



VIA FAX: (512) 475-2761

September 22, 2004

Secretary of State
Texas Department of State
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PUBLIC RECORDS REQUEST

Dear Records Custodian:

Pursuant to the Texas public Information Act, Tex. Government Code Ann. 552.001 to 552.353, on behalf of Electronic Privacy Information Center, I request access to and copies of the following records:

1. All records relating to recommendations of voting systems examiners, and decisions by the Secretary of State, as to the certification of Voting Technologies International, Inc., DRE systems examined in May 2002.
2. All records relating to recommendations of voting systems examiners, and decisions by the Secretary of State, as to the certification of Sequoia, Inc., DRE systems examined on January 8, 2003.
3. All records relating to recommendations of voting systems examiners, and decisions by the Secretary of State, as to the certification of Election Systems & Software, Inc., DRE systems examined on January 9, 2003.
4. All records relating to recommendations of voting systems examiners, and decisions by the Secretary of State, as to the certification of Election Systems & Software, Inc., DRE systems examined on May 28, 2003.
5. All records relating to recommendations of voting systems examiners, and decisions by the Secretary of State, as to the certification of DRE systems examined in August 2003.
6. All records relating to recommendations of voting systems examiners, and decisions by the Secretary of State, as to the certification of Election Systems & Software, Inc., DRE systems examined on January 7, 2004.
7. All records relating to recommendations of voting systems examiners, and decisions by the Secretary of State, as to the certification of Diebold, Inc., DRE systems examined on January 9, 2004.
8. All records showing the Secretary's independent inquiry into and consideration of the certifiability of specific voting systems independent of the recommendations of the voting systems examiners.

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Please redact any personal information incidentally submitted in conjunction with any complaint. In addition, please redact any confidential information pursuant to Tex. Gov't Code Ann. § 552.110, or as otherwise required under applicable state law. EPIC reserves the right to challenge any unnecessary redactions.

For purposes of fee assessments, we request that EPIC be placed in the category of "news media" requester. EPIC publishes a biweekly electronic newsletter, issues regular public reports and analyses, and maintains a free online electronic library. EPIC staff members are also regular contributors to numerous newspapers, newsletters, magazines, and law reviews. Any information that is obtained as a result of this request will be disseminated through these publications and others. We note that the FTC, the National Security Agency, and other agencies have previously recognized that EPIC qualifies for "news media" status. We also request a waiver of all applicable duplication fees, as release of this information will contribute significantly to the public's understanding of the activities and operations of government. This information is being sought on behalf of EPIC for dissemination to the general public.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

As I am making this request as a member of a news media organization and this information is of timely value, I would appreciate your communicating with me by telephone, rather than by mail, if you have questions regarding this request.

I look forward to your timely reply within 20 business days. Thank you for your assistance.

Sincerely,


Lillie Coney
EPIC, Senior Policy Analyst

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