

RR 10/19/22

ASG: Welcome everybody to our research roundtable for Wednesday, October 19th, 2022. Today's topic is open Records requests. We're going to be talking about obtaining public records at the state and FOIA level, and people can share tips and tricks as well as workarounds for when we hit roadblocks and things. My intention for today's call is that everyone who is here with us live or catches the replay picks up at least one really valuable technique that they haven't already been using, that either helps them get things they haven't been able to get or to know what to look for, or to streamline their process of obtaining open records.

So we have Colonel Shawn Smith on with us. Shawn, you said you had something you wanted to mention before we jump in.

SS: I do. It's very timely and everybody will become aware of that as the news starts to hit, but there's something I should have mentioned and I realized I didn't emphasize, which is sort of falling into the narrative boundaries of what we're being told about our voting systems. But this is a specific vulnerability that is so egregious and so catastrophic that anytime people who are responsible for these systems talk about them and they talk about this as if it's not a vulnerability, it's. It's the most, just explicit, obvious indicator of their lack of awareness of the cyber threat and the significance of it. So this is something I didn't really emphasize—shockingly—in all the time that we talked about vulnerabilities.

And it doesn't matter what you have done to harden or secure your system, it doesn't matter what you're doing to protect your system. It doesn't matter how well you've controlled inputs and designs and materials and assembly and configuration. The moment you introduce an external connection, you introduce the vulnerability of every other system that does or can connect to your voting system. This is why it's beyond belief that the technical Guidelines Development Committee that advises EAC on content and standards for the voluntary voting system guidelines, and the Chair of that committee, by the way, is NIST (National Institute of Standards and Technology).

And it's only worse if you introduce a wireless connection because it doesn't matter what the what the protocol is that they're trying to use, like whether they're trying to use a secure socket layer, SSL protocol or like a two-way protocol. The wireless connection is open to being attacked and exploited. And many of them, most of them in fact have been. So if you introduce a connection to an external network into a voting system, and more specifically, if you introduce a wireless external connection, the ability of the system, you turn that on. There's no amount of hardening that you can do that will protect that system in the 1<sup>st</sup> place because it's not built in, and in the 2<sup>nd</sup> place, because the only people who really have any opportunity to inspect and assess whether or not there's any protection at all, let alone sufficient protection, are the voting system testing labs. And they're a wasted opportunity because they're neither competent nor honest.

And then thirdly, because this occurs, you know under the proprietary umbrella where election systems and election officials, our public officials are not allowed nor capable of observing and defending the systems. So at the moment you see anybody introduce an external network connection or an external connection, especially wireless to a voting system, from my perspective with my background, that system's done. You expose that attack surface and it will be exploited in this environment, within seconds. The Chinese alone are attacking just our defense networks thousands and thousands of times per hour, all day, every day, week after week and they have teams and that's just one country. You know they are scanning; they scan every IP address that is accessible to them and registered. They are constantly looking for vulnerabilities so the moment something pops up and shows its soft underbelly, they are in it. It's like that movie, "A Quiet Place" where if you speak, they attack you. If you make any sound at all and the creatures attack you. That is the cyber environment right now. So I just want to say that because it's about to be public and very apparent why I'm bringing this up.

ASG: I thought that movie was about speaking out about election fraud. You make a sound and they attack.

SS: That's right. So I apologize for forgetting to bring that up and emphasize it and for interrupting the session.

ASG: But you know what? It is timely and I think we can also keep it relevant as we're talking about open records today. If you guys have a question that doesn't pertain to a specific situation, let's just use the vulnerabilities as the situation right? Where you could request this or you could look for this or you could look for that. I love when things all tie in together because everything ties into election fraud. So it really does all tie in together.

OK. Just to let you guys know, one of the things that I would love to do with the content from today's meeting is to create sort of a "how to" for people, especially as you have new people joining your team throughout the different states, it's great when you can hand something off, and when new people want to get involved, they're excited, they want something to do and sometimes we're up to our eyeballs in what we're doing and it's hard to just hand something off, but if you have a "how to" for open records, it makes things a lot simpler. So why don't we start with "how do you guys know what to look for. I know with my experience here in Colorado, usually something comes up and we say let's find more info on that. Like we're working on something or there's something new that breaks that's timely and so that's when we go hunting. But maybe you guys have some other ways that you decide specifically what to search for.

So far we've had a very tech heavy topic. So we bring Shawn out to talk for an hour and then we'd open for Q& A, but today's roundtable is really meant to be more interactive because, I'm looking at the names that are on here - everybody on here has big stuff to share. And you might just think, well you have your own little way. I know I do that. I think I'm in my little box and I have my own little way of doing things. And then if I start talking with other researchers, I realize some of the stuff that I just do that seems really normal to me hasn't ever occurred to

them and vice versa. So we really have the opportunity to learn a lot from each other. So yeah, why don't we start with what to look for. Jump out and let us know how do you decide what you're requesting when you're doing Open Records requests. Loretta, go ahead.

Loretta: Hi. I've done a few of the open record requests, but what I generally take a look for is anything that's related to the voting machines. So what I do is take a look at our Illinois statutes first, see what is exempt and what is not exempt. Take a look at the actual FOIA statute itself. And I'm finding out that very few people know that the operator logs for the voting machines are available for public inspection. So one of the things that I also do is I take a look at all the different reports from the voting machines and I try to get not only the logs, the audit logs, but I also try to get some of the reports. I've done some of these FOIAs and if you would like my seven step plan: what you put on the first line, what you put on the second line, the third, the 4th, the 5th, the 6th and the 7th line. I'll be glad to send that to you.

ASG: That would be awesome. Loretta. Yeah, if you could send it to me, because I'm going to be building sort of a compilation of resources. I know you have my e-mail, but I just popped it in the chat, so I would love to get that from you, that would be super helpful.

