	1-Aug-17	No	No	(h)
464	Email re: data collection process	Kobach	OVP Staff	2-Aug-17	No	No	(f)
465	Email re: plan for September meeting (and attachment)	Kossack	Kobach	3-Aug-17	No	No	(f)
466	Email about time to speak	OVP Counsel	Kobach, Williams	14-Aug-17	No	No	(c)
467	Email re: plan for September meeting (plus attachments related to potential speakers)	Kossack	Kobach	15-Aug-17	No	No	(f)
468	Email regarding availability for a telephone call	OVP Counsel	Kobach	16-Aug-17	No	No	(c)
469	Email re: draft announcement of September meeting	Kossack	Kobach	17-Aug-17	No	No	(p)
470	Email chain re: getting additional staff support for Commission	Kobach	OVP staff	20-Aug-17	No	No	(i)
471	Email chain re: getting additional staff support for Commission	Kobach	OVP Counsel, Kossack	22-Aug-17	No	No	(i)
472	Email chain re: phone call with Kobach, OVP, and DHS staff	Kossack	OVP/DHS staff and Kobach	22-Aug-17	No	No	(q)
473	Email chain re: data collection sources	Kobach	Kossack, OVP and EOP staff	22-Aug-17	No	No	(i)
474	Email re: press release about September meeting announcement	Kossack	Kobach & Gardner	24-Aug-17	No	No	(p)

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475	Email re: phone number for DHS call	Kossack	Kobach	24-Aug-17	No	No	(q)
476	Email chain forwarding a press release announcing Secretary of State Gardner will host September 12 meeting	Kossack	Kobach, OVP Counsel, Commission staff	24-Aug-17	No	No	(c)
477	Email forwarding draft letter re: meeting material deadline	Kossack	Kobach	29-Aug-17	No	No	(p)
478	Emails re: draft letter instructing Commissioners about meeting materials (and drafts)	Kossack	Kobach	8/29/2017 - 8/30/2017	No	No	(p)
479	Email forwarding draft statement for review	Kossack	Kobach	30-Aug-17	No	No	(p)
480	Email re: draft statement	OVP Counsel	Kobach	30-Aug-17	No	No	(p)
481	Email from OVP counsel forwarding proposed press statement re: August 30, 2017, Court order	OVP Counsel	Kobach	30-Aug-17	No	No	(j)
482	Email exchange regarding news article	Third party	Kobach	30-Aug-17	No	No	(m)
483	Email re: draft agenda for September meeting (and attachment)	Kossack	Kobach	31-Aug-17	No	No	(p)
484	Email chain re NH voting study	Kossack	Kobach	9/6/2017 - 9/7/2016	No	No	(f)
485	Email re: media availability	Kobach	OVP staff	7-Sep-17	No	No	(j)
486	Email attaching materials for the September 12 meeting	Adams	Kobach, Kossack, Commission Staff, OVP Counsel	7-Sep-17	No	No	(r)
487	Email forwarding August 16, 2017 letter from N.H. Speaker of the House to Secretary Gardner, and Secretary Gardner's September 6, 2017, response	Kossack	Kobach, OVP Counsel	7-Sep-17	No	No	(c)
488	Email forwarding news article	OVP Counsel	Kobach	7-Sep-17	No	No	(c)
489	Email forwarding 2016 NH election results	OVP Counsel	Kobach, copying Kossack	7-Sep-17	No	No	(c)
490	Email forwarding article	Kossack	Kobach (copying OVP Counsel)	7-Sep-17	No	No	(c)
491	Email re: press (and associated call scheduling emails)	Kossack	Kobach	9/7/2017 - 9/8/2017	No	No	(j)
492	Email chain re: scheduling a telephone call	Kossack	Kobach, copying OVP Counsel	8-Sep-17	No	No	(c)
493	Email chain re: response to media inquiry	OVP Staff	Kobach; Kobach staff	9/10/17 - 9/11/17	No	No	(j)

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494	Email forwarding summary of presentations and member submissions for September 12 meeting	Kossack	Kobach (copying OVP Counsel)	11-Sep-17	No	No	(c)
495	Email forwarding link to news article	Reporter	Kobach, von Spakovsky, Adams,	14-Sep-17	No	No	(j)
496	Email forwarding information about alleged voter fraud in New Hampshire	Member of the Public	Kobach, Blackwell, Adams, von Spakovsky	14-Sep-17	No	No	(m)
497	Email chain re: media inquiry	Reporter	Kobach, OVP Counsel	9/14/17 - 9/15/17	No	No	(j)
498	Media inquiry	Reporter	Kobach	15-Sep-17	No	No	(j)
499	Press inquiry	Reporter	Kobach, forwarded to OVP	15-Sep-17	No	No	(j)
500	Press inquiry	Reporter	Kobach	15-Sep-17	No	No	(j)
501	Email re: press inquiry [and chain]	Kobach	Kossack, OVP Counsel	18-Sep-17	No	No	(j)
502	Media inquiry	Reporter	Kobach	18-Sep-17	No	No	(j)
503	Email re: submission of litigation document collection material	Kossack	Kobach	21-Sep-17	No	No	(c)
504	Litigation-related material based on Kobach's status as a defendant; covered by attorney work product doctrine and/or attorney-client privilege				No	No	(e), (v)
505	Miscellaneous emails related to travel booking				No	No	(c)
506	Miscellaneous emails related to the submission of financial disclosure and government ethics forms; copies of government ethics forms				No	No	(c)
507	Handwritten notes made for or at Commission meetings				No	No	(k)
508	Text messages re: administrative topics like scheduling				No	No	(c)
509	<i>Materials of Commission Member Connie Lawson</i>						
510	Letter making public records request	Advocacy group	Indiana SoS	18-May-17	No	No	(n)
511	Letter acknowledging state records request	Indiana SoS	Advocacy group	19-May-17	No	No	(n)
512	Letter acknowledging records request	Indiana SoS	Advocacy group	22-May-17	No	No	(n)
513	June 28 Kobach letter, sent to Lawson in capacity as SoS	Kobach	Lawson	28-Jun-17	No	No	(n)
514	Email to Senate intelligence committee following June 21, 2017 testimony before Senate Intelligence Committee	Deputy Indiana SoS	Kossack	29-Jun-17	No	No	(n)

