

**Subject:** RE: Manzella, Tschida, and Phalen requests 1/2  
**Date:** Tuesday, February 8, 2022 at 1:09:52 PM Eastern Standard Time  
**From:** Fox, Susan  
**To:** AO Records  
**Attachments:** AOManzTschPhalenInvoice.pdf, Manzella.zip, Phalen.zip

EXTERNAL SENDER

Dear Taylor,

This is 1 of 2 emails to fulfill the 6 requests originally made December 1, 2021 regarding Sen. Manzella, Rep. Tschida, and Rep. Phalen: Public Records Request MT-REP-21-1720 and 1724, 1719 and 1723, 1718 and 1722.

For each request for each legislator, each of the 26 searches is listed in a separate folder. The criteria for each search is stored in the respective folder in a text file named "PIR# – SEARCH NAME – search criteria.txt".

The request was for "All email communications ... between [legislator] and each of the email addresses or domains listed". Because the requestor included the email addresses of the 26 listed entities these results have returned any email message in each legislator's account w/ the respective email address in either the To: or the From: field.

The search process does not require that the legislator has to be the originator or the sole recipient of an email message to match the criteria, only that the email address in the criteria is found in the either the To: or From: field. There may be messages that were sent from another sender to both the legislator and the email address in the respective search criteria – that message will be returned as a match for the criteria.

If there were no matches found for a particular search that result is noted in a "PIR# - [legislator] – SEARCH NAME – no results.txt" for the respective search.

If you require any of the attachments, please let me know.

Susan

Susan Byorth Fox  
Exec Dir, Legislative Services  
(406) 444-3066  
sfox@mt.gov

The date range is June 1, 2020 to the date the search is conducted.

The [steve.gunderson@mtleg.gov](mailto:steve.gunderson@mtleg.gov) account should be searched on the date range against each of the criteria in the list below. The search request is for "email communications from" so the field to search will be "email address", not the body of the email message.

NOTE: The search request is for "email communications from" so the field to search will be "email address", not the body of the email message. However, email addresses were not given for the requested names. Therefore the search was conducted on the entirety of the email messages.

1. Folder name: 20220121-Rep Tschida-PIR1-LINDELL. Search criteria: ( after:5/31/20 and before:1/22/22 ) and ( "Mike Lindell" )
2. Folder name: 20220121-Rep Tschida-PIR1-GABLEMAN. Search criteria: ( after:5/31/20 and before:1/22/22 ) and ( "Michael Gableman" OR "mgableman@yahoo.com" OR "wispecialcounsel@gmail.com" )
3. Folder name: 20220121-Rep Tschida-PIR1-POWELL. Search criteria: ( after:5/31/20 and before:1/22/22 ) and ( "Sidney Powell" OR "@federalappeals.com" )
4. Folder name: 20220121-Rep Tschida-PIR1-FLYNN. Search criteria: ( after:5/31/20 and before:1/22/22 ) and ( "Mike Flynn" OR "@generalflynn.com" OR "Joseph Flynn" OR "America's Future" )
5. Folder name: 20220121-Rep Tschida-PIR1-GIULIANI. Search criteria: ( after:5/31/20 and before:1/22/22 ) and ( "Rudolph Giuliani" OR "Jo Ann Zafonte" OR "Christianne Allen" OR "Beau Wagner" OR "@giulianisecurity.com" OR "@giulianipartners.com" OR "@gdcillc.com" )
6. Folder name: 20220121-Rep Tschida-PIR1-MITCHELL. Search criteria: ( after:5/31/20 and before:1/22/22 ) and ( "Cleta Mitchell" OR "cleta@cletamitchell.com" OR "cmitchell@foley.com" OR "@bradleyfdn.org" )
7. Folder name: 20220121-Rep Tschida-PIR1-DATWYLER. Search criteria: ( after:5/31/20 and before:1/22/22 ) and ( "Thomas Datwyler" OR "tcdatwyler@gmail.com" OR "American Voting Rights Foundation" )
8. Folder name: 20220121-Rep Tschida-PIR1-KLINE. Search criteria: ( after:5/31/20 and before:1/22/22 ) and ( "Phill Kline" OR "phillklineva@gmail.com" OR "Jacqueline Timmer" OR "American Voter's Alliance" OR "@gotfreedom.org" )
9. Folder name: 20220121-Rep Tschida-PIR1-ELLIS. Search criteria: ( after:5/31/20 and before:1/22/22 ) and ( "Jenna Ellis" OR "Liberty University's Falkirk Center" OR "@falkirkcenter.com" OR "Thomas More Society" OR "@thomasmoresociety.org" OR "American Greatness Fund" OR "@americangreatnessfund.com" )
10. Folder name: 20220121-Rep Tschida-PIR1-LEWANDOWSKI. Search criteria: ( after:5/31/20 and before:1/22/22 ) and ( "Corey Lewandowski" )
11. Folder name: 20220121-Rep Tschida-PIR1-KERN. Search criteria: ( after:5/31/20 and before:1/22/22 ) and ( "Earl Eugene Kern" OR "Wake Technology Services, Inc." OR "@waketsi.com" )
12. Folder name: 20220121-Rep Tschida-PIR1-COTTON. Search criteria: ( after:5/31/20 and before:1/22/22 ) and ( "Ben Cotton" OR "CyFir" OR "@cyfir.com" )
13. Folder name: 20220121-Rep Tschida-PIR1-HONEY. Search criteria: ( after:5/31/20 and before:1/22/22 ) and ( "Heather Honey" OR "Haystack Investigations" OR "@haystackinvestigations.com" )
14. Folder name: 20220121-Rep Tschida-PIR1-LOGAN. Search criteria: ( after:5/31/20 and before:1/22/22 ) and ( "Doug Logan" OR "Cyber Ninjas" or "@cyberninjas.com" )

15. Folder name: 20220121-Rep Tschida-PIR1-WALDRON. Search criteria: ( after:5/31/20 and before:1/22/22 ) and ( "Colonel Phil Waldron" OR "phil@onewarrior.com" OR "JWRLLC@gmail.com" OR "p@bonfiresearch.org" OR "Russell Ramsland" OR "ryuks9sq@alliedspecialops.us" OR "James Keet Lewis III" OR "keet@jkeetlewis.com" OR "Allied Security Operations Group" OR "@alliedspecialops.us" )
16. Folder name: 20220121-Rep Tschida-PIR1-PULITZER. Search criteria: ( after:5/31/20 and before:1/22/22 ) and ( "Jovan Hutton Pulitzer" OR "jovanhuttonpulitzer@gmail.com" )
17. Folder name: 20220121-Rep Tschida-PIR1-BYRNE. Search criteria: ( after:5/31/20 and before:1/22/22 ) and ( "Patrick Byrne" OR "America Project" OR "@americaproject.com" )
18. Folder name: 20220121-Rep Tschida-PIR1-DEPERNO. Search criteria: ( after:5/31/20 and before:1/22/22 ) and ( "Matthew DePerno" OR "DePerno Law Office" OR "@depernolaw.com" )
19. Folder name: 20220121-Rep Tschida-PIR1-ENGELBRECHT. Search criteria: ( after:5/31/20 and before:1/22/22 ) and ( "Catherine Engelbrecht" OR "True the Vote" OR "@truethevote.org" )
20. Folder name: 20220121-Rep Tschida-PIR1-EASTMAN. Search criteria: ( after:5/31/20 and before:1/22/22 ) and ( "John Eastman" OR "jeastman@claremont.org" OR "@attorneyeastman.com" )
21. Folder name: 20220121-Rep Tschida-PIR1-WOOD. Search criteria: ( after:5/31/20 and before:1/22/22 ) and ( "Lin Wood" OR "lwood@fightback.law" )
22. Folder name: 20220121-Rep Tschida-PIR1-AYYADURAI. Search criteria: ( after:5/31/20 and before:1/22/22 ) and ( "Shiva Ayyadurai" OR "vashiva@vashiva.com" )
23. Folder name: 20220121-Rep Tschida-PIR1-GIDLEY. Search criteria: ( after:5/31/20 and before:1/22/22 ) and ( "Hogan Gidley" or "Ken Blackwell" OR "kennethblackwell693@gmail.com" OR "America First Policy Institute" OR "@americafirstpolicy.com" )
24. Folder name: 20220121-Rep Tschida-PIR1-FARAH. Search criteria: ( after:5/31/20 and before:1/22/22 ) and ( "Barry Farah" or "barry@barryfarah.com" )
25. Folder name: 20220121-Rep Tschida-PIR1-FRANK. Search criteria: ( after:5/31/20 and before:1/22/22 ) and ( "Douglas Frank" or "drdouglassfrank@protonmail.com" )
26. Folder name: 20220121-Rep Tschida-PIR1-WATKINS. Search criteria: ( after:5/31/20 and before:1/22/22 ) and ( "Ron Watkins" )

Rep Tschida - PIR1-AYYADURAI - no results

Rep Tschida - PIR1-BYRNE - no results

Zimbra

brad.tschida@mtleg.gov

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**Arizona Senate Hires 4 Firms to Audit 2.1 million ballots from 2020 election**

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**From :** Jane L Rectenwald <jrectenwald@me.com> Thu, Apr 01, 2021 01:41 PM  
**Subject :** Arizona Senate Hires 4 Firms to Audit 2.1 million ballots from 2020 election  1 attachment  
**To :** Quentin Rhoades <qmr@montanalawyer.com>, Lyn Hellegaard <lhellegaard@msn.com>, Tschida Brad <brad.tschida@mtleg.gov>, John Lott <johnrlott@gmail.com>, Mary Beveridge <MBeveridge567@gmail.com>

Here's the link to the AZ Senate press release: <https://twitter.com/AZSenateGOP/status/1377321595518083074>

If we get to talk with Mary Fanning today, I'm going to ask her about the reputation of the four independent companies doing the audit.

Jane

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**Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723)**

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**From :** AO Records <records@americanoversight.org> Thu, Jan 20, 2022 08:18 PM  
**Subject :** Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723)  2 attachments  
**To :** brad tschida <brad.tschida@mtleg.gov>  
**Cc :** teverts@mt.gov

Dear Representative Tschida,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests to your office bearing internal tracking numbers MT-REP-21-1719 and MT-REP-21-1723. The two requests are attached to this email for your reference.

We have received no communication from your office acknowledging receipt of our public record requests. As you know, the Montana legislature is subject to the Montana Public Records Act. M.C.A. § 2-6-1002(10). Moreover, the Act requires that the public agency receiving a request for records "respond in a timely manner to the requesting person" by either making the information available for inspection or providing the requesting person with an estimate of the time it will take to fulfill the request. Mont. Code Ann. § 2-6-1006(2). American Oversight has received neither form of response for these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Records Act.

Sincerely,  
Taylor Stoneman

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**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
records@americanoversight.org  
(202) 848-1319

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 **MT-REP-21-1719.pdf**  
291 KB

 **MT-REP-21-1723.pdf**  
294 KB

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## RE: [EXTERNAL] Re: Public Record Information Requests

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**From :** Everts, Todd <teverts@mt.gov> Mon, Jan 24, 2022 01:31 PM  
**Subject :** RE: [EXTERNAL] Re: Public Record Information Requests  
**To :** Theresa Manzella <theresa.manzella@mtleg.gov>  
**Cc :** Bob Phalen <Bob.Phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>, Coles, Jaret <JColes@mt.gov>, Johnson, Julie <juliejohnson@mt.gov>, Sankey Keip, Laura <LSankeyKeip@mt.gov>

Senator Manzella,

Text messages involving legislative business likely constitute public information that is a public record that may be requested by a person under the public record statutes. Having

MT-REP-21-1719-A -000004

said that, there has not been any specific Montana court decision regarding text messages and legislators or other public officials that I am aware of.

There have been formal public information requests made of executive branch officials in the past concerning text messages involving official business. I am aware that text messages were provided in response to some of those requests.

Regarding social media posts, it is definitely unclear whether those posts would constitute a public record and there isn't any Montana court decisions regarding this. I would agree that the onus would be on the requester to search the public domain for such posts.

The public records laws (2-6-1002, MCA) provide the following pertinent definitions concerning your question regarding text messages:

10) "**Public agency**" means the executive, legislative, and judicial branches of Montana state government, a political subdivision of the state, a local government, and any agency, department, board, commission, office, bureau, division, or other public authority of the executive, legislative, or judicial branch of the state of Montana.

(11) "**Public information**" means information prepared, owned, used, or retained by any public agency relating to the transaction of official business, regardless of form, except for confidential information that must be protected against public disclosure under applicable law.

(13) "**Public record**" means public information that is:

(a) fixed in any medium and is retrievable in usable form for future reference; and

(b) designated for retention by the state records committee, judicial branch,

legislative branch, or local government records committee.

(1) "**Confidential information**" means information that is accorded confidential status or is prohibited from disclosure as provided by applicable law. The term includes information that is:

(a) constitutionally protected from disclosure because an individual privacy interest clearly exceeds the merits of public disclosure;

(b) related to judicial deliberations in adversarial proceedings;

(c) necessary to maintain the security and integrity of secure facilities or information systems owned by or serving the state; and

(d) designated as confidential by statute or through judicial decisions, findings, or orders.

Further the public record statutes provide the following:

### **2-6-1003. Access to public information — safety and security exceptions —**

**Montana historical society exception.** (1) Except as provided in subsections (2) and (3), every person has a right to examine and obtain a copy of any public information of this state.

(2) A public officer may withhold from public scrutiny information relating to individual or public safety or the security of public facilities, including public schools, jails, correctional facilities, private correctional facilities, and prisons, if release of the information jeopardizes the safety of facility personnel, the public, students in a public school, or inmates of a facility. A public officer may not withhold from public scrutiny any more information than is required to protect individual or public safety or the security of public facilities.

(3) The Montana historical society may honor restrictions imposed by private record donors as long as the restrictions do not apply to public information. All restrictions must

expire no later than 50 years from the date the private record was received. Upon the expiration of the restriction, the private records must be made accessible to the public.

**2-6-1006. Public information requests — fees.** (1) A person may request public information from a public agency. A public agency shall make the means of requesting public information accessible to all persons.

(2) Upon receiving a request for public information, a public agency shall respond in a timely manner to the requesting person by:

(a) making the public information maintained by the public agency available for inspection and copying by the requesting person; or

(b) providing the requesting person with an estimate of the time it will take to fulfill the request if the public information cannot be readily identified and gathered and any fees that may be charged pursuant to subsection (3).

(3) A public agency may charge a fee for fulfilling a public information request. Except where a fee is otherwise provided for by law, the fee may not exceed the actual costs directly incident to fulfilling the request in the most cost-efficient and timely manner possible. The fee must be documented. The fee may include the time required to gather public information. The public agency may require the requesting person to pay the estimated fee prior to identifying and gathering the requested public information.

(4) A public agency is not required to alter or customize public information to provide it in a form specified to meet the needs of the requesting person.

(5) If a public agency agrees to a request to customize a records request response, the costs of the customization may be included in the fees charged by the agency.

(6) (a) The secretary of state is authorized to charge fees under this section. The fees must be set and deposited in accordance with 2-15-405. The fees must be collected in advance.

(b) The secretary of state may not charge a fee to a member of the legislature or public officer for any search relative to matters pertaining to the duties of the member's office or for a certified copy of any law or resolution passed by the legislature relative to the member's official duties.

Pursuant to the above statutes, a legislator conducting legislative business likely constitutes public information if that information is "prepared, owned, used, or retained by any public agency relating to the transaction of official business, regardless of form". If that public information is "fixed in any medium and is retrievable in usable form for future reference", that public information likely constitutes a public record that a person may request.

If you would like to discuss this further, please do not hesitate to give me a call at the phone number listed below.

Todd M. Everts  
Director of Legal Services/Code Commissioner  
Montana Legislative Services Division  
Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)

Office Phone: (406) 444-4023

FAX: (406) 444-3036

**From:** Theresa Manzella <theresa.manzella@mtleg.gov>  
**Sent:** Monday, January 24, 2022 8:09 AM  
**To:** Everts, Todd <teverts@mt.gov>  
**Cc:** Bob.Phalen@mtleg.gov; brad.tschida@mtleg.gov; Fox, Susan <sfox@mt.gov>; Coles, Jaret <JColes@mt.gov>; Johnson, Julie <juliejohnson@mt.gov>  
**Subject:** Re: [EXTERNAL] Re: Public Record Information Requests

Thanks for that, Todd. Yes that helps.

What about the question concerning personal texts?

And social media posts? I can't remember the number of interactions I may have had with any of these people via social media, although it's been extremely limited. What ever has been stated has been in the public domain. I think they can find that stuff on their own if they choose to invest the time.

Sent from my iPhone - Senator Theresa Manzella

On Jan 24, 2022, at 7:00 AM, Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)> wrote:

Senator Manzella,

In Montana, you do not have legislative privilege regarding legislation. Article II, sections 8 and 9, of the Montana Constitution is the controlling authority:

**Section 8. Right of participation.** The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.

**Section 9. Right to know.** No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

Title 2, chapter 6, MCA, regarding public records, implements the above Constitutional provisions and anything that constitutes legislative business, especially legislation and the drafting of legislation, creates a public record and is available to the public upon request.

Hope that helps.

Todd M. Everts  
Director of Legal Services/Code Commissioner  
Montana Legislative Services Division

MT-REP-21-1719-A -000007

Montana State Legislature

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**From:** Theresa Manzella <[theresa.manzella@mtleg.gov](mailto:theresa.manzella@mtleg.gov)>

**Sent:** Friday, January 21, 2022 4:54 PM

**To:** Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)>

**Cc:** [Bob.phalen@mtleg.gov](mailto:Bob.phalen@mtleg.gov); [brad.tschida@mtleg.gov](mailto:brad.tschida@mtleg.gov); Fox, Susan <[sfox@mt.gov](mailto:sfox@mt.gov)>

**Subject:** [EXTERNAL] Re: Public Record Information Requests

Additionally, I've been told we have legislative privilege if we have legislation in the works concerning the issue at hand. Please confirm or deny and provide citation. I am working collaboratively with people across the nation on election integrity.

Thanks

Theresa

On Jan 21, 2022, at 10:28 AM, Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)> wrote:

Senator Manzella, Rep. Tschida, & Rep. Phalen,

I was cced on these formal public record information requests late yesterday evening. Legislative Services Division staff will begin working on responding to these requests on your behalf, but staff can only supply state email results. If you have any other information that is being requested in personal email or other correspondence, you will need to provide that to us, in order to respond to this request. Thank you.

Todd M. Everts

Director of Legal Services/Code Commissioner

Montana Legislative Services Division

Montana State Legislature

[teverts@mt.gov](mailto:teverts@mt.gov)

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Legislators are publicly elected officials. Legislator emails sent or received involving legislative business may be subject to the Right to Know provisions of the Montana Constitution and may be considered a "public record" pursuant to Montana law. As such, email, sent or received, its sender and receiver, and the email contents, may be subject to public disclosure, except as otherwise provided by Montana law.

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Mon, Jan 24, 2022 07:00 AM

**Subject :** RE: [EXTERNAL] Re: Public Record Information Requests

**To :** Theresa Manzella <theresa.manzella@mtleg.gov>

**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>, Coles, Jaret <JColes@mt.gov>, Johnson, Julie <juliejohnson@mt.gov>

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FAX: (406) 444-3036

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---

**From :** Theresa Manzella <theresa.manzella@mtleg.gov> Fri, Jan 21, 2022 04:54 PM  
**Subject :** Re: Public Record Information Requests  
**To :** Todd Everts <teverts@mt.gov>  
**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida  
<brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>

Additionally, I've been told we have legislative privilege if we have legislation in the works concerning the issue at hand. Please confirm or deny and provide citation. I am working collaboratively with people across the nation on election integrity.

Thanks

Theresa

On Jan 21, 2022, at 10:28 AM, Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)> wrote:

Senator Manzella, Rep. Tschida, & Rep. Phalen,

I was cced on these formal public record information requests late yesterday evening. Legislative Services Division staff will begin working on responding to these requests on your behalf, but staff can only supply state email results. If you have any other information that is being requested in personal email or other correspondence, you will need to provide that to us, in order to respond to this request. Thank you.

Todd M. Everts

Director of Legal Services/Code Commissioner

Montana Legislative Services Division

Montana State Legislature

[teverts@mt.gov](mailto:teverts@mt.gov)

Office Phone: (406) 444-4023

FAX: (406) 444-3036

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---

**From :** Theresa Manzella <theresa.manzella@mtleg.gov> Fri, Jan 21, 2022 01:09 PM  
**Subject :** Re: Public Record Information Requests  
**To :** Todd Everts <teverts@mt.gov>  
**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>

Thanks Todd. I actually missed the first request. I sent the emails associated with the request last night, as individual forwards. The last I heard personal texts were off limits as considered personal. Has that changed? If so, please cite the statutes and case law that takes precedence to the 4th Amendment. And the social media stuff? I'm likely to tell them to find it themselves as it's openly on public platforms and I have no idea how to collect it for them.

Thanks you.

Sen Theresa Manzella

On Jan 21, 2022, at 10:28 AM, Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)> wrote:

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I was cced on these formal public record information requests late yesterday evening. Legislative Services Division staff will begin working on responding to these requests on your behalf, but staff can only supply state email results. If you have any other information that is being requested in personal email or other correspondence, you will need to provide that to us, in order to respond to this request. Thank you.

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---

**From :** Everts, Todd <teverts@mt.gov> Fri, Jan 21, 2022 10:28 AM  
**Subject :** Public Record Information Requests  3 attachments  
**To :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida  
<brad.tschida@mtleg.gov>, Theresa Manzella  
<Theresa.Manzella@mtleg.gov>  
**Cc :** Fox, Susan <sfox@mt.gov>

Senator Manzella, Rep. Tschida, & Rep. Phalen,

I was cced on these formal public record information requests late yesterday evening. Legislative Services Division staff will begin working on responding to these requests on your behalf, but staff can only supply state email results. If you have any other information that is being requested in personal email or other correspondence, you will need to provide that to us, in order to respond to this request. Thank you.

Todd M. Everts  
Director of Legal Services/Code Commissioner  
Montana Legislative Services Division  
Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)  
Office Phone: (406) 444-4023  
FAX: (406) 444-3036

---

**From :** AO Records <records@americanoversight.org> Thu, Jan 20, 2022 10:23 PM  
**Subject :** [EXTERNAL] Two Outstanding Public Records Act  
Requests (MT-REP-21-1720; MT-REP-21-1724)  [3 attachments](#)  
**To :** Bob phalen <Bob.phalen@mtleg.gov>  
**Cc :** Everts, Todd <teverts@mt.gov>

Dear Representative Phalen,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests.

We have received no communication from your office acknowledging receipt of our public record requests. As you are required to "respond in a timely manner to the requesting person" by either making the information available for inspection for these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Records Act.

Sincerely,  
Taylor Stoneman

-----

**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
records@americanoversight.org  
(202) 848-1319

 **MT-REP-21-1720.pdf**  
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 **MT-REP-21-1724.pdf**  
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**From :** AO Records <records@americanoversight.org>  
**Subject :** [EXTERNAL] Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723)  
**To :** brad tschida <brad.tschida@mtleg.gov>  
**Cc :** Everts, Todd <tevverts@mt.gov>

Thu, Jan 20, 2022 10:18 PM

 [3 attachments](#)

Dear Representative Tschida,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests.

We have received no communication from your office acknowledging receipt of our public record requests. As you are required to “respond in a timely manner to the requesting person” by either making the information available for inspection or providing a written response, we request that you respond to these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Access to Information Act.

Sincerely,  
Taylor Stoneman

-----

**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
records@americanoversight.org  
(202) 848-1319



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**MT-REP-21-1723.pdf**

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I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests.

We have received no communication from your office acknowledging receipt of our public record requests. As you are required to “respond in a timely manner to the requesting person” by either making the information available for inspection for these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Freedom of Information Act.

Sincerely,  
Taylor Stoneman

-----

**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org)  
(202) 848-1319



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**MT-SEN-21-1722.pdf**

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[Download all attachments](#)

Rep Tschida - PIR1-DATWYLER - no results

Rep Tschida - PIR1-DEPERNO - no results

Zimbra

brad.tschida@mtleg.gov

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COS

---

**From :** Tom McGillvray <tom.mcgillvray@mtleg.gov>

Fri, Jan 29, 2021 08:57 AM

**Subject :** COS 2 attachments**To :** Tom McGillvray <tvmcgillvray@gmail.com>

All,

I know you are getting a lot of messages on COS. I have attached the executive summary on COS and the Jefferson statement showing the convention of states for proposing amendments broad support among constitutional scholars.

Please feel free to reach out to me anytime with questions.

US debt is approaching \$30 trillion. Unfunded US liabilities for social security and medicare are over \$220 trillion. Dictatorial sovereigns rule every minutia of our lives. The founders envisioned COS for such a time when the states would need to step in to correct an imperial congress.

Please check out the debt clock in my footer below. It is shocking.

tm

--

Sen. Tom McGillvray  
Senate District 23 -Billings MT  
<https://www.usdebtclock.org/>

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**COS Jefferson Statement.indd.pdf**

1 MB

**Executive Summary Convention of States.pdf**259 KB

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**response to Sen. Manzella's open letter on Convention of States**

MT-REP-21-1719-A -000024

**From :** Tom McGillvray <tom.mcgillvray@mtleg.gov> Mon, Feb 22, 2021 10:28 AM  
**Subject :** response to Sen. Manzella's open letter on Convention of States 2 attachments

**To :** tom mcgillvray <tom.mcgillvray@mtleg.gov>

Rep. Usher, Chair House Judiciary  
Members of House Judiciary  
Members of the House

All,

With due respect to my Senate colleague, Sen. Manzella, I would like to address the open letter she sent out to legislators and constituents and posted on Facebook. The letter states 3 points in opposition to a convention for proposing amendments under article V. They are:

1. "I think the evidence clearly shows that the constitutional convention of 1787 was a 'runaway' and therefore legal precedence has been set and stands today".
2. "I think the evidence clearly shows that Congress (that currently has a 11% approval rating) will play a much larger role in an Article V Convention than the COS would like to admit; including establishing rules for the convention, as well as how the Delegates will be chosen."
3. "and finally, again, it was my personal experience in attending the mock Article V Convention hosted by the COS that the process did, in fact "runaway" and usurped the U.S. Constitution in a significant way.

My response:

The state of Virginia was the first state to give instructions to delegates to the 1787 Philadelphia convention. Virginia's instructions were to send their delegates to join with delegates from other states in "devising and discussing all such Alterations and farther Provisions as may be necessary to render the Foederal [sic] Constitution adequate to the Exigencies of the Union and in reporting such an Act for that purpose to the United States in Congress". Madison in Federalist 40 also states "The sum of what has been advanced and proved is, that the charge against the convention of exceeding their powers, except in one small instance little urged by the objectors, has no foundation to support it". The VA instructions were mirrored by 10 other states which represented 48 of the 55 delegates to the convention. Two states (NY and MA) had more limited instructions. Of the 7 commissioners with limited instructions, 4 did not sign the constitution.

The evidence, when read, shows that the charge that the delegates went beyond their authority fell (and falls) flat. The constitution was popularly ratified by all 13 states in conventions. Ratification was hardly the act of a people abused by rouge commissioners usurping authority unlawfully.

Second, the idea that congress would control A convention of states has been

MT-REP-21-1719-A-000025

floated repeatedly. In fact, Sen. Sam Ervin, a Democrat from NC, repeatedly sought to pass legislation in the 60s that would put congress in control of the convention. This legislation was rejected multiple times because it:

1. Does not square with the power given to the states in Article V to amend the constitution. Just as the states have no power over congress when it proposes amendments, congress has no power over the states in proposing amendments.

2. The power given to the states at the constitutional convention to amend the constitution was given expressly to keep congress from controlling the process. Anything to the contrary would be inconsistent with Article V and the purpose stated by multiple founders to KEEP congress from controlling this process.

Finally, the charge that the mock Convention of States convention held in 2016 was a runaway is refuted by Professor Robert Natelson who was there. I have attached source materials:

1. Prof. Natelson letter refuting Sen. Manzella's claim of a runaway mock convention.

2. Michael Ferris' article in the Harvard Journal of Law and Public Policy on "The Constitution was not the Product of a Runaway Convention". Prof. Ferris is the president of Alliance Defending freedom, a legal organization defending our first amendment freedoms.

Prof. Ferris' article is outstanding scholarship, and if read, will give the historical details to put to bed the false claim that our founding fathers acted dishonorably in devising our constitution.

I realize time is short for such extensive reading, but I urge you to save this for future study. This subject is urgent to address the delicate and critical situation of our nation.

The opposition only has a NO solution. It is the responsibility of state legislators to act boldly, not to cower in fear of "what if". We offer a well thought out, constitutional solution given by our founders to check a runaway government. We can stop it and we must.

Thank you for your consideration,

Sen. McGillvray

PS: Check the debt clock in my footer. Time is running out.

--

Sen. Tom McGillvray  
Senate District 23 -Billings MT

<https://www.usdebtclock.org/>

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**Farris-2017 1787 Not a runaway convention.pdf**

677 KB



**Natelson response to Sen. Manzella letter.docx**

15 KB

## Why are Abortions still legal in America?

**From :** Tom McGillvray <tom.mcgillvray@mtleg.gov>

Mon, Dec 13, 2021 01:36 PM

**Subject :** Why are Abortions still legal in America?

2 attachments

**To :** tvmcgillvray <tvmcgillvray@gmail.com>

### Why are Abortions still Legal in America?

James Madison's 1787 notes on the Constitutional Convention records George Mason of Virginia forcefully addressing the draft of Article V of the United States Constitution:

"Col. [George] Mason was alarmed that in the text of Article V, Congress would have the sole power to propose amendments. Mason insisted... that the states have the authority to call for conventions. Mason explained that an oppressive Congress would never agree to propose amendments necessary to restrain a rogue, tyrannical legislature".

**Alexander Hamilton** explained the final draft of Article V in Federalist 85: "By the fifth article of the plan [the Constitution], the Congress will be obliged 'on the application of the legislatures of two-thirds of the States, to call a convention for proposing amendments' ... We may safely rely on the disposition of the State legislatures to erect barriers against the encroachments of the national authority."

Both Mason and Hamilton insisted that states have the ability to amend the constitution as a defense against federal tyranny (Sadly, the states have defacto ceded that power to the Federal government by passive inaction).

Conservatives are now excited about the prospects of the Court overturning Roe V Wade. However, **Roe should have been rescinded decades ago**. From 1973 to 1981 after the Roe decision, [20 states](#) (22 by some counts) passed an article V application to overturn Row with an amendment (much like the 11<sup>th</sup> amendment overturned Chisholm V Georgia in 1795). Liberals, fearing the efficacy of this movement, attacked the process with fiction and fearmongering about the Article V convention process. This stopped more states from passing resolutions, just as it stopped balanced budget applications (states had passed thirty balanced budget applications between 1973 and 1981 prompting Ronald Reagan to call on

MT-REP-21-1719-A -000027

more states to pass Balanced Budget applications in his 1984 STOU address). By the late eighties, states were rescinding their article V balanced budget applications, and the process for Roe V Wade and balanced budget Article V applications stopped.

Now we have explosive deficits threatening American sovereignty and millions of babies still being slaughtered. What if conservatives had not bought fearmongering arguments and had passed 34 Roe V Wade rescission applications and thirty-four balanced budget applications and the required thirty-eight states had ratified each? What difference in American would that have made?

It is not too late.....yet. Please join me in support of article V applications to amend our Constitution before it is too late.

I have attached two articles that specifically address conservatives regarding Article V.

Thank you for reading this and the attached.

tm

--

Sen. Tom McGillvray  
Senate District 23 -Billings MT  
<https://www.usdebtclock.org/>

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 **COS endorsements and supporters.docx**  
16 KB

 **Why Conservatives need to amendmend The Constitution.pdf**  
30 MB

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## Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723)

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**From :** AO Records <records@americanoversight.org>  
**Subject :** Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723)

Thu, Jan 20, 2022 08:18 PM

 2 attachments

**To :** brad tschida <brad.tschida@mtleg.gov>

**Cc :** teverts@mt.gov

Dear Representative Tschida,

MT-REP-21-1719-A -000028

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests to your office bearing internal tracking numbers MT-REP-21-1719 and MT-REP-21-1723. The two requests are attached to this email for your reference.

We have received no communication from your office acknowledging receipt of our public record requests. As you know, the Montana legislature is subject to the Montana Public Records Act. M.C.A. § 2-6-1002(10). Moreover, the Act requires that the public agency receiving a request for records "respond in a timely manner to the requesting person" by either making the information available for inspection or providing the requesting person with an estimate of the time it will take to fulfill the request. Mont. Code Ann. § 2-6-1006(2). American Oversight has received neither form of response for these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Records Act.

Sincerely,  
Taylor Stoneman

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**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
records@americanoversight.org  
(202) 848-1319

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 **MT-REP-21-1719.pdf**  
291 KB

 **MT-REP-21-1723.pdf**  
294 KB

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## RE: [EXTERNAL] Re: Public Record Information Requests

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**From :** Everts, Todd <teverts@mt.gov> Mon, Jan 24, 2022 01:31 PM  
**Subject :** RE: [EXTERNAL] Re: Public Record Information Requests  
**To :** Theresa Manzella <theresa.manzella@mtleg.gov>  
**Cc :** Bob Phalen <Bob.Phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>, Coles, Jaret <JColes@mt.gov>, Johnson, Julie <juliejohnson@mt.gov>, Sankey Keip, Laura <LSankeyKeip@mt.gov>

Senator Manzella,

Text messages involving legislative business likely constitute public information that is a public record that may be requested by a person under the public record statutes. Having said that, there has not been any specific Montana court decision regarding text messages and legislators or other public officials that I am aware of.

There have been formal public information requests made of executive branch officials in the past concerning text messages involving official business. I am aware that text messages were provided in response to some of those requests.

Regarding social media posts, it is definitely unclear whether those posts would constitute a public record and there isn't any Montana court decisions regarding this. I would agree that the onus would be on the requester to search the public domain for such posts.

The public records laws (2-6-1002, MCA) provide the following pertinent definitions concerning your question regarding text messages:

10) "**Public agency**" means the executive, legislative, and judicial branches of Montana state government, a political subdivision of the state, a local government, and any agency, department, board, commission, office, bureau, division, or other public authority of the executive, legislative, or judicial branch of the state of Montana.

(11) "**Public information**" means information prepared, owned, used, or retained by any public agency relating to the transaction of official business, regardless of form, except for confidential information that must be protected against public disclosure under applicable law.

(13) "**Public record**" means public information that is:

(a) fixed in any medium and is retrievable in usable form for future reference; and

(b) designated for retention by the state records committee, judicial branch, legislative branch, or local government records committee.

(1) "**Confidential information**" means information that is accorded confidential status or is prohibited from disclosure as provided by applicable law. The term includes information that is:

(a) constitutionally protected from disclosure because an individual privacy interest clearly exceeds the merits of public disclosure;

(b) related to judicial deliberations in adversarial proceedings;

(c) necessary to maintain the security and integrity of secure facilities or information systems owned by or serving the state; and

(d) designated as confidential by statute or through judicial decisions, findings, or orders.

Further the public record statutes provide the following:

### **2-6-1003. Access to public information — safety and security exceptions — Montana historical society exception.**

(1) Except as provided in subsections (2) and (3), every person has a right to examine and obtain a copy of any public information of this state.

(2) A public officer may withhold from public scrutiny information relating to individual or public safety or the security of public facilities, including public schools, jails, correctional facilities, private correctional facilities, and prisons, if release of the information jeopardizes the safety of facility personnel, the public, students in a public school, or inmates of a facility. A public officer may not withhold from public scrutiny any more information than is required to protect individual or public safety or the security of public facilities.

(3) The Montana historical society may honor restrictions imposed by private record donors as long as the restrictions do not apply to public information. All restrictions must expire no later than 50 years from the date the private record was received. Upon the expiration of the restriction, the private records must be made accessible to the public.

### **2-6-1006. Public information requests — fees.** (1) A person may request public information from a public agency. A public agency shall make the means of requesting public

MT-REP-21-1719-A -000030

information accessible to all persons.

(2) Upon receiving a request for public information, a public agency shall respond in a timely manner to the requesting person by:

(a) making the public information maintained by the public agency available for inspection and copying by the requesting person; or

(b) providing the requesting person with an estimate of the time it will take to fulfill the request if the public information cannot be readily identified and gathered and any fees that may be charged pursuant to subsection (3).

(3) A public agency may charge a fee for fulfilling a public information request. Except where a fee is otherwise provided for by law, the fee may not exceed the actual costs directly incident to fulfilling the request in the most cost-efficient and timely manner possible. The fee must be documented. The fee may include the time required to gather public information. The public agency may require the requesting person to pay the estimated fee prior to identifying and gathering the requested public information.

(4) A public agency is not required to alter or customize public information to provide it in a form specified to meet the needs of the requesting person.

(5) If a public agency agrees to a request to customize a records request response, the costs of the customization may be included in the fees charged by the agency.

(6) (a) The secretary of state is authorized to charge fees under this section. The fees must be set and deposited in accordance with 2-15-405. The fees must be collected in advance.

(b) The secretary of state may not charge a fee to a member of the legislature or public officer for any search relative to matters pertaining to the duties of the member's office or for a certified copy of any law or resolution passed by the legislature relative to the member's official duties.

Pursuant to the above statutes, a legislator conducting legislative business likely constitutes public information if that information is "prepared, owned, used, or retained by any public agency relating to the transaction of official business, regardless of form". If that public information is "fixed in any medium and is retrievable in usable form for future reference", that public information likely constitutes a public record that a person may request.

If you would like to discuss this further, please do not hesitate to give me a call at the phone number listed below.

Todd M. Everts  
Director of Legal Services/Code Commissioner  
Montana Legislative Services Division  
Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)  
Office Phone: (406) 444-4023  
FAX: (406) 444-3036

---

**From:** Theresa Manzella <theresa.manzella@mtleg.gov>

**Sent:** Monday, January 24, 2022 8:09 AM

**To:** Everts, Todd <teverts@mt.gov>

**Cc:** Bob.Phalen@mtleg.gov; brad.tschida@mtleg.gov; Fox, Susan <sfox@mt.gov>; Coles, Jaret <JColes@mt.gov>; Johnson, Julie <juliejohnson@mt.gov>

**Subject:** Re: [EXTERNAL] Re: Public Record Information Requests

Thanks for that, Todd. Yes that helps.

What about the question concerning personal texts?

And social media posts? I can't remember the number of interactions I may have had with any of these people via social media, although it's been extremely limited. What ever has been stated has been in the public domain. I think they can find that stuff on their own if they choose to invest the time.

Sent from my iPhone - Senator Theresa Manzella

On Jan 24, 2022, at 7:00 AM, Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)> wrote:

Senator Manzella,

In Montana, you do not have legislative privilege regarding legislation. Article II, sections 8 and 9, of the Montana Constitution is the controlling authority:

**Section 8. Right of participation.** The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.

**Section 9. Right to know.** No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

Title 2, chapter 6, MCA, regarding public records, implements the above Constitutional provisions and anything that constitutes legislative business, especially legislation and the drafting of legislation, creates a public record and is available to the public upon request.

Hope that helps.

