

Subject: RE: FOIA ID 7770 - New FOIA request from Loree Stark
Date: Monday, July 1, 2024 at 12:38:41 PM Eastern Daylight Time
From: SOS FOIA
To: AO Records, Loree Stark
CC: David Cook
Attachments: Voter Rolls Recording Notes & Chat 03.21.2024.pdf, OH Citizen-NON citizen analysis.xlsx

EXTERNAL SENDER

Loree,

Please find attached the records responsive to your below request, which were received by our former Chief of Staff's retired email account at CFlannery@wvsos.gov. No redactions or exemptions applied.

This ends our office's duty under FOIA to respond. Should you disagree, please contact Dave Cook at DCook@wvsos.gov or otherwise file an action in the Circuit Court of Kanawha County.

Best,
Deak

--

Donald M. Kersey, III

Chief of Staff, Chief Deputy Secretary of State
West Virginia Secretary of State's Office
[304-558-6000](tel:304-558-6000) (Office)
[304-368-6344](tel:304-368-6344) (Direct Dial)
[304-558-0900](tel:304-558-0900) (Fax)

Email correspondence to and from this email address is subject to the West Virginia Freedom of Information Act and may be disclosed, in whole or in part, to third parties by an authorized State official. It may also be privileged or otherwise protected by work product immunity or other legal rules. Unauthorized disclosure of health, legally privileged, or otherwise confidential information, is prohibited by law. If you have received this email in error, please notify the sender immediately and delete all records of this email.

From: donotreply@wvsos.com <donotreply@wvsos.com>
Sent: Tuesday, June 25, 2024 2:56 PM
To: SOS FOIA <sosfoia@wvsos.com>
Subject: [FOIA] New FOIA request from Loree Stark

SOS FOIA Request

New FOIA Request

Id	7770
Organization	American Oversight
Name	Loree Stark
Address	
Phone number	304.913.6114
Email address	records@americanoversight.org

Request Details

June 25, 2024

VIA ONLINE PORTAL

Office of the West Virginia Secretary of State
1900 Kanawha Boulevard East
State Capitol Complex
Bldg. 1, Suite 157-K
Charleston, WV 25305
Via Online Portal

Re: West Virginia Freedom of Information Act Request

Dear Records Custodian:

Pursuant to the West Virginia Freedom of Information Act, W. Va. Code § 29B-1-1 et seq., American Oversight makes the following request for copies of records.

Requested Records

American Oversight requests that the West Virginia Secretary of State produce the following records within five business days:

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) any of the West Virginia Secretary of State officials listed below, and (b) any of the external entities or individuals listed below (including the listed

email addresses and/or domains).

West Virginia Secretary of State Officials:

- i. Mac Warner, Secretary of State
- ii. Chuck Flannery, Chief of Staff
- iii. Donald Kersey, General Counsel
- iv. Brittany Westfall, Elections Director

External Entities and Individuals:

- a. Dan Heim (victorycoder@gmail.com, danh@defendourunion.org)
- b. EagleAI NETWORK (eagleai.pro)
- c. Ian Camacho (ian.c.camacho@gmail.com)
- d. Look Ahead America (lookaheadamerica.org)
- e. Rick Richards (dronline@me.pro)
- f. Stefan Bartelski (bartelski.com)
- g. Totes Legit Votes (toteslegitvotes@gmail.com)

2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by any of the officials listed above in part 1 and containing any of the key terms listed below.

Key Terms:

- a. EagleAI
- b. "Eagle AI"
- c. "Totes Legit"
- d. "Tote Legit"

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited part 2 of this request to emails sent by the specified individuals. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means that both an individual's response to an email and the initial received message are responsive to this request and should be produced.

For both parts of this request, please provide all responsive records from March 20, 2024, through the date the search is conducted.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fees.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

§ Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.

§ Our 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 agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.

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

§ Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency 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.

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight. American Oversight 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, American Oversight and your office can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

Conclusion

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and X (formerly Twitter).

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Loree Stark at records@americanoversight.org or 304.913.6114.