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515	Legal memorandum re: propriety of data collection letter	Advocacy group	Sent to Lawson by email	4-Jul-17	No	No	(m)
516	Copy of letter from advocacy group to OMB	Advocacy group	Sent to Lawson by email	5-Jul-17	No	No	(m)
517	Copy of Kossack July 10 email requesting states hold off from sending data pending resolution of EPIC TRO	Kossack	Lawson (as SoS)	10-Jul-17	No	No	(n)
518	Opening statement by Lawson for July 19 meeting (marked up)	Lawson	N/A	19-Jul-17	No	No	(l)
519	Email correspondence re: responding to reporter question	Indiana SoS	Kossack	2-Aug-17	No	No	(j)
520	Email correspondence about Hatch Act	Indiana SoS	Lawson	3-Aug-17	No	No	(m)
521	Letter responding to June 28 Kobach letter (narrative responses)	Lawson	Kobach	4-Aug-17	No	No	(n)
522	Letter responding to June 28 Kobach letter (request for data, including IEC-3 form for requesting information)	Indiana SoS GC	Kobach	4-Aug-17	No	No	(n)
523	Email acknowledging public records request and sharing responses	Indiana SoS	Reporter	23-Aug-17	No	No	(n)
524	Lawson statement to Interim Committee on Elections	Lawson	Indiana Interim Committee on Elections	30-Aug-17	No	No	(n)
525	Letter making public records request	Advocacy group	Indiana SoS	6-Sep-17	No	No	(n)
526	Email acknowledging public records request	Indiana SoS	constituent	7-Sep-17	No	No	(n)
527	Email acknowledging public records request	Indiana SoS	Advocacy group	7-Sep-17	No	No	(n)
528	Public comments received through Indiana SoS website re: Commission	Members of the Public	Lawson	6/28/17 - late July 2017	No	No	(o)
529	Miscellaneous emails related to travel booking				No	No	(c)
530	Miscellaneous emails related to the submission of financial disclosure and government ethics forms; copies of government ethics forms				No	No	(c)
531	<i>Materials of Former Commission Member Luis Borunda</i>						
532	Follow-up emails re: appointment	Borunda	OVP Staff	5/30/2017; 6/12/2017	No	No	(c)
533	Email re: time to speak	OVP Counsel	Borunda	6/12/2017; 6/19/2017	No	No	(c)
534	Email with background information about role of Secretary of state in elections	Borunda	OVP Counsel	26-Jun-17	No	No	(h)
535	Resignation email	Borunda	OVP Counsel	3-Jul-17	No	No	(c)
536	Email re: setting up time to talk after resignation	OVP Counsel	Borunda	3-Jul-17	No	No	(c)
537	Emails with personnel forms	Borunda	OVP Staff	Misc	No	No	(c)

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538	<i>Materials of Commission Member Christy McCormick</i>						
	Email forwarding White House Press Release Announcing						
539	Commission	OVP Counsel	McCormick	11-May-17	No	No	(c)
540	Email forwarding talking points	McCormick	unknown	11-May-17	No	No	(j)
541	Email exchange re: Chicago Board of Election	DOJ official	McCormick	15-May-17	No	No	(m)
	Email providing name and contact information for possible						
542	Commission staff	McCormick	OVP Counsel	23-Jun-17	No	No	(i)
	Email exchange discussing potential sources of information and						
543	topics the Commission should consider studying	McCormick	Kossack	26-Jun-17	No	No	(f)
544	Email exchange discussing voting issue with attachment	DOJ official	McCormick	7/5/17 - 7/6/17	No	No	(m)
	NASS Resolution Reaffirming Commitment to Strengthening						
545	Elections	National Association of Secretaries of State	NASS Members	10-Jul-17	No	No	(m)
546	Email forwarding link to news article	McCormick	Kossack	13-Jul-17	No	No	(h)
547	handwritten notes taken on July 19 meeting handout	McCormick	McCormick	19-Jul-17	No	No	(k)
	Handwritten notes prepared for introductory remarks at July 19						
548	meeting	McCormick	McCormick	19-Jul-17	No	No	(l)
	Email exchange about media appearance						
549		Blackwell	McCormick and producer	7/20/17 - 7/21/17	No	No	(j)
	Email exchange discussing possible staff support for Commission						
550		McCormick	Kossack	21-Jul-17	No	No	(i)
551	Email attaching resolutions from NASS meeting	McCormick	Kossack	24-Jul-17	No	No	(h)
	Email requesting Commission's general email address and						
552	discussing invitation to speak at a meeting.	McCormick	Kossack	26-Jul-17	No	No	(c)
	Email suggesting locations for future Commission meetings.						
553		McCormick	Kossack and OVP Counsel	26-Jul-17	No	No	(c)
	Email forwarding names of a potential staff person for the						
554	Commission	McCormick	Kossack	30-Jul-17	No	No	(i)
555	Letter to Kobach from potential staff person	Potential staff	Kobach	15-Aug-17	No	No	(w)
556	Email attaching resume, letter, and sample analysis	Potential staff	McCormick	15-Aug-17	No	No	(w)
557	Sample analysis	Potential staff	McCormick	15-Aug-17	No	No	(w)
558	Potential staff resume	Potential staff	McCormick	15-Aug-17	No	No	(w)
559	Email attaching resume, letter, and sample analysis	Potential staff	McCormick	16-Aug-17	No	No	(w)
560	Email exchange regarding availability for call/meeting	Potential staff	McCormick	16-Aug-17	No	No	(w)
561	Email requesting call	McCormick	Kobach	18-Aug-17	No	No	(c)
	Email forwarding potential staff person's resume, letter, and						
562	sample analysis	McCormick	Kobach	19-Aug-17	No	No	(i)
563	Prepared Remarks to Election Center discussing Commission	McCormick	Election Center	21-Aug-17	No	No	(j)