Todd M. Everts  
Director of Legal Services/Code Commissioner  
Montana Legislative Services Division  
Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)  
Office Phone: (406) 444-4023  
FAX: (406) 444-3036

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**From:** Theresa Manzella <[theresa.manzella@mtleg.gov](mailto:theresa.manzella@mtleg.gov)>

**Sent:** Friday, January 21, 2022 4:54 PM

**To:** Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)>

MT-REP-21-1719-A -000032

**Cc:** [Bob.phalen@mtleg.gov](mailto:Bob.phalen@mtleg.gov); [brad.tschida@mtleg.gov](mailto:brad.tschida@mtleg.gov); Fox, Susan <[sfox@mt.gov](mailto:sfox@mt.gov)>  
**Subject:** [EXTERNAL] Re: Public Record Information Requests

Additionally, I've been told we have legislative privilege if we have legislation in the works concerning the issue at hand. Please confirm or deny and provide citation. I am working collaboratively with people across the nation on election integrity.

Thanks

Theresa

On Jan 21, 2022, at 10:28 AM, Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)> wrote:

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Todd M. Everts  
Director of Legal Services/Code Commissioner  
Montana Legislative Services Division  
Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)  
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MT-REP-21-1719-A -000033

---

**From :** Theresa Manzella <theresa.manzella@mtleg.gov> Mon, Jan 24, 2022 08:09 AM  
**Subject :** Re: [EXTERNAL] Re: Public Record Information Requests  
**To :** Everts, Todd <teverts@mt.gov>  
**Cc :** Bob Phalen <Bob.Phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>, Coles, Jaret <JColes@mt.gov>, Johnson, Julie <juliejohnson@mt.gov>

Thanks for that, Todd. Yes that helps.

What about the question concerning personal texts?

And social media posts? I can't remember the number of interactions I may have had with any of these people via social media, although it's been extremely limited. What ever has been stated has been in the public domain. I think they can find that stuff on their own if they choose to invest the time.

Sent from my iPhone - Senator Theresa Manzella

On Jan 24, 2022, at 7:00 AM, Everts, Todd <teverts@mt.gov> wrote:

Senator Manzella,

In Montana, you do not have legislative privilege regarding legislation. Article II, sections 8 and 9, of the Montana Constitution is the controlling authority:

**Section 8. Right of participation.** The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.

**Section 9. Right to know.** No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

Title 2, chapter 6, MCA, regarding public records, implements the above Constitutional provisions and anything that constitutes legislative business, especially legislation and the drafting of legislation, creates a public record and is available to the public upon request.

Hope that helps.

Todd M. Everts  
Director of Legal Services/Code Commissioner  
Montana Legislative Services Division  
Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)  
Office Phone: (406) 444-4023  
FAX: (406) 444-3036

---

**From:** Theresa Manzella <theresa.manzella@mtleg.gov>  
**Sent:** Friday, January 21, 2022 4:54 PM  
**To:** Everts, Todd <teverts@mt.gov>  
**Cc:** Bob.phalen@mtleg.gov; brad.tschida@mtleg.gov; Fox, Susan <sfox@mt.gov>  
**Subject:** [EXTERNAL] Re: Public Record Information Requests

Additionally, I've been told we have legislative privilege if we have legislation in the works concerning the issue at hand. Please confirm or deny and provide citation. I am working collaboratively with people across the nation on election integrity.

Thanks

Theresa

On Jan 21, 2022, at 10:28 AM, Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)> wrote:

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I was cced on these formal public record information requests late yesterday evening. Legislative Services Division staff will begin working on responding to these requests on your behalf, but staff can only supply state email results. If you have any other information that is being requested in personal email or other correspondence, you will need to provide that to us, in order to respond to this request. Thank you.

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---

**From :** Everts, Todd <teverts@mt.gov>

Mon, Jan 24, 2022 07:00 AM

**Subject :** RE: [EXTERNAL] Re: Public Record Information Requests

**To :** Theresa Manzella <theresa.manzella@mtleg.gov>

**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>, Coles, Jaret <JColes@mt.gov>, Johnson, Julie <juliejohnson@mt.gov>

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**To:** Everts, Todd <teverts@mt.gov>  
**Cc:** Bob.phalen@mtleg.gov; brad.tschida@mtleg.gov; Fox, Susan <sfox@mt.gov>  
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---

**From :** Theresa Manzella <theresa.manzella@mtleg.gov>

Fri, Jan 21, 2022 04:54 PM

**Subject :** Re: Public Record Information Requests

**To :** Todd Everts <teverts@mt.gov>

MT-REP-21-1719-A -000038

**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida  
<brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>

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**Subject :** Re: Public Record Information Requests  
**To :** Todd Everts <teverts@mt.gov>  
**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>

Thanks Todd. I actually missed the first request. I sent the emails associated with the request last night, as individual forwards. The last I heard personal texts were off limits as considered personal. Has that changed? If so, please cite the statutes and case law that takes precedence to the 4th Amendment. And the social media stuff? I'm likely to tell them to find it themselves as it's openly on public platforms and I have no idea how to collect it for them.

Thanks you.

Sen Theresa Manzella

On Jan 21, 2022, at 10:28 AM, Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)> wrote:

Senator Manzella, Rep. Tschida, & Rep. Phalen,

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---

**From :** Everts, Todd <teverts@mt.gov> Fri, Jan 21, 2022 10:28 AM  
**Subject :** Public Record Information Requests  3 attachments  
**To :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida  
<brad.tschida@mtleg.gov>, Theresa Manzella  
<Theresa.Manzella@mtleg.gov>  
**Cc :** Fox, Susan <sfox@mt.gov>

Senator Manzella, Rep. Tschida, & Rep. Phalen,

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Montana Legislative Services Division  
Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)  
Office Phone: (406) 444-4023  
FAX: (406) 444-3036

---

**From :** AO Records <records@americanoversight.org> Thu, Jan 20, 2022 10:23 PM  
**Subject :** [EXTERNAL] Two Outstanding Public Records Act  [3 attachments](#)  
Requests (MT-REP-21-1720; MT-REP-21-1724)  
**To :** Bob phalen <Bob.phalen@mtleg.gov>  
**Cc :** Everts, Todd <teverts@mt.gov>

Dear Representative Phalen,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests.

We have received no communication from your office acknowledging receipt of our public record requests. As you are required to “respond in a timely manner to the requesting person” by either making the information available for inspection for these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Records Act.

Sincerely,  
Taylor Stoneman

-----

**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
records@americanoversight.org  
(202) 848-1319



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**MT-REP-21-1724.pdf**

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**Subject :** [EXTERNAL] Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723)

[3 attachments](#)

**To :** brad tschida <brad.tschida@mtleg.gov>

**Cc :** Everts, Todd <teverts@mt.gov>

Dear Representative Tschida,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests.

We have received no communication from your office acknowledging receipt of our public record requests. As you are required to “respond in a timely manner to the requesting person” by either making the information available for inspection or providing a written response, we request that you respond to these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Access to Information Act.

Sincerely,  
Taylor Stoneman

-----

**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
records@americanoversight.org  
(202) 848-1319



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American Oversight requests that your office immediately comply with the requirements of the Montana Public Freedom of Information Act.

Sincerely,  
Taylor Stoneman

-----

**Taylor Stoneman** (she/her)  
*Counsel*  
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Zimbra

brad.tschida@mtleg.gov

---

**5G Delay, Threats to Religious Groups, and SG Calls Out Cruz**

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**From :** The Well News <sftw@thewellnews.com>

Wed, Jan 19, 2022 05:06 AM

**Subject :** 5G Delay, Threats to Religious Groups, and SG Calls Out Cruz**To :** brad tschida <brad.tschida@mtleg.gov>**Reply To :** sftw@thewellnews.comExternal images are not displayed. [Display images below](#)[View in browser](#)

## Straight From The Well

Wednesday, January 19, 2022

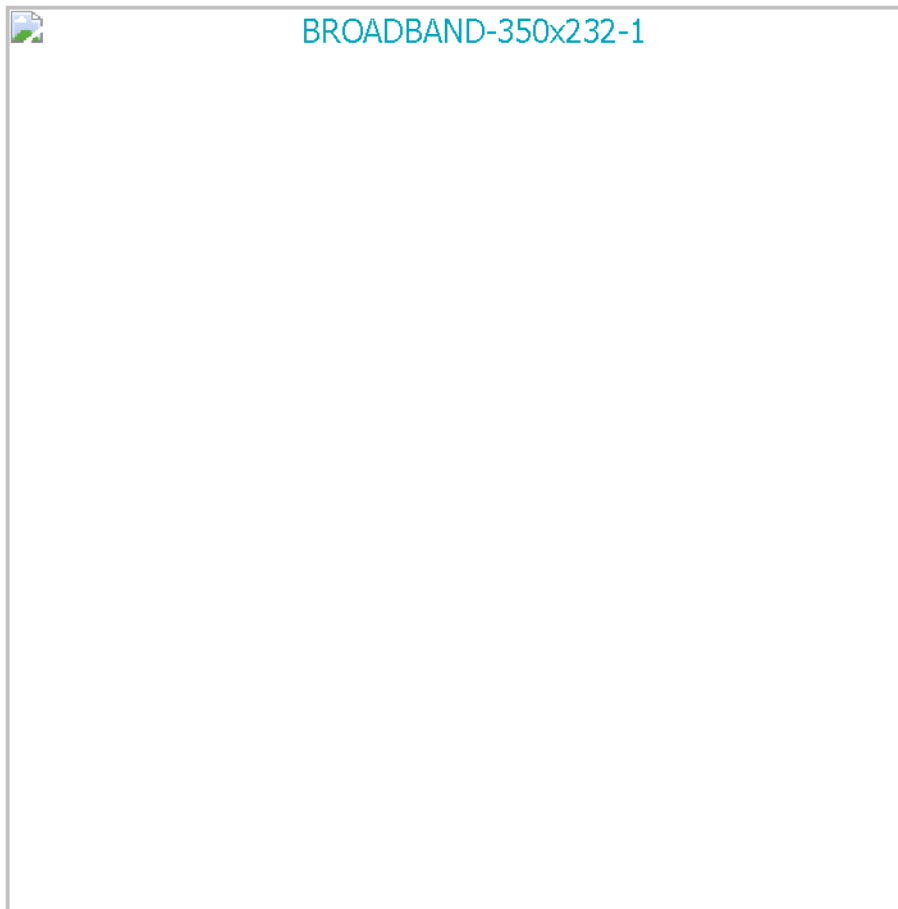
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*Read to the end of this email to learn about how pudgy pandas stay so pleasingly chubby despite their strict bamboo diet...*

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### TELECOMMUNICATIONS

AT&amp;T, Verizon to Delay 5G Rollout Near Airports



AT&T and Verizon on Tuesday agreed to delay their rollout of new 5G services near some unspecified airports over ongoing concerns that moving those services to a new band could cause flight disruptions.

Debate has been raging for months over whether — and if so, to what extent — moving the 5G services to a bandwidth airlines use to navigate in low-visibility situations would be a problem.

[Read More](#)

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## IN THE NEWS

- [Langevin Sees Future in Retirement Rather Than Reelection](#)  
By Dan McCue
- [Baltimore Prosecutor Maintains Innocence of Financial Crimes](#)  
By Tom Ramstack
- [McNerney to Bid House Adieu After 2022](#)  
By TWN Staff

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## VOTING RIGHTS

## 'Eye of the Nation Watching' as Voting Rights Bill Appears Headed for Defeat



With the defeat of sweeping voting rights legislation all but certain in the Senate this week, Majority Leader Chuck Schumer stressed a different goal as he opened the chamber's session on Tuesday, forcing all senators to go on the record about where they stand on the issue.

"The eyes of the nation will be watching what happens this week in the United States Senate," Schumer said.

[Read More](#)

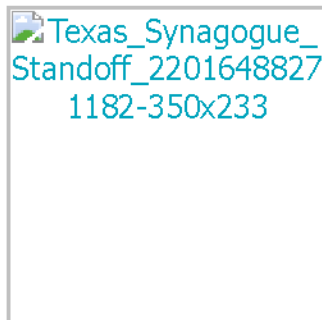
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## MORE FROM THE WELL



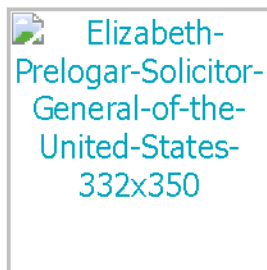
### Jan. 6 Committee Subpoenas Giuliani, Other Trump Attorneys

The Select Committee to Investigate the Jan. 6 Attack on the United States Capitol issued subpoenas Tuesday evening to Rudolph Giuliani, Jenna Ellis, Sidney Powell and Boris Epshteyn.



### FBI Warns of More Threats Against Religious Groups

The FBI and Department of Homeland Security sent a letter to faith-based organizations Monday warning them they remain potential targets of violent extremists.



### Solicitor General Calls Out Cruz in Supreme Court Case

The Ted Cruz for Senate campaign committee's First Amendment challenge to a key campaign finance law should be tossed by the Supreme Court as the campaign committee's alleged injuries were self-inflicted, the U.S. solicitor general claimed in a court filing on Tuesday.

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## NEWS YOU CAN'T USE

Source: IFLScience!



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[How Pudgy Pandas Stay so Pleasingly Chubby Despite Strict Bamboo Diet](#)

The Well News, 777 6th Street, NW, Washington, DC 20001

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---

## Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723)

---

**From :** AO Records <records@americanoversight.org>  
**Subject :** Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723)  
**To :** brad tschida <brad.tschida@mtleg.gov>  
**Cc :** teverts@mt.gov

Thu, Jan 20, 2022 08:18 PM

 2 attachments

Dear Representative Tschida,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests to your office bearing internal tracking numbers MT-REP-21-1719 and MT-REP-21-1723. The two requests are attached to this email for your reference.

We have received no communication from your office acknowledging receipt of our public record requests. As you know, the Montana legislature is subject to the Montana Public Records Act. M.C.A. § 2-6-1002(10). Moreover, the Act requires that the public agency receiving a request for records "respond in a timely manner to the requesting person" by either making the information available for inspection or providing the requesting person with an estimate of the time it will take to fulfill the request. Mont. Code Ann. § 2-6-1006(2). American Oversight has received neither form of response for these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Records Act.

Sincerely,  
Taylor Stoneman

-----  
**Taylor Stoneman** (she/her)  
*Counsel*  
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records@americanoversight.org  
(202) 848-1319

---

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291 KB

 **MT-REP-21-1723.pdf**  
294 KB

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## RE: [EXTERNAL] Re: Public Record Information Requests

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**From :** Everts, Todd <teverts@mt.gov> Mon, Jan 24, 2022 01:31 PM  
**Subject :** RE: [EXTERNAL] Re: Public Record Information Requests  
**To :** Theresa Manzella <theresa.manzella@mtleg.gov>  
**Cc :** Bob Phalen <Bob.Phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>, Coles, Jaret <JColes@mt.gov>, Johnson, Julie <juliejohnson@mt.gov>, Sankey Keip, Laura <LSankeyKeip@mt.gov>

MT-REP-21-1719-A -000052

Senator Manzella,

Text messages involving legislative business likely constitute public information that is a public record that may be requested by a person under the public record statutes. Having said that, there has not been any specific Montana court decision regarding text messages and legislators or other public officials that I am aware of.

There have been formal public information requests made of executive branch officials in the past concerning text messages involving official business. I am aware that text messages were provided in response to some of those requests.

Regarding social media posts, it is definitely unclear whether those posts would constitute a public record and there isn't any Montana court decisions regarding this. I would agree that the onus would be on the requester to search the public domain for such posts.

The public records laws (2-6-1002, MCA) provide the following pertinent definitions concerning your question regarding text messages:

10) "**Public agency**" means the executive, legislative, and judicial branches of Montana state government, a political subdivision of the state, a local government, and any agency, department, board, commission, office, bureau, division, or other public authority of the executive, legislative, or judicial branch of the state of Montana.

(11) "**Public information**" means information prepared, owned, used, or retained by any public agency relating to the transaction of official business, regardless of form, except for confidential information that must be protected against public disclosure under applicable law.

(13) "**Public record**" means public information that is:

(a) fixed in any medium and is retrievable in usable form for future reference; and

(b) designated for retention by the state records committee, judicial branch, legislative branch, or local government records committee.

(1) "**Confidential information**" means information that is accorded confidential status or is prohibited from disclosure as provided by applicable law. The term includes information that is:

(a) constitutionally protected from disclosure because an individual privacy interest clearly exceeds the merits of public disclosure;

(b) related to judicial deliberations in adversarial proceedings;

(c) necessary to maintain the security and integrity of secure facilities or information systems owned by or serving the state; and

(d) designated as confidential by statute or through judicial decisions, findings, or orders.

Further the public record statutes provide the following:

### **2-6-1003. Access to public information — safety and security exceptions —**

**Montana historical society exception.** (1) Except as provided in subsections (2) and (3), every person has a right to examine and obtain a copy of any public information of this state.

(2) A public officer may withhold from public scrutiny information relating to individual or public safety or the security of public facilities, including public schools, jails, correctional facilities, private correctional facilities, and prisons, if release of the information jeopardizes the safety of facility personnel, the public, students in a public school, or inmates

MT-REP-21-1719-A -000053

of a facility. A public officer may not withhold from public scrutiny any more information than is required to protect individual or public safety or the security of public facilities.

(3) The Montana historical society may honor restrictions imposed by private record donors as long as the restrictions do not apply to public information. All restrictions must expire no later than 50 years from the date the private record was received. Upon the expiration of the restriction, the private records must be made accessible to the public.

**2-6-1006. Public information requests — fees.** (1) A person may request public information from a public agency. A public agency shall make the means of requesting public information accessible to all persons.

(2) Upon receiving a request for public information, a public agency shall respond in a timely manner to the requesting person by:

(a) making the public information maintained by the public agency available for inspection and copying by the requesting person; or

(b) providing the requesting person with an estimate of the time it will take to fulfill the request if the public information cannot be readily identified and gathered and any fees that may be charged pursuant to subsection (3).

(3) A public agency may charge a fee for fulfilling a public information request. Except where a fee is otherwise provided for by law, the fee may not exceed the actual costs directly incident to fulfilling the request in the most cost-efficient and timely manner possible. The fee must be documented. The fee may include the time required to gather public information. The public agency may require the requesting person to pay the estimated fee prior to identifying and gathering the requested public information.

(4) A public agency is not required to alter or customize public information to provide it in a form specified to meet the needs of the requesting person.

(5) If a public agency agrees to a request to customize a records request response, the costs of the customization may be included in the fees charged by the agency.

(6) (a) The secretary of state is authorized to charge fees under this section. The fees must be set and deposited in accordance with 2-15-405. The fees must be collected in advance.

(b) The secretary of state may not charge a fee to a member of the legislature or public officer for any search relative to matters pertaining to the duties of the member's office or for a certified copy of any law or resolution passed by the legislature relative to the member's official duties.

Pursuant to the above statutes, a legislator conducting legislative business likely constitutes public information if that information is "prepared, owned, used, or retained by any public agency relating to the transaction of official business, regardless of form". If that public information is "fixed in any medium and is retrievable in usable form for future reference", that public information likely constitutes a public record that a person may request.

If you would like to discuss this further, please do not hesitate to give me a call at the phone number listed below.

Todd M. Everts  
Director of Legal Services/Code Commissioner  
Montana Legislative Services Division  
Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)  
Office Phone: (406) 444-4023

MT-REP-21-1719-A -000054

FAX: (406) 444-3036

---

**From:** Theresa Manzella <theresa.manzella@mtleg.gov>  
**Sent:** Monday, January 24, 2022 8:09 AM  
**To:** Everts, Todd <teverts@mt.gov>  
**Cc:** Bob.Phalen@mtleg.gov; brad.tschida@mtleg.gov; Fox, Susan <sfox@mt.gov>; Coles, Jaret <JColes@mt.gov>; Johnson, Julie <juliejohnson@mt.gov>  
**Subject:** Re: [EXTERNAL] Re: Public Record Information Requests

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**Section 8. Right of participation.** The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.

**Section 9. Right to know.** No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

Title 2, chapter 6, MCA, regarding public records, implements the above Constitutional provisions and anything that constitutes legislative business, especially legislation and the drafting of legislation, creates a public record and is available to the public upon request.

Hope that helps.

Todd M. Everts  
Director of Legal Services/Code Commissioner  
Montana Legislative Services Division  
Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)  
Office Phone: (406) 444-4023  
FAX: (406) 444-3036

---

**From:** Theresa Manzella <[theresa.manzella@mtleg.gov](mailto:theresa.manzella@mtleg.gov)>  
**Sent:** Friday, January 21, 2022 4:54 PM  
**To:** Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)>  
**Cc:** [Bob.phalen@mtleg.gov](mailto:Bob.phalen@mtleg.gov); [brad.tschida@mtleg.gov](mailto:brad.tschida@mtleg.gov); Fox, Susan <[sfox@mt.gov](mailto:sfox@mt.gov)>  
**Subject:** [EXTERNAL] Re: Public Record Information Requests

Additionally, I've been told we have legislative privilege if we have legislation in the works concerning the issue at hand. Please confirm or deny and provide citation. I am working collaboratively with people across the nation on election integrity.

Thanks

Theresa

On Jan 21, 2022, at 10:28 AM, Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)> wrote:

Senator Manzella, Rep. Tschida, & Rep. Phalen,

I was cced on these formal public record information requests late yesterday evening. Legislative Services Division staff will begin working on responding to these requests on your behalf, but staff can only supply state email results. If you have any other information that is being requested in personal email or other correspondence, you will need to provide that to us, in order to respond to this request. Thank you.

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---

**From :** Theresa Manzella <theresa.manzella@mtleg.gov> Mon, Jan 24, 2022 08:09 AM  
**Subject :** Re: [EXTERNAL] Re: Public Record Information Requests  
**To :** Everts, Todd <teverts@mt.gov>  
**Cc :** Bob Phalen <Bob.Phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>, Coles, Jaret <JColes@mt.gov>, Johnson, Julie <juliejohnson@mt.gov>

Thanks for that, Todd. Yes that helps.

What about the question concerning personal texts?

And social media posts? I can't remember the number of interactions I may have had with any of these people via social media, although it's been extremely limited. What ever has been stated has been in the public domain. I think they can find that stuff on their own if they choose to invest the time.

Sent from my iPhone - Senator Theresa Manzella

On Jan 24, 2022, at 7:00 AM, Everts, Todd <teverts@mt.gov> wrote:



Senator Manzella,

In Montana, you do not have legislative privilege regarding legislation. Article II, sections 8 and 9, of the Montana Constitution is the controlling authority:

**Section 8. Right of participation.** The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.

**Section 9. Right to know.** No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

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**Sent:** Friday, January 21, 2022 4:54 PM  
**To:** Everts, Todd <teverts@mt.gov>  
**Cc:** Bob.phalen@mtleg.gov; brad.tschida@mtleg.gov; Fox, Susan <sfox@mt.gov>  
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---

**From :** Everts, Todd <teverts@mt.gov>

Mon, Jan 24, 2022 07:00 AM

**Subject :** RE: [EXTERNAL] Re: Public Record Information Requests

**To :** Theresa Manzella <theresa.manzella@mtleg.gov>

**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>, Coles, Jaret <JColes@mt.gov>, Johnson, Julie <juliejohnson@mt.gov>

Senator Manzella,

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---

**From:** Theresa Manzella <theresa.manzella@mtleg.gov>  
**Sent:** Friday, January 21, 2022 4:54 PM  
**To:** Everts, Todd <tevarts@mt.gov>  
**Cc:** Bob.phalen@mtleg.gov; brad.tschida@mtleg.gov; Fox, Susan <sfox@mt.gov>  
**Subject:** [EXTERNAL] Re: Public Record Information Requests

Additionally, I've been told we have legislative privilege if we have legislation in the works concerning the issue at hand. Please confirm or deny and provide citation. I am working collaboratively with people across the nation on election integrity.

Thanks

Theresa

On Jan 21, 2022, at 10:28 AM, Everts, Todd <[tevarts@mt.gov](mailto:tevarts@mt.gov)> wrote:

Senator Manzella, Rep. Tschida, & Rep. Phalen,

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**From :** Theresa Manzella <theresa.manzella@mtleg.gov>

Fri, Jan 21, 2022 04:54 PM

**Subject :** Re: Public Record Information Requests

**To :** Todd Everts <teverts@mt.gov>

**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida  
<brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>

Additionally, I've been told we have legislative privilege if we have legislation in the works concerning the issue at hand. Please confirm or deny and provide citation. I am working collaboratively with people across the nation on election integrity.

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---

**From :** Theresa Manzella <theresa.manzella@mtleg.gov>

Fri, Jan 21, 2022 01:09 PM

**Subject :** Re: Public Record Information Requests

**To :** Todd Everts <teverts@mt.gov>

**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida  
<brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>

Thanks Todd. I actually missed the first request. I sent the emails associated with the request last night, as individual forwards. The last I heard personal texts were off limits as considered personal. Has that changed? If so, please cite the statutes and case law that takes precedence to the 4th Amendment. And the social media stuff? I'm likely to tell them to find it themselves as it's openly on public platforms and I have no idea how to collect it for them.

Thanks you.

Sen Theresa Manzella

On Jan 21, 2022, at 10:28 AM, Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)> wrote:

Senator Manzella, Rep. Tschida, & Rep. Phalen,

I was cced on these formal public record information requests late yesterday evening. Legislative Services Division staff will begin working on responding to these requests on your behalf, but staff can only supply state email results. If you have any other information that is being requested in personal email or other correspondence, you will need to provide that to us, in order to respond to this request. Thank you.

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---

**From :** Everts, Todd <teverts@mt.gov> Fri, Jan 21, 2022 10:28 AM  
**Subject :** Public Record Information Requests  3 attachments  
**To :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida  
<brad.tschida@mtleg.gov>, Theresa Manzella  
<Theresa.Manzella@mtleg.gov>  
**Cc :** Fox, Susan <sfox@mt.gov>

Senator Manzella, Rep. Tschida, & Rep. Phalen,

I was cced on these formal public record information requests late yesterday evening. Legislative Services Division staff will begin working on responding to these requests on your behalf, but staff can only supply state email results. If you have any other information that is being requested in personal email or other correspondence, you will need to provide that to us, in order to respond to this request. Thank you.

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[teverts@mt.gov](mailto:teverts@mt.gov)  
Office Phone: (406) 444-4023  
FAX: (406) 444-3036

---

**From :** AO Records <records@americanoversight.org> Thu, Jan 20, 2022 10:23 PM  
**Subject :** [EXTERNAL] Two Outstanding Public Records Act  [3 attachments](#)  
Requests (MT-REP-21-1720; MT-REP-21-1724)  
**To :** Bob phalen <Bob.phalen@mtleg.gov>  
**Cc :** Everts, Todd <teverts@mt.gov>

Dear Representative Phalen,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests.

We have received no communication from your office acknowledging receipt of our public record requests. As you are required to “respond in a timely manner to the requesting person” by either making the information available for inspection or providing a written response, we request that you respond to these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Records Act.

Sincerely,  
Taylor Stoneman

-----

**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
records@americanoversight.org  
(202) 848-1319



**MT-REP-21-1720.pdf**

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**MT-REP-21-1724.pdf**

294 KB [View](#) [View As Html](#) [Download](#)



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**Subject :** [EXTERNAL] Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723)

[3 attachments](#)

**To :** brad tschida <brad.tschida@mtleg.gov>

**Cc :** Everts, Todd <teverts@mt.gov>

Dear Representative Tschida,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests.

We have received no communication from your office acknowledging receipt of our public record requests. As you are required to “respond in a timely manner to the requesting person” by either making the information available for inspection or providing a written response, we request that you respond to these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Access to Information Act.

Sincerely,  
Taylor Stoneman

-----

**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
records@americanoversight.org  
(202) 848-1319



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**MT-REP-21-1723.pdf**

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Dear Senator Manzella,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests.

We have received no communication from your office acknowledging receipt of our public record requests. As you are required to “respond in a timely manner to the requesting person” by either making the information available for inspection for these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Freedom Act.

Sincerely,  
Taylor Stoneman

-----

**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org)  
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**MT-SEN-21-1722.pdf**

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Zimbra

brad.tschida@mtleg.gov

---

**Re: Fair Elections Working Group - Action Items as of 9/10/20**

---

**From :** Tschida Brad <brad.tschida@mtleg.gov>

Fri, Oct 02, 2020 09:52 PM

**Subject :** Re: Fair Elections Working Group - Action Items as of 9/10/20**To :** Lyn Hellegaard <lhellegaard@msn.com>

Absolutely would.

Rep. Brad Tschida

---

**From:** "Lyn Hellegaard" <lhellegaard@msn.com>**To:** "Tschida Brad" <brad.tschida@mtleg.gov>**Sent:** Thursday, October 1, 2020 10:27:43 PM**Subject:** Re: Fair Elections Working Group - Action Items as of 9/10/20

I was wondering if we could talk about the E.R.I.C. program? If we agree with my assessment of the benefits it presents to vote integrity, you would help me set up a meeting with Kristy Jacobson to see if she might consider instituting it when elected. Have a wonderful evening,  
Lyn

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---

**From:** Tschida Brad <brad.tschida@mtleg.gov>**Sent:** Thursday, October 1, 2020 10:05:14 PM**To:** Lyn Hellegaard <lhellegaard@msn.com>**Subject:** Re: Fair Elections Working Group - Action Items as of 9/10/20

Lyn:

I had a candidate forum this evening. I'm looking at next week on Thursday as my schedule is a little less hectic next week.

Thanks.

Rep. Brad Tschida

---

**From:** "Lyn Hellegaard" <lhellegaard@msn.com>**To:** "Tschida Brad" <brad.tschida@mtleg.gov>, Terrynda@hotmail.com**Sent:** Thursday, October 1, 2020 8:36:14 AM**Subject:** Fw: Fair Elections Working Group - Action Items as of 9/10/20

FYI

---

**From:** Quentin.Rhoades <qmr@montanalawyer.com>  
**Sent:** Thursday, October 1, 2020 6:17 AM  
**To:** Jane L Rectenwald <jrectenwald@me.com>; Jane VanFossen <jvfmslamt@aol.com>  
**Cc:** Jacob Elder <jacobyelder34@gmail.com>; Lyn Hellegaard <lhellegaard@msn.com>  
**Subject:** RE: Fair Elections Working Group - Action Items as of 9/10/20

See you all today at my office at 6:00 PM.

---

**From:** Jane L Rectenwald <jrectenwald@me.com>  
**Sent:** Friday, September 11, 2020 7:24 PM  
**To:** Jane VanFossen <jvfmslamt@aol.com>  
**Cc:** Jacob Elder <jacobyelder34@gmail.com>; Lyn Hellegaard <lhellegaard@msn.com>; Quentin.Rhoades <qmr@montanalawyer.com>  
**Subject:** Re: Fair Elections Working Group - Action Items as of 9/10/20

Thanks so much Jane. I can't add anything from our meeting, but I did register for True the Vote today and downloaded the attached Election Integrity Manual which gives an outline of the areas to consider in "truing" elections. It looks like the authors did not anticipate widespread mail in ballots, but it covers the major elements in a typical election. There are other good resources at the TTY website <https://truethevote.org>.

After getting some details from Lyn today, I'll follow up with Catherine Englebrecht on the past TTV Montana investigations.

See everyone on Thursday.

Jane R.

Jane Lewis Rectenwald  
425 Connell Avenue  
Missoula, MT 59801

**406-370-7574**

On Sep 11, 2020, at 9:00 AM, [jvfmslamt@aol.com](mailto:jvfmslamt@aol.com) wrote:

Jacob,

Here are the action items from last night's meeting:

1. Jane R will contact TruethVote to find out if they can give us help.
2. Jane VF will give Lynn H info about SoS Corey Stapleton's efforts in 2019 to upgrade state-wide elections IT capabilities.
3. Lynn H will contact Greg Chilcote to
  - a. find out if MT GOP and/or Judicial Watch can give us help, and
  - b. identify a point-of-contact on the SoS staff who Jane VF can work with on elections IT (voter databases, software platforms, quality of equipment, etc.).
4. Jane VF will contact the E. Engstrom for a referral to current UM Federalist Society leadership to see if they have any interest in how well Missoula county elections administration works and how well local operations comport with Montana Law.

MT-REP-21-1719-A -000072

5. Jane VF will try to create a ruff-draft elections process flow chart with a series of specific questions for the Missoula County Elections Administrator.

Jacob, Jane R, Lynn: Did I fail to list anything else we talked about?

See you at 6pm (1800 hours) next Thursday, September 17 at Quentin's offices.

Jane VF

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**From :** Lyn Hellegaard <lhellegaard@msn.com> Thu, Oct 01, 2020 10:27 PM  
**Subject :** Re: Fair Elections Working Group - Action Items as of 9/10/20  
**To :** Tschida Brad <brad.tschida@mtleg.gov>

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**Sent:** Thursday, October 1, 2020 10:05:14 PM  
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Lyn:

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Thanks.

Rep. Brad Tschida

MT-REP-21-1719-A -000073

---

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**To:** "Tschida Brad" <brad.tschida@mtleg.gov>, Terrynda@hotmail.com  
**Sent:** Thursday, October 1, 2020 8:36:14 AM  
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**Cc:** Jacob Elder <jacobyelder34@gmail.com>; Lyn Hellegaard <lhellegaard@msn.com>  
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MT-REP-21-1719-A -000074

3. Lynn H will contact Greg Chilcote to
  - a. find out if MT GOP and/or Judicial Watch can give us help, and
  - b. identify a point-of-contact on the SoS staff who Jane VF can work with on elections IT (voter databases, software platforms, quality of equipment, etc.).
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**To :** Lyn Hellegaard <lhellegaard@msn.com>

Lyn:

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---

**From:** "Lyn Hellegaard" <lhellegaard@msn.com>  
**To:** "Tschida Brad" <brad.tschida@mtleg.gov>, Terrynda@hotmail.com  
**Sent:** Thursday, October 1, 2020 8:36:14 AM  
**Subject:** Fw: Fair Elections Working Group - Action Items as of 9/10/20

FYI

---

**From:** Quentin.Rhoades <qmr@montanalawyer.com>  
**Sent:** Thursday, October 1, 2020 6:17 AM  
**To:** Jane L Rectenwald <jrectenwald@me.com>; Jane VanFossen <jvfmslamt@aol.com>  
**Cc:** Jacob Elder <jacobyelder34@gmail.com>; Lyn Hellegaard <lhellegaard@msn.com>  
**Subject:** RE: Fair Elections Working Group - Action Items as of 9/10/20

See you all today at my office at 6:00 PM.

---

**From:** Jane L Rectenwald <jrectenwald@me.com>  
**Sent:** Friday, September 11, 2020 7:24 PM  
**To:** Jane VanFossen <jvfmslamt@aol.com>  
**Cc:** Jacob Elder <jacobyelder34@gmail.com>; Lyn Hellegaard <lhellegaard@msn.com>; Quentin.Rhoades <qmr@montanalawyer.com>  
**Subject:** Re: Fair Elections Working Group - Action Items as of 9/10/20

Thanks so much Jane. I can't add anything from our meeting, but I did register for True the Vote today and downloaded the attached Election Integrity Manual which gives an outline of the areas to consider in "truing" elections. It looks like the authors did not anticipate widespread mail in ballots, but it covers the major elements in a typical election. There are other good resources at the TTY website <https://truethevote.org>.

After getting some details from Lyn today, I'll follow up with Catherine Englebrecht on the past TTV Montana investigations.

See everyone on Thursday.

Jane R.

Jane Lewis Rectenwald  
425 Connell Avenue  
Missoula, MT 59801

406-370-7574

On Sep 11, 2020, at 9:00 AM, [jvfmslamt@aol.com](mailto:jvfmslamt@aol.com) wrote:

Jacob,

Here are the action items from last night's meeting:

1. Jane R will contact TruethVote to find out if they can give us help.
2. Jane VF will give Lynn H info about SoS Corey Stapleton's efforts in 2019 to upgrade state-wide elections IT capabilities.
3. Lynn H will contact Greg Chilcote to
  - a. find out if MT GOP and/or Judicial Watch can give us help, and
  - b. identify a point-of-contact on the SoS staff who Jane VF can work with on elections IT (voter databases, software platforms, quality of equipment, etc.).
4. Jane VF will contact the E. Engstrom for a referral to current UM Federalist Society leadership to see if they have any interest in how well Missoula county elections administration works and how well local operations comport with Montana Law.

MT-REP-21-1719-A -000076

5. Jane VF will try to create a ruff-draft elections process flow chart with a series of specific questions for the Missoula County Elections Administrator.

Jacob, Jane R, Lynn: Did I fail to list anything else we talked about?

See you at 6pm (1800 hours) next Thursday, September 17 at Quentin's offices.

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Jane VF

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## Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723)

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**From :** AO Records <records@americanoversight.org>  
**Subject :** Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723)  
**To :** brad tschida <brad.tschida@mtleg.gov>  
**Cc :** teverts@mt.gov

Thu, Jan 20, 2022 08:18 PM

 2 attachments

Dear Representative Tschida,

MT-REP-21-1719-A -000078

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests to your office bearing internal tracking numbers MT-REP-21-1719 and MT-REP-21-1723. The two requests are attached to this email for your reference.

We have received no communication from your office acknowledging receipt of our public record requests. As you know, the Montana legislature is subject to the Montana Public Records Act. M.C.A. § 2-6-1002(10). Moreover, the Act requires that the public agency receiving a request for records "respond in a timely manner to the requesting person" by either making the information available for inspection or providing the requesting person with an estimate of the time it will take to fulfill the request. Mont. Code Ann. § 2-6-1006(2). American Oversight has received neither form of response for these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Records Act.

Sincerely,  
Taylor Stoneman

-----

**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
records@americanoversight.org  
(202) 848-1319

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 **MT-REP-21-1719.pdf**  
291 KB

 **MT-REP-21-1723.pdf**  
294 KB

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## RE: [EXTERNAL] Re: Public Record Information Requests

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**From :** Everts, Todd <teverts@mt.gov> Mon, Jan 24, 2022 01:31 PM  
**Subject :** RE: [EXTERNAL] Re: Public Record Information Requests  
**To :** Theresa Manzella <theresa.manzella@mtleg.gov>  
**Cc :** Bob Phalen <Bob.Phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>, Coles, Jaret <JColes@mt.gov>, Johnson, Julie <juliejohnson@mt.gov>, Sankey Keip, Laura <LSankeyKeip@mt.gov>

Senator Manzella,

Text messages involving legislative business likely constitute public information that is a public record that may be requested by a person under the public record statutes. Having said that, there has not been any specific Montana court decision regarding text messages and legislators or other public officials that I am aware of.

There have been formal public information requests made of executive branch officials in the past concerning text messages involving official business. I am aware that text messages were provided in response to some of those requests.

Regarding social media posts, it is definitely unclear whether those posts would constitute a public record and there isn't any Montana court decisions regarding this. I would agree that the onus would be on the requester to search the public domain for such posts.

The public records laws (2-6-1002, MCA) provide the following pertinent definitions concerning your question regarding text messages:

10) "**Public agency**" means the executive, legislative, and judicial branches of Montana state government, a political subdivision of the state, a local government, and any agency, department, board, commission, office, bureau, division, or other public authority of the executive, legislative, or judicial branch of the state of Montana.

(11) "**Public information**" means information prepared, owned, used, or retained by any public agency relating to the transaction of official business, regardless of form, except for confidential information that must be protected against public disclosure under applicable law.

(13) "**Public record**" means public information that is:

- (a) fixed in any medium and is retrievable in usable form for future reference; and
- (b) designated for retention by the state records committee, judicial branch, legislative branch, or local government records committee.

(1) "**Confidential information**" means information that is accorded confidential status or is prohibited from disclosure as provided by applicable law. The term includes information that is:

- (a) constitutionally protected from disclosure because an individual privacy interest clearly exceeds the merits of public disclosure;
- (b) related to judicial deliberations in adversarial proceedings;
- (c) necessary to maintain the security and integrity of secure facilities or information systems owned by or serving the state; and
- (d) designated as confidential by statute or through judicial decisions, findings, or orders.

