



November 12, 2019

VIA E-MAIL

Harris County Elections Department
1001 Preston, 4th Floor, Rm. 439
Houston, TX 77002
county.clerk@cco.hctx.net

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 Harris 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 Harris County election staff including the following terms:

Harris County Staff:

- a. County Clerk Diane Trautman (including but not limited to communications from the email address dtrautman@cco.hctx.net), or anybody communicating on her behalf
- b. Chief Deputy Kevin Mauzy (including but not limited to communications from the email address KMauzy@cco.hctx.net), or anybody communicating on his behalf
- c. Executive Assistant Rosalind Davison (including but not limited to communications from the email address RDavison@cco.hctx.net), or anybody communicating on their behalf
- d. Elections Department Administrator Michael Winn (including but not limited to communications from the email address MWinn@cco.hctx.net), or anybody communicating on his behalf
- e. Communication & Voter Outreach Administrator Teneshia Hudspeth (including but not limited to communications from the email address THudspeth@cco.hctx.net), or anybody communicating on her behalf



- f. Assistant Administrator Jennifer Ballard (including but not limited to communications from the email address jballard@cco.hctx.net), or anybody communicating on her behalf
- g. Election Projects Director Maureen Fisbeck (including but not limited to communications from the email address mfishbeck@cco.hctx.net), or anybody communicating on her behalf
- h. Training & Logistics Director Wes Hart (including but not limited to communications from the email address whart@cco.hctx.net), or anybody communicating on his behalf
- i. Data Analyst Hector DeLeon (including but not limited to communications from the email address hdeleon@cco.hctx.net), or anybody communicating on his behalf
- j. Ballot by Mail Staff Jennifer Lee (including but not limited to communications from the email address jlee@cco.hctx.net), or anybody communicating on her behalf
- k. Ballot by Mail Staff Jennifer Colvin (including but not limited to communications from the email address jcolvin@cco.hctx.net), or anybody communicating on her behalf

Terms:

- | | | |
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| <ul style="list-style-type: none"> ○ “Leadership Conference” ○ “Democracy Diverted” ○ “Polling place close” ○ “Polling places close” ○ “Polling place closes” ○ “Polling place closing” ○ “Polling places closing” ○ “Polling place closings” ○ “Polling place closed” ○ “Polling places closed” ○ “Polling place closure” ○ “Polling place closures” ○ “Close polling place” ○ “Close polling places” ○ “Closes polling place” ○ “Closes polling places” ○ “Closing polling place” ○ “Closing polling places” ○ “Closed polling place” ○ “Closed polling places” ○ “Closable polling place” ○ “Closable polling places” ○ “Voting place close” | <ul style="list-style-type: none"> ○ “Voting places close” ○ “Voting place closes” ○ “Voting place closing” ○ “Voting places closing” ○ “Voting place closings” ○ “Voting place closed” ○ “Voting places closed” ○ “Voting place closure” ○ “Voting place closures” ○ “Close voting place” ○ “Close voting places” ○ “Closes voting place” ○ “Closes voting places” ○ “Closing voting place” ○ “Closing voting places” ○ “Closed voting place” ○ “Closed voting places” ○ “Closable voting place” ○ “Closable voting places” ○ “Precinct close” ○ “Precincts close” ○ “Precinct closes” ○ “Precinct closing” ○ “Precincts closing” | <ul style="list-style-type: none"> ○ “Precinct closings” ○ “Precinct closed” ○ “Precincts closed” ○ “Precinct closure” ○ “Precinct closures” ○ “Close precinct” ○ “Close precincts” ○ “Closes precinct” ○ “Closes precincts” ○ “Closing precinct” ○ “Closing precincts” ○ “Closed precinct” ○ “Closed precincts” ○ “Closable precinct” ○ “Closable precincts” ○ “Long wait time” ○ “Long wait times” ○ “Longer wait time” ○ “Longer wait times” ○ “Longest wait time” ○ “Longest wait times” ○ “Long waiting time” ○ “Long waiting times” |
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|---------------------------|-------------------------------|--------------------------------|
| ○ “Longer waiting time” | ○ “Countywide vote” | ○ “County-wide vote centers” |
| ○ “Longer waiting times” | ○ “Countywide votes” | ○ “County-wide voter center” |
| ○ “Longest waiting time” | ○ “Countywide voter” | ○ “County-wide voter centers” |
| ○ “Longest waiting times” | ○ “Countywide voters” | ○ “County-wide voting center” |
| ○ “Vote wait time” | ○ “Countywide voting” | ○ “County-wide voting centers” |
| ○ “Vote wait times” | ○ “Countywide voting place” | ○ “Countywide poll” |
| ○ “Votes wait time” | ○ “Countywide voting places” | ○ “Countywide polls” |
| ○ “Votes wait times” | ○ “Countywide vote center” | ○ “Countywide polling” |
| ○ “Voter wait time” | ○ “Countywide vote centers” | ○ “Countywide polling place” |
| ○ “Voter wait times” | ○ “Countywide voter center” | ○ “Countywide polling places” |
| ○ “Voting wait time” | ○ “Countywide voter centers” | ○ “County-wide poll” |
| ○ “Voting wait times” | ○ “Countywide voting center” | ○ “County-wide polls” |
| ○ “Vote waiting time” | ○ “Countywide voting centers” | ○ “County-wide polling” |
| ○ “Vote waiting times” | ○ “Countywide vote center” | ○ “County-wide polling place” |
| ○ “Votes waiting time” | ○ “Countywide voter center” | ○ “Countywide polling places” |
| ○ “Votes waiting times” | ○ “Countywide voter centers” | ○ “County-wide poll” |
| ○ “Voter waiting time” | ○ “Countywide voting center” | ○ “County-wide polls” |
| ○ “Voter waiting times” | ○ “Countywide voting places” | ○ “County-wide polling” |
| ○ “Voting waiting time” | ○ “Countywide voting centers” | ○ “County-wide polling place” |
| ○ “Voting waiting times” | ○ “Countywide vote center” | ○ “County-wide polling places” |
| ○ “Preclearance” | ○ “Countywide voter center” | ○ “County-wide poll” |
| ○ “Pre-clearance” | ○ “Countywide voter centers” | ○ “County-wide polls” |
| | ○ “Countywide voting center” | ○ “County-wide polling” |
| | ○ “Countywide voting places” | ○ “County-wide polling place” |
| | ○ “Countywide voting centers” | ○ “County-wide polling places” |
| | ○ “County-wide vote” | ○ “County-wide poll” |
| | ○ “County-wide votes” | ○ “County-wide polls” |
| | ○ “County-wide voter” | ○ “County-wide polling” |
| | ○ “County-wide voters” | ○ “County-wide polling place” |
| | ○ “County-wide voting” | ○ “County-wide polling places” |
| | ○ “County-wide voting place” | |
| | ○ “County-wide voting places” | |
| | ○ “County-wide vote center” | |

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 Harris County officials in an effort to accommodate Harris 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 Harris 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

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 Harris 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

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

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.

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

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/>.

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>.

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 Harris 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 Harris County 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 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 line extending to the left of the name.

Austin R. Evers
Executive Director
American Oversight

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