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564	E-mail forwarding link to news article	DOJ official	McCormick	5-Sep-17	No	No	(m)
565	Email exchange discussing Chicago voting issue	Third party	McCormick, DOJ official	9/6/27, 9/11/17	No	No	(m)
566	Email exchange regarding certificate left at September 12 meeting	McCormick	Kossack	12-Sep-17	No	No	personal
567	Handwritten notes taken at September 12 meeting	McCormick	McCormick	12-Sep-17	No	No	(k)
568	Email exchange discussing completion of records search	Kossack	McCormick	9/19/17 - 9/20/17	No	No	(c)
569	NASS Resolution Calling for Federal Agency Assistance in Maintaining Accurate and Comprehensive State Voter Registration Lists	NASS	Secretaries of State; McCormick	Adopted Summer 2012; Reauthorized Summer 2017	No	No	(m)
570	Correspondence sent to McCormick at EAC from members of the public	Members of the Public	McCormick	5/2017 - 9/2017	No	No	(n)
571	Handwritten notes on Election Administration & Voting Survey	McCormick	McCormick	undated	No	No	(m)
572	Prepared Remarks discussing Commission	McCormick	unknown	unknown	No	No	(j)
573	Mail from Various Senders	Members of the Public	McCormick	various dates	No	No	(o)
574	Miscellaneous emails related to travel booking				No	No	(c)
575	Miscellaneous emails related to the submission of financial disclosure and government ethics forms; copies of government ethics forms				No	No	(c)
576	<i>Materials of Commission Member Hons von Spakovsky</i>						
577	Email re: introductory call	von Spakovsky	Kossack	13-Jun-17	No	No	(c)
578	Email chain about potential Commission members	von Spakovsky	Kobach, von Spakovsky, Adams, OVP Counsel, Kossack	6/14/17 - 6/15/17; 6/28/17	No	No	(g)
579	Email exchange re: scheduling a meeting	Kossack	von Spakovsky	28-Jun-17	No	No	(c)
580	Email forwarding link to best practices booklet on accurate voter roles	von Spakovsky	Kossack	29-Jun-17	No	No	(h)
581	Email forwarding link to 2005 GAO report on voter registration lists	von Spakovsky	Kossack	29-Jun-17	No	No	(h)
582	Email forwarding news article	von Spakovsky	Kossack	29-Jun-17	No	No	(h)
583	Email exchange re: press availability	von Spakovsky	Kossach	6/30/17, 7/6/17	No	No	(j)

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1	Email exchange discussing media interviews and forwarding June 28 letter to the Iowa Secretary of State	von Spakovsky	Kossack	30-Jun-17	No	No	(j)
584	Email containing statutory citations	von Spakovsky	Kossack	30-Jun-17	No	No	(h)
585	Email forwarding email from third party offering to work with the Commission	von Spakovsky	Kossack	5-Jul-17	No	No	(i)
586	Email forwarding link to article and discussing upcoming interview	von Spakovsky	Kossack, Adams	6-Jul-17	No	No	(j)
587	Email exchange regarding call received about data availability	von Spakovsky	Kossack, Kobach	6-Jul-17	No	No	(i)
588	Email forwarding July 8, 2017 email about data availability	von Spakovsky	Commission Staff	10-Jul-17	No	No	(i)
589	Email exchange regarding von Spakovsky interview	von Spakovsky	Kossack	10-Jul-17	No	No	(j)
590	Email exchange confirming von Spakovsky's title and discussing recent interviews	Kossack	von Spakovsky	11-Jul-17	No	No	(c)
591	Email exchange regarding request for guests to attend July 19 meeting	von Spakovsky	Kossack	17-Jul-17	No	No	(c)
592	Typed remarks with handwritten notations for July 19 meeting	von Spakovsky	von Spakovsky	19-Jul-17	No	No	(l)
593	Email re update on von Spakovsky interview	von Spakovsky	Kossack	23-Jul-17	No	No	(j)
594	Email forwarding link to von Spakovsky interview	von Spakovsky	Commission Staff	25-Jul-17	No	No	(h)
595	Email exchange regarding von Spakovsky's recommendation of an expert	von Spakovsky	Kossack	28-Jul-17	No	No	(i)
596	Email forwarding op-ed	von Spakovsky	Commission Staff	3-Aug-17	No	No	(h)
597	Email forwarding media inquiry	OVP Counsel	von Spakovsky, Adams, Kossack	14-Aug-17	No	No	(j)
598	Email exchange regarding scheduling call	Commission Staff	von Spakovsky	21-Aug-17	No	No	(c)
599	Email forwarding link to news article	von Spakovsky	Kossack	27-Aug-17	No	No	(h)
600	Email exchange about forwarding the materials for Sept. 12, 2017	Kossack	von Spakovsky	8-Sep-17	No	No	(r)
601	Cover email attaching power point presentation for Sept. 12 meeting	von Spakovsky	Commission Staff	8-Sep-17	No	No	(r)
602	Email exchange regarding request for guests to attend September 12 meeting	von Spakovsky	Kossack	11-Sep-17	No	No	(c)
603	Correspondence from members of the public	Members of the Public	von Spakovsky	various dates between 7/2017-9/2017	No	No	(o)
604							

