



June 26, 2024

VIA U.S. MAIL

JoDee Hanson, Chief Administrative Officer
North Dakota Office of the Governor
600 East Boulevard Avenue
Bismarck, ND 58505

Re: Open Records Law Request

Dear Record Custodian:

Pursuant to the North Dakota Open Records Law, N.D.C.C. §§ 44-04-18 et seq., and Section 6 of Article XI of the North Dakota Constitution, American Oversight makes the following request for records.

Requested Records

American Oversight requests that the North Dakota Office of the Governor promptly produce the following records:

1. All email communications (including emails, email attachments, complete email chains, and calendar invitations) and text messages or messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, X—formerly Twitter—direct messages, Facebook messages, WhatsApp, Signal, Telegram, or Parler) sent or received by Governor Burgum, or anyone communicating on his behalf—such as a chief of staff, scheduler, or assistant—regarding former President Donald Trump’s New York criminal trial and/or Governor Burgum’s trip to New York City on or around May 14, 2024.¹

For part one of this request, please provide all responsive records from May 1, 2024, through June 1, 2024.

2. All email communications (including emails, email attachments, complete email chains, and calendar invitations) sent by Governor Burgum **from May 12, 2024, through May 16, 2024.**

¹ See, e.g., Dan Berman, *Recapping the Trump Hush Money Charges, Trial, Verdict and Questions*, CNN (June 1, 2024, 2:30 PM), <https://www.cnn.com/2024/06/01/politics/recap-trump-hush-money-trial/index.html>; also see, Ashley Murray & Michael Achterling, *Gov. Doug Burgum Attends Trump Trial, Calls It ‘Election Interference,’* North Dakota Monitor (May 14, 2024, 10:38 AM), <https://northdakotamonitor.com/briefs/gov-doug-burgum-at-trump-trial-in-new-york/>.



In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited part two of this request to emails sent by Governor Burgum. To be clear, however, American Oversight requests that complete email chains be produced, displaying both sent and received messages. This means that both Governor Burgum's response during the specified time frame and the initial received message are responsive to this request and should be produced.

3. All text messages or messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, X—formerly Twitter—direct messages, Facebook messages, WhatsApp, Signal, Telegram, or Parler) sent or received by Governor Burgum **from May 12, 2024, through May 16, 2024**.
4. All email communications (including emails, email attachments, complete email chains, and calendar invitations) and text messages or messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, X—formerly Twitter—direct messages, Facebook messages, WhatsApp, Signal, Telegram, or Parler) between (a) Governor Burgum, or anyone communicating on his behalf—such as a chief of staff, scheduler, or assistant—and (b) any of the external entities and/or officials listed below (including, but not limited to, at the email addresses or domains specified below).

External Entities and Officials:

- a. Texas Attorney General Ken Paxton, and/or anyone communicating from an email address ending in oag.texas.gov and/or kenpaxton.com
- b. Iowa Attorney General Brenna Bird, and/or anyone communicating from an email address ending in ag.iowa.gov and/or brennabirdag.com
- c. Alabama Attorney General Steve Marshall, and/or anyone communicating from an email address ending in alabamaag.gov and/or marshallforalabama.com
- d. South Carolina Attorney General Alan Wilson, and/or anyone communicating from an email address ending in scag.gov and/or wilsonforag.com
- e. Vivek Ramaswamy, and/or anyone communicating from an email address ending in vivek2024.com
- f. U.S. Representative Byron Donalds (FL-19), and/or anyone communicating from an email address ending in byrondonalds.com
- g. U.S. Representative Cory Mills (FL-7), and/or anyone communicating from an email address ending in millsforflorida.com
- h. U.S. Representative Mike Johnson (LA-4), and/or anyone communicating from an email address ending in mikejohnsonforlouisiana.com
- i. U.S. Representative Anna Paulina Luna (FL-13), and/or anyone communicating from an email address ending in voteannapaulina.com
- j. U.S. Representative Marjorie Taylor Greene (GA-14), and/or anyone communicating from an email address ending in mtgforamerica.com

- k. U.S. Representative Lauren Boebert (CO-3), and/or anyone communicating from an email address ending in laurenforcolorado.com
- l. U.S. Representative Matt Gaetz (FL-1), and/or anyone communicating from an email address ending in mattgaetz.com
- m. U.S. Senator J.D. Vance (OH), and/or anyone communicating from an email address ending in jdvince.com
- n. U.S. Senator Rick Scott (FL), and/or anyone communicating from an email address ending in rickscott.com
- o. Former President Donald Trump, and/or anyone communicating on behalf of Donald J. Trump for President 2024 and/or Trump Save America Joint Fundraising Committee (donaldjtrump.com)
- p. Alan Dershowitz

For part four of this request, please provide all responsive records from May 1, 2024, through June 1, 2024.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, if the request seeks “communications,” please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or X—formerly Twitter—direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.
- In conducting your search, please understand the term “record,” in its broadest sense, to include all recorded information, regardless of physical form, related to any governmental functions, public business, or public funds.² We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all

² N.D.C.C. § 44-04-17.1(16).

prior messages sent or received in that email chain, as well as any attachments to the email.

- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Open Records Law.³
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records.⁴ If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release. Furthermore, if a request is denied in whole or in part, please describe the legal authority for the denial or, if applicable, provide a statement that the records do not exist.⁵
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

³ See N.D.A.G. 2014-O-20 (records contained on public employee's personal device); N.D.A.G. 2014-O-10 (private email account used to generate or receive emails containing "public business"); N.D.A.G. 2008-O-15 (emails on home computers).

⁴ N.D.C.C. § 44-04-18.10 (1), (2).

⁵ N.D.C.C. § 44-04-18(7).

Conclusion

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and X (formerly Twitter).⁶

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Loree Stark at records@americanoversight.org or (304) 913-6114.

Sincerely,

/s/ Loree Stark

Loree Stark
on behalf of
American Oversight

⁶ American Oversight currently has approximately 16,000 followers on Facebook and 111,400 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited June 6, 2024); American Oversight (@weareoversight), X (formerly Twitter), <https://twitter.com/weareoversight> (last visited June 6, 2024).