



April 20, 2021

VIA EMAIL

Senator Tom McGillvray
Montana State Capitol
1301 East Sixth Avenue
Helena, MT 59601
Tom.McGillvray@mtleg.gov

Re: Public Records Act Request

Dear Senator McGillvray:

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 the Office of Senator McGillvray produce the following records in a timely manner:

1. Any formal or informal assessment or analyses regarding the impact of SB 196.
2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar attachments) sent by Senator Tom McGillvray or anyone communicating on his behalf (such as an assistant, scheduler, or chief of staff) containing any of the key terms listed below.

Key Terms:

- “voter fraud”
- “election fraud”
- “alleged fraud”
- “alleging fraud”
- “intend to vote”
- “voting hours”
- “polling hours”
- “closing of polls”
- “polling place”
- “400 voters”
- “400 electors”
- “400 registered”
- “registered electors”
- “absentee ballot”
- Reservation
- Engelbrecht
- TTV
- “True the Vote”
- “Christian Adams”
- Churchwell
- PILF



- “Public Interest Legal Foundation”
- Spakovsky
- Heritage
- Cleta
- FreedomWorks
- “Conservative Partnership Institute”
- CPI
- ALEC
- “Legislative Exchange”
- “Opportunity Solutions Project”
- Bragdon
- Bechtle

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited item 2 of its request to emails sent by the listed custodians. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both Senator McGillvray’s response to an email containing any of the specified terms and the initial received message are responsive to this request and should be produced.

Please provide all responsive records from January 1, 2021, through February 8, 2021.

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 to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

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

Conclusion

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.¹

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

¹ American Oversight currently has approximately 15,670 page likes on Facebook and 106,200 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Apr. 8, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Apr. 8, 2021).

understand any part of this request, please contact Christine Monahan at records@americanoversight.org or (202) 869-5244.

Sincerely,

/s/ Christine Monahan

Christine Monahan
on behalf of
American Oversight