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605	Miscellaneous mails related to travel booking				No	No	(c)
606	Miscellaneous emails related to the submission of financial disclosure and government ethics forms; copies of government ethics forms				No	No	(c)
607	<i>Materials of Commission Member Mark Rhodes</i>						
608	Email follow-up from news reporter	Reporter	Rhodes	22-Jun-17	No	No	(j)
609	Email request for interview by reporter	Reporter	Rhodes	22-Jun-17	No	No	(j)
610	Email from WV SoS Office about appointment to PACEI (and drafts)	WV SoS	Rhodes	22-Jun-17	No	No	(n)
611	Email request for interview	Reporter	Rhodes	2-Jul-17	No	No	(j)
612	Email chain re request for interview	Producer	Rhodes	3-Jul-17	No	No	(j)
613	Lists of cancelled Wood County voters and related emails discussing data (in response to public records request about List Maintenance policies)	Third-party requestor	Rhodes	7/11/17 - 7/28/17	No	No	(n)
614	Email request for interview	Reporter	Rhodes	17-Jul-17	No	No	(j)
615	Email request for interview	Producer	Rhodes	19-Jul-17	No	No	(j)
616	Email request for interview (and chain)	Producer	Rhodes	19-Jul-17	No	No	(j)
617	Email request for interview	Reporter	Rhodes	19-Jul-17	No	No	(j)
618	Email request for interview	Reporter	Rhodes	19-Jul-17	No	No	(j)
619	Email from NASS to members; forwarded on to Rhodes, including election-related news and disclosures (and attachments)	WV Secretary of State	Rhodes	22-Jul-17	No	No	(n)
620	Email forwarding editorial	WV Secretary of State employee	Rhodes	22-Jul-17	No	No	(n)
621	Email request for meeting with advocacy organization (and follow-up)	Advocacy organization	Rhodes	26-Jul-17	No	No	(j)
622	Email correspondence about voting machines	Third party	Rhodes	10-Aug-17	No	No	(m)
623	Email request for interview	Reporter	Rhodes	23-Aug-17	No	No	(j)
624	Email request for interview	Reporter	Rhodes	25-Aug-17	No	No	(j)
625	Email chain responding to State FOIA request for documents (and copy of redacted documents)	Rhodes	reporter	28-Aug-17	No	No	(n)
626	Email request for interview	Reporter	Rhodes	13-Sep-17	No	No	(j)
627	Email sharing link to Sept. 12 meeting and an attached request from DOJ re document collection	Kossack	Rhodes	13-Sep-17	No	No	(c)
628	Materials from members of the public	Members of the public	Rhodes	various dates	No	No	(o)
629	Miscellaneous emails related to travel booking				No	No	(c)

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630	Miscellaneous emails related to the submission of financial disclosure and government ethics forms; copies of government ethics forms				No	No	(c)
631	<i>Materials sent to or from September 12 meeting panelists</i>						
632	Email about scheduling time to speak	Kossack	Palmer	3-Aug-17	No	No	(r)
633	Email about logistics for visit to EEOB	Kossack	Palmer	8/7/2017 - 8/8/2017; 8/10/2017	No	No	(r)
634	Email re: GAI report and request to set up time for discussion	OVP Counsel	Block	8/11/17 - 8/13/17; 8/15/17	No	No	(r)
635	Email re: recommendations for topics to present during September 12 meeting	Williams	Popper	16-Aug-17	No	No	(r)
636	Email about unpublished study (study was not shared with Commission)	Williams	Popper	8/16/17 - 8/17/17	No	No	(r)
637	Email sharing contact information of a data analysis expert	Palmer	Kossack	17-Aug-17	No	No	(i)
638	Emails re: coordinating publication of Popper's participation in panel	Judicial Watch Public Affairs	Williams, OVP Staff	8/17/17 - 8/18/17; 9/5/17 - 9/8/17	No	No	(r)
639	Email with contact information	Kossack	Lott, Kossack	22-Aug-17	No	No	(r)
640	Email about meeting participation	Kossack	Lott	22-Aug-17	No	No	(r)
641	Email re: potential participation in meeting	Kossack	Rivest	23-Aug-17	No	No	(r)
642	Introductory email chain seeking to discuss participation in Commission meeting; referral from Secretary Gardner	Kossack	Appel	23-Aug-17	No	No	(r)
643	Email about timing for panel	Lott	Kossack	30-Aug-17	No	No	(r)
644	Email about reimbursement form	Kossack	Palmer	8/30/2017 - 8/31/2017	No	No	(r)
645	Email re: time to speak about September 12 meeting	Kossack	Rivest	1-Sep-17	No	No	(r)
646	Email re: contact information	Kossack	Smith	1-Sep-17	No	No	(r)
647	Email about potential meeting participation and time for discussion	Kossack	Hursti	9/1/2017; 9/5/2017	No	No	(r)
648	Email sharing copy of public testimony (for release); requesting additional information on agenda	Appel	Kossack	9/4/2017, 9/6/2017	No	No	(r)
649	Email re: reimbursements	Kossack	Hursti	5-Sep-17	No	No	(r)
650	Email re: meeting travel bookings	Kossack	Lott	5-Sep-17	No	No	(r)
651	Email re: meeting agenda and time to submit presentation materials	Kossack	Rivest	5-Sep-17	No	No	(r)
652	Email re: panel name and participants	Kossack	Hursti	6-Sep-17	No	No	(r)