Sincerely,

/s/ Loree Stark
Loree Stark
on behalf of
American Oversight

State of OHIO Non Citizen's on Voter Rolls analysis

Emailed question to:	RAW BMV DATA	Original data from DPS 4/23	RAW CENSUS DATA	2020 CENSUS NUMBER	Voter Registrations	8/8/23 SoS totals
jpayne@dps.ohio.gov	active driver, not deceased, not suspended, expired within last 6 months or not expired	8,324,938	Ohio 2020 census population	11,756,058		
	active ID includes temp id, not deceased, not suspended, not expired	572,022	<i>*margin of error (cumulative per census +/- 47,297</i>			
	TOTAL PHOTO ID'S	8,896,960	TOTAL OH RESIDENTS	11,756,058	SoS Registered voters	7,950,303
Adjustment calculation	Adjustments to data under 18 #####	-227,762	Adjustments to data under 18 -21.80%	-2,562,821		
	ADJUSTED TOTAL	8,669,198	ADJUSTED TOTAL	9,193,237	% registered voters have ID	91.71%
jpayne@dps.ohio.gov	The non-citizen licenses	192,238	non citizens in OH https://data.census.gov/table/ACSDT1Y2022.B05001?q=Citizenship&g=040XX00US39	267,191		
	The non-citizen IDs	31,458			% of pop are Registered Voter	86.48%
	TOTAL NON CITIZEN PHOTO ID'S	223,696	TOTAL NON CITIZENS IN OH	267,191		
Adjustment calculation	Adjustments to data under 18 #####	-4,921	Adjustments to data under 18 -21.80%	-58,248		
	ADJUSTED TOTAL	218,775	ADJUSTED TOTAL	208,943		
			<i>**margin of error (per census) +/- 12,109</i>			
	PERCENT OF DL, ID'S ARE NON CITIZENS	2.52%	PERCENT OF POPULATION IS NON CITIZENS	2.27%	<i>using the AVERAGE of the percentages of non citizens and non citizens with DL's</i>	2.40%
					NUMBER OF NON CITIZENS POTENTIALLY ON VOTER ROLLS?	190,663

Sent: 3/21/2024 12:00:00 AM
From: voter-rolls@googlegroups.com <voter-rolls@googlegroups.com>
To: voter-rolls@googlegroups.com
Cc:
Bcc:
Importance: Normal
Subject: Voter Rolls Recording, Notes & Chat 03.21.2024
Attachments: [OH Citizen-NON citizen analysis.xlsx](#)

Recording

03.20.2024 (Wednesday)

