

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051

MINORITY (202) 225-5074

<http://oversight.house.gov>

March 6, 2019

The Honorable Brian P. Kemp
Governor
State of Georgia
206 Washington Street
111 State Capitol
Atlanta, Georgia 30334

Dear Governor Kemp:

The Committee on Oversight and Reform is investigating recent reports of serious problems with voter registration, voter access, and other matters affecting the ability of people in Georgia to exercise their right to vote. The Committee is particularly concerned by reports that Georgians faced unprecedented challenges with registering to vote and significant barriers to casting their votes during your tenure as Secretary of State and during the 2018 election.¹

For example, under your leadership, the Secretary of State's Office reportedly cancelled voter registrations for more than 1.4 million Georgians, including 670,000 in 2017 alone.² In 2018, 53,000 Georgians, most of them minorities, who tried to register had their applications placed on hold by your office.³

In addition, county and state officials have closed more than 200 polling places across Georgia since 2012.⁴ Officials reportedly considered closing nearly all polling sites in one majority African American county, although they ultimately relented after public scrutiny.⁵ In

¹ See, e.g., *Georgia Voting Begins Amid Accusations of Voter Suppression*, New York Times (Oct. 19, 2018) (online at www.nytimes.com/2018/10/19/us/politics/georgia-voter-suppression.html).

² *Georgia Cancels Fewer Voter Registrations After Surge Last Year*, Atlanta Journal-Constitution (Oct. 17, 2018) (online at www.ajc.com/news/local-govt--politics/georgia-cancels-fewer-voter-registrations-after-surge-last-year/fqT1bcSzGu33UEpTMDzMVK/).

³ *What You Need to Know About Georgia's 53,000 Pending Voters*, Atlanta Journal-Constitution (Oct. 15, 2018) (online at www.ajc.com/news/state--regional-govt--politics/what-you-need-know-about-georgia-000-pending-voters/0aulxJgJlulIpKgMmpexBmK/).

⁴ *Voting Precincts Closed Across Georgia Since Election Oversight Lifted*, Atlanta Journal-Constitution (Aug. 31, 2018) (online at www.ajc.com/news/state--regional-govt--politics/voting-precincts-closed-across-georgia-since-election-oversight-lifted/bBkHxptlim0Gp9pKu7dfiN/).

⁵ *Georgia County Rejects Plan to Close 7 Polling Places in Majority-Black Area*, New York Times (Aug. 23, 2018) (online at www.nytimes.com/2018/08/23/us/randolph-county-georgia-voting.html).

other counties with significant minority populations, voters waited for hours to cast their ballots, even though hundreds of available voting machines sat unused in government warehouses.⁶ In addition, a recent report found an unusually high number of “undervotes” for Lieutenant Governor among African American voters in the 2018 general election.⁷

For these reasons, please provide the following documents by March 20, 2019, for the time period from January 1, 2017, through the present:

1. All communications related to any voter roll purges, list maintenance activity, or other government actions to remove voters from the rolls or cancel registrations pursuant to Georgia’s “use it or lose it” law, O.C.G.A. § 21-2-234, including the voter roll purge conducted in July 2017, which reportedly resulted in more than 500,000 people being removed from Georgia’s voter rolls for inactivity;⁸
2. All communications related to the placement of voter registration applications on hold or in pending status under the Secretary of State’s “exact match” policy interpretation of the Georgia voter registration statute, O.C.G.A. § 21-2-220.1.6, or any other efforts to delay or deny approval of voter registrations in advance of the 2018 elections;
3. All documents related to closing, moving, or consolidating polling sites, including:
 - a. any consideration of the closure of polling sites in Randolph County or other locations in Georgia;
 - b. any consideration of using the Americans with Disabilities Act as a basis for closing polling sites or limiting polling site hours; and
 - c. any communications with or regarding consultants hired by state or local officials in connection with this issue;
4. All documents related to the sequestration of voting machines, or other actions that prevented voting machines from being used on Election Day, including the sequestration of voting machines in Cobb, DeKalb, Fulton, or other counties;
5. All documents related to undervotes or drop-offs in voting rates in any state or

⁶ *Why Did Some Voting Machines Sit Unused on Busy Georgia Election Day*, Atlanta Journal-Constitution (Nov. 8, 2018) (online at www.ajc.com/news/state--regional-govt--politics/why-did-some-voting-machines-sit-unused-busy-election-day/GEe491hw2FsEAKESx42TYM/).

