

**From:** Susan Myrick [mailto:Susan.Myrick@nccivitas.org]  
**Sent:** Monday, December 05, 2011 5:39 PM  
**To:** Wright, Don  
**Subject:** Public Records Request

December 5, 2011

Mr. Don Wright  
General Counsel  
North Carolina State Board of Elections  
506 North Harrington Street  
Raleigh NC 27603

Mr. Wright:

Pursuant to NCGS 132, I hereby request the following documents from the North Carolina State Board of Elections:

1. Any and all documents and communications, including but not limited to memos, emails, records of phone calls and handwritten notes and other correspondence sent to or sent from the State Board of Elections between July 1, 2011 and December 3, 2011 that contain any reference to absentee voting by mail including any copies of absentee request forms submitted for approval.

2. Any and all documents and communications, including but not limited to memos, emails, records of phone calls and handwritten notes and other correspondence sent to or sent from the State Board of Elections between July 1, 2011 and December 3, 2011 that was sent to or sent from the following organizations and any affiliates of those organizations listed below relating to any subject:

- WakeUp Wake County
- Common Cause
- AFL-CIO
- DemocracyNC
- Bob Hall
- William Gilkeson
- Common Sense Matters
- NC Futures Action Fund
- NAACP
- NCAE
- Advancement Project
- Progress NC (Action)
- Dean Debnam
- Planned Parenthood
- Wake County Republican Party
- Wake County Democratic Party
- North Carolina Democratic Party
- North Carolina Republican Party

This request is not meant to be exclusive of any documents which, though not specifically requested, would have a reasonable relationship to the subject matter of this request.

To expedite the information retrieval process, I request that you send any and all of the information requested above that is available electronically (e.g., as a Microsoft Word, Excel, or Access file) to me at this address: (susan.myrick@nccivitas.org). If sending information electronically is not feasible, my fax number is 919-834-2350.

In the event that my request for access to any of the documentation listed above is denied under state law, I request that I be provided with any and all non-exempt portions of the documentation .

3

I further request that you describe the withheld material in detail and specify the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies in this instance. Please separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Such statements will be helpful in deciding whether to appeal an adverse determination, and in formulating arguments in case an appeal is taken.

I reserve my right to appeal the withholding, deletion, redaction or censoring of any information and request that you provide me with the contact information of the office where such an appeal may be sent.

Please inform me if the cost exceeds this \$50.00 and contact me as soon as possible to discuss time and cost estimates as well as an efficient means of transmission. I will be happy to discuss or clarify any aspect of this request.

Please acknowledge receipt of this request.

Sincerely,

Susan Myrick  
Policy Analyst  
John W Pope Civitas Institute  
100 S Harrington Street  
Raleigh NC 27603  
Office phone: 919-834-2099 ~~Direct phone: 919-747-8003~~

**From:** Wright, Don [mailto:don.wright@ncsbe.gov]  
**Sent:** Tuesday, December 20, 2011 4:18 PM  
**To:** Susan Myrick  
**Subject:** RE: Public Records Request

Dear Ms. Myrick,

The breadth of your second request for production of documents makes it quite costly and time consuming for us to prepare a response. Our IT staff will have to set in place scans of the email and email archive system. Next we will have to scan our entire data system that encompasses over 8 terabytes of data. Given the other demands on our sparse IT resources – priorities associated with implementing redistricting, closing out 2011 election appeals, two major software releases, the upcoming 2012 candidate filing, moving our offices – our IT staff estimates it would be past January before they could process your request.

In addition, the cost of this process will be well over \$50. We use the ITS rate of \$60 an hour for manpower for IT recovery. Our IT director, Marc Burriss, states this will take at least about 60-80 hours of time. Each subject search will require a separate search through the email system and through the data system. The item about "All Media outlets..." cannot be accommodated since it does not list specific media entities. A more specific media list, however, would make the search much larger and more expensive.

So at this time, it appears your second request would take months to process and would run at least \$3600 to \$4800 for the IT component alone. In addition, the staff would need to review a number of files to locate any handwritten records responsive to your request.

Can you review your request to focus on those items of greatest significance to you? If so, perhaps we can provide you a response more quickly and cheaply.

We are working on your first request.

Don Wright

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**From:** Wright, Don [mailto:don.wright@ncsbe.gov]  
**Sent:** Monday, January 09, 2012 12:52 PM  
**To:** Susan Myrick  
**Subject:** RE: Civitas Public Records Request

5

At this time I would like to withdraw the second part (#2) of my original public records request. I will take some time to research public records requests in North Carolina before I attempt my original request again.