Further the public record statutes provide the following:

### **2-6-1003. Access to public information — safety and security exceptions —**

**Montana historical society exception.** (1) Except as provided in subsections (2) and (3), every person has a right to examine and obtain a copy of any public information of this state.

(2) A public officer may withhold from public scrutiny information relating to individual or public safety or the security of public facilities, including public schools, jails, correctional facilities, private correctional facilities, and prisons, if release of the information jeopardizes the safety of facility personnel, the public, students in a public school, or inmates

of a facility. A public officer may not withhold from public scrutiny any more information than is required to protect individual or public safety or the security of public facilities.

(3) The Montana historical society may honor restrictions imposed by private record donors as long as the restrictions do not apply to public information. All restrictions must expire no later than 50 years from the date the private record was received. Upon the expiration of the restriction, the private records must be made accessible to the public.

**2-6-1006. Public information requests — fees.** (1) A person may request public information from a public agency. A public agency shall make the means of requesting public information accessible to all persons.

(2) Upon receiving a request for public information, a public agency shall respond in a timely manner to the requesting person by:

(a) making the public information maintained by the public agency available for inspection and copying by the requesting person; or

(b) providing the requesting person with an estimate of the time it will take to fulfill the request if the public information cannot be readily identified and gathered and any fees that may be charged pursuant to subsection (3).

(3) A public agency may charge a fee for fulfilling a public information request. Except where a fee is otherwise provided for by law, the fee may not exceed the actual costs directly incident to fulfilling the request in the most cost-efficient and timely manner possible. The fee must be documented. The fee may include the time required to gather public information. The public agency may require the requesting person to pay the estimated fee prior to identifying and gathering the requested public information.

(4) A public agency is not required to alter or customize public information to provide it in a form specified to meet the needs of the requesting person.

(5) If a public agency agrees to a request to customize a records request response, the costs of the customization may be included in the fees charged by the agency.

(6) (a) The secretary of state is authorized to charge fees under this section. The fees must be set and deposited in accordance with 2-15-405. The fees must be collected in advance.

(b) The secretary of state may not charge a fee to a member of the legislature or public officer for any search relative to matters pertaining to the duties of the member's office or for a certified copy of any law or resolution passed by the legislature relative to the member's official duties.

Pursuant to the above statutes, a legislator conducting legislative business likely constitutes public information if that information is "prepared, owned, used, or retained by any public agency relating to the transaction of official business, regardless of form". If that public information is "fixed in any medium and is retrievable in usable form for future reference", that public information likely constitutes a public record that a person may request.

If you would like to discuss this further, please do not hesitate to give me a call at the phone number listed below.

Todd M. Everts  
Director of Legal Services/Code Commissioner  
Montana Legislative Services Division  
Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)

Office Phone: (406) 444-4023

MT-REP-21-1719-A -000081

FAX: (406) 444-3036

---

**From:** Theresa Manzella <theresa.manzella@mtleg.gov>  
**Sent:** Monday, January 24, 2022 8:09 AM  
**To:** Everts, Todd <teverts@mt.gov>  
**Cc:** Bob.Phalen@mtleg.gov; brad.tschida@mtleg.gov; Fox, Susan <sfox@mt.gov>; Coles, Jaret <JColes@mt.gov>; Johnson, Julie <juliejohnson@mt.gov>  
**Subject:** Re: [EXTERNAL] Re: Public Record Information Requests

Thanks for that, Todd. Yes that helps.

What about the question concerning personal texts?

And social media posts? I can't remember the number of interactions I may have had with any of these people via social media, although it's been extremely limited. What ever has been stated has been in the public domain. I think they can find that stuff on their own if they choose to invest the time.

Sent from my iPhone - Senator Theresa Manzella

On Jan 24, 2022, at 7:00 AM, Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)> wrote:

Senator Manzella,

In Montana, you do not have legislative privilege regarding legislation. Article II, sections 8 and 9, of the Montana Constitution is the controlling authority:

**Section 8. Right of participation.** The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.

**Section 9. Right to know.** No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

Title 2, chapter 6, MCA, regarding public records, implements the above Constitutional provisions and anything that constitutes legislative business, especially legislation and the drafting of legislation, creates a public record and is available to the public upon request.

Hope that helps.

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**Sent:** Friday, January 21, 2022 4:54 PM  
**To:** Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)>  
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Mon, Jan 24, 2022 07:00 AM

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**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>, Coles, Jaret <JColes@mt.gov>, Johnson, Julie <juliejohnson@mt.gov>

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**From :** Theresa Manzella <theresa.manzella@mtleg.gov>

Fri, Jan 21, 2022 04:54 PM

**Subject :** Re: Public Record Information Requests

**To :** Todd Everts <teverts@mt.gov>

**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida  
<brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>

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**From :** Theresa Manzella <theresa.manzella@mtleg.gov>

Fri, Jan 21, 2022 01:09 PM

**Subject :** Re: Public Record Information Requests

**To :** Todd Everts <teverts@mt.gov>

**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida  
<brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>

Thanks Todd. I actually missed the first request. I sent the emails associated with the request last night, as individual forwards. The last I heard personal texts were off limits as considered personal. Has that changed? If so, please cite the statutes and case law that takes precedence to the 4th Amendment. And the social media stuff? I'm likely to tell them to find it themselves as it's openly on public platforms and I have no idea how to collect it for them.

Thanks you.

Sen Theresa Manzella

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**From :** Everts, Todd <teverts@mt.gov> Fri, Jan 21, 2022 10:28 AM  
**Subject :** Public Record Information Requests  3 attachments  
**To :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida  
<brad.tschida@mtleg.gov>, Theresa Manzella  
<Theresa.Manzella@mtleg.gov>  
**Cc :** Fox, Susan <sfox@mt.gov>

Senator Manzella, Rep. Tschida, & Rep. Phalen,

I was cced on these formal public record information requests late yesterday evening. Legislative Services Division staff will begin working on responding to these requests on your behalf, but staff can only supply state email results. If you have any other information that is being requested in personal email or other correspondence, you will need to provide that to us, in order to respond to this request. Thank you.

Todd M. Everts  
Director of Legal Services/Code Commissioner  
Montana Legislative Services Division  
Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)  
Office Phone: (406) 444-4023  
FAX: (406) 444-3036

---

**From :** AO Records <records@americanoversight.org> Thu, Jan 20, 2022 10:23 PM  
**Subject :** [EXTERNAL] Two Outstanding Public Records Act  
Requests (MT-REP-21-1720; MT-REP-21-1724)  [3 attachments](#)  
**To :** Bob phalen <Bob.phalen@mtleg.gov>  
**Cc :** Everts, Todd <teverts@mt.gov>

Dear Representative Phalen,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests.

We have received no communication from your office acknowledging receipt of our public record requests. As you are required to “respond in a timely manner to the requesting person” by either making the information available for inspection for these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Records Act.

Sincerely,  
Taylor Stoneman

-----

**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
records@americanoversight.org  
(202) 848-1319



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**Subject :** [EXTERNAL] Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723)

[3 attachments](#)

**To :** brad tschida <brad.tschida@mtleg.gov>

**Cc :** Everts, Todd <teverts@mt.gov>

Dear Representative Tschida,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests.

We have received no communication from your office acknowledging receipt of our public record requests. As you are required to “respond in a timely manner to the requesting person” by either making the information available for inspection or providing a written response, we request that you respond to these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Access to Information Act.

Sincerely,  
Taylor Stoneman

-----

**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
records@americanoversight.org  
(202) 848-1319



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**MT-REP-21-1723.pdf**

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-  **MT-SEN-21-1722.pdf**  
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-  [Download all attachments](#)

Rep Tschida - PIR1-FARAH - no results

Rep Tschida - PIR1-FLYNN - no results

Zimbra

brad.tschida@mtleg.gov

---

**Fwd: Missoula Election Fraud**

---

**From :** Jane L Rectenwald <jrectenwald@me.com>

Mon, Jul 12, 2021 07:17 PM

**Subject :** Fwd: Missoula Election Fraud 7 attachments**To :** Paul Fielder <PaulFielder@blackfoot.net>**Cc :** Brad Tschida <brad.tschida@mtleg.gov>, Quentin Rhoades <qmr@montanalawyer.com>, Lyn Hellegaard <mrtma2@montana.com>

Paul,

It was good talking with you this evening about our election integrity investigation. We have months of research on our investigation into Missoula election fraud to share, but this letter from Quentin to the editor of Missoula Current is a good summary of some of the concerns we have about election integrity in Missoula.

You may be aware of a group of national statisticians that are looking at the results around the country. Seth Keshel has been working with us, and just published his analysis for Montana. There are numerous [videos](#) on the internet with him explaining his 30,000' perspective on the November election and his military intelligence background. It appears that our concerns about Missoula County will be found in other Montana counties, which should be the basis for a forensic audit of those counties. Citizen groups have been formed in multiple counties to investigate local data. We have graphed the voter registration against the ballots returned, and preliminarily against population data and there are some very strange correlations that could be an indication of the questions Seth Keshel raised. Dr. Douglas Frank has the Montana data and we are hoping he will provide more detail by county.

Here is Seth Keshel's analysis for Montana, with Idaho and Wyoming for comparison.  
<https://t.me/RealSKeshel/290>

MONTANA

Trump – 343,602 (56.92%)  
Biden – 244,786 (40.55%)

Trump added 64k votes in 4 years, a GOP record, but curiously, Biden, while losing by 16.4%, gained 67k votes as the state registered just 58k new voters.

I think target here was actually senate race which was an 11% race between Bullock and Daines; also a gubernatorial race. Keep in mind, there is a big scrap in Missoula Co. right now over about 6,000 ballots thought to be illegally cast.

MT does not register by party, so using working class/population growth trends.

Red – Obviously Ugly (6)

Yellow – Suspect/Likely Fraud (19)

Green – Clean (31)

Estimates for excess votes based on pop. growth/trends:

Cascade – 3k

Flathead – 5k

Gallatin – 7k

Lewis and Clark – 3k

Missoula – 6k

Yellowstone – 6k

I estimate 46k excess votes statewide. If accurate, and counting ONLY excess Biden vote growth, Trump should have won this state about 61.6% to 35.6%, or 26.0% - in other words, a shellacking that tracks accurately with the progression from 2012 to 2016.

...

As you can see from the map, there is potential fraud throughout Montana that bears some investigation. We have plenty of on the ground data to justify a forensic audit of Missoula County, and questions are being raised in other counties around the state.

For comparison, here is the analysis Seth Keshel did for Wyoming:

#### WYOMING

Trump – 193,559 (69.9%)

Biden – 73,491 (26.6%)

First Idaho, Now Wyoming – these two states avoided the simulation of 2020 and give an accurate view of what the true dynamics of the election were. Biden has fewer votes in WY than Obama did in 2008, when he lost the state by 32%.

Contrast this with a vote total in Utah nearly double Obama's total from 2008, and a very strong vote gain in MT, and you see that WY was not part of the game plan.

Yellow – Suspect/Likely Fraud (1)

Green – Clean (22)

Albany County, home to University of Wyoming, is the only one that pings on my yellow list, and perhaps only for about 1,000 votes, enough to flip the county from red to blue, despite a Trump gain and a slight GOP registration edge over the past four years, in a county won by the last two Republican nominees.

A very clean, nice example of another Rocky Mountain state trending in the 2008-12-16 fashion, as predicted by party registration totals.

And for IDAHO:

## IDAHO

Trump – 554,119 (63.9%)

Biden – 287,021 (33.1%)

Idaho taught me a lot. As I've said, it is almost clean as a whistle. More on that shortly.

ID trended exactly as the registration by party data said it would, and this taught me a lot about UT, AZ, and MT. More later.

Ada County, we have a record high Biden vote gain of 45k, when the previous record was 24k for Obama 08. If we assume a fair 2016 amount for Ds in Ada would be about 90k, then this is less ominous. Trump got most 2016 sit-outs back; GOP outregistered Dems in Ada 37k-26k (1.6 to 1 ratio) in last four year... but the % trended slightly D (1.6%).

Bottom Line – I feel Biden is about 15-20k heavy in Ada County.

Yellow – Suspect/Likely Fraud (1)

Green – Clean (43)

This, so far, is my best example of PROPER TRENDING in the 2020 election. Recommend audit for Ada County. If Biden is 15k heavy, margin would be 64.9-31.9% (33.0%).

I'd be happy to go over more of the research we've gathered when you're in Missoula. Brad Tschida is taking the lead on this in the legislature, as questions arise in Missoula County, other Montana counties and most others around the country. We've been investigating fraudulent elections in Missoula for at least the past 20 years or more, with no interest from the Missoula County Republican Central Committee, the State Republican party or the media.

At one point a Missoula deputy county attorney told me that we had identified fraud, but said the county attorney would not address it. The Local Government Office in Helena invited me to talk with its general counsel, only to cancel the invitation a few days later. When I drove over and walked into his office to ask if the cancellation was political, he just smiled.

This time we were able to get national attention through an [article John Lott wrote](#). Sean Hannity covered it in his afternoon radio program, and it appeared in multiple publications. [President Trump mentioned it](#) in his Ohio rally a couple of weeks ago. Roy McKenzie at [Missoula County Tyranny](#) is covering election integrity in Missoula and in other parts of the state. Note his comments about Sanders County and its election administrator rejecting the CTCL funds. But Seth Keshel suggests that the results in Sanders County indicate some investigation is warranted based on historic vote spreads. The fact that your tabulating machine broke down a couple of times during the evening of November 3 is interesting, and may not be related to anyone on the ground. A chart is attached showing the Montana counties awarded the CTCL funds along with a column showing the shading from Seth Keshel's analysis indicating potential election problems. So far neither the Secretary of State nor the State Election Director has shown any interest in investigating why Missoula County has discrepancies in about 7% of the votes counted. Curiously the 46,000 excess votes Seth Keshel is estimating for the state, is about 7.5% of the votes counted. We need to know why there is a discrepancy before we in Missoula vote in the September primary for our next mayor. We already wonder if we have actually voted for the people currently holding office, as well as for ballot (marijuana?) and bond issues over the years.

MT-REP-21-1719-A-000102

If leaders in Montana had answered our pleas for help 20 years ago, maybe whatever has infected Missoula County wouldn't have spread to other parts of the state. I hope the people in Idaho and Wyoming take care of the one yellow county each of those states has, before it spreads in those states. Ada County, Idaho is where Boise, the state capital is located. Albany County, WY is home to the University of Wyoming. In Montana, those respective counties are already red.

I hope this gives you a perspective on election fraud in Montana.

Regards,  
Jane

**Jane Lewis Rectenwald**  
**425 Connell Avenue**  
**Missoula, MT 59801**

**406-370-7574**

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## Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723)

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**From :** AO Records <records@americanoversight.org> Thu, Jan 20, 2022 08:18 PM  
**Subject :** Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723) 2 attachments  
**To :** brad tschida <brad.tschida@mtleg.gov>  
**Cc :** teverts@mt.gov

Dear Representative Tschida,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests to your office bearing internal tracking numbers MT-REP-21-1719 and MT-REP-21-1723. The two requests are attached to this email for your reference.

We have received no communication from your office acknowledging receipt of our public record requests. As you know, the Montana legislature is subject to the Montana Public Records Act. M.C.A. § 2-6-1002(10). Moreover, the Act requires that the public agency receiving a request for records "respond in a timely manner to the requesting person" by either making the information available for inspection or providing the requesting person with an estimate of the time it will take to fulfill the request. Mont. Code Ann. § 2-6-1006(2). American Oversight has received neither form of response for these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Records Act.

Sincerely,

MT-REP-21-1719-A -000103

Taylor Stoneman

-----

**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
records@americanoversight.org  
(202) 848-1319

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 **MT-REP-21-1719.pdf**  
291 KB

 **MT-REP-21-1723.pdf**  
294 KB

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## RE: [EXTERNAL] Re: Public Record Information Requests

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**From :** Everts, Todd <teverts@mt.gov> Mon, Jan 24, 2022 01:31 PM  
**Subject :** RE: [EXTERNAL] Re: Public Record Information Requests  
**To :** Theresa Manzella <theresa.manzella@mtleg.gov>  
**Cc :** Bob Phalen <Bob.Phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>, Coles, Jaret <JColes@mt.gov>, Johnson, Julie <juliejohnson@mt.gov>, Sankey Keip, Laura <LSankeyKeip@mt.gov>

Senator Manzella,

Text messages involving legislative business likely constitute public information that is a public record that may be requested by a person under the public record statutes. Having said that, there has not been any specific Montana court decision regarding text messages and legislators or other public officials that I am aware of.

There have been formal public information requests made of executive branch officials in the past concerning text messages involving official business. I am aware that text messages were provided in response to some of those requests.

Regarding social media posts, it is definitely unclear whether those posts would constitute a public record and there isn't any Montana court decisions regarding this. I would agree that the onus would be on the requester to search the public domain for such posts.

The public records laws (2-6-1002, MCA) provide the following pertinent definitions concerning your question regarding text messages:

MT-REP-21-1719-A -000104

10) "**Public agency**" means the executive, legislative, and judicial branches of Montana state government, a political subdivision of the state, a local government, and any agency, department, board, commission, office, bureau, division, or other public authority of the executive, legislative, or judicial branch of the state of Montana.

(11) "**Public information**" means information prepared, owned, used, or retained by any public agency relating to the transaction of official business, regardless of form, except for confidential information that must be protected against public disclosure under applicable law.

(13) "**Public record**" means public information that is:

(a) fixed in any medium and is retrievable in usable form for future reference; and

(b) designated for retention by the state records committee, judicial branch, legislative branch, or local government records committee.

(1) "**Confidential information**" means information that is accorded confidential status or is prohibited from disclosure as provided by applicable law. The term includes information that is:

(a) constitutionally protected from disclosure because an individual privacy interest clearly exceeds the merits of public disclosure;

(b) related to judicial deliberations in adversarial proceedings;

(c) necessary to maintain the security and integrity of secure facilities or information systems owned by or serving the state; and

(d) designated as confidential by statute or through judicial decisions, findings, or orders.

Further the public record statutes provide the following:

### **2-6-1003. Access to public information — safety and security exceptions —**

**Montana historical society exception.** (1) Except as provided in subsections (2) and (3), every person has a right to examine and obtain a copy of any public information of this state.

(2) A public officer may withhold from public scrutiny information relating to individual or public safety or the security of public facilities, including public schools, jails, correctional facilities, private correctional facilities, and prisons, if release of the information jeopardizes the safety of facility personnel, the public, students in a public school, or inmates of a facility. A public officer may not withhold from public scrutiny any more information than is required to protect individual or public safety or the security of public facilities.

(3) The Montana historical society may honor restrictions imposed by private record donors as long as the restrictions do not apply to public information. All restrictions must expire no later than 50 years from the date the private record was received. Upon the expiration of the restriction, the private records must be made accessible to the public.

**2-6-1006. Public information requests — fees.** (1) A person may request public information from a public agency. A public agency shall make the means of requesting public information accessible to all persons.

(2) Upon receiving a request for public information, a public agency shall respond in a timely manner to the requesting person by:

(a) making the public information maintained by the public agency available for inspection and copying by the requesting person; or

(b) providing the requesting person with an estimate of the time it will take to fulfill the request if the public information cannot be readily identified and gathered and any fees that may be charged pursuant to subsection (3).

(3) A public agency may charge a fee for fulfilling a public information request. Except where a fee is otherwise provided for by law, the fee may not exceed the actual costs directly incident to fulfilling the request in the most cost-efficient and timely manner possible. The fee must be documented. The fee may include the time required to gather public information. The public agency may require the requesting person to pay the estimated fee prior to identifying and gathering the requested public information.

(4) A public agency is not required to alter or customize public information to provide it in a form specified to meet the needs of the requesting person.

(5) If a public agency agrees to a request to customize a records request response, the costs of the customization may be included in the fees charged by the agency.

(6) (a) The secretary of state is authorized to charge fees under this section. The fees must be set and deposited in accordance with 2-15-405. The fees must be collected in advance.

(b) The secretary of state may not charge a fee to a member of the legislature or public officer for any search relative to matters pertaining to the duties of the member's office or for a certified copy of any law or resolution passed by the legislature relative to the member's official duties.

Pursuant to the above statutes, a legislator conducting legislative business likely constitutes public information if that information is "prepared, owned, used, or retained by any public agency relating to the transaction of official business, regardless of form". If that public information is "fixed in any medium and is retrievable in usable form for future reference", that public information likely constitutes a public record that a person may request.

If you would like to discuss this further, please do not hesitate to give me a call at the phone number listed below.

Todd M. Everts  
 Director of Legal Services/Code Commissioner  
 Montana Legislative Services Division  
 Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)  
 Office Phone: (406) 444-4023  
 FAX: (406) 444-3036

---

**From:** Theresa Manzella <theresa.manzella@mtleg.gov>  
**Sent:** Monday, January 24, 2022 8:09 AM  
**To:** Everts, Todd <teverts@mt.gov>  
**Cc:** Bob.Phalen@mtleg.gov; brad.tschida@mtleg.gov; Fox, Susan <sfox@mt.gov>; Coles, Jaret <JColes@mt.gov>; Johnson, Julie <juliejohnson@mt.gov>  
**Subject:** Re: [EXTERNAL] Re: Public Record Information Requests

Thanks for that, Todd. Yes that helps.

What about the question concerning personal texts?

And social media posts? I can't remember the number of interactions I may have had with any of these people via social media, although it's been extremely limited. What ever has

been stated has been in the public domain. I think they can find that stuff on their own if they choose to invest the time.

Sent from my iPhone - Senator Theresa Manzella

On Jan 24, 2022, at 7:00 AM, Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)> wrote:

Senator Manzella,

In Montana, you do not have legislative privilege regarding legislation. Article II, sections 8 and 9, of the Montana Constitution is the controlling authority:

**Section 8. Right of participation.** The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.

**Section 9. Right to know.** No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

Title 2, chapter 6, MCA, regarding public records, implements the above Constitutional provisions and anything that constitutes legislative business, especially legislation and the drafting of legislation, creates a public record and is available to the public upon request.

Hope that helps.

Todd M. Everts  
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Montana Legislative Services Division  
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Office Phone: (406) 444-4023  
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**From:** Theresa Manzella <[theresa.manzella@mtleg.gov](mailto:theresa.manzella@mtleg.gov)>  
**Sent:** Friday, January 21, 2022 4:54 PM  
**To:** Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)>  
**Cc:** [Bob.phalen@mtleg.gov](mailto:Bob.phalen@mtleg.gov); [brad.tschida@mtleg.gov](mailto:brad.tschida@mtleg.gov); Fox, Susan <[sfox@mt.gov](mailto:sfox@mt.gov)>  
**Subject:** [EXTERNAL] Re: Public Record Information Requests

Additionally, I've been told we have legislative privilege if we have legislation in the works concerning the issue at hand. Please confirm or deny and provide citation. I am working collaboratively with people across the nation on election integrity.

Thanks

Theresa

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**Cc:** Bob.phalen@mtleg.gov; brad.tschida@mtleg.gov; Fox, Susan <sfox@mt.gov>  
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---

**From :** Everts, Todd <teverts@mt.gov>

Mon, Jan 24, 2022 07:00 AM

**Subject :** RE: [EXTERNAL] Re: Public Record Information Requests

**To :** Theresa Manzella <theresa.manzella@mtleg.gov>

**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>, Coles, Jaret <JColes@mt.gov>, Johnson, Julie <juliejohnson@mt.gov>

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**Section 9. Right to know.** No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

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Hope that helps.

Todd M. Everts  
Director of Legal Services/Code Commissioner  
Montana Legislative Services Division  
Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)  
Office Phone: (406) 444-4023  
FAX: (406) 444-3036

---

**From:** Theresa Manzella <theresa.manzella@mtleg.gov>  
**Sent:** Friday, January 21, 2022 4:54 PM  
**To:** Everts, Todd <teverts@mt.gov>  
**Cc:** Bob.phalen@mtleg.gov; brad.tschida@mtleg.gov; Fox, Susan <sfox@mt.gov>  
**Subject:** [EXTERNAL] Re: Public Record Information Requests

Additionally, I've been told we have legislative privilege if we have legislation in the works concerning the issue at hand. Please confirm or deny and provide citation. I am working collaboratively with people across the nation on election integrity.

Thanks

Theresa

On Jan 21, 2022, at 10:28 AM, Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)> wrote:

Senator Manzella, Rep. Tschida, & Rep. Phalen,

I was cced on these formal public record information requests late yesterday evening. Legislative Services Division staff will begin working on responding to these requests on your behalf, but staff can only supply state email results. If you have any other information that is being requested in personal email or other correspondence, you will need to provide that to us, in order to respond to this request. Thank you.

Todd M. Everts  
Director of Legal Services/Code Commissioner  
Montana Legislative Services Division  
Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)  
Office Phone: (406) 444-4023  
FAX: (406) 444-3036

<Mail Attachment.eml><Mail Attachment.eml><Mail Attachment.eml>

Legislators are publicly elected officials. Legislator emails sent or received involving legislative business may be subject to the Right to Know provisions of the Montana Constitution and may be considered a "public record" pursuant to Montana law. As such, email, sent or received, its sender and receiver, and the email contents, may be subject to public disclosure, except as otherwise provided by Montana law.

---

**From :** Theresa Manzella <theresa.manzella@mtleg.gov> Fri, Jan 21, 2022 04:54 PM  
**Subject :** Re: Public Record Information Requests  
**To :** Todd Everts <teverts@mt.gov>  
**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>

Additionally, I've been told we have legislative privilege if we have legislation in the works concerning the issue at hand. Please confirm or deny and provide citation. I am working collaboratively with people across the nation on election integrity.

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Theresa

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Todd M. Everts

Director of Legal Services/Code Commissioner

Montana Legislative Services Division

Montana State Legislature

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<Mail Attachment.eml> <Mail Attachment.eml> <Mail Attachment.eml>

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---

**From :** Theresa Manzella <theresa.manzella@mtleg.gov> Fri, Jan 21, 2022 01:09 PM  
**Subject :** Re: Public Record Information Requests  
**To :** Todd Everts <teverts@mt.gov>  
**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>

Thanks Todd. I actually missed the first request. I sent the emails associated with the request last night, as individual forwards. The last I heard personal texts were off limits as considered personal. Has that changed? If so, please cite the statutes and case law that takes precedence to the 4th Amendment. And the social media stuff? I'm likely to tell them to find it themselves as it's openly on public platforms and I have no idea how to collect it for them.

Thanks you.

Sen Theresa Manzella

On Jan 21, 2022, at 10:28 AM, Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)> wrote:

Senator Manzella, Rep. Tschida, & Rep. Phalen,

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Todd M. Everts

Director of Legal Services/Code Commissioner

Montana Legislative Services Division

Montana State Legislature

[teverts@mt.gov](mailto:teverts@mt.gov)

Office Phone: (406) 444-4023

FAX: (406) 444-3036

<Mail Attachment.eml><Mail Attachment.eml><Mail Attachment.eml>

Legislators are publicly elected officials. Legislator emails sent or received involving legislative business may be subject to the Right to Know provisions of the Montana Constitution and may be considered a "public record" pursuant to Montana law. As such, email, sent or received, its sender and receiver, and the email contents, may be subject to public disclosure, except as otherwise provided by Montana law.

---

**From :** Everts, Todd <teverts@mt.gov> Fri, Jan 21, 2022 10:28 AM  
**Subject :** Public Record Information Requests  3 attachments  
**To :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida  
<brad.tschida@mtleg.gov>, Theresa Manzella  
<Theresa.Manzella@mtleg.gov>  
**Cc :** Fox, Susan <sfox@mt.gov>

Senator Manzella, Rep. Tschida, & Rep. Phalen,

I was cced on these formal public record information requests late yesterday evening. Legislative Services Division staff will begin working on responding to these requests on your behalf, but staff can only supply state email results. If you have any other information that is being requested in personal email or other correspondence, you will need to provide that to us, in order to respond to this request. Thank you.

Todd M. Everts  
Director of Legal Services/Code Commissioner  
Montana Legislative Services Division  
Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)  
Office Phone: (406) 444-4023  
FAX: (406) 444-3036

---

**From :** AO Records <records@americanoversight.org> Thu, Jan 20, 2022 10:23 PM  
**Subject :** [EXTERNAL] Two Outstanding Public Records Act  
Requests (MT-REP-21-1720; MT-REP-21-1724)  [3 attachments](#)  
**To :** Bob phalen <Bob.phalen@mtleg.gov>  
**Cc :** Everts, Todd <teverts@mt.gov>

Dear Representative Phalen,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests.

We have received no communication from your office acknowledging receipt of our public record requests. As you are required to "respond in a timely manner to the requesting person" by either making the information available for inspection for these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Records Act.

Sincerely,  
Taylor Stoneman

-----

**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
records@americanoversight.org  
(202) 848-1319



**MT-REP-21-1720.pdf**

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**MT-REP-21-1724.pdf**

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**From :** AO Records <records@americanoversight.org>  
**Subject :** [EXTERNAL] Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723)  
**To :** brad tschida <brad.tschida@mtleg.gov>  
**Cc :** Everts, Todd <teverts@mt.gov>

Thu, Jan 20, 2022 10:18 PM

[3 attachments](#)

Dear Representative Tschida,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests.

We have received no communication from your office acknowledging receipt of our public record requests. As you are required to “respond in a timely manner to the requesting person” by either making the information available for inspection or providing a written response, we request that you respond to these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Access to Information Act.

Sincerely,  
Taylor Stoneman

-----

**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
records@americanoversight.org  
(202) 848-1319



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**MT-REP-21-1723.pdf**

294 KB [View](#) [View As Html](#) [Download](#)



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Dear Senator Manzella,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests.

We have received no communication from your office acknowledging receipt of our public record requests. As you are required to “respond in a timely manner to the requesting person” by either making the information available for inspection for these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Freedom Act.

Sincerely,  
Taylor Stoneman

-----

**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org)  
(202) 848-1319



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**MT-SEN-21-1722.pdf**

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Rep Tschida - PIR1-GABLEMAN - no results

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**EIB: Shocking new info! Informant blows whistle on Dem Vote Fraud**

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**From :** The American Constitutional Rights Union  
<info@theacru.org>

Wed, Sep 02, 2020 10:37 AM

**Subject :** EIB: Shocking new info! Informant blows whistle on Dem  
Vote Fraud

**To :** Brad Tschida <brad.tschida@mtleg.gov>

**Reply To :** The American Constitutional Rights Union  
<info@theacru.org>

External images are not displayed. [Display images below](#)

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### **ACRU's Toloczko calls for encouraging and protecting military voters**

ACRU's Protect Military Votes Project designated September 1, 2020 as "Military Voter Readiness Day" to encourage military service members to register and vote in time to make

sure their votes are counted. In this editorial for American Military News, our VP of Policy (and Army mom), Kerri Toloczko, notes we have an imperative as civilians not just to protect the votes of our Armed Forces, but to honor them.

[See story here.](#)

### **Military absentee ballots should be requested NOW**

At [Protect Military Votes](#), we designated September 1, 2020 as "Military Voter Readiness Day" to ensure military ballots have enough time for delivery both overseas and at home. We encourage service members and spouses to register to vote and request an absentee ballot **TODAY**. If you have a friend or family member in the Armed Services, please send them to [Protect Military Votes](#) for all the registration and request links they will need.

### **ACRU's Blackwell calls for protecting elderly votes**

"As seniors transition into senior residences, they are a captive audience for fraud activists (noted by Amb. Blackwell [here](#).) As groups like the SEIU and the League of Women voters join liberal politicians to push for relaxing vote security and legalizing ballot harvesting, voters in institutional settings are most at risk. Please visit our [Protect Elderly Votes](#) website to find out what you can do to



protect the votes of our greatest generation.”

Ambassador J. Kenneth Blackwell, ACRU Action Board Member

### **An important resource from ACRU for America’s voting seniors**

Are you employed at a senior residence — independent, assisted living, or nursing home? Do you have a family member in one of these facilities? If so, we hope you will download our [Senior Citizen Voter Bill of Rights](#)—a great resource for you and those you care for to understand election protections for seniors in residential facilities.



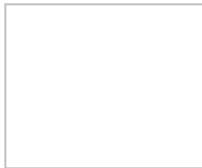
#### **ACRU's Roman encourages every voter to be a "VIP"**

“Voting in Person is the only way to ensure your vote is delivered and counted in November. Despite liberal media claims, nearly 600,000 mailed ballots went uncounted in the primaries, and vote fraud activists want to take your ballot and “deliver” it to the polling station--passing trash cans along the way. We must never trust a stranger to deliver or handle our votes. Take precautions—and be a VIP.”

Lori Roman, President of ACRU

## **AROUND THE NATION**

### **A shocking admission about institutionalized vote fraud**



This story gave us chills. It proves what ACRU and our supporters have noted for months -- vote fraud is not just rampant — but organized. Voting in person is the solution to making sure someone doesn’t slap a strip over duct tape over YOUR vote by fraudulently submitting others. We fear this unprecedented admission of felony vote tampering is just the tip of a very disturbing iceberg. As Lori says, “be a VIP!” [See story here.](#)

### **Vote fraud is so real in New Jersey it caused a re-vote**

A New Jersey ballot harvesting fraud case (perpetrated by candidates facing criminal charges) is costing taxpayers \$\$\$ and the angst of a re-vote. Ballots for this race were also magically found in other towns. Despite this evidence—and as Kerri recently wrote about [here](#) — liberals are making the realities of vote fraud a referendum on Trump instead of advocating for vote security. [See story here.](#)

## 2020 Primaries show mail-only voting is anything but safe



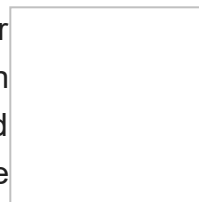
According to National Public Radio, the 550,000 absentee ballots not counted in 2018 PRIMARIES is 42% higher than those not counted in the 2016 GENERAL election. Considering the bias of NPR, maybe it's even worse? When your liberal friends tell you that mail-only voting is safe, secure and counts every vote, just send them this link. [See story here.](#)

## Mail-in vote system in Detroit deemed "a mess" by election officials

In a city (over)run by Democrats for decades, voting in Detroit's recent primary was utterly corrupted. When 72% of its precincts reported bad vote counts, the State Board of Canvassers called it "alarming." Liberal Secretary of State Jocelyn Benson has so far ignored concerns. Within Detroit's 78% African American population, 40% live in poverty, and the unemployment rate is 21%. These citizens need their political voices heard and protected. [See story here.](#)

## Another dead voter in New Mexico

It's not funny, actually. A grieving New Mexico widow visited her county election office to ask them to stop sending absentee ballots to her deceased husband who had passed away the year before in another state. That's when they discovered her husband had actually voted from the grave. But not only did he not vote; she didn't either despite having a vote registered in her name. Fraud times two because of universal vote by mail, only discovered when this lady took her civic duty seriously. [See story here.](#)



## Washington State election expert recognizes looming VBM dangers

"Universal voting by mail is an attractive and easy unconventional warfare target for the creation of election chaos, causing civil unrest and destabilizing society in general." From personal and professional experience, former deputy prosecuting attorney Barney Waldrop speaks up about the importance of voting in person and the dangers of universal vote by mail. [See story here.](#)

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## AN IMPORTANT RESOURCE FOR YOU - OUR EIB SUBSCRIBERS - ON MAIL-IN BALLOTS

### Before voting, mass mailed ballot applications are already a problem

safe?" It isn't. Even before voting, and in addition to mailed ballots left uncounted, bulk mailing of unverified and incorrect ballot applications sent out erroneously because of poorly maintained voter rolls is a problem. Here's some evidence for you to help you help others understand.

Virginia - 500,000 incorrect applications sent out. [See story here.](#)

Michigan - More registered Detroit voters than living adults all get applications. [See story here.](#)

Indiana - Democrat precinct chair accused of 'pre-marking' 300 ballot applications. [See story here.](#)

North Carolina and nationwide - liberal group mails applications partially filled out. [See story here.](#)

Pennsylvania - watchdog group finds 800K questionable registered on county voter rolls. [See story here.](#)

Florida - 18k+ ballots uncounted in Florida. [See story here.](#)

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### Framers Corner

"There is nothing so likely to produce peace as to be well prepared to meet an enemy. "

--George Washington, personal letter to Congressman Elbridge Gerry, 1780

To find more information and additional articles on vote security, visit [ACRU's Voting Integrity Institute](#) or the [ACRU home page](#).

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**Our mailing address is:**

405 Fifth Avenue South, Suite 7C, Naples, FL 34102

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**ACRU Action ALERT: ACRU's Ken Blackwell chairs the America First Policy Institute's Center for Election Integrity**

**From :** The American Constitutional Rights Union <info@theacru.org> Sat, Aug 21, 2021 05:58 PM

**Subject :** ACRU Action ALERT: ACRU's Ken Blackwell chairs the America First Policy Institute's Center for Election Integrity

**To :** brad tschida <brad.tschida@mtleg.gov>

**Reply To :** The American Constitutional Rights Union <info@theacru.org>

External images are not displayed. [Display images below](#)

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**ACRU's Ken Blackwell chairs the America First Policy Institute's Center for Election Integrity in Cooperative Effort to Protect America's Election System**

**Naples, FL--** The American Constitutional Rights Union (ACRU) announced today that ACRU Policy Board Member and former Ohio Secretary of State, Ken Blackwell, is chairing the America First Policy Institute's Center for Election Integrity in a cooperative effort to encourage citizen involvement in protecting

American elections.

Blackwell, also the former mayor of Cincinnati, Ohio, discussed the importance of citizen participation in protecting election integrity on [Friday's edition of SiriusXM's Breitbart News Daily](#) with host Alex Marlow. He emphasized the need for citizens to become poll workers as a first line of defense.

"What we're trying to do is to make sure that folks understand that whether it is open borders, whether it is the advancement of state-sponsored racism, or whether it's crime wave associated with this effort to 'defund the police,' all of this comes together as a leftist movement that demands we push back. Because as Frederick Douglass said, those who are whipped easiest are whipped most often," Blackwell states.

Lori Roman, President of the American Constitutional Rights Union, praised Blackwell's leadership in fostering cooperation between like-minded organizations to protect elections. "It is a good sign for the country that many organizations are working cooperatively to ensure it is easy to vote and hard to cheat. ACRU Policy Board Member Ken Blackwell is a great leader and role model in these efforts."

To listen to Ken Blackwell's interview on this subject:

<https://www.breitbart.com/radio/2021/08/20/ken-blackwell-defeating-globalism-starts-protecting-election-integrity/>

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## CONNECT WITH ACRU ACTION FUND

### Follow ACRU Action on Social Media

The big tech tyrants are desperate to silence ACRU's voice, but we are hard at work developing new ways to connect with patriots like you.

While we'll keep posting on traditional outlets like Facebook and Twitter, liberals are doing their best to silence conservative voices, so we are branching out. Be sure to find us and stay connected on free speech-friendly platforms like Parler, Gab, MeWe, and Telegram.

**Telegram:** [@ACRU\\_LiveFree](#)  
**Facebook:** [@TheACRU](#)  
**MeWe:** [@AmericanConstitutionalRightsUnion](#)  
**Gab:** [@TheACRU](#)  
**Twitter:** [@The\\_ACRU](#)

Brought to you by [American Constitutional Rights Union Action Fund](#), a non-profit 501 (c)(4) organization dedicated to defending the constitutional rights of all Americans. For more information, email us at [info@theACRU.org](mailto:info@theACRU.org).

