



July 3, 2024

VIA ONLINE PORTAL

Idaho Secretary of State
P.O. Box 83720
Boise, ID 83720
Via Online Portal

Re: Public Records Act Request

Dear Public Records Custodian:

Pursuant to Idaho's Public Records Act, as codified at Chapter 1 of Title 74 of the Idaho Code, I.C. T. 74, Ch. 1, American Oversight makes the following request for records.

Requested Records

Pursuant to Section 74-103(1) of the Idaho Code, American Oversight requests you produce the following records within three working days, or, if a longer period of time is needed and American Oversight is so notified, within ten working days:

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) the officials listed below, and (b) any of the external entities or individuals listed below, including, but not limited to, anyone communicating from any of the listed email addresses and domains.

Idaho Secretary of State's Office Officials:

- a. Secretary of State Phil McGrane, or anyone communicating on his behalf, such as an assistant, scheduler, or aide
- b. Chief Deputy Secretary of State Nicole Fitzgerald
- c. Deputy Secretary of State Rob McQuade
- d. Elections Director Guillermo de Jesus Valesco

External Entities:

1. Federation for American Immigration Reform (fairus.org)
2. America First Legal (aflegal.org, athospr.com)
3. America First Policy Institute (americafirstpolicy.com)
4. Cleta Mitchell (cleta@cletamitchell.com)
5. Only Citizens Vote Foundation (onlycitizensvotecoalition.com)
6. State Freedom Caucus Network (statefreedomcaucus.org)
7. Andrew "Andy" Roth
8. Election Transparency Initiative (electiontransparency.org)
9. Honest Elections Project (jasonsnead.com, honestelections.org)



10. Association of Mature American Citizens (amac.us)
11. Americans for Citizen Voting (onlycitizens.vote)
12. Save Our States (saveourstates.com)
13. Heritage Foundation (heritage.org, heritageaction.com)
14. Public Interest Legal Foundation (publicinterestlegal.org, electionlawcenter.com)
15. Conservative Partnership Institute (cpi.org, conservativepartnership.org)
16. Election Integrity Network (electionintegrity.network, whoscounting.us)
17. Election Research Institute (election-institute.com)
18. Foundation for Government Accountability (thefga.org)
19. Election Transparency Initiative (electiontransparency.org)
20. State Freedom Caucus Network (statefreedomcaucus.org)
21. Idaho Freedom Foundation (idahofreedom.org)
22. Jenny Beth Martin
23. Rosemary Jenks
24. Tea Party Patriots (teapartypatriots.org)

Please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications responding to or forwarding such emails are responsive to this request. For example, if an official received a mass-distribution news clip email from an email ending in aflegal.org, that initial email would not be responsive to this request. However, if the official forwarded that email to another listed individual with their own commentary, that subsequent message would be responsive to this request and should be produced.

2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by the officials listed above in part 1 and containing any of the key terms listed below.

Key Terms:

1. Noncitizen
2. "Non-citizen"
3. "Non citizen"
4. "House Joint Resolution 5"
5. HJR5
6. "HJR 5"
7. Undocumented
8. Immigrant
9. Immigrants
10. "Foreign citizen"

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 2 of this request to emails sent by the specified individuals. To be

clear, however, American Oversight requests that complete email chains be produced, displaying both sent and received messages. This means that both an individual's response to an email and the initial received message are responsive to this request and should be produced.

For both parts of this request, 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. Records of official business conducted using unofficial systems or stored outside of official files are subject to Idaho's Public Records Act if they were "prepared" by your agency, including by an employee of your agency.¹
- 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.² 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.

¹ See I.C. § 74-101(13); cf. *Cowles Pub. Co. v. Kootenai Cty. Bd. of Cty. Comm'rs*, 144 Idaho 259, 263 (2007).

² I.C. § 74-112.

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 the 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).³

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 David Kronig at records@americanoversight.org or (202) 897-3915.

Sincerely,

/s/ David Kronig

David Kronig

on behalf of

American Oversight

³ 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 July 2, 2024); American Oversight (@weareoversight), X (formerly Twitter), <https://twitter.com/weareoversight> (last visited July 2, 2024).