



October 8, 2024

VIA EMAIL

Jennifer Dorminey Herzog
Hall Booth Smith, P.C.
1564 King Road
Tifton, GA 31793
jherzog@hallboothsmith.com

Re: Free Speech for People’s Open Records Request

Dear Ms. Herzog:

We write on behalf of our client, Free Speech for People (“FSFP”), which, since February 28 of this year, has sought from Ware County a single public record. Because this record—an attachment sent by text message from Ware County Attorney Anthony Rowell to a private citizen, Blake “Ed” Voyles—is a public record under Georgia’s Open Records Act (“ORA”) and there is no applicable exemption that could justify its withholding, Ware County’s continued refusal to produce it is unlawful. We hereby demand that the County comply with its legal obligations under the ORA and immediately release the requested public record.

I. Background

FSFP has engaged in a 7-month, multi-request effort to obtain a single record—an attachment to a text message sent by Mr. Rowell to Mr. Voyles on December 5, 2020, titled “ware-county-confirmation.jpg” (“the Record”). FSFP became aware of the Record through discovery in a civil lawsuit, *Curling v. Raffensperger*,¹ in which a text message exchange between Mr. Rowell and Mr. Voyles was produced as a PDF, but without the attachment.

To date, FSFP has sent three separate open records requests and more than a dozen informal follow up messages seeking this Record. For context, a brief background of FSFP’s efforts follows.

FSFP sent its first request to Ware County for the Record on February 28, 2024, seeking “[a]ll communication and related documents, including attachments and forwarded messages” that related to or referenced “the December 4, 2020 Gateway Pundit news report ‘BREAKING HUGE: Trump Team Has Machine from Small Georgia County – Believe Votes Were Flipped from Trump to Biden.’” The request sought records “to or from county officials, representatives, agents and attorneys,” as well as records specifically “to or from county attorney Anthony Rowell,” and it attached the PDF of the text exchange between Mr. Rowell and Mr. Voyles from the *Curling* litigation to provide clarity and context for the records sought.

¹ *Curling v. Raffensperger*, No. 17-cv-2989-AT (N.D. Ga. filed Aug. 8, 2017).



Your office responded on behalf of Mr. Rowell and Ware County on March 4, 2024, listing several objections—including the position that Hall Booth Smith (“HBS”), for whom both you and Mr. Rowell are listed as partners, is a private entity and its staff thus do not create or maintain records that would be defined as “public records” under the ORA—but stating that nonetheless, your office would “request Mr. Rowell and Ware County search for any public records responsive to your request.”² FSFP approved a quoted \$60 fee, and on March 15, your office stated that there were no records responsive to the request except for the printout of the text message attached to the original request. FSFP followed up on March 18 to specifically request the Record, but on March 19, your office reiterated the assertion that there were no additional responsive records to FSFP’s request.³ FSFP continued to attempt informal negotiations throughout March and April, but your office repeatedly asserted that no responsive records existed, despite clear evidence to the contrary on the face of the text messages already in FSFP’s possession.

Unable to secure the Record through informal negotiations, FSFP sent a second formal open records request on April 29, 2024, seeking, *inter alia*, “[a]ll communication and related documents, including attachments and forwarded messages, to or from Anthony Rowell regarding or referencing any allegations that the Trump campaign had accessed and/or obtained a voting machine from Ware County from November 10, 2020 through January 31, 2021.” The Elections Supervisor for the Ware County Board of Elections & Registration responded on May 1, 2024, that the county had no responsive records. Your office refused to answer follow up inquiries from FSFP as to whether Mr. Rowell had searched his records for responsive material.⁴

On August 15, 2024, FSFP sent its third formal request, this time directly to Mr. Rowell. FSFP requested “all communication, attachments, and related documents between yourself and Blake (Ed) Voyles from November 20, 2020 through December 10, 2020 regarding Ware County’s voting system, including the attachments sent to Mr. Voyles by text on December 5, 2020 regarding possible misappropriation of Ware County’s voting system.” Your office responded the same day, reiterating previous objections and the position that there were “no additional records to produce responsive to your request outside of the document you provided initially.”⁵

II. The Document at Issue is a Public Record Because Mr. Rowell Only Had Access to Create or Receive it by Virtue of his Position as County Attorney.