- **Welcome & Disclaimer | Willard Helander**
- **Data Update | Jon Lareau**
 - **Jon Lareau:** We have to wait until data comes from the Department of Elections.
 - **Pamela Reardon:** I would think the sheer volume would be a red flag.
 - **Jon Lareau:** We can watch the voter registration list but it doesn't tell us anything about a registrants citizenship status.
 - **Pamela Reardon:** We can start running NCOA against it.
 - **Jon Lareau:** The identification of non-citizen voters has to rely on the state. It's the only data set we got.
- **Eagle AI Updates | Dr. Rick Richards**
 - We have a new facebook page and twitter feed. AZ, CO, FL, GA, NV, OH, PA, and TX with WI, MI, MD, and KY on the launchpad. We have found 1.29 million people who filled out an NCOA form and suggested they moved. We are expecting
 - **Willard Helander:** Could you explain how NCOA only covers 40% of people who move?
 - **Dr. Rick:** The algorithms we have written will pick up 90% of the NCOA data. Out of 1.29 million, we were able to work all but 59,000.
 - **Jon Lareau:** There has been motion in lawsuits. There have been lawsuits by PILF that have been moving some ground. There was one in ME and SC.
 - **Dr. Rick:** The next hurdle will be SC and GA.
- **Non-Citizen Voting Data | Allison Nikolai**
 - I took a unique approach to try and find information. I was really focused on the non-citizen issue. I went and work with a legislator who is also concerned about this and verified how non-citizen voters are checked. I submitted a list of checks to n
 - I got the return email address and I asked how many driver's licenses were in circulation. I was able to get the actual number of credentials in OH. They gave me the exact number of valid driver's licenses. I was hoping to use it against the voter
 - We have more non-citizens acquiring drivers licenses and if you go to the Census Bureau, you can get non-citizen data for your state. There are approximately 267,000 non-citizens in OH who are 18 and over.
 - **Jon Lareau:** You referred to the Census Data?
 - **Allison Nikolai:** The average number of registered voters is 66.9%. I'll send over information to Bryson.
 - **Willard Helander:** If people don't have an automatic contact, you might want to address that.
 - **Lester Gabriel:** When you're looking at the percentage of voters compared to the number of citizens, you'll have to account for people who have moved to other states.
 - **Allison Nikolai:** Yes, I was aware of that. OH had 85,000 moves out of state in 2022. Look Ahead America did their non-citizen challenge. They took the NCOA and matched it against the voter rolls.
 - **Lester Gabriel:** NCOA does not capture all the moves.
 - **Allison Nikolai:** There are several types of moves.
 - **Ann Grigorian:** Do you know how many have showed up out of the ones that were identified?
 - **Jon Lareau:** When you're trying to combine multiple datasets, data lag and interpolation is a big issue. The census data was collected in 2020 and they re-estimate every year but they didn't do a new census. There's a lot of organization invol
 - **Allison Nikolai:** I'm not above whatever tools are in my toolbox to get what I need. I'm a landlord. I made a phone call to job and family services. It was eye opening because I learned that they offer. They will not assist anybody who do
 - Because of HAVA and NVRA, agencies are supposed to assist in voter registration. In the forms I found a voter registration as well as a declaration of voter registration. There is a voter registration form and it clearly states on there if yo
 - **Willard Helander:** The social service agencies are where you need to do more work. I really thank you for pointing that out. It will be important that you know how to navigate social services.
 - **Allison Nikolai:** It's good to see what's online. They are all about it. The job and family services already know where their hubs are.
- **Chat**
 - **Jane Bilello NCEIT:**
 - Please let everyone know what state you are from. Thanks.
 - **Vic Nicholls:**
 - Good Lord ...
 - **CP Black - Texas:**
 - Excellent information!
 - **Vic Nicholls:**
 - PILF found them too.
 - **Virginia Hall OREGON:**
 - E-VERIFY AVAILABLE TO EMPLOYERS WHO ARE MEMBERS
 - **Meg Rafferty-CO:**
 - <https://www.uscis.gov/save>
 - **Allison Nikolai:**
 - Sorry I'm late but I'm here
 - **Jon Lareau:**
 - <https://digitalpollwatchers.org/non-citizen-registrations-with-previous-voting-history-in-va-election-data/>
 - **Willard Helander:**
 - Reacted to "<https://digitalpolvy...>" with 🎉🎉🎉
 - **Vic Nicholls:**
 - Not here
 - **Vic Nicholls:**
 - but some do have the case already to take to federal court on the costs.
 - **Joan Roan | NC:**
 - Reacted to "<https://digitalpolvy...>" with 🎉🎉🎉
 - **Rick Richards:**
 - X: <https://twitter.com/EagleAINetwork>
 - Facebook: <https://www.facebook.com/eagleainetwork>
 - **Vic Nicholls:**
 - following you Rick
 - **Jane Bilello NCEIT:**
 - What happened to NC?
 - **Joan Roan | NC:**
 - Reacted to "What happened to NC?" with 🎉🎉🎉
 - **J Fenstermaker:**
 - Reacted to "What happened to NC?" with 🎉🎉🎉
 - **Allison Nikolai:**
 - Please get OH NCOA to MI's Phani Mandravidi
 - **Virginia Hall OREGON:**
 - I HAVE OREGON VOTER ROLLS FOR DR R
 - **Jon Lareau:**
 - Added. My Twitter handle is @WWKRDS btw, if anyone is interested.
 - **Virginia Hall OREGON:**
 - DR R EMAIL ADDRESS?
 - **Darlene Hennessy MI:**
 - What is the place you get your information. We have been using NCOA in MI
 - **Roxanna Gray:**
 - Why does NCOA mailing only pick-up 40% of the moves? What other sources should be used to identify more people who have moved?
 - **Allison Nikolai:**
 - I believe MI's NCOA data in CMV is from Dr Rick!
 - **Darlene Hennessy MI:**
 - Reacted to "Why does NCOA mailin..." with 🎉🎉🎉
 - **Willard Helander:**
 - Dr. Rick indicated that utility company connection and disconnects are a good source of moves where the person does not complete NCOA
 - **Jane Bilello NCEIT:**
 - Allison, could you give us a document with the steps you took to get this info so we can duplicate and share?
 - **J Fenstermaker:**
 - Reacted to "Allison, could you g..." with 🎉🎉🎉
 - **Bryson Davis | EIN:**
 - Replying to "Allison, could you g..."