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653	Email about preferred presenter title	Palmer	Kossack	6-Sep-17	No	No	(r)
654	Email with contact information	Kossack	Block	7-Sep-17	No	No	(r)
655	Email with presentation and question re: logistics	Block	Kossack	7-Sep-17	No	No	(r)
656	Email re: posting report to webpage	Kossack	Block	7-Sep-17	No	No	(r)
657	Cover email sending rough draft of presentation (final version is posted) and copy of research paper to be discussed at meeting (paper is posted)	Lott	Kossack	7-Sep-17	No	No	(r)
658	Email re: draft meeting presentation, including link to newspaper article	Lott	Kossack	9/7/2017, 9/8/17	No	No	(r)
659	Email re: physical format of panel & presentation materials	Rivest	Kossack	9/7/2017, 9/9/2017	No	No	(r)
660	Email sharing presenter materials for Sept. 12 meeting (and follow-up with link to public website posting)	Kossack	Panelists	8-Sep-17	No	No	(r)
661	Email with Popper's attached written statement (plus additional draft with non-text changes)	Popper	Williams, Kossack	8-Sep-17	No	No	(r)
662	Emails re: event timing	Judicial Watch Public Affairs	Lotter, Kossack	8-Sep-17	No	No	(r)
663	Email re: draft slides	Hursti assistant	Kossack	8-Sep-17	No	No	(r)
664	Email re: providing copy of slides (and follow-up email)	Smith	Kossack	8-Sep-17	No	No	(r)
665	Email about logistics for September 12 meeting	Kossack	Panelists	11-Sep-17	No	No	(r)
666	Email about meeting logistics	Hursti	Kossack	11-Sep-17	No	No	(r)
667	Email with changes to presentation	Block	Kossack	11-Sep-17	No	No	(r)
668	Email re: fixing typo in presentation	Lott	Kossack	11-Sep-17	No	No	(r)
669	Email re: presentation time	Rivest	Williams/Kossack	11-Sep-17	No	No	(r)
670	Email re: bringing copy of presentation	Smith	Kossack	11-Sep-17	No	No	(r)
671	Press release about Popper participation in PACEI	Judicial Watch Public Affairs	Forwarded to Kossack, VP Press, VP Counsel	11-Sep-17	No	No	(r)
672	Emails re: meeting logistics	Kossack	Lott, Kossack	9/11/2017; 9/12/2017	No	No	(r)
673	Email re: link to September 12 video	Lott	Kossack	12-Sep-17	No	No	(r)
674	Email re: fixing a typo in slides	Rivest	Kossack	12-Sep-17	No	No	(r)
675	Email re: reimbursement	Appel	Kossack	17-Sep-17	No	No	(r)
676	Email re: lunch plans and reimbursements	Kossack	Lott	19-Sep-17	No	No	(r)
677	Email re: reimbursement	Lott	GSA (copying Kossack)	20-Sep-17	No	No	(r)

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678	Email including article about Lott	Lott	Kossack	22-Sep-17	No	No	(r)
679	Email re: posting of Sept. 12 video	Rivest	Kossack	23-Sep-17	No	No	(r)
680	<i>Communications between Commission/OVP Staff and Other Government Entities</i>						
681	Email chain from DHS requesting information about the scope of the Commission's work	DHS	OVP Counsel	12-May-17	No	No	(x)
682	Email chain re: scheduling a telephone call	DHS	OVP Counsel	05/15/2017, 05/16/2017	No	No	(q)
683	Email chain with GSA about initial steps required to establish a commission	GSA staff	OVP Counsel	30-May-17	No	No	(s)
684	Email chain about Commission by-laws	Kossack	GSA staff	6-Jun-17	No	No	(s)
685	Email chain about IT issues	Kossack	GSA staff	6/7/17, 6/8/17	No	No	(s)
686	Email exchange with GSA about personnel paperwork	Kossack	GSA staff	13-Jun-17	No	No	(s)
687	Email about setting up time to speak	Kossack	DOJ official	15-Jun-17	No	No	(q)
688	Email chain about Charter review	Kossack	GSA staff	6/15/2017, 6/19/17	No	No	(s)
689	Email about setting up time to talk about Commission	Counsel to OVP	DHS, Kossack	6/19/2017, 6/20/2017	No	No	(q)
690	Email about websites that can accept public comments	Kossack	GSA staff	20-Jun-17	No	No	(s)
691	Email about Kossack's appointment as Designated Federal Officer	GSA staff	Kossack	6/20/2017, 6/26/2017	No	No	(s)
692	Email about role of Designated Federal Officer	GSA staff	Kossack	21-Jun-17	No	No	(s)
693	Planner for a call with DHS personnel	Kossack	DHS personnel, OVP staff, Kobach	21-Jun-17	No	No	(q)
694	Email chain re: Budget	GSA staff, OMB	OVP, Kossack	6/22/2017; 6/23/2017	No	No	(s)
695	Email chain about 15-day publication requirement and ethics and FACA training	GSA staff	Kossack	26-Jun-17	No	No	(s)
696	Email re: member names and logistics (i.e., swearing in) [and chain]	Kossack	GSA staff	6/26/17 - 7/7/17	No	No	(s)
697	Email chain about draft SGE appointment letters	Kossack	GSA staff	6/26/2017, 6/27/2017	No	No	(s)
698	Email chain about FACA and ethics briefing	GSA staff	Kossack	27-Jun-17	No	No	(s)
699	Email chain re: room reservation	Kossack	GSA staff	27-Jun-17	No	No	(s)
700	Email re: meeting notices and SF 50 forms	Kossack	GSA staff	28-Jun-17	No	No	(s)
701	Follow up scheduling email with DHS personnel	Kossack	DHS staff	28-Jun-17	No	No	(q)

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702	Email re: publication of meeting notice	Kossack	GSA staff	6/30/2017, 7/3/2017	No	No	(s)
703	Follow-up email re: getting response	DHS Official	Kossack	1-Jul-17	No	No	(q)
704	Email re: meeting publication notices	GSA	Kossack, OVP staff, OVP counsel, EOP	6-Jul-17	No	No	(s)
705	Email about potential future coordination/overlap between entities	DHS	OVP staff, OVP counsel, Kossack	6-Jul-17	No	No	(x)
706	Email re: setting up time to talk	DHS Official	OVP Counsel, Kossack	6-Jul-17	No	No	(q)
707	Email discussion re: FACA briefing	GSA	Kossack	7/6/2017, 7/7/2017	No	No	(s)
708	Email re: travel	Kossack	GSA Staff	7-Jul-17	No	No	(s)
709	Email discussion re: travel requests	GSA	Kossack	7-Jul-17	No	No	(s)
710	Email discussion re: interagency agreement (mainly for travel)	GSA	OA	7/7/2017, 7/10/2017, 7/12/2017, 7/13/2017	No	No	(s)
711	Email discussion about time for meeting	OVP Counsel	DHS Official	8-Jul-17	No	No	(q)
712	Email discussion about data submission	Kossack	Arkansas SoS Office	10-Jul-17	No	No	(u)
713	Communication about data request	PA House State Government Staffer	Kossack, forwarded from Kobach	10-Jul-17	No	No	(u)
714	Email chain re: press guidance	Chief of Public Affairs, U.S. Army Cyber Command	OVP, DWHIT, DOD	7/10/17 - 7/11/17	No	No	(t)
715	Email re swearing in	Kossack	GSA staff	11-Jul-17	No	No	(s)
716	Email re: Electronic Funds Transfer (ETF) form	Kossack	GSA staff	11-Jul-17	No	No	(s)
717	Email re: EFT form for members	GSA	Kossack	11-Jul-17	No	No	(s)
718	Email chain starting with talking points relating to SAFE site and litigation	DOD	EOP Staff	11-Jul-17	No	No	(t)
719	Email re: draft FACA presentation and plan for July 19 meeting	GSA	Kossack	7/11/2017, 7/16/2017, 7/17/2017	No	No	(s)
720	Email re: travel	Kossack	GSA staff	12-Jul-17	No	No	(s)
721	Email re: transcriptionist	Kossack	GSA staff	12-Jul-17	No	No	(s)
722	Email chain regarding: EFT forms	Kossack	GSA staff	12-Jul-17	No	No	(s)

