



July 6, 2020

VIA EMAIL

John Formella, Legal Counsel
New Hampshire Office of the Governor
107 North Main Street, State House – Rm 208
Concord, NH 03301
john.formella@nh.gov

Re: Right-to-Know/Public Records Request

Dear Records Custodian:

Pursuant to Part I, Article 8 of the New Hampshire Constitution, and New Hampshire’s Right-to-Know Law, as codified at RSA Chapter 91-A, American Oversight makes the following request for records.

Requested Records

American Oversight requests that the Office of the Governor produce the following records within five business days:

All email communications (including emails, email attachments, calendar invitations, and attachments thereto) sent by (a) any of the Office of the Governor officials listed in Column A to (b) any of the external parties listed in Column B below:

Column A: Office of the Governor Officials	Column B: External Parties
<ul style="list-style-type: none"> i. Chris Sununu, Governor, or anyone communicating on his behalf (such as an assistant or scheduler) ii. Jay Millerick, Chief of Staff iii. John Formella, Legal Counsel iv. Ben Vihstadt, Communications Director 	<p>Honest Elections Project:</p> <ul style="list-style-type: none"> i. Leonard Leo (including, but not limited to, at the email address leonard.leo@fed-soc.org) ii. Jason Snead (including, but not limited to, at the email address JSnead@honestelections.org) iii. Jason Suckey (including, but not limited to, at the email address jstuckey@bricker.com) iv. Jason Torchinsky (including, but not limited to, at the email address jtorchinsky@hvjt.law) v. Anyone communicating from an email address ending in @honestelections.org <p>CRC Advisors:</p> <ul style="list-style-type: none"> vi. Greg Mueller (including, but not limited to, at the email address gmueller@crccpublicrelations.com)



	<p>vii. Anyone communicating from an email address ending in @crcadvisors.com or crcpublicrelations.com</p> <p>Election Integrity Project:</p> <p>viii. Anyone communicating from an email address ending in @eip-ca.com</p> <p>Voter Integrity Project:</p> <p>ix. Anyone communicating from an email address ending in @voterintegrityproject.com</p> <p>Minnesota Voters Alliance:</p> <p>x. Anyone communicating from an email address ending in @mnvoters.org</p> <p>Judicial Watch:</p> <p>xi. Anyone communicating from an email address ending in @judicialwatch.org</p> <p>True the Vote:</p> <p>xii. Anyone communicating from an email address ending in @truethevote.org</p> <p>American Civil Rights Union (ACRU):</p> <p>xiii. Anyone communicating from an email address ending in @theacru.org</p> <p>Public Interest Legal Foundation:</p> <p>xiv. Anyone communicating from an email address ending in @publicinterestlegal.org</p> <p>Public Opinion Strategies:</p> <p>xv. Neil Newhouse (including, but not limited to, at the email address neil@pos.org)</p> <p>xvi. Bill McInturff (including, but not limited to, at the email address bill@pos.org)</p> <p>xvii. Glen Bolger (including, but not limited to, at the email address glen@pos.org)</p> <p>Elections, LLC:</p> <p>xviii. Justin Clark (including, but not limited to, at the email address jrclark@michaelbest.com)</p> <p>xix. Nathan Groth (including, but not limited to, at the email address ndgroth@michaelbest.com)</p>
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	<p>xx. Stefan Passantino (including, but not limited to, at the email address spassantino@michaelbest.com or stefanpassantino@onebox.com)</p> <p>Other Individuals:</p> <p>xxi. Hans von Spakovsky (including, but not limited to, at the email address hans.vonspakovsky@heritage.org)</p> <p>xxii. Kris Kobach (including, but not limited to, at the email address kkobach@gmail.com or kris@kriskobach.com)</p> <p>xxiii. Cleta Mitchell (including, but not limited to, at the email address cmitchell@foley.com)</p>
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In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by the named officials. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means that both a custodian’s response to an email and the initial received message are responsive to this request and should be produced.

Please provide all responsive records from January 1, 2020, to the date the search is conducted.

Pursuant to RSA § 91-A:4(IV), American Oversight asks that any charges in connection with processing this request for records not exceed the actual cost of providing the copy, if any.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, if the request seeks “communications,” please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.

- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.
- In the event that any responsive records are exempt from disclosure, in whole or in part, please state specifically the justification for the withholding with reference to the applicable section of the Right-to-Know Law or other legal authority that exempts the information from disclosure.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

Conclusion

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.¹

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part

¹ American Oversight currently has approximately 15,500 page likes on Facebook and 104,200 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited July 2, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited July 2, 2020).

of this request, please contact Emma Lewis at records@americanoversight.org or 202.919.6303.

Sincerely,

A handwritten signature in blue ink, appearing to read "Austin R. Evers", with a long horizontal flourish extending to the left.

Austin R. Evers
Executive Director
American Oversight