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**Our mailing address is:**

405 Fifth Avenue South, Suite 7C, Naples, FL 34102

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**Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723)**

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**From :** AO Records <records@americanoversight.org>  
**Subject :** Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723)  
**To :** brad tschida <brad.tschida@mtleg.gov>  
**Cc :** teverts@mt.gov

Thu, Jan 20, 2022 08:18 PM

 2 attachments

Dear Representative Tschida,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests to your office bearing internal tracking numbers MT-REP-21-1719 and MT-REP-21-1723. The two requests are attached to this email for your reference.

We have received no communication from your office acknowledging receipt of our public record requests. As you know, the Montana legislature is subject to the Montana Public Records Act. M.C.A. § 2-6-1002(10). Moreover, the Act requires that the public agency receiving a request for records "respond in a timely manner to the requesting person" by either making the information available for inspection or providing the requesting person with an estimate of the time it will take to fulfill the request. Mont. Code Ann. § 2-6-1006(2). American Oversight has received neither form of response for these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Records Act.

MT-REP-21-1719-A -000129

Sincerely,  
Taylor Stoneman

-----  
**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
records@americanoversight.org  
(202) 848-1319

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 **MT-REP-21-1719.pdf**  
291 KB

 **MT-REP-21-1723.pdf**  
294 KB

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**RE: [EXTERNAL] Re: Public Record Information Requests**

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**From :** Everts, Todd <teverts@mt.gov>

Mon, Jan 24, 2022 01:31 PM

**Subject :** RE: [EXTERNAL] Re: Public Record Information Requests

**To :** Theresa Manzella <theresa.manzella@mtleg.gov>

**Cc :** Bob Phalen <Bob.Phalen@mtleg.gov>, brad tschida  
<brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>, Coles,  
Jaret <JColes@mt.gov>, Johnson, Julie  
<juliejohnson@mt.gov>, Sankey Keip, Laura  
<LSankeyKeip@mt.gov>

Senator Manzella,

Text messages involving legislative business likely constitute public information that is a public record that may be requested by a person under the public record statutes. Having said that, there has not been any specific Montana court decision regarding text messages and legislators or other public officials that I am aware of.

There have been formal public information requests made of executive branch officials in the past concerning text messages involving official business. I am aware that text messages were provided in response to some of those requests.

Regarding social media posts, it is definitely unclear whether those posts would constitute a public record and there isn't any Montana court decisions regarding this. I would agree that the onus would be on the requester to search the public domain for such posts.

The public records laws (2-6-1002, MCA) provide the following pertinent definitions concerning your question regarding text messages:

10) **"Public agency"** means the executive, legislative, and judicial branches of Montana state government, a political subdivision of the state, a local government, and any agency, department, board, commission, office, bureau, division, or other public authority of the executive, legislative, or judicial branch of the state of Montana.

(11) **"Public information"** means information prepared, owned, used, or retained by any public agency relating to the transaction of official business, regardless of form, except for confidential information that must be protected against public disclosure under applicable law.

(13) **"Public record"** means public information that is:

(a) fixed in any medium and is retrievable in usable form for future reference; and

(b) designated for retention by the state records committee, judicial branch, legislative branch, or local government records committee.

(1) **"Confidential information"** means information that is accorded confidential status or is prohibited from disclosure as provided by applicable law. The term includes information that is:

(a) constitutionally protected from disclosure because an individual privacy interest clearly exceeds the merits of public disclosure;

(b) related to judicial deliberations in adversarial proceedings;

(c) necessary to maintain the security and integrity of secure facilities or information systems owned by or serving the state; and

(d) designated as confidential by statute or through judicial decisions, findings, or orders.

Further the public record statutes provide the following:

**2-6-1003. Access to public information — safety and security exceptions — Montana historical society exception.** (1) Except as provided in subsections (2) and (3), every person has a right to examine and obtain a copy of any public information of this state.

(2) A public officer may withhold from public scrutiny information relating to individual or public safety or the security of public facilities, including public schools, jails, correctional facilities, private correctional facilities, and prisons, if release of the information jeopardizes the safety of facility personnel, the public, students in a public school, or inmates of a facility. A public officer may not withhold from public scrutiny any more information than is required to protect individual or public safety or the security of public facilities.

(3) The Montana historical society may honor restrictions imposed by private record donors as long as the restrictions do not apply to public information. All restrictions must expire no later than 50 years from the date the private record was received. Upon the expiration of the restriction, the private records must be made accessible to the public.

**2-6-1006. Public information requests — fees.** (1) A person may request public information from a public agency. A public agency shall make the means of requesting public information accessible to all persons.

(2) Upon receiving a request for public information, a public agency shall respond in a timely manner to the requesting person by:

(a) making the public information maintained by the public agency available for inspection and copying by the requesting person; or

(b) providing the requesting person with an estimate of the time it will take to fulfill the request if the public information cannot be readily identified and gathered and any fees that may be charged pursuant to subsection (3).

(3) A public agency may charge a fee for fulfilling a public information request. Except where a fee is otherwise provided for by law, the fee may not exceed the actual costs directly incident to fulfilling the request in the most cost-efficient and timely manner possible. The fee must be documented. The fee may include the time required to gather public information. The public

agency may require the requesting person to pay the estimated fee prior to identifying and gathering the requested public information.

(4) A public agency is not required to alter or customize public information to provide it in a form specified to meet the needs of the requesting person.

(5) If a public agency agrees to a request to customize a records request response, the costs of the customization may be included in the fees charged by the agency.

(6) (a) The secretary of state is authorized to charge fees under this section. The fees must be set and deposited in accordance with 2-15-405. The fees must be collected in advance.

(b) The secretary of state may not charge a fee to a member of the legislature or public officer for any search relative to matters pertaining to the duties of the member's office or for a certified copy of any law or resolution passed by the legislature relative to the member's official duties.

Pursuant to the above statutes, a legislator conducting legislative business likely constitutes public information if that information is "prepared, owned, used, or retained by any public agency relating to the transaction of official business, regardless of form". If that public information is "fixed in any medium and is retrievable in usable form for future reference", that public information likely constitutes a public record that a person may request.

If you would like to discuss this further, please do not hesitate to give me a call at the phone number listed below.

Todd M. Everts  
Director of Legal Services/Code Commissioner  
Montana Legislative Services Division  
Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)  
Office Phone: (406) 444-4023  
FAX: (406) 444-3036

---

**From:** Theresa Manzella <theresa.manzella@mtleg.gov>

**Sent:** Monday, January 24, 2022 8:09 AM

**To:** Everts, Todd <teverts@mt.gov>

**Cc:** Bob.Phalen@mtleg.gov; brad.tschida@mtleg.gov; Fox, Susan <sfox@mt.gov>; Coles, Jaret <JColes@mt.gov>; Johnson, Julie <juliejohnson@mt.gov>

**Subject:** Re: [EXTERNAL] Re: Public Record Information Requests

Thanks for that, Todd. Yes that helps.

What about the question concerning personal texts?

And social media posts? I can't remember the number of interactions I may have had with any of these people via social media, although it's been extremely limited. What ever has been stated has been in the public domain. I think they can find that stuff on their own if they choose to invest the time.

Sent from my iPhone - Senator Theresa Manzella

On Jan 24, 2022, at 7:00 AM, Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)> wrote:

Senator Manzella,

In Montana, you do not have legislative privilege regarding legislation. Article II, sections 8 and 9, of the Montana Constitution is the controlling authority:

**Section 8. Right of participation.** The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.

**Section 9. Right to know.** No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

Title 2, chapter 6, MCA, regarding public records, implements the above Constitutional provisions and anything that constitutes legislative business, especially legislation and the drafting of legislation, creates a public record and is available to the public upon request.

Hope that helps.

Todd M. Everts  
Director of Legal Services/Code Commissioner  
Montana Legislative Services Division  
Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)  
Office Phone: (406) 444-4023  
FAX: (406) 444-3036

---

**From:** Theresa Manzella <[theresa.manzella@mtleg.gov](mailto:theresa.manzella@mtleg.gov)>  
**Sent:** Friday, January 21, 2022 4:54 PM  
**To:** Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)>  
**Cc:** [Bob.phalen@mtleg.gov](mailto:Bob.phalen@mtleg.gov); [brad.tschida@mtleg.gov](mailto:brad.tschida@mtleg.gov); Fox, Susan <[sfox@mt.gov](mailto:sfox@mt.gov)>  
**Subject:** [EXTERNAL] Re: Public Record Information Requests

Additionally, I've been told we have legislative privilege if we have legislation in the works concerning the issue at hand. Please confirm or deny and provide citation. I am working collaboratively with people across the nation on election integrity.

Thanks

Theresa

On Jan 21, 2022, at 10:28 AM, Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)> wrote:

Senator Manzella, Rep. Tschida, & Rep. Phalen,

I was cced on these formal public record information requests late yesterday evening. Legislative Services Division staff will begin working on responding to these requests on your behalf, but staff can only supply state email results. If you have any other information that is being requested in personal email or other correspondence, you will need to provide that to us, in order to respond to this request. Thank you.

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Mon, Jan 24, 2022 08:09 AM

**From :** Theresa Manzella <theresa.manzella@mtleg.gov>  
**Subject :** Re: [EXTERNAL] Re: Public Record Information Requests  
**To :** Everts, Todd <teverts@mt.gov>  
**Cc :** Bob Phalen <Bob.Phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>, Coles, Jaret <JColes@mt.gov>, Johnson, Julie <juliejohnson@mt.gov>

Thanks for that, Todd. Yes that helps.

What about the question concerning personal texts?

And social media posts? I can't remember the number of interactions I may have had with any of these people via social media, although it's been extremely limited. What ever has been stated has been in the public domain. I think they can find that stuff on their own if they choose to invest the time.

Sent from my iPhone - Senator Theresa Manzella

On Jan 24, 2022, at 7:00 AM, Everts, Todd <teverts@mt.gov> wrote:

Senator Manzella,

In Montana, you do not have legislative privilege regarding legislation. Article II, sections 8 and 9, of the Montana Constitution is the controlling authority:

**Section 8. Right of participation.** The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.

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**Sent:** Friday, January 21, 2022 4:54 PM  
**To:** Everts, Todd <teverts@mt.gov>  
**Cc:** Bob.phalen@mtleg.gov; brad.tschida@mtleg.gov; Fox, Susan <sfox@mt.gov>  
**Subject:** [EXTERNAL] Re: Public Record Information Requests

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---

**From :** Everts, Todd <teverts@mt.gov>

Mon, Jan 24, 2022 07:00 AM

**Subject :** RE: [EXTERNAL] Re: Public Record Information Requests

**To :** Theresa Manzella <theresa.manzella@mtleg.gov>

**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>, Coles, Jaret <JColes@mt.gov>, Johnson, Julie <juliejohnson@mt.gov>

Senator Manzella,

In Montana, you do not have legislative privilege regarding legislation. Article II, sections 8 and 9, of the Montana Constitution is the controlling authority:

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**Sent:** Friday, January 21, 2022 4:54 PM  
**To:** Everts, Todd <teverts@mt.gov>  
**Cc:** Bob.phalen@mtleg.gov; brad.tschida@mtleg.gov; Fox, Susan <sfox@mt.gov>  
**Subject:** [EXTERNAL] Re: Public Record Information Requests

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**Subject :** Re: Public Record Information Requests

**To :** Todd Everts <teverts@mt.gov>

**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida  
<brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>

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**From :** Theresa Manzella <theresa.manzella@mtleg.gov> Fri, Jan 21, 2022 01:09 PM  
**Subject :** Re: Public Record Information Requests  
**To :** Todd Everts <teverts@mt.gov>  
**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>

Thanks Todd. I actually missed the first request. I sent the emails associated with the request last night, as individual forwards. The last I heard personal texts were off limits as considered personal. Has that changed? If so, please cite the statutes and case law that takes precedence to the 4th Amendment. And the social media stuff? I'm likely to tell them to find it themselves as it's openly on public platforms and I have no idea how to collect it for them.

Thanks you.

Sen Theresa Manzella

On Jan 21, 2022, at 10:28 AM, Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)> wrote:

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---

**From :** Everts, Todd <teverts@mt.gov> Fri, Jan 21, 2022 10:28 AM  
**Subject :** Public Record Information Requests  3 attachments  
**To :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida  
<brad.tschida@mtleg.gov>, Theresa Manzella  
<Theresa.Manzella@mtleg.gov>  
**Cc :** Fox, Susan <sfox@mt.gov>

Senator Manzella, Rep. Tschida, & Rep. Phalen,

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Office Phone: (406) 444-4023  
FAX: (406) 444-3036

---

**From :** AO Records <records@americanoversight.org> Thu, Jan 20, 2022 10:23 PM  
**Subject :** [EXTERNAL] Two Outstanding Public Records Act Requests  [3 attachments](#)  
(MT-REP-21-1720; MT-REP-21-1724)  
**To :** Bob phalen <Bob.phalen@mtleg.gov>  
**Cc :** Everts, Todd <teverts@mt.gov>

Dear Representative Phalen,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests to you.

We have received no communication from your office acknowledging receipt of our public record requests. As you know, a timely manner to the requesting person" by either making the information available for inspection or providing the requested records.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Records Act.

Sincerely,  
Taylor Stoneman

-----  
**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
records@americanoversight.org  
(202) 848-1319

---

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(MT-REP-21-1719; MT-REP-21-1723)

**To :** brad tschida <brad.tschida@mtleg.gov>

**Cc :** Everts, Todd <teverts@mt.gov>

Dear Representative Tschida,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests to you.

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Sincerely,  
Taylor Stoneman

-----  
**Taylor Stoneman** (she/her)

*Counsel*

American Oversight

records@americanoversight.org

(202) 848-1319

---

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 **MT-REP-21-1723.pdf**

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---

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Zimbra

brad.tschida@mtleg.gov

---

**5G Delay, Threats to Religious Groups, and SG Calls Out Cruz**

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**From :** The Well News <sftw@thewellnews.com>

Wed, Jan 19, 2022 05:06 AM

**Subject :** 5G Delay, Threats to Religious Groups, and SG Calls Out Cruz**To :** brad tschida <brad.tschida@mtleg.gov>**Reply To :** sftw@thewellnews.comExternal images are not displayed. [Display images below](#)[View in browser](#)

## Straight From The Well

Wednesday, January 19, 2022

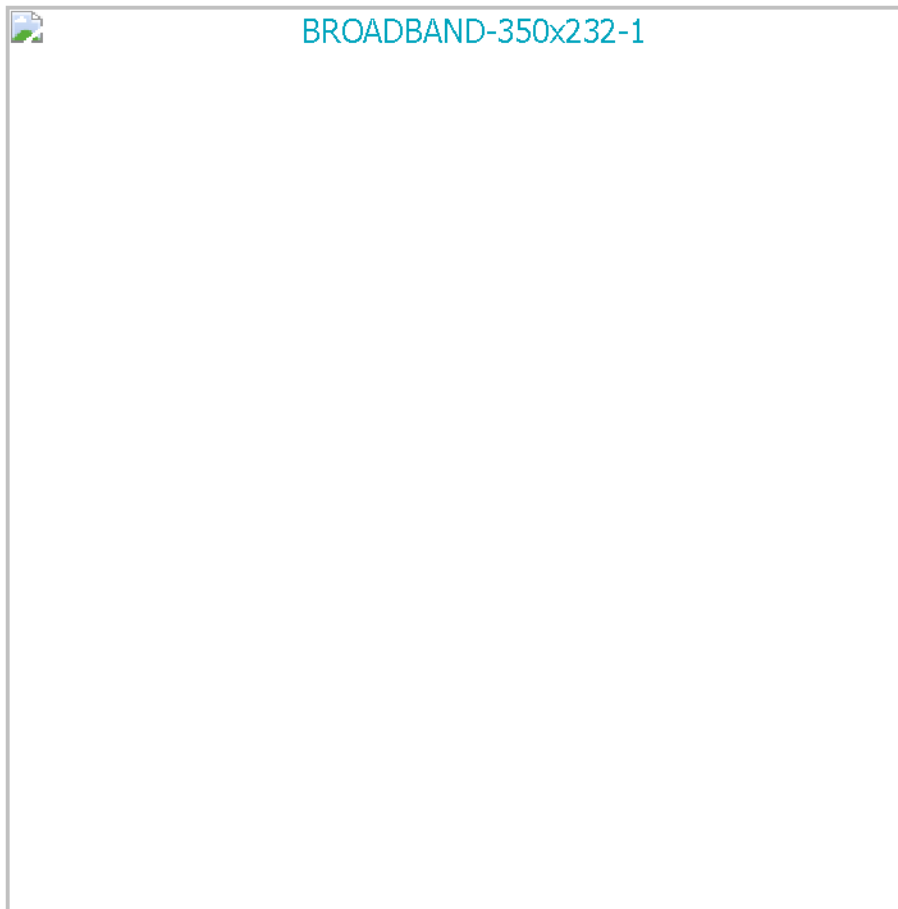
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*Read to the end of this email to learn about how pudgy pandas stay so pleasingly chubby despite their strict bamboo diet...*

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### TELECOMMUNICATIONS

AT&amp;T, Verizon to Delay 5G Rollout Near Airports



AT&T and Verizon on Tuesday agreed to delay their rollout of new 5G services near some unspecified airports over ongoing concerns that moving those services to a new band could cause flight disruptions.

Debate has been raging for months over whether — and if so, to what extent — moving the 5G services to a bandwidth airlines use to navigate in low-visibility situations would be a problem.

[Read More](#)

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## IN THE NEWS

- [Langevin Sees Future in Retirement Rather Than Reelection](#)  
By Dan McCue
- [Baltimore Prosecutor Maintains Innocence of Financial Crimes](#)  
By Tom Ramstack
- [McNerney to Bid House Adieu After 2022](#)  
By TWN Staff

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## VOTING RIGHTS

## 'Eye of the Nation Watching' as Voting Rights Bill Appears Headed for Defeat



With the defeat of sweeping voting rights legislation all but certain in the Senate this week, Majority Leader Chuck Schumer stressed a different goal as he opened the chamber's session on Tuesday, forcing all senators to go on the record about where they stand on the issue.

"The eyes of the nation will be watching what happens this week in the United States Senate," Schumer said.

[Read More](#)

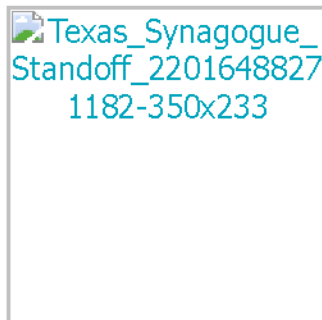
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## MORE FROM THE WELL



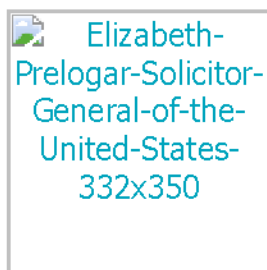
### Jan. 6 Committee Subpoenas Giuliani, Other Trump Attorneys

The Select Committee to Investigate the Jan. 6 Attack on the United States Capitol issued subpoenas Tuesday evening to Rudolph Giuliani, Jenna Ellis, Sidney Powell and Boris Epshteyn.



### FBI Warns of More Threats Against Religious Groups

The FBI and Department of Homeland Security sent a letter to faith-based organizations Monday warning them they remain potential targets of violent extremists.



### Solicitor General Calls Out Cruz in Supreme Court Case

The Ted Cruz for Senate campaign committee's First Amendment challenge to a key campaign finance law should be tossed by the Supreme Court as the campaign committee's alleged injuries were self-inflicted, the U.S. solicitor general claimed in a court filing on Tuesday.

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## NEWS YOU CAN'T USE

Source: IFLScience!



extra\_large-1642520490-panda-chubby-gut-microbiome

[How Pudgy Pandas Stay so Pleasingly Chubby Despite Strict Bamboo Diet](#)

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## Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723)

---

**From :** AO Records <records@americanoversight.org>  
**Subject :** Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723)  
**To :** brad tschida <brad.tschida@mtleg.gov>  
**Cc :** teverts@mt.gov

Thu, Jan 20, 2022 08:18 PM

 2 attachments

Dear Representative Tschida,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests to your office bearing internal tracking numbers MT-REP-21-1719 and MT-REP-21-1723. The two requests are attached to this email for your reference.

We have received no communication from your office acknowledging receipt of our public record requests. As you know, the Montana legislature is subject to the Montana Public Records Act. M.C.A. § 2-6-1002(10). Moreover, the Act requires that the public agency receiving a request for records "respond in a timely manner to the requesting person" by either making the information available for inspection or providing the requesting person with an estimate of the time it will take to fulfill the request. Mont. Code Ann. § 2-6-1006(2). American Oversight has received neither form of response for these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Records Act.

Sincerely,  
Taylor Stoneman

-----

**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
records@americanoversight.org  
(202) 848-1319

---

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291 KB

 **MT-REP-21-1723.pdf**  
294 KB

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## RE: [EXTERNAL] Re: Public Record Information Requests

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**From :** Everts, Todd <teverts@mt.gov> Mon, Jan 24, 2022 01:31 PM  
**Subject :** RE: [EXTERNAL] Re: Public Record Information Requests  
**To :** Theresa Manzella <theresa.manzella@mtleg.gov>  
**Cc :** Bob Phalen <Bob.Phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>, Coles, Jaret <JColes@mt.gov>, Johnson, Julie

<juliejohnson@mt.gov>, Sankey Keip, Laura  
<LSankeyKeip@mt.gov>

Senator Manzella,

Text messages involving legislative business likely constitute public information that is a public record that may be requested by a person under the public record statutes. Having said that, there has not been any specific Montana court decision regarding text messages and legislators or other public officials that I am aware of.

There have been formal public information requests made of executive branch officials in the past concerning text messages involving official business. I am aware that text messages were provided in response to some of those requests.

Regarding social media posts, it is definitely unclear whether those posts would constitute a public record and there isn't any Montana court decisions regarding this. I would agree that the onus would be on the requester to search the public domain for such posts.

The public records laws (2-6-1002, MCA) provide the following pertinent definitions concerning your question regarding text messages:

10) "**Public agency**" means the executive, legislative, and judicial branches of Montana state government, a political subdivision of the state, a local government, and any agency, department, board, commission, office, bureau, division, or other public authority of the executive, legislative, or judicial branch of the state of Montana.

(11) "**Public information**" means information prepared, owned, used, or retained by any public agency relating to the transaction of official business, regardless of form, except for confidential information that must be protected against public disclosure under applicable law.

(13) "**Public record**" means public information that is:

- (a) fixed in any medium and is retrievable in usable form for future reference; and
- (b) designated for retention by the state records committee, judicial branch,

legislative branch, or local government records committee.

(1) "**Confidential information**" means information that is accorded confidential status or is prohibited from disclosure as provided by applicable law. The term includes information that is:

- (a) constitutionally protected from disclosure because an individual privacy interest clearly exceeds the merits of public disclosure;
- (b) related to judicial deliberations in adversarial proceedings;
- (c) necessary to maintain the security and integrity of secure facilities or information systems owned by or serving the state; and
- (d) designated as confidential by statute or through judicial decisions, findings, or orders.

Further the public record statutes provide the following:

### **2-6-1003. Access to public information — safety and security exceptions —**

**Montana historical society exception.** (1) Except as provided in subsections (2) and (3), every person has a right to examine and obtain a copy of any public information of this state.

(2) A public officer may withhold from public scrutiny information relating to individual or public safety or the security of public facilities, including public schools, jails,

MT-REP-21-1719-A -000154

correctional facilities, private correctional facilities, and prisons, if release of the information jeopardizes the safety of facility personnel, the public, students in a public school, or inmates of a facility. A public officer may not withhold from public scrutiny any more information than is required to protect individual or public safety or the security of public facilities.

(3) The Montana historical society may honor restrictions imposed by private record donors as long as the restrictions do not apply to public information. All restrictions must expire no later than 50 years from the date the private record was received. Upon the expiration of the restriction, the private records must be made accessible to the public.

**2-6-1006. Public information requests — fees.** (1) A person may request public information from a public agency. A public agency shall make the means of requesting public information accessible to all persons.

(2) Upon receiving a request for public information, a public agency shall respond in a timely manner to the requesting person by:

(a) making the public information maintained by the public agency available for inspection and copying by the requesting person; or

(b) providing the requesting person with an estimate of the time it will take to fulfill the request if the public information cannot be readily identified and gathered and any fees that may be charged pursuant to subsection (3).

(3) A public agency may charge a fee for fulfilling a public information request. Except where a fee is otherwise provided for by law, the fee may not exceed the actual costs directly incident to fulfilling the request in the most cost-efficient and timely manner possible. The fee must be documented. The fee may include the time required to gather public information. The public agency may require the requesting person to pay the estimated fee prior to identifying and gathering the requested public information.

(4) A public agency is not required to alter or customize public information to provide it in a form specified to meet the needs of the requesting person.

(5) If a public agency agrees to a request to customize a records request response, the costs of the customization may be included in the fees charged by the agency.

(6) (a) The secretary of state is authorized to charge fees under this section. The fees must be set and deposited in accordance with 2-15-405. The fees must be collected in advance.

(b) The secretary of state may not charge a fee to a member of the legislature or public officer for any search relative to matters pertaining to the duties of the member's office or for a certified copy of any law or resolution passed by the legislature relative to the member's official duties.

Pursuant to the above statutes, a legislator conducting legislative business likely constitutes public information if that information is "prepared, owned, used, or retained by any public agency relating to the transaction of official business, regardless of form". If that public information is "fixed in any medium and is retrievable in usable form for future reference", that public information likely constitutes a public record that a person may request.

If you would like to discuss this further, please do not hesitate to give me a call at the phone number listed below.

Todd M. Everts  
Director of Legal Services/Code Commissioner  
Montana Legislative Services Division  
Montana State Legislature

MT-REP-21-1719-A -000155

[teverts@mt.gov](mailto:teverts@mt.gov)

Office Phone: (406) 444-4023

FAX: (406) 444-3036

---

**From:** Theresa Manzella <theresa.manzella@mtleg.gov>**Sent:** Monday, January 24, 2022 8:09 AM**To:** Everts, Todd <teverts@mt.gov>**Cc:** Bob.Phalen@mtleg.gov; brad.tschida@mtleg.gov; Fox, Susan <sfox@mt.gov>; Coles, Jaret <JColes@mt.gov>; Johnson, Julie <juliejohnson@mt.gov>**Subject:** Re: [EXTERNAL] Re: Public Record Information Requests

Thanks for that, Todd. Yes that helps.

What about the question concerning personal texts?

And social media posts? I can't remember the number of interactions I may have had with any of these people via social media, although it's been extremely limited. What ever has been stated has been in the public domain. I think they can find that stuff on their own if they choose to invest the time.

Sent from my iPhone - Senator Theresa Manzella

On Jan 24, 2022, at 7:00 AM, Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)> wrote:

Senator Manzella,

In Montana, you do not have legislative privilege regarding legislation. Article II, sections 8 and 9, of the Montana Constitution is the controlling authority:

**Section 8. Right of participation.** The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.

**Section 9. Right to know.** No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

Title 2, chapter 6, MCA, regarding public records, implements the above Constitutional provisions and anything that constitutes legislative business, especially legislation and the drafting of legislation, creates a public record and is available to the public upon request.

Hope that helps.

Todd M. Everts  
Director of Legal Services/Code Commissioner  
Montana Legislative Services Division  
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[teverts@mt.gov](mailto:teverts@mt.gov)  
Office Phone: (406) 444-4023  
FAX: (406) 444-3036

---

**From:** Theresa Manzella <[theresa.manzella@mtleg.gov](mailto:theresa.manzella@mtleg.gov)>  
**Sent:** Friday, January 21, 2022 4:54 PM  
**To:** Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)>  
**Cc:** [Bob.phalen@mtleg.gov](mailto:Bob.phalen@mtleg.gov); [brad.tschida@mtleg.gov](mailto:brad.tschida@mtleg.gov); Fox, Susan <[sfox@mt.gov](mailto:sfox@mt.gov)>  
**Subject:** [EXTERNAL] Re: Public Record Information Requests

Additionally, I've been told we have legislative privilege if we have legislation in the works concerning the issue at hand. Please confirm or deny and provide citation. I am working collaboratively with people across the nation on election integrity.

Thanks

Theresa

On Jan 21, 2022, at 10:28 AM, Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)> wrote:

Senator Manzella, Rep. Tschida, & Rep. Phalen,

I was cced on these formal public record information requests late yesterday evening. Legislative Services Division staff will begin working on responding to these requests on your behalf, but staff can only supply state email results. If you have any other information that is being requested in personal email or other correspondence, you will need to provide that to us, in order to respond to this request. Thank you.

Todd M. Everts  
Director of Legal Services/Code Commissioner

Montana Legislative Services Division  
Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)  
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**Subject :** Re: [EXTERNAL] Re: Public Record Information Requests  
**To :** Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)>  
**Cc :** Bob Phalen <[Bob.Phalen@mtleg.gov](mailto:Bob.Phalen@mtleg.gov)>, brad tschida <[brad.tschida@mtleg.gov](mailto:brad.tschida@mtleg.gov)>, Fox, Susan <[sfox@mt.gov](mailto:sfox@mt.gov)>, Coles, Jaret <[JColes@mt.gov](mailto:JColes@mt.gov)>, Johnson, Julie <[juliejohnson@mt.gov](mailto:juliejohnson@mt.gov)>

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**To:** Everts, Todd <teverts@mt.gov>  
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---

**From :** Everts, Todd <teverts@mt.gov>

Mon, Jan 24, 2022 07:00 AM

**Subject :** RE: [EXTERNAL] Re: Public Record Information Requests

**To :** Theresa Manzella <theresa.manzella@mtleg.gov>

**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>, Coles, Jaret <JColes@mt.gov>, Johnson, Julie <juliejohnson@mt.gov>

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Office Phone: (406) 444-4023  
FAX: (406) 444-3036

---

**From:** Theresa Manzella <theresa.manzella@mtleg.gov>  
**Sent:** Friday, January 21, 2022 4:54 PM  
**To:** Everts, Todd <tevarts@mt.gov>  
**Cc:** Bob.phalen@mtleg.gov; brad.tschida@mtleg.gov; Fox, Susan <sfox@mt.gov>  
**Subject:** [EXTERNAL] Re: Public Record Information Requests

Additionally, I've been told we have legislative privilege if we have legislation in the works concerning the issue at hand. Please confirm or deny and provide citation. I am working collaboratively with people across the nation on election integrity.

Thanks

Theresa

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Montana Legislative Services Division  
Montana State Legislature  
[tevarts@mt.gov](mailto:tevarts@mt.gov)  
Office Phone: (406) 444-4023  
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**From :** Theresa Manzella <theresa.manzella@mtleg.gov>

Fri, Jan 21, 2022 04:54 PM

**Subject :** Re: Public Record Information Requests

**To :** Todd Everts <teverts@mt.gov>

**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida  
<brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>

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---

**From :** Theresa Manzella <theresa.manzella@mtleg.gov>

Fri, Jan 21, 2022 01:09 PM

**Subject :** Re: Public Record Information Requests

**To :** Todd Everts <teverts@mt.gov>

**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida  
<brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>

Thanks Todd. I actually missed the first request. I sent the emails associated with the request last night, as individual forwards. The last I heard personal texts were off limits as considered personal. Has that changed? If so, please cite the statutes and case law that takes precedence to the 4th Amendment. And the social media stuff? I'm likely to tell them to find it themselves as it's openly on public platforms and I have no idea how to collect it for them.

Thanks you.

Sen Theresa Manzella

On Jan 21, 2022, at 10:28 AM, Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)> wrote:

Senator Manzella, Rep. Tschida, & Rep. Phalen,

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Director of Legal Services/Code Commissioner

Montana Legislative Services Division

Montana State Legislature

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Office Phone: (406) 444-4023

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---

**From :** Everts, Todd <teverts@mt.gov> Fri, Jan 21, 2022 10:28 AM  
**Subject :** Public Record Information Requests  3 attachments  
**To :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida  
<brad.tschida@mtleg.gov>, Theresa Manzella  
<Theresa.Manzella@mtleg.gov>  
**Cc :** Fox, Susan <sfox@mt.gov>

Senator Manzella, Rep. Tschida, & Rep. Phalen,

I was cced on these formal public record information requests late yesterday evening. Legislative Services Division staff will begin working on responding to these requests on your behalf, but staff can only supply state email results. If you have any other information that is being requested in personal email or other correspondence, you will need to provide that to us, in order to respond to this request. Thank you.

Todd M. Everts  
Director of Legal Services/Code Commissioner  
Montana Legislative Services Division  
Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)  
Office Phone: (406) 444-4023  
FAX: (406) 444-3036

---

**From :** AO Records <records@americanoversight.org> Thu, Jan 20, 2022 10:23 PM  
**Subject :** [EXTERNAL] Two Outstanding Public Records Act  
Requests (MT-REP-21-1720; MT-REP-21-1724)  [3 attachments](#)  
**To :** Bob phalen <Bob.phalen@mtleg.gov>  
**Cc :** Everts, Todd <teverts@mt.gov>

Dear Representative Phalen,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests.

We have received no communication from your office acknowledging receipt of our public record requests. As you are required to “respond in a timely manner to the requesting person” by either making the information available for inspection for these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Records Act.

Sincerely,  
Taylor Stoneman

-----

**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
records@americanoversight.org  
(202) 848-1319

---

 **MT-REP-21-1720.pdf**  
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 **MT-REP-21-1724.pdf**  
294 KB [View](#) [View As Html](#) [Download](#)

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---

**Subject :** [EXTERNAL] Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723)

 [3 attachments](#)

**To :** brad tschida <brad.tschida@mtleg.gov>

**Cc :** Everts, Todd <teverts@mt.gov>

Dear Representative Tschida,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests.

We have received no communication from your office acknowledging receipt of our public record requests. As you are required to “respond in a timely manner to the requesting person” by either making the information available for inspection or providing a written response, we request that you respond to these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Access to Information Act.

Sincerely,  
Taylor Stoneman

-----

**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
records@americanoversight.org  
(202) 848-1319



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**MT-REP-21-1723.pdf**

294 KB [View](#) [View As Html](#) [Download](#)



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Dear Senator Manzella,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests.

We have received no communication from your office acknowledging receipt of our public record requests. As you are required to “respond in a timely manner to the requesting person” by either making the information available for inspection for these two requests.

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Taylor Stoneman

-----

**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org)  
(202) 848-1319



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**MT-SEN-21-1722.pdf**

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Rep Tschida - PIR1-HONEY - no results

Rep Tschida - PIR1-KERN - no results

Rep Tschida - PIR1-KLINE - no results

Rep Tschida - PIR1-LEWANDOWSKI - no results

Zimbra

brad.tschida@mtleg.gov

---

**Something Else**

---

**From :** Kelly Vollrath <kelly.vollrath@gmail.com>

Sat, Feb 06, 2021 04:30 PM

**Subject :** Something Else**To :** brad tschida <brad.tschida@mtleg.gov>

Dear Rep. Brad Tschida,

Since yesterday afternoon when I sent you an email regarding ND's attempt at having Executive Orders reviewed by the State's Attorney General, I have received more info that I'd like to pass on to you if you haven't already seen it.

Michael Lindell(My Pillow guy), created a video with Cyber Warfare experts, IT Specialists, and election officials.

Big Media and Giant Tech are trying valiantly to silence Mike Lindell which makes it pretty obvious that what Mike Lindell is imparting must be true.

Near the end of the video(the whole video is important), a woman from National Intelligence shows, from terabytes of data that patriotic specialists started gathering on November 1st, that the election was hacked. In documents printed from the data gathered, EVERY hack was recorded with a timestamp, every IP address is shown with the owner of the IP addresses name, every "target" is named, (state and county election boards) and even every "targeted" computer individual identification. If the hack was successful, the data showed the number of votes flipped. One example: At such and such exact time stamp was an IP address that is owned by China's giant telecommunications company, Huawei. It's target was Rockdale County Election Board in Georgia.

What possible good reason could Huawei have to hack into the Rockdale County Election Board?

This video is going to be like a penny doubled every day.

Video: <https://michaeljlindell.com/>

Sincerely,

Kelly Vollrath

---

**Re: Story by the AP will wait until the Secretary of State says something**

---

**From :** Lyn Hellegaard <lhellegaard@msn.com>

Sat, Mar 27, 2021 09:54 AM

**Subject :** Re: Story by the AP will wait until the Secretary of State says something**To :** Quentin.Rhoades <qmr@montanalawyer.com>, johnrlott  
crimeresearch.org <johnrlott@crimeresearch.org>**Cc :** jrectenwald@me.com, Tschida Brad  
<brad.tschida@mtleg.gov>

I can make a Friday meeting.

MT-REP-21-1719-A -000176

Lyn

Get [Outlook for Android](#)

---

**From:** Lyn Hellegaard <lhellegaard@msn.com>

**Sent:** Saturday, March 27, 2021 9:52:45 AM

**To:** Quentin.Rhoades <qmr@montanalawyer.com>; johnrlott crimeresearch.org  
<johnrlott@crimeresearch.org>

**Cc:** jrectenwald@me.com <jrectenwald@me.com>; Tschida Brad <brad.tschida@mtleg.gov>

**Subject:** Re: Story by the AP will wait until the Secretary of State says something

It was Stitchfield. I was able to catch it last night. It was done in junction with the Georgia law signed by the Governor yesterday.

Lyn

---

**From:** Quentin.Rhoades <qmr@montanalawyer.com>

**Sent:** Saturday, March 27, 2021 4:46 AM

**To:** johnrlott crimeresearch.org <johnrlott@crimeresearch.org>

**Cc:** jrectenwald@me.com <jrectenwald@me.com>; Tschida Brad <brad.tschida@mtleg.gov>; Lyn Hellegaard <lhellegaard@msn.com>

**Subject:** Re: Story by the AP will wait until the Secretary of State says something

No worries at all John. You and your diligence put this story on the map!

"There is no limit to the amount of good you can do if you don't care who gets the credit."

~ Ronald Reagan

~ Quentin Rhoades

Dictated but not read. Please forgive Siri for her scrivener's errors.

On Mar 26, 2021, at 9:16 PM, johnrlott crimeresearch.org  
<johnrlott@crimeresearch.org> wrote:

Was it Grant Stinchfield's show? I had talked to him about it, and he told me that he would run it. I have known Grant well from when he used to do NRATV.

John R Lott, Jr., Ph.D.

(484) 802-5373

Sent from my iPhone

On Mar 26, 2021, at 9:03 PM, Jane L Rectenwald  
<jrectenwald@me.com> wrote:

Just heard from a Helena friend that her brother heard the story on Newsmax tonight.

MT-REP-21-1719-A -000177

Jane

On Mar 26, 2021, at 3:43 PM, johnrlott [crimeresearch.org](http://crimeresearch.org)  
<[johnrlott@crimeresearch.org](mailto:johnrlott@crimeresearch.org)> wrote:

Dear Everyone:

I just wanted to keep everyone up to date. The AP said that they are waiting to run their story on the envelope recount until the Secretary of State says that there is something here. That said, if she says that there is something to all this, it seems pretty clear that this will be a national news story and will be picked up by papers all across the country.