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723	Email re: collection of Arkansas data in SAFE site	DOD & IT	Kossack, OVP counsel	12-Jul-17	No	No	(t)
724	Email about an MOU among states participating in voter registration data comparison program	Indiana state official	Kossack	12-Jul-17	No	No	(u)
725	Email re: swearing in	Kossack	GSA staff	13-Jul-17	No	No	(s)
726	Email chain regarding: member preauthorization for travel	Kossack	GSA staff	13-Jul-17	No	No	(s)
727	Email about new FACA contact	GSA Staff	Kossack	13-Jul-17	No	No	(s)
728	Email re: membership list	Kossack	GSA staff	17-Jul-17	No	No	(s)
729	Communication about employees attending July 19 FACA training	GSA staff	Kossack	17-Jul-17	No	No	(s)
730	Communication about slide deck for July 19 FACA presentation	GSA staff	Kossack	18-Jul-17	No	No	(s)
731	Email re: presentation on FACA operations	GSA staff	Kossack, EOP	18-Jul-17	No	No	(s)
732	Follow-up regarding FACA next steps	GSA Staff	Kossack	19-Jul-17	No	No	(s)
733	Email discussion re: posting/making documents available	Kossack	GSA staff	20-Jul-17	No	No	(s)
734	Communication about uploading comments to regulations.gov	GSA staff	Kossack	25-Jul-17	No	No	(s)
735	Scheduling call	Kossack	DHS Official OVP staff, OVP counsel	25-Jul-17	No	No	(q)
736	Communication about Hatch Act	GSA	Kossack	27-Jul-17	No	No	(s)
737	Communication about panelist reimbursement	Kossack	GSA staff	1-Aug-17	No	No	(s)
738	Email chain and planner setting a time for call [related to litigation]	Kossack	DHS Official and Staff, DOJ	1-Aug-17	No	No	(q)
739	Call about litigation	Kossack	DHS	1-Aug-17	No	No	(q)
740	Communication about updating FACA database (https://www.facadatabase.gov/)	GSA staff	Kossack	2-Aug-17	No	No	(s)
741	Email chain and planner setting a time for call [related to litigation]	DHS Official	Kossack, DHS, DOJ	2-Aug-17	No	No	(q)
742	Email chain and planner setting a time for call [related to litigation]	Kossack	DHS Official	3-Aug-17	No	No	(q)
743	Email chain re: disclosability of state-provided data	AZ Secretary of State's Office	Kossack	9-Aug-17	No	No	(x)
744	Email chain and planner setting a time for call	Kossack	DHS Official, OVP	8/15/17 - 8/16/17	No	No	(q)
745	Communication about Federal Register notice for Sept. 12 meeting	GSA	Kossack	17-Aug-17	No	No	(s)

	Document(s)/Category Description	Document Originator (if applicable)	Document Recipient(s) (if applicable)	Date Document Created and/or Shared (if applicable)	Commission Views as Subject to 10(b)?	Has Document Been Currently Disclosed?	Rational for non-disclosure (see 3d Kossack Decl. ¶ 12)
1	Communication regarding process for procurement of third-party vendors	GSA	Kossack	17-Aug-17	No	No	(s)
746	Email contact with SSA re: SSA data	SSA Official	Kossack	17-Aug-17	No	No	(x)
747	Email re: collecting data from non-state entities (chain)	Kossack	DOJ	22-Aug-17	No	No	(v)
748	Email chain and planner about setting up a time to speak	Kossack	DHS Official, Kobach, OVP	8/22/2017, 8/24/2017	No	No	(q)
749	Email about setting-up meeting	DHS	Kobach	24-Aug-17	No	No	(q)
750	Email re: presentations for 9/12 meeting and member updates in FACA database (https://www.facadatabase.gov/)	GSA	Kossack	5-Sep-17	No	No	(s)
751	Email from NARA about PRA	NARA	OVP Counsel, NARA staff	18-Sep-17	No	No	(s)
752	Staff discussions with individual states about the mechanics of transferring data	Commission Staff	State Election Officials	7/26/2017 - date of log	No	No	(u)
753	<u>Categories of Materials</u> ("internal" refers to communications among Commisison staff, OVP staff, and/or EOP staff):						
754	Internal discussions about media requests & media strategy				No	No	(e)
755	Internal communications re: data collection process				No	No	(t)
756	Internal emails re: potential staff support person				No	No	(e)
757	Internal discussions and documents re: potential Commission members				No	No	(e)
758	Internal discussion and documents re: potential panelists				No	No	(e), (r)
759	Internal research on critical infrastructure designation for election systems				No	No	(e)
760	Internal briefing memos about Commission activities				No	No	(e)
761	Internal discussions about meeting logistics				No	No	(d)
762	Internal discussions about letterhead design				No	No	(d)
763	Internal discussions about June 28 call				No	No	(e)
764	Internal discussion about OVP meetings with third-parties about Commission assitance				No	No	(e)
765	Internal discussions about disclosure forms and Hatch Act requirements				No	No	(d)
766	Email discussions with or about DFO on President's Commission on Drug Addiction and Opioid Crisis about managing a committee				No	No	(q)
767	Internal discussions re: response to June 28 letter and Borunda resignation				No	No	(e)
768	Internal discussions about responding to inquiries from public officials				No	No	(d)
769							

