



May 1, 2023

VIA EMAIL

Florida Department of State
Office of the General Counsel
Attn: Public Records Custodian
500 South Bronough Street, Suite 100
Tallahassee, FL 32399-0250
PublicRecords@DOS.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 the Florida Department of State promptly produce the following:

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent or received by any of the Florida Department of State personnel listed below, containing any of the key terms listed below. For this request item, please note that American Oversight does not object to the exclusion of communications exclusively internal to members of the Florida state government.

Florida Department of State Personnel:

- a. Cord Byrd, Secretary of State (or anyone communicating on his behalf, such as an assistant or scheduler)
- b. Jennifer Kennedy, Assistant Secretary of State and Chief of Staff
- c. Brad McVay, General Counsel
- d. Maria Matthews, Division of Elections Director
- e. Anyone serving in the acting or official capacity of Director of the Office of Election Crimes and Security or Deputy Director of the Office of Election Crimes and Security

Key Terms:





- i. ERIC¹
- ii. “Electronic Registration”
- iii. “Voter registration network”
- iv. Hamlin
- v. Haas
- vi. Whitt
- vii. Becker
- viii. “list maintenance”
- ix. ericstates.org

For part 1, please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding or responding to such emails are responsive to this request. In other words, for example, if Division of Elections Director Maria Matthews received a mass-distribution newsletter mentioning “list maintenance,” that initial email would not be responsive to this request. However, if Director Matthews forwarded that email to another individual with her own commentary, that subsequent message would be responsive to this request, and the complete email chain should be produced.

2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) any of the Florida Department of State personnel listed in Part 1 above, and (b) any of the external parties or representatives of any of the external entities listed below (including, but not limited to, anyone communicating from an email address containing any of the listed domains).

External Parties:

- i. Shane Hamlin, Ericka Haas, Sarah Whitt, or anyone communicating on behalf of the Electronic Registration Information Center (ERIC) (ericstates.org)
- ii. Conservative Partnership Institute (cpi.org or conservativepartnership.org)
- iii. Cleta Mitchell (cleta@cletamitchell.com)
- iv. Erick Kaardal or anyone communicating on behalf of Mohrman, Kaardal & Erickson, P.A. (mklaw.com)
- v. Tim Griffin, or anyone communicating on behalf of the Thomas More Society (thomasmoresociety.org)
- vi. Phill Kline (phillklineva@gmail.com)
- vii. Luis Cornelio (luis.cornelio@protonmail.com, lcornel001@citymail.cuny.edu)
- viii. The Heritage Foundation (heritage.org or heritageaction.com)

¹ American Oversight does not object to excluding results where “ERIC” is the only key term to appear in the record and the term is not in reference to Electronic Registration Information Center.



- ix. Hans von Spakovsky (hans.vonspakovsky@heritage.org)
- x. Public Interest Legal Foundation (publicinterestlegal.org)
- xi. J. Christian Adams (a@electionlawcenter.com, adams@electionlawcenter.com, and jadams@usccr.gov)
- xii. Jim Hoft (midwestjim@charter.net), or anyone communicating on behalf of The Gateway Pundit (thegatewaypundit.com)
- xiii. Victoria Marshall (victoria@thefederalist.com), Molly Hemingway (mzhemingway@thefederalist.com), or anyone communicating on behalf of The Federalist (thefederalist.com)
- xiv. Hayden Ludwig, or anyone communicating on behalf of Capital Research Center (capitalresearch.org)
- xv. Restoration of America (restorationofamerica.org or restorationpac.com)
- xvi. Mike Lindell (mike@mypillow.com), or anyone communicating on behalf of MyPillow (mypillow.com)
- xvii. Michele Replogle (micrep@protonmail.com, micrep@pm.me, causeofamerica@protonmail.com), or anyone communicating on behalf of Cause of America (causeofamerica.org)
- xviii. Jay Valentine (jay@contingencysales.com), or anyone communicating on behalf of Omega4America (omega4america.com, contingencysales.com, or jayvalentine.com)
- xix. Alaska Division of Elections (alaska.gov)
- xx. Iowa Secretary of State (sos.iowa.gov)
- xxi. Missouri Office of the Secretary of State (sos.mo.gov)
- xxii. Office of the Ohio Secretary of State (ohiosecretaryofstate.gov)
- xxiii. Texas Secretary of State (sos.texas.gov)
- xxiv. West Virginia Office of the Secretary of State (wvsos.gov or wvsos.com)
- xxv. Louisiana Secretary of State (sos.la.gov)
- xxvi. Alabama Secretary of State (sos.alabama.gov)

