



November 23, 2021

VIA EMAIL

Ginger Aldrich, