



June 8, 2021

VIA EMAIL

Senator Warren Daniel
300 N. Salisbury Street, Rm. 627
Raleigh, NC 27603
Warren.Daniel@ncleg.gov

Re: Public Records Act Request

Dear Senator Daniel,

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.

On February 12, 2021, the Census Bureau announced that population data used to determine congressional apportionment would be delivered by March 31, 2021, and that block-level data for redistricting would be delivered to states by September 30, 2021.¹ Many states, including North Carolina, face impending deadlines, such as brief legislative sessions or statutorily determined dates to approve maps or accept registrations for partisan primaries,² raising concerns that delays will exacerbate existing tensions over the redistricting process.³

American Oversight seeks records with the potential to shed light on efforts to prepare for the redistricting process in North Carolina.

Requested Records

American Oversight requests that your office produce the following records as promptly as possible:

¹ *Census Bureau Statement on Redistricting Data Timeline*, U.S. Census Bureau, Feb. 12, 2021, https://www.census.gov/newsroom/press-releases/2021/statement-redistricting-data-timeline.html?utm_campaign=20210212msc20s2ccnwsrs&utm_medium=email&utm_source=govdelivery.

² *State Redistricting Deadlines*, Nat'l Conf. of State Legislatures, Jan. 12, 2021, <https://www.ncsl.org/research/redistricting/state-redistricting-deadlines637224581.aspx>.

³ Zach Montellaro & Ally Mutnick, *Census Data Snafu Upends 2022 Elections*, Politico (Mar. 1, 2021, 4:30 AM), <https://www.politico.com/news/2021/03/01/census-data-elections-471882>.



1. A complete copy (including any attachments) of any contract, amendment, memorandum of understanding, or other written agreement in possession of Senator Warren Daniel's office regarding external entities providing services relevant to state and congressional redistricting processes, including but not limited to providers of map drawing software, consultants or advisors, or legal counsel.

This request should be interpreted to include any copies of contractual documents pertaining to redistricting in possession of Sen. Daniel's office, including those to which the North Carolina State Senate, the Senate Redistricting Committee, or Senator Daniel are not party.

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

2. A complete copy of any unpublished formal or informal guidance, directives, memoranda, or other policy documents pertaining to redistricting issued by or in possession of Sen. Daniel's office.

For item 2 of this request, please provide all responsive records from January 1, 2021, 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. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Public Records Act.⁴

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

- 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.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

about official business are public records even if they are sent using the personal email account of an employee or official.”).

⁵ American Oversight currently has approximately 15,700 page likes on Facebook and 106,200 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Apr. 19, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Apr. 19, 2021).

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