

Jennifer Dorminey Herzog

From: Jennifer Dorminey Herzog
Sent: Friday, July 28, 2023 4:05 PM
To: 'Marilyn Marks'
Cc: Vickers, Tracie; Vickers, Wesley; Rachel Roberts; Anthony A. Rowell; Jeanne; bperkins@olivermaner.com
Subject: Coffee County Response to Marks 7.25.23 ORR re: Renewed public records request -- Re: Coffee County Response to Marks 5.23. 22 Open Records Request (Renewed -- Board member communications)

Good afternoon,

We are in receipt of your 7.25.23 request for records below. Again, without detailing each and every specific, I must respectfully disagree with many statements made in your correspondence.

In response to your below request, we have again requested the Coffee County Board of Commissioners and Coffee County Board of Elections and Registration thoroughly search their communications for any responsive records. I have likewise requested that the Records Custodian also search the archiver. I have been provided no additional records to produce to you. You state below that “we have obtained some responsive records through third parties to the May 23, 2022 request which were not produced by the county or its officials, indicating that documents were either overlooked or improperly withheld” – I ask that you please post haste produce any such documents to me so that I may investigate thoroughly the alleged failure of production and ensure that the County’s records are complete.

We have communicated on the issue of the 2.25.21 meeting on numerous occasions, but most recently again on June 1, 2023, and I incorporate those prior responses here. It is my continued understanding based on confirmations made by those alleged to be present and also a majority of those in fact present that you have received inaccurate information on the issue of a quorum of the Board of Commissioners being present at the 2.25.21 Coffee County Board of Elections and Registration meeting. I again reiterate my request for you to provide the “multiple eyewitnesses” names so that I may fully investigate to ensure that both I (and you) are receiving accurate information.

As you are aware and I have previously notified you through past communications, as county attorney for Coffee County and through that role as counsel for the Coffee County Board of Elections and Registration, our firm no longer represents Eric Chaney who is no longer serving a member of the Coffee County Board of Elections and Registration. As I have advised you in the past, any requests for records from Mr. Chaney or Ms. Hampton should be directed to those individuals and their current counsel. As with any previous employees, board members, or any other person or entity who may be holding any public records of Coffee County as defined by OCGA 50-18-70 et seq in his/her/its possession that are not otherwise privileged by one of the applicable exceptions, we encourage production of any public records in response to any open records requests received. By making this statement, we do not imply that the record you have referenced is in fact a public record as we have no knowledge of it and if such does in fact exist, would certainly be an ultra vires act that was not approved by the Board. We further request a copy of any documents produced to you by Cheney or Hampton or anyone else related to this request.

As we have also communicated in the past and I incorporate by reference those prior communications herein, no laptop was located in the Coffee County Board of Election and Registrations office at the time of Hampton’s

departure outside of the “old black toshiba” of which you are already aware (which I am advised does have a grey/silver top).

Although I am not aware of any specific records responsive at this time, as I have in the past, in an abundance of caution I state that we reserve the right to object to the production of any attorney client privilege or work product related records in accordance with OCGA 50-18-72(a)(41) and (42).

There is no charge for this response.

Sincerely,

Jennifer Herzog

From: Marilyn Marks <Marilyn@USCGG.org>

Sent: Tuesday, July 25, 2023 12:03 PM

To: Jennifer Dorminey Herzog <jherzog@hallboothsmith.com>

Cc: Vickers, Tracie <Tracie.Vickers@coffeecounty-ga.gov>; Vickers, Wesley <Wesley.Vickers@coffeecounty-ga.gov>; Rachel Roberts <Rachel.Roberts@coffeecounty-ga.gov>; Anthony A. Rowell <ARowell@hallboothsmith.com>; Jeanne <jdufort@aol.com>; bperkins@olivermaner.com

Subject: Renewed public records request -- Re: Coffee County Response to Marks 5.23. 22 Open Records Request (Renewed --Board member communications)

Jennifer,

I am renewing and refining the public records request below for communications in the possession or control of any county officials and representatives “related to or referencing any of the activities described in the allegation of imaging, copying, accessing [election] equipment or data by third parties who were not officials of the County.” The relevant dates of the communications and documents requested are November 1,2020 through June 30, 2022.

We want to ensure that all officials or representatives who may have such records have thoroughly searched their records including text messages and emails as well as paper records. A renewed request is clearly in order given that we have obtained some responsive records through third parties to the May 23, 2022 request which were not produced by the county or its officials, indicating that documents were either overlooked or improperly withheld. Further, the laptop Ms. Hampton used in her work and that Mr. Barnes testified was in his office must be searched for responsive documents, and those documents produced.

Further we are now aware, despite your denials, that a quorum of County Commissioners was present during a meeting of the Board of Elections on February 25, 2021 related to the termination of employment of the election staff and potentially other matters. (It is our understanding that Mr. Rowell ran the meeting and Commissioners Osteen, Dovers and Paulk were in attendance.) Please ensure that all commissioners and election board members (including Mr. Chaney) and representatives have likewise thoroughly searched all their records and electronic devices, including text messages, for responsive documents.

It is unacceptable to merely respond that no responsive documents were provided to you. We require the affirmative response of whether such documents exist and are being produced.

Please provide the responsive documents within 3 business days of the receipt of this request. This request is made on behalf of CGG, Jeanne Dufort and Marilyn Marks as individuals.

From: Marilyn Marks <Marilyn@USCGG.org>

Sent: Monday, May 23, 2022 11:01 AM

To: Jennifer Dorminey Herzog <jherzog@hallboothsmith.com>

Cc: Vickers, Tracie <Tracie.Vickers@coffeecounty-ga.gov>; Rachel Roberts <Rachel.Roberts@coffeecounty-ga.gov>

Subject: 5.23.22 Open Records Request Renewed --Board member communications

Jennifer,

This is an open records request I am renewing in light of new information related to documents in the possession of board members or other county officials related to the any of the activities described on the Scott Hall recording (transcript attached). I have also attached the recent Washington Post article noting the reported existence of text messages exchanged between Ms. Hampton and Mr. Chaney concerning third party review of the Coffee County election materials. Such communications were not produced.

As you know, I have sought and continue to seek all communications sent or received by board members related to or referencing any of the activities described in the allegation of imaging, copying, accessing equipment or data by third parties who are not officials of the County. The County's response was that the board members had no such records and none were produced. The Washington Post reporting indicates that Mr. Chaney would indeed have had communications that should have been preserved and produced whether or not the communications were on the Signal app. Please produce all relevant communications of county officials for the period November 1, 2020 through June 30, 2021.

Also, it is essential that the County attempt to retrieve the preserved communications records from Ms. Hampton. They are official records of the county and the county is responsible for producing such records.

Thank you.

Marilyn Marks
Executive Director
Coalition for Good Governance
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Marilyn@USCGG.org
Follow me [@MarilynRMarks1](https://twitter.com/MarilynRMarks1)