Thanks.  
John

John R. Lott, Jr., Ph.D.  
President  
Crime Prevention Research Center  
<http://crimeresearch.org>  
[johnrlott@crimeresearch.org](mailto:johnrlott@crimeresearch.org)  
(484) 802-5373

<CPRC JPEG Letter.jpeg>

---

**From :** Lyn Hellegaard <lhellegaard@msn.com> Sat, Mar 27, 2021 09:52 AM  
**Subject :** Re: Story by the AP will wait until the Secretary of State says something  
**To :** Quentin.Rhoades <qmr@montanalawyer.com>, johnrlott@crimeresearch.org <johnrlott@crimeresearch.org>  
**Cc :** jrectenwald@me.com, Tschida Brad <brad.tschida@mtleg.gov>

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**To:** johnrlott@crimeresearch.org <johnrlott@crimeresearch.org>  
**Cc:** jrectenwald@me.com <jrectenwald@me.com>; Tschida Brad <brad.tschida@mtleg.gov>; Lyn Hellegaard

<lhellegaard@msn.com>

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(484) 802-5373

<CPRC JPEG Letter.jpeg>

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**From :** Jane L Rectenwald <jrectenwald@me.com> Sat, Mar 27, 2021 04:50 AM  
**Subject :** Re: Story by the AP will wait until the Secretary of State says something  
**To :** Quentin.Rhoades <qmr@montanalawyer.com>  
**Cc :** johnrlott@crimeresearch.org  
<johnrlott@crimeresearch.org>, Tschida Brad  
<brad.tschida@mtleg.gov>, Lyn Hellegaard  
<lhellegaard@msn.com>

Friday is a Helena day for me. I was not surprised to hear from John that AP was waiting for the SOS to weigh in. Can't imagine AP waiting for another opinion if Missoula were a Republican County.

Finally our years of frustration is getting out. Thank you John!

We'll never be able to prove anything, but I still think the D's let the November elections in Montana remain relatively clean so there would be no reason to challenge the results in a state small enough that it is easy to research. But Missoula County couldn't help itself. I still hope we can get some help in following up on Lyn's observation from Mike Lindell's video.

Jane

Sent from my iPhone

On Mar 27, 2021, at 4:35 AM, Quentin.Rhoades <qmr@montanalawyer.com> wrote:

Did you in guys see that John's article made the epoch times? Between that and his appearance on Hannity, I'd say the story definitely has national legs. Brad put me in touch with Dan Corson in the SOS's office. We are working on setting a meeting for next Friday. Please let me know if that's not a possibility for you.

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No worries at all John. You and your diligence put this story on the map!

"There is no limit to the amount of good you can do if you don't care who gets the credit."  
~ Ronald Reagan

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Fri, Mar 26, 2021 10:49 PM

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**Cc :** Tschida Brad <brad.tschida@mtleg.gov>, Quentin Rhoades <qmr@montanalawyer.com>

The results are more important than who gets credit for what.  
Lyn

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📎 2 attachments

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MT-REP-21-1719-A -000191

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**Re: This looks like another key to our investigation - convert registrations into ballots**

**From :** johnrlott crimeresearch.org  
<johnrlott@crimeresearch.org>

Wed, Mar 31, 2021 12:18 PM

 2 attachments

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That is good. I hope that you can look at that. But, honestly, at this point, my concern involves your earlier worries about them tampering with evidence. If your concerns are indeed valid, I don't know how you deal with that other than immediately going to court and demanding that everything be impounded.

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[johnrlott@crimeresearch.org](mailto:johnrlott@crimeresearch.org)

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On Wednesday, March 31, 2021, at Wednesday, March 31, 12:13 PM, Jane L Rectenwald <[jrectenwald@me.com](mailto:jrectenwald@me.com)> wrote:

We haven't started looking at the ballots themselves and the registration/voting records which may turn up some interesting info and more hard evidence.

On Mar 31, 2021, at 12:11 PM, johnrlott [crimeresearch.org](mailto:johnrlott@crimeresearch.org)  
<[johnrlott@crimeresearch.org](mailto:johnrlott@crimeresearch.org)> wrote:

FWIW, my advice is to stay away from these types of discussions with anyone other than yourselves. Stick to the hard evidence that you have.

John R. Lott, Jr., Ph.D.

President

Crime Prevention Research Center

<http://crimeresearch.org>

[johnrlott@crimeresearch.org](mailto:johnrlott@crimeresearch.org)

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&lt;CPRC JPEG Letter.jpeg&gt;

On Wednesday, March 31, 2021, at Wednesday, March 31, 11:52 AM,  
Jane L Rectenwald <[jrectenwald@me.com](mailto:jrectenwald@me.com)> wrote:

<https://www.worldviewweekend.com/tv/video/www-tv-and-mike-lindell-presents-scientific-proof-internationally-renowned-physicist>

In this video Mike Lindell is interviewing Dr. Douglas C. Frank, PhD physicist, who is now analyzing election data, is showing how algorithms are used in every county to swing the vote for local, state and national elections. Frank said he has looked at the data from nearly every county in the country. If we get to talk with Mary Fanning today, I'm going to ask her if she will put us in touch with Dr. Frank, though we may be able to replicate his research ourselves.

He has determined how many registrations and ballots are needed to control the election outcome in each county. Have to plan the algorithms before, during and after the election so the machines have to be online throughout the process. Start with the registration database which includes voting history. You can see which people hardly ever vote, yet voted in the November election. They went to 1600 houses to ask if the person on the list actually lives at the address and voted. They found 32% did not exist after predicting it would be 30%. They compare the number of people registered to the number who voted, and know where to go fishing.

I bet our 4600 discrepancy will actually be much higher if we do some research on the ballots themselves.

Thoughts?

Jane

---

**From :** Jane L Rectenwald <[jrectenwald@me.com](mailto:jrectenwald@me.com)>

Wed, Mar 31, 2021 12:13 PM

**Subject :** Re: This looks like another key to our investigation -  
convert registrations into ballots

 1 attachment

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<https://mail.mtleg.gov/zimbra/h/printmessage?id=C:-25500,C:27900,C:28163,C:-28317,C:-28380,C:28910,C:31761,C:32837,C:-33572,C:33589&tz=...> 22/76

**To :** johnrlott crimeresearch.org  
 <johnrlott@crimeresearch.org>  
**Cc :** Lyn Hellegaard <lhellegaard@msn.com>, Quentin  
 Rhoades <qmr@montanalawyer.com>, Brad Tschida  
 <brad.tschida@mtleg.gov>

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Start with the registration database which includes voting history. You can see which people hardly ever vote, yet voted in the November election. They went to 1600 houses to ask if the person on the list actually lives at the address and

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Thoughts?

Jane

---

**From :** johnrlott crimeresearch.org  
<johnrlott@crimeresearch.org>

Wed, Mar 31, 2021 12:11 PM

 2 attachments

**Subject :** Re: This looks like another key to our investigation -  
convert registrations into ballots

**To :** Jane Rectenwald <jrectenwald@me.com>

**Cc :** Lyn Hellegaard <lhellegaard@msn.com>, Quentin.  
Rhoades <qmr@montanalawyer.com>, Brad Tschida  
<brad.tschida@mtleg.gov>

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Rectenwald <[jrectenwald@me.com](mailto:jrectenwald@me.com)> wrote:

MT-REP-21-1719-A -000199

<https://www.worldviewweekend.com/tv/video/www-tv-and-mike-lindell-presents-scientific-proof-internationally-renowned-physicist>

In this video Mike Lindell is interviewing Dr. Douglas C. Frank, PhD physicist, who is now analyzing election data, is showing how algorithms are used in every county to swing the vote for local, state and national elections. Frank said he has looked at the data from nearly every county in the country. If we get to talk with Mary Fanning today, I'm going to ask her if she will put us in touch with Dr. Frank, though we may be able to replicate his research ourselves.

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Thoughts?

Jane

---

**From :** Jane L Rectenwald <jrectenwald@me.com>

Wed, Mar 31, 2021 11:52 AM

**Subject :** This looks like another key to our investigation - convert registrations into ballots

**To :** Lyn Hellegaard <lhellegaard@msn.com>, Quentin Rhoades <qmr@montanalawyer.com>, John Lott <johnrlott@gmail.com>, Tschida Brad <brad.tschida@mtleg.gov>

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Thoughts?

Jane

---

## A Better Absolute Proof.

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**From :** Christopher <dataway@bresnan.net>

Sun, Apr 04, 2021 10:10 AM

**Subject :** A Better Absolute Proof.

 2 attachments

Hat tip to Clarice, though I may have received from several sources. So far found only on Bitchute (bitch-chute).

### [Solid Proof Of Election Fraud](#)

Yes, it is from the Pillow Guy, along with a physics prof, using simple demographics, in each state.

The first Pillow Guy video ([Absolute Proof](#), Mike Lindell, two hours) was almost an assault, by the Pillow Guy -- there is a limit as to just how much you can take of the Pillow Guy, before you need to go scream in an empty parking lot, somewhere. I did not make it all the way through, even after multiple sittings; and I missed the entire last 30 minutes, which I am told, was the most impactful portion.

Yes, the Pillow Guy just won't shut up! I believe that he was vaccinated with a Victrola needle. When you have as guest a renowned physicist on a show, and all you can muster is pillows, it is time to take a nap ... shut up!

However, I am going to venture to say that this 25 minute video is more palatable than the first, in spite of the Pillow Guy, because of the physics prof, that gets right into substance, immediately.

That suits my forte, as opposed to the *Proof* video that took more than five minutes to get past the Pillow Guy whining about being censored.

You probably know by now that Dominion et al (the Chinese election 'machine' company that grossly meddled in our election) is suing Sidney Powell (and Rudy Giuliani -?) for defamation for \$1.5 billion. And they are threatening Lindell, likewise. Were I on a jury panel that was exposed to the information in this shorter video, I would find '*not guilty*' for all three of them. But then I easily read and understand charting and statistics. It seems that the Supreme Court is afraid of charts and data.

Sidney Powell, despite her vituperative displays on national TV beforehand, has been notably silent since the Dominion suit. No doubt her lawyers told her to 'shut up'. But her lawyers should get in touch with this physics professor. It is possible that Sidney and her lawyers already have this exculpatory data in hand, and are standing 'pat', relishing the opportunity to go to 'discovery' with Dominion where they will have to answer embarrassing questions, and will not be able to hide behind a '*proprietary information*' escape hatch.

It will be interesting to see if Dominion eventually drops the law suit, just before discovery. I suspect that Sidney will counter-sue with her own suit for defamation, to keep the squabble alive, and to force the data before the public, as the courts are too stupidly deaf to hear it. The hope would be that the public rumble would embarrass the courts to give standing. But then again, maybe not. The courts hate Sidney (a NY Bar turn-coat lawyer), and it seems that the Supreme Court would have to be squatting naked on the bench to be embarrassed. Now there's a mental image for ya.

You will also notice that the Pillow Guy does not seem (foolishly -?) to be concerned about being sued, as holding this video as an 'ace' in his 'hold' cards. It will have to go before a jury, as any bench trial (by judge) in today's world is too politicize, with even 'Republican' picked judges being little more than 'dressed up' RINO's with a penchant for 'Constitutional Avoidance'.

The data in this video is irrefutably demonstrative of a systemic vote corruption, that extends across multiple states. It had to be 'built in', or programmed. The video makes 'innocent' incorrect statements: Algorithms are NOT machine made. They are programmed by humans (communist Chinese, most likely in this case). They only become a 'machine function' when they are 'launched' into the wild and allowed to run without 'debugging' or supervision.

In the present case, they were allowed to run un-supervised, until Trump's votes started to exceed 74 million votes, which it appears was above the limit of the 'programmed' algorithm as 'keyed' to the 2010 census, and necessitated an over-nite **on-line** (internet) 'adjustment' to maintain the usurpation of the election. This video goes a long way in proving exactly that.



 **dataaway.vcf**  
619 B

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## RE: Machines and bloated voter rolls

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**From :** Quentin.Rhoades <qmr@montanalawyer.com> Tue, Apr 06, 2021 04:56 AM  
**Subject :** RE: Machines and bloated voter rolls

**To :** jrectenwald@me.com, Lyn Hellegaard  
 <lhellegaard@msn.com>, Mary Beveridge  
 <MBeveridge567@gmail.com>, johnrlott  
 crimeresearch.org <johnrlott@crimeresearch.org>,  
 Tschida Brad <brad.tschida@mtleg.gov>

I think our goal with the SOS today may be to simply urge her to contact the governor to support his signature on SB170, to urge her to implement ERIC and to urge her to commit, going forward, to keep the registration rolls pristinely clean. We should also ask her to consider conducting a retroactive registration clean up in Missoula County to see how many people voted who should have been purged from the rolls. She could establish who voted who were not eligible to vote, because they moved away or died, and who voted who would have had to reregister if the registration rolls had been cleaned up in Missoula County. I am worried about asking for too much and not getting anything.

---

**From:** Jane L Rectenwald <jrectenwald@me.com>  
**Sent:** Tuesday, April 6, 2021 4:44 AM  
**To:** Lyn Hellegaard <lhellegaard@msn.com>; Mary Beveridge  
 <MBeveridge567@gmail.com>; Quentin.Rhoades <qmr@montanalawyer.com>  
**Subject:** Machines and bloated voter rolls

I listened to the second Mike Lindell video again last night with Dr. Doug Frank explaining how the fraud was committed across the country. And it ties into what Mary and I talked about earlier last night with odd numbers of people voting from the list of people who should not have been sent ballots. One race had 50 or so and another had over 1000. (Sorry my notes are downstairs to get exact numbers).

Doug Frank says they use the 2010 census as the basis for ordering the ballots across the country. Then compare that to the registration rolls (often unclear like ours). Then choose which races, bonds or ballot questions they want to control. Figure the algorithm to use to compute the spread and plug it into the computer before, during and after the race. The computer generates a ballot for those who haven't voted in a long time and is needed for the planned outcome. That's where they did an audit by going to specific addresses to verify that the person lived there and voted. Doug estimated that there would be 30% ghost voters and in Ohio, I think he found there were 32%. He breaks down the numbers by age and the relationship between the census, registration and votes follows the same curve throughout the counties. The graphs he shows are astounding in the identical patterns.

Between what Mary found last night, the large number of active voters who should not have been sent a ballot, and inactive voters still on the rolls, I think we've found the key. That's why I was trying to tell John that the issue was how those voters were reactivated to vote after not having voted since 1994 in one case. And not that they didn't vote in 2016 or 2018. And why access to the machines is

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important to verify they probably were connected to the internet.

Mary Fanning could confirm that Missoula was connected to China, but she hasn't returned the call that I missed. But she did say in an email to watch Doug's video for the explanation. It may be that Missoula had enough of its own expert manipulators to control what they wanted without China's help, but the machines still needed internet connections.

The envelope count was the red flag that something was wrong in Missoula County. Then the pieces started to fall together once Mary gave us the registration data on Friday and helped us navigate through it. When we get the order for the ballots and compare it to the 2010 census, I suspect we'll find a relationship. The conversation Mary and I had last night and the Mike Lindell video ties it all together I believe. The Excel file is so large that it's a bit unwieldy to manipulate on a laptop. Ideally we would have all been able to look at these pieces calmly and review our findings together, weeks before meeting with the SOS, but here we are. The Lindell video is only a couple of weeks old I think, but Lindell says counties all over the country are starting to look at their data in the same way. If anyone in today's meeting has seen the video, they'll see the connection with our findings.

Here's the video link:

[https://lindelltv.com/?mc\\_cid=6d753a4304&mc\\_eid=9378d15e7b](https://lindelltv.com/?mc_cid=6d753a4304&mc_eid=9378d15e7b)

Jane

PS. When I ran Jane VF's campaign in the early 2000s, there were people on the active rolls who had been dead for 20 years. The people in the households said they had tried to get them off the rolls to no avail, and gave up. So Missoula County has used the inflated voter roll technique for a long time. It flew under the radar as just a housekeeping problem because it was unlikely that anyone would ever see if there was an irregular vote. Or the administrators would cook up the excuses we've heard for 25 years. I still believe Missoula has been a beta test site for years.

Busted!

Sent from my iPhone

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**Re: This strikes me as very bad news from the Montana Secretary of State**

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**From :** Quentin Rhoades <qmr@montanalawyer.com> Mon, Apr 19, 2021 02:08 PM  
**Subject :** Re: This strikes me as very bad news from the Montana Secretary of State 📎 1 attachment  
**To :** Tschida Brad <brad.tschida@mtleg.gov>  
**Cc :** johnrlott crimeresearch.org  
<johnrlott@crimeresearch.org>, Brad Tschida

<tschida4mthouse@outlook.com>,  
jrectenwald@me.com, Lyn Hellegaard  
<lhellegaard@msn.com>, Mary Beveridge  
<MBeveridge567@gmail.com>

I would definitely refer back to your original letter to her. Those requests still stand, I would think.

by the way, I sitting at a mechanic shop in the tiny little town of Loa in southern Utah. I will likely be leaving soon and will be out of pocket for another 24 hours after that.

~ Quentin Rhoades

Dictated but not read. Please forgive Siri for her scrivener's errors.

On Apr 19, 2021, at 2:05 PM, Tschida Brad <brad.tschida@mtleg.gov> wrote:

If you all would be so kind, I would deeply appreciate it if you would provide me with any information request / line of questioning that I can compile into the discussion points to be raised with the SOS when the appointment with her and her staff is scheduled.

Thanks in advance.

Rep. Brad Tschida

---

**From:** "johnrlott crimeresearch.org" <johnrlott@crimeresearch.org>  
**To:** "Brad Tschida" <tschida4mthouse@outlook.com>, "Quentin.Rhoades" <qmr@montanalawyer.com>  
**Cc:** "Jane L Rectenwald" <jrectenwald@me.com>, "Lyn Hellegaard" <lhellegaard@msn.com>, "Tschida Brad" <brad.tschida@mtleg.gov>, "Mary Beveridge" <MBeveridge567@gmail.com>  
**Sent:** Monday, April 19, 2021 9:44:55 AM  
**Subject:** Re: This strikes me as very bad news from the Montana Secretary of State

Brad Seaman apparently views the Secretary of State letter as vindicating how his office handled the process.

<https://newstalkkgvo.com/missoula-elections-coordinator-on-secretary-of-state-letter/>

Quentin might want to appear on KGVO to respond to all this.

Quentin also told me that under Montana law as soon as the county received his FOIA request letters before the election, given that alerted them to the possibility of legal action, they were obligated to keep all related records, even though he hadn't spelled them out in those initial letters. He told me that should include the

video records, which, if I understood things correctly, I believe needed to be made clear to the SOS's office.

John R. Lott, Jr., Ph.D.  
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<http://crimeresearch.org>  
[johnrlott@crimeresearch.org](mailto:johnrlott@crimeresearch.org)  
(484) 802-5373

<CPRC JPEG Letter.jpeg>

On Saturday, April 17, 2021, at Saturday, April 17, 7:27 AM, Brad Tschida <[tschida4mthouse@outlook.com](mailto:tschida4mthouse@outlook.com)> wrote:

Thanks Jane.

I will do that.

Brad Tschida

"The power of evil men lives on the cowardice of the good." - St. John Bosco

**"I HOPE I SHALL POSSESS FIRMNESS AND VIRTUE ENOUGH TO MAINTAIN WHAT I CONSIDER THE MOST ENVIABLE OF ALL TITLES, THE CHARACTER OF AN HONEST MAN." - GEORGE WASHINGTON**

On Apr 16, 2021, at 11:27 PM, Jane L Rectenwald <[jrectenwald@me.com](mailto:jrectenwald@me.com)> wrote:

Brad,

You might want to reach out to Mary Beveridge in Helena who has researched Montana election integrity for many years. She trained around 600 election judges throughout the state in 2014-2016, then followed up with a systematic analysis of problems found around the state and gave a presentation to the legislature about her findings. She can give you the history that might be helpful when you talk with the SOS. She has a good relationship with the SOS and other key people and would be happy to talk with you in person. Phone is (406) 449-7204 and she lives on 11th Ave.

Jane

On Apr 16, 2021, at 10:11 PM, Brad Tschida  
<[tschida4mthouse@outlook.com](mailto:tschida4mthouse@outlook.com)> wrote:

Not yet.

Brad Tschida

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ENOUGH TO MAINTAIN WHAT I CONSIDER THE  
MOST ENVIABLE OF ALL TITLES, THE CHARACTER  
OF AN HONEST MAN." - GEORGE WASHINGTON**

On Apr 16, 2021, at 7:12 PM, Lyn Hellegaard  
<[lhellegaard@msn.com](mailto:lhellegaard@msn.com)> wrote:

Brad,  
Have you had any discussions with Doug Kary or  
Keith Regier about their thoughts on the letter?  
Lyn

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---

**From:** Brad Tschida  
<[tschida4mthouse@outlook.com](mailto:tschida4mthouse@outlook.com)>  
**Sent:** Friday, April 16, 2021 4:34:29 PM  
**To:** johnrlott [crimeresearch.org](http://crimeresearch.org)  
<[johnrlott@crimeresearch.org](mailto:johnrlott@crimeresearch.org)>  
**Cc:** Quentin. Rhoades <[qmr@montanalawyer.com](mailto:qmr@montanalawyer.com)>;  
Jane Rectenwald <[jrectenwald@me.com](mailto:jrectenwald@me.com)>; Lyn  
Hellegaard <[lhellegaard@msn.com](mailto:lhellegaard@msn.com)>; Brad Tschida  
<[brad.tschida@mtleg.gov](mailto:brad.tschida@mtleg.gov)>  
**Subject:** Re: This strikes me as very bad news from the  
Montana Secretary of State

It's troubling in several ways, the most major  
being what she didn't say about the issues with  
the vote in Missoula.

I will stop in to her office on Monday and  
attempt to secure her position on what we  
discussed last week.

Brad Tschida

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On Apr 16, 2021, at 4:05 PM, johnrlott  
[crimeresearch.org](http://crimeresearch.org)  
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<https://townsquare.media/site/119/files/2021/04/An-open-letter-to-Montana.pdf>

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Legislators are publicly elected officials. Legislator emails sent or received involving legislative business may be subject to the Right to Know provisions of the Montana Constitution and may be considered a "public record" pursuant to Montana law. As such, email, sent or received, its sender and receiver, and the email contents, may be subject to public disclosure, except as otherwise provided by Montana law.

---

**From :** Tschida Brad <[brad.tschida@mtleg.gov](mailto:brad.tschida@mtleg.gov)>

Mon, Apr 19, 2021 02:04 PM

**Subject :** Re: This strikes me as very bad news from the Montana Secretary of State

 1 attachment

**To :** johnrlott crimeresearch.org

MT-REP-21-1719-A -000208

AMERICAN  
OVERSIGHT

<johnrlott@crimeresearch.org>

**Cc :** Brad Tschida <tschida4mthouse@outlook.com>, Quentin.Rhoades <qmr@montanalawyer.com>, Jane L Rectenwald <jrectenwald@me.com>, Lyn Hellegaard <lhellegaard@msn.com>, Mary Beveridge <MBeveridge567@gmail.com>

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2 attachments

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Brad Seaman apparently views the Secretary of State letter as vindicating how his office handled the process.

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Quentin might want to appear on KGVO to respond to all this.

Quentin also told me that under Montana law as soon as the county received his FOIA request letters before the election, given that alerted them to the possibility of legal action, they were obligated to keep all related records, even though he hadn't spelled them out in those initial letters. He told me that should include the video records, which, if I understood things correctly, I believe needed to be made clear to the SOS's office.

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Brad et al.,

This is disappointing in that it is similar to reactions we have had in the past from Missoula County and the Secretary of State, if they even acknowledged that we had found problems.

It's always a promise of what they're going to do in the future, and no recriminations against any current malfeasance. We've heard so many promises about cleaning up the voter rolls in the past 20 years +, yet somehow nearly 7000 people who were marked as active, but hadn't voted between 1994 and the end of 2015, not only received ballots from the Missoula County election office, but actually voted. Why this is not an actionable problem today, let alone the nearly 6000 discrepancy between envelopes and ballots is a mystery. Perhaps some of those two groups overlap, or maybe not. Regardless there is a huge number of Missoula County votes that are suspect.

We didn't acknowledge the machine problems in our meeting with the SOS, but with the ~10:00 pm stop in the ballot counting, as well as the research done by Dr. Doug Frank, I believe we will see a major source of the Missoula problem. We are trying to get some help from Mary Fanning and Doug Frank to analyze the Montana data against the 2010 census using Frank's algorithm is has used in analyzing Ohio and other states. There is a group at the national level that won't stop until this is shared with the sovereign citizens of the US, and there is a small group in Missoula who will continue to try to delve into the machine interference and share the results with the public. I recognize that others may disagree about the apparent Missoula machine fraud, but I believe it is a major problem given Patty Lovass' research and the people who have access to the machines. Mary Fanning said they have proof that up to 30 non-profits were given access to the machines during the election process in other states. It wouldn't surprise me to find that Missoula worked the same way.

Mike Lindell's second video, "[Scientific Proof](#)," comes out on April 20 so people around the country will see evidence of the research in a few states, and will start to look at their own.

Other states have already passed laws prohibiting the use of outside funds from any organization, so Mark Zuckerberg will no longer be able to influence elections. He spent \$350,000 in Missoula but we don't have the receipts for how the county spent it.

Thank you Brad for following up with Secretary Jacobsen about our meeting. Promises for the future are not encouraging since we've had promises, rules and laws for years with no enforcement. The County knows that people get discouraged and it is unlikely that an informed group of citizens will follow up to ensure that the promises are kept. Kicking the can down the road appears to be the status quo. Missoula always seems to be able to have a meeting or phone call with someone and the problems go away - that's what happened with the bond fraud in the aquatics project. Future Missoula elections will be meaningless unless people are held accountable for the 2020 election. It looks like other states are moving in that direction, and we should be with them, or we won't have a country to vote in two years from now.

Jane

On Apr 16, 2021, at 4:34 PM, Brad Tschida <[tschida4mthouse@outlook.com](mailto:tschida4mthouse@outlook.com)> wrote:

It's troubling in several ways, the most major being what she didn't say about the issues with the vote in Missoula.

MT-REP-21-1719-A -000224

I will stop in to her office on Monday and attempt to secure her position on what we discussed last week.

Brad Tschida

"The power of evil men lives on the cowardice of the good." - St. John Bosco

**"I HOPE I SHALL POSSESS FIRMNESS AND VIRTUE ENOUGH TO MAINTAIN WHAT I CONSIDER THE MOST ENVIABLE OF ALL TITLES, THE CHARACTER OF AN HONEST MAN." - GEORGE WASHINGTON**

On Apr 16, 2021, at 4:05 PM, johnrlott [crimeresearch.org](http://crimeresearch.org) <[johnrlott@crimeresearch.org](mailto:johnrlott@crimeresearch.org)> wrote:

<https://townsquare.media/site/119/files/2021/04/An-open-letter-to-Montana.pdf>

John R. Lott, Jr., Ph.D.  
President  
Crime Prevention Research Center  
<http://crimeresearch.org>  
[johnrlott@crimeresearch.org](mailto:johnrlott@crimeresearch.org)  
(484) 802-5373

<CPRC JPEG Letter.jpeg>



---

**From :** Lyn Hellegaard <lhellegaard@msn.com>  
**Subject :** Re: This strikes me as very bad news from the Montana Secretary of State  
**To :** johnrlott crimeresearch.org  
<[johnrlott@crimeresearch.org](mailto:johnrlott@crimeresearch.org)>, Brad Tschida  
<[tschida4mthouse@outlook.com](mailto:tschida4mthouse@outlook.com)>  
**Cc :** Quentin. Rhoades <[qmr@montanalawyer.com](mailto:qmr@montanalawyer.com)>, Jane Rectenwald <[jrectenwald@me.com](mailto:jrectenwald@me.com)>, Brad Tschida  
<[brad.tschida@mtleg.gov](mailto:brad.tschida@mtleg.gov)>

Fri, Apr 16, 2021 07:12 PM

Have you had any discussions with Doug Kary or Keith Regier about their thoughts on the letter?  
Lyn

Get [Outlook for Android](#)

---

**From:** Brad Tschida <tschida4mthouse@outlook.com>

**Sent:** Friday, April 16, 2021 4:34:29 PM

**To:** johnrlott crimeresearch.org <johnrlott@crimeresearch.org>

**Cc:** Quentin. Rhoades <qmr@montanalawyer.com>; Jane Rectenwald <jrectenwald@me.com>; Lyn Hellegaard <lhellegaard@msn.com>; Brad Tschida <brad.tschida@mtleg.gov>

**Subject:** Re: This strikes me as very bad news from the Montana Secretary of State

It's troubling in several ways, the most major being what she didn't say about the issues with the vote in Missoula.

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John R. Lott, Jr., Ph.D.

President

Crime Prevention Research Center

<http://crimeresearch.org>

[johnrlott@crimeresearch.org](mailto:johnrlott@crimeresearch.org)

(484) 802-5373

<CPRC JPEG Letter.jpeg>

---

**From :** Brad Tschida <tschida4mthouse@outlook.com>

Fri, Apr 16, 2021 04:34 PM

**Subject :** Re: This strikes me as very bad news from the Montana Secretary of State

 1 attachment

**To :** johnrlott crimeresearch.org

MT-REP-21-1719-A -000226

<johnrlott@crimeresearch.org>

**Cc :** Quentin. Rhoades <qmr@montanalawyer.com>, Jane Rectenwald <jrectenwald@me.com>, Lyn Hellegaard <lhellegaard@msn.com>, Brad Tschida <brad.tschida@mtleg.gov>

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John R. Lott, Jr., Ph.D.  
President  
Crime Prevention Research Center  
<http://crimeresearch.org>  
[johnrlott@crimeresearch.org](mailto:johnrlott@crimeresearch.org)  
(484) 802-5373

<CPRC JPEG Letter.jpeg>

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**Re: letter**

---

**From :** Tschida Brad <brad.tschida@mtleg.gov>

Mon, Sep 20, 2021 08:28 AM

**Subject :** Re: letter

 1 attachment

**To :** j8960@midrivers.com

Jerry:

AMERICAN  
OVERSIGHT

Here are my revisions from yesterday. I forwarded them to Theresa as well.  
MT-REP-21-1719-A -000227

<https://mail.mtleg.gov/zimbra/h/printmessage?id=C:-25500,C:27900,C:28163,C:-28317,C:-28380,C:28910,C:31761,C:32837,C:-33572,C:33589&tz=...> 52/76

Please see how they impact the overall message and let me know your thoughts.

Rep. Brad Tschida

----- Original Message -----

From: j8960@midrivers.com  
To: "Tschida Brad" <brad.tschida@mtleg.gov>  
Sent: Monday, September 20, 2021 8:08:38 AM  
Subject: Fwd: FW: letter

----- Original Message -----

Subject: FW: letter  
Date: Sun, 19 Sep 2021 19:41:07 -0700 (PDT)  
From: Jerry Schillinger <jerry.schillinger@mtleg.gov>  
To: j8960 <j8960@midrivers.com>

Sent from Mail [1] for Windows

FROM: Theresa Manzella [2]  
SENT: Friday, September 17, 2021 9:06 AM  
TO: jerry.schillinger@mtleg.gov [3]  
SUBJECT: letter

Legislators are publicly elected officials. Legislator emails sent or received involving legislative business may be subject to the Right to Know

provisions of the Montana Constitution and may be considered a "public record" pursuant to Montana law. As such, email, sent or received, its sender and receiver, and the email contents, may be subject to public disclosure, except as otherwise provided by Montana law.

Links:

-----

- [1] <https://go.microsoft.com/fwlink/?LinkId=550986>
- [2] <mailto:theresa@manzellaformontana.com>
- [3] <mailto:jerry.schillinger@mtleg.gov>



**Select Committee Blasdel and Galt (3).docx**

23 KB

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**From :** j8960@midrivers.com  
**Subject :** Fwd: FW: letter  
**To :** brad tschida <brad.tschida@mtleg.gov>

Mon, Sep 20, 2021 08:08 AM

 1 attachment

----- Original Message -----

Subject: FW: letter

Date: Sun, 19 Sep 2021 19:41:07 -0700 (PDT)

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[1] <https://go.microsoft.com/fwlink/?LinkId=550986>

[2] <mailto:theresa@manzellaformontana.com>

[3] <mailto:jerry.schillinger@mtleg.gov>

---

 **Ltr requesting SSC.pdf**  
100 KB

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**Re: Atty Gen**

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**From :** Ed Hill <hillforhouse28@gmail.com>

Tue, Nov 30, 2021 12:02 PM

**Subject :** Re: Atty Gen

**To :** Tschida Brad <brad.tschida@mtleg.gov>

Hello Brad

Thanks for the prompt reply.

Respectfully Ed

On Tue, Nov 30, 2021 at 11:42 AM Tschida Brad <[brad.tschida@mtleg.gov](mailto:brad.tschida@mtleg.gov)> wrote:

Austin said that due to the length of the lawsuit, he and his staff did not have time to thoroughly read and digest it. I have heard that a scaled down version of the suit is being prepared by Lindell, so I would encourage Austin to sign on, presuming that he and his staff will have adequate time to read and comprehend a shorter version.

MT-REP-21-1719-A -000229

Rep. Brad Tschida

---

**From:** "Ed Hill" <[hillforhouse28@gmail.com](mailto:hillforhouse28@gmail.com)>  
**To:** "Bob Phalen" <[Bob.Phalen@mtleg.gov](mailto:Bob.Phalen@mtleg.gov)>, "Tschida Brad" <[brad.tschida@mtleg.gov](mailto:brad.tschida@mtleg.gov)>, "Jerry Schillinger" <[jerry.schillinger@mtleg.gov](mailto:jerry.schillinger@mtleg.gov)>, "galloway4mt" <[galloway4mt@gmail.com](mailto:galloway4mt@gmail.com)>, "Theresa Manzella" <[theresa.manzella@mtleg.gov](mailto:theresa.manzella@mtleg.gov)>  
**Sent:** Tuesday, November 30, 2021 10:13:41 AM  
**Subject:** Fwd: Atty Gen

Hi Guys  
FYI. From Al O.  
Can/should we prompt AG Knudsen into signing the referenced fraud letter?  
Respectfully Ed

----- Forwarded message -----

From: **Al Olszewski** <[oz@reagan.com](mailto:oz@reagan.com)>  
Date: Tue, Nov 30, 2021 at 9:37 AM  
Subject: Re: Atty Gen  
To: Bob Sivertsen <[laredoenterprises76@gmail.com](mailto:laredoenterprises76@gmail.com)>  
CC: Ed Butcher <[senatorbutcher@gmail.com](mailto:senatorbutcher@gmail.com)>, Ed Hill <[Ed.hill@mtleg.gov](mailto:Ed.hill@mtleg.gov)>, Drew Zinecker <[drewzinecker@outlook.com](mailto:drewzinecker@outlook.com)>

Bob,  
Mike Lindell stated on Thanksgiving that 0 State Attorneys General had signed his complaint of voter fraud.  
AO

On Nov 29, 2021, at 4:06 PM, robert <[laredoenterprises76@gmail.com](mailto:laredoenterprises76@gmail.com)> wrote:

Hi Ed  
Q – Do you know if Mt's Atty Gen has signed on the the Supreme Court Case re Voter Fraud ???  
Thanks  
Cordially  
Bob Sivertsen

--

Representative  
Ed Hill HD28 Havre  
[hillforhouse28@gmail.com](mailto:hillforhouse28@gmail.com)  
406.390.1098

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--

Representative  
Ed Hill HD28 Havre  
[hillforhouse28@gmail.com](mailto:hillforhouse28@gmail.com)  
406.390.1098

---

**From :** Tschida Brad <[brad.tschida@mtleg.gov](mailto:brad.tschida@mtleg.gov)>

Tue, Nov 30, 2021 11:42 AM

**Subject :** Re: Atty Gen

**To :** Ed Hill <[hillforhouse28@gmail.com](mailto:hillforhouse28@gmail.com)>

**Cc :** Bob Phalen <[Bob.Phalen@mtleg.gov](mailto:Bob.Phalen@mtleg.gov)>, Jerry Schillinger  
<[jerry.schillinger@mtleg.gov](mailto:jerry.schillinger@mtleg.gov)>, galloway4mt  
<[galloway4mt@gmail.com](mailto:galloway4mt@gmail.com)>, Theresa Manzella  
<[theresa.manzella@mtleg.gov](mailto:theresa.manzella@mtleg.gov)>

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**To:** "Bob Phalen" <[Bob.Phalen@mtleg.gov](mailto:Bob.Phalen@mtleg.gov)>, "Tschida Brad" <[brad.tschida@mtleg.gov](mailto:brad.tschida@mtleg.gov)>, "Jerry Schillinger" <[jerry.schillinger@mtleg.gov](mailto:jerry.schillinger@mtleg.gov)>, "galloway4mt" <[galloway4mt@gmail.com](mailto:galloway4mt@gmail.com)>, "Theresa Manzella" <[theresa.manzella@mtleg.gov](mailto:theresa.manzella@mtleg.gov)>

**Sent:** Tuesday, November 30, 2021 10:13:41 AM

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Date: Tue, Nov 30, 2021 at 9:37 AM

Subject: Re: Atty Gen

To: Bob Sivertsen <[laredoenterprises76@gmail.com](mailto:laredoenterprises76@gmail.com)>

CC: Ed Butcher <[senatorbutcher@gmail.com](mailto:senatorbutcher@gmail.com)>, Ed Hill <[Ed.hill@mtleg.gov](mailto:Ed.hill@mtleg.gov)>, Drew Zinecker  
<[drewzinecker@outlook.com](mailto:drewzinecker@outlook.com)>

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Bob Sivertsen

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Representative  
Ed Hill HD28 Havre  
[hillforhouse28@gmail.com](mailto:hillforhouse28@gmail.com)  
406.390.1098

---

**From :** Ed Hill <[hillforhouse28@gmail.com](mailto:hillforhouse28@gmail.com)>

Tue, Nov 30, 2021 10:13 AM

**Subject :** Fwd: Atty Gen

**To :** Bob Phalen <[Bob.Phalen@mtleg.gov](mailto:Bob.Phalen@mtleg.gov)>, Brad Tschida  
<[brad.tschida@mtleg.gov](mailto:brad.tschida@mtleg.gov)>, Jerry Schillinger  
<[jerry.schillinger@mtleg.gov](mailto:jerry.schillinger@mtleg.gov)>, Steven Galloway  
<[galloway4mt@gmail.com](mailto:galloway4mt@gmail.com)>, Theresa Manzella  
<[theresa.manzella@mtleg.gov](mailto:theresa.manzella@mtleg.gov)>

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Subject: Re: Atty Gen

To: Bob Sivertsen <[laredoenterprises76@gmail.com](mailto:laredoenterprises76@gmail.com)>

CC: Ed Butcher <[senatorbutcher@gmail.com](mailto:senatorbutcher@gmail.com)>, Ed Hill <[Ed.hill@mtleg.gov](mailto:Ed.hill@mtleg.gov)>, Drew Zinecker  
<[drewzinecker@outlook.com](mailto:drewzinecker@outlook.com)>

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Thanks

Cordially

Bob Sivertsen

--

Representative

Ed Hill HD28 Havre

[hillforhouse28@gmail.com](mailto:hillforhouse28@gmail.com)

406.390.1098

---

## Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723)

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**From :** AO Records <[records@americanoversight.org](mailto:records@americanoversight.org)> Thu, Jan 20, 2022 08:18 PM  
**Subject :** Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723)  2 attachments  
**To :** brad tschida <[brad.tschida@mtleg.gov](mailto:brad.tschida@mtleg.gov)>  
**Cc :** teverts@mt.gov

Dear Representative Tschida,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests to your office bearing internal tracking numbers MT-REP-21-1719 and MT-REP-21-1723. The two requests are attached to this email for your reference.

We have received no communication from your office acknowledging receipt of our public record requests. As you know, the Montana legislature is subject to the Montana Public Records Act. M.C.A. § 2-6-1002(10). Moreover, the Act requires that the public agency receiving a request for records "respond in a timely manner to the requesting person" by either making the information available for inspection or providing the requesting person with an estimate of the time it will take to fulfill the request. Mont. Code Ann. § 2-6-1006(2). American Oversight has received neither form of response for these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Records Act.

