



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

December 1, 2023

BY EMAIL: FOIA@elections.virginia.gov

Virginia Department of Elections- State Board of Elections
Washington Building, First Floor
1100 Bank Street, Richmond 23219

Dear Public Information Officer:

Citizens for Responsibility for Ethics in Washington (“CREW”), through the undersigned citizen of Virginia, make this request for records from the Virginia Department of Elections- State Board of Elections pursuant to the Virginia Freedom of Information Act (“FOIA”), Va. Code Ann. § 2.2-3700, *et seq.* This request is for public records in the possession of the Virginia Department of Elections, which includes its employees, agents, representatives, and any individual or entity acting on behalf of the Virginia State Board of Elections, regardless of the location of those records

Specifically, CREW requests all communications from January 15, 2022 to the date this request is processed between the Virginia Department of Elections- State Board of Elections and any nongovernmental entity or individuals including, but not limited to communications with the following organizations and individuals:

- a. Cleta Mitchell [email domains: @cletamitchell.com, @whoscounting.us, @conservativepartnership.org, @VirginiaInstitute.org, @publicinterestlegal.org, and @bradleyfdn.org]
- b. Lynn Taylor [email domain: @VirginiaInstitute.org]
- c. Melody Clarke [email domain: @VirginiaInstitute.org]
- d. Jonathan Haine [email domain: @VirginiaInstitute.org]
- e. Nancy Smith [email domain: @VirginiaInstitute.org]
- f. Clara Belle Wheeler [email domain: @rva.gov and @VirginiaInstitute.org]
- g. J. Christian Adams [email domain: @publicinterestlegal.org and @usccr.gov]
- h. Ken Cuccinelli [email domain: @heritage.org and @electiontransparency.org]
- i. Chris Marston [email domain: @electioncfo.com]
- j. Hans von Spakovsky [email domain: @heritage.org]
- k. Scott Walter [email domain: @capitalresearch.org]

- l. Virginia Institute for Public Policy [email domain: @virginia institute.org]
- m. Election Integrity Network [email domain: @whoscounting.us]
- n. The Lynde and Harry Bradley Foundation [email domain: @bradleyfdn.org]
- o. Heritage Foundation [email domain: @heritage.org]
- p. Heritage Action for America [email domain: @heritageaction.com]
- q. Conservative Partnership Institute [email domain: @conservativepartnership.org]
- r. The Federalist Society [email domain: @fedsoc.org]
- s. The Middle Resolution [email domain: @middleresolution.org]
- t. Thomas More Society [email domain: @thomasmoresociety.org]
- u. Virginians for America First [email domain: @virginiansforamericafirst.com]

The above request excludes agency records consisting solely of news articles, press clippings, and other publicly-available material, so long as the records include no accompanying discussion by agency officials.

Please search for responsive records regardless of format, medium, or physical characteristics. This request includes any responsive records sent or received by the Executive Office via any private, nongovernmental account, as well as those records maintained, stored or archived in the cloud, on a shared drive, on the internet, via any electronic portal, via social media accounts, by screenshot or any other electronic system or device such as a cell phone, tablet, flash drive, computer or server that is capable of sending, receiving or storing digital information. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, as well as emails to which the subjects of this request were cc'ed or bcc'ed.

By way of background, in 2021 conservative activist group Virginia Fair Elections (“VFE”) wrote a memo titled The Virginia Model, laying out ways for states to “subtly influence the voting systems” under the guise of protecting election integrity.¹ VFE has used this model to influence the outcome of elections by the deployment of poll watchers and the manipulation of election boards and general registrar positions. At a VFE event in 2021, John Ambrose, a Republican serving as the Vice Chair of the electoral board of Richmond, said “the most important thing we do, however, is the hiring, and

¹ Conservative Election Activists Use Virginia as a Dry Run for 2024, October 13, 2023, <https://www.nytimes.com/2023/10/11/us/politics/virginia-election-integrity-activists.html>.

sometimes the firing, of the general registrar, and I think just as critical, if not more so, is the appointment, the training and potentially the dismissal of election officers.”²

VFE is managed by the Virginia Institute for Public Policy (“Virginia Institute”), a conservative think tank. Cleta Mitchell, Trump’s former lawyer who played a significant role in the efforts to overturn the 2020 election, is listed as one of the “experts” who assisted in the development of the Virginia Model³. Mitchell’s involvement in the development of the Virginia Model led to the establishment of the Election Integrity Network (“EIN”), a project of the Conservative Partnership Institute, which has sought to push the Virginia Model as a blueprint for “election integrity efforts” nationwide. The Conservative Partnership Institute (“CPI”) has been described as an “extension of the Trump infrastructure” and “the most powerful messaging force in the MAGA universe.”⁴ Both CPI and EIN have been described as utilizing “Jim Crow-style voter suppression techniques, and a recipe for more verbal and physical threats against election administration officials.”⁵

The persons and organizations listed above are linked to conservative voting rules and election denialism and have some relationship to the development and promotion of The Virginia Model, as experts, partners, and funders. The requested records will provide transparency into the training of over 4,500 poll watchers and officials that covered over 85% of shifts in registrar’s offices and polling places in Virginia, and the role of the partners, experts, and funders mentioned in the request.⁶ Given that nearly all groups in the VFE coalition are linked to efforts to subvert the 2020 election results, this request will provide insight into influences that may compromise Virginia election outcomes. The records will also reveal any potential involvement of non-governmental groups and individuals in the decision-making process and shed light on undue influence.

If it is your position that any portion of the requested records is exempt from disclosure, please provide an index of records or categories of records that have been withheld and the reasons the records or categories of records have been withheld. If some portions of the requested records are properly exempt from disclosure, please

² Conservative Election Activists Use Virginia as a Dry Run for 2024, October 11, 2023, <https://www.nytimes.com/2023/10/11/us/politics/virginia-election-integrity-activists.html>.

³ Trump Lawyer Cleta Mitchell Escaped Georgia Indictment – And Still Leads Election Denial Movement, September 13, 2023 <https://theintercept.com/2023/09/13/trump-indictment-cleta-mitchell-election/>.

⁴ Conservative Partnership Institute, <https://www.monitoringinfluence.org/org/conservative-partnership-institute/>

⁵ ‘Election integrity summits’ aim to fire up Trump activists over big lie, April 18, 2022, <https://www.theguardian.com/us-news/2022/apr/18/election-integrity-summits-conservative-partnership-institute>

⁶ Election Integrity: The Virginia Model. March 9, 2022. <https://virginiainstitute.org/publication/election-integrity-the-virginia-model/>

December 1, 2023

Page 4

redact those portions and produce the remainder of the requested records. This request is made for noncommercial purposes. The release of information obtained through this request is not in our financial interest.

We agree to pay up to \$100 for copies of the requested records. If copying fees are expected to exceed this amount, or if you anticipate that extensive use of information technology or extensive clerical or supervisory assistance will be required to fulfill this request, please contact me at (202) 408-5565 or email me at lelsharif@citizensforethics.org and foia@citizensforethics.org.

Where possible, please produce records in electronic format. Please send the requested records electronically to lelsharif@citizensforethics.org and foia@citizensforethics.org or by mail to Citizens for Responsibility and Ethics in Washington, 1331 F Street, NW, Suite 900, Washington, DC 20004.

We anticipate you will fulfill your obligations under Chapter 37. If it is necessary to file an action to enforce the Freedom of Information Act, the court may award reasonable costs of enforcement, including attorneys' fees. VA Code Ann. § 2.2-3713. Thank you for your assistance.

Sincerely,



Lama Elsharif
Research Associate
Citizens for Responsibility and Ethics in
Washington