



April 08, 2022

VIA EMAIL

Commissioner Cliff Eklund
Elko County Commissioners Office
540 Court Street, Suite 101
Elko, Nevada 89801
ceklund@elkocountynv.net

Re: Public Records Act Request

Dear Commissioner Eklund:

Pursuant to the Nevada Public Records Act, N.R.S. Chapter 239, American Oversight makes the following request for records.

Requested Records

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

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) **sent** by Commissioner Cliff Eklund, or anyone communicating on their behalf (such as an assistant or scheduler), concerning (1) any proposed or executed election audit concerning the 2020 general election, or (2) the certification of the 2020 general election results.
2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) **sent** by Commissioner Cliff Eklund or anyone communicating on their behalf (such as an assistant or scheduler), concerning any proposed or implemented changes to the authority, responsibilities, composition, or method for selecting members of the Elko County Board of Commissioners.
3. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) **between** (a) Commissioner Cliff Eklund, or anyone communicating on their behalf (such as an assistant or scheduler), and (b) Joey Gilbert, anyone communicating on behalf of Joey Gilbert Law (including, but not limited to, anyone communicating from an email address ending in @joeygilbertlaw.com), or Adam Laxalt (including, but not limited to, at alaxalt@cooperkirk.com).



In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited items 1 & 2 of its request to emails **sent** by the commissioner. 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 the commissioner's response to an email concerning a proposed election audit and the initial received message are responsive to this request and should be produced.

Please provide all responsive records from June 1, 2021, through the date the search is conducted.

Please consult with American Oversight on any fees the county expects it may assess.

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

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.
- 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

¹ American Oversight currently has approximately 16,400 page followers on Facebook and 118,100 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Apr. 7, 2022); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Apr. 7, 2022).

files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.

- 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. N.R.S. § 239.010(3). 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.

Conclusion

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.

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 Taylor Stoneman at records@americanoversight.org or (202) 848-1319.

Sincerely,

/s/ Taylor Stoneman
Taylor Stoneman
on behalf of
American Oversight