The Record sought by FSFP is a public record because it concerns county business that Mr. Rowell could only have knowledge of or access to by virtue of his position as Ware County Attorney. The ORA defines a “public record” as one “prepared and maintained or received by an agency *or by a private person or entity in the performance of a service or function for or on behalf of an*

² Email from Jennifer Herzog to Susan Greenhalgh (Mar. 4, 2024 2:07 pm).

³ Email from Jennifer Herzog to Susan Greenhalgh (Mar. 19, 2024 7:01 pm).

⁴ Email from Jennifer Herzog to Susan Greenhalgh (July 19, 2024 11:10 am) (stating that “Georgia’s Open Records Act . . . does not require the answering of interrogatories or questions”).

⁵ Email from Jennifer Herzog to Susan Greenhalgh (Aug. 15, 2024 5:07 pm).



agency . . .” O.C.G.A. § 50-18-70(b)(2) (emphasis added). The Georgia Supreme Court has held that “[i]n the context of the statute, a private entity acts ‘on behalf of’ a government agency when the agency arranges for the private entity to perform a government function that the agency would otherwise have to perform.” *Smith v. Northside Hospital, Inc.*, 302 Ga. 517, 521 (2017).

The Court in *Northside Hospital* explained that the statute does not require “that the agency direct the private entity in the specific details of its work, or even know those details, in order for the records of that work to be public records,” and rejected the lower courts’ application of a narrower standard that would have required the agency to “approve[], direct[], or [be] involved with the specific transactions at issue.” *Id.* at 522. “[W]hen the scope of the task given to a private entity is much broader,” the Court instructed that “it’s less reasonable to require specific government involvement at every step as the sine qua non of whether the entity is performing a service or function on behalf of the agency.” *Id.* at 523. To illustrate this principle, the court presented a hypothetical in which a city contracts with a private company to collect trash for all the city’s residents. Because the city’s mandate to the company is “both broad and simple,” the court reasoned, “[r]ecords of the private company related to the company’s provision of waste management services to the city’s residents pursuant to the contract with the city would be public records under the Act,” as would records related to any subcontractors hired by the private company to assist on its contract with the city, “regardless of whether the city council knew about it.” *Id.*

Here, your office has confirmed that Mr. Rowell serves as County Attorney to Ware County.⁶ This is a function often fulfilled by an employee of the county government, or indeed, an office full of county government employees.⁷ Other counties employ private attorneys, but list them publicly on governmental websites.⁸ The government of Ware County needs an attorney to advise on the full array of matters that arise in the course of business and chose Mr. Rowell and HBS to fulfill that function. This is precisely the type of “broad and simple” delegation of government function that the Georgia Supreme Court has held creates an obligation for private entities to maintain their records as public records and to respond to public records requests. *See Northside Hospital*, 302 Ga. at 521-23; *see also Milliron v. Antonakakis*, No. S24G0198, 2024 WL 3802782, at *5 (Ga. Aug. 13, 2024) (“[T]he plain language of OCGA § 50-18-70 (b)

⁶ *See* Press Release, Hall Booth Smith, “Tony Rowell Appointed County Attorney for Ware County,” Mar. 15, 2010, <https://hallboothsmith.com/tony-rowell-appointed-county-attorney-for-ware-county/>.

⁷ *See, e.g.*, Fulton County, Office of the County Attorney, <https://www.fultoncountyga.gov/inside-fulton-county/fulton-county-departments/office-of-the-county-attorney> (last visited Oct. 7, 2024) (“The Office of the County Attorney employs 22 full time attorneys”); DeKalb County, Law Department, <https://www.dekalbcountyga.gov/law-department/law-department> (last visited Oct. 7, 2024) (“The Office of the DeKalb County Attorney serves the citizens of DeKalb County by providing high quality legal advice to the county and its officials”).

⁸ *See, e.g.*, Cherokee County, County Attorney, <https://www.cherokeecountyga.gov/County-Attorney/> (last visited Oct. 7, 2024) (“Angela Davis with Jarrard & Davis, LLP, serves as the Contract Attorney for Cherokee County” and providing a contact form).



and decisional law interpreting it clearly establish that records ‘prepared and maintained or received’ by a private contractor ‘in the performance of a service or function for or on behalf of an agency’ are ‘public records’ under the Act.”); *Milliron*, 2024 WL 3802782, at *7 (“a request for public records can be submitted to . . . a private contractor who performs services for an agency”). Accordingly, Mr. Rowell is obligated to produce in response to ORA requests documents prepared and maintained or received in connection with his position as Ware County Attorney.