Loretta: OK and what I've what I also started to do is, I started to generate a process flow diagram, you know, step one, Step 2. And so it starts off with either the citizen or the nonprofit or just the general requester. But it's really based upon the Illinois law. But if you're interested in that, I can go ahead and send that to you as well.

ASG: Yeah, that'd be great. I'd love to have that. Someone just said they can't see the chat.

SS: While you're trying to figure that out, can I just ask for the people who are on, have you guys gone through the CoA library to see the open records, public records responses that are already in there? I've got a whole list of kind of pro tips. I tried to write a guide for public records and Open Records requests to help train some of the Colorado volunteers months ago, but it wasn't very good. I was trying to translate what I was thinking about and what I'd learned and seen other people do. It didn't quite make it, but there were some things in there that were good, like how to structure them in ways to approach the request. For example, like you know, if they were gonna charge you for requests, you can have one person make a request so that you get a sense of what is important because like in Colorado we get insane responses from offices where they try to charge us. Like I've literally had quotes for \$4 million or \$1,000,000 for the public records because they can charge you search and retrieval fees here. Where they have to review them to make sure that they're not releasing personal identifying information or anything like that. And so then they use that loophole as a way to deter you.

But by making those big requests, you then get a sense of what they really don't want you to have. So if they give it to you or there's some nominal charge then they either don't know what's in it or they don't care about it. But when they start charging you or quoting you millions of dollars for something that should be simple then you know they really don't want you to have it just as an example.

So you can see some of that kind of stuff in the in the CoA library we and we've gotten these records that people have requested and received from all over the country. We're starting to build them up in there so Amy can talk more about that.

ASG: Yeah, we have a lot. I've read a lot of CORAs. That's the Colorado Open Records Act. So I definitely read tons of those. One thing I'll tell you too, that we learned in Colorado and what we recommend for every state if you haven't already done it, and like Loretta mentioned, you have to read your state statutes to find out what rules they're supposed to play by. So in Colorado, what we learned, like Shawn said, they can charge us a search and retrieval fee. However, the way the state statute is worded is they cannot charge you for the first hour of research, it's free. And then after that they can charge you per hour and, I forget how it's worded, but it's not like it's this much an hour. It's sort of like the going rate for that employee or whatever. But it says one free hour per request. So what we learned in Colorado is we can take a big ask where we know it's going to return a lot of results or we expect it's going to return a lot of results and we break it up among maybe six or a dozen people, and have each person make a portion of that request. Maybe they request all the ones from this guy, or they request all the ones on these dates and so on. So we break it down to what we know is going to be about an hour or less so that we're actually not having to pay. So is it a pain in the butt? Yeah, it definitely is. But we can get them faster.

SS: And then they don't always notice too, sometimes they do because like we got identical requests from 6 different people. Yeah, OK, exactly what's your point? The statute says you have to deliver it.

ASG: OK, I see Kathy has a hand up. Go ahead, Kathy.

Kathy: I was just wondering Shawn, what the search request should be when we go to Cause of America Library, what should we put in to look for the open records responses.

ASG: Hmm. Yeah, that's a good question. I don't think we have a category specifically. It depends on what you're looking for. Like all of the CORA stuff would have Colorado as a search term, but that's going to return a whole lot of stuff.

SS: You have to do this on the state if you so when you search by state you'll find open records that came out of that state. Although there also are going to be some that came out of FOIA and there's a whole other set of names because it's not the same in every state. I think it was Loretta who said that you first know your statutes --that's really critical to understand because I mean they try to violate the statutes all the time all the time. I could give you a list of the nonsense that public officials, including our Deputy Secretary of State in Colorado, have tried to pull, or even the Secretary of State.

I'll give you an example. I've made hundreds of open records requests to our Secretary of State's office. And they have never even a single time given me even one single e-mail to or

from our Secretary of State. It's impossible. And yet that's what they're doing. I've had the deputy Secretary of State who's an attorney and I don't know if he's a good one, but a former journalist. And he probably was you know, exactly like most of journalists today. But he's decided to make up a rule that was saying that, you know, I sent them one big request to see what they were afraid of. They gave me an outlandish quote and so then I broke up that that request into 52 separate one day requests because then according to the statute I would have one free hour of retrieval search and review per each one of those requests. And this guy just arbitrarily of his own fiat decided to combine all of my requests again and say you get one free hour. And I told him you're violating the statute, but he doesn't care. In Colorado at least, to fight something like that, you have to take them to District Court and challenge their violation of the open records statute.

So anyway, so you can look by state, but if you look, that's what I was going to point out. If you're doing a FOIA, there's a whole separate issue here. So it behooves you to either have a blog or to know someone with a blog because if you make up a federal FOIA request under the federal statute, journalists get the fees waived for them and they also provided expedited response. It's backwards that a citizen should have lower access than anybody else. I mean it's our government, we're paying for it. Journalists' rights are sacred, not privileged. So if you indicate in your FOIA request when you're making a federal request that you're a member of the press --I think it was 9th or 10th Circuit Federal Court ruled that citizen journalists have the same status as any mainstream or any other formal press. So if you do either opinion or news reporting on your blog, and it can be one post or have someone who is a citizen journalist in the form of a Blogger, that's sufficient and they should be entitled to that same privilege under FOIA. So those kind of things are the things you pick up along the way.

Also, FOIA, they respond in the on the 27<sup>th</sup> thousandth day of never, most of them just don't respond. You go into the chute of stuff they don't want to do and it's infinite delays. But if you have a friendly Congressperson, they can go directly over to that agency and send a request and we've done that a couple of times. But then when they don't respond to the Congressman, then you know, it's really something they don't want you to have. And we've had that happen with EAC. I mean we've got them red handed on the false accreditation of the voting system testing labs. They lied all over about it and then tried to cover it up. And we've got them, but they did not want to give up. We asked them for the meeting minutes from their Commissioner meetings and they wouldn't give them to us. And those are already supposed to be public record, so. Anyway, sorry, I'll stop now.

