

STATE OF FLORIDA

**PAM BONDI
ATTORNEY GENERAL**

November 11, 2018

Rick Swearingen
Commissioner
Florida Department of Law Enforcement
P.O. Box 1489
Tallahassee, Florida 32302-1489

Dear Commissioner Swearingen:

I am deeply troubled by your announcement that you will not pursue any investigation or inquiry into clearly documented irregularities in the conduct of election officials in Broward and Palm Beach counties in the 2018 election. Transparent and fair elections are the bedrock of our democracy, and protecting the integrity of our electoral process is central to the oath you and I both took to preserve, protect and defend the Constitution of the State of Florida. As attorney general, chief legal officer, and a 20-year prosecutor in the state of Florida, there is nothing I take more seriously.

As law enforcement officials, regardless of political affiliation, it is our job to investigate facts and circumstances giving rise to reasonable suspicion in order to determine whether criminal conduct has occurred. In the case of the 2018 election, and as more fully detailed in this letter, election officials in Broward and Palm Beach Counties have been found by courts and have admitted in their own public statements, that irregularities occurred and required procedures were violated. Election officials, campaigns, media, observers, and others have documented multiple instances of additional irregularities. It is incumbent upon you, as commissioner of the Florida Department of Law Enforcement, to investigate whether these documented irregularities constitute incompetence or intentional malfeasance and outright fraud.

It appears your unwillingness to investigate is based on your claim that the Florida Department of State has not, as of yet, identified criminal allegations of fraud. Your duty is not limited to investigating allegations made by the secretary of state, and your decision is wholly incompatible with the following widely reported events:

- Reports of the supervisor of elections office willfully and illegally counting ballots that were rejected by the canvassing board, potentially in violation of F.S. 104.15 and 104.091 relating to unqualified electors;
- Preventing persons potentially entitled to act as "observers" from attending the counting of ballots and observing election related activities that are required to be open and accessible, potentially in violation of F.S. 104.29;
- Reports of supervisor of election staff and employees refusing to supply vote by mail ballots when requested, potentially in violation of F.S. 104.0515;

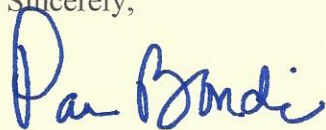
Additionally, the supervisor of elections refused to provide periodic updates as required by state law to inform the secretary of state of the vote tabulation activities. Furthermore, the supervisor of elections continued to present ballots for consideration to the local canvassing board even after certifying to the to the secretary of state that all votes within their jurisdiction were counted.

It is troubling your agency stated that a complaint by a candidate, government official or elections officer was not put in writing and therefore the failure to reduce a request to writing is a legitimate reason for refusing to investigate. Regardless of who the complainant is, I expect any responsible law enforcement agency, and certainly the Florida Department of Law Enforcement, to evaluate the credibility of the source who made the verbal request, gather facts, and conduct an inquiry rather than simply citing the lack of piece of paper.

I fail to see how the Florida Department of Law Enforcement can legitimately refuse to investigate where there is reasonable suspicion that may lead to the discovery of criminal actions in the conduct of the 2018 election -- actions that gravely damage Floridians' confidence in our electoral process and our democracy.

Commissioner, protesters continue to grow around the state as well as additional complaints of election impropriety. Your duty to investigate this matter is clear. I am directing you to take the necessary steps to promote public safety and to assure that our state will guarantee integrity in our elections process. Thank you for your commitment and hard work to serve our citizens each day. Florida is counting on you.

Sincerely,



Pam Bondi
Attorney General