



March 5, 2021

VIA EMAIL

Paul Coble, Legislative Services Officer
Room 2129, Legislative Building
16 W. Jones Street
Raleigh, NC 27601
Paul.Coble@ncleg.gov

Senator Bob Steinburg
300 N. Salisbury Street, Rm. 623
Raleigh, NC 27603
Bob.steinburg@ncleg.gov

Re: Public Records Act Request

Dear Public Records Officer:

Pursuant to the North Carolina Public Records Act, as codified at North Carolina General Statutes ch. 132, American Oversight makes the following request for records.

In December 2020, North Carolina Senator Bob Steinburg said he believed the election was stolen and then-President Trump should invoke the Insurrection Act.¹ On January 6, 2020, rioters stormed the U.S. Capitol after a 'Stop the Steal' rally, inciting violence that resulted in five deaths.²

Requested Records

American Oversight requests that the North Carolina legislature produce the following records as promptly as possible:

- 1) All email communications (including email messages, complete email chains, email attachments, calendar invitations, and calendar attachments) sent by Senator Bob Steinburg or Legislative Assistant Edward Stiles containing any of the key terms below.

¹ Katie Shepherd, *North Carolina GOP Lawmaker Urges Trump to Suspend Civil Liberties to Keep Power: 'Invoke the Insurrection Act,'* Wash. Post (Dec. 15, 2020, 11:09 PM), <https://www.washingtonpost.com/nation/2020/12/16/north-carolina-republican-trump-insurrection/>.

² Eric Levenson et al., *What We Know About the 5 Deaths in the Pro-Trump Mob that Stormed the Capitol*, CNN (Jan. 8, 2021, 5:29 PM), <https://www.cnn.com/2021/01/07/us/capitol-mob-deaths/index.html>.



Please provide all responsive records from December 1, 2020, through January 25, 2021.

Key Terms:

- i. “National emergency”
- ii. Conspiracy
- iii. Insurrection
- iv. Capitol
- v. “Stop the steal”
- vi. “Save America”
- vii. “Rally to Revival”
- viii. Riot
- ix. Protest
- x. Trump
- xi. President
- xii. Biden
- xiii. Congress
- xiv. DC
- xv. D.C.
- xvi. Washington
- xvii. RNC
- xviii. DNC
- xix. Patriot
- xx. Patriots
- xxi. Pelosi
- xxii. Schumer
- xxiii. Pence
- xxiv. “Our House”
- xxv. MAGA
- xxvi. “great again”
- xxvii. Caravan
- xxviii. Parler
- xxix. Gab
- xxx. QAnon
- xxxi. Constitution
- xxxii. “Electoral college”
- xxxiii. Certification

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited Item 1 of its request to communications sent by Senator Steinburg and Legislative Assistant Edward Stiles. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, both Senator Steinburg’s response to an email containing one of the listed key terms and the initial received message are responsive to this request and should be produced.

- 2) All text messages or messages on messaging applications similar in form to text messages (such as Signal, WhatsApp, Facebook Messenger, Twitter DMs, etc.) sent or received Senator Steinburg or Legislative Assistant Edward Stiles containing any of the key terms listed above.

Please provide all responsive records from December 1, 2020, through January 25, 2021.

American Oversight requests complete text threads/conversations. This means, for example, if Senator Steinburg sent or received a text message containing any of the key terms listed above, the complete text thread/conversation for the timeframe listed above should be produced, and not just the message containing the key term.

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.
- 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.³ 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

³ N.C. Gen. Stat. Ann. § 132-1(a) (public records consist of documentary material “regardless of physical form or characteristics.”).

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 Act.⁴
- 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

⁴ See Atty. Gen. Josh Stein, *North Carolina Open Government Guide* at 22 (2019), <https://ncdoj.gov/download/141/files/17891/2019-open-government-guide> (“Emails about official business are public records even if they are sent using the personal email account of an employee or official.”).

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.⁵

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 Hart Wood at records@americanoversight.org or (202) 873-1743.

Sincerely,

/s/ Hart Wood
Hart Wood
on behalf of
American Oversight

⁵ American Oversight currently has approximately 15,700 page likes on Facebook and 105,400 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Mar. 2, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Mar. 2, 2021).