ASG: And the short answer to your question, Kathy, is we don't have a way to specifically target search some of the stuff that I've been given. In other words, it isn't necessarily marked FOIA or as a state local records request because I didn't know that's what it was. It was just stuff I got from people and I put that into the library. I was just doing some searches while Shawn was talking and I don't think there's a consistent search tag for that. Like if you put in "public" and search that you're going to get pages and pages of stuff but some of it is legal documents like stuff related to cases once things were unsealed and able to be shared, those have the word public in it, which isn't necessarily what you're looking for. And then there's also things at the

state level that people have posted in Cause of America in their own state as well. OK I think Elaine had her hand up next, and then Loretta.

Elaine: I just wanted to say I love the cause of America website. I haven't had as much time as I would like to go in there, but I've been going in and searching Ballottrax. I've been going and working on getting more stuff for our voter registration database, trying to figure out what words to use, because it seems like GRAMA requests are a word game at this point. I put together a training last February and March and I had the training once a month where I helped people do GRAMA requests. Because it is so expensive for one, and two, I personally believe every person in America should be doing GRAMA requests all the time. Because I was doing GRAMA requests from about age 7. My mom, anything we wanted to know, even the littlest thing, we'd go to the school board and request information. We'd go anywhere. And my mom would drive us all over, even to other states to get information if we had a question and we didn't have the Internet, so it was a little different back then. But we need to encourage people to do that because I actually had a county say they hadn't had a records request from a citizen since the entire time they've been there, and they've been there five years, and this is what's wrong with America. We have to let them know they work for us and they're accountable to us. Now in my county, what they did is all records requests now go through a lawyer. I have not gotten a single records request. My state records request, I just resubmitted them all today. They just ignore and never respond. And the state law, they're using a loophole in it to do that. So we've just got to be persistent. But I agree with you on the training and I have training for Utah that we still do. I think we have four other groups that we've all collaborated on, our best tips and trips for Utah on records requests, and we have that all together that we put out all the time. So I could get that to you to put up on our cause of America as well.

ASG: Yeah, that would be great!

SS: GRAMA, by the way, Government Records Access Management Act. So it's different names in different states. In Colorado it's CORA, and Kansas it's KORA with a K. This goes back to Loretta's first point. Read your statutes and know your statutes and you'll know what requests have to be called, who they have to be sent to. You can start looking for those terms. It's really important, and I'll give you an example. So I made a request to our Secretary of State for some records and they wrote back and told me that they didn't have the records. It was about their contracts with social media companies and intermediaries that would be, you know, pumping out propaganda. That's not exactly what I wrote, but that's what I was looking for. And they wrote back and told me that they don't keep all e-mail. And I wrote back and said that's fascinating because under this other statute, under Title 24, you're obligated to retain those records or to have the disposition decisions documented with the log. So now I'd like those disposition records so I can see that you actually destroyed the e-mail that you said you don't have. And who decided to do that? You know, under what rules to violate their statutory requirement.

ASG: And while you're at it, can you please send me all the communication about who decided to cancel that?

SS: Exactly. Exactly. So that's the other thing. So I've sent CARO requests, and then they give me back quotes, and then I have sent them back records requests for all the documentation and communication related to the decisions about the cost estimates, because I want to know who made those numbers up. And do you know they have never provided a single response. They never had a single responsive document that indicated where they got the number from. Even though by giving me a quote, it constitutes a final agency action, which under every Administrative Procedures Act in every state in the country would be something that would not be working papers, but would in fact be a decision that they have to provide you the record of. If anybody like Elaine has training materials or guides, we'd love to have those and to be able to share those with everybody for everybody who's willing.

ASG: Yes! Please send those to me [asg@causeofamerica.org](mailto:asg@causeofamerica.org) since apparently y'all can't see the chat and I can't figure out how to change it, which I'm thinking it might have been something that I needed to adjust before the call started, which is probably why I can't do it now. My bad, sorry about that. And real quick before we go to Loretta and then Edie, one other thing that you may find in your state statutes as well is if there are specifications in terms of how fast they are required to turn those around, and then also whether a specific form is required, other times it's a letter or an e-mail that will suffice or whatever. But yeah, we definitely recommend everybody start with their state statutes because it's boring, I know, but there's a goldmine of information in there in terms of how to get them to do it if they follow the law, which, as Elaine pointed out, they don't always. So Loretta, you're up next.

Loretta: Yes, well, I just wanted to let you know that reading the statutes does help because I ended up finding a really old statute dated in the 1980s. This is Illinois statute, of course, but it says "the list shall be reasonably detailed in order to aid persons in obtaining access to public records." The thing is, these public bodies, if you don't know if you've never FOIA'd before, at least in Illinois, you can FOIA the current list of all types or categories of records under its control. So it really comes in handy for those who are just starting to FOIA. In the state of Illinois, you also might have something like this and some of the other state statutes, I don't know. But also there's an appeal process that one can take, at least in the state of Illinois. I'll send you the FOIA process that I created. And hopefully that'll help as well, because in the review process from the public body, they review whether or not you're a recurrent requester. They review whether or not it's a voluminous request. They review all the exemptions that are associated with your request. They also review whether or not it's used for commercial purposes. And that's a whole new process and they also review the fees. So if you read the statute, which I really, really encourage you to do, you'll find out a lot of information regarding their review process as well as the appeals process. That's all I had to say.

ASG: Awesome. Thanks, Loretta. All right, Edie, you're up next.