Indeed, the details surrounding the Record illustrate that Mr. Rowell could have only created or received it by virtue of his position as County Attorney, which confirms your office’s obligation to produce it. On December 3, 2020, Mr. Voyles, a private citizen, sent Mr. Rowell a tweet that claimed that the Trump campaign team had obtained access to a Dominion voting machine from Ware County. Mr. Voyles asked whether this had happened, and Mr. Rowell responded, “I will verify.” Approximately 42 hours later, Mr. Rowell sent what appears to be an image file, labeled in the printout of the text thread as “ware-county-confirmation.jpg” with an arrow below indicating it was downloadable.⁹ In other words, Mr. Rowell first agreed to confirm whether the Trump campaign had accessed Ware County’s voting equipment and then sent Mr. Voyles a file whose title suggests it was the confirmation Mr. Voyles sought. Mr. Rowell could only have taken those steps because he is the Ware County Attorney. Private citizens do not have access to the inside information or resources to confirm who had access to governmentally-owned voting equipment—especially not in less than two days.

Your office has repeatedly asserted that HBS is a private entity providing legal services to Ware County and, as such, it is not performing a government function that gives rise to obligations under the ORA.¹⁰ Your office has also asserted that the Record was “a private text sent from a private citizen to the Ware County attorney in his capacity as a private citizen and has never been in the possession of Ware County and therefore is not a Ware County public record.”¹¹ For the reasons explained above, these claims are contradicted by both the facts and settled Georgia law. By virtue of his broad mandate to serve as Ware County Attorney, Mr. Rowell’s records relating to his work as County Attorney are public records; he therefore must produce “ware-county-confirmation.jpg” to FSFP, regardless of whether the Ware County government directed or was aware of his activities. *See Northside Hospital, Inc.*, 302 Ga. at 521-23; *Milliron*, 2024 WL 3802782, at *5.

⁹ On the text message printout, the arrow indicating a downloadable file appears below a space that would seem to accommodate additional lines of text or images, next to some smudging on the PDF file. This may indicate that there is an additional file that Mr. Rowell sent that was whited out from the printout. If so, that file is also responsive to FSFP’s request and must be promptly produced.

¹⁰ *E.g.*, Email from Jennifer Herzog to Susan Greenhalgh (July 19, 2024, 11:10 am) (“HBS and its attorneys and staff do not perform a government function that Ware County would otherwise be required to perform under the law; therefore, that HBS does not prepare, maintain or receive any records, or hold records ‘on behalf of the County that would be defined as public records of Ware County under the Georgia Open Records Act”). Neither the statute nor the cases interpreting it require, as you suggest, that a private entity be performing a government function that the county is “required to perform under the law” for its records to be subject to the ORA.

¹¹ Email from Jennifer Herzog to Susan Greenhalgh (Apr. 18, 2024, 10:31 am).

III. No Exemption to Disclosure Applies to the Record.

Through the months that FSFP has attempted to negotiate release of the Record, your office has taken contradictory positions regarding whether it may be withheld on the basis of attorney-client privilege or as attorney work product.¹² It cannot. Although Mr. Rowell obtained or created the Record by virtue of his position as County Attorney, not every document created or received by an attorney is necessarily privileged. *See, e.g., S. Guar. Ins. Co. of Georgia v. Ash*, 192 Ga. App. 24, 28, 383 S.E.2d 579, 583 (1989). And any claim that the Record is privileged would imply that Mr. Rowell violated his ethical duty of confidentiality to his client, Ware County,¹³ given that he shared it with a private citizen who has no position with the Ware County government. We do not take that to be the County’s position.

Lastly, even if there were a plausible claim that the Record is privileged, the ORA specifically provides that neither attorney-client privilege nor attorney work product applies to “factual findings . . . of an attorney conducting an investigation.” O.C.G.A. § 50-18-72(a)(41)-(42). Thus, assuming *arguendo* that any part of the document is privileged, you are still obligated to produce the record in redacted form, releasing the remaining non-privileged portions, including any such factual findings. O.C.G.A. § 50-18-72(b) (“This Code section shall be interpreted narrowly so as to exclude from disclosure only that portion of a public record to which an exclusion is directly applicable. It shall be the duty of the agency having custody of a record to provide all other portions of a record for public inspection or copying.”). At minimum, this would include the parts of the document that factually confirm or refute that Donald Trump’s campaign or its allies accessed Ware County voting equipment.

