



July 27, 2020

VIA ELECTRONIC MAIL

Florida Department of State
Office of the General Counsel
Attn: Carlos A. Rey, Public Records Custodian
500 S. Bronough Street
Tallahassee, FL 32399
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 your office promptly produce the following:

1. All email communications (including emails, email attachments, calendar invitations, and attachments thereto) sent by (a) any of the Florida Department of State officials listed in Column A below to (b) any of the external individuals or groups listed in Column B below:

Column A: Florida Department of State Officials	Column B: External Parties
<ol style="list-style-type: none"> i. Laurel Lee, Secretary of State, or anyone communicating on her behalf (such as an assistant or scheduler) ii. Maria Matthews, Division of Elections Director iii. Anyone serving as an Assistant, Chief of Staff, or in a similar role to the Elections Division Director iv. Anyone serving in a role next in authority to the Division of Elections Director (such as a 	<p>True the Vote:</p> <ol style="list-style-type: none"> i. Catherine Engelbrecht (including, but not limited to, at the email address catherine@truethevote.org) <p>FreedomWorks:</p> <ol style="list-style-type: none"> i. Adam Brandon (including, but not limited to, at the email address abrandon@freedomworks.org) ii. Anyone communication from an email address ending in @freedomworks.org <p>Republican National Lawyers Association:</p>



Deputy Elections Director or Assistant Elections Director)	<p>i. Anyone communicating from an email address ending in @republicanlawyer.net</p> <p>Other Individuals:</p> <p>i. Ralph Reed (including, but not limited to, at the email addresses ralph@censtrat.com, ralph.reed@censtrat.com, or rreed@censtrat.com)</p> <p>ii. Marc Lotter (including, but not limited to, at the email address marc@lottercommunications.com)</p> <p>iii. Ken Blackwell (including, but not limited to, at the email addresses john.blackwell@aol.com or kennethblackwell01@yahoo.com)</p> <p>iv. Brad Smith (including, but not limited to, at the email addresses bsmith4901@aol.com or bsmith@law.capital.edu)</p> <p>v. Morton Blackwell (including, but not limited to, at any email address ending in @limail.us, lii.net, lead-inst.org, or leadershipinstitute.org)</p> <p>vi. Ed Hiner (including, but not limited to, at the email address ed.hiner@edhiner.com)</p> <p>vii. Alyssa Gonzalez Specht (including, but not limited to, at the email address amspecht07@gmail.com)</p>
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2. All email communications (including emails, calendar invitations, and attachments thereto) sent by any of the Florida Department of State officials listed below concerning poll watching activities or the recruitment of poll watchers.

Florida Department of State Officials:

- Laurel Lee, Secretary of State, or anyone communicating on her behalf (such as an assistant or scheduler)
- Maria Matthews, Division of Elections Director
- Anyone serving as an Assistant, Chief of Staff, or in a similar role to the Elections Division Director

- Anyone serving in a role next in authority to the Division of Elections Director (such as a Deputy Elections Director or Assistant Elections Director)

For item 2 of this request, American Oversight believes that records containing the terms below are likely to be responsive records, and requests that your office, at a minimum, employ these search terms to identify responsive records.

Search Terms:

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|------------------------|-----------------------------|
| • “True the Vote” | • “Voter observers” |
| • TTV | • “Voter observing” |
| • “Continue to Serve” | • “Observe voters” |
| • Engelbrecht | • “Observe voting” |
| • “Matt Morgan” | • “Observing voting” |
| • “Matthew Morgan” | • “Election observer” |
| • “Mike Roman” | • “Election observers” |
| • “Michael Roman” | • “Election observing” |
| • “VoteStand” | • “Elections observer” |
| • “Election integrity” | • “Elections observing” |
| • “Poll watcher” | • “Placement rule” |
| • “Poll watchers” | • “Consent decree” |
| • “Poll watching” | • “Voter intimidation” |
| • “Watch the polls” | • “Intimidate voters” |
| • “Watching the polls” | • “Intimidating voters” |
| • “Voting observer” | • “Ballot integrity” |
| • “Voting observers” | • “Ballot security” |
| • “Vote observer” | • “Election day operation” |
| • “Vote observers” | • “Election day operations” |
| • “Vote observing” | • EDO |
| • “Voter observer” | |

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited both items of its request to emails sent by the officials listed above. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both Secretary Lee’s response to an email about poll watching and the initial received message are responsive to this request and should be produced.

For both items of this request, please provide all responsive records from January 1, 2020, to the date the search is conducted.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fees.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the terms “records,” and “documents,” in their 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 your office 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 your office 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.¹

We share a common mission to promote transparency in government. American Oversight looks forward to working with your office 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 Khahilia Shaw at records@americanoversight.org or (202) 539-6507.

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

¹ American Oversight currently has approximately 15,500 page likes on Facebook and 104,200 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited July 9, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited July 9, 2020).