Eddie: Hi there. So we're talking a lot about statutes and I just fully agree with all that. We've had the benefit of getting an attorney involved with us now who was not an election attorney, he's a patent attorney, but semi-retired and very interested in the cause. So he is reading all the statutes in great detail and helping us.

ASG: I'm sorry Eddie, what state are you in?

Eddie: Massachusetts.

ASG: Massachusetts. Go ahead.

Eddie: So he's been helping us craft the FOIAs and what we've learned is the language has to be very specific to what you want. Like very, very broad in terms of defining what you want, but a really narrow ask for it to be effective, and it makes it a lot harder for the responders to wiggle out of stuff. And also, we're working with the Secretary of State right now on an issue and they said one thing and then we delved a little more and they totally did a 180 on that initial answer. So we're trying to, rather than just respond, he's suggesting now that I just give the woman a call, not the Secretary of State, but the woman who's in that office that responded and changed. So he's an experienced litigator and he thinks that things in terms of if you have to go to court for something you know he he'll look at it from the judge's point of view like "oh well you emailed them but had you tried to get in touch with her? You didn't call her. Why didn't you call her?" So he thinks of things as a prosecutor and with that whole process, everything leading up to like a potential eventual action. So I've just found that to be thinking in a way I hadn't thought of before and it's been really helpful. And the other thing that we have and this was touched upon a little as well—

ASG: Eddie, before you move on to that, what will you say when you call her? Are you going to say, hey, why are you trying to weasel out of my request? Give us an example of how that conversation might go.

Eddie: I'm gonna have it today, actually.

ASG: Good. You could do a dry run with us.

Eddie: Yeah, it's gonna be, "Hi Deb, this is Eddie. I don't know if you had a chance to see the e-mail I sent last Thursday asking you to clarify your response to the public records request." And then, chances are she won't even talk to me. But you just have to go through that. If she's there and she sort of says, well, I really have nothing to say, then it's like, "well, that's interesting because it seems different from your original response and what you delivered to us in the documents that you returned." And, you know, just see what she has to say. And then he said document the conversation and then ask her to write to detail in writing what we talked about. And then if within a couple of days I don't get that then I detail in writing what we talked about and send it to her asking for confirmation. So it's kind of like keeping a paper trail of everything going through all these steps. I honestly, I think there's a 5% at best chance that I even connect

with her. But what he was saying is you just have to show that you were trying everything you could to get the information that you were looking for and that it's kind of critical stuff. It all has to do with some Massachusetts law they've initiated, they've legalized mail in balloting and they have sent out a ballot application to every registered voter. And of course a lot of registered voters don't live where they're registered to vote in, so there's all these applications that got returned to sender. Now these are sent from the Secretary of State's office in Boston, but there's a printing company that actually sent them out and we've got this documentation from the primary mail out printer saying to the Secretary of State, we have 3 buckets of stuff, what do you want me to do with them? And basically they said "recycle them." So we followed up on that and say, well, what is the recycling? Like who's handling them? Because that could mean anything from it could mean anything. I don't know what recycle means. So we're trying to get records and they were like we have no records responsive to your request and it's like what? So that's one of the things we're working on. But getting back to the bigger picture we're very fortunate to have an attorney who can guide us through this to the extent that there are guidelines legal approach guidelines that could be put together that because I don't know that everybody has an attorney that can help them.

ASG: No, they don't.

Edie: I didn't think so. And then the other thing we have which is another blessing is a woman who is running for Congress has made it clear that she wants to use her campaign to support efforts to improve election integrity. She's really going out on a limb. She's like we have a very RINO GOP in our state and she's just kind of not dealing with them and she was she was the woman who spoke for us and at the moment of truth summit and when we do requests from her e-mail, she's given me an e-mail address as part of her campaign platform with you know, Web server. So when I FOIA from that I definitely carries more weight than when I do it from like my ProtonMail. And I try to limit what I do and have obviously talked to her about every FOIA that comes out of her campaign and PR their PRs in Massachusetts. I say FOIA generically, but PR is a public records request. It's like your CORA. I find that it's very helpful to have a candidate that you can work with because you know they do have more standing I would say than, I mean I think in the eyes of the people responding. We all should have the same amount of standing but I think the people that are responding to the PR's think, oh, I better deal with this one because they're a candidate.

ASG: Interesting. Thanks for that, Edie. Shawn, I see you've got a hand up.

SS: I've got one technique that I want to give everyone, but I want to do it when the recording's off. And I also want to point out a couple things that we've done that you may not have thought of in your area. A lot of states allow the agencies to charge you some kind of a fee or a search and retrieval fee or a review fee, but it's normally just the first requester. And so two things you can do which are really going to unsettle the agencies that you're requesting information from. One of them is to request their log. So they will be keeping a log of all the open records requests, whatever those are called in your state. And requesting that log periodically lets you see not only what other people have requested and who's requesting. But, for example, we've

found leftist media organizations and other organizations looking to see what we've requested, like doing open records requests by name against us. And then it also once you see what materials they've provided to other people, sometimes you can find out what they've been charged. So you can find out whether there is a discriminatory pattern. For example, in Colorado and some other states that agencies are allowed to waive fees under certain circumstances related to the state of funds in the general funds and some other, some other, you know, caveats. But they almost never do it for people that they don't like. Which is us. And so you might be able to see that. The other thing is that once you have that list of all the things that have been provided with, all the various information you can get from that, including some of the wording that they use and hide behind, you know the vocabulary tricks they'll play.

You can also request a copy of everything that's been provided to someone else. It's not the same everywhere. But if you request an electronic copy, they don't give you a copy charge. They were only allowed to charge for the search and for the review prior to turning it over. Once that's been charged once, they can't charge you again for it. So you can actually request an electronic copy of everything anybody else has gotten and get it for free. And then the other thing is, there was one more thing. Sorry, I got a phone, phone call interrupted me. There's one more thing there. If I think of it, I'll come back.

