



October 28, 2020

VIA ELECTRONIC MAIL

Director, Office of Open Government
Executive Office of the Governor
400 S. Monroe Street
Tallahassee, FL 32399
desantis.opengov@eog.myflorida.com

Re: Public Records Request

Dear Public Records Officer:

Pursuant to Article I, section 24(a), of the Florida Constitution, and 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:

All email communications (including email messages, complete email chains, and email attachments) sent by the officials listed below concerning ballot drop boxes, including but not limited to the October 14, 2020 guidance letter to local elections officials issued by General Counsel Brad McVay regarding ballot drop boxes.¹

Officials:

- a. Ron DeSantis, Governor
- b. Shane Strumm, Chief of Staff
- c. David Clark, Deputy Chief of Staff
- d. Adrian Lukis, Deputy Chief of Staff
- e. Anyone serving in the role of General Counsel, including former General Counsel Joseph Jacquot
- f. Mara Gambineri, Director of External Affairs
- g. Diane Moulton, Director of Executive Staff

For 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 the following search terms to identify responsive records:

Suggested Search Terms:

¹ A copy of this letter, obtained by *Slate*, is available at <https://www.scribd.com/document/480339929/Drop-Box-Questions-and-Answers>.





1. “discretionary site”
2. “discretionary sites”
3. Dropoff
4. Drop-off
5. “drop off”
6. Dropbox
7. “drop box”
8. Dropboxes
9. “drop boxes”
10. Spoil
11. Spoiled

In an effort to accommodate the Office of the Governor and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by the specified officials. 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 Governor DeSantis’s response to an email regarding ballot drop-off locations and the initial received message are responsive to this request and should be produced.

Please exclude the initial mailing of any news clips or mass mailers generated from non-governmental services and emails distributed to a wide listserv of twenty or more email addresses. However, a news clips or mass mailer email that is forwarded to or from the listed officials with any additional message should be considered responsive.

Please provide all responsive records from September 1, 2020, through 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 fee.

American Oversight insists that your agency 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 agency 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.²

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency 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 Monahan at records@americanoversight.org or (202) 869-5244.

Sincerely,



Austin R. Evers
Executive Director
American Oversight

² American Oversight currently has approximately 15,600 page likes on Facebook and 106,200 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Oct. 26, 2020); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Oct. 26, 2020).