



June 11, 2021

VIA EMAIL

Michael Boal
Senior Legal Counsel
Office of the Governor
State Capitol
1007 East Grand Ave.
Des Moines, IA 50319
michael.boal@iowa.gov

Re: Public Records Request

Dear Michael Boal:

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

On March 12, 2021, Iowa Senate Majority Leader Jack Whitver indicated that the state might sue the U.S. Census Bureau in an attempt to compel the release of block-level redistricting data in advance of the agency's projected September 30, 2021 deadline.¹ While Iowa has not filed suit, Ohio has reached an agreement with the Census Bureau to place its own suit on hold provided the agency releases data no later than August 16, 2021.² Alabama is pursuing parallel litigation objecting to the Census Bureau's implementation of a new data privacy technique, which the suit alleges has contributed to the delay in the release of redistricting data.³

American Oversight seeks records with the potential to shed light on the redistricting process in Iowa.

¹ Brianne Pfannenstiel & Melody Mercado, *Sen. Jack Whitver Says Iowa Considering a Lawsuit to Expedite Census Numbers Needed for Redistricting*, Des Moines Register (Mar. 13, 2021, 6:16 AM),

<https://www.desmoinesregister.com/story/news/politics/2021/03/13/iowa-might-sue-census-bureau-redistricting-senate-majority-leader-jack-whitver/4671687001/>.

² Mike Schneider, *Ohio, Census Bureau Reach Agreement on Redistricting Data*, Associated Press, May 25, 2021, <https://apnews.com/article/ohio-health-coronavirus-pandemic-census-2020-redistricting-2a0191b0a1aa15548d0cd359ef13a6ef>.

³ Kim Chandler & Mike Schneider, *Judges Hear Arguments over Contentious Census Privacy Tool*, Associated Press, May 3, 2021, <https://apnews.com/article/census-2020-voting-rights-818cddf4270519461e37ea036c0f4fb9>.



Requested Records

American Oversight requests that the Office of the Governor produce the following records promptly, or as soon as feasible:

1. All email communications (including email messages, complete email chains, email attachments, calendar invitations, and calendar invitation attachments) sent by the officials of the Iowa Office of the Governor listed, below, containing any of the key terms listed below.

Officials of the Office of the Governor

1. Governor Kim Reynolds, or anyone communicating on her behalf, such as a scheduler or assistant
2. Chief of Staff Sara Craig Gongol
3. Deputy Chief of Staff Paige Thorson
4. Chief Counsel Sam Langholz
5. Legislative Liaison Kayla Lyon
6. Federal Liaison Stephanie Groen

Key Terms

1. Anonymized
2. "block level"
3. CVAP
4. "Differential Privacy"
5. "Fair Lines"
6. "legacy data"
7. "legacy format"
8. NRRT
9. @AlabamaAG.gov
10. @hvjt.law

Please provide all responsive records from February 1, 2021, through the date this request is received by your office.

In an effort to accommodate your agency and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by the specified officials. 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 a specified official'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 email communications (including email messages, complete email chains, email attachments, calendar invitations, and calendar invitation attachments) between the officials of the Iowa Office of the Governor listed in below, and anyone communicating from an email address ending in @legis.iowa.gov, and containing any of the key terms listed below.

Officials of the Office of the Governor

1. Governor Kim Reynolds, or anyone communicating on her behalf, such as a scheduler or assistant
2. Chief of Staff Sara Craig Gongol
3. Deputy Chief of Staff Paige Thorson
4. Chief Counsel Sam Langholz
5. Legislative Liaison Kayla Lyon

Key Terms:

1. Apportionment
2. Census
3. “constitutional deadline”
4. Gerrymandering
5. LaCour
6. LSA
7. Redistricting
8. “Steve Marshall”
9. “total population”
10. Torchinsky
11. “voting age”
12. Yost

Please provide all responsive records from January 1, 2021, through the date this request is received by your office.

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. Records of official business conducted

using unofficial systems or stored outside of official files are subject to the Public Records Law.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 other media. American Oversight also makes materials it gathers available on its public

⁴ 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.”).

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 Mehreen Rasheed at records@americanoversight.org or (202) 848-1320.

Sincerely,

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

⁵ American Oversight currently has approximately 15,670 page likes on Facebook and 106,200 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited May 25, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited May 25, 2021).