ASG: OK. Awesome. So you're saying to request their log of their open records request. Ha ha touché. I love it. All right, Elaine.

Elaine: I wanted to say I love that idea because when I'm bored and twiddling my thumbs, I already have my next project and that's going to be gathering everyone's records requests, putting it together in a report for the legislators. And I think that's a great idea because right now most people are being denied. It's not, there is no records requesting. But I wanted to touch on doing the FOIA request and I haven't over my lifetime had very good luck with FOIA requests. They're very timely in that they're very time consuming. But I'm still getting an e-mail about my records request to the EAC in 2020, saying that it's COVID. Still, they can't do it because of COVID. It's like it's automatically being sent back when I try and get it. They removed all contact information. So I was wondering, I've heard people have gotten stuff. I don't know how you're doing it, but I would like tips on that and then two, ES&S.

In the beginning, I would e-mail Tracy Maps because that's who you had to go through and she would never respond or she would give some offhanded thing. They do have to keep it according to the voting system guidelines, five years after certification, they have to keep the records. After that they can destroy them. And I think ours might have been for our system destroyed either this year, or maybe it was last year. I did have someone at ES&S I was able to get through to originally back last February and I would talk to him all the time until they found out I was getting information from him and then I was cut off. But does anyone else have any way that they have found success in requesting from either the EAC or ES&S or other voting system companies?

SS: Two things, two approaches 1. Go through US Representative or Congress member and ask them to follow up. They can take the exact same request or even your request and send it directly from their office because that effectively is telling them that they're funding is threatened, right. You start depriving-- I mean FBI is doing this and DOJ is doing this to Congress. They're giving them the one fingered salute but not all agencies are willing to do that. It depends on how well they think they're protected against congressional oversight.

The other thing you can do is find a friendly member of the media or citizen media and make a media contact outreach to them and let them know that you're getting ready to publish an article. And then, you know, make the statements that you think are true and ask them if they want to comment or correct the record and provide documentation. So there's two things in there that will be compelling to them. And the other thing is to don't just send it to their CORA person, or I'm sorry, their FOIA person, but include somebody like their executive director or their general counsel on it so that it comes to somebody else's attention and cause it'll sit there in their mind, right? "This could be brought up later. I could personally be embarrassed because I personally ignored this" or whatever, if that makes sense.

Elaine: Yeah, that's great. In fact, I might take that tack with the state because they removed-- so we have an open records platform. And when they updated it, and it keeps very good track of records that the public is no longer required to track. So if you do an appeal, it's all there. So now they're pulled, they pulled all the election requests off of open records, and now they never respond to an e-mail. So that is a really good idea to just put in my representative, put in the Lieutenant governor, put in the governor in all of my records requests, and maybe they won't just magically get lost every time I e-mail them.

ASG: Maybe. Let us know how that goes. All right, Kathy.

Kathy: I just wanted to say back on Shawn's suggestion. They just had to hire someone just to handle the PR's and basically telling us to back off on that. But if I actually have proof of how many, and to use it, to say, hey, it's really not as bad as you're letting on or whatever. We have never tried that idea. I'm off on another request. Thanks, Shawn.

ASG: Awesome. Alright. Any other ideas for when you get roadblocked? Like we've had several good suggestions come up and I'm just wondering if there's any more on that where you're either not getting a response or you're getting your search is too great or we don't have anything that meets that etc. I know one thing that we've done here in Colorado is to flip it and request it the other way. So if we get a comment that, oh, we don't have any emails originating from this office to, you know, on that specific topic, then we've had someone different request it going the other way. So *to* that person about that topic instead of *from* that person. And a few times we've caught people who had said there's no communication. Oh yeah, there is. And that's how we've caught it. So that's been really useful too.

SS: Yeah. We even got that so out in Mesa County where we requested everything, all their communications. I've got Wayne Williams out there who's a former state Secretary of State in

Colorado now is a member of the City Council. And I think he's running for mayor or something. I don't know. He's corrupt as hell. He he's also a Runbeck consultant and he helped bring in the Uniform Voting System, which is all the Dominion. We've got e-mail from other parties in Mesa that lists him. That should have been responsive. But we didn't get those emails from him, even though we can see that they went to him. And we saw that all over the place. Like some Commissioners were very deliberate about screening out what they gave us and provide it to us. But then we have the evidence from the other Commissioners out there that they were on these emails and that they excluded them from the response of documents. If we had more time, we would be prosecuting or trying to prosecute. All of that and taking them into District Court, that's the that's the net effect of so much maladministration and dereliction of duty by all of these officials. There's so much to do that you really have to prioritize where you're going to push and try to do things that have a larger, broader effect.

ASG: OK. We have a hand up from T Johnson. Is that Terry or who's that? I see a hand up, but we can't hear you.

Tom: Thank you. I'm sorry. This is Tom Johnson, Massachusetts.

ASG: Hey, Tom.

Tom: I don't know if you can see the Q&A section. I just put a note in there under the Q&A section, pasted a link to the Massachusetts Secretary of State's office that keeps the list of all PR/records requests. It shows the agency which has been requested and the nature of the request and the dates of course and when they requested it when they responded, but it doesn't show the actual request. At least you can see what people are requesting and when they requested it and how and what they got. So like you said, that could be useful information to start from somewhere if you're looking to see what's been requested already.

ASG: Awesome. I'm going to grab that link because apparently something I did in the settings has made it so that most people can't see the chat. So um, but I'll grab that link and I will include that in the follow up e-mail that I send out later this week.

Tom: Great. Thanks.

