



November 18, 2022

VIA EMAIL

New Hampshire Department of Justice
33 Capitol St.
Concord, NH 03301
attorneygeneral@doj.nh.gov

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.

The town of Hollis, New Hampshire reportedly sent "30 Day Letters" initiating the voter checklist purge process to all registered voters between the ages of 25 and 35.¹ New Hampshire Secretary of State David Scanlan characterized the move as inappropriate profiling.² Hollis officials later claimed that they had used other means to identify those who would receive the letters and the New Hampshire Attorney General found no wrongdoing in the way Hollis identified the letter recipients.³

American Oversight seeks records related to the Office of the Attorney General's review of Hollis' system of identifying registered voters to receive the "30 Day Letters."

Requested Records

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

1. Records sufficient to identify all materials (including, but not limited to, interpretations of New Hampshire election law and materials retrieved from Hollis officials or the New Hampshire Department of State) on which the Office of the Attorney General relied in determining the appropriateness of the methodology used by Hollis officials to identify registered voters to receive "30 Day Letters."

¹ Todd Bookman, *When Is It 'Reasonable' to Remove a Voter from the Checklist? In N.H., It Depends on Who You Ask*, N.H. Pub. Radio (Sept. 21, 2022, 6 AM), <https://www.nhpr.org/nh-news/2022-09-21/when-is-it-reasonable-to-remove-a-voter-from-the-checklist-in-n-h-it-depends-on-who-you-ask>.

² Id.

³ Id.



2. Any formal or informal assessment, opinion, analysis, or similar regarding the “30 Day Letters” sent by Hollis officials, including, but not limited to, any conclusions sent to any Hollis official or any other New Hampshire official, including anyone in the New Hampshire Department Office of State.
3. Records sufficient to identify the current or final disposition of any other reviews of voter checklist purge practices conducted by the Office of the Attorney General.
4. All complaints, requests for opinion, and requests for review regarding any New Hampshire locality’s methodology for identifying registered voters to receive “30 Day Letters” or otherwise be considered for purging from the voter checklist.

Please provide all responsive records from August 1, 2022, through the date the search is conducted.

Pursuant to RSA § 91-A:4, IV, I ask 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.
- 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 understand any part of this request, please contact Emma Lewis at records@americanoversight.org or (202) 919-6303.

Sincerely,

/s/ Emma Lewis
Emma Lewis
on behalf of
American Oversight

⁴ American Oversight currently has approximately 16,000 followers on Facebook and 119,200 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Oct. 24, 2022); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Oct. 24, 2022)