



May 8, 2024

VIA EMAIL

Cyril Komp
Director of Special Projects
Public Information Act Officer
P.O. Box 6486
Annapolis, MD 21401
dlpia_sbe@maryland.gov

Re: Public Information Act Request

Dear Records Custodian:

Pursuant to the Maryland Public Information Act (“PIA”) codified at Md. Code, Gen. Prov. §§ 4-101 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that the Maryland State Board of Elections produce the following records immediately or within a reasonable period upon approval, and in no case more than thirty days after receipt of this request:¹

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) any of the Maryland State Board of Elections officials listed below, and (b) any of the external entities or individuals listed below (including the listed email addresses and/or domains).

Maryland State Board of Elections Officials:

- i. Jared DeMarinis, Administrator of Elections
- ii. Linda Lamone, Former Administrator of Elections
- iii. Katherine Berry, Deputy Administrator of Elections
- iv. Mary Ann Mogavero, Director of Election Reform and Management
- v. Melissa Dorsey, Assistant Deputy of Election Policy
- vi. Michael Summers, Chair of Board of Elections
- vii. William Voelp, Vice Chair of Board of Elections
- viii. Diane Butler, Member of Board of Elections
- ix. Yaakov Weissmann, Member of Board of Elections

External Entities and Individuals:

- a. Christie Moore

¹ Md. Code Ann., Gen. Prov. §§ 4-203(a)(1)–(b)(1).



- b. David Morsberger
 - c. Harry Haury
 - d. Kate Sullivan (citizenvoter2024@gmail.com)
 - e. Marly Hornik
 - f. Maryland Election Integrity LLC
 - g. New York Citizens Audit (NYCA.info@proton.me, auditny.com)
 - h. United Sovereign Americans (unite4freedom.com)
2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by any of the officials listed above in part 1 and containing any of the key terms listed below.

Key Terms:

- a. “Sovereign American”
- b. U4F
- c. “Unite 4 Freedom”
- d. “Maryland Election Integrity”
- e. “New York Citizens Audit”
- f. “New York Citizen Audit”
- g. “NY Citizens Audit”
- h. “NY Citizen Audit”
- i. Hornik
- j. Haury

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited part 2 of this request to emails sent by the specified individuals. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means that both an individual’s response to an email and the initial received message are responsive to this request and should be produced.

For both parts of this request, please provide all responsive records from June 1, 2023, through the date the search is conducted.

Fee Waiver Request

In accordance with Md. Code Ann., Gen. Prov. § 4-206(e), American Oversight requests a waiver of fees associated with processing this request for records. A fee waiver is in the public interest because disclosure of the requested records will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Because American Oversight is a 501(c)(3) nonprofit dedicated to government transparency, and the request is primarily and fundamentally for non-commercial purposes, a fee waiver will serve the public interest by furthering American Oversight’s nonprofit mission to inform and educate the public through the release of public records.

A waiver of fees is “in the public interest”² because disclosure of the requested records will inform the public concerning government activities and operations of interest. The public has a significant interest in the efforts of United Sovereign Americans and Maryland Election Integrity LLC to conduct election audits.³ Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including the impact of citizen audit groups on voter roll maintenance. American Oversight is committed to transparency and makes the responses agencies provide to public records requests publicly available, and the public’s understanding of the government’s activities would be enhanced through American Oversight’s analysis and publication of these records.

This request is primarily and fundamentally for non-commercial purposes. As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight’s financial interest. 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.com.⁴

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.⁵ Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records and analysis related to the organization’s investigations into misconduct and corruption in state governments;⁶ posting records and analysis of federal and state governments’

² Md. Code Ann., Gen. Prov. § 4-206(e)(2)(ii).

³ See, e.g., Christine Fernando, *Crush of Lawsuits Over Voting in Multiple States Creates a Shadow War for the 2024 Election*, ABC News (Apr. 21, 2024, 7:20 AM), <https://abcnews.go.com/US/wireStory/crush-lawsuits-voting-multiple-states-creates-shadow-war-109472060>.

⁴ American Oversight currently has approximately 16,000 followers on Facebook and 111,400 followers on Twitter.com. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited May 6, 2024); American Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited May 6, 2024).

⁵ See generally News, American Oversight, <https://www.americanoversight.org/blog>.

⁶ See generally *State Investigations*, American Oversight, <https://www.americanoversight.org/states>; see, e.g., *State Government Contacts with Voting-Restriction Activists*, American Oversight, <https://www.americanoversight.org/investigation/state-government-contacts-with-voting-restriction-activists>; *Georgia’s Voting Machines and Election Security*, American Oversight, <https://www.americanoversight.org/investigation/georgias-voting-machines-and-election-security>.

responses to the Coronavirus pandemic;⁷ posting records received as part of American Oversight’s “Audit the Wall” project to gather and analyze information related to the Trump administration’s proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;⁸ and the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department’s process for issuing such waivers.⁹

Accordingly, American Oversight qualifies for a fee waiver.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted.

⁷ See, e.g., *The Trump Administration’s Response to Coronavirus*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus>; *Tulsa Health Officials Initially Estimated Trump Rally Would Directly Lead to 2 to 9 Deaths*, American Oversight, <https://www.americanoversight.org/tulsa-health-officials-initially-estimated-trump-rally-would-directly-lead-to-2-to-9-deaths>; *Wisconsin Documents Offer Window into Early Uncertainty over COVID-19*, American Oversight, <https://www.americanoversight.org/wisconsin-documents-offer-window-into-early-uncertainty-over-covid-19>; *In the Documents: Florida Health Department Efforts to Suppress Release of Coronavirus Records*, American Oversight, <https://www.americanoversight.org/in-the-documents-florida-health-department-efforts-to-suppress-release-of-coronavirus-records>.

⁸ See generally *Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; see, e.g., *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

⁹ *DOJ Records Relating to Solicitor General Noel Francisco’s Recusal*, American Oversight, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *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>.

To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.

- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the PIA.¹⁰
- 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.¹¹ If a request is denied in whole, please state specifically why 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 the agency 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.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. 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 an electronic format by email. Alternatively, please provide responsive material in native format or in PDF 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.

¹⁰ See Md. Public Information Act Manual 1-6 (15th ed., Nov. 2020) (“email communications from private email accounts and text messages stored on private devices [that] are made or received by a custodian in connection with the transaction of public business, they are public records.”).

¹¹ Md. Code Ann., Gen. Prov. § 4-203(c)(1)(ii); *Blythe v. State*, 161 Md. App. 492, 519, cert. granted, 388 Md. 97 (2005).

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, please contact Khahilia Shaw at records@americanoversight.org or 202.539.6507. 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,

/s/ Khahilia Shaw

Khahilia Shaw
On behalf of
American Oversight