ASG: Yeah, thanks for posting that. Alright. What else? What else related to open records requests do you guys want to ask or share?

Elaine: This is Elaine from Utah. I was just saying to someone that to get beyond the stalemate when you're not at a state level but at a county level is to contact your county commissioners. We've been starting to bring it up to them at town halls. Of course they're campaigning right now. So that's a great tool to use against them. How are you going to fix these records requests? We can send you stuff that we're not getting. For instance I just got an e-mail. I wanted to know the total number of people that enrolled in the pilot programs in our county for mobile voting, online voting, and I can't remember what the third one was. And they

basically sent back out things saying we don't keep track of any of that. And to me that's maladministration. If you're gonna have a pilot program, I think they're lying. But you can take that to the county commissioners and then like he said use your representatives. Then we can either get an item on the County Commission agenda which and we can try again when we when we have more people involved to basically give their comments. So that is something we're working on here. So that's kind of at the bottom of the barrel of what we're trying to focus on, at least for me right now, but the more you can go in a meeting--I did a meeting in Washington County where they were taking questions and I just asked them publicly, why is this record not available? Why don't you have this record and that helps out quite a bit.

SS: There's a there's kind of a related point that I'd like to make about that. And this is a little bit longer game, but we've gotta do it anyway. So a lot of states will have a legislative auditor, and the auditor is auditing the performance of state agencies and providing reports to the legislature. Some of them do it on schedule, some of them do it where it's directed from legislators. So if you have friendly or even moderately neutral state legislators, when you have an agency, in particular Secretary of State or a state agency, and they are violating their statutory requirements, you know, playing games, trying not to provide you information, slow rolling, overcharging, et cetera, you can copy the state legislative auditor and your legislators on your response, stating what you believe they're doing and how they're violating it so that they understand that you are trying to get a legislative audit that will reveal their conduct. Because that's another threat that they don't want, it's like the old Violent Femmes song. "Do you want this to go down in your permanent record?"

Elaine: That's true. Right now, what we are working on exposing, and I've already exposed some of it, is they're instructing the counties, the state agencies and others to do everything by phone. Do phone chats, no emails, because we can't request those in Utah. We can't request text messages if it's on a private phone and they messed with the text messages stuff, so it's kind of weird anyway, so that is one thing that we could expose that way because that is one way they're saying no records responsive in some of our requests for communications.

SS: Yeah, I would think there would be if they direct people to do that and there's any record of them, even if you record somebody or can get a copy of somebody acknowledging that, that seems like a deliberate effort; a prosecutable, punishable deliberate effort to circumvent state records laws. It's basically what Clinton did with all her private server and the Blackberries. Yeah, at this point what difference does it make? Who will be the judge of that? Yeah. Exactly.

ASG: Anybody else? I'm just curious about this. Has anybody paid for records request? And if so, what would you figure you've paid to date?

Elaine: This is Elaine from Utah. I'm a little over \$3000.

ASG: Wow.

Elaine: It's probably closer to \$4000.

ASG: And did you fundraise for that? Or how did you—

Elaine: Just like the canvas, I paid for all of it myself. We built a house, and so I had been saving for a long time because we were building a house to do my landscaping. So I just took my landscaping money and paid for everything. And that worked for me. And I'm not complaining. But now that's why I have the nonprofit, because I don't have any landscaping money left. And so I have to fundraise. And it's very difficult to fundraise for that kind of stuff. But in order to do that in Utah, you have to get a charity permit and you can't get a charity permit without a nonprofit.

SS: We did the same thing. I'm about maybe \$9000 in so far, but we've also done a lot of paid legal costs for attorneys where we've been bringing suits. We set up a nonprofit for election Integrity a 501C in Colorado and it has collected some funds and that's all gone to attorneys. But yeah, and bought Tesla and GameStop. Well only I bought GameStop to stick it to the hedge funds that have been breaking American companies because it drives me crazy that they create the conditions to plummet the stock price so that they can then you know pick them up cheaper and they do it with their institutional power with that level of funds and they're just destroying American companies. It's just money to them. They don't care what they're doing to jobs or industry or anything else. So I bought along with the apes. I bought GameStop stock and I was gonna hold it for the rest of time just because they had sold all these options that they didn't have the stock for and so it really it really put them in a bad position. So far though I have sold, bought and sold the GameStop stock either twice or three times, and that is paying for election integrity efforts in Colorado, which pleases me doubly.

ASG: Yeah, in case anybody doesn't know, Shawn does not get paid to do this. He doesn't collect any salary or anything. So that's pretty impressive. Um, Kathy, I think were you gonna jump out to on the topic of had you paid for records request?

Kathy: Well, I feel a little embarrassed complaining about \$1200, but yeah, it's basically out of pocket. We do put out a donation bucket and explain that it's for PR's and printing expenses, but it's just basically raised for printing of literature that we hand out at events, so yeah, it's basically out of pocket for everybody, and probably the most expensive thing we've done is request video for the drop boxes. So far. Which you won't do again, but.

ASG: Did you get? Did you receive that? And if so, was any of it not legible or whatever the equivalent word is for video? Like could you see anything?

Kathy: Yes, we could. We use it, but we discovered that less than 3% of the people use it. Dropbox is only like 400 voters used it and most of that was toward the end of election and we didn't actually have the tapes for that most days. So it wasn't very usable for us. But we pushed on them to live stream it and they're going to do that and so that was our answer there.

SS: OK, that's a good idea. There's also, in some states, there's also why they can charge you, and you really have to, again, you really have to know the statute. Some places they can charge you for copies or charge you for their retrieval when they're going to provide you a copy. But there's no provision for a charge for you to inspect it in person. So if you have the time or if you have a group of people who have the time, you can sometimes go in, inspect records. You know you schedule a time, tell them you want to look at the records and they just have to show you the records, and they aren't allowed to play some of the same games although you know COVID all of the nonsense over COVID allowed them in a lot of cases to shut down in person office visits. So it cut off that avenue for citizens shockingly.

