CREW

CITIZENS FOR RESPONSIBILITY & ETHICS IN WASHINGTON

April 25, 2023

BY EMAIL: dkersey@wvsos.gov

Donald "Deak" Kersey, General Counsel
Office of the Secretary of State
State Capitol Building
1900 Kanawha Blvd E,
Capitol Complex, Charleston, WV 25305

Dear Mr. Kersey:

Citizens for Responsibility and Ethics in Washington ("CREW") makes this request for records pursuant to Section 29B-1-3 of the West Virginia Code.

First, CREW requests copies of any communications, dated January 1, 2023 through March 31, 2023 pertaining to or mentioning (1) the Electronic Registration Information Center (ERIC) or (2) David Becker, former board member of ERIC, between the Office of the Secretary of State and any of the following individuals:

- Chrissy Peters, Missouri Senior Director of Elections;
- John (Jay) Ashcroft, Missouri Secretary of State;
- Maria Matthews, Director, Florida Division of Elections;
- Cord Byrd, Florida Secretary of State;
- R. Kyle Ardoin, Louisiana Secretary of State;
- Sherri Wharton Hadskey, Louisiana Commissioner of Elections;
- Wes Allen, Alabama Secretary of State;
- Jeff Elrod, Alabama Director of Elections;
- Frank LaRose, Ohio Secretary of State;
- Amanda (Mandi) Grandjean, Ohio Director of Elections; or
- Thomas Fitton, President of Judicial Watch.

Second, CREW requests copies of any communications, dated (1) September 1, 2020 through January 31, 2021 and (2) January 1, 2023 through March 31, 2023 pertaining to or mentioning (1) ERIC or (2) David Becker, former board member of ERIC, between Secretary of State Mac Warner and any of the following individuals:

- Jim Justice, West Virginia Governor;
- Brittany Westfall, Director of Elections;
- Lisa Blake, Senior Elections Specialist; or
- Shane Hamlin, Executive Director, ERIC.

Please search for responsive records regardless of format, medium, or physical characteristics. 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.

If it is your position that any portion of the requested records is exempt from disclosure, you are required to state the basis of the exemption you contend is applicable. WV Code §29B-1-3 (d)(3). CREW further requests that you state in writing and with particularity the reasons for any conclusion that a record is exempt or confidential. WV Code §29B-1-3 (d)(3).

CREW agrees to pay up to $100 for copies of the requested records. If copying fees are expected to exceed this amount, please contact me.

If you believe this request is ambiguous or overly broad such that the requested information cannot be reasonably identified, please inform me so that the request can be revised or negotiated in accordance with how records are maintained and accessed in the ordinary course of the office's duties. I can be contacted by email at [redacted] or by phone at 202-408-5565.

Where possible, please produce records in electronic format. Please send the requested records to [redacted], and foia@citizensforethics.org, or to [redacted].

Please contact me if you have any questions about this request or foresee any problems in fully releasing the requested records. We anticipate you will fulfill your obligations under the law. If it is necessary to file an action to enforce Section 29B-1-3, the court may award recovery of court costs and attorneys' fees. WV Code §29B-1-7.

Thank you for your assistance in this matter.

Sincerely,



Kayvan Farchadi
Counsel