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April 10, 2023

**VIA ELECTRONIC MAIL & U.S. FIRST CLASS MAIL**

Mr. J. Matthew Maguire, Jr.  
Parks, Chesin & Walbert, P.C.  
75 14th Street, 26th Floor  
Atlanta, Georgia 30309  
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**Re: Coalition for Good Governance's Open Records Requests to Dominion Voting Systems ("Dominion")**

Dear Matt:

I represent Marilyn Marks and non-profit organization Coalition for Good Governance ("CGG") with respect to Open Records Act events related to the 2021 breaches of Georgia's Dominion voting system. I am following up on Ms. Marks' March 16, 2023 letter to you regarding your denial of public records, and your letters of March 7 and April 5 denying her Open Records Requests.

As Ms. Marks stated, Dominion has clear legal obligations to produce responsive communications with Georgia's election officials regarding services provided to state and local governments. I am writing in hopes of finding a mutually satisfactory and efficient way to satisfy CGG's information needs in a manner that can avoid litigation.

As Ms. Marks noted, Georgia's Open Records statute clearly applies to records held by private entities when created "in performance of a service or function *for* or on behalf of an agency...." See O.C.G.A. 50-18-70(b)(2). Certainly, the broad array of election-related services that Dominion performs for the state and Georgia counties falls within the scope of the statute. Communications with those entities concerning those services fall within the scope of public records and as such are not exempt from disclosure.

The argument that communications about the EMS system are exempt from disclosure because the software and databases of the Diebold GEMS system were exempt from disclosure under *Smith v DeKalb* is not persuasive. Certainly, election officials in Georgia have disclosed thousands of communications as public records about the EMS system, without creating legitimate security concerns. As Ms. Marks points out, she is not seeking databases or software or proprietary technical information or trade secrets. The determination of what Dominion is required to disclose under Georgia's Open Records Act is not determined by the Secretary of State as your letter seems to imply.

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Of course, CGG and Ms. Marks prefer to avoid litigation to obtain the requested records, but relevant information concerning these records is essential to CGG's goals. I am happy to try to work with you on something akin to a privilege log covering the responsive documents to avoid any concerns about proprietary interests or disclosure that might undermine law enforcement investigations. It is likely that such a communications log would satisfy CGG's need for most of the documents. Please consider providing a log that identifies the responsive record (e.g., letter, email, memo, etc.), the parties involved (to/from/cc/bcc), the document date, subject line, if any, and a brief description of the material. Such a log would avoid any need at this stage to consider issues of sensitive security details or proprietary information. Ms. Marks and CGG seek neither security details nor proprietary information.

Please let me know if you would like to discuss this matter. I look forward to your prompt response. I would appreciate hearing from you by the end of the week, April 14, 2023.

Thank you for your time and attention.

Sincerely,

*/s/ Cary Ichter*

Cary Ichter

cc: *Via Electronic Mail*  
Marilyn Marks  
Robert A. McGuire, III, Esq.