ASG: Who is surprised at this point anymore? I don't even know that our Secretary of State has returned to in person offices right Shawn? Aren't her offices still sitting vacant?

SS: Yeah, they moved the offices. And my understanding is she almost never goes in, which is understandable because her staff hates her, the ones that haven't left. She at one point had like a 400% turnover in her immediate staff. That usually tells you something about the person, but that's definitely on the high side.

ASG: So earlier when Elaine was saying "we built a house," seriously, for a second I thought she was going to say "we built a house to store all the records requests I've received" because I have so many documents from you.

Elaine: Really I have three terabytes. That's video documentation as well. So when I see news reports or something as they pull them down. And then I've also started archiving on archive.org, but also keeping a copy of news Media that they do in Utah because they change them constantly, they change the story and update it constantly. So unless you have that original, you can't prove your point because they'll go in and change it as soon as you start saying something. And but yeah, I have a computer, I haven't been able to do anything with records for like 3 weeks because I've loaded it so full I can't even open anything on my computer and so I'm gonna get a new hard drive in and then start going through it. But we are trying to digitize them the way you are where they're either text searchable because not every records request is useful. And then I had someone send me thousands of pages or documents files that they scanned and they scanned page one and page 2 on different documents, and I think I might have sent those to you.

ASG: I apologize, but still haven't finished going through stuff that you sent me. I finally got through the first few thousand that Shawn had, and other people sent me less. And so I think I've been through all of those, but I'm like, OK, next up, Elaine from Utah.

Elaine: If you see any they say "scan" skip those because I'm working on getting those actually put in the proper page order. But yeah, what I'm doing is, well, we've been doing this every month, training on GRAMA. I haven't done it since I started canvassing in November last year because I was just too busy. And everywhere I go everyone is like, when are you going to start those again? But we're trying to get more and more people to do that because when you can

develop a personal relationship, like I have still relationships with county clerks in Illinois, Nebraska, Iowa, all over the country where I get records requests all the time and have for years and once you develop that relationship it's a lot easier to get records requests. Right now that's changing because they're trying to pull it away from the records officers to lawyers or to state regulations saying don't give anything. And they're trying to take away our ability to have relationships with our local people. And when we can get people all over this state requesting records and building individual relationships, then we have them submit all their GRAMAS to one location and we kind of have these five groups and we kind of just funnel everything up and then we have one group, we have 16,890 as of yesterday files of records requests from everyone in Utah that's given them to us. As of just a few days ago. And so we're just continually funneling everybody's records request to one location and we're working really hard to try and get them organized. What's useful, what's not, there's so many gold mines in there and a lot like me, I don't have time. I was trying to do GRAMA spotlights all the time. I don't have time with what I'm doing right now to do all that stuff.

So we're trying to branch it out, but you know, it's hard to find volunteers who have time to put in the work, but that's what we're working on right now, is getting as many as we can on all topics. We have thousands and thousands of pages of China contracts with the state of Utah that we're trying to get through. We have thousands of pages of UN infiltration into different agencies, into our schools, where they actually bring in UN officers and then set curriculum and different things. So it's not just elections that we have records on, but what we're trying to do is get kind of a grassroots GRAMA request force going on here in Utah.

ASG: That's awesome. It's so important, too. I know you mentioned stuff other than election, and there's a lot to do with election, and luckily there's people who are passionate about other areas. But if that's happening in Utah, you can bet it's happening everywhere, right? UN infiltration and developing curriculum in schools. That's pretty scary stuff.

Elaine: Yeah, the more people can see the records for themselves and not just someone else getting it you when you make a sacrifice for our country. And I was on a radio show Monday and with the county clerk. And so we're trying to get the county clerks to talk to us about this. So we're starting to set up radio programs where we can talk to each other on the radio publicly. I like doing private meetings, but we need the public to be aware. And he kept repeating over and over and over that everything that we want is removing rights of people. And my point was that it's not --we're we are in this country. We built this country on sacrifice. We built this country on the sacrifice for keeping our God-given rights. And in elections we might need to make sacrifices because it means more to us when we vote. And that's the way it is with records requests. When you can put in that sacrifice and actually go and see how the government works, how are they accountable for you? How are they obfuscating you? How are they denying you? How are they treating you?

Then that sacrifice brings you more involved in our community just simply from your efforts.

SS: OK, you guys are the choir. So preaching to you is not, you know, needed or effective. But to other people, sometimes I say something--people ask me, have you watched this show? Have you watched that show? No, I don't watch any shows. Have you watched the show called "doing your duty as a citizen?" Because that's what's on at my house. Right. You have to, you have to remind people, look, you run your government or you lose control of it. And I can say, and I've said, I was not doing this. I was failing in my duty. I had this stupid idea that I would be able to stop being involved in government because I was no longer, you know, within it. It was dumb. And the more I learn, the more I realized just how much it's gotten out of our control because we have, and it's understandable. People get distracted by their day-to-day and their own pursuits especially. You know I think especially kind of moderate and conservative people. You're worried about your own family and your own business you're pursuing and we thought we could leave government to operate under the constitutional constraints and you cannot, you have to be the constant gardener.

So for sure recruit as many people-- like we're having that discussion now with Cause of America. We need to bring some more people in who can do some of the kind of functions and help us with some of the things that are just sitting there fallow because we don't have time. You know, we've lost a couple people. We're trying to do new things and we want to you know there's so many people in the states who are developing expertise like you guys in in specific, functions or pursuits and we're not taking good advantage of that. So it's the same within your state as it is across the country is that we have to know each other or take advantage of what we've learned and then recruit other people and remind them why it's necessary and why it has to be them. There's nobody else. You look around, we've got a lot of people in the country. There's not that many people who are really developing expertise in doing this, and we have to bring more people in. So if you're training people, that's the right way. If you're inspiring them, that's the right way. Because once we start building up that mass of citizens that are engaged, you know it'll overwhelm and it is overwhelming in many places, our government agencies and their resistance to citizen control.