IV. The Record Could Shed Light on a Breach of Ware County Voting Equipment, Which Would Have Significant Election Security Consequences.

The Record could shed light on whether Ware County has suffered a serious breach of security that threatens the integrity of its elections. If it reveals that Ware County’s election

¹² Compare Email from Jennifer Herzog to Susan Greenhalgh (July 19, 2024, 11:10am) (“We further object in that all records held in HBS’ possession are arguably privileged as either attorney client communication and/or attorney work product in accordance with O.C.G.A. 50-18-72(a)(41) and (42)”), with Email from Jennifer Herzog to Susan Greenhalgh (Apr. 18, 2024, 10:31 am) (“I must respectfully disagree with some of what you have stated but do in good faith want to clarify – we are not asserting that the record you provided . . . is attorney client privileged as this was a private text sent from a private citizen to the Ware County attorney in his capacity as a private citizen . . .”).

¹³ Rule 1.6(a) of the Georgia Rules of Professional Conduct provides that:

A lawyer shall maintain in confidence all information gained in the professional relationship with a client, including information which the client has requested to be held inviolate or the disclosure of which would be embarrassing or would likely be detrimental to the client, unless the client gives informed consent, except for disclosures that are impliedly authorized in order to carry out the representation, or are required by these rules or other law, or by order of the court.



equipment was improperly accessed by partisan operatives, as suggested by Mr. Rowell's messages, this suggests that the equipment's chain of custody may have been broken¹⁴ and the voting equipment may have been compromised in such a way that may require that the county replace it.¹⁵ This is of immediate and critical concern to the people of Georgia and the public given the imminence of the presidential election. Furthermore, any Ware County official who allowed the Trump campaign to improperly access election equipment or concealed knowledge of improper access should be removed as a guardian of Georgia's election system.

Given Mr. Rowell's and HBS's actions in neighboring Coffee County, FSFP is justifiably concerned that, here, HBS has not produced all required records. As you know, in 2022, Coffee County made national headlines when surveillance video and records obtained through the *Curling* litigation showed operatives hired by Trump campaign attorneys accessing Coffee County's voting equipment.¹⁶ This unauthorized access to voting equipment and actions surrounding it were cited by the Fulton County District Attorney as acts in furtherance of a conspiracy to commit computer trespass, computer theft, and computer invasion of privacy.¹⁷

¹⁴ See Ga. Comp. R. & Regs. 183-1-12-.05; 183-1-12-.06.

¹⁵ For example, after surveillance video was released that showed Trump allies accessing the voting equipment in Coffee County, the Georgia Secretary of State was compelled to replace that county's voting equipment. See, e.g., Richard Faussett, *Georgia Official Says County Voting Equipment Will Be Replaced*, N.Y. TIMES, Sept. 23, 2022, <https://www.nytimes.com/2022/09/23/us/coffee-county-georgia-election.html>. Similarly, Pennsylvania's Secretary of the Commonwealth decertified voting equipment used by Fulton County after it was discovered that its voting equipment had been accessed by partisan operatives hired by Trump allies. See, e.g., Alison Durkee, *Pennsylvania Decertifies County's Voting Machines After Partisan Election Audit "Compromised" Them*, FORBES (updated July 21, 2021, 5:43 pm EDT), <https://www.forbes.com/sites/alisondurkee/2021/07/21/pennsylvania-decertifies-countys-voting-machines-after-partisan-election-audit-compromised-them/>. American Oversight is currently suing Fulton County, Pennsylvania over public records requests stemming from that audit. See *Am. Oversight v. Fulton County*, No. 12-2022C (Pa. Ct. of Common Pleas filed Jan. 11, 2022). The Arizona Secretary of State likewise decertified Maricopa County's voting equipment after it was subject to examination by partisan actors. See, e.g., Jane C. Timm, *Maricopa County will need new voting machines after GOP's audit, Arizona secretary of state says*, NBC NEWS (May 20, 2021, 7:16 pm EDT), <https://www.nbcnews.com/politics/elections/maricopa-county-will-need-new-voting-machines-after-gop-s-n1268090>. See also generally American Oversight, *News Roundup: Behind the Voting Machine Breaches*, Sept. 8, 2023, <https://americanoversight.org/newsletter/news-roundup-behind-the-voting-machine-breaches/> (discussing connections between the people involved in voting equipment breaches in Georgia, Pennsylvania, Arizona, and Michigan).

