



November 12, 2019

VIA FACSIMILE

Darryl Martin
Commissioners Court Administrator
411 Elm Street, 2nd Floor
Dallas, Texas 75202
Fax: (214) 653-7057

Re: Public Information Request

Dear Public Information Officer:

Pursuant to the Texas Public Information Act, as codified at Tex. Code ch. 552, American Oversight makes the following request for public records.

Requested Records

American Oversight requests that the Dallas County Elections Department promptly produce the following:

1. All communications (including emails, email attachments, text messages, calendar invitations, letters, memoranda, or other communications) sent by any of the following Dallas County election staff including the following terms:

Dallas County Staff:

- a. Elections Administrator Toni Pippins-Poole, or anybody communicating on her behalf
- b. Assistant Elections Administrator Robert Heard, or anybody communicating on his behalf
- c. Early Voting Manager Laura Granado, or anybody communicating on her behalf
- d. Election Judge Polling Location Manager Tandi Smith, or anybody communicating on her behalf
- e. Warehouse Manager Lynn Coumpy, or anybody communicating on his behalf



Terms:

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| ○ “Leadership Conference” | ○ “Closing voting places” | ○ “Vote wait times” |
| ○ “Democracy Diverted” | ○ “Closed voting place” | ○ “Votes wait time” |
| ○ “Polling place close” | ○ “Closed voting place” | ○ “Votes wait times” |
| ○ “Polling places close” | ○ “Closable voting place” | ○ “Voter wait time” |
| ○ “Polling place closes” | ○ “Closable voting places” | ○ “Voter wait times” |
| ○ “Polling place closing” | ○ “Precinct close” | ○ “Voting wait time” |
| ○ “Polling places closing” | ○ “Precincts close” | ○ “Voting wait times” |
| ○ “Polling place closings” | ○ “Precinct closes” | ○ “Vote waiting time” |
| ○ “Polling place closed” | ○ “Precinct closing” | ○ “Vote waiting times” |
| ○ “Polling places closed” | ○ “Precincts closing” | ○ “Votes waiting time” |
| ○ “Polling place closure” | ○ “Precinct closings” | ○ “Votes waiting times” |
| ○ “Polling place closures” | ○ “Precinct closed” | ○ “Voter waiting time” |
| ○ “Close polling place” | ○ “Precincts closed” | ○ “Voter waiting times” |
| ○ “Close polling places” | ○ “Precinct closure” | ○ “Voting waiting time” |
| ○ “Closes polling place” | ○ “Precinct closures” | ○ “Voting waiting times” |
| ○ “Closes polling places” | ○ “Close precinct” | ○ “Preclearance” |
| ○ “Closing polling place” | ○ “Close precincts” | ○ “Pre-clearance” |
| ○ “Closing polling places” | ○ “Closes precinct” | ○ “Countywide vote” |
| ○ “Closed polling place” | ○ “Closes precincts” | ○ “Countywide votes” |
| ○ “Closed polling place” | ○ “Closing precinct” | ○ “Countywide voter” |
| ○ “Closable polling place” | ○ “Closing precincts” | ○ “Countywide voters” |
| ○ “Closable polling places” | ○ “Closed precinct” | ○ “Countywide voting” |
| ○ “Voting place close” | ○ “Closed precincts” | ○ “Countywide voting place” |
| ○ “Voting places close” | ○ “Closable precinct” | ○ “Countywide voting places” |
| ○ “Voting place closes” | ○ “Closable precincts” | ○ “Countywide vote center” |
| ○ “Voting place closing” | ○ “Long wait time” | ○ “Countywide vote centers” |
| ○ “Voting places closing” | ○ “Long wait times” | ○ “Countywide voter center” |
| ○ “Voting place closings” | ○ “Longer wait time” | ○ “Countywide voter centers” |
| ○ “Voting places closed” | ○ “Longer wait times” | ○ “Countywide voter center” |
| ○ “Voting place closure” | ○ “Longest wait time” | ○ “Countywide voter centers” |
| ○ “Voting place closures” | ○ “Longest wait times” | ○ “Countywide voting center” |
| ○ “Close voting place” | ○ “Long waiting time” | ○ “Countywide voting centers” |
| ○ “Close voting places” | ○ “Long waiting times” | ○ “Countywide voting center” |
| ○ “Closes voting place” | ○ “Longer waiting time” | ○ “Countywide voting centers” |
| ○ “Closes voting places” | ○ “Longer waiting times” | ○ “Countywide voting centers” |
| ○ “Closing voting place” | ○ “Longest waiting time” | ○ “Countywide voting centers” |
| | ○ “Longest waiting times” | ○ “County-wide vote” |
| | ○ “Vote wait time” | |