For Part 2 of this request, please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if Secretary of State Cord Byrd received a mass-distribution newsletter email from The Heritage Foundation, that initial email would not be responsive to this request. However, if Secretary Byrd responded to or forwarded that email to anyone at one of the emails or domains listed above with his own commentary, that subsequent message would be responsive to this request, and the complete email chain should be produced.

- 3. Records reflecting any final formal or informal directives or guidance concerning any of the following matters:
 - a. the decision to withdraw Florida from the Electronic Registration Information Center (ERIC);

- b. any amendments or alterations to the bylaws or membership agreements of ERIC;
 - c. voter roll list maintenance;
 - d. notifying eligible but unregistered voters of their eligibility.
4. All final assessments, reports, analyses, or recommendations in your possession (including formal memoranda and other written products) prepared by your office or otherwise provided to your office by other state or local offices, or independent experts, regarding any projected or actual impacts of withdrawing from the Electronic Registration Information Center.

For Parts 1 through 4 of this request, please provide all responsive records from January 1, 2023, through the date the search is conducted.

5. All text messages or messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, Twitter direct messages, Facebook Messenger, WhatsApp, Signal, Telegram, or Parler) sent or received by any of the Florida Department of State personnel listed in Part 1 above (whether on government-issued or personal devices), in connection with the transaction of official agency business.

For Part 5 of this request, please provide all responsive records from March 1, 2023, through March 10, 2023.

6. Any record of any telephone calls made, received, or transferred to or by Secretary of State Cord Byrd, Division of Elections Director Maria Matthews, or anyone serving in the capacity of Director of the Office of Election Crimes and Security, or anyone communicating on their behalf (such as an assistant, secretary, or scheduler). This request includes any detailed billing information or phone records received by the Florida Department of State from any telecommunications provider for (a) state-owned/leased phones maintained by the Florida Department of State, and (b) personal phones or devices to the extent they are used to conduct official business. American Oversight does not object to the redaction of personal telephone calls.

For Part 6 of this request, please provide all responsive records from March 1, 2023, through March 10, 2023.

7. All calendars or calendar entries for Secretary of State Cord Byrd, Division of Elections Director Maria Matthews, and anyone serving in the capacity of Director of the Office of Election Crimes and Security, including any calendars maintained on their behalf from January 1, 2023, through March 31, 2023.

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

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.**

Please search all locations and systems likely to have responsive 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 or texts conducting government business sent or received on the personal account of the government official constitutes a record for purposes of Florida’s public records laws.²

In addition, 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.

² *Cf. State v. City of Clearwater*, 863 So. 2d 149, 154 (Fla. 2003) (“The determining factor is the nature of the record, not its physical location.”).

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.

Section 119.12 Notice

This document provides written notice identifying American Oversight's public records request to your agency's custodian of public records in compliance with Section 119.12(1)(b) of the Florida Statutes. Should your agency fail to comply with its obligations under Florida's public records laws, American Oversight may be prepared to file suit to enforce the provisions of Fla. Stat. Chapter 119.

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.³

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 Taylor Stoneman at records@americanoversight.org or (202) 848-1319.

Sincerely,

/s/ Taylor Stoneman
Taylor Stoneman
on behalf of
American Oversight

³ American Oversight currently has approximately 16,000 followers on Facebook and 112,300 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Apr. 19, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Apr. 19, 2023).