



June 11, 2021

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

John Formella
New Hampshire Attorney General
33 Capitol Street
Concord, NH 03301

Re: Right-to-Know/Public Records Request

Dear Records Custodian:

Pursuant to Part I, Article 8 of the New Hampshire Constitution, and New Hampshire's Right-to-Know Law, as codified at RSA Chapter 91-A, American Oversight makes the following request for records.

Requested Records

American Oversight requests that Office of the Attorney General produce the following records within five business days:

1. All calendar entries and telephone call logs, reflecting any meetings, calls, or conferences with the Republican Attorneys General Association (RAGA) or the Rule of Law Defense Fund (RLDF).
2. Any agendas, handouts, presentation materials, or programs, received by or created for RAGA or RLDF, in the possession of Attorney General John Formella, former Attorney General Gordon MacDonald, or the New Hampshire Attorney General's office.
3. Any handwritten or electronic notes taken during any oral communications or summaries of any oral communications between (a) Attorney General Formella, former Attorney General MacDonald or the New Hampshire Attorney General's office, and (b) RAGA or RLDF.
4. All email communications (including complete email threads, email attachments, calendar invitations, and calendar invitation attachments, whether in government or personal email accounts) between (a) Attorney General Formella, former Attorney General MacDonald, or anyone communicating on the Attorneys General's behalf (such as a scheduler or assistant), and (b) RAGA or RLDF, including but not limited to communications from email addresses ending in republicanags.com, ruleoflawdefensefund.org, and rldf.org.



5. All text messages and messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp) between
 - (a) Attorney General Formella or former Attorney General MacDonald and
 - (b) RAGA or RLDF.

For all parts of this request, American Oversight requests records reflecting communications with any state officials serving as RAGA or RLDF leadership, as well as all RAGA or RLDF representatives or employees. For example, if the Chairman of RAGA communicated with Attorney General Formella or former Attorney General MacDonald from their own government or personal email addresses, those emails would be responsive and should be produced. Therefore, at a minimum, records reflecting calendar entries/call logs, presentations, meeting notes, email communications, or text messages with the following individuals should be included in the search for responsive records:

- a. Republican Attorneys General Association (republicanags.com)
 - i. Georgia Attorney General Chris Carr (agcarr@law.ga.gov or ccarr@law.ga.gov)
 - ii. Missouri Attorney General Eric Schmitt (ag@ago.mo.gov or eric.schmitt@ago.mo.gov)
 - iii. South Carolina Attorney General Alan Wilson (agwilson@scag.gov or wilsonforag@gmail.com)
 - iv. Louisiana Attorney General Jeff Landry (landryj@ag.louisiana.gov or jefflandry@me.com)
 - v. Arkansas Attorney General Leslie Rutledge (lesliecrutledge@gmail.com or Leslie.rutledge@arkansasag.gov)
 - vi. Texas Attorney General Ken Paxton (ken@kenpaxtonlaw.com or ken.paxton@oag.texas.gov)
 - vii. Former Indiana Attorney General Curtis Hill (Curtis.hill@atg.in.gov)
- b. Rule of Law Defense Fund (rldf.org, ruleoflawdefensefund.org)
 - i. Alabama Attorney General Steve Marshall (steve.marshall@alabamaag.gov or Da27th@gmail.com)
 - ii. Utah Attorney General Sean Reyes (seanreyes@agutah.gov or reyes.seand@gmail.com)

Please provide all responsive records from January 1, 2018, through the date a search is conducted.

Pursuant to RSA § 91-A:4, IV, American Oversight asks that any charges in connection with processing this request for records not exceed the actual cost of providing the copy, if any.

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. 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.
- In the event that any responsive records are exempt from disclosure, in whole or in part, please state specifically the justification for the withholding with reference to the applicable section of the Right-to-Know Law or other legal authority that exempts the information from disclosure.
- 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

¹ American Oversight currently has approximately 15,700 page likes on Facebook and 106,100 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited June 3, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited June 3, 2021).

understand any part of this request, please contact Katherine Anthony at records@americanoversight.org or (202) 897-3918.

Sincerely,

/s/ Katherine Anthony
Katherine Anthony
on behalf of
American Oversight