	Document(s)/Category Description	Document Originator (if applicable)	Document Recipient(s) (if applicable)	Date Document Created and/or Shared (if applicable)	Commission Views as Subject to 10(b)?	Has Document Been Currently Disclosed?	Rational for non-disclosure (see 3d Kossack Decl. ¶ 12)
770	Internal discussions of July 19 meeting (agenda, remarks)				No	No	(e)
771	Internal discussions re vendors/consultants (emails, documents)				No	No	(e)
772	Internal discussions about posting public comments				No	No	(d)
773	Internal discussions about website and email technical issues				No	No	(t)
774	Commission staff research or suggesting ideas relating to substance of Commission's work				No	No	(e)
775	Commission staff discussion about potential topics for Commission review				No	No	(e)
776	Internal discussions over press releases after litigation events				No	No	(e)
777	Internal emails re: records management				No	No	(e)
778	Litigation documents and emails (e.g., service copies, final versions, drafts, comments on drafts, discussion of legal strategy, updates, etc.) (internal and with DOJ)				No	No	(v)
779	Internal discussions about budget and finance issues				No	No	(e)
780	Internal discussions about subjects for potential Commission report				No	No	(e)
781	Internal emails re: discussing next steps for Commission				No	No	(e)
782	Internal discussion about responding to records requests (FACA, FOIA)				No	No	(e)
783	Email discussion re: interagency agreement between OVP and GSA	OVP	OA	7/7/2017, 7/10/2017, 7/12/2017	No	No	(s)
784	Internal emails discussing draft DOD talking points re: SAFE site and suggesting changes	EOP staff	EOP Staff	11-Jul-17	No	No	(e)
785	Legal research conducted by staff/internal legal consultation (documents and emails)				No	No	(e)
786	Copies of June 28 letter; list of state election officials; list of research from states				No	No	(e)
787	Internal discussions about draft Commission documents				No	No	(e)
788	Commission member appointment documents (e.g., physical commission)				No	No	(d)
789	Copies of bylaws and Roberts Rules of Order				No	No	(d)
790	Hardcopies of GSA ethics rules and materials.				No	No	(d)
791	Miscellaneous communications with third parties						

	Document(s)/Category Description	Document Originator (if applicable)	Document Recipient(s) (if applicable)	Date Document Created and/or Shared (if applicable)	Commission Views as Subject to 10(b)?	Has Document Been Currently Disclosed?	Rational for non-disclosure (see 3d Kossack Decl. ¶ 12)
792	Email to States requesting they hold off on submitting data pending resolution of <i>EPIC</i> TRO	Kossack	State Election Officials	10-Jul-17	No	No	(u)
793	Unsolicited requests from third-parties to Commission staff to join the Commission				No	No	(w)
794	Emails and proposals with/from third-party data analysis entities				No	No	(w)
795	Emails from third parties to Commission staff about potential collaboration				No	No	(w)
796	Third party provided list of suggested witnesses				No	No	(w)
797	FOIA/FACA request for documents				No	No	(j)
798	Emails with potential panelist about participation (and declines)				No	No	(r)
799	Emails from third parties about data sources				No	No	(i)
800	Materials forwarded to Commission staff by NASS				No	No	(j)
801	Constituent letters to Vice President or Commission members				No	No	(o)
802	GSA/OVP Reimbursement Funding documents regarding PACEI operations (Form FMS-7600A, Department of Treasury Financial Management Service)				No	No	(d)
803	Unsolicited emails by individuals alleging voter fraud				No	No	(w)
804	Discussions with third party vendor about procuring and operating livestream of Sept. 12 meeting				No	No	(y)
805	Emails between Commission staff and states about mechanics of data sources				No	No	(u)
806	Press inquiries to Commission staff				No	No	(j)
807	Discussions with staff at September 12 meeting event site about logistics (i.e., including individuals on wait lists)				No	No	(y)

Exhibit K



**Homeland
Security**

Privacy Office, Mail Stop 0655

November 6, 2017

SENT VIA E-MAIL TO: erosenberg@lawyerscommittee.org

Ezra Rosenberg
Lawyers' Committee for Civil Rights under Law
1401 New York Avenue NW
Washington, DC

Re: **2018-HQFO-00143**

Dear Mr. Rosenberg:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated October 24, 2017, and seeking 1) All records containing, reflecting, documenting, summarizing, or otherwise relating to the communications identified in the Vaughn-type index (Ex. A hereto) entry Nos. 365, 383, 384, 445, 447, 472, 475, 681, 682, 689, 693, 701, 703, 705, 706, 711, 735, 738, 739, 741, 742, 744, and 749; 2) Any other records containing, reflecting, documenting, summarizing, or otherwise relating to communications since January 20, 2017, between any employee of your agency and any of the following individuals: a. Kris Kobach, including but not limited to emails that include the email addresses kkobach@gmail.com and kris@kriskobach.com b. Connie Lawson, including but not limited to emails that include the email address connie@lawsonandco.com c. Bill Gardner, including but not limited to emails that include the email address chipkate@aol.com d. Matthew Dunlap, including but not limited to emails that include the email address mattdunlap47@gmail.com e. J. Kenneth Blackwell, including but not limited to emails that include the email address kennethblackwell693@gmail.com f. Hans von Spakovsky, including but not limited to emails that include the email address Hans.VonSpakovsky@heritage.org g. Christy McCormick, including but not limited to emails that include the email address cacm@aol.com h. David Dunn, including but not limited to emails that include the email address david@capitolpartnersar.com i. Mark Rhodes, including but not limited to emails that include the email address mrhodes@woodcountywv.com j. Alan King, including but not limited to emails that include the email address aking2322@gmail.com k. J. Christian Adams, including but not limited to emails that include the email address adams@electionlawcenter.com l. Andrew Kossack m. Mark Paoletta n. Matthew Morgan o. Ronald Williams p. Deniz Baykin q. Any other Commission staff members; and 3) Any other records of your agency, including but not limited to internal communications, communications with other federal agencies, and communications with third parties, that reference the individuals in request; (2) or the Commission itself by name. Your request was received in this office on October 25, 2017.

