



October 26, 2020

VIA EMAIL

Julie Marcus
Pinellas County Supervisor of Elections
13001 Starkey Rd.
Largo, FL 33773
PublicRecordsRequest@VotePinellas.com

Re: Public Records Request

Dear Ms. Marcus:

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.

On October 1, 2020, the *Associated Press* reported that a number of North Carolina elections officials received an email in late September regarding a new rule on vote processing from a campaign operative for President Trump stating, "The NC Republican Party advises you to not follow the procedures."¹ On October 4, 2020, the U.S. Department of Justice (DOJ) Public Integrity Section announced exemptions to DOJ's practice of non-interference in election policy, including allowing investigations into alleged "misconduct by federal officials or employees administering an aspect of the voting process through the United States Postal Service, the Department of Defense or any other federal department or agency."² These unusual actions may have the potential to create confusion or uncertainty at a time when many elections officials are processing huge numbers of early ballots, including many cast by mail.³

American Oversight seeks records with the potential to shed light on whether and to what extent external entities have communicated with local elections officials, including providing advice or directives concerning election administration.

¹ Nicholas Riccardi et al., *In Big States, Tiny Counties, Trump Attacking Voting Rules*, Associated Press (Oct. 1, 2020), <https://apnews.com/article/virus-outbreak-election-2020-donald-trump-local-elections-lawsuits-4298a514550323d39931f3e5fff2ccae>.

² Robert Faturechi & Justin Elliott, *DOJ Frees Federal Prosecutors to Take Steps That Could Interfere With Elections, Weakening Long-standing Policy*, ProPublica (Oct. 7, 2020, 12:40 PM), <https://www.propublica.org/article/doj-frees-federal-prosecutors-to-take-steps-that-could-interfere-with-elections-weakening-long-standing-policy>.

³ Brittany Renee Mayes et al., *The U.S. Has Already Hit 87% of Total 2016 Early Voting*, Wash. Post (updated Oct. 21, 2020, 2:47 PM), <https://www.washingtonpost.com/graphics/2020/elections/early-voting-numbers-so-far/>.



Requested Records

American Oversight requests that the office of the Pinellas County Supervisor of Elections promptly produce the following:

1. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) between (a) Supervisor of Elections Julie Marcus, or Chief Deputy Supervisor Marc Gillette, and (b) any of the following entities:
 - i. U.S. Department of Justice (@usdoj.gov or @usa.doj.gov)
 - ii. Donald J. Trump for President Campaign (@donaldtrump.com, @donaldjtrump.com, @donaldtrumpvictory.com)
 - iii. America First Action (@a1apac.org)
 - iv. The Republican National Committee (@gop.com or @rnchq.com)
 - v. Republican Party of Florida (@rpof.org)

For item 1 of this request, please provide all responsive records from September 1, 2020, through the date the search is conducted.

2. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) sent by Supervisor of Elections Julie Marcus, or Chief Deputy Supervisor Marc Gillette, containing any of the following key terms:
 - i. RNC
 - ii. "FL GOP"
 - iii. "Democrat Party"
 - iv. "Trump Campaign"
 - v. "Election Day Operations"

For item 2 of this request, please provide all responsive records from September 15, 2020, through the date the search is conducted.

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited item 2 of its request to emails sent by Supervisor Marcus or Chief Deputy Supervisor Gillette. 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 Supervisor Marcus' response to an email containing one of the listed key terms and the initial received message are responsive to this request and should be produced.

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

We understand that your office's capacity is likely limited as a result of the ongoing election. Should that be the case, we would be happy to discuss potential streamlining or narrowing of our request or other accommodations. Please feel free to contact us at the telephone number listed in the final paragraph of this letter; we look forward to working with you.

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.⁴

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

⁴ 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).