



September 25, 2019

VIA ELECTRONIC MAIL

Florida Department of State  
Office of the General Counsel  
Attn: Carlos A. Rey, Public Records Custodian  
500 S. Bronough Street  
Tallahassee, Florida 32399  
[DOS.GeneralCounsel@DOS.MyFlorida.com](mailto:DOS.GeneralCounsel@DOS.MyFlorida.com)

**Re: Public Records Request**

Dear Public Records Officer:

Pursuant to Florida’s public records laws, as codified at Fla. Stat. Chapter 119, American Oversight makes the following request for records.

Requested Records

American Oversight requests that the Florida Department of State promptly produce the following:

1. All email communications (including email messages, email attachments, calendar invitations, and calendar invitation attachments) regarding Florida’s Online Voter Registration (OVR) system ([registertovoteflorida.gov](http://registertovoteflorida.gov)) between the Florida state officials listed in Column A and any individuals communicating with the email addresses or email address domains listed in Column B:

Column A (Florida State Officials)	Column B (Email Addresses or Domains)
<ul style="list-style-type: none"> <li>▪ Ken Dentzer</li> <li>▪ Sarah Revell</li> <li>▪ Mark Ard</li> <li>▪ Maria Matthews</li> <li>▪ Toshia Brown</li> <li>▪ Amber Marconnet</li> <li>▪ Katie Gamertsfelder</li> <li>▪ Janet L. Modrow</li> <li>▪ Wes Underwood</li> <li>▪ George Brown</li> <li>▪ Walter (Scott) Maynor</li> </ul>	<ul style="list-style-type: none"> <li>▪ FVRSSOE@dos.myflorida.com</li> <li>▪ SOEStaffContacts@dos.myflorida.com</li> <li>▪ @miamidade.gov</li> <li>▪ @browardsoe.org</li> <li>▪ @pbcelections.org</li> <li>▪ @hcsoe.org</li> <li>▪ @coj.net</li> <li>▪ @leoncountyfl.gov</li> <li>▪ @hendryelections.org</li> <li>▪ @hardeecountyelections.com</li> <li>▪ @keys-elections.org</li> <li>▪ @colliercountyfl.gov</li> <li>▪ @ast.myflorida.com</li> </ul>



Please provide all responsive records from (a) July 17 through July 31, 2018, and (b) September 25 through October 9, 2018.

2. All contemporaneous records reflecting the operational status of Florida's OVR system in the two weeks prior to the July 31, 2018 and October 9, 2019 deadlines for registering to vote. This request encompasses any contemporaneous email communications (including email messages, email attachments, calendar invitations, and calendar invitations attachments) between (a) Florida Department of State or Agency of State Technology employees and (b) any IT employees or contractors, web service providers, or other contractors responsible for the OVR system. It also includes other records reflecting the OVR system's status, such as service tickets, memoranda, and reports or other outputs from web analytics software or services.

Please provide all responsive records from (a) July 17 through July 31, 2018, and (b) September 25 through October 9, 2018.

3. All email communications (including email messages and email attachments) sent to OVRSupport@dos.myflorida.com.

Please provide all responsive records from (a) July 17 through July 31, 2018, and (b) September 25 through October 9, 2018.

4. All records relied upon by Florida Department of State Spokeswoman Sarah Revell when she reportedly stated that the OVR "site was never down" and any issues individuals had using the OVR system "were intermittent."<sup>1</sup> This request includes any memos, talking points, or briefing materials provided to Ms. Revell.

Please provide all responsive records from July 17 through October 9, 2018.

5. All records reflecting any retrospective analyses, audits, investigations, and other inquiries into the operational status of Florida's OVR system between July 17 through October 9, 2018.

Please provide all responsive records from October 10, 2018, through the date of the search.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the terms "record" and "information" in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material

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<sup>1</sup> Marc Caputo, 'A Mess': Florida's Online Voter-Registration System Panned, POLITICO (Oct. 9, 2018, 6:05 PM), <https://www.politico.com/states/florida/story/2018/10/09/a-mess-floridas-online-voter-registration-system-panned-641953>.

of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

In addition, American Oversight insists that the Department of State use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; your office may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Please take appropriate steps to ensure that records responsive to this request are not deleted by your office before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and the Department of State can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

## **Conclusion**

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes

materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>2</sup>

We share a common mission to promote transparency in government. American Oversight looks forward to working with the Department of State on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Christine H. Monahan at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 788-0606.

Sincerely,

A handwritten signature in blue ink that reads "Austin R. Evers". The signature is fluid and cursive, with a long horizontal line extending to the left.

Austin R. Evers  
Executive Director  
American Oversight

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<sup>2</sup> American Oversight currently has approximately 12,250 page likes on Facebook and 54,300 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Sept. 24, 2019); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Sept. 24, 2019).