

# PUBLIC INTEREST

— LEGAL FOUNDATION —

VIA EMAIL AND CERTIFIED MAIL

May 18, 2021

Kim Barton  
Alachua County Supervisor of Elections  
515 N. Main Street, Ste. 300  
Gainesville, FL 32601  
[kbarton@alachuacounty.us](mailto:kbarton@alachuacounty.us)

## **RE: Immediate Return of CTCL Funds**

Dear Supervisor Barton:

The Public Interest Legal Foundation (PILF) is a public interest law firm exclusively dedicated to election integrity. We write to you today on behalf of a client, a Florida registered voter, who is requesting that you disgorge funds as described below.

### **Background**

In September 2020, your office received a grant award by the CTCL totaling \$707,606.00 “exclusively for the public purpose of planning and operationalizing safe and secure election in [your] county in 2020.” You were instructed that the funds could be spent for the CTCL’s acceptable categories of use upon receipt and until December 31, 2020.

According to your filed “CTCL COVID-19 Response Grant Report” in January 2021, your office reported that a total of \$203,908.57 or 29% of the funds you received were still held in public accounts. Your office asked for a 6-month extension to dispense with remaining monies.

### **Matters of Law**

On May 6, 2021, Governor Ron DeSantis signed Senate Bill 90,<sup>1</sup> which amended various sections of Florida’s Election Code which, in part, marked a “prohibition on the use of private funds for election-related expenses.” Current law does not allow a supervisor of elections to “use” any donation in the form of money or “grants” from individuals or a “nongovernmental entity” like the CTCL for the purposes of “funding election-related expenses”. Therefore, the remaining unspent funds which you reported in January 2021 may no longer be used by your office, and to do so would violate current election law.

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<sup>1</sup> FL Gov. Ron DeSantis; DeSantis Signs Bill to Safeguard the Sanctity of Florida Elections (May 6, 2021), <https://www.flgov.com/2021/05/06/governor-ron-desantis-signs-bill-to-safeguard-the-sanctity-of-florida-elections/>

## **Demands**

Our client is demanding that your office immediately return all unspent CTCL funds to CTCL, a nongovernmental organization, by 11:59pm local time Thursday, May 20, 2021. Records demonstrating that a wire transfer or other financial transaction was initiated before the deadline will resolve our client's demand.

In the event that all outstanding monies were spent during the aforementioned 6-month extension period provided by CTCL, and prior to May 6, 2021, please provide documents detailing the purposes of the expenditures and all dates of transactions.

We hope, on behalf of our client, that your office moves swiftly to disgorge all remaining CTCL monies before the deadline so litigation may be avoided.

Our client looks forward to your response.

Sincerely,

A handwritten signature in blue ink, appearing to read "Maureen Riordan", is centered on the page. The signature is fluid and cursive.

Maureen Riordan, PILF Litigation Counsel