



November 22, 2022

**VIA EMAIL**

FOIA Coordinator  
Michigan Department of State  
P.O. Box 30204  
Lansing, MI 48918  
[MDOS-FOIA@michigan.gov](mailto:MDOS-FOIA@michigan.gov)

**Re: Freedom of Information Act Request**

Dear FOIA Coordinator:

Pursuant to Michigan's Freedom of Information Act (FOIA), as codified at Mich. Comp. Laws Ann. § 15.231 et seq., American Oversight makes the following request for records.

**Requested Records**

American Oversight requests that your office respond to this request for the following records within five business days:

1. All final decision memoranda, assessments, reports, analyses, recommendations, or guidance prepared by the Michigan Board of State Canvassers, other state or local offices, or independent experts, regarding the placement of Proposal 3 (Reproductive Freedom For All) on the November 8 general election ballot.<sup>1</sup>
2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by Michigan Board of State Canvassers member Richard Houskamp or Chair Anthony Daunt to any email address ending in .com, .net, .org, .mail, .me, .ch, .us, or .edu, and containing any of the key terms listed below:

Key Terms:

- i. "Reproductive Freedom"
- ii. RFFA
- iii. "Proposal 3"
- iv. "Prop 3"
- v. Abortion
- vi. Abort

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<sup>1</sup> *Proposal 3 in Michigan: Abortion Rights and What Would Change if it Passes*, WXYZ Detroit (Oct. 26, 2022, updated 12:14 PM), <https://www.wxyz.com/news/proposal-3-in-michigan-abortion-rights-what-would-change-if-it-passes>.



- vii. Roe
- viii. Dobbs
- ix. Pregnancy
- x. Pregnant
- xi. Unborn
- xii. Terminate
- xiii. Termination
- xiv. “Support Women and Children”

For item 2 of this request, in an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by the listed 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 Board Chair Daunt’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.

3. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) Michigan Board of State Canvassers member Richard Houskamp or Chair Anthony Daunt, and (b) anyone communicating on behalf of Citizens to Support Michigan Women and Children, including, but not limited to, Spokeswoman Christen Pollo, Communications Coordinator Anna Visser, or anyone communicating from an email address ending in @supportwomenchildren.org.

For each item of this request, please provide all responsive records from August 1, 2022, to the date the search is conducted.

**Fee Waiver Request**

In accordance with Mich. Comp. Laws Ann. § 15.234(2), American Oversight requests a waiver of fees associated with processing this request for records. A waiver of fees for this request “is in the public interest because searching for or furnishing copies of the public record[s] can be considered as primarily benefiting the general public.”<sup>2</sup>

The public has a significant interest in the decision by members of the Board of State Canvassers to reject a voter initiative related to abortion rights.<sup>3</sup> Records with the potential to shed light on this matter will help American Oversight and the general public understand why the abortion referendum was initially blocked, including whether and to what extent external entities influenced the decision.

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<sup>2</sup> Mich. Comp. Laws Ann. § 15.234(2).

<sup>3</sup> Kim Bellware, *Michigan Republicans Block Abortion Referendum, Setting up Showdown*, Wash. Post (Aug. 31, 2022, 7:01 PM), <https://www.washingtonpost.com/nation/2022/08/31/michigan-abortion-ballot/>.

American Oversight is committed to transparency and makes the responses agencies provide to FOIA requests publicly available, and the general public's understanding of the government's activities would be enhanced through American Oversight's analysis and publication of these records. American Oversight's mission is 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.<sup>4</sup>

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through numerous substantive analyses posted to its website.<sup>5</sup> Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records related to the organization's investigations into misconduct and corruption in state governments;<sup>6</sup> an ethics waiver received by a senior U.S. Department of Justice attorney and an analysis of what those records demonstrated regarding the Department's process for issuing such waivers;<sup>7</sup> posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the federal administration's proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;<sup>8</sup> posting records regarding potential self-dealing at the U.S. Department of Housing & Urban Development and related analysis;<sup>9</sup> posting records and analysis relating to the federal government's efforts to

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<sup>4</sup> American Oversight currently has approximately 16,000 followers on Facebook and 114,400 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Nov. 21, 2022); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Nov. 21, 2022).

<sup>5</sup> *News*, American Oversight, <https://www.americanoversight.org/blog>.

<sup>6</sup> *State Investigations*, American Oversight, <https://www.americanoversight.org/states>.

<sup>7</sup> *DOJ Records Relating to Solicitor General Noel Francisco's Recusal*, American Oversight, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

<sup>8</sup> *See generally Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; *see, e.g., Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

<sup>9</sup> *Documents Reveal Ben Carson Jr.'s Attempts to Use His Influence at HUD to Help His Business*, American Oversight, <https://www.americanoversight.org/documents-reveal-ben-carson-jr-s-attempts-to-use-his-influence-at-hud-to-help-his-business>.

sell nuclear technology to Saudi Arabia;<sup>10</sup> and posting records and analysis regarding the U.S. Department of Justice's decision in response to demands from Congress to direct a U.S. Attorney to undertake a wide-ranging review and make recommendations regarding criminal investigations relating to the President's political opponents and allegations of misconduct by the Department of Justice itself and the Federal Bureau of Investigation.<sup>11</sup>

Finally, this request is primarily and fundamentally for non-commercial purposes. As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest.

Accordingly, American Oversight qualifies for a fee waiver.

### **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.

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<sup>10</sup> *Investigating the Trump Administration's Efforts to Sell Nuclear Technology to Saudi Arabia*, American Oversight, <https://www.americanoversight.org/investigating-the-trump-administrations-efforts-to-sell-nuclear-technology-to-saudi-arabia>.

<sup>11</sup> *Sessions' Letter Shows DOJ Acted on Trump's Authoritarian Demand to Investigate Clinton*, American Oversight, <https://www.americanoversight.org/sessions-letter>.

- Please use all tools available to your agency to conduct a complete and efficient search for potentially responsive records. 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 some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records.<sup>12</sup> 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 Sarah Colombo at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 869-5244. Also, if American Oversight's

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<sup>12</sup> Mich. Comp. Laws Ann. § 15.234(14).

request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Sarah Colombo

Sarah Colombo  
on behalf of  
American Oversight