

**July 12, 2021**

**VIA EMAIL**

Jared DeMarinis  
Director of Candidacy and Campaign Finance  
Public Information Act Officer  
P.O. Box 6486  
Annapolis, MD 21401-0486

Re: Maryland Public Information Act Public Records Request

Dear Custodian of Records:

Under the Maryland Public Information Act Title 4, Md. Code Ann., Gen. Prov., § 4-101 et seq., we hereby request all communications

1. Between representatives, officers and personnel of the State Board of Elections, and those of Election Systems & Software (ES&S) regarding incidents of “vote flipping” or other malfunctions, of the ES&S ExpressVote.
2. Between representatives, officers and personnel of the Maryland State Board of Elections, and personnel at Maryland County election offices regarding incidents of “vote flipping” or other malfunctions, of the ES&S ExpressVote.

The scope of this request is limited to those communications transmitted or received on or between October 1, 2020 and July 12, 2021, and all related nonexempt State Board of Elections intra-agency communications during this period. This request should be construed to include all communications referencing vote-flipping, alleged vote-flipping, and efforts to investigate or respond to irregularities during the use, certification or testing of voting equipment. This request includes but is not limited to public records transmitted by means of email,

letter, facsimile, short messaging service (SMS), instant or text message, skype, WhatsApp, Signal, and/or by means of any other messaging or communication application.

We request the subject records to be produced to us un-redacted and in electronic format where possible. Md. Gen. Prov. § 4-205. The law provides for a waiver or reduction of fees where the requested information is sought in the public interest, as is the case for this request. Md. Gen. Prov. § 4-206. Free Speech For People is a not-for-profit organization incorporated under the laws of the State of Massachusetts. Our principle purpose in this request is to access and disseminate information regarding the legal rights of the general public as they relate to elections. We request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the integrity of elections. Should you nonetheless impose a reasonable search, preparation or reproduction fee, not to exceed the actual costs incurred by the Maryland County Board of Elections, Md. Gen. Prov. § 4-206, please contact me prior to production and with the required accounting. If there are any fees for searching or copying these records, please inform me if the cost will exceed \$0. This information is not being sought for commercial purposes.

If you deny this request or any portion of this request, please articulate particularized and specific justifications for withholding information in each and every case, including a detailed factual basis for the application of any exemption claimed, an explanation of why redacting information would not address the reasons for denial, a description of the undisclosed record, the name and title of the custodian on whose authority the denial is issued, and a citation to supporting legal authority. Md. Gen. Prov. § 4-203. As I am sure you are aware, these exemptions are to be narrowly construed, and the burden to demonstrate that the requested material indeed qualifies for exemption is yours. City of Frederick v. Randall Fam., LLC, 154 Md. App. 543, 564, 841 A.2d 10, 23 (2004). Moreover, you may only withhold disclosure where the material requested falls within one of those specific, enumerated exceptions or is privileged. Id. at 561. If for any reason any portion of this request is denied, please inform me of the reasons for the denial in writing and provide the appeal procedures available to me under the law, including the name, address, and phone number of the person or body to whom an appeal should be directed. Md. Gen. Prov. § 4-203.

The Maryland Public Information Act requires a response within thirty days. Md. Gen. Prov. § 4-203. If access to the records we are requesting will take longer than

thirty days, please contact me with information about when we might expect copies or the ability to inspect the requested records.

Thank you for considering and responding to this request.

Sincerely,

Susan Greenhalgh  
Senior Advisor for Election Security  
Free Speech For People  
**917 796 8782**  
**susan@freespeechforpeople.org**  
[www.freespeechforpeople.org](http://www.freespeechforpeople.org)