After careful review of your FOIA request, we determined that your request is too broad in scope or did not specifically identify the records which you are seeking. Records must be described in reasonably sufficient detail to enable government employees who are familiar with the subject area to locate records without placing an unreasonable burden upon the agency. For this reason, 6 C.F.R. Part 5 §5.3(b) of the DHS FOIA regulations require that you describe the records you are seeking with as much information as possible to ensure that our search can locate them with a reasonable amount of effort. Whenever possible, a request should include specific information about each record sought, such as the date, title or name, author, recipients, and subject matter of the records, if known, or the DHS component or office you believe created and/or controls the record. The FOIA does not require an agency to create new records, answer questions posed by requesters, or attempt to interpret a request that does not identify specific records.

You are seeking email communications but you are not clear which DHS emails you would like to be searched. Please identify the DHS email accounts you would like us to search.

Please resubmit your request containing a reasonable description of the records you are seeking. This is not a denial of your request. Upon receipt of a perfected request, you will be advised as to the status of your request. If we do not hear from you within 30 days from the date of this letter, we will assume you are no longer interested in this FOIA request, and the case will be administratively closed.

Your request has been assigned reference number **2018-HQFO-00143**. Please refer to this identifier in any future correspondence. The status of your FOIA request is now available online and can be accessed at: <https://www.dhs.gov/foia-status>, by using this FOIA request number. Status information is updated daily. Alternatively, you can download the DHS eFOIA Mobile App, the free app is available for all Apple and Android devices. With the DHS eFOIA Mobile App, you can submit FOIA requests or check the status of requests, access all of the content on the FOIA website, and receive updates anyplace, anytime.

If you have any questions, or would like to discuss this matter, please feel free to contact this office at 1-866-431-0486 or at 202-343-1743.

Sincerely,

/s/

LaEbony Livingston
FOIA Program Specialist

Exhibit L



**Homeland
Security**

Privacy Office, Mail Stop 0655

December 26, 2017

SENT VIA E-MAIL TO: erosenberg@lawyerscommittee.org

Ezra Rosenberg
Lawyers' Committee For Civil Rights Under Law
1401 New York Avenue NW
Washington, DC

Re: 2018-HQFO-00143

Dear Mr. Rosenberg:

This is to advise you of further action taken on your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated October 24, 2017, and seeking 1) All records containing, reflecting, documenting, summarizing, or otherwise relating to the communications identified in the Vaughn-type index (Ex. A hereto) entry Nos. 365, 383, 384, 445, 447, 472, 475, 681, 682, 689, 693, 701, 703, 705, 706, 711, 735, 738, 739, 741, 742, 744, and 749; 2) Any other records containing, reflecting, documenting, summarizing, or otherwise relating to communications since January 20, 2017, between any employee of your agency and any of the following individuals: a. Kris Kobach, including but not limited to emails that include the email addresses kkobach@gmail.com and kris@kriskobach.com b. Connie Lawson, including but not limited to emails that include the email address connie@lawsonandco.com c. Bill Gardner, including but not limited to emails that include the email address chipkate@aol.com d. Matthew Dunlap, including but not limited to emails that include the email address mattdunlap47@gmail.com e. J. Kenneth Blackwell, including but not limited to emails that include the email address kennethblackwell693@gmail.com f. Hans von Spakovsky, including but not limited to emails that include the email address Hans.VonSpakovsky@heritage.org g. Christy McCormick, including but not limited to emails that include the email address cacm@aol.com h. David Dunn, including but not limited to emails that include the email address david@capitolpartnersar.com i. Mark Rhodes, including but not limited to emails that include the email address mrhodes@woodcountywv.com j. Alan King, including but not limited to emails that include the email address aking2322@gmail.com k. J. Christian Adams, including but not limited to emails that include the email address adams@electionlawcenter.com l. Andrew Kossack m. Mark Paoletta n. Matthew Morgan o. Ronald Williams p. Deniz Baykin q. Any other Commission staff members; and 3) Any other records of your agency, including but not limited to internal communications, communications with other federal agencies, and communications with third parties, that reference the individuals in request; (2) or the Commission itself by name.

Your request was received in this office on October 25, 2017.

Based on the broad description you initially provided, we asked you to provide us with more information regarding the precise documents of interest. Based on the insufficient information you continue to supply, we cannot conduct an adequate search. Pursuant to §5.3(b) of the DHS FOIA and Privacy Act Regulations, 6 C.F.R. Part 5, you must describe the records you are seeking with as much information as possible to ensure that our search of appropriate systems of records can find them with a reasonable amount of effort. In addition to the information that you provided, this description would include, the DHS component you believe created and/or controls the record, the time period that you believe the record or file was created and compiled, and the nature of the record or document.

We are administratively closing this case. You may find it helpful to access the DHS website for information on our various offices and their associated missions:

<https://www.dhs.gov/operational-and-support-components>.

If you have any questions, or would like to discuss this matter, please feel free to contact this office at 1-866-431-0486 or at 202-343-1743 and refer to case number 2018-HQFO-00143.

Sincerely,

A handwritten signature in black ink, appearing to read "Sally LAM", written in a cursive style.

LaEbony Livingston
FOIA Program Specialist