ASG: Yeah. Alright, so we have a few more minutes. Umm, so anybody else have anything they want to ask or contribute? Does anybody have a great system for organizing the open records responses that they've received? Because sometimes what happens in Colorado is another grassroots person will get like a huge file and they're like, OK, who has time to read this? And they'll send it to me because they know I speed read and I'll go through it and try and send them like a summary of what was interesting and what looked weird. And these 80 pages are kind of nothing or, you know, whatever, because there is, especially when you're getting emails records, there's a lot of back and forth and responses where you've already read that, and it can be overwhelming if you get a ton of stuff back, so I wonder if you guys have any good tips to share on organizing that response to those responses.

Elaine: This is Elaine from Utah . I'll just say no.

ASG: You'll let us know in a little while when you finish it, right? And then you'll be like, here's what I did.

Elaine: I would love to have what you have on my website. I just don't have that ability. But I did find a place that will do a searchable spreadsheet. That's free code. So I put the free code on there. And what I'm working on now is putting in the spreadsheet. And I guess I could just send you a copy of what I have now. I have the who I got it from, the date, the date that the record was given. So if it's an e-mail, I have the date of the emails or date range and then I have the topic. Or I have the title of the original file name and this is very important because not all of our records requests are like from states or FOIA, they're online available. And what I'm finding is if you don't have that original name, sometimes you can't find that source again. And then I if I rename it because the original name doesn't help you at all. If I rename it, I put the rename in the spreadsheet and then I put links too. We have a database, so I put a link to the database where it's at, a link to the original document where it's at, and then the name of the original requester. And I'm trying to just keep this in a spreadsheet. And then I have three sets of keywords. I have key topic, key subject and keywords, and I go through the record and every name listed in the record, every company listed in the record goes in the keyword. But when I go to key or to subject, it might be ballot printing or whatever is in the subject. And then for the topic I try and keep it as broad as you can and have those limited and then it's just a drop down box on my website to look at and it's not anywhere near as nice as what Cause of America has. But what I found is that spreadsheet when people call me and they're like where's this record? And now that I'm rearranging them, my brain could keep track of most of the records. Where they were at, but when I rearranged them I can't remember and so I can go to the spreadsheet and find that record a lot easier. I don't know if that's helpful, but.

ASG: That's awesome. So what I'm hearing you say is that you have a database that has all of the documents in it, and then you have a spreadsheet that references all of those documents. So you can search the spreadsheet to know exactly where to find that document in the database.

Elaine: Correct. And then we're also working on and I had to use Adobe's the only place I could find. But I'm taking every single record and turning into a text document. And I have not found a consistent way that I can put it in a database and it search that text document because every browser is a little different. But I would like very much to get to the point where I have an ability to search the text in the document because with 16,800 something files you can't remember everything and you might miss stuff and everyone reads it differently. Whenever we get a GRAMA request, our goal is to have at least 5 to 7 people read it, and I can guarantee you all 5 to will come up with something different. That's really important because they all have a different basis of their knowledge.

ASG: That's a really good tip.

SS: Yeah, I'm nodding as Elaine is saying some of these things 100% this is why we wanted to get the stuff that we had up into the library because you know I can remember really clearly I got this this was very early on. It was in fact it was one of my first big Open Records request to Colorado Secretary of State. And so much came out of it like I found evidence that they had

been coordinating with Election Assistance Commission that they acknowledge that they have no proof that our systems had been tested by an accredited lab. I found them describing me as a proponent of the Big Lie and giving my personal information to the general counsel of Dominion Voting Systems. Just I found where clerks were kind of going behind the backs of their constituents and talking bad about them. You know, basically trying to collaborate to obscure information with the Secretary of State. In the middle of that, there were some documents that just happened to come back, which weren't really related to my request, but they were caught in the keyword searches, and the information in them was really important to Georgia. And if I hadn't known Garland (Favorito) and known that they would be interested, it wouldn't even have occurred to me to send it to him. But it did. But there was kind of an accident as my point, and that's why I think what you've noticed, Elaine, with having multiple people reading the GRAMA responsive documents I think applies nationwide in many cases. Like there are things that you know Kevin Moncla might notice that that I wouldn't notice or that would strike Marilyn Todd in New Hampshire or Missy in Kansas. Like there are sometimes there are things about these organizations and their interactions that just won't stand out to us individually. But if we expose them then other people get a chance to see it. That's what we're trying to do with the library. So if you guys have stuff that you want us to host, we can do that. I should know this, but Amy, you'll know even if I don't. Can we host things? We can host things behind the membership portal, right, so that they're not publicly available yet.

ASG: We can. For example, if Eileen uploads stuff in her state section, like in the Utah section, then it's only going to show up for Utah people. So it won't be searchable by anyone outside of that Utah group. And then each state also has the privileged one too, which I think is just the people that you give access to. I think it's a little confusing how it's set up, because it's my understanding that I'm the only person that can put files in the national category, which makes them totally public.

SS: We're almost out of time, right? We've got a few minutes, we're going to open it up for questions to see what other questions people have of each other. I know some people are more experienced than others. We've got somebody in our state, Linda Opines, who has done this hundreds of times. All the county clerks are afraid of Linda. I'm surprised they haven't blocked her e-mail.

ASG: Anybody have any more questions or anything? No? OK thanks for being here, we'll see you in two weeks.