



June 27, 2024

VIA EMAIL

Office of the Secretary of State
Montana Capitol Building, Rm 260
P.O. Box 202801
Helena, MT 59620
sosbusiness@mt.gov

Re: Public Records Act Request

Dear Public Records Officer:

Pursuant to Art. II, Section 9, of the Montana Constitution, and the Montana Public Records Act, Mont. Code Ann. §§ 2-6-1001 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office produce the following records in a timely manner:

All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by the officials listed below regarding any proposed ballot initiative seeking to guarantee abortion access in the Montana state constitution.¹

Office of the Secretary of State Officials:

- a. Secretary of State Christi Jacobsen
- b. Chief Deputy Angela Nunn
- c. Elections Director Austin James

In an effort to accommodate the Office of the Secretary of State and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited this request to emails sent by the officials listed above. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means that both a specific individual's response to an email regarding any

¹ For further identifying information, please see Mara Silvers, *Montana Supreme Court Rewrites Abortion Ballot Language; Signature Gathering Moves Closer*, Mont. Free Press, Apr. 1, 2024, <https://montanafreepress.org/2024/04/01/montana-supreme-court-rewrites-abortion-ballot-language-signature-gathering-moves-closer/>.



proposed ballot initiative and the initial received message are responsive to this request and should be produced.

Please provide all responsive records from January 1, 2024, through the date the search is conducted.

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:

- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

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

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a

USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

Conclusion

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and X (formerly Twitter).²

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Taylor Stoneman at records@americanoversight.org or (202) 848-1319.

Sincerely,

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

² American Oversight currently has approximately 16,000 followers on Facebook and 111,500 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited June 11, 2024); American Oversight (@weareoversight), X (formerly Twitter), <https://twitter.com/weareoversight> (last visited June 11, 2024).