⁷ *Exclusive: Thousands of Black Votes in Georgia Disappeared and No One Can Explain It*, The Root (Feb. 9, 2019) (online at www.theroot.com/exclusive-thousands-of-black-votes-in-georgia-disappea-1832472558).

⁸ *Georgia’s Strict Law Leads to Large Purge of Voters*, Atlanta Journal-Constitution (Oct. 27, 2018) (online at www.ajc.com/news/state--regional-govt--politics/voter-purge-begs-question-what-the-matter-with-georgia/YAFvuk3Bu95kJIMaDiDFqJ/).

federal races in the 2018 general election, including with respect to the Lieutenant Governor race or other races;

6. All documents related to your ethical or legal obligations or possible conflicts of interest while simultaneously running for Governor and overseeing the state's elections as Georgia's Secretary of State; and
7. All documents related to the allegation by the Georgia Secretary of State's Office on November 3, 2018, that there had been a failed attempt to hack the state's voter registration system, and that the Secretary of State's Office had opened an investigation into the Democratic Party of Georgia.⁹

For purposes of this request, please produce responsive communications involving:

- You, during your terms as Secretary of State, Governor, and time in between;
- Officials in the Georgia Governor's Office;
- Senior officials or managers at the Georgia Secretary of State's Office, including anyone in the Secretary's leadership team, Election Division management, or others;
- Georgia county election officials;
- Federal officials or officials from other states;
- Anyone affiliated with your gubernatorial campaign or any other campaign in the 2018 election;
- Anyone affiliated with a local, state, or federal political party;
- Anyone affiliated with a group that made political expenditures in the 2018 election;
- Employees of any election equipment vendors, including Election Systems & Software (ES&S); or
- Anyone affiliated with any other outside group.

⁹ Georgia Secretary of State, *After Failed Hacking Attempt, SOS Launches Investigation into Georgia Democratic Party* (Nov. 3, 2018) (online at sos.ga.gov/index.php/general/after_failed_hacking_attempt_sos_launches_investigation_into_georgia_democratic_party); see also *How Brian Kemp Turned Warning of Election System Vulnerability Against Democrats*, Atlanta Journal-Constitution (Dec. 14, 2018) (online at www.myajc.com/news/state--regional-govt--politics/how-brian-kemp-turned-warning-election-system-vulnerability-against-democrats/iLOkpHK3ea39t8Eh4PCGxM/).

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. The Committee has examined state voting and elections issues on numerous occasions, including multiple hearings in the 115th Congress on federal and state election security efforts.¹⁰ In addition, the Subcommittee on Civil Rights and Civil Liberties has oversight jurisdiction over voting rights issues under Committee Rules.

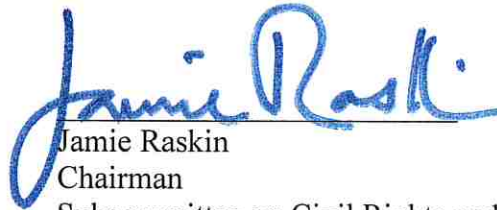
An attachment to this letter provides additional instructions for responding to the Committee’s request. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051.

Thank you for your attention to this matter.

Sincerely,



Elijah E. Cummings
Chairman



Jamie Raskin
Chairman
Subcommittee on Civil Rights and Civil
Liberties

Enclosure

cc: The Honorable Jim Jordan, Ranking Member

The Honorable Chip Roy, Ranking Member,
Subcommittee on Civil Rights and Civil Liberties

¹⁰ House Committee on Oversight and Government Reform, Hearing on *Cyber-securing the Vote: Ensuring the Integrity of the U.S. Election Systems*, 115th Cong. (July 24, 2018); House Committee on Oversight and Government Reform, Subcommittee on Information Technology and Subcommittee on Intergovernmental Affairs, Joint Hearing on *Cybersecurity of Voting Machines*, 115th Cong. (Nov. 29, 2017).

Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.