Sincerely,  
Taylor Stoneman

-----

**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
records@americanoversight.org  
(202) 848-1319

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 **MT-REP-21-1719.pdf**  
291 KB

 **MT-REP-21-1723.pdf**  
294 KB

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## RE: [EXTERNAL] Re: Public Record Information Requests

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**From :** Everts, Todd <teverts@mt.gov> Mon, Jan 24, 2022 01:31 PM  
**Subject :** RE: [EXTERNAL] Re: Public Record Information Requests  
**To :** Theresa Manzella <theresa.manzella@mtleg.gov>  
**Cc :** Bob Phalen <Bob.Phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>, Coles, Jaret <JColes@mt.gov>, Johnson, Julie <juliejohnson@mt.gov>, Sankey Keip, Laura <LSankeyKeip@mt.gov>

Senator Manzella,

Text messages involving legislative business likely constitute public information that is a public record that may be requested by a person under the public record statutes. Having said that, there has not been any specific Montana court decision regarding text messages and legislators or other public officials that I am aware of.

There have been formal public information requests made of executive branch officials in the past concerning text messages involving official business. I am aware that text messages were provided in response to some of those requests.

Regarding social media posts, it is definitely unclear whether those posts would constitute a public record and there isn't any Montana court decisions regarding this. I would agree that the onus would be on the requester to search the public domain for such posts.

The public records laws (2-6-1002, MCA) provide the following pertinent definitions concerning your question regarding text messages:

10) **"Public agency"** means the executive, legislative, and judicial branches of Montana state government, a political subdivision of the state, a local government, and any agency, department, board, commission, office, bureau, division, or other public authority of the executive, legislative, or judicial branch of the state of Montana.

(11) **"Public information"** means information prepared, owned, used, or retained by any public agency relating to the transaction of official business, regardless of form, except for confidential information that must be protected against public disclosure under applicable law.

(13) **"Public record"** means public information that is:

(a) fixed in any medium and is retrievable in usable form for future reference; and

(b) designated for retention by the state records committee, judicial branch,

legislative branch, or local government records committee.

(1) **"Confidential information"** means information that is accorded confidential status or is prohibited from disclosure as provided by applicable law. The term includes information that is:

(a) constitutionally protected from disclosure because an individual privacy interest clearly exceeds the merits of public disclosure;

(b) related to judicial deliberations in adversarial proceedings;

(c) necessary to maintain the security and integrity of secure facilities or information systems owned by or serving the state; and

(d) designated as confidential by statute or through judicial decisions, findings, or orders.

Further the public record statutes provide the following:

### **2-6-1003. Access to public information — safety and security exceptions —**

**Montana historical society exception.** (1) Except as provided in subsections (2) and (3), every person has a right to examine and obtain a copy of any public information of this state.

(2) A public officer may withhold from public scrutiny information relating to individual or public safety or the security of public facilities, including public schools, jails, correctional facilities, private correctional facilities, and prisons, if release of the information jeopardizes the safety of facility personnel, the public, students in a public school, or inmates of a facility. A public officer may not withhold from public scrutiny any more information than is required to protect individual or public safety or the security of public facilities.

(3) The Montana historical society may honor restrictions imposed by private record donors as long as the restrictions do not apply to public information. All restrictions must expire no later than 50 years from the date the private record was received. Upon the expiration of the restriction, the private records must be made accessible to the public.

**2-6-1006. Public information requests — fees.** (1) A person may request public information from a public agency. A public agency shall make the means of requesting public information accessible to all persons.

(2) Upon receiving a request for public information, a public agency shall respond in a timely manner to the requesting person by:

(a) making the public information maintained by the public agency available for inspection and copying by the requesting person; or

(b) providing the requesting person with an estimate of the time it will take to fulfill the request if the public information cannot be readily identified and gathered and any fees

MT-REP-21-1719-A -000235

that may be charged pursuant to subsection (3).

(3) A public agency may charge a fee for fulfilling a public information request. Except where a fee is otherwise provided for by law, the fee may not exceed the actual costs directly incident to fulfilling the request in the most cost-efficient and timely manner possible. The fee must be documented. The fee may include the time required to gather public information. The public agency may require the requesting person to pay the estimated fee prior to identifying and gathering the requested public information.

(4) A public agency is not required to alter or customize public information to provide it in a form specified to meet the needs of the requesting person.

(5) If a public agency agrees to a request to customize a records request response, the costs of the customization may be included in the fees charged by the agency.

(6) (a) The secretary of state is authorized to charge fees under this section. The fees must be set and deposited in accordance with 2-15-405. The fees must be collected in advance.

(b) The secretary of state may not charge a fee to a member of the legislature or public officer for any search relative to matters pertaining to the duties of the member's office or for a certified copy of any law or resolution passed by the legislature relative to the member's official duties.

Pursuant to the above statutes, a legislator conducting legislative business likely constitutes public information if that information is "prepared, owned, used, or retained by any public agency relating to the transaction of official business, regardless of form". If that public information is "fixed in any medium and is retrievable in usable form for future reference", that public information likely constitutes a public record that a person may request.

If you would like to discuss this further, please do not hesitate to give me a call at the phone number listed below.

Todd M. Everts  
Director of Legal Services/Code Commissioner  
Montana Legislative Services Division  
Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)  
Office Phone: (406) 444-4023  
FAX: (406) 444-3036

---

**From:** Theresa Manzella <theresa.manzella@mtleg.gov>

**Sent:** Monday, January 24, 2022 8:09 AM

**To:** Everts, Todd <teverts@mt.gov>

**Cc:** Bob.Phalen@mtleg.gov; brad.tschida@mtleg.gov; Fox, Susan <sfox@mt.gov>; Coles, Jaret <JColes@mt.gov>; Johnson, Julie <juliejohnson@mt.gov>

**Subject:** Re: [EXTERNAL] Re: Public Record Information Requests

Thanks for that, Todd. Yes that helps.

What about the question concerning personal texts?

And social media posts? I can't remember the number of interactions I may have had with any of these people via social media, although it's been extremely limited. What ever has been stated has been in the public domain. I think they can find that stuff on their own if they choose to invest the time.

Sent from my iPhone - Senator Theresa Manzella

On Jan 24, 2022, at 7:00 AM, Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)> wrote:

Senator Manzella,

In Montana, you do not have legislative privilege regarding legislation. Article II, sections 8 and 9, of the Montana Constitution is the controlling authority:

**Section 8. Right of participation.** The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.

**Section 9. Right to know.** No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

Title 2, chapter 6, MCA, regarding public records, implements the above Constitutional provisions and anything that constitutes legislative business, especially legislation and the drafting of legislation, creates a public record and is available to the public upon request.

Hope that helps.

Todd M. Everts  
Director of Legal Services/Code Commissioner  
Montana Legislative Services Division  
Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)  
Office Phone: (406) 444-4023  
FAX: (406) 444-3036

---

**From:** Theresa Manzella <[theresa.manzella@mtleg.gov](mailto:theresa.manzella@mtleg.gov)>  
**Sent:** Friday, January 21, 2022 4:54 PM  
**To:** Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)>  
**Cc:** [Bob.phalen@mtleg.gov](mailto:Bob.phalen@mtleg.gov); [brad.tschida@mtleg.gov](mailto:brad.tschida@mtleg.gov); Fox, Susan <[sfox@mt.gov](mailto:sfox@mt.gov)>  
**Subject:** [EXTERNAL] Re: Public Record Information Requests

Additionally, I've been told we have legislative privilege if we have legislation in the works concerning the issue at hand. Please confirm or deny and provide citation. I am working collaboratively with people across the nation on election integrity.

Thanks

Theresa

On Jan 21, 2022, at 10:28 AM, Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)> wrote:

Senator Manzella, Rep. Tschida, & Rep. Phalen,

I was cced on these formal public record information requests late yesterday evening. Legislative Services Division staff will begin working on responding to these requests on your behalf, but staff can only supply state email results. If you have any other information that is being requested in personal email or other correspondence, you will need to provide that to us, in order to respond to this request. Thank you.

Todd M. Everts  
Director of Legal Services/Code Commissioner  
Montana Legislative Services Division  
Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)  
Office Phone: (406) 444-4023  
FAX: (406) 444-3036

<Mail Attachment.eml> <Mail Attachment.eml> <Mail Attachment.eml>

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**From :** Theresa Manzella <theresa.manzella@mtleg.gov> Mon, Jan 24, 2022 08:09 AM  
**Subject :** Re: [EXTERNAL] Re: Public Record Information Requests  
**To :** Everts, Todd <teverts@mt.gov>  
**Cc :** Bob Phalen <Bob.Phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>, Coles, Jaret <JColes@mt.gov>, Johnson, Julie <juliejohnson@mt.gov>

Thanks for that, Todd. Yes that helps.

What about the question concerning personal texts?

And social media posts? I can't remember the number of interactions I may have had with any of these people via social media, although it's been extremely limited. What ever has been stated has been in the public domain. I think they can find that stuff on their own if they choose to invest the time.

Sent from my iPhone - Senator Theresa Manzella

On Jan 24, 2022, at 7:00 AM, Everts, Todd <teverts@mt.gov> wrote:

Senator Manzella,

In Montana, you do not have legislative privilege regarding legislation. Article II, sections 8 and 9, of the Montana Constitution is the controlling authority:

**Section 8. Right of participation.** The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.

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Title 2, chapter 6, MCA, regarding public records, implements the above Constitutional provisions and anything that constitutes legislative business, especially legislation and the drafting of legislation, creates a public record and is available to the public upon request.

Hope that helps.

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**Sent:** Friday, January 21, 2022 4:54 PM  
**To:** Everts, Todd <teverts@mt.gov>  
**Cc:** Bob.phalen@mtleg.gov; brad.tschida@mtleg.gov; Fox, Susan <sfox@mt.gov>  
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Mon, Jan 24, 2022 07:00 AM

**Subject :** RE: [EXTERNAL] Re: Public Record Information Requests

**To :** Theresa Manzella <theresa.manzella@mtleg.gov>

**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>, Coles, Jaret <JColes@mt.gov>, Johnson, Julie <juliejohnson@mt.gov>

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**Subject :** Re: Public Record Information Requests  
**To :** Todd Everts <teverts@mt.gov>  
**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>

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**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>

Thanks Todd. I actually missed the first request. I sent the emails associated with the request last night, as individual forwards. The last I heard personal texts were off limits as considered personal. Has that changed? If so, please cite the statutes and case law that takes precedence to the 4th Amendment. And the social media stuff? I'm likely to tell them to find it themselves as it's openly on public platforms and I have no idea how to collect it for them.

Thanks you.

Sen Theresa Manzella

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---

**From :** Everts, Todd <teverts@mt.gov> Fri, Jan 21, 2022 10:28 AM  
**Subject :** Public Record Information Requests  3 attachments  
**To :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida  
<brad.tschida@mtleg.gov>, Theresa Manzella  
<Theresa.Manzella@mtleg.gov>  
**Cc :** Fox, Susan <sfox@mt.gov>

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---

**From :** AO Records <records@americanoversight.org> Thu, Jan 20, 2022 10:23 PM  
**Subject :** [EXTERNAL] Two Outstanding Public Records Act  [3 attachments](#)  
Requests (MT-REP-21-1720; MT-REP-21-1724)  
**To :** Bob phalen <Bob.phalen@mtleg.gov>  
**Cc :** Everts, Todd <teverts@mt.gov>

Dear Representative Phalen,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests.

We have received no communication from your office acknowledging receipt of our public record requests. As you are required to “respond in a timely manner to the requesting person” by either making the information available for inspection for these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Freedom of Information Act.

Sincerely,  
Taylor Stoneman

-----

**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
records@americanoversight.org  
(202) 848-1319

---

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 **MT-REP-21-1724.pdf**  
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**From :** AO Records <records@americanoversight.org> Thu, Jan 20, 2022 10:18 PM  
**Subject :** [EXTERNAL] Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723)  [3 attachments](#)  
**To :** brad tschida <brad.tschida@mtleg.gov>  
**Cc :** Everts, Todd <teverts@mt.gov>

Dear Representative Tschida,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests.

We have received no communication from your office acknowledging receipt of our public record requests. As you are required to “respond in a timely manner to the requesting person” by either making the information available for inspection or providing a written response, we request that you respond to these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Access to Information Act.

Sincerely,  
Taylor Stoneman

-----

**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
records@americanoversight.org  
(202) 848-1319



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**MT-REP-21-1723.pdf**

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I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests.

We have received no communication from your office acknowledging receipt of our public record requests. As you are required to “respond in a timely manner to the requesting person” by either making the information available for inspection or providing a written response, we request that you respond to these two requests.

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Zimbra

brad.tschida@mtleg.gov

---

**Arizona Senate Hires 4 Firms to Audit 2.1 million ballots from 2020 election**

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**From :** Jane L Rectenwald <jrectenwald@me.com> Thu, Apr 01, 2021 01:41 PM  
**Subject :** Arizona Senate Hires 4 Firms to Audit 2.1 million ballots from 2020 election  1 attachment  
**To :** Quentin Rhoades <qmr@montanalawyer.com>, Lyn Hellegaard <lhellegaard@msn.com>, Tschida Brad <brad.tschida@mtleg.gov>, John Lott <johnrlott@gmail.com>, Mary Beveridge <MBeveridge567@gmail.com>

Here's the link to the AZ Senate press release: <https://twitter.com/AZSenateGOP/status/1377321595518083074>

If we get to talk with Mary Fanning today, I'm going to ask her about the reputation of the four independent companies doing the audit.

Jane

---

**Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723)**

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**From :** AO Records <records@americanoversight.org> Thu, Jan 20, 2022 08:18 PM  
**Subject :** Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723)  2 attachments  
**To :** brad tschida <brad.tschida@mtleg.gov>  
**Cc :** teverts@mt.gov

Dear Representative Tschida,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests to your office bearing internal tracking numbers MT-REP-21-1719 and MT-REP-21-1723. The two requests are attached to this email for your reference.

We have received no communication from your office acknowledging receipt of our public record requests. As you know, the Montana legislature is subject to the Montana Public Records Act. M.C.A. § 2-6-1002(10). Moreover, the Act requires that the public agency receiving a request for records "respond in a timely manner to the requesting person" by either making the information available for inspection or providing the requesting person with an estimate of the time it will take to fulfill the request. Mont. Code Ann. § 2-6-1006(2). American Oversight has received neither form of response for these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Records Act.

Sincerely,  
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-----

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291 KB

 **MT-REP-21-1723.pdf**  
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## RE: [EXTERNAL] Re: Public Record Information Requests

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**Subject :** RE: [EXTERNAL] Re: Public Record Information Requests  
**To :** Theresa Manzella <theresa.manzella@mtleg.gov>  
**Cc :** Bob Phalen <Bob.Phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>, Coles, Jaret <JColes@mt.gov>, Johnson, Julie <juliejohnson@mt.gov>, Sankey Keip, Laura <LSankeyKeip@mt.gov>

Senator Manzella,

Text messages involving legislative business likely constitute public information that is a public record that may be requested by a person under the public record statutes. Having

MT-REP-21-1719-A -000253

said that, there has not been any specific Montana court decision regarding text messages and legislators or other public officials that I am aware of.

There have been formal public information requests made of executive branch officials in the past concerning text messages involving official business. I am aware that text messages were provided in response to some of those requests.

Regarding social media posts, it is definitely unclear whether those posts would constitute a public record and there isn't any Montana court decisions regarding this. I would agree that the onus would be on the requester to search the public domain for such posts.

The public records laws (2-6-1002, MCA) provide the following pertinent definitions concerning your question regarding text messages:

10) "**Public agency**" means the executive, legislative, and judicial branches of Montana state government, a political subdivision of the state, a local government, and any agency, department, board, commission, office, bureau, division, or other public authority of the executive, legislative, or judicial branch of the state of Montana.

(11) "**Public information**" means information prepared, owned, used, or retained by any public agency relating to the transaction of official business, regardless of form, except for confidential information that must be protected against public disclosure under applicable law.

(13) "**Public record**" means public information that is:

(a) fixed in any medium and is retrievable in usable form for future reference; and

(b) designated for retention by the state records committee, judicial branch,

legislative branch, or local government records committee.

(1) "**Confidential information**" means information that is accorded confidential status or is prohibited from disclosure as provided by applicable law. The term includes information that is:

(a) constitutionally protected from disclosure because an individual privacy interest clearly exceeds the merits of public disclosure;

(b) related to judicial deliberations in adversarial proceedings;

(c) necessary to maintain the security and integrity of secure facilities or information systems owned by or serving the state; and

(d) designated as confidential by statute or through judicial decisions, findings, or orders.

Further the public record statutes provide the following:

### **2-6-1003. Access to public information — safety and security exceptions —**

**Montana historical society exception.** (1) Except as provided in subsections (2) and (3), every person has a right to examine and obtain a copy of any public information of this state.

(2) A public officer may withhold from public scrutiny information relating to individual or public safety or the security of public facilities, including public schools, jails, correctional facilities, private correctional facilities, and prisons, if release of the information jeopardizes the safety of facility personnel, the public, students in a public school, or inmates of a facility. A public officer may not withhold from public scrutiny any more information than is required to protect individual or public safety or the security of public facilities.

(3) The Montana historical society may honor restrictions imposed by private record donors as long as the restrictions do not apply to public information. All restrictions must

expire no later than 50 years from the date the private record was received. Upon the expiration of the restriction, the private records must be made accessible to the public.

**2-6-1006. Public information requests — fees.** (1) A person may request public information from a public agency. A public agency shall make the means of requesting public information accessible to all persons.

(2) Upon receiving a request for public information, a public agency shall respond in a timely manner to the requesting person by:

(a) making the public information maintained by the public agency available for inspection and copying by the requesting person; or

(b) providing the requesting person with an estimate of the time it will take to fulfill the request if the public information cannot be readily identified and gathered and any fees that may be charged pursuant to subsection (3).

(3) A public agency may charge a fee for fulfilling a public information request. Except where a fee is otherwise provided for by law, the fee may not exceed the actual costs directly incident to fulfilling the request in the most cost-efficient and timely manner possible. The fee must be documented. The fee may include the time required to gather public information. The public agency may require the requesting person to pay the estimated fee prior to identifying and gathering the requested public information.

(4) A public agency is not required to alter or customize public information to provide it in a form specified to meet the needs of the requesting person.

(5) If a public agency agrees to a request to customize a records request response, the costs of the customization may be included in the fees charged by the agency.

(6) (a) The secretary of state is authorized to charge fees under this section. The fees must be set and deposited in accordance with 2-15-405. The fees must be collected in advance.

(b) The secretary of state may not charge a fee to a member of the legislature or public officer for any search relative to matters pertaining to the duties of the member's office or for a certified copy of any law or resolution passed by the legislature relative to the member's official duties.

Pursuant to the above statutes, a legislator conducting legislative business likely constitutes public information if that information is "prepared, owned, used, or retained by any public agency relating to the transaction of official business, regardless of form". If that public information is "fixed in any medium and is retrievable in usable form for future reference", that public information likely constitutes a public record that a person may request.

If you would like to discuss this further, please do not hesitate to give me a call at the phone number listed below.

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**Subject:** Re: [EXTERNAL] Re: Public Record Information Requests

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I was cced on these formal public record information requests late yesterday evening. Legislative Services Division staff will begin working on responding to these requests on your behalf, but staff can only supply state email results. If you have any other information that is being requested in personal email or other correspondence, you will need to provide that to us, in order to respond to this request. Thank you.

Todd M. Everts

Director of Legal Services/Code Commissioner

Montana Legislative Services Division

Montana State Legislature

[teverts@mt.gov](mailto:teverts@mt.gov)

Office Phone: (406) 444-4023

FAX: (406) 444-3036

<Mail Attachment.eml> <Mail Attachment.eml> <Mail Attachment.eml>

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---

**From :** Theresa Manzella <theresa.manzella@mtleg.gov> Mon, Jan 24, 2022 08:09 AM  
**Subject :** Re: [EXTERNAL] Re: Public Record Information Requests  
**To :** Everts, Todd <teverts@mt.gov>  
**Cc :** Bob Phalen <Bob.Phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>, Coles, Jaret <JColes@mt.gov>, Johnson, Julie <juliejohnson@mt.gov>

Thanks for that, Todd. Yes that helps.

What about the question concerning personal texts?

And social media posts? I can't remember the number of interactions I may have had with any of these people via social media, although it's been extremely limited. What ever has been stated has been in the public domain. I think they can find that stuff on their own if they choose to invest the time.

Sent from my iPhone - Senator Theresa Manzella

On Jan 24, 2022, at 7:00 AM, Everts, Todd <teverts@mt.gov> wrote:

Senator Manzella,

In Montana, you do not have legislative privilege regarding legislation. Article II, sections 8 and 9, of the Montana Constitution is the controlling authority:

**Section 8. Right of participation.** The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.

**Section 9. Right to know.** No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

Title 2, chapter 6, MCA, regarding public records, implements the above Constitutional provisions and anything that constitutes legislative business, especially legislation and the drafting of legislation, creates a public record and is available to the public upon request.

Hope that helps.

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Montana Legislative Services Division  
Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)  
Office Phone: (406) 444-4023  
FAX: (406) 444-3036

---

**From:** Theresa Manzella <theresa.manzella@mtleg.gov>  
**Sent:** Friday, January 21, 2022 4:54 PM  
**To:** Everts, Todd <teverts@mt.gov>  
**Cc:** Bob.phalen@mtleg.gov; brad.tschida@mtleg.gov; Fox, Susan <sfox@mt.gov>  
**Subject:** [EXTERNAL] Re: Public Record Information Requests

Additionally, I've been told we have legislative privilege if we have legislation in the works concerning the issue at hand. Please confirm or deny and provide citation. I am working collaboratively with people across the nation on election integrity.

Thanks

Theresa

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---

**From :** Everts, Todd <teverts@mt.gov>

Mon, Jan 24, 2022 07:00 AM

**Subject :** RE: [EXTERNAL] Re: Public Record Information Requests

**To :** Theresa Manzella <theresa.manzella@mtleg.gov>

**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>, Coles, Jaret <JColes@mt.gov>, Johnson, Julie <juliejohnson@mt.gov>

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---

**From:** Theresa Manzella <theresa.manzella@mtleg.gov>  
**Sent:** Friday, January 21, 2022 4:54 PM  
**To:** Everts, Todd <teverts@mt.gov>  
**Cc:** Bob.phalen@mtleg.gov; brad.tschida@mtleg.gov; Fox, Susan <sfox@mt.gov>  
**Subject:** [EXTERNAL] Re: Public Record Information Requests

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Thanks

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---

**From :** Theresa Manzella <theresa.manzella@mtleg.gov> Fri, Jan 21, 2022 04:54 PM  
**Subject :** Re: Public Record Information Requests  
**To :** Todd Everts <teverts@mt.gov>  
**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>

Additionally, I've been told we have legislative privilege if we have legislation in the works concerning the issue at hand. Please confirm or deny and provide citation. I am working collaboratively with people across the nation on election integrity.

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---

**From :** Theresa Manzella <theresa.manzella@mtleg.gov> Fri, Jan 21, 2022 01:09 PM  
**Subject :** Re: Public Record Information Requests  
**To :** Todd Everts <teverts@mt.gov>  
**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>

Thanks Todd. I actually missed the first request. I sent the emails associated with the request last night, as individual forwards. The last I heard personal texts were off limits as considered personal. Has that changed? If so, please cite the statutes and case law that takes precedence to the 4th Amendment. And the social media stuff? I'm likely to tell them to find it themselves as it's openly on public platforms and I have no idea how to collect it for them.

Thanks you.

Sen Theresa Manzella

On Jan 21, 2022, at 10:28 AM, Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)> wrote:

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---

**From :** Everts, Todd <teverts@mt.gov> Fri, Jan 21, 2022 10:28 AM  
**Subject :** Public Record Information Requests  3 attachments  
**To :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida  
<brad.tschida@mtleg.gov>, Theresa Manzella  
<Theresa.Manzella@mtleg.gov>  
**Cc :** Fox, Susan <sfox@mt.gov>

Senator Manzella, Rep. Tschida, & Rep. Phalen,

I was cced on these formal public record information requests late yesterday evening. Legislative Services Division staff will begin working on responding to these requests on your behalf, but staff can only supply state email results. If you have any other information that is being requested in personal email or other correspondence, you will need to provide that to us, in order to respond to this request. Thank you.

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Montana State Legislature  
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FAX: (406) 444-3036

---

**From :** AO Records <records@americanoversight.org> Thu, Jan 20, 2022 10:23 PM  
**Subject :** [EXTERNAL] Two Outstanding Public Records Act  
Requests (MT-REP-21-1720; MT-REP-21-1724)  [3 attachments](#)  
**To :** Bob phalen <Bob.phalen@mtleg.gov>  
**Cc :** Everts, Todd <teverts@mt.gov>

Dear Representative Phalen,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests.

We have received no communication from your office acknowledging receipt of our public record requests. As you are required to "respond in a timely manner to the requesting person" by either making the information available for inspection for these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Records Act.

Sincerely,  
Taylor Stoneman

-----

**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
records@americanoversight.org  
(202) 848-1319

 **MT-REP-21-1720.pdf**  
291 KB [View](#) [View As Html](#) [Download](#)

 **MT-REP-21-1724.pdf**  
294 KB [View](#) [View As Html](#) [Download](#)

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**From :** AO Records <records@americanoversight.org>  
**Subject :** [EXTERNAL] Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723)  
**To :** brad tschida <brad.tschida@mtleg.gov>  
**Cc :** Everts, Todd <teverts@mt.gov>

Thu, Jan 20, 2022 10:18 PM

 [3 attachments](#)

Dear Representative Tschida,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests.

We have received no communication from your office acknowledging receipt of our public record requests. As you are required to “respond in a timely manner to the requesting person” by either making the information available for inspection or providing a written response, we request that you respond to these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Access to Information Act.

Sincerely,  
Taylor Stoneman

-----

**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
records@americanoversight.org  
(202) 848-1319



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**MT-REP-21-1723.pdf**

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Sincerely,  
Taylor Stoneman

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*Counsel*  
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(202) 848-1319



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**MT-SEN-21-1722.pdf**

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Rep Tschida - PIR1-MITCHELL - no results

## General Flynn and the bogus case against him

**From :** Cheryl Wilson <cheryl1redskins@gmail.com>  
**Subject :** General Flynn and the bogus case against him

Sat, Sep 26, 2020 02:56 PM

1 attachment

**To :** Fred Anderson <Fred.Anderson@mtleg.gov>, goodwind1 duane <goodwind1.duane@gmail.com>, nancyballance@aol.com, Danbartel2@gmail.com, becky4hd80@blackfoot.ne, David Bedey <David.Bedey@mtleg.gov>, Seth Berglee <Seth.Berglee@mtleg.gov>, Mark Blasdel <Mark.Blasdel@mtleg.gov>, Kenneth Bogner <Kenneth.Bogner@mtleg.gov>, Dee Brown <Dee.Brown@mtleg.gov>, Tom Burnett <Tom.Burnett@mtleg.gov>, Ed Buttrey <Ed.Buttrey@mtleg.gov>, Mike Cuffe <Mike.Cuffe@mtleg.gov>, Geraldine Custer <Geraldine.Custer@mtleg.gov>, Greg DeVries <Greg.DeVries@mtleg.gov>, alandoane@midrivers.com, Julie Dooling <Julie.Dooling@mtleg.gov>, DAVID DUNN <DAVID.DUNN@mtleg.gov>, Neil Duram <Neil.Duram@mtleg.gov>, Jason Ellsworth <Jason.Ellsworth@mtleg.gov>, johnesp2001@yahoo.com, Jennifer Fielder <Jennifer.Fielder@mtleg.gov>, Ross Fitzgerald <Ross.Fitzgerald@mtleg.gov>, Steve Fitzpatrick <Steve.Fitzpatrick@mtleg.gov>, Frank Fleming <Frank.Fleming@mtleg.gov>, John Fuller <John.Fuller@mtleg.gov>, wyliegaltformt@gmail.com, chairmangarcia@aol.com, Frank Garner <Frank.Garner@mtleg.gov>, mrmac570@me.com, Bruce Gillespie <Bruce.Gillespie@mtleg.gov>, Carl Glimm <Carl.Glimm@mtleg.gov>, Sharon Greef <Sharon.Greef@mtleg.gov>, Bruce Grubbs <Bruce.Grubbs@mtleg.gov>, Steve Gunderson <Steve.Gunderson@mtleg.gov>, greg hertz <greg.hertz@mtleg.gov>, SteveHinebauch@midrivers.com, Ken Holmlund <Ken.Holmlund@mtleg.gov>, Mike Hopkins <Mike.Hopkins@mtleg.gov>, Brian Hoven <Brian.Hoven@mtleg.gov>, David Howard <David.Howard@mtleg.gov>, Llew Jones <Llew.Jones@mtleg.gov>, Doug Kary <Doug.Kary@mtleg.gov>, Joshua Kassmier <Joshua.Kassmier@mtleg.gov>, Bob Keenan <Bob.Keenan@mtleg.gov>, Casey Knudsen <Casey.Knudsen@mtleg.gov>, Rhonda Knudsen <Rhonda.Knudsen@mtleg.gov>, Joel Krautter <Joel.Krautter@mtleg.gov>, Mike Lang <Mike.Lang@mtleg.gov>, Dennis Lenz <Dennis.Lenz@mtleg.gov>, denleylogehd14@gmail.com, Forrest Mandeville <Forrest.Mandeville@mtleg.gov>, Theresa Manzella <Theresa.Manzella@mtleg.gov>, Wendy McKamey

MT-REP-21-1719-A -000272

<Wendy.McKamey@mtleg.gov>, Bill Mercer  
<Bill.Mercer@mtleg.gov>, Terry Moore  
<Terry.Moore@mtleg.gov>, Eric Moore  
<Eric.Moore@mtleg.gov>, Dale Mortensen  
<Dale.Mortensen@mtleg.gov>, Mark Noland  
<marknolandhd10@gmail.com>, Albert Olszewski  
<Albert.Olszewski@mtleg.gov>, ryanosmundson@gmail.com,  
oeread2019mt@gmail.com, Alan Redfield  
<Alan.Redfield@mtleg.gov>, Matt Regier  
<Matt.Regier@mtleg.gov>, Keith Regier  
<Keith.Regier@mtleg.gov>, Vince Ricci  
<Vince.Ricci@mtleg.gov>, Tom Richmond  
<Tom.Richmond@mtleg.gov>, Walt Sales  
<Walt.Sales@mtleg.gov>, Scott Sales  
<Scott.Sales@mtleg.gov>, dan salomon  
<dan.salomon@mtleg.gov>, Ray Shaw  
<Ray.Shaw@mtleg.gov>, Lola Sheldon-Galloway <Lola.Sheldon-  
Galloway@mtleg.gov>, Derek Skees  
<Derek.Skees@mtleg.gov>, Jason Small  
<Jason.Small@mtleg.gov>, Cary Smith  
<Cary.Smith@mtleg.gov>, Russ Tempel  
<Russ.Tempel@mtleg.gov>, Fred Thomas  
<Fred.Thomas@mtleg.gov>, Brad Tschida  
<Brad.Tschida@mtleg.gov>, Barry Usher  
<Barry.Usher@mtleg.gov>, VanceSD34@gmail.com, Sue Vinton  
<Sue.Vinton@mtleg.gov>, webb4mt@hotmail.com, Jeff  
Welborn <Jeff.Welborn@mtleg.gov>, twelch1213@gmail.com,  
winwithwhite@gmail.com, Daniel Zolnikov  
<Daniel.Zolnikov@mtleg.gov>

Time to step up and let the Democrats know that their deceit and anti-America rhetoric and actions WILL NOT BE TOLERATED.

Attached is the latest information/evidence/argument submitted by Flynn's lawyer, Sidney Powell, which clearly calls out the malicious intent of those who were solely focused on taking down Trump by any means necessary.

How long must we put up with those who are clearly, with malice, intent on destroying America? How long will we stay silent? Silence is literally killing our democracy and is most certainly undermining our Constitution.

For those who care about the future of our country - the NEAR future of our country, we cannot remain silent while the billionaires direct chaos through violence and infiltration of elected officials.

This is a SHORT read - please take the 5 minutes it requires to read this information; it is shocking that such a blatant attempt to overthrow a DULY ELECTED PRESIDENT was undertaken and even upon discovery, has not received the attention it deserves - make your voice heard - make OUR voices heard - do not let the Democrats, liberals and socialists get away with what is nothing less than treason and insurrection.

## 477364140-Explosive-FBI-Texts-Show-Internal-Furor-At-Crossfire-Hurricane-Handling.pdf

3 MB

### Former Pfizer VP: 'No need for vaccines,' 'the pandemic is effectively over'

**From :** John-Henry Westen | LifeSiteNews <lsn@lifesitenews.com> Tue, Nov 24, 2020 07:46 PM

**Subject :** Former Pfizer VP: 'No need for vaccines,' 'the pandemic is effectively over'

**To :** Brad <brad.tschida@mtleg.gov>

**Reply To :** John-Henry Westen | LifeSiteNews <lsn@lifesitenews.com>

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 LifeSiteNews.com

Tuesday, November 24, 2020

## Freedom News

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### *A Message from the Editor*

Thanks to support from readers like you, we have been able to cover breaking stories on the ground, withstand heightened censorship from social media platforms and Big Tech, and continue our efforts to be a clear and truthful voice amidst the din of the mainstream media's lies. But, as a reader funded organization, our ability to withstand every challenge and press on was only made possible due to donations.

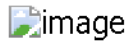
Every holiday season has a day that has nothing to do with shopping the sales and everything to do with generosity. That day is quickly approaching - next Tuesday is #GivingTuesday!

As you see emails and ads for Giving Tuesday from a variety of charities, we hope you remember LifeSiteNews as you consider your donations.

In a culture that is consumed in attaining power, wealth and status, we at LifeSite are fighting to bring back the culture of life through accurate stories that will expose lies and falsehoods in all their forms. With your support and generosity, we will change the course of history together and bring justice to those who are agents of fraud and are threatening our God-given rights and freedoms.

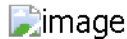
We sincerely hope you will save the date and join us on #GivingTuesday December 1st in this important mission for life, faith, and family!

## Featured



**Former Pfizer VP: 'No need for vaccines,' 'the pandemic is effectively over'**

*By Patrick Delaney*



**Trump legal advisor announces new election fraud litigation in Georgia**

*By Charles Robertson*



**Masks don't stop COVID-19 spread, peer-reviewed study finds**

*By LifeSiteNews staff*

## Editor's Picks



**Media ignore 400-year anniversary of Mayflower Compact that established America**

*By Victoria Gisoni*



**Qantas Airlines CEO: Proof of coronavirus vaccine will be required of all international passengers**

*By Patrick Delaney*



**British governments may 'allow' UK residents a Christmas break from lockdown**

*By Dorothy Cummings McLean*



**Operation Warp Speed chief: Millions could receive coronavirus vaccine by the end of the year**

*By Michael Haynes*

## Top News



**Maryland gov. sends 'compliance units' to enforce COVID limits on churches, businesses**

*By Calvin Freiburger*



**Dem ex-congressman: People should receive vaccine to qualify for next**

MT-REP-21-1719-A -000275

**corona stimulus***By Mary Werbaneth***LifeSite's channel was suspended by YouTube. Here's how you can still watch our videos***By LifeSiteNews staff***Priest calls police on mother of 11 praying in empty church without a mask***By Emily Mangiaracina***BREAKING: Trump lawsuit challenging Pennsylvania vote count expedited to Third Circuit court***By Calvin Freiburger***Large Christian family objects after Canadian province bans groups over 5 from leaving home together***By Anthony Murdoch***UK and Ireland Christians take worship 'underground' in wake of govt lockdowns***By Michael Haynes***'There is no way' to enforce COVID Thanksgiving bans, New Mexico governor admits***By Calvin Freiburger***Bill Gates 'very confident' COVID-19 vaccine is safe, dismisses 'conspiracy views'***By Lianne Laurence***BREAKING: YouTube deletes LifeSite video, shuts down channel for one week***By Michael Haynes***UK plans QR code vaccine passport for access to public events***By Michael Haynes*

## Opinion



### **Evidence mounting of election-swinging vote fraud in Virginia, too**

*By Nick Chase*



### **Governments' COVID response enshrines strip clubs and swingers, spurns prayer**

*By John Horvat II*



### **Vote fraud on a huge scale will prove impossible to hide**

*By Jay Valentine*



### **What's really going on regarding Trump's break with vote fraud lawyer Sidney Powell**

*By Andrea Widburg*

## Blogs



### **How voting machines were used to bring Communist tyranny to power in Venezuela**

*By Prof. Carlos A. Casanova*



### **American media are failing to report on US election accurately, and it's endangering lives**

*By John-Henry Westen*



### **Sidney Powell was not 'fired' by Trump**

*By Steven Mosher*



### **Top Trump lawyer foretells huge new evidence dump in 2020 vote fraud case**

*By Steven Mosher*

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## YouTube insidiousness of their arrogance

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**From :** Christopher <dataway@bresnan.net>  
**Subject :** YouTube insidiousness of their arrogance

Thu, Nov 26, 2020 04:11 PM

1 attachment

External images are not displayed. [Display images below](#)

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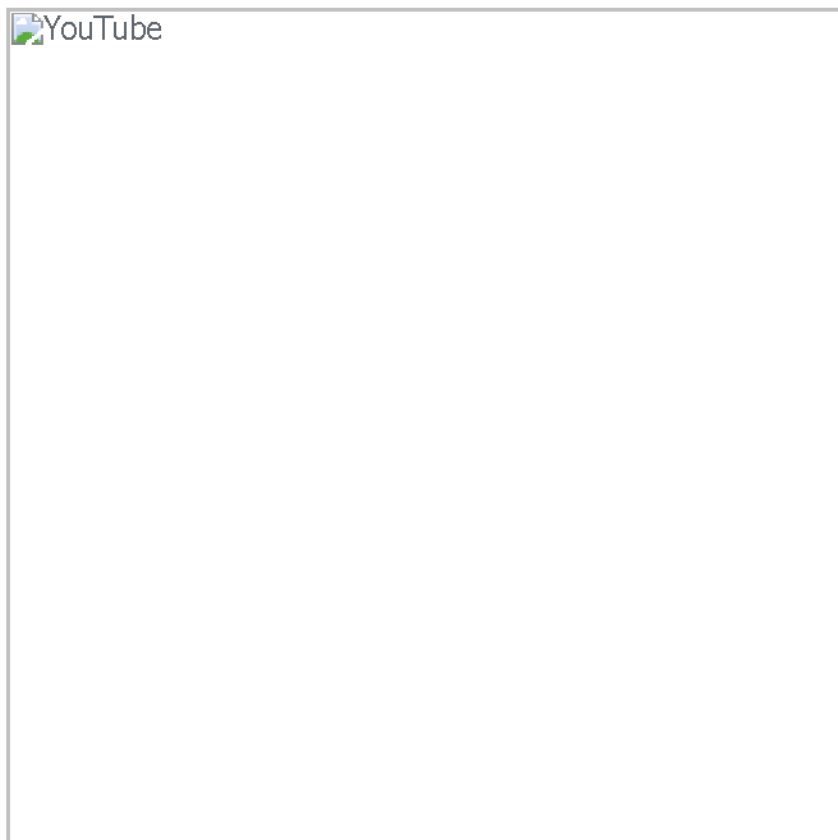
**The insidiousness of their arrogance is a defacto incitement to riot. Two items here. What's next?**

**[Sidney Powell's Websited Blocked by Twitter](#)**

**[YouTube Attempts to Silence the Mises Institute](#)**

YouTube, the dominant video platform owned by Google, decided yesterday to remove a Mises Institute video. This decision apparently lasts for all eternity, cannot be appealed to an actual human, and comes with this friendly admonition: "Because it's the first time, this is just a warning. If it happens again, your channel will get a strike and you won't be able to do things like upload, post, or live stream for 1 week."

