



June 9, 2021

VIA EMAIL

Administrator Dan Sullivan
Town of Windham
3 N. Lowell Road
Windham, NH 03087
townadmin@windhamnh.gov

Re: Right-to-Know/Public Records Request

Dear Administrator Sullivan:

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.

On April 26, 2021, the Town of Windham's Board of Selectmen elected to contract with political scientist Mark Lindeman to conduct an audit of the November 2020 election results following unexplained discrepancies in vote totals.¹ While the investigation has revealed no evidence of interference,² it has attracted national attention alongside similar operations in other states.³

American Oversight seeks records with the potential to shed light on the Town of Windham's investigation of the November 2020 election, including regarding the selection of auditors and the potential contributions of external political interests.

Requested Records

American Oversight requests that your office produce the following records within five business days:

¹ Julie Huss, *Windham Picks Designee to Work on Forensic Audit*, Eagle-Tribune, Apr. 27, 2021, https://www.eagletribune.com/news/new_hampshire/windham-picks-designee-to-work-on-forensic-audit/article_a83176f3-ef6d-5855-8c3f-cca937dd95db.html.

² Adam Sextin & Mike Cronin, *Windham Election Auditor Says There's No Evidence of Fraud or Machine Manipulation*, WMUR (updated May 27, 2021, 10:48 PM), <https://www.wmur.com/article/windham-new-hampshire-election-audit-update-may-27-2021/36556950>.

³ John DiStaso, *NH Primary Source: Trump Taking Personal Interest in Windham Election Controversy, Audit*, WMUR (updated May 6, 2021, 2:28 AM), <https://www.wmur.com/article/nh-primary-source-trump-taking-personal-interest-in-windham-election-controversy-audit/36345527#>.



- A. All electronic communications (including emails, email attachments, text messages, or messages on messaging platforms, such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp) between Windham Town Administrator Dan Sullivan and any of the following entities listed below. The search for responsive records should include all communications sent or received from Administrator Sullivan's personal accounts and devices if they were used to conduct official business, as well those sent from his official accounts and devices.

Specified Individuals and Entities:

1. Corey Lewandowski
2. Jovan Hutton Pulitzer
3. Philip Waldron, Russel Ramsland, or anyone communicating on behalf of Allied Security Operations Group (including anyone communicating from an email address ending in @alliedspecialops.us)
4. Doug Logan, or anyone communicating on behalf of Cyber Ninjas (including anyone communicating from an email address ending in @cyberninjas.com)
5. Senator Regina Birdsell
6. Senator Bob Giuda
7. Secretary of State Bill Gardner
8. Ken Eyring
9. Board of Selectmen Member Bruce Breton
10. Marylyn Todd, or anyone communicating on behalf of New Hampshire Voter Integrity Group (including anyone communicating from an email address ending in @nhvoterintegrity.org)
11. Cleta Mitchell (including cleta@cletamitchell.com, cmitchell@foley.com, or email addresses ending in @bradleyfdn.org)
12. Sidney Powell, or anyone communicating on behalf of Sidney Powell, P.C. (including anyone communicating from an email address ending in @federalappeals.com)
13. Jenna Ellis, or anyone communicating on behalf of Liberty University's Falkirk Center (including anyone communicating from an email address ending in @falkirkcenter.com) or the Thomas More Society (including anyone communicating from @thomasmore.org)
14. Chanel Rion, Christina Bobb, or anyone communicating on behalf of One America (including anyone communicating from an email address ending in @oann.com)

Please provide all responsive records from November 3, 2020, through the date the search is conducted.

- B. A complete copy (including any attachments) of any bid, proposal, scope of work, application, or other document received by the Town of Windham from individuals or entities seeking to participate in the town's audit of the November 2020 election results.

Please provide all responsive records from November 3, 2020, through the date the 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.⁴

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

⁴ American Oversight currently has approximately 15,660 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