



November 15, 2021

VIA EMAIL

Florida Department of State
Office of the General Counsel
Attn: Margaret A. Swain
500 S. Bronough Street, 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. Records sufficient to identify the information described in parts a-h (below) regarding mail or absentee ballots submitted during the 2016 general election and the 2020 general election that were either 1) rejected, 2) successfully cured by a voter, 3) unsuccessfully cured by a voter (i.e., where a voter attempted to cure their ballot but failed to do so for any reason), 4) rejected after a voter declined (whether actively or passively) an opportunity to cure their ballot, or 5) rejected without first providing the voter an opportunity to cure their ballot. Please provide the requested information listed below separately for each type of ballot (i.e., rejected, successfully cured, etc.).

Requested Ballot Information

- a. The total number of ballots.
- b. The grounds for each ballot rejection or challenge.
- c. The submission method (e.g., by mail, drop box, or hand-delivered) of each ballot.
- d. The county and precinct in which each ballot was submitted.
- e. The submission date of each ballot.
- f. The date each voter that submitted a challenged or rejected ballot was notified of their ballot's deficiency.
- g. The date each voter attempted to cure their ballot.



- h. The age, race, and political party affiliation of each voter who submitted a ballot.

For part 1 of this request, to the extent that responsive information is aggregated and maintained in a database or spreadsheet, we request a printout from the database containing the information identified and described above (regardless of the actual title of the database fields). American Oversight does not object to the redaction of the names, addresses, or phone numbers of any voters listed in records responsive to these requests.

2. Any materials used to train election officials to a) determine whether submitted ballots should be accepted or rejected (including, but not limited to, records concerning signature matching/verification or verifying a voter's identity), b) determine whether rejected or challenged ballots have been successfully cured, and c) record the status of received ballots (e.g., logging the grounds for rejecting ballots).
3. Records sufficient to identify the title, training, and experience of each person tasked with determining a) whether submitted ballots should be accepted or rejected, or b) whether rejected or challenged ballots have been successfully cured.

For parts 2 and 3 of this request, please provide all responsive records from January 1, 2020, through the date this request is received by your office.

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; 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

¹ American Oversight currently has approximately 15,600 page likes on Facebook and 108,900 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Nov. 10, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Nov. 10, 2021).

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