



March 30, 2021

**VIA EMAIL**

W. Charles Smithson  
Secretary of the Senate  
State Capitol Building  
Des Moines, Iowa 50319  
[Charlie.smithson@legis.iowa.gov](mailto:Charlie.smithson@legis.iowa.gov)

Senator Roby Smith  
1007 East Grand Avenue  
Des Moines, Iowa 50319  
[Roby.smith@legis.iowa.gov](mailto:Roby.smith@legis.iowa.gov)

Senator Chris Cournoyer  
1007 East Grand Avenue  
Des Moines, Iowa 50319  
[Chris.cournoyer@legis.iowa.gov](mailto:Chris.cournoyer@legis.iowa.gov)

**Re: Public Records Request**

Dear Custodian of Public Records:

Pursuant to the Iowa Public Records Law, Iowa Code, Ch. 22, American Oversight makes the following request for records.

**Requested Records**

American Oversight requests that your offices produce the following promptly, or as soon as feasible:

All email communications (including emails, email attachments, complete email chains and calendar invitations) sent by the individuals listed in Column A below that contain any of the key terms listed in Column B below:

<b>Column A: Offices of Senators Smith and Cournoyer</b>	<b>Column B: Key Terms</b>
i. Sen. Roby Smith and anyone communicating on that official's behalf, including anyone serving as Chief of Staff, scheduler and assistants, and other members of staff	i. "early voting" ii. "early vote" iii. "third-party" iv. "third party" v. Cure vi. Curing



ii. Sen. Chris Cournoyer and anyone communicating on that official’s behalf, including anyone serving as Chief of Staff, scheduler and assistants, and other members of staff	vii. “National Change of Address Program” viii. NCAP ix. “SF 413” x. “S.F. 413” xi. “Senate File 413” xii. Cruz xiii. Engelbrecht xiv. TTV xv. “True the Vote” xvi. “Christian Adams” xvii. Churchwell xviii. PILF xix. “Public Interest Legal Foundation” xx. Spakovsky xxi. Heritage xxii. Cleta xxiii. FreedomWorks xxiv. “Conservative Partnership Institute” xxv. CPI
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In an effort to accommodate your offices and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to email communications sent by Senators Smith and Cournoyer and their staffs. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both Senator Smith’s response to an email containing a specified term and the initial received message are responsive to this request and should be produced.

Please provide all responsive records from January 1, 2021 through February 18, 2021.

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.

- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind.<sup>1</sup> We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.
- 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. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Public Records Law.<sup>2</sup>
- 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

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<sup>1</sup> See Iowa Code § 22.1(3).

<sup>2</sup> See *Linder v. Eckard*, 152 N.W.2d 833, 835 (Iowa 1967) (“It is the nature and purpose of the document, not the place where it is kept, which determines its status” as a public record); *Chapter 22 Frequently Asked Questions*, Iowa Public Information Board, <https://ipib.iowa.gov/faq/if-email-report-or-other-document-composed-received-or-stored-my-personally-owned-electronic> (“If a government official or employee uses privately owned electronic devices or services, such as cell phones, computers, email accounts, smart phones, or such to conduct official government business, then the record generated is a public record.”).

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.<sup>3</sup>

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 Mehreen Rasheed at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 848-1320.

Sincerely,

*/s/ Mehreen Rasheed*  
Mehreen Rasheed  
on behalf of  
American Oversight

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<sup>3</sup> American Oversight currently has approximately 15,700 page likes on Facebook and 106,000 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Mar. 25, 2021 American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Mar. 25, 2021).