The video, a talk by Tom Woods titled "The Covid Cult" with more than 1.5 million views, was recorded at our live event in Texas two weeks ago. It offered challenges to the official narrative surrounding the coronavirus, particularly with respect to mask mandates. Woods's talk featured several charts showing rises in Covid "cases" across multiple cities and countries not long after imposing mask rules, demonstrating how such rules apparently have little effect on slowing transmission of the virus.



The speech was nothing less than a heartfelt tour de force against the terrible lockdowns and pseudoscience plaguing the debate over Covid, and a call to reexamine tradeoffs and priorities. It was, as you might imagine, a mix of unassailable data combined with our friend Tom's strong prescription for liberty and personal choice rather than centralized state edicts.

In other words, YouTube had no earthly business removing it. This kind of discourse seems to me the best and highest use for YouTube, its most important function.

"Big Digital," as Professor Michael Rectenwald terms tech companies, have become "governmentalities": supposedly private enterprises turned into instruments of state power and state narratives. This sordid process is different for each company, (some are more complicit than others, a few are heroically non-compliant) but it involves a mix of early start-up funding; connections and contracts with state agencies, particularly relating to defense and surveillance; and propaganda campaigns in service of state narratives. Rectenwald explains this phenomenon in his own recent talk titled "[The Google Election](#)":

In short, Google, Facebook and others are not strictly private sector entities; they are governmentalities in the sense that I have given to the term. They are extensions and apparatuses of the state. Furthermore, these platforms are governmentalities with a particular interest in the growth and extension of governmentality itself. This includes championing every kind of "subordinated" and newly created identity class that they can find or create, because such "endangered" categories require state acknowledgement and protection. Thus, the state's circumference continues to expand. Big Digital is partial to the interests and growth of the state. It not only does business with statist but also shares their values. This helps makes sense of its leftist bent and their preference for the deep state Democrats. Leftism is statism.

We encourage readers to consider the entirety of Rectenwald's [talk](#), and his sobering book [Google Archipelago](#) for his thorough treatment of the facts and realities behind tech companies and the US state. This is not alarmism or conspiracies, but documented examples of how Google, Facebook,

YouTube, Twitter, Instagram, LinkedIn and others actively participate—including financially—in a melding of corporate and state power.

This, then, is real fascism. Big Digital—what writer Ilana Mercer calls "Deep Tech"—is not a collection of private companies in the sense we think of such. They are partners of the federal government, committed to ideological service as part and parcel of their own bottom line. Thankfully, the sneering call to "build your own platforms" is being answered. Companies like Bitchute and LBRY (its video platform is Odysee) continue to host Mises Institute content, and promise to continue doing so. In fact, you can view Dr. Woods's forbidden talk at those respective source [here](#) and [here](#).

Truth tellers matter more than ever. It's time for our own institutions and platforms, which is precisely why the Mises Institute exists.

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 **dataaway.vcf**  
619 B

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### Navarro Report ... by the numbers, fraud.

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**From :** Christopher <dataaway@bresnan.net>

Fri, Jan 15, 2021 07:21 PM

**Subject :** Navarro Report ... by the numbers, fraud.

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**From Jan R. ...**

## Yes, President Trump Won: The Case, Evidence, & Statistical Receipts Volume Three of the Navarro Report

Lengthy article, if nothing else, look at the charts.

[Navarro Report Volume III: Capstone Report For The 2020 Election - UncoverDC](#)

Below is a textualized version, whereby the charts are larger and easier to read. Easy to follow.

### Navarro Report Volume III: Capstone Report For The 2020 Election - UncoverDC

Wendi Strauch Mahoney 7-9 minutes

Dr. Peter Navarro released on Thursday his third volume of [The Navarro Report](#) called, [Yes, President Trump Won: The Case, Evidence & Statistical Receipts](#). This "capstone" volume documents the *"most up-to-date statistical 'receipts' with respect to the potential number of illegal votes in each battleground state."* It follows [Volume I: The Immaculate Deception](#) and [Volume II: The Art of the Steal](#), both of which allegedly provide material evidence of a stolen presidential election in 2020.

Navarro Report, Volume 3 provides a scholarly rendering of the potential number of illegal votes in the 2020 election. We welcome any who may dispute its finding because that is the nature of scholarly discourse. <https://t.co/WEDzhth4qo>

— Peter Navarro (@RealPNavarro) [January 14, 2021](#)

The report begins with a summary of the goals of the previous two reports. It then quickly moves into the purpose of Volume III, which is to provide investigators with a "conservative" and *"well-documented tally of potentially illegal votes on a state-by-state and category-by-category basis."*

Importantly, Navarro reminds the reader of a historical precedent when he refers to the 1960 Presidential election:

*"Looking at the numbers, it is very difficult to conclude that this was a completely fair election. In considering these truths, let us never forget two things: (1) The Democrat Party and its operatives stole the 1960 Presidential Election—it happened then, and it can happen again; and (2) it took decades for historians to finally acknowledge the 1960 version of the Immaculate Deception in the face of the same kind of virtue-signaling and cancel culture pressures we are witnessing today."*

Figure One below gives an overview of the *"count of potentially illegal ballots"* in six swing states, Arizona, Georgia, Michigan, Nevada, Pennsylvania, and Wisconsin, and also shows the type of fraudulent activity. It also shows that the number of potentially illegal votes *"dwarfs the very thin alleged Biden 'victory' margins."* In other words, if even a fraction of this is true, it indicates that Trump easily won every one of the swing states based on one or two categories alone.

#### Figure One



Figure

One/Navarro Report Volume III/Dr. Peter Navarro

The report then breaks down the numbers state by state with a Figure (or Chart) for each state in Figures Two through Seven shown below:

**Arizona**

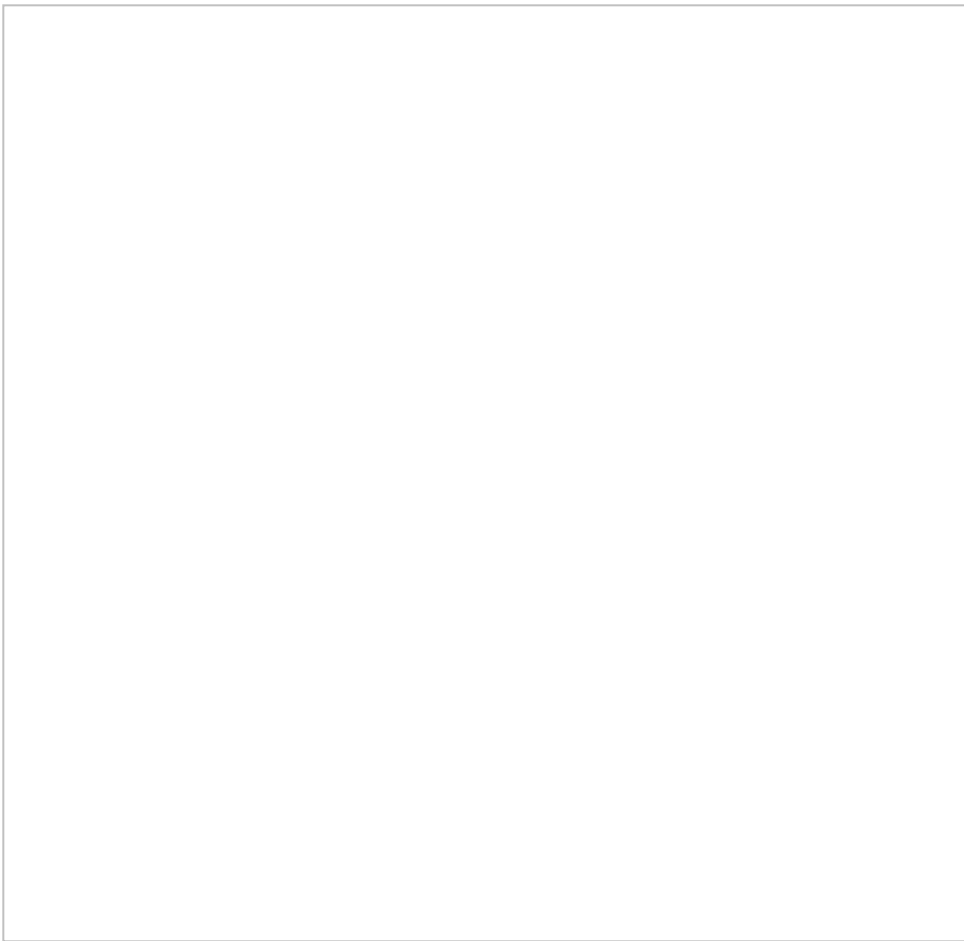


Figure Two/Navarro Report

Volume III/Dr. Peter Navarro  
**Georgia**

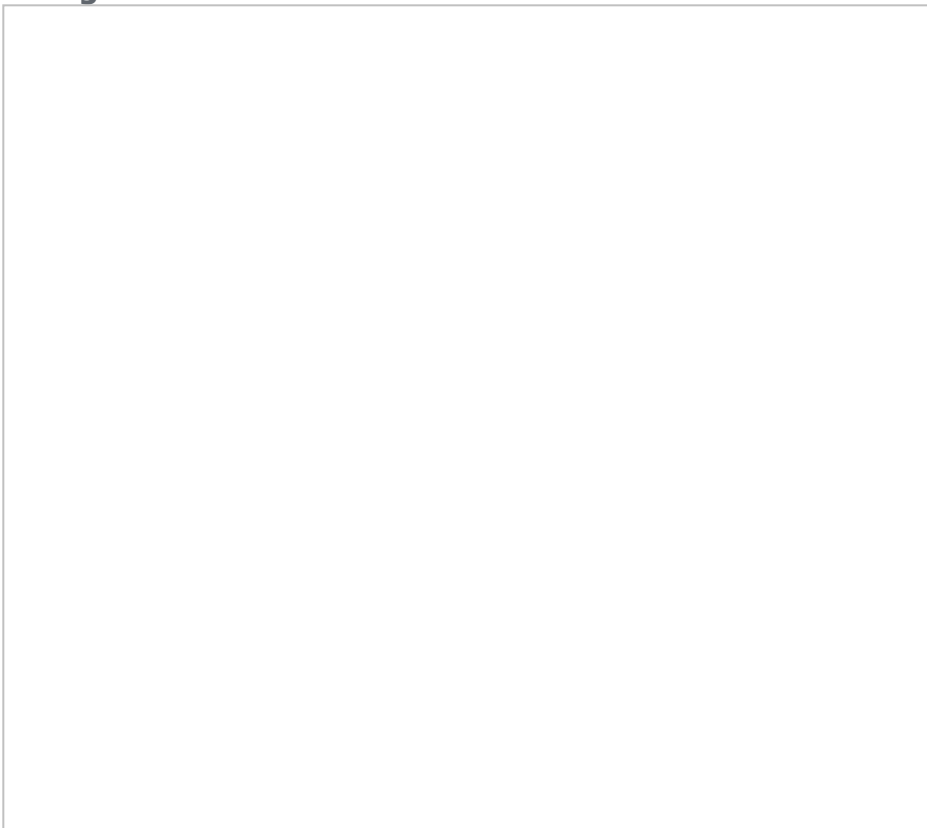


Figure Three/The Navarro Report

Volume III/Dr. Peter Navarro  
**Michigan**

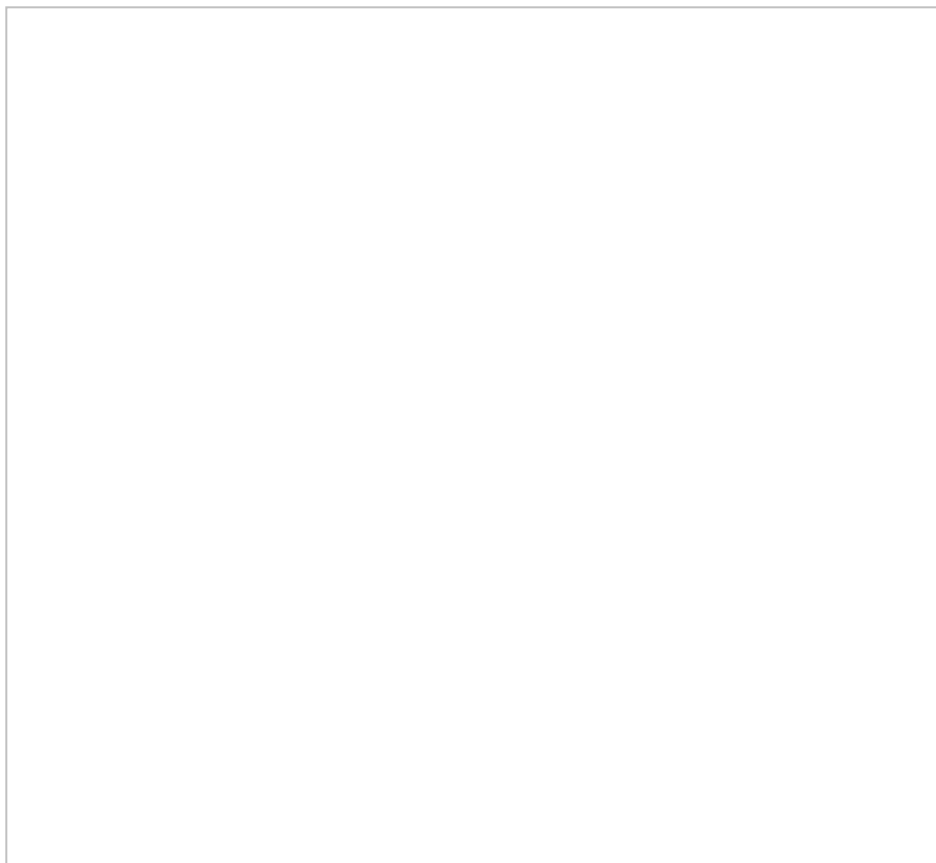


Figure Four/The Navarro

Report/Dr. Peter Navarro  
**Nevada**

Figure Five/The Navarro

Report Volume III/Dr. Peter Navarro  
**Pennsylvania**

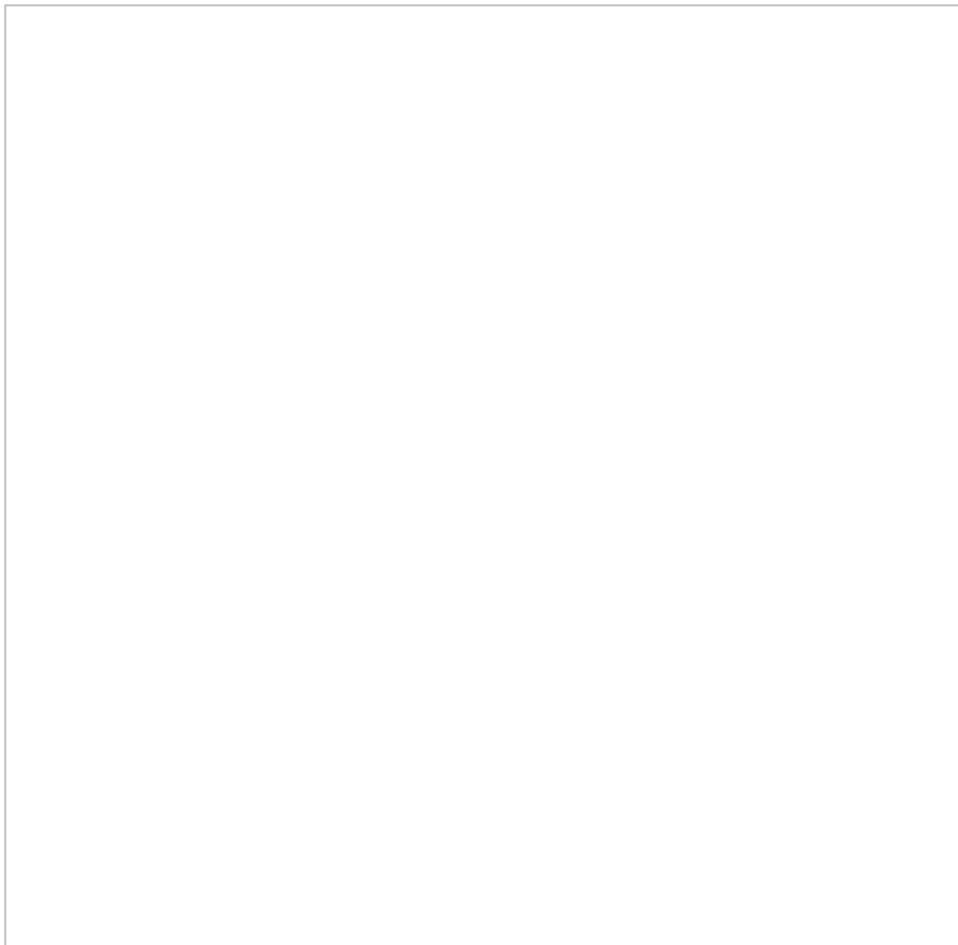


Figure Six/The Navarro Report

Volume III/Dr. Peter Navarro  
**Wisconsin**

Figure Seven/The Navarro

Report Volume III/Dr. Peter Navarro

The graphics presented are relatively self-explanatory; however, some highlights deserve mention. In Arizona, for example, there was the *"remarkable feat of exceeding 100% turnout of its registered voters. This is indeed a remarkable feat because Arizona does not allow same-day voter registration. The 'over-votes' alone totaled 11,676, an amount more than the purported Biden 'victory' margin of 10,457."* Arizona also saw high numbers of voters who failed to present evidence of citizenship and high numbers of illegal out-of-state votes.

Georgia had the highest potential margin of error at 51 times the number of illegal votes (601,130) to Biden Victory margin (11,779). Hundreds of thousands of absentee ballots were counted in contravention of the Georgia state election code. *"Georgia officials counted over 305,700 ballots cast by individuals who had requested absentee ballots more than 180 days before the absentee ballot request deadline, in blatant violation of Georgia Election Code."* Georgia was also the state where election workers were allegedly captured on [video](#) scanning thousands of ballots repeatedly in the middle of the night.

In Michigan, the largest number of questionable ballots came from *"inexplicable vote tabulation surges along with alleged voting machine irregularities and ballots counted despite lacking voter registration numbers."* UncoverDC reported on the alleged vote switching in an [article](#) on Dec. 14. Lawyer, Sidney Powell, filed a [civil lawsuit in Michigan](#) on Nov. 26 concerning the cyber election fraud that allegedly took place there.

Nevada's most considerable irregularities were associated with using the Agilis signature-matching machines installed in Clark County to verify ballots' signatures. The report says that *"using machines instead of people for signature match verification is in blatant violation of state law and calls into question the 130,000 ballots verified by these Agilis machines."* An [article](#)

MT-REP-21-1719-A-000287

written shortly after the election about lawsuits in the swing states details the early findings of alleged voter fraud in the state.

Pennsylvania's largest number of potentially illegal ballots was associated with poll observer abuses. There were allegedly over 680,000 ballots that [were not subjected to](#) meaningful, bi-partisan observation. For example, some *"certified Republican poll observers were kept at distances the length of a football field."* Many others, even if closer, were simply unable to observe accurately. Some were denied access completely. The report also says that *"over 202,000 more ballots [were] cast than actual registered voters in the state."*

The Wisconsin election fraud highlighted the extraordinary growth in the 2020 election of *"bad faith voters."* These voters registered as *"indefinitely confined"* and, *"thereby, broke Wisconsin election law to circumvent election integrity photo identification requirements."* Due to the pandemic, the Wisconsin Election Commission expanded the definition of indefinitely confined voters—*"a definition ruled legally incorrect by the Wisconsin Supreme Court—the number of indefinitely confined voters surged from just under 70,000 voters in 2019 to over 200,000 in 2020."* This one category alone compromised the integrity of 216,000 votes, according to the report. Wisconsin performed a recount as [reported by UncoverDC](#) on Nov. 20.

Navarro's substantive examination of the 2020 General Election should, at a minimum, invite further investigation. He says that *"in light of this evidence, it is impossible for anyone to claim that President Trump was in any way wrong in stoutly raising the question of election fraud and irregularities in the weeks following the November 3 election and in calling for his supporters to PEACEFULLY protest. Indeed, for the president not to rise to defend the integrity of the ballot box would have been a betrayal of the 74 million Americans who voted for the president thinking they were participating in what may well not have been a free and fair election."*

More importantly, he speaks on behalf of many Americans when he says that *"absent a full investigation, we as a nation run the risk of institutionalizing a rigged electoral system in which a large segment of America will no longer have faith in."* In that vein, he requests that a Special Counsel be appointed to investigate the election before the Biden administration begins. He asks State legislators and Attorneys Generals in the battleground states, particularly Republican states, to launch similar investigations.

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## A Better Absolute Proof.

---

**From :** Christopher <dataway@bresnan.net>

Sun, Apr 04, 2021 10:10 AM

**Subject :** A Better Absolute Proof.

 2 attachments

Hat tip to Clarice, though I may have received from several sources. So far found only on Bitchute (bitch-chute).

## [Solid Proof Of Election Fraud](#)

Yes, it is from the Pillow Guy, along with a physics prof, using simple demographics, in each state. The first Pillow Guy video ([Absolute Proof](#), Mike Lindell, two hours) was almost an assault, by the Pillow Guy -- there is a limit as to just how much you can take of the Pillow Guy, before your need to go scream in an empty parking lot, somewhere. I did not make it all the way through, even after

multiple sittings; and I missed the entire last 30 minutes, which I am told, was the most impactful portion.

Yes, the Pillow Guy just won't shut up! I believe that he was vaccinated with a Victrola needle. When you have as guest a renowned physicist on a show, and all you can muster is pillows, it is time to take a nap ... shut up!

However, I am going to venture to say that this 25 minute video is more palatable than the first, in spite of the Pillow Guy, because of the physics prof, that gets right into substance, immediately. That suits my forte, as opposed to the *Proof* video that took more than five minutes to get past the Pillow Guy whining about being censored.

You probably know by now that Dominion et al (the Chinese election 'machine' company that grossly meddled in our election) is suing Sidney Powell (and Rudy Giuliani -?) for deformation for \$1.5 billion. And they are threatening Lindell, likewise. Were I on a jury panel that was exposed to the information in this shorter video, I would find '*not guilty*' for all three of them. But then I easily read and understand charting and statistics. It seems that the Supreme Court is afraid of charts and data.

Sidney Powell, despite her vituperative displays on national TV beforehand, has been notably silent since the Dominion suit. No doubt her lawyers told her to 'shut up'. But her lawyers should get in touch with this physics professor. It is possible that Sidney and her lawyers already have this exculpatory data in hand, and are standing 'pat', relishing the opportunity to go to 'discovery' with Dominion where they will have to answer embarrassing questions, and will not be able to hide behind a '*proprietary information*' escape hatch.

It will be interesting to see if Dominion eventually drops the law suit, just before discovery. I suspect that Sidney will counter-sue with her own suit for deformation, to keep the squabble alive, and to force the data before the public, as the courts are too stupidly deaf to hear it. The hope would be that the public rumble would embarrass the courts to give standing. But then again, maybe not. The courts hate Sidney (a NY Bar turn-coat lawyer), and it seems that the Supreme Court would have to be squatting naked on the bench to be embarrassed. Now there's a mental image for ya.

You will also notice that the Pillow Guy does not seem (foolishly -?) to be concerned about being sued, as holding this video as an 'ace' in his 'hold' cards. It will have to go before a jury, as any bench trial (by judge) in today's world is too politicize, with even 'Republican' picked judges being little more than 'dressed up' RINO's with a penchant for 'Constitutional Avoidance'.

The data in this video is irrefutably demonstrative of a systemic vote corruption, that extends across multiple states. It had to be 'built in', or programmed. The video makes 'innocent' incorrect statements: Algorithms are NOT machine made. They are programmed by humans (communist Chinese, most likely in this case). They only become a 'machine function' when they are 'launched' into the wild and allowed to run without 'debugging' or supervision.

In the present case, they were allowed to run un-supervised, until Trump's votes started to exceed 74 million votes, which it appears was above the limit of the 'programmed' algorithm as 'keyed' to the 2010 census, and necessitated an over-nite **on-line** (internet) 'adjustment' to maintain the usurpation of the election. This video goes a long way in proving exactly that.



dataway.vcf  
619 B

**From :** Tschida Brad <brad.tschida@mtleg.gov>  
**Subject :** Re: Your continued efforts to support the Big Lie  
**To :** Nancy LeBuhn Pickhardt <jannabets@hotmail.com>

Sun, Apr 04, 2021 08:12 PM

External images are not displayed. [Display images below](#)

Two words - Private dollars.

Respectfully,

Rep. Brad Tschida

---

**From:** "Nancy LeBuhn Pickhardt" <jannabets@hotmail.com>  
**To:** "Tschida Brad" <brad.tschida@mtleg.gov>  
**Sent:** Saturday, April 3, 2021 3:57:29 PM  
**Subject:** Your continued efforts to support the Big Lie

Please stop wasting MY taxpayer dollars with your "investigation" into the fairness elections in Missoula. I am appalled that you and your Republican sycophants already have made it harder for our Native, poor, and elderly in Montana to vote by ending same-day voter registration. STOP PURPORTING THE BIG LIE! Read Heather Cox Richardson's email. Because of your continuing support of the BIG LIE, Montana along with Georgia, Texas, Arizona, the list goes on and on and on, are going to suffer the consequences of turning businesses and people away from our state. And, you and your Republican friends say you support business and jobs. I say B.S. You and your old, white Republican friends are as doomed as the dinosaurs. WAKE T.F. UP!!!! I a 63 y.o. white woman who is working hard to build a hospice and end-of-life center here in Missoula. Where the hell is YOUR humanity?

[Heather Cox Richardson](#) Apr 2   

The efforts of Republican state legislators in 43 states to suppress voting have made the rubber of Republicans politics meet the road of reality.

Republicans are pushing the idea that it is imperative to pass laws to protect the sanctity of the vote because their supporters are concerned that the 2020 election was stolen. But, as observers have pointed out, if they want to reassure their voters that the election was clean, the way to do it would be to tell them the truth: the election wasn't stolen.

This reality has been established by Christopher Krebs, the former director of the Cybersecurity and Infrastructure Security Agency in the United States Department of Homeland Security whom Trump fired after he said the 2020 election was "the most secure in American history"; by former president

MT-REP-21-1719-A -000290

Trump's attorney general William Barr, who said that the Justice Department had found no evidence of widespread voter fraud that would have changed the outcome of the election; and by judges who dismissed more than 50 lawsuits alleging voter fraud.

Last week, Trump lawyer Sidney Powell claimed in a court filing that "no reasonable person" would believe that her lies about election fraud "were truly statements of fact."

And yet, rather than admitting that Democrats Joe Biden and Kamala Harris won the 2020 election fairly, Republicans are claiming that they must relieve supporters' concerns about the stolen election—a myth they, themselves, have created—by passing legislation that will suppress Democratic votes.

There seem to be a couple of things at stake here.

One is that, having riled up Trump supporters by telling them that the election was stolen, Republican leaders can't very well now back down and admit that they were lying. So, they are playing this charade out in the hopes that they can keep Trump supporters energized enough to keep showing up at the polls and to keep voting Republican.

The other, of course, is that Democratic wins, especially in Georgia, indicate that the Republicans must either change their political positions or get rid of Democratic voters. Since the one seems impossible to them, they are going for the other.

But the political imperative to get rid of Democratic voters is running headlong into modern America. Not only is 2021 more openly multicultural than the 1890s, when the previous avalanche of voter suppression kept poor people of all races and ethnicities from the polls, but also the people who approve of racial equality have way more economic power than they did a century or more ago.

Yesterday, more than 70 Black executives wrote a letter urging companies to fight the voter suppression measures under consideration in 43 states. "There is no middle ground here," said Ken Chenault, the former head of American Express. "You either are for more people voting, or you want to suppress the vote."

After complaints that companies had been quiet about the Georgia voter suppression bill, the chief executive officer of Delta Airlines, Ed Bastian, issued a statement calling the new law “unacceptable” and noting that “[t]he entire rationale for this bill was based on a lie: that there was widespread voter fraud in Georgia in the 2020 elections. This is simply not true. Unfortunately, that excuse is being used in states across the nation that are attempting to pass similar legislation to restrict voting rights.” Bastian condemned the “sweeping voting reform act that could make it harder for many Georgians, particularly those in our Black and Brown communities, to exercise their right to vote.” He pledged “to protect and facilitate your precious right to vote.”

Shortly afterward, the leader of Coca-Cola, James Quincey, followed suit with an interview on CNBC that called the law “unacceptable.”

After Bastian spoke, Georgia Republicans said they were caught off guard by his opposition. In the Georgia House, Republicans voted to get rid of a tax break on jet fuel that benefits Delta. David Ralston, the leader of the Republican Party in the House said: “They like our public policy when we’re doing things that benefit them,” then added: “You don’t feed a dog that bites your hand. You got to keep that in mind sometimes.”

That is, Republican lawmakers made it clear they are not legislating in the interest of the public good, but are instead using the law to retaliate against Delta after its chief executive officer criticized their voter suppression law. (The Georgia Senate did not take up the bill before the legislature adjourned.)

Similarly, Ralston told reporters he was now a Pepsi drinker, seemingly retaliating against Coca-Cola for its own opposition to the law.

A similar scene played out in Texas, where legislators are considering an even more restrictive bill that tries to end drive-through voting and 24-hour polling places, as well as giving partisan poll watchers more leeway to harass voters, including by recording them on video. Today, American Airlines announced it was “strongly opposed to this bill and others like it.” The company affirmed its support for democracy and called for making it easier, not harder, to vote. “Voting is the hallmark of our democracy, and is the foundation of our great country. We value the democratic process and believe every eligible American

should be allowed to exercise their right to vote, no matter which political party or candidate they support.”

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## 5G Delay, Threats to Religious Groups, and SG Calls Out Cruz

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**From :** The Well News <sftw@thewellnews.com>

Wed, Jan 19, 2022 05:06 AM

**Subject :** 5G Delay, Threats to Religious Groups, and SG Calls Out Cruz

**To :** brad tschida <brad.tschida@mtleg.gov>

**Reply To :** sftw@thewellnews.com

External images are not displayed. [Display images below](#)

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## Straight From The Well

Wednesday, January 19, 2022

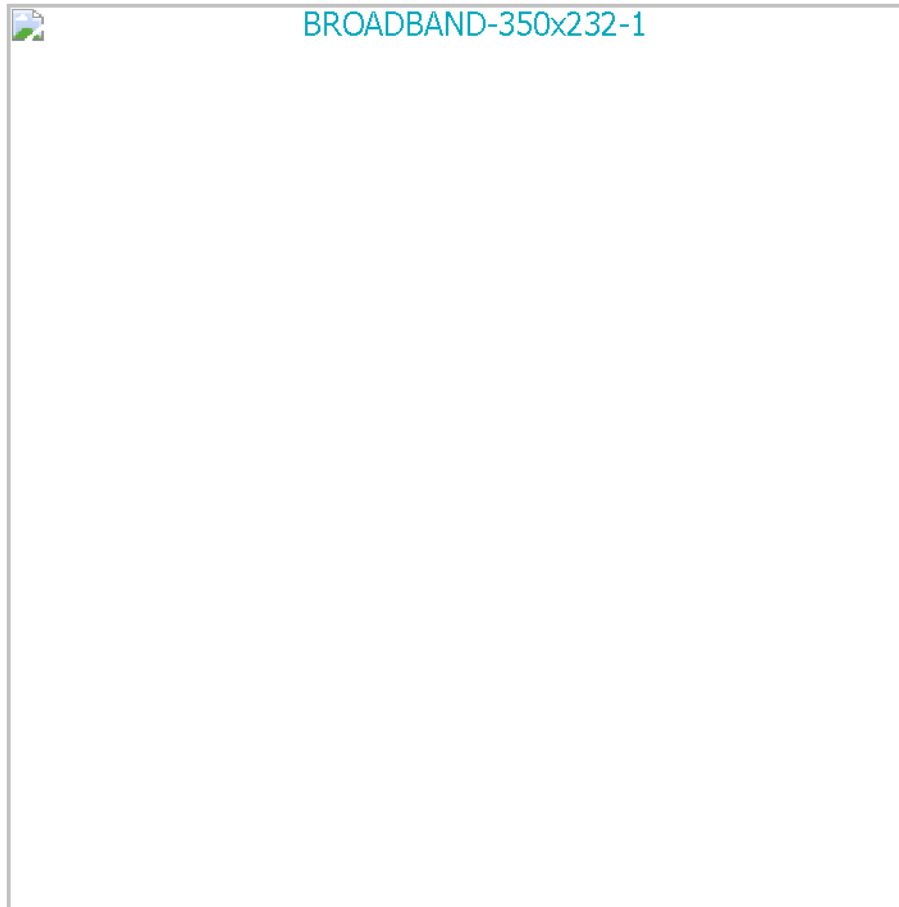
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*Read to the end of this email to learn about how pudgy pandas stay so pleasingly chubby despite their strict bamboo diet...*

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## TELECOMMUNICATIONS

AT&T, Verizon to Delay 5G Rollout Near Airports



AT&T and Verizon on Tuesday agreed to delay their rollout of new 5G services near some unspecified airports over ongoing concerns that moving those services to a new band could cause flight disruptions.

Debate has been raging for months over whether — and if so, to what extent — moving the 5G services to a bandwidth airlines use to navigate in low-visibility situations would be a problem.

[Read More](#)

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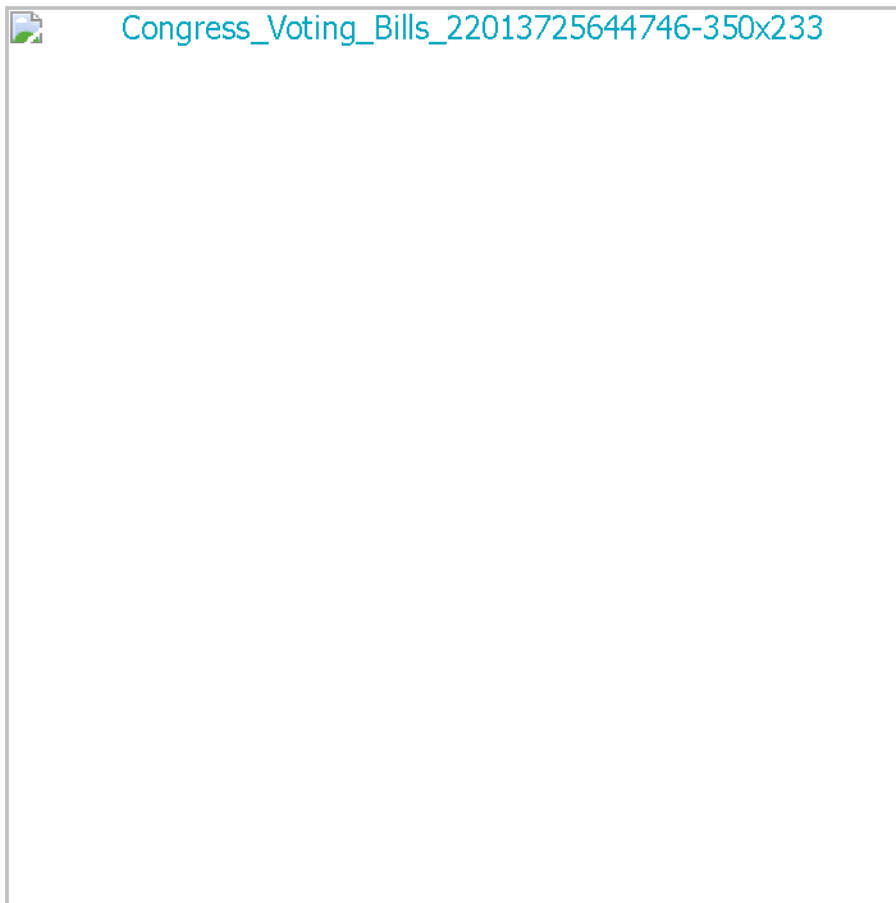
## IN THE NEWS

- [Langevin Sees Future in Retirement Rather Than Reelection](#)  
By Dan McCue
- [Baltimore Prosecutor Maintains Innocence of Financial Crimes](#)  
By Tom Ramstack
- [McNerney to Bid House Adieu After 2022](#)  
By TWN Staff

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## VOTING RIGHTS

## 'Eye of the Nation Watching' as Voting Rights Bill Appears Headed for Defeat



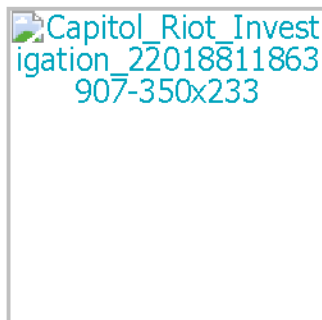
With the defeat of sweeping voting rights legislation all but certain in the Senate this week, Majority Leader Chuck Schumer stressed a different goal as he opened the chamber's session on Tuesday, forcing all senators to go on the record about where they stand on the issue.

"The eyes of the nation will be watching what happens this week in the United States Senate," Schumer said.

[Read More](#)

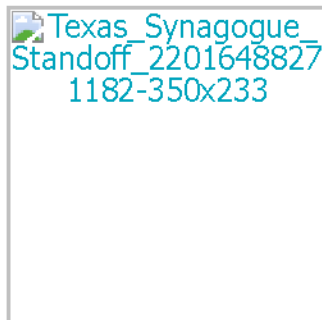
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## MORE FROM THE WELL



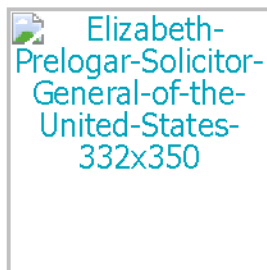
### Jan. 6 Committee Subpoenas Giuliani, Other Trump Attorneys

The Select Committee to Investigate the Jan. 6 Attack on the United States Capitol issued subpoenas Tuesday evening to Rudolph Giuliani, Jenna Ellis, Sidney Powell and Boris Epshteyn.



### FBI Warns of More Threats Against Religious Groups

The FBI and Department of Homeland Security sent a letter to faith-based organizations Monday warning them they remain potential targets of violent extremists.



### Solicitor General Calls Out Cruz in Supreme Court Case

The Ted Cruz for Senate campaign committee's First Amendment challenge to a key campaign finance law should be tossed by the Supreme Court as the campaign committee's alleged injuries were self-inflicted, the U.S. solicitor general claimed in a court filing on Tuesday.

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## NEWS YOU CAN'T USE

Source: IFLScience!



extra\_large-1642520490-panda-chubby-gut-microbiome

[How Pudgy Pandas Stay so Pleasingly Chubby Despite Strict Bamboo Diet](#)

The Well News, 777 6th Street, NW, Washington, DC 20001

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## Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723)

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**From :** AO Records <records@americanoversight.org>  
**Subject :** Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723)  
**To :** brad tschida <brad.tschida@mtleg.gov>  
**Cc :** teverts@mt.gov

Thu, Jan 20, 2022 08:18 PM

 2 attachments

Dear Representative Tschida,

MT-REP-21-1719-A -000297

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests to your office bearing internal tracking numbers MT-REP-21-1719 and MT-REP-21-1723. The two requests are attached to this email for your reference.