¹⁶ See Emma Brown & Jon Swaine, *Inside the secretive effort by Trump allies to access voting machines*, WASH. POST (Oct. 28, 2022, 7:00 am EDT), <https://www.washingtonpost.com/investigations/2022/10/28/coffee-county-georgia-voting-trump/>.

¹⁷ See Indictment, *Georgia v. Donald Trump et al.*, No. 23SC188947 (Fulton Cnty. Sup. Ct. Aug. 14, 2023), available at <https://d3i6fh83elv35t.cloudfront.net/static/2023/08/CRIMINAL-INDICTMENT-Trump-Fulton-County-GA.pdf>.



Two of the Fulton County defendants, Sidney Powell and Scott Hall, pleaded guilty to six counts of conspiracy to commit election interference relating to the unauthorized access to Coffee County’s equipment.¹⁸

Notably, Mr. Rowell also serves as County Attorney for Coffee County.¹⁹ In this capacity, it took months for HBS to turn over the surveillance video—whose existence HBS repeatedly, inaccurately denied—that documented the unauthorized access to Coffee County election equipment. Indeed, after the Georgia Bureau of Investigation launched an investigation into the Coffee County voting system breaches, your office produced exterior security camera footage your office had previously stated had been auto-deleted; yet when pressed by *Curling* plaintiffs’ counsel, your office again claimed that no further videos existed.²⁰ Weeks later, however, your office retracted that assertion and produced additional responsive video footage.²¹ We expect that HBS will not repeat its past failures to produce important, responsive records, but rather will immediately comply with its obligations under the ORA.

Conclusion

For the reasons discussed, the Record is a public record subject to release pursuant to the ORA. Accordingly, your office must immediately produce to FSFP the Record “ware-county-

¹⁸ Kate Brumback, *Sidney Powell pleads guilty over efforts to overturn Trump’s loss in Georgia and agrees to cooperate*, AP (Oct. 19, 2023 6:10 pm EDT), <https://apnews.com/article/sidney-powell-plea-deal-georgia-election-indictment-ec7dc601ad78d756643aa2544028e9f5>; Accusation, *Georgia v. Powell*, No. 23SC190370 (Oct. 18, 2023), available at <https://www.documentcloud.org/documents/24041644-23sc190370-criminal-accusation>.

¹⁹ Hall Booth Smith, Anthony A. Rowell profile page, <https://hallboothsmith.com/attorney/anthony-a-rowell/> (last visited Sept. 26, 2024) (“Tony now serves as the County Attorney for Coffee, Tift, and Ware counties.”).

²⁰ See Email from Jennifer Herzog to David D. Cross (Aug. 30, 2022 4:49 pm) (“My understanding is this [exterior footage] is the only video in existence from that time period [] (because the county video system automatically copies over itself after a certain amount of time, and this one was copied in early 2021 prior to that occurring”); Email from Jennifer Herzog to *Curling* plaintiffs’ counsel (Aug. 26, 2022 4:30pm) (“With regard to security camera footage of the elections office - in response to prior requests, we have notified you all that . . . all footage had been automatically copied by the time of Marks’ first open records requests unless archived, therefore also by the time of receipt of subpoenas. I have been provided and am producing recorded security video footage of entry to the Board of Elections’ office for the time period at issue that was retained in response to a prior open records request.”).

²¹ Email from Jennifer Herzog to *Curling* plaintiffs’ counsel (September 16, 2022, 2:11 pm) (“Additional Video – I recognize I have previously represented to you that the front door security video previously produced was all that was in existence which was based on my honest understanding at the time the representation was made. However, through further diligence IT recently located additional responsive video footage which is provided in the link below. This link is also being produced to the GBI today.”).



confirmation.jpg” and any other attachment that Mr. Rowell sent by text message on December 5, 2020, to Mr. Voyles.

Please produce the Record to David Kronig, on behalf of FSFP, by email at david.kronig@americanoversight.org. He is available to discuss the issues raised in this letter at that email address or by phone at (202) 897-3915.

