

EXHIBIT A

SCHAERR
JAFFE
LLP

August 31, 2021

By electronic mail to: mrufioia.requests@usdoj.gov

FOIA/PA Mail Referral Unit
Justice Management Division
Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530-0001

Dear FOIA Officer:

This is a Freedom of Information Act (“FOIA”) request submitted pursuant to 5 U.S.C. § 552, on behalf of the State of Georgia and Brad Raffensperger, the Georgia Secretary of State. This request seeks Department of Justice (“DOJ”) communications discussing the State of Georgia’s recent election law—the Election Integrity Act of 2021 (“Act”), which was enacted on March 25, 2021. That Act is currently subject to several legal challenges in the U.S. District Court for the Northern District of Georgia (including one brought by DOJ under the Voting Rights Act (“VRA”). Additionally, this request seeks internal guidance documents that DOJ uses to determine when an election law violates the VRA.

As discussed in more detail below, this request includes three parts. First, we seek DOJ communications with various non-governmental entities that are involved in the legal challenges to the Act. Second, we seek DOJ communications with members of Congress (or their staff) regarding the Act. Third, we seek internal guidance documents that DOJ uses to determine when a state election law violates the VRA.

This request is directed to the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of the Associate Attorney General, DOJ’s Civil Rights Division (including, but not limited to, the Voting Section), and any other DOJ component determined reasonably likely to have responsive records under 28 C.F.R. § 16.3(a)(2).

For this request, a communication should be considered to discuss the Act if, at a minimum, it refers to any of the following:¹ Georgia’s Election Integrity Act of 2021, Georgia’s election law, Georgia’s voter law, Georgia’s voter ID law, Georgia’s voter identification law, Georgia Senate Bill 67 (SB 67), Georgia Senate Bill 241

¹ This list is not intended to be exhaustive. Rather, this part of the request should be interpreted broadly to include any communications discussing Georgia’s recent election law.

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(SB 241), Georgia House Bill 531 (HB 531), Georgia Senate Bill 202 (SB 202), or Georgia's Special Committee on Election Integrity.

I. Request

A. Request for communications with certain non-governmental entities

We request all communications discussing the Act exchanged between DOJ personnel and the following individuals or representatives of the following non-governmental entities from November 3, 2020, through the date of the search:²

1. Asian Americans Advancing Justice (@advancingjustice-aajc.org; @advancingjustice-atlanta.org; @advancingjustice-alc.org)
2. Kecker, Van Nest and Peters LLP (@keker.com)
3. Southern Poverty Law Center (@splcenter.org)
4. ACLU Foundation (@acluga.org; @aclu.org)
5. Davis Wright Tremaine LLP (@dwt.com)
6. Wilmer Cutler Pickering Hale and Dorr LLP (@wilmerhale.com)
7. Sixth District of the African Methodist Episcopal (AME) Church (@ame6.church)
8. Georgia Muslim Voter Project (@gamvp.org)
9. Women Watch Afrika (womenwatchafrika@gmail.com)
10. Latino Community Fund Georgia (@lcfgeorgia.com)
11. Delta Sigma Theta Sorority, Inc. (@deltasigmatheta.org)
12. The Arc Georgia (@ga.thearc.org)
13. The Arc of the United States (@thearc.org)
14. Georgia Adapt (@disabilitylink.org)
15. Georgia Advocacy Office (@thegao.org)
16. Southern Christian Leadership Conference (@nationalsclc.org)
17. The Concerned Black Clergy of Metropolitan Atlanta (@concernedblackclergy.com)

² Where available, we have provided an e-mail suffix for the listed entity. However, the suffixes are not intended to be exhaustive. Any reasonable search would also include the name of the listed organization, as each may use other e-mail platforms.

