



October 4, 2021

VIA EMAIL

Florida Department of State
Office of the General Counsel
Attn: Margaret A. Swain
500 S. Bronough St., Suite 100
Tallahassee, FL 32399
DOS.GeneralCounsel@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 text message threads or message threads on messaging applications similar in form to text messages (such as Signal, WhatsApp, Facebook Messenger, Twitter DMs, etc.) between a) Secretary of State Laurel Lee, and b) any of the external individuals listed below:

External Individuals:

- i. John Merrill, Alabama Secretary of State
 - ii. Tre Hargett, Tennessee Secretary of State
 - iii. Michael Adams, Kentucky Secretary of State
 - iv. Michael Watson, Mississippi Secretary of State
 - v. Christi Jacobsen, Montana Secretary of State
 - vi. Frank LaRose, Ohio Secretary of State
 - vii. Mac Warner, West Virginia Secretary of State
 - viii. Kim Wyman, Washington Secretary of State
2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar attachments) between any of the Florida Department of State officials listed below in Column A, and any of the external parties listed below in Column B.

Column A: Florida Department of State Officials	Column B: External Parties
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<ul style="list-style-type: none"> i. Laurel Lee, Secretary of State, or anyone serving as her scheduler or assistant ii. Jennifer Kennedy, Assistant Secretary of State and Chief of Staff iii. Brad McVay, General Counsel 	<p><u>Republican State Leadership Committee/Republican Secretaries of State Committee:</u></p> <ul style="list-style-type: none"> i. John Merrill, Alabama Secretary of State ii. Anyone communicating from an email address ending in sos.alabama.gov iii. Tre Hargett, Tennessee Secretary of State iv. Anyone communicating from an email address ending in tn.gov v. Michael Adams, Kentucky Secretary of State vi. Anyone communicating from an email address ending in ky.gov vii. Michael Watson, Mississippi Secretary of State viii. Anyone communicating from an email address ending in sos.ms.gov ix. Christi Jacobsen, Montana Secretary of State x. Anyone communicating from an email address ending in mt.gov xi. Frank LaRose, Ohio Secretary of State xii. Anyone communicating from an email address ending in ohio.sos.gov xiii. Mac Warner, West Virginia Secretary of State xiv. Anyone communicating from an email address ending in wvsos.gov xv. Kim Wyman, Washington Secretary of State xvi. Anyone communicating from an email address ending in sos.wa.gov xvii. Michigan State Senator Ruth Johnson xviii. Dee Duncan, President and Executive Director xix. Edith Jorge-Tuñon, Deputy Executive Director xx. Joy Lee, General Counsel xxi. Andrew Romeo, Communications Director xxii. Anyone communicating from an email address ending in rslc.gop
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	<p><u>Other External Organizations</u> (including, but not limited to, anyone communicating from an email address ending in the listed domains):</p> <ol style="list-style-type: none"> i. The Heritage Foundation (heritage.org) ii. Heritage Action for American (heritageaction.com) iii. American Legislative Exchange Council (ALEC) (alec.org) iv. Public Interest Legal Foundation (publicinterestlegal.org) v. True the Vote (truethevote.org) vi. Family Research Council (frc.org) vii. Susan B. Anthony List (sba-list.org) viii. American Principles Project (americanprinciplesproject.org) ix. Election Transparency Initiative (electiontransparency.org) x. FreedomWorks (freedomworks.org) xi. Tea Party Patriots (teapartypatriots.org) xii. Judicial Crisis Network (judicialnetwork.org) xiii. Honest Elections Project (honestelections.org) xiv. Federalist Society (fed-soc.org) xv. America First Legal (aflegal.org) xvi. America First Policy Institute (americafirstpolicy.com)
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3. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar attachments) sent by any of the Florida Department of State officials listed above in Column A, containing any of the key terms listed below.

Key Terms:

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| i. RSLC | ix. “True the Vote” |
| ii. “Republican State Leadership Committee” | x. TTV |
| iii. RSSC | xi. “Family Research” |
| iv. “Republican Secretaries of State Committee” | xii. FRC |
| v. Heritage | xiii. “Susan B. Anthony” |
| vi. “ALEC” | xiv. “SBA List” |
| vii. “Public Interest Legal” | xv. “American Principles” |
| viii. PILF | xvi. “Election Transparency Initiative” |
| | xvii. FreedomWorks |

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| xviii. | “Tea Party Patriots” | xxiii. | Von Spakovsky |
| xix. | “Judicial Crisis” | xxiv. | Engelbrecht |
| xx. | “Honest Elections” | xxv. | Cuccinelli |
| xxi. | “Federalist Society” | xxvi. | “Christian Adams” |
| xxii. | FedSoc | | |

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 the listed 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 Secretary Lee’s response to an email mentioning the Republican State Leadership Committee and the initial received message are responsive to this request and should be produced.

For all parts of this request, please provide all responsive records from January 1, 2021, through the date this request is received by your office.

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.**

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 as 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.¹

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

¹ American Oversight currently has approximately 15,630 page likes on Facebook and 108,100 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Sept. 7, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Sept. 7, 2021).