I would like to now request:

1. The follow-up report to the report titled, "North Carolina State Board of Elections: Report on Same-Day Registration" (3/31/2009). The follow-up was to be "ready by the end of July 2009"
2. SBOE emails and memos to and from the U.S. Department of Justice and to and from the ACLU concerning the State Board's submission of a new citizenship verification and purge procedure for voter registration
3. The latest update on the 637 voters you mailed letters to inquire about their U.S. citizenship status. Please provide details on your attempts to reach these voters and whether the voters had voted or not.
4. Data (in report form, in .txt format) of all voters who have "no record of ID" These voters were discovered when the SBOE compared the records provided by the NC DMV. Please include Name, NCID, address, county, registration date, age, status, status date, status reason and vote history. I understand that there is a \$25 charge for reports and will deliver a check to your office.
5. A list of all public records requests submitted to the State Board of Elections. Please include (1)Requester name, (2) subject of the request itself, (3)date of request and (4)date request was accomplished by the sboe and (5)cost to the requester for the resulting public records.
6. Any and all information (memos, letters, emails) pertaining to the State Board of Elections change in the process used to move voters from the active list to the inactive list. Please include (but do not limit to):
  - Reason for Change (please include all details and dates) - Was there a need for the change? Who proposed a change of process and how did the SBOE decide on the new process
  - Who made the final decision to change the way inactives are processed? Who was notified of the decision (government and non-government individuals and organizations)?
  - How and when were the county boards notified?
  - How will voters' whose mail is returned undeliverable be processed?
  - Effective Date of Inactive Process Change
  - Any change to data? - did the SBOE change all voters who did not vote in 2010 to inactive? did the SBOE move all inactive voters to active status? did any change in data take place as a result of the SBOE's change to the inactive voter process? Please include the change and all dates that data changed.
7. All emails and memos to and from Bob Hall and/or Democracy NC. You may also search for Robert Hall, Robert H. Hall, DemocracyNC, DemocracyNorthCarolina, Democracy North Carolina, @democracy-nc.org, [sprc@mindspring.com](mailto:sprc@mindspring.com)

Ms. Myrick,

I was asked by Rep. Marilyn Avila to review situation surrounding your FOIA request to the State Board of Elections submitted originally December 21, 2011.

G.S. 132-6 requires every custodian of public records to permit the public records in their custody to be inspected and examined at reasonable times and under reasonable supervision. That same statute states that co-mingled confidential and public information in a record, the public agency is to bear the burden of separating the confidential information out. So, the need to redact the confidential information is something required for the inspection, but the State Board would need to absorb the cost of doing so.

G.S. 132-6.2 allows persons requesting copies of public records to elect to obtain those copies in any media in which the public agency is capable of providing the. The public agency is granted the authority to assess different fees for different media. That same statute prohibits a public agency from charging a fee for an uncertified copy of a public record that exceeds the actual cost to the public agency. "Actual cost" is limited to direct, chargeable costs related to the reproduction of the public record and does not include costs that would have been incurred by the public agency if a request for copies of public records had not been made.

I would suggest you clarify your request for the information to specify you want the information in electronic format. That would include a CD/DVD containing the documents in PDF format. Certainly, the "actual cost" of a CD/DVD or simple electronic transfer of the information cannot be very high.

I would think in the spirit of transparency and good government, the State Board of Elections would quickly comply with your request.

If that is not the case, please let me know.

Thank you.

Representative David Lewis

House District 53 (Harnett)

Legislative Office Building 534

(919) 715-3015

## Susan Myrick

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**From:** Wright, Don [don.wright@ncsbe.gov]  
**Sent:** Monday, August 06, 2012 10:49 AM  
**To:** Susan Myrick  
**Subject:** RE: Civitas Public Records Request

I have around 1500 more e-mails to check. I expect to have the request to you by Thursday.

As stated to you, I must review all e-mails prior to release. By your specific request that duplicates not be eliminated and NC Insider's not be eliminated, it has kept the number of e-mails needing review at a larger number.

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**From:** Susan Myrick [mailto:Susan.Myrick@nccivitas.org]  
**Sent:** Monday, August 06, 2012 10:15 AM  
**To:** Wright, Don  
**Subject:** RE: Civitas Public Records Request

Mr. Wright,

Another month has passed and still you have not provided me with the records I have requested per NCGS 132.1. My initial request was made in 2011 and while the request has evolved due to the obstacles you have placed over the months, I thought we had finally come to an understanding as to my request. My question to you now is whether or not you intend to comply with NC General Statute 132.1.1 and provide me all the records I have requested?

The tactics you have used to delay and perhaps your wish to never provide these records to me only leads me to believe that you are hiding something.

Please let me know the status of my request at this time.

Thank you.

Susan Myrick  
John W Pope Civitas Institute  
100 S Main St  
Raleigh NC 27603  
919-834-2099 (Main)  
~~919-834-2350 (Direct)~~  
919-834-2350 (Fax)