

Date : 10/13/2023 10:30:46 AM

From : "John Bonifaz" jbonifaz@freespeechforpeople.org

To : "David Ganz" dganz@usccr.gov

Cc : "Mauro Morales" mmorales@usccr.gov, "Irena Vidulovic" ividulovic@usccr.gov, "Ben Clements"

bcllements@freespeechforpeople.org, "Ron Fein" rfein@freespeechforpeople.org, "Courtney Hostetler"

chostetler@freespeechforpeople.org, "Alexandra Flores-Quilty" afq@freespeechforpeople.org

Subject : [EXTERNAL] Re: Cleta Mitchell (EAC) Free Speech for People

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

Dear David,

Thank you for your email. Earlier this week, Free Speech For People and Generation Vote issued [this release](#) calling on The U.S. Commission on Civil Rights not to re-appoint Cleta Mitchell to the EAC's Board of Advisors. We would appreciate it if you could share this release with the Commissioners.

I am adding here to the cc line Ben Clements, Free Speech For People's Chairman and Senior Legal Advisor; Ron Fein, our Legal Director; Courtney Hostetler, our Senior Counsel; and Alexandra Flores-Quilty, our Campaign Director.

Thanks again,

John

John C. Bonifaz (he/him)
President
Free Speech For People
48 N. Pleasant Street, Suite 304
Amherst, Massachusetts 01002
(413) 253-2700 (office)
(617) 529-4611 (cell)
www.freespeechforpeople.org
[Blog](#) | [Press](#)

From: David Ganz <dganz@usccr.gov>

Date: Thursday, October 5, 2023 at 2:34 PM

To: "jbonifaz@freespeechforpeople.org" <jbonifaz@freespeechforpeople.org>

Cc: Mauro Morales <mmorales@usccr.gov>, Irena Vidulovic <ividulovic@usccr.gov>

Subject: RE: Cleta Mitchell (EAC) Free Speech for People

Hello John,

I am writing in response to an email that was forwarded to me regarding the appointment of Cleta Mitchell to the Election Assistance Commission (EAC)'s Board of Advisors. The U.S. Commission on Civil Rights (USCCR) has reviewed the EAC's Board of Advisors enabling statute, 52 U.S.C. § 20944, and the Help America Vote Act Of 2002, and the FACA Charter and bylaws of the Board, which are available [here](#). These legal authorities do not allow USCCR to unilaterally revoke a past appointment to, or otherwise remove a current member of, the EAC's Board of Advisors. The EAC may have such legal authority and it is suggested that you contact the EAC with any questions regarding Ms. Mitchell's membership to the Board of Advisors.

However, yesterday I informed the Commissioners of the USCCR that the current appointments to the EAC Board of Advisors will expire in November 2023. By law, Board of Advisors members serve 2-year terms and USCCR has authority to appoint members to the Board of Advisors. I reminded Commissioners that the EAC is an independent, bipartisan commission whose mission is to help election officials improve the administration of elections and help Americans participate in the voting process. For additional information, please see <https://www.eac.gov/about>.

The USCCR previously appointed Cleta Mitchell on November 3, 2021, and Jenny Carroll was appointed on November 29, 2021. The foregoing dates were received from EAC's Office of General Counsel. The current USCCR appointed members' terms are expiring November 2023. We have respectfully requested that Commissioners commence consideration of new appointments to EAC's Board of Advisors.

We hope this information is helpful. Kind regards,

David

From: Irena Vidulovic <ividulovic@usccr.gov>

Sent: Wednesday, September 20, 2023 4:55 PM

To: David Ganz <dganz@usccr.gov>

Cc: Mauro Morales <mmorales@usccr.gov>
Subject: Clela Mitchell (EAC) Free Speech for People

Dear David and Mauro,

Please see the inquiry below from Free Speech for People and the formal letter that the organization sent to USCCR in July. They are looking to schedule a meeting with Commissioner Jones however we wanted to make sure that we received a GC opinion to opine.

I look forward to hearing back from you.

Thank you,
Irena

Hi Jonathan,

Following up on our call just now, here is a link to the July 19, 2023 letter which Free Speech For People and Generation Vote have issued to the US Commission on Civil Rights urging that it revoke its appointment of Trump attorney and election denier Clela Mitchell to the US Election Assistance Commission's Board of Advisors:

<https://freespeechforpeople.org/wp-content/uploads/2023/07/fsfp-genvote-ltr-to-usccr-re-clela-mitchell-071923.pdf>

And, here is the link to the press release we issued on this letter:

<https://freespeechforpeople.org/public-interest-groups-renew-call-for-us-commission-on-civil-rights-to-revoke-appointment-of-election-denier-to-election-assistance-commission-board-of-advisors/>

As I mentioned, following the issuance of this letter, new information emerged last Friday revealing that the Fulton County grand jury investigating election interference in the 2020 presidential election in Georgia recommended that Clela Mitchell be indicted for her role in trying to overturn that election. See [this important piece](#) this past Wednesday in The Intercept on this development.

We are very interested in arranging a Zoom meeting with Commissioner Mondaire Jones to discuss this important matter. I am cc'ing here our Campaign Director Alexandra Flores-Quilty. Representatives of our partner organization Generation Vote would also attend that meeting.

Thank you, Jonathan, for your help with this. We look forward to hearing from you.

All the Best,

John

John C. Bonifaz (he/him)
President
Free Speech For People
48 N. Pleasant Street, Suite 304
Amherst, Massachusetts 01002
(413) 253-2700 (office)
(617) 529-4611 (cell)
www.freespeechforpeople.org
[Blog](#) | [Press](#)

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or

Government-wide policy.