Best regards,

/s/ David Kronig
David Kronig, Counsel
American Oversight

/s/ Sarah Brewerton-Palmer
Sarah Brewerton-Palmer
Caplan Cobb LLC



EXHIBITS

- Ex. A: PDF of text messages between Anthony Rowell and Blake “Ed” Voyles produced in *Curling v. Raffensperger*, No. 17-cv-2989-AT (N.D. Ga., filed Aug. 8, 2017).
- Ex. B: Records request from FSFP to Ware County, dated Feb. 28, 2024
- Ex. C: Records request from FSFP to Ware County, dated April 29, 2024
- Ex. D: Records request from FSFP to Ware County, dated August 15, 2024

EXHIBIT A



Rowell, >

Dec 3, 2020, 5:32 PM

BREAKING: Trump team now has a Dominion machine from Ware County, #Georgia with EVIDENCE of Trump votes being switched to Biden.

Source: John Fredericks on Steve Bannon War Room



James¹⁷ 🇺🇸

twitter.com

Don't know? You have anyone to verify through?

Dec 3, 2020, 7:23 PM

I will verify

Dec 5, 2020, 1:14 PM



iMessage





Rowell, >

ware-county-confirmation.jpg
1,630x684 pixels

11:45 AM

Hi Ed! This is Melissa. Do you happen to be hunting with Bob Schermer from FL? If so, tell him I said hello! Good luck!

11:46 AM



CALL ME. T

Hi Ed! This is Melissa. Do you happen to be hunting with Bob Schermer from FL? If so, tell him I said hello! Good luck!

Yes it is Bob! So you know him!

OMG that's crazy. When Tony and I were talking



iMessage



EXHIBIT B



Susan Greenhalgh <segreenhalgh@gmail.com>

Open records request

Susan Greenhalgh <susan@freespeechforpeople.org>
To: Jennifer Dorminey Herzog <jherzog@hallboothsmith.com>
Cc: Carlos Nelson <cnelson@warecounty.com>

Wed, Feb 28, 2024 at 3:43 PM

VIA EMAIL

Re: Georgia Open Records Request

-

Dear Ms. Herzog:

Under the Georgia Open Records Act O.C.G.A. 50-18-70 et. Seq., we hereby submit the following two Open Records Requests:

1. All communication and related documents, including attachments and forwarded messages, to or from county officials, representatives, agents and attorneys relating to, or referencing the December 4, 2020 Gateway Pundit news report “BREAKING HUGE: Trump Team Has Machine from Small Georgia County – Believe Votes Were Flipped from Trump to Biden” available at: <https://www.thegatewaypundit.com/2020/12/breaking-huge-trump-team-dominion-machine-small-georgia-county-shows-votes-flipped-trump-biden/>
2. All communication and related documents, including attachments and forwarded messages, to or from county attorney Anthony Rowell referencing the December 4, 2020 Gateway Pundit news report “BREAKING HUGE: Trump Team Has Machine from Small Georgia County – Believe Votes Were Flipped from Trump to Biden” available at: <https://www.thegatewaypundit.com/2020/12/breaking-huge-trump-team-dominion-machine-small-georgia-county-shows-votes-flipped-trump-biden/>

To be clear, request #2 does not seek any records between Ware County and Mr. Rowell and that are privileged due to attorney-client relationship. We seek only records to or from Mr. Rowell to outside individuals, parties or organizations, and/or that include outside individuals, parties or organizations. The attached message was produced, and we seek records related to this exchange, including the attached jpeg file.

This request includes but is not limited to public records transmitted by means of mail, courier, email, letter, facsimile, short messaging service (SMS), instant or text message, skype, WhatsApp, Signal, and/or by means of any other messaging or communication application.

This request creates two (2) separate and severable requests under Georgia Open Records Act, each of which covers a multiplicity of records. These several requests are severable and are included in this single document for administrative simplicity and the thematic similarity of the records requested. The responsive records of each of the two (2) Open Records Requests are also severable.

It is understood that any delay in the production of records under one request will not delay the production of records for the other requests. The inability to produce one or more records responsive to a particular request will not delay or otherwise hinder the production of other records responsive to the particular request.

