



March 18, 2021

VIA EMAIL

Director, Office of Public Records
Florida Attorney General
107 West Gaines Street, Suite 228
Tallahassee, FL 32399-1050
PublicRecordsRequest@myfloridalegal.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.

In early December 2020, Texas Attorney General Ken Paxton filed a lawsuit seeking to block various states from casting allegedly "unlawful and constitutionally tainted votes" in the Electoral College.¹ Seventeen additional states, including Florida, filed an amicus brief backing Texas's efforts.² Later, public reporting revealed that a team of lawyers associated with the Trump campaign formulated the plan which ultimately led to Texas's challenge.³

Accordingly, American Oversight seeks records concerning the formulation and implementation of the plan to stop states from casting votes in the Electoral College.

Requested Records

American Oversight requests that the Florida Attorney General promptly produce the following:

1. All email communications (including emails, complete email chains, email attachments, calendar invitations, and calendar attachments) between (a)

¹ Emma Platoff, *In New Lawsuit, Texas Contests Election Results in Georgia, Wisconsin, Michigan, Pennsylvania*, Tex. Tribune, Dec. 8, 2020, <https://www.texastribune.org/2020/12/08/texas-ken-paxton-election-georgia/>.

² Todd J. Gillman, *17 States and Trump Join Texas Request for Supreme Court to Overturn Biden Wins in Four States*, Dallas Morning News (Dec. 9, 2020, 10:34 AM), <https://www.dallasnews.com/news/politics/2020/12/09/trump-says-hell-join-texas-lawsuit-asking-supreme-court-to-block-62-biden-electors-from-four-states/>.

³ Jim Rutenberg et al., *77 Days: Trump's Campaign to Subvert the Election*, N.Y. Times, Jan. 31, 2021, <https://www.nytimes.com/2021/01/31/us/trump-election-lie.html>.



any of the Florida Attorney General officials listed below and (b) any of the external parties listed below.

Florida Attorney General Officials:

- i. Ashley Moody, Attorney General, or anyone communicating on that official's behalf (such as an assistant or scheduler)
- ii. Anyone serving as Chief of Staff to Attorney General Moody
- iii. Amit Agarwal, Solicitor General

External Parties:

- i. Kris Kobach (including, but not limited to, at the email addresses kkobach@gmail.com or kris@kriskobach.com)
 - ii. Lawrence Joseph (including, but not limited to, at the email addresses ljoseph@larryjoseph.com or lj@larryjoseph.com)
 - iii. Mark Martin (including, but not limited to, at the email address mmartin@regent.edu)
2. All text messages or communications on messaging applications similar in form to text messages (including, but not limited to, Signal, WhatsApp, Facebook Messenger, and Twitter direct messages) between (a) any of the Florida Attorney General officials listed above and (b) any of the external parties listed above.
 3. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) sent by any of the Florida Attorney General officials listed above to any email address ending in .com (excluding email addresses ending in myflorida.com or myfloridalegal.com),⁴ .net, .org, .mail, or .edu, and containing any of the following key terms:

Key Terms:

- i. "Texas v. Pennsylvania"
- ii. "TX v. PA"
- iii. "592 U.S."
- iv. separation-of-powers
- v. "separation of powers"
- vi. electors
- vii. "Article II"
- viii. "fraud and abuse"
- ix. "non-legislative actors"
- x. amicus
- xi. amici
- xii. unconstitutional
- xiii. "voting by mail"

⁴ If your office is unable run a search excluding email addresses ending in myflorida.com or myfloridalegal.com, please contact Christine Monahan at records@americanoversight.org or (202) 869-5244.

- xiv. “vote by mail”
- xv. Paxton
- xvi. “safe harbor”
- xvii. Kobach
- xviii. “Larry Joseph”
- xix. “Lawrence Joseph”
- xx. “Mark Martin”

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 3 of its request to emails sent by the listed custodians. 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 Attorney General Moody’s response to an email from an external party containing one of the key terms listed above and the initial received message are responsive to this request and should be produced.

For each item of this request, please provide all responsive records from November 3, 2020, through January 20, 2021.

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.⁵

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,

/s/ Christine Monahan
Christine Monahan
on behalf of
American Oversight

⁵ American Oversight currently has approximately 15,600 page likes on Facebook and 105,400 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Mar. 3, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Mar. 3, 2021).