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18. Kastorf Law, LLC (@kastorflaw.com)
19. Advancement Project (@advancementproject.org)
20. Crowell & Moring LLP (@crowell.com)
21. The Justice Initiative (@justiceinc.org)
22. Samuel Dewitt Proctor Conference, Inc. (@sdpcconference.info)
23. Mijente, Inc. (@mijente.net)
24. Sankofa United Church of Christ (@sankofa.church)
25. New Birth Missionary Baptist Church (@newbirth.org)
26. Metropolitan Atlanta Baptist Ministers Union, Inc. (@mabmu95.org)
27. First Congregational Church, United Church of Christ Inc. (@firstchurchatl.org)
28. Georgia Latino Alliance for Human Rights, Inc. (@glahr.org)
29. Faith in Action Network (@faithinaction.org)
30. Greater Works Ministries Network, Inc. (@greaterworksfamily.com)
31. Exousia Lighthouse International C.M., Inc.
32. Coalition for Good Governance (@uscgg.org)
33. Bruce P. Brown Law LLC (@brucepbrownlaw.com)
34. Ichter Davis LLC (@ichterdavis.com)
35. Hecht Walker, P.C. (@hmhlaw.com)
36. Giacomina Roberts & Daughdrill LLC (@grdlegal.com)
37. Jackson County Democratic Committee (@jcdcgo.org)
38. Georgia Advancing Progress (@gappac.org)
39. Georgia State Conference of the NAACP (@naacpga.org)
40. The Law Office of Bryan Sells, LLC (@bryansellslaw.com)
41. Lawyers' Committee for Civil Rights Under Law (@lawyerscommittee.org)
42. Hughes Hubbard & Reed LLP (@hugheshubbard.com)
43. NAACP Legal Defense and Educational Fund (@naacpldf.org)
44. Georgia Coalition for the People's Agenda, Inc. (@thepeoplesagenda.org)
45. League of Women Voters of Georgia (@lwvga.org)

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46. GALEO Latino Community Development Fund, Inc. (@galeo.org)
47. Common Cause (@commoncause.org)
48. Lower Muskogee Creek Tribe
49. The Urban League of Greater Atlanta (@ulgatl.org)
50. The New Georgia Project (@newgeorgiaproject.org)
51. Krevolin & Horst, LLC (@khlawfirm.com)
52. Perkins Coie LLP (@perkinscoie.com)
53. Black Voters Matter Fund (@blackvotersmatterfund.org)
54. Rise, Inc. (@risefree.org)
55. VoteAmerica
56. Voter Participation Center (@voterparticipation.org)
57. Rogers & Hardin LLP (@rh-law.com)
58. Campaign Legal Center (@campaignlegalcenter.org)
59. Center for Voter Information (@centerforvoterinformation.org)
60. Fair Fight (@fairfightaction.com)
61. Care in Action, Inc.
62. Stacey Abrams

B. Request for communications with members of Congress (or their staff)

We request all communications between DOJ personnel and members of Congress (or their staff) from November 3, 2020, through the date of the search, that discuss the Act.³ At a minimum, a search for responsive records should include searches for electronic communications involving the following e-mail suffixes: “@mail.house.gov”; “senate.gov.”

C. Request for internal guidance documents

We request all internal guidance documents that DOJ uses to determine when, in DOJ’s opinion, a provision of a state’s election law violates the VRA. For instance, this request includes, but is not limited to, internal guidance that DOJ uses to

³ This request includes communications between DOJ personnel and Senators Jon Ossoff and Raphael Warnock (or their staff) from November 3, 2020—including the period before they joined the Senate.

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evaluate how one state's election law provision violates the VRA, while the same provision enacted in another state does not violate the VRA.

II. Fees

We request a full fee waiver for this request as “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii). The subjects of the requested records concern government operations. Georgia recently enacted reasonable election rules. Despite the fact that it is a state's responsibility to “set[] [the] rules” for the electoral process, *New Georgia Project v. Raffensperger*, 976 F.3d 1278, 1284 (11th Cir. 2020), multiple entities (including DOJ) have filed lawsuits seeking to prevent Georgia from implementing those rules. The requested records will contribute to the public's understanding of the coordination between the entities initiating those lawsuits. Such information is not currently public, and the requesters have no commercial interest in the records. Thus, a full fee waiver should be granted.

III. Format

We ask that you please provide each responsive record in electronic form. If a portion of the responsive records may be produced more readily than the remainder, please produce those records first, with the remaining records produced on a rolling basis. Also, if you withhold any responsive record in whole or in part pursuant to any FOIA exemption, please provide a *Vaughn* index explaining all such withholdings.

IV. Contact

We welcome communication about this request if further discussion would assist in the search and release of the requested records. We ask that you respond to this request without delay given our urgent need for the responsive records. Additionally, please feel free to contact counsel for the requesters should you wish to discuss the request. Counsel may be contacted by email at gschaerr@schaerr-jaffe.com and bfield@schaerr-jaffe.com or by phone at (202) 787-1060.

Thank you for your attention and assistance.

Sincerely,

Gene C. Schaerr

Brian J. Field

*Counsel for the State of Georgia
and Secretary Raffensperger*