We request the subject records to be produced to us un-redacted and in electronic format where possible. Free Speech For People is a not-for-profit organization incorporated under the laws of the State of Massachusetts. Our principle purpose in this request is to access and disseminate information regarding the legal rights of the general public as they relate to elections. We request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the integrity of elections. Should you nonetheless impose a reasonable search, preparation or reproduction fee, not to exceed the actual costs incurred by the Coffee County Board of Elections please contact me prior to production and with the required accounting. If there are any fees for searching or copying these records, please inform me if the cost will exceed \$50. This information is not being sought for commercial purposes.

If you deny this request or any portion of this request, please articulate particularized and specific justifications for withholding information in each and every case, including a detailed factual basis for the application of any exemption claimed, an explanation of why redacting information would not address the reasons for denial, a description of the undisclosed record, the name and title of the custodian on whose authority the denial is issued, and a citation to supporting legal authority. Moreover, you may only withhold disclosure where the material requested falls within one of those specific, enumerated exceptions or is privileged. If for any reason any portion of this request is denied, please inform me of the reasons for the denial in writing and provide the appeal procedures available to me under the law, including the name, address, and phone number of the person or body to whom an appeal should be directed.

The Georgia Open Records Act requires a response within three days. If access to the

records we are requesting will take longer than three days, please contact me with information about when we might expect copies or the ability to inspect the requested records.

Thank you for considering and responding to this request.

Sincerely,

Susan Greenhalgh
Senior Advisor for Election Security
Free Speech For People
917 796 8782
susan@freespeechforpeople.org
www.freespeechforpeople.org

Susan Greenhalgh (she/her)
Senior Advisor on Election Security
Free Speech For People
917 796 8782 (cell)
www.freespeechforpeople.org
[Blog](#) | [Press](#)



Exh J Voyles Rowell Ware .pdf
483K

EXHIBIT C



Susan Greenhalgh <segreenhalgh@gmail.com>

ORR

Susan Greenhalgh <susan@freespeechforpeople.org>

Mon, Apr 29, 2024 at 4:42 PM

To: Jennifer Dorminey Herzog <jherzog@hallboothsmith.com>, Carlos Nelson <cnelson@warecounty.com>

Please find attached and below our Open Records Request.

April 29, 2024

VIA EMAIL

Re: Georgia Open Records Request

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Dear Custodian of Records:

Under the Georgia Open Records Act O.C.G.A. 50-18-70 et. Seq., we hereby submit the following two Open Records Requests:

1. All communication and related documents, including attachments and forwarded messages, to or from county officials, representatives, agents and attorneys relating to, or referencing any requests for access to a voting machine from November 10, 2020 through January 31, 2021.
2. All communication and related documents, including attachments and forwarded messages, to or from county officials, representatives, agents and attorneys relating to, or referencing any allegations that the Trump campaign had access and/or obtained a voting machine from Ware County from November 10, 2020 through January 31, 2021.
3. All communication and related documents, including attachments and forwarded messages, to or from Anthony Rowell regarding or referencing any allegations that the Trump campaign had accessed and/or obtained a voting machine from Ware County from November 10, 2020 through January 31, 2021.

This request includes but is not limited to public records transmitted by means of mail,

courier, email, letter, facsimile, short messaging service (SMS), instant or text message, skype, WhatsApp, Signal, and/or by means of any other messaging or communication application.

This request creates three (3) separate and severable requests under Georgia Open Records Act, each of which covers a multiplicity of records. These several requests are severable and are included in this single document for administrative simplicity and the thematic similarity of the records requested. The responsive records of each of the three (3) Open Records Requests are also severable.

It is understood that any delay in the production of records under one request will not delay the production of records for the other requests. The inability to produce one or more records responsive to a particular request will not delay or otherwise hinder the production of other records responsive to the particular request.

We request the subject records to be produced to us un-redacted and in electronic format where possible. Free Speech For People is a not-for-profit organization incorporated under the laws of the State of Massachusetts. Our principle purpose in this request is to access and disseminate information regarding the legal rights of the general public as they relate to elections. We request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the integrity of elections. Should you nonetheless impose a reasonable search, preparation or reproduction fee, not to exceed the actual costs incurred by the Coffee County Board of Elections please contact me prior to production and with the required accounting. If there are any fees for searching or copying these records, please inform me if the cost will exceed \$50. This information is not being sought for commercial purposes.

