



October 27, 2020

VIA EMAIL

Records and Information Management
Montana Secretary of State
Montana Capitol Building
1301 E 6th Ave., Rm 260
Helena, MT 59620-2801
sosrecords@mt.gov

Re: Public Records Act Request

Dear Public Records Officer:

Pursuant to Art. II, Section 9, of the Montana Constitution, and the Montana Public Records Act, Mont. Code Ann. § 2-6-1001 et. seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that the Montana Secretary of State produce the following records in a timely manner:

1. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) sent by (a) any of the Montana Secretary of State officials listed in Column A, to (b) any of the external parties listed in Column B, below:

Column A: Secretary of State Officials	Column B: External Parties
<ol style="list-style-type: none"> i. Corey Stapleton, Secretary of State, or anyone communicating on his behalf (such as an assistant or scheduler) ii. Christi Jacobsen, Deputy Secretary of State iii. Dana Corson, Elections Director, or anyone communicating on his behalf (such as an assistant or scheduler) iv. Stuart Fuller, Elections Manager v. Missy McLarnon, Project Manager 	<p>Honest Elections Project:</p> <ol style="list-style-type: none"> i. Jason Snead (including, but not limited to, at jsnead@honestelections.org) ii. Anyone communicating from an email address ending in @honestelections.org <p>CRC Advisors:</p> <ol style="list-style-type: none"> i. Greg Mueller (including, but not limited to, at gmueller@crepublicrelations.com) ii. Anyone communicating from an email address ending in



	<p>@crcadvisors.com or crcpublicrelations.com</p> <p>Judicial Watch:</p> <ul style="list-style-type: none"> i. Tom Fitton (including, but not limited to, at tfitton@judicialwatch.org) ii. Anyone communicating from an email address ending in @judicialwatch.org <p>True the Vote:</p> <ul style="list-style-type: none"> i. Catherine Engelbrecht (including, but not limited to, at catherine@truethevote.org) ii. Bryan Engelbrecht iii. Dianne Josephs iv. Anyone communicating from an email address ending in @truethevote.org <p>Public Interest Legal Foundation:</p> <ul style="list-style-type: none"> i. J. Christian Adams (including, but not limited to, at adams@publicinterestlegal.org) ii. Anyone communicating from an email address ending in @publicinterestlegal.org or @electionlawcenter.com <p>Elections, LLC:</p> <ul style="list-style-type: none"> i. Justin Clark (including, but not limited to, at jrclark@michaelbest.com) ii. Nathan Groth (including, but not limited to, at ndgroth@michaelbest.com) iii. Stefan Passantino (including, but not limited to, at spassantino@michaelbest.com or stefanpassantino@onebox.com) <p>Heritage Foundation</p> <ul style="list-style-type: none"> i. Hans von Spakovsky (including, but not limited to, at hans.vonspakovsky@heritage.org) ii. Kaitlynn Samalis-Aldrich (kaitlynn.samalis@heritage.org)
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	<p>Other:</p> <ul style="list-style-type: none"> i. Leonard Leo (including, but not limited to, at ll@leonardleo.com, leonard.anthony.leo@gmail.com, lleo@fed-soc.org, leonard.leo@mindspring.com, or leonard.leo@hotmail.com) ii. Jason Stuckey (including, but not limited to, at jstuckey@bricker.com) iii. Jason Torchinsky (including, but not limited to, at jtorchinsky@hvjt.law) iv. James Bopp, Jr. (including, but not limited to, at jboppjr@aol.com or jbopp@bopplaw.com)
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2. All email communications (including emails, email attachments, calendar invitations, and attachments thereto) sent by (a) any of the Montana Secretary of State officials listed in Column A (above) to (b) any email address ending in .com/.net/.org/.edu/.mail/.us/.co, containing (c) any of the following key terms:

Search Terms:

- i. “True the Vote”
- ii. TTV
- iii. Engelbrecht
- iv. Bopp
- v. 6:20-cv-00067
- vi. Lamm

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited both parts of 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 Secretary Stapleton’s response to an email from one of the listed individuals or entities and the initial received message are responsive to this request and should be produced.

For both parts of this request, please provide all responsive records from July 1, 2020, through the date the search is conducted.

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:

- 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 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 of this request, please contact Khahilia Shaw at records@americanoversight.org or 202.539.6507.

Sincerely,



Austin R. Evers
Executive Director
American Oversight

¹ American Oversight currently has approximately 15,600 page likes on Facebook and 106,200 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Oct. 26, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Oct. 26, 2020).