WV-SOS-24-1274-A-000002

-
- I will make sure to distribute them.
- **Darlene Hennessy MI:**
- Replying to "Allison, could you g..."
-
- ◆◆◆◆
- **John Brenna NM:**
- That's outstanding news!
- **Cheryl Kemp - TN:**
- Reacted to "I will make sure to ..." with ◆◆◆◆
- **Willard Helander:**
- Allison's docs are being shared on the call. Stand by as EIN creates a pdf.
- **Joan Roan | NC:**
- Reacted to Allison's docs are b... with ◆◆◆◆
- **Jane Bilello NCEIT:**
- Dr Rick, Why is NC not on the list? As of this morning, NC was non-functional. Thanks.
- **CP Black - Texas:**
- Great work!
- **J Fenstermaker:**
- Can you get a link for the census?
- **Dan Burdish:**
- [census.gov](https://www.census.gov)
- **J Fenstermaker:**
- For non citizens
- **Virginia Hall OREGON:**
- I'M TRYING TO RAISE MY HAND !!!
- **Joan Roan | NC:**
- Replying to "I'M TRYING TO RAISE ..."
-
- Virginia? At the "Mo..."
- **Virginia Hall OREGON:**
- Replying to "I'M TRYING TO RAISE ..."
-
- NOT ON MINE
- **Cheryl Gilmartin:**
- Where did the statistic of 66. % of Americans are registered come from?
- **Meg Rafferty-CO:**
- Replying to "Added. My Twitter h..."
- Actually, it's @WWRKDS ◆◆◆◆
- **Craig Hunneyman:**
- Reacted to "NOT ON MINE" with ◆◆◆◆
- **Roxanna Gray:**
- Can you send us your Ohio law on citizenship proof and removal?
- **Cheryl Gilmartin:**
- Reacted to "Can you send us your..." with ◆◆◆◆
- **Ann Grigorian:**
- Reacted to "Can you send us your..." with ◆◆◆◆
- **Melanie Thomas:**
- Reacted to "Can you send us your..." with ◆◆◆◆
- **J Fenstermaker:**
- You are correct!!
- **Allison Nickolai:**
- ORC annual non citizen audit law:
- [Codes.ohio.gov/ohio-revised-code/section-3503.152](https://codes.ohio.gov/ohio-revised-code/section-3503.152)
- **Bryson Davis | EIN:**
- Reacted to "ORC annual non citiz..." with ◆◆◆◆
- **Joan Roan | NC:**
- Thank you, Bryson and Allison.
- **Ann Grigorian:**
- Reacted to "ORC annual non citiz..." with ◆◆◆◆
- **Cheryl Gilmartin:**
- Reacted to "ORC annual non citiz..." with ◆◆◆◆
- **Ann Grigorian:**
- <https://codes.ohio.gov/ohio-revised-code/section-3503.152>
- **Rick Richards:**
- Replying to "Dr Rick, Why is NC ..."
-
- Because I have one person helping me do this.... The data prep takes a day. The data load is taking way, way too long NC has been loading addresses for several days. We then need to data prep the moved file. I just looked at the board. I
- **Sue Culbertson:**
- Can we get a link to the recording of this call?
- **Lester Gabriel VA:**
- Reacted to "Can you send us your..." with ◆◆◆◆
- **Rick Richards:**
- Replying to "I believe MI's NCOA ..."
-
- True, Phani and I are working together,,
- **Ann Grigorian:**
- (C) If, not later than sixty days after the first notice is sent, a person who is sent a notice under division (B) of this section responds to the secretary of state, confirming that the person is a United States citizen, the secretary of state shall take no a
- **Lori Stiles IA, Polk Co:**
- What was the name of that thing to look up , again?
- **Ann Grigorian:**
- Ohio is baseline confirmation statement to remain on rolls
- **Rick Richards:**
- Replying to "Why does NCOA mailin..."
-
- 60% chose not to fill one out, lots of reasons listed, e.g., not wanting junk mail or bills to follow them. The other option is PCOA (Proprietary Change of Address) this comes from credit and utility companies.
- **Lester Gabriel VA:**
- I AM FINDING THAT THE PERCENTAGE OF INACTIVE VOTERS WHO NO LONGER LIVE AT THEIR REGISTERED ADDRESS IS AROUND 75%.
- **Ann Grigorian:**
- Replying to "Ohio is baseline con..."
-
- No documentary proof of citizenship required....
- **Rick Richards:**
- Replying to "What is the place yo..."
-
- Yes, I sent Phani the NCOA data. Phani and I are working together..... 60% chose not to fill one out, lots of reasons listed, e.g., not wanting junk mail or bills to follow them. The other option is PCOA (Proprietary Change of Address) this cor
- **Rick Richards:**
- Replying to "Please get OH NCOA t..."
-
- Already sent.... , Phani and I are working together,,
- **Craig Hunneyman:**
- <https://www.eac.gov/research-and-data/studies-and-reports>
- **Rick Richards:**
- If you have a recent voter roll please email me dr@eagleai.pro. If you have sent it thru NCOA, pls send that as well. If you have not sent it thru NCOA, I will do that.
- **Ann Grigorian:**