If you deny this request or any portion of this request, please articulate particularized and specific justifications for withholding information in each and every case, including a detailed factual basis for the application of any exemption claimed, an explanation of why redacting information would not address the reasons for denial, a description of the undisclosed record, the name and title of the custodian on whose authority the denial is issued, and a citation to supporting legal authority. Moreover, you may only withhold disclosure where the material requested falls within one of those specific, enumerated exceptions or is privileged. If for any reason any portion of this request is denied, please inform me of the reasons for the denial in writing and provide the appeal procedures available to me under the law, including the name, address, and phone number of the person or body to whom an appeal should be directed.

The Georgia Open Records Act requires a response within three days. If access to the records we are requesting will take longer than three days, please contact me with information about when we might expect copies or the ability to inspect the requested

records.

Thank you for considering and responding to this request.

Sincerely,

Susan Greenhalgh
Senior Advisor for Election Security
Free Speech For People
917 796 8782
susan@freespeechforpeople.org

www.freespeechforpeople.org

Susan Greenhalgh (she/her)
Senior Advisor on Election Security
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Blog|Press



Ware.ORR.4.29.25.pdf

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EXHIBIT D



Susan Greenhalgh <segreenhalgh@gmail.com>

Open Records Request

1 message

Susan Greenhalgh <susan@freespeechforpeople.org>
To: "Anthony A. Rowell" <ARowell@hallboothsmith.com>

Thu, Aug 15, 2024 at 12:37 PM

August 15, 2024**VIA EMAIL**

Re: Georgia Open Records Request

Dear Mr. Rowell:

Under the Georgia Open Records Act O.C.G.A. 50-18-70 et. Seq., we request you identify, collect, and produce all communication, attachments, and related documents between yourself and Blake (Ed) Voyles from November 20, 2020 through December 10, 2020 regarding Ware County's voting system, including the attachments sent to Mr. Voyles by text on December 5, 2020 regarding possible misappropriation of Ware County's voting system.

As a contractor to the county, you are subject to Georgia's Open Records Laws and responsible for responding to open records requests as affirmed by Georgia's Supreme Court.

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 nonexempt 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. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

I am seeking all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the term "record" in its broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. I am seeking records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages,

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

The communications requested include all paper and electronic communications (including emails, email attachments, calendar invitations, calendar invitation attachments, text messages, or messages on messaging platforms). The search should include those received or sent from nongovernmental accounts and/or devices if they were used to conduct or discuss official business, as well those received or sent from official email addresses or government-issued devices.

Please notify me of any anticipated fees or costs in excess of \$25 prior to incurring such costs or fees.

In connection with its request for records, we are providing the following guidance regarding the scope of the records sought and the search and processing of records:

- The request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding Ware County election activities. **Do not exclude records regarding the activities contained in files, email accounts, or devices in your personal custody, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Open Records Act.**
- Please take appropriate steps to ensure that records responsive to this request are not deleted before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

This request includes but is not limited to public records transmitted by means of mail, courier, email, letter, facsimile, short messaging service (SMS), instant or text message, skype, WhatsApp, Signal, and/or by means of any other messaging or communication application.

We request the subject records to be produced to us un-redacted and in electronic format where possible. Free Speech For People is a not-for-profit organization incorporated under the laws of the State of Massachusetts. Our principle purpose in this request is to access and disseminate information regarding the legal rights of the general public as they relate to elections. We request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the integrity of elections. Should you nonetheless impose a reasonable

search, preparation or reproduction fee, not to exceed the actual costs incurred by the Secretary of State's office, please contact me prior to production and with the required accounting. This information is not being sought for commercial purposes.

If you deny this request or any portion of this request, please articulate particularized and specific justifications for withholding information in each and every case, including a detailed factual basis for the application of any exemption claimed, an explanation of why redacting information would not address the reasons for denial, a description of the undisclosed record, the name and title of the custodian on whose authority the denial is issued, and a citation to supporting legal authority. Moreover, you may only withhold disclosure where the material requested falls within one of those specific, enumerated exceptions or is privileged. If for any reason any portion of this request is denied, please inform me of the reasons for the denial in writing and provide the appeal procedures available to me under the law, including the name, address, and phone number of the person or body to whom an appeal should be directed.

The Georgia Open Records Act requires a response within three days.

Thank you for responding to this request.

Sincerely,

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