AMERICAN OVERSIGHT

September 8, 2025

VIA ONLINE PORTAL

County of Essex OPRA Office
Hall of Records, Room 514-A
465 Dr. Martin Luther King Jr. Blvd.
Newark, NJ 07102
Via Online Portal

Re: Open Public Records Act Request

Dear Custodian of Records:

Pursuant to the New Jersey Open Public Records Act (OPRA), NJSA §§ 47:1A-1 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office produce the following records within seven business days:

1. Records sufficient to identify all materials provided to your office from the Department of Justice, including, but not limited to, from the U.S. Attorney for the District of New Jersey, regarding the Election Integrity Task Force.[1]

   Responsive records include any agendas, minutes, meeting notes, transcripts, directives, written memoranda, informal and formal email communications, or any other records provided to your office.

2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by the county officials listed below, or anyone communicating on their behalf, such as an assistant or scheduler, and containing the key terms also listed below.

   Essex County Officials:
   a. Anyone serving in the capacity of Superintendent of Elections
   b. Bethany O'Toole, Chairwoman, Board of Elections
   c. Lee Fisher, Secretary, Board of Elections
   d. Quilla Talmadge, Commissioner, Board of Elections
   e. Jimmy Rivera, Commissioner, Board of Elections

[1] See *U.S. Attorney's Office Announces Task Force to Preserve and Protect the Integrity of Elections*, U.S. Dept. of Just., Apr. 29, 2025, https://www.justice.gov/usao-nj/pr/us-attorneys-office-announces-task-force-preserve-and-protect-integrity-elections.

Key Terms:
i. "executive order"
ii. "integrity of American elections"
iii. "task force"
iv. Alina
v. EITF
vi. Habba

In an effort to accommodate your agency and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited part 2 of its request to emails sent by the officials specified above. 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 a specific official's response to an email containing any of the key terms listed above and the initial received message are responsive to this request and should be produced.

3. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) the county officials listed above in part 2, and (b) the external entities listed below (including, but not limited to, anyone communicating from an email address ending in the listed domains).

External Entities:
a. Department of Justice, including anyone communicating on behalf of the Executive Office for United States Attorneys (justice.gov, usdoj.gov)
b. Department of Homeland Security (dhs.gov)
c. U.S. DOGE Service (doge.gov, doge.eop.gov)

Please note that American Oversight does not seek, and that part 3 of this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications responding to or forwarding such emails are responsive to this request. For example, if a specified official a mass-distribution news clip email from an email ending in @justice.gov, that initial email would not be responsive to this request. However, if that specified official forwarded that email to another individual with their own commentary, that subsequent message would be responsive to this request and should be produced.

For all parts of this request, please provide all responsive records from April 1, 2025, through the date the search is conducted.

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; agencies 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 pursuant to NJSA §§ 47:1A-1 et seq., 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.

You should institute a preservation hold on information responsive to this request**.** American Oversight intends to pursue all legal avenues to enforce its right of access under NJSA 47:1A-1 et seq., including litigation if necessary. Accordingly, your agency is on notice that litigation is reasonably foreseeable.

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 you 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. Please consult with American Oversight on any fees the agency expects it may assess.

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 X (formerly Twitter).[2]

[2] American Oversight currently has approximately 16,000 followers on Facebook and 94,500 followers on X (formerly Twitter). American Oversight, Facebook, https://www.facebook.com/weareoversight/ (last visited Sept. 5, 2025); American Oversight (@weareoversight), X (formerly Twitter), https://x.com/weareoversight (last visited Sept. 5, 2025).

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 David Kronig at records@americanoversight.org or (202) 897-3915.

Sincerely,

/s/ David Kronig
David Kronig
on behalf of
American Oversight