



May 7, 2021

VIA EMAIL

Senator Bob Giuda
New Hampshire State House, Rm. 302
107 North Main Street
Concord, NH 03301
Bob.giuda@leg.state.nh.us

Senator Gary Daniels
New Hampshire State House, Rm. 105
107 North Main Street
Concord, NH 03301
Gary.daniels@leg.state.nh.us

Re: Right-to-Know/Public Records Request

Dear Senator Giuda and Senator Daniels:

Pursuant to Part I, Article 8 of the New Hampshire Constitution, and New Hampshire’s Right-to-Know Law, as codified at RSA Chapter 91-A, American Oversight makes the following request for records.

Requested Records

American Oversight requests that the Office of Senator Bob Giuda and the Office of Senator Gary Daniels produce the following records within five business days:

1. Any formal or informal assessment or analysis regarding the impact of SB 54. Please provide all responsive records from December 1, 2020, through January 6, 2021.
2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent between December 1, 2020, and January 6, 2021, by any of the individuals listed in Column A, below, containing any of the key terms listed in Column B, below.

Column A: New Hampshire Legislators & Staff	Column B: Key Terms
<u>Office of Senator Giuda:</u> i. Sen. Bob Giuda or anyone communicating on their behalf (such as a Chief of Staff, scheduler, or assistant) ii. Griffin Roberge, Legislative Aide <u>Office of Senator Daniels:</u>	i. “voter fraud” ii. “election fraud” iii. “alleged fraud” iv. “alleging fraud” v. Identification vi. Identity vii. ID viii. I.D. ix. “driver’s license” x. Nondriver’s



i. Sen. Gary Daniels or anyone communicating on their behalf (such as a Chief of Staff, scheduler, or assistant)	xi. Non-driver's
ii. Deb Martone, Legislative Aide	xii. Nondriver
	xiii. Non-driver
	xiv. "Social Security Number"
	xv. SSN
	xvi. SS#
	xvii. Engelbrecht
	xviii. TTV
	xix. "True the Vote"
	xx. "Christian Adams"
	xxi. Churchwell
	xxii. PILF
	xxiii. "Public Interest Legal Foundation"
	xxiv. Spakovsky
	xxv. Heritage
	xxvi. Cleta
	xxvii. FreedomWorks
	xxviii. "Conservative Partnership Institute"
	xxix. CPI
	xxx. ALEC
	xxxi. "Legislative Exchange"
	xxxii. "Foundation for Government Accountability"
	xxxiii. "Opportunity Solutions Project"
	xxxiv. Bragdon
	xxxv. Bechtle

In an effort to accommodate your offices 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 Giuda'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.

Pursuant to RSA § 91-A:4, IV, I ask that any charges in connection with processing this request for records not exceed the actual cost of providing the copy, if any.

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.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. 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 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 that any responsive records are exempt from disclosure, in whole or in part, please state specifically the justification for the withholding with reference to the applicable section of the Right-to-Know Law or other legal authority that exempts the information from disclosure.
- 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 understand any part of this request, please contact Katherine Anthony at records@americanoversight.org or (202) 897-3918.

Sincerely,

/s/ Katherine Anthony
Katherine Anthony
on behalf of
American Oversight

¹ American Oversight currently has approximately 16,300 page followers on Facebook and 106,200 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited May 6, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited May 6, 2021).