- Replying to "Ohio is baseline con..."
-
- Interesting that Ohio refers for prosecution if the identified noncitizen does not respond to cancel voter registration....
- **J Fenstermaker:**
- Replying to "If you have a recent..."
- Do you need NC? The rolls are online weekly
- **Allison Nickolai:**
- Replying to "Ohio is baseline con..."
- There is a specific cancellation form pertaining to this audit: I will send to you
- **Joan Roan | NC:**
- App on the phones given for the illegals courtesy of our Government and the UN IOM
- **Rick Richards:**
- Replying to "I HAVE OREGON VOTER ..."
-
- Thank You! Send an email to drr@eagleai.pro and I will send a Dropbox link to place it.
- **CP Black - Texas:**
- Great info!
- **Joan Roan | NC:**
- Thank you everyone.
- **Cheryl Kemp - TN:**
- Great information! Thank you!
- **Kj Meckert:**
- We need to change the federal law that prevents the voter rolls indicating voter registration origin.
- **Sue Culbertson:**
- Can I get copy of video recording?
- **Rick Richards:**
- Replying to "If you have a recent..."
-
- I have NC. Addresses STILL loading! For MRV NC is next up after IL. So sorry!
- **Christy Campbell:**
- Can I have a copy of recording?
- **Michael Shupe FL:**
- https://public.tableau.com/app/profile/urmimala.mandal/viz/VisualizationofPollWorkers/Dashboard_Main?publish=yes

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BRYSON DAVIS

Coalitions Coordinator

Virginia Institute for Public Policy

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BDavis@VirginiaInstitute.org | www.VirginiaInstitute.org

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You received this message because you are subscribed to the Google Groups "EIN: Voter Rolls Working Group" group. To unsubscribe from this group and stop receiving emails from it, send an email to voter-rolls+unsubscribe@googlegroups.com. To view this discussion on the web visit https://groups.google.com/d/msgid/voter-rolls/CAOgbz7eCa8-jvG6iY%2Bg62f49e19Lb_4tkfoLtzYlh-C16Gwdjw%40mail.gmail.com.