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| <ul style="list-style-type: none"> ○ “County-wide votes” ○ “County-wide voter” ○ “County-wide voters” ○ “County-wide voting” ○ “County-wide voting place” ○ “County-wide voting places” ○ “County-wide vote center” ○ “County-wide vote centers” | <ul style="list-style-type: none"> ○ “County-wide voter center” ○ “County-wide voter centers” ○ “County-wide voting center” ○ “County-wide voting centers” ○ “Countywide poll” ○ “Countywide polls” ○ “Countywide polling” | <ul style="list-style-type: none"> ○ “Countywide polling place” ○ “Countywide polling places” ○ “County-wide poll” ○ “County-wide polls” ○ “County-wide polling” ○ “County-wide polling place” ○ “County-wide polling places” |
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American Oversight requests all communications including, but not limited to, email communications. With regard to your search for responsive email communications, American Oversight agrees that the search may be limited to emails sent by Dallas County officials in an effort to accommodate Dallas County and reduce the number of potentially responsive records. Despite this search accommodation, American Oversight still requests that complete email chains be produced, displaying both sent and received messages.

Please provide all responsive records from January 1, 2018, to the date the search is conducted.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the term “record” in its broadest sense, to include any written, typed, recorded, graphic, printed, or audio material 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 Dallas County 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. **Custodian searches are still required; governmental authorities may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

Please search all records regarding official business. **You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts.** Emails conducting government business sent or received on the personal account of a governmental authority’s officer or employee constitutes a record for purposes of the Texas Public Information Act.¹

¹ Tex. Code § 552.002(a-2); *see also Adkisson v. Paxton*, 459 S.W.3d 761, 773 (Tex. App. 2015).

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. In particular, American Oversight recognizes that this request contains a large list of search terms, and would welcome a discussion of how best to complete this request within the county's technological capabilities. By working together at the outset, American Oversight and Dallas County 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.

Fee Waiver Request

In accordance with Tex. Code § 552.267(a), American Oversight requests a waiver of fees associated with processing this request for records because such a waiver “is in the public interest because providing the copy of the information primarily benefits the general public.” Recently, the Leadership Conference Education Fund released a report finding that Texas led the nation in polling place closures,² which voting rights activists worry may lead to disenfranchisement.³ The requested records are directly related to the work of Texas public servants, with the potential to shed light on barriers to voting access.

² *Democracy Diverted: Polling Place Closures and the Right to Vote*, LEADERSHIP CONF. EDUC. FUND, Sept. 2019, <http://civilrightsdocs.info/pdf/reports/Democracy-Diverted.pdf>.

³ Andrea Valdez, *Texas Leads in Polling Place Closures Since 2013*, TEX. OBSERVER (Sept. 10, 2019, 12:02 AM), <https://www.texasobserver.org/texas-polling-place-closures/>.

Release of the requested records will primarily benefit the public.⁴ As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the requested records is not in American Oversight's financial interest, but is rather in the public interest. American Oversight is committed to transparency and makes the responses governmental authorities provide to public records requests publicly available. As noted, the subject of this request is a matter of public interest, and the public would benefit from an enhanced understanding of the government's activities through American Oversight's analysis and publication of these records. American Oversight's mission is 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.⁵ American Oversight has demonstrated its commitment to the public disclosure of documents and creation of editorial content. For example, after receiving records regarding an ethics waiver received by a senior United States Department of Justice (DOJ) attorney,⁶ American Oversight promptly posted the records to its website and published an analysis of what the records reflected about DOJ's process for ethics waivers.⁷ As another example, American Oversight has a project called "Audit the Wall," where the organization is gathering and analyzing information and commenting on public releases of information related to the administration's proposed construction of a barrier along the U.S.-Mexico border.⁸ American Oversight similarly intends to engage with media outlets in Texas to ensure that the general public within the state has access to the information American Oversight obtains.

Accordingly, American Oversight qualifies for a fee waiver. If Dallas County denies a fee waiver, please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fees.

Conclusion

We share a common mission to promote transparency in government. American Oversight looks forward to working with Dallas County on this request. If you do not understand any part of this

⁴ Tex. Code § 552.267(a).

⁵ American Oversight currently has approximately 12,600 followers on Facebook and 55,800 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Nov. 8, 2019); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Nov. 8, 2019).

⁶ *DOJ Records Relating to Solicitor General Noel Francisco's Recusal*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>.

⁷ *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

⁸ *Audit the Wall*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/investigation/audit-the-wall>.

request, have any questions, or foresee any problems in fully releasing the requested records, please contact Emma Lewis at records@americanoversight.org or 202.919.6303. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

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

Austin R. Evers
Executive Director
American Oversight