We have received no communication from your office acknowledging receipt of our public record requests. As you know, the Montana legislature is subject to the Montana Public Records Act. M.C.A. § 2-6-1002(10). Moreover, the Act requires that the public agency receiving a request for records "respond in a timely manner to the requesting person" by either making the information available for inspection or providing the requesting person with an estimate of the time it will take to fulfill the request. Mont. Code Ann. § 2-6-1006(2). American Oversight has received neither form of response for these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Records Act.

Sincerely,  
Taylor Stoneman

-----  
**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
records@americanoversight.org  
(202) 848-1319

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 **MT-REP-21-1719.pdf**  
291 KB

 **MT-REP-21-1723.pdf**  
294 KB

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**RE: [EXTERNAL] Re: Public Record Information Requests**

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**From :** Everts, Todd <teverts@mt.gov>

Mon, Jan 24, 2022 01:31 PM

**Subject :** RE: [EXTERNAL] Re: Public Record Information Requests

**To :** Theresa Manzella <theresa.manzella@mtleg.gov>

**Cc :** Bob Phalen <Bob.Phalen@mtleg.gov>, brad tschida  
<brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>, Coles,  
Jaret <JColes@mt.gov>, Johnson, Julie  
<juliejohnson@mt.gov>, Sankey Keip, Laura  
<LSankeyKeip@mt.gov>

Senator Manzella,

Text messages involving legislative business likely constitute public information that is a public record that may be requested by a person under the public record statutes. Having said that, there has not been any specific Montana court decision regarding text messages and legislators or other public officials that I am aware of.

There have been formal public information requests made of executive branch officials in the past concerning text messages involving official business. I am aware that text messages were provided in response to some of those requests.

Regarding social media posts, it is definitely unclear whether those posts would constitute a public record and there isn't any Montana court decisions regarding this. I would agree that the onus would be on the requester to search the public domain for such posts.

The public records laws (2-6-1002, MCA) provide the following pertinent definitions concerning your question regarding text messages:

10) "**Public agency**" means the executive, legislative, and judicial branches of Montana state government, a political subdivision of the state, a local government, and any agency, department, board, commission, office, bureau, division, or other public authority of the executive, legislative, or judicial branch of the state of Montana.

(11) "**Public information**" means information prepared, owned, used, or retained by any public agency relating to the transaction of official business, regardless of form, except for confidential information that must be protected against public disclosure under applicable law.

(13) "**Public record**" means public information that is:

(a) fixed in any medium and is retrievable in usable form for future reference; and

(b) designated for retention by the state records committee, judicial branch, legislative branch, or local government records committee.

(1) "**Confidential information**" means information that is accorded confidential status or is prohibited from disclosure as provided by applicable law. The term includes information that is:

(a) constitutionally protected from disclosure because an individual privacy interest clearly exceeds the merits of public disclosure;

(b) related to judicial deliberations in adversarial proceedings;

(c) necessary to maintain the security and integrity of secure facilities or information systems owned by or serving the state; and

(d) designated as confidential by statute or through judicial decisions, findings, or orders.

Further the public record statutes provide the following:

**2-6-1003. Access to public information — safety and security exceptions — Montana historical society exception.** (1) Except as provided in subsections (2) and (3), every person has a right to examine and obtain a copy of any public information of this state.

(2) A public officer may withhold from public scrutiny information relating to individual or public safety or the security of public facilities, including public schools, jails, correctional facilities, private correctional facilities, and prisons, if release of the information jeopardizes the safety of facility personnel, the public, students in a public school, or inmates of a facility. A public officer may not withhold from public scrutiny any more information than is required to protect individual or public safety or the security of public facilities.

(3) The Montana historical society may honor restrictions imposed by private record donors as long as the restrictions do not apply to public information. All restrictions must expire no later than 50 years from the date the private record was received. Upon the expiration of the restriction, the private records must be made accessible to the public.

MT-REP-21-1719-A -000299

**2-6-1006. Public information requests — fees.** (1) A person may request public information from a public agency. A public agency shall make the means of requesting public information accessible to all persons.

(2) Upon receiving a request for public information, a public agency shall respond in a timely manner to the requesting person by:

(a) making the public information maintained by the public agency available for inspection and copying by the requesting person; or

(b) providing the requesting person with an estimate of the time it will take to fulfill the request if the public information cannot be readily identified and gathered and any fees that may be charged pursuant to subsection (3).

(3) A public agency may charge a fee for fulfilling a public information request. Except where a fee is otherwise provided for by law, the fee may not exceed the actual costs directly incident to fulfilling the request in the most cost-efficient and timely manner possible. The fee must be documented. The fee may include the time required to gather public information. The public agency may require the requesting person to pay the estimated fee prior to identifying and gathering the requested public information.

(4) A public agency is not required to alter or customize public information to provide it in a form specified to meet the needs of the requesting person.

(5) If a public agency agrees to a request to customize a records request response, the costs of the customization may be included in the fees charged by the agency.

(6) (a) The secretary of state is authorized to charge fees under this section. The fees must be set and deposited in accordance with 2-15-405. The fees must be collected in advance.

(b) The secretary of state may not charge a fee to a member of the legislature or public officer for any search relative to matters pertaining to the duties of the member's office or for a certified copy of any law or resolution passed by the legislature relative to the member's official duties.

Pursuant to the above statutes, a legislator conducting legislative business likely constitutes public information if that information is "prepared, owned, used, or retained by any public agency relating to the transaction of official business, regardless of form". If that public information is "fixed in any medium and is retrievable in usable form for future reference", that public information likely constitutes a public record that a person may request.

If you would like to discuss this further, please do not hesitate to give me a call at the phone number listed below.

Todd M. Everts  
Director of Legal Services/Code Commissioner  
Montana Legislative Services Division  
Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)  
Office Phone: (406) 444-4023  
FAX: (406) 444-3036

---

**From:** Theresa Manzella <theresa.manzella@mtleg.gov>

**Sent:** Monday, January 24, 2022 8:09 AM

**To:** Everts, Todd <teverts@mt.gov>

MT-REP-21-1719-A -000300

**Cc:** Bob.Phalen@mtleg.gov; brad.tschida@mtleg.gov; Fox, Susan <sfox@mt.gov>; Coles, Jaret <JColes@mt.gov>; Johnson, Julie <juliejohnson@mt.gov>

**Subject:** Re: [EXTERNAL] Re: Public Record Information Requests

Thanks for that, Todd. Yes that helps.

What about the question concerning personal texts?

And social media posts? I can't remember the number of interactions I may have had with any of these people via social media, although it's been extremely limited. What ever has been stated has been in the public domain. I think they can find that stuff on their own if they choose to invest the time.

Sent from my iPhone - Senator Theresa Manzella

On Jan 24, 2022, at 7:00 AM, Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)> wrote:

Senator Manzella,

In Montana, you do not have legislative privilege regarding legislation. Article II, sections 8 and 9, of the Montana Constitution is the controlling authority:

**Section 8. Right of participation.** The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.

**Section 9. Right to know.** No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

Title 2, chapter 6, MCA, regarding public records, implements the above Constitutional provisions and anything that constitutes legislative business, especially legislation and the drafting of legislation, creates a public record and is available to the public upon request.

Hope that helps.

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MT-REP-21-1719-A -000301

---

**From:** Theresa Manzella <[theresa.manzella@mtleg.gov](mailto:theresa.manzella@mtleg.gov)>  
**Sent:** Friday, January 21, 2022 4:54 PM  
**To:** Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)>  
**Cc:** [Bob.phalen@mtleg.gov](mailto:Bob.phalen@mtleg.gov); [brad.tschida@mtleg.gov](mailto:brad.tschida@mtleg.gov); Fox, Susan <[sfox@mt.gov](mailto:sfox@mt.gov)>  
**Subject:** [EXTERNAL] Re: Public Record Information Requests

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Thanks

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**From :** Theresa Manzella <theresa.manzella@mtleg.gov> Mon, Jan 24, 2022 08:09 AM  
**Subject :** Re: [EXTERNAL] Re: Public Record Information Requests  
**To :** Everts, Todd <teverts@mt.gov>  
**Cc :** Bob Phalen <Bob.Phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>, Coles, Jaret <JColes@mt.gov>, Johnson, Julie <juliejohnson@mt.gov>

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---

**From:** Theresa Manzella <theresa.manzella@mtleg.gov>  
**Sent:** Friday, January 21, 2022 4:54 PM  
**To:** Everts, Todd <teverts@mt.gov>  
**Cc:** Bob.phalen@mtleg.gov; brad.tschida@mtleg.gov; Fox, Susan <sfox@mt.gov>  
**Subject:** [EXTERNAL] Re: Public Record Information Requests

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---

**From :** Everts, Todd <teverts@mt.gov>

Mon, Jan 24, 2022 07:00 AM

**Subject :** RE: [EXTERNAL] Re: Public Record Information Requests

**To :** Theresa Manzella <theresa.manzella@mtleg.gov>

**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>, Coles, Jaret <JColes@mt.gov>, Johnson, Julie <juliejohnson@mt.gov>

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**Sent:** Friday, January 21, 2022 4:54 PM  
**To:** Everts, Todd <teverts@mt.gov>  
**Cc:** Bob.phalen@mtleg.gov; brad.tschida@mtleg.gov; Fox, Susan <sfox@mt.gov>  
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---

**From :** Theresa Manzella <theresa.manzella@mtleg.gov>

Fri, Jan 21, 2022 04:54 PM

**Subject :** Re: Public Record Information Requests

MT-REP-21-1719-A -000307

<https://mail.mtleg.gov/zimbra/h/printmessage?id=C:-22821,C:-24042,C:-24066,C:-25017,C:-28317,C:28324,C:-33533,C:-33572,C:33589&tz=Ameri...> 36/44

**To :** Todd Everts <teverts@mt.gov>

**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida  
<brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>

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<Mail Attachment.eml> <Mail Attachment.eml> <Mail Attachment.eml>

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---

**From :** Theresa Manzella <theresa.manzella@mtleg.gov> Fri, Jan 21, 2022 01:09 PM  
**Subject :** Re: Public Record Information Requests  
**To :** Todd Everts <teverts@mt.gov>  
**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida  
<brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>

Thanks Todd. I actually missed the first request. I sent the emails associated with the request last night, as individual forwards. The last I heard personal texts were off limits as considered personal. Has that changed? If so, please cite the statutes and case law that takes precedence to the 4th Amendment. And the social media stuff? I'm likely to tell them to find it themselves as it's openly on public platforms and I have no idea how to collect it for them.

Thanks you.

Sen Theresa Manzella

On Jan 21, 2022, at 10:28 AM, Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)> wrote:

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---

**From :** Everts, Todd <teverts@mt.gov> Fri, Jan 21, 2022 10:28 AM  
**Subject :** Public Record Information Requests  3 attachments  
**To :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida  
<brad.tschida@mtleg.gov>, Theresa Manzella  
<Theresa.Manzella@mtleg.gov>  
**Cc :** Fox, Susan <sfox@mt.gov>

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[teverts@mt.gov](mailto:teverts@mt.gov)  
Office Phone: (406) 444-4023  
FAX: (406) 444-3036

---

**From :** AO Records <records@americanoversight.org> Thu, Jan 20, 2022 10:23 PM  
**Subject :** [EXTERNAL] Two Outstanding Public Records Act Requests  [3 attachments](#)  
(MT-REP-21-1720; MT-REP-21-1724)  
**To :** Bob phalen <Bob.phalen@mtleg.gov>  
**Cc :** Everts, Todd <teverts@mt.gov>

Dear Representative Phalen,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests to you.

We have received no communication from your office acknowledging receipt of our public record requests. As you know, a timely manner to the requesting person" by either making the information available for inspection or providing the requested records.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Records Act.

Sincerely,  
Taylor Stoneman

-----  
**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
records@americanoversight.org  
(202) 848-1319

---

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 **MT-REP-21-1724.pdf**  
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---

**To :** brad tschida <brad.tschida@mtleg.gov>  
**Cc :** Everts, Todd <teverts@mt.gov>

Dear Representative Tschida,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests to you.

We have received no communication from your office acknowledging receipt of our public record requests. As you know, a timely manner to the requesting person" by either making the information available for inspection or providing the requested records.

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Sincerely,  
Taylor Stoneman

-----  
**Taylor Stoneman** (she/her)  
*Counsel*  
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- 
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**Taylor Stoneman** (she/her)

*Counsel*

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Rep Tschida - PIR1-PULITZER - no results

Rep Tschida - PIR1-WALDRON - no results

Rep Tschida - PIR1-WATKINS - no results

Zimbra

brad.tschida@mtleg.gov

---

**BREAKING: Delaware Supreme Court Overturns Lin Wood Dismissal**

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**From :** Legal Ethics Law360 <news-q1@law360.com>  
**Subject :** BREAKING: Delaware Supreme Court Overturns Lin Wood Dismissal  
**To :** brad tschida <brad.tschida@mtleg.gov>

Wed, Jan 19, 2022 08:46 AM

External images are not displayed. [Display images below](#)

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 Law360 Legal Ethics

LEGAL ETHICS

Wednesday, January 19, 2022

 [Follow Law360](#)**BREAKING: Delaware Supreme Court Overturns Lin Wood Dismissal**

Delaware's Supreme Court on Wednesday unanimously reversed a decision that controversial attorney L. Lin Wood could not represent former Trump campaign adviser Carter Page in a state defamation case, calling the manner and language of the lower court's ruling an "abuse of discretion."

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**Delaware Supreme Court Overturns Lin Wood Dismissal**

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**From :** Legal Ethics Law360 <news-q1@law360.com>  
**Subject :** Delaware Supreme Court Overturns Lin Wood Dismissal  
**To :** brad tschida <brad.tschida@mtleg.gov>

Thu, Jan 20, 2022 02:20 AM

External images are not displayed. [Display images below](#)

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## LEGAL ETHICS

Lawyers, how satisfied are you with your job?

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Thursday, January 20, 2022

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## TOP NEWS

### Delaware Supreme Court Overturns Lin Wood Dismissal

Delaware's Supreme Court on Wednesday unanimously reversed a decision that controversial attorney L. Lin Wood could not represent a former Trump campaign adviser in a state defamation case, while in a separate ruling affirming the dismissal of the defamation case itself.

☐ 2 documents attached | [Read full article »](#)

### Atty Suing Dechert Asks 9th Circ. To Allow Google Subpoena

A Jordanian lawyer who sued Dechert LLP in England claiming it was behind his detention in the United Arab Emirates urged the Ninth Circuit Wednesday to reverse a ruling rejecting his request to subpoena Google and other companies for evidence related to his U.K. case.

[Read full article »](#)

### Kreindler Says 9/11 Case Leak Doesn't Warrant Sanctions

Kreindler & Kreindler LLP has argued that it should not face sanctions over a former consultant's leak of a deposition from litigation over the 9/11 terrorist attacks, as Saudi Arabia argued the firm willfully violated the protective orders covering the case.

☐ 3 documents attached | [Read full article »](#)

### Ex-Fisher Phillips Atty Seeks To Upend His Murder Conviction

A former Fisher Phillips partner sentenced to life in prison for murdering his wife urged the Georgia Supreme Court for a new trial on Wednesday, arguing that jurors should've been allowed to decide whether the woman's shooting death constituted involuntary manslaughter rather than murder.

[Read full article »](#)

## WHITE COLLAR

### Landlord Who Dodged \$500M Fraud Rap Wants Feds Probed

The New York landlord who dodged a \$500 million fraud indictment over prosecutorial missteps said Tuesday he wants to see the government's case emails and question prosecutors in a proposed evidentiary hearing aimed at tossing a subsequent indictment.

*Letter attached* | [Read full article »](#)

## DISCIPLINARY MATTERS

### N.M. High Court Suspends Atty For 'Defaming' Judge

Agricultural water users challenging Navajo Nation water rights in the San Juan River Basin hit a roadblock last week when their attorney — a former

### Law360 MVPs 2021

#### LAW FIRMS

Atkinson Andelson  
Bellew LLC  
Best Best & Krieger  
Beveridge & Diamond  
Browne George  
Buckley LLP  
Cole Scott  
Connolly Gallagher  
Cooksey Toolen  
Cooley LLP  
Cooper & Kirk  
Crowell & Moring  
Davis Polk  
Dechert  
Faegre Drinker  
Fisher Phillips  
Garland Samuel  
Gibson Dunn  
Hemmer DeFrank  
Hunton Andrews  
Jenner & Block  
Jones Day  
Kellogg Hansen  
King & Spalding

MT-REP-21-1719-A -000320

state legislator — was suspended for "defaming" a judge.

[Read full article »](#)

## 11th Circ. Upholds Atty's Suspension From Fla. District Court

The Eleventh Circuit affirmed a decision suspending an attorney from practicing in the U.S. District Court for the Southern District of Florida for violating multiple court orders, ruling Wednesday that the lower court made no errors in applying a specific local rule and that it provided her with due process.

☐ [2 documents attached](#) | [Read full article »](#)

## LITIGATION

### Fraudster Ex-SEC Lawyer Has A New Con, Wall St. Cop Says

A former U.S. Securities and Exchange Commission lawyer convicted of fraud more than a decade ago is now facing an enforcement action from the Wall Street regulator over an alleged penny stock scheme launched shortly after he was released from prison.

[Complaint attached](#) | [Read full article »](#)

### School District Wants BB&K Disqualified From Cleanup Suit

The school district that oversees the only school on an island off the coast of Los Angeles wants a California federal court to disqualify opposing counsel Best Best & Krieger LLP in a dispute over contamination on school property, arguing the district previously hired the firm for advice regarding the pollution.

[Motion attached](#) | [Read full article »](#)

### Chicago Law Firm's Insurer Wants Out Of Coverage For Suits

A Chicago law firm's insurer has asked an Illinois federal court to declare it doesn't owe coverage to the firm in three lawsuits alleging attorneys breached their fiduciary duty, misappropriated funds and defamed a former client's CEO by calling his mental state into question.

[Complaint attached](#) | [Read full article »](#)

## EXPERT ANALYSIS

### The Rising Demand For Commercial Litigators In 2022

Amid broken supply chains, pandemic-induced bankruptcies and a rise in regulation by litigation, strong commercial litigators — strategists who are adept in trying a range of tortious and contractual disputes — are becoming a must-have for many law firms, making this year an opportune moment to make the career switch, say Michael Ascher and Kimberly Donlon at Major Lindsey.

[Read full article »](#)

## LEGAL INDUSTRY

### Roberts, Sotomayor Deny Asking Gorsuch To Mask Up

Justice Sonia Sotomayor has not asked her colleague Justice Neil Gorsuch to wear a mask during oral arguments, nor has Chief Justice John Roberts requested masks be worn on the bench, according to Wednesday statements.

[Read full article »](#)

### Justices Deny Trump Bid To Block Release Of Jan. 6 Records

In a blow to Donald Trump, the U.S. Supreme Court on Wednesday evening rejected the former president's request to block his White House documents

[Kirkland & Ellis](#)

[Kirsch & Niehaus](#)

[Kreindler & Kreindler](#)

[Lang Richert](#)

[Lankler Siffert](#)

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[Seiden Netzkay Law Group](#)

[Seyfarth Shaw](#)

[Stokoe Partnership Solicitors](#)

[Sweetapple Broeker](#)

[Traub Lieberman](#)

[Walsworth](#)

[Wiley Rein](#)

## COMPANIES

[American Civil Liberties Union](#)

[Carrier Global Corp.](#)

[Cloudflare Inc.](#)

[Deutsche Bank AG](#)

[Dropbox Inc.](#)

[Eli Lilly & Co.](#)

[George Washington University](#)

[Georgetown University](#)

[Google LLC](#)

[Major Lindsey & Africa LLC](#)

[Mylan NV](#)

[NAACP Legal Defense and](#)

[Educational Fund Inc.](#)

[National Association for the](#)

[Advancement of Colored](#)

[People](#)

[Oath Inc.](#)

[The Florida Bar](#)

[Trump Organization Inc.](#)

[University of Virginia](#)

[Yahoo Inc.](#)

## GOVERNMENT AGENCIES

[California Environmental](#)

[Protection Agency](#)

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[Federal Election Commission](#)

from a House select committee investigating the Jan. 6 Capitol riot amid his claims of executive privilege to protect confidential records.

[Read full article »](#)

### Justices Unsure Cruz Campaign's 'Self-Inflicted' Case Is Faulty

The U.S. Supreme Court seemed unconvinced by the Federal Election Commission's argument Wednesday that Sen. Ted Cruz has no standing to challenge a campaign finance law because his monetary injury was "self-inflicted" to establish a case. "Where does this come from?" asked one justice of such a theory.

[Read full article »](#)

### 3rd Circ., Trial Court Picks Include BigLaw, Civil Rights Vets

President Joe Biden announced his first judicial nominees of 2022 on Wednesday, tapping a veteran public defender for the Third Circuit and naming trial court picks in four states, including several veteran civil rights attorneys and attorneys at Jones Day and Gibson Dunn & Crutcher LLP.

[Read full article »](#)

### Ex-WH Counsel Fielding Joins Cipollone's Boutique In DC

Fresh off opening a Washington, D.C., office, the California-based litigation boutique Ellis George Cipollone O'Brien Annaguey LLP has added a former Morgan Lewis & Bockius LLP partner and alum of three Republican presidential administrations to the firm's Beltway outpost, according to an announcement Wednesday.

[Read full article »](#)

### NY AG Alleges Financial Misdeeds At Trump Family Business

New York Attorney General Letitia James uncovered evidence the Trump Organization fraudulently misvalued assets in order to reap economic gain, her office said in a court filing seeking to compel testimony from the former president and his children.

[Read full article »](#)

### Cooley Nabs Government Enforcement Team From Buckley

Cooley LLP on Wednesday announced the hiring of a financial services team from Buckley LLP, with the group focusing on defending clients in government enforcement actions and litigation.

[Read full article »](#)

### 7th Circ. Cautiously Affirms Toss Of Discrimination Suit

The Seventh Circuit on Wednesday affirmed the dismissal of a discrimination lawsuit against a temporary employment agency but voiced a "soft note of concern" that the district court drew on the wrong precedent in reaching its decision.

[Read full article »](#)

## JOBS

[Search full listings](#) or [advertise your job opening](#)

**IP Associate (Patent – Chemistry) (Boston, MA Office)**

McCarter & English, LLP  
Boston, Massachusetts

**ASSOCIATE: Labor & Employment Litigation**

Epstein Becker & Green, P.C.  
Los Angeles , California

**2022-2024 New York Pro Bono Fellowship**

**Insurance Coverage Attorney (Mid- Senior-Level Associate)**

Federal Trade Commission  
Georgia Supreme Court  
Internal Revenue Service  
Navajo Nation  
New York Attorney General's Office  
U.S. Attorney's Office  
U.S. Attorney's Office for the District of Colorado  
U.S. Attorney's Office for the Western District of New York  
U.S. Court of Appeals for the Eleventh Circuit  
U.S. Court of Appeals for the Ninth Circuit  
U.S. Court of Appeals for the Seventh Circuit  
U.S. Department of Justice  
U.S. District Court for the Central District of California  
U.S. District Court for the District of Connecticut  
U.S. District Court for the Northern District of Illinois  
U.S. District Court for the Northern District of Texas  
U.S. District Court for the Southern District of Florida  
U.S. District Court for the Southern District of New York  
U.S. District Court for the Western District of New York  
U.S. House of Representatives  
U.S. Securities and Exchange Commission  
U.S. Supreme Court

Hunton Andrews Kurth LLP  
New York, New York

or Lateral Partner)  
Company Confidential  
Denver, Colorado

**Labor & Employment Attorney**  
Moore & Van Allen, PLLC  
Charlotte, North Carolina

**Financial Services Associate -  
General**  
Moore & Van Allen  
-, North Carolina

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## Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723)

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**From :** AO Records <records@americanoversight.org> Thu, Jan 20, 2022 08:18 PM  
**Subject :** Two Outstanding Public Records Act Requests (MT-REP-21-1719; MT-REP-21-1723) 2 attachments  
**To :** brad tschida <brad.tschida@mtleg.gov>  
**Cc :** teverts@mt.gov

Dear Representative Tschida,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests to your office bearing internal tracking numbers MT-REP-21-1719 and MT-REP-21-1723. The two requests are attached to this email for your reference.

We have received no communication from your office acknowledging receipt of our public record requests. As you know, the Montana legislature is subject to the Montana Public Records Act. M.C.A. § 2-6-1002(10). Moreover, the Act requires that the public agency receiving a request for records "respond in a timely manner to the requesting person" by either making the information available for inspection or providing the requesting person with an estimate of the time it will take to fulfill the request. Mont. Code Ann. § 2-6-1006(2). American Oversight has received neither form of response for these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Records Act.

Sincerely,  
Taylor Stoneman

MT-REP-21-1719-A -000323

-----  
**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
records@americanoversight.org  
(202) 848-1319

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 **MT-REP-21-1719.pdf**  
291 KB

 **MT-REP-21-1723.pdf**  
294 KB

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## RE: [EXTERNAL] Re: Public Record Information Requests

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**From :** Everts, Todd <teverts@mt.gov> Mon, Jan 24, 2022 01:31 PM  
**Subject :** RE: [EXTERNAL] Re: Public Record Information Requests  
**To :** Theresa Manzella <theresa.manzella@mtleg.gov>  
**Cc :** Bob Phalen <Bob.Phalen@mtleg.gov>, brad tschida  
<brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>, Coles,  
Jaret <JColes@mt.gov>, Johnson, Julie <juliejohnson@mt.gov>,  
Sankey Keip, Laura <LSankeyKeip@mt.gov>

Senator Manzella,

Text messages involving legislative business likely constitute public information that is a public record that may be requested by a person under the public record statutes. Having said that, there has not been any specific Montana court decision regarding text messages and legislators or other public officials that I am aware of.

There have been formal public information requests made of executive branch officials in the past concerning text messages involving official business. I am aware that text messages were provided in response to some of those requests.

Regarding social media posts, it is definitely unclear whether those posts would constitute a public record and there isn't any Montana court decisions regarding this. I would agree that the onus would be on the requester to search the public domain for such posts.

The public records laws (2-6-1002, MCA) provide the following pertinent definitions concerning your question regarding text messages:

10) "**Public agency**" means the executive, legislative, and judicial branches of Montana state government, a political subdivision of the state, a local government, and any agency, department, board, commission, office, bureau, division, or other public authority of the executive, legislative, or judicial branch of the state of Montana.

(11) **"Public information"** means information prepared, owned, used, or retained by any public agency relating to the transaction of official business, regardless of form, except for confidential information that must be protected against public disclosure under applicable law.

(13) **"Public record"** means public information that is:

- (a) fixed in any medium and is retrievable in usable form for future reference; and
- (b) designated for retention by the state records committee, judicial branch, legislative branch, or local government records committee.

(1) **"Confidential information"** means information that is accorded confidential status or is prohibited from disclosure as provided by applicable law. The term includes information that is:

- (a) constitutionally protected from disclosure because an individual privacy interest clearly exceeds the merits of public disclosure;
- (b) related to judicial deliberations in adversarial proceedings;
- (c) necessary to maintain the security and integrity of secure facilities or information systems owned by or serving the state; and
- (d) designated as confidential by statute or through judicial decisions, findings, or orders.

Further the public record statutes provide the following:

### **2-6-1003. Access to public information — safety and security exceptions — Montana**

**historical society exception.** (1) Except as provided in subsections (2) and (3), every person has a right to examine and obtain a copy of any public information of this state.

(2) A public officer may withhold from public scrutiny information relating to individual or public safety or the security of public facilities, including public schools, jails, correctional facilities, private correctional facilities, and prisons, if release of the information jeopardizes the safety of facility personnel, the public, students in a public school, or inmates of a facility. A public officer may not withhold from public scrutiny any more information than is required to protect individual or public safety or the security of public facilities.

(3) The Montana historical society may honor restrictions imposed by private record donors as long as the restrictions do not apply to public information. All restrictions must expire no later than 50 years from the date the private record was received. Upon the expiration of the restriction, the private records must be made accessible to the public.

**2-6-1006. Public information requests — fees.** (1) A person may request public information from a public agency. A public agency shall make the means of requesting public information accessible to all persons.

(2) Upon receiving a request for public information, a public agency shall respond in a timely manner to the requesting person by:

- (a) making the public information maintained by the public agency available for inspection and copying by the requesting person; or
- (b) providing the requesting person with an estimate of the time it will take to fulfill the request if the public information cannot be readily identified and gathered and any fees that may be charged pursuant to subsection (3).

(3) A public agency may charge a fee for fulfilling a public information request. Except where a fee is otherwise provided for by law, the fee may not exceed the actual costs directly incident to fulfilling the request in the most cost-efficient and timely manner possible. The fee must be documented. The fee may include the time required to gather public information. The public agency may require the requesting person to pay the estimated fee prior to identifying and gathering the requested public information.

(4) A public agency is not required to alter or customize public information to provide it in a form specified to meet the needs of the requesting person.

(5) If a public agency agrees to a request to customize a records request response, the costs of the customization may be included in the fees charged by the agency.

(6) (a) The secretary of state is authorized to charge fees under this section. The fees must be set and deposited in accordance with 2-15-405. The fees must be collected in advance.

(b) The secretary of state may not charge a fee to a member of the legislature or public officer for any search relative to matters pertaining to the duties of the member's office or for a certified copy of any law or resolution passed by the legislature relative to the member's official duties.

Pursuant to the above statutes, a legislator conducting legislative business likely constitutes public information if that information is "prepared, owned, used, or retained by any public agency relating to the transaction of official business, regardless of form". If that public information is "fixed in any medium and is retrievable in usable form for future reference", that public information likely constitutes a public record that a person may request.

If you would like to discuss this further, please do not hesitate to give me a call at the phone number listed below.

Todd M. Everts  
Director of Legal Services/Code Commissioner  
Montana Legislative Services Division  
Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)  
Office Phone: (406) 444-4023  
FAX: (406) 444-3036

---

**From:** Theresa Manzella <[theresa.manzella@mtleg.gov](mailto:theresa.manzella@mtleg.gov)>  
**Sent:** Monday, January 24, 2022 8:09 AM  
**To:** Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)>  
**Cc:** Bob.Phalen@mtleg.gov; brad.tschida@mtleg.gov; Fox, Susan <[sfox@mt.gov](mailto:sfox@mt.gov)>; Coles, Jaret <[JColes@mt.gov](mailto:JColes@mt.gov)>; Johnson, Julie <[juliejohnson@mt.gov](mailto:juliejohnson@mt.gov)>  
**Subject:** Re: [EXTERNAL] Re: Public Record Information Requests

Thanks for that, Todd. Yes that helps.

What about the question concerning personal texts?

And social media posts? I can't remember the number of interactions I may have had with any of these people via social media, although it's been extremely limited. What ever has been stated has been in the public domain. I think they can find that stuff on their own if they choose to invest the time.

Sent from my iPhone - Senator Theresa Manzella

On Jan 24, 2022, at 7:00 AM, Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)> wrote:

Senator Manzella,

In Montana, you do not have legislative privilege regarding legislation. Article II, sections 8 and 9, of the Montana Constitution is the controlling authority:

**Section 8. Right of participation.** The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.

**Section 9. Right to know.** No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

Title 2, chapter 6, MCA, regarding public records, implements the above Constitutional provisions and anything that constitutes legislative business, especially legislation and the drafting of legislation, creates a public record and is available to the public upon request.

Hope that helps.

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Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)  
Office Phone: (406) 444-4023  
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---

**From:** Theresa Manzella <[theresa.manzella@mtleg.gov](mailto:theresa.manzella@mtleg.gov)>  
**Sent:** Friday, January 21, 2022 4:54 PM  
**To:** Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)>  
**Cc:** [Bob.phalen@mtleg.gov](mailto:Bob.phalen@mtleg.gov); [brad.tschida@mtleg.gov](mailto:brad.tschida@mtleg.gov); Fox, Susan <[sfox@mt.gov](mailto:sfox@mt.gov)>  
**Subject:** [EXTERNAL] Re: Public Record Information Requests

Additionally, I've been told we have legislative privilege if we have legislation in the works concerning the issue at hand. Please confirm or deny and provide citation. I am working collaboratively with people across the nation on election integrity.

Thanks

Theresa

On Jan 21, 2022, at 10:28 AM, Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)> wrote:

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I was cced on these formal public record information requests late yesterday evening. Legislative Services Division staff will begin working on responding to these requests on your behalf, but staff can only supply state email results. If

MT-REP-21-1719-A -000327

you have any other information that is being requested in personal email or other correspondence, you will need to provide that to us, in order to respond to this request. Thank you.

Todd M. Everts  
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Montana Legislative Services Division  
Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)  
Office Phone: (406) 444-4023  
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**Subject :** Re: [EXTERNAL] Re: Public Record Information Requests  
**To :** Everts, Todd <teverts@mt.gov>  
**Cc :** Bob Phalen <Bob.Phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>, Coles, Jaret <JColes@mt.gov>, Johnson, Julie <juliejohanson@mt.gov>

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**Sent:** Friday, January 21, 2022 4:54 PM  
**To:** Everts, Todd <teverts@mt.gov>  
**Cc:** Bob.phalen@mtleg.gov; brad.tschida@mtleg.gov; Fox, Susan <sfox@mt.gov>  
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Senator Manzella, Rep. Tschida, & Rep. Phalen,

MT-REP-21-1719-A -000330

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**From :** Everts, Todd <teverts@mt.gov>

Mon, Jan 24, 2022 07:00 AM

**Subject :** RE: [EXTERNAL] Re: Public Record Information Requests

**To :** Theresa Manzella <theresa.manzella@mtleg.gov>

**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida <brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>, Coles, Jaret <JColes@mt.gov>, Johnson, Julie <juliejohnson@mt.gov>

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---

**From:** Theresa Manzella <theresa.manzella@mtleg.gov>

**Sent:** Friday, January 21, 2022 4:54 PM

MT-REP-21-1719-A -000332

**To:** Everts, Todd <teverts@mt.gov>  
**Cc:** Bob.phalen@mtleg.gov; brad.tschida@mtleg.gov; Fox, Susan <sfox@mt.gov>  
**Subject:** [EXTERNAL] Re: Public Record Information Requests

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Thanks

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---

**From :** Theresa Manzella <theresa.manzella@mtleg.gov>  
**Subject :** Re: Public Record Information Requests

Fri, Jan 21, 2022 04:54 PM

**To :** Todd Everts <teverts@mt.gov>  
**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida  
<brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>

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Director of Legal Services/Code Commissioner

Montana Legislative Services Division

Montana State Legislature

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**From :** Theresa Manzella <theresa.manzella@mtleg.gov>

Fri, Jan 21, 2022 01:09 PM

**Subject :** Re: Public Record Information Requests

**To :** Todd Everts <teverts@mt.gov>

**Cc :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida  
<brad.tschida@mtleg.gov>, Fox, Susan <sfox@mt.gov>

Thanks Todd. I actually missed the first request. I sent the emails associated with the request last night, as individual forwards. The last I heard personal texts were off limits as considered personal. Has that changed? If so, please cite the statutes and case law that takes precedence to the 4th Amendment. And the social media stuff? I'm likely to tell them to find it themselves as it's openly on public platforms and I have no idea how to collect it for them.

Thanks you.

Sen Theresa Manzella

On Jan 21, 2022, at 10:28 AM, Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)> wrote:

Senator Manzella, Rep. Tschida, & Rep. Phalen,

I was cced on these formal public record information requests late yesterday evening. Legislative Services Division staff will begin working on responding to these requests on your behalf, but staff can only supply state email results. If you have any other information that is being requested in personal email or other correspondence, you will need to provide that to us, in order to respond to this request. Thank you.

Todd M. Everts

Director of Legal Services/Code Commissioner

Montana Legislative Services Division

Montana State Legislature

[teverts@mt.gov](mailto:teverts@mt.gov)

Office Phone: (406) 444-4023

FAX: (406) 444-3036

&lt;Mail Attachment.eml&gt; &lt;Mail Attachment.eml&gt; &lt;Mail Attachment.eml&gt;

Legislators are publicly elected officials. Legislator emails sent or received involving legislative business may be subject to the Right to Know provisions of the Montana Constitution and may be considered a "public record" pursuant to Montana law. As such, email, sent or received, its sender and receiver, and the email contents, may be subject to public disclosure, except as otherwise provided by Montana law.

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**From :** Everts, Todd <teverts@mt.gov> Fri, Jan 21, 2022 10:28 AM  
**Subject :** Public Record Information Requests  3 attachments  
**To :** Bob phalen <Bob.phalen@mtleg.gov>, brad tschida  
<brad.tschida@mtleg.gov>, Theresa Manzella  
<Theresa.Manzella@mtleg.gov>  
**Cc :** Fox, Susan <sfox@mt.gov>

Senator Manzella, Rep. Tschida, & Rep. Phalen,

I was cced on these formal public record information requests late yesterday evening. Legislative Services Division staff will begin working on responding to these requests on your behalf, but staff can only supply state email results. If you have any other information that is being requested in personal email or other correspondence, you will need to provide that to us, in order to respond to this request. Thank you.

Todd M. Everts  
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Montana Legislative Services Division  
Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)  
Office Phone: (406) 444-4023  
FAX: (406) 444-3036

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**From :** AO Records <records@americanoversight.org> Thu, Jan 20, 2022 10:23 PM  
**Subject :** [EXTERNAL] Two Outstanding Public Records Act Requests  [3 attachments](#)  
(MT-REP-21-1720; MT-REP-21-1724)  
**To :** Bob phalen <Bob.phalen@mtleg.gov>  
**Cc :** Everts, Todd <teverts@mt.gov>

Dear Representative Phalen,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests to you.

We have received no communication from your office acknowledging receipt of our public record requests. As you know, the law requires you to "respond in a timely manner to the requesting person" by either making the information available for inspection or providing a written response. We request that you respond to these two requests.

American Oversight requests that your office immediately comply with the requirements of the Montana Public Records Act.

Sincerely,  
Taylor Stoneman

-----  
**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
records@americanoversight.org  
(202) 848-1319

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**From :** AO Records <records@americanoversight.org> Thu, Jan 20, 2022 10:18 PM  
**Subject :** [EXTERNAL] Two Outstanding Public Records Act Requests  [3 attachments](#)  
(MT-REP-21-1719; MT-REP-21-1723)  
**To :** brad tschida <brad.tschida@mtleg.gov>  
**Cc :** Everts, Todd <teverts@mt.gov>

Dear Representative Tschida,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests to you.

We have received no communication from your office acknowledging receipt of our public record requests. As you know, the "respond in a timely manner to the requesting person" by either making the information available for inspection or providing for these two requests.

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Sincerely,  
Taylor Stoneman

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**Taylor Stoneman** (she/her)  
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**From :** AO Records <records@americanoversight.org>  
**Subject :** [EXTERNAL] Two Outstanding Public Records Act Requests  
(MT-SEN-21-1718; MT-SEN-21-1722)

Thu, Jan 20, 2022 10:04 PM

 [3 attachments](#)

**To :** theresa manzella <theresa.manzella@mtleg.gov>

**Cc :** Everts, Todd <tevarts@mt.gov>

Dear Senator Manzella,

I am counsel for American Oversight. On December 1, 2021, our organization submitted two public records requests to you.

We have received no communication from your office acknowledging receipt of our public record requests. As you know, the law requires you to "respond in a timely manner to the requesting person" by either making the information available for inspection or providing a written response. We request that you respond to these two requests.

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Sincerely,  
Taylor Stoneman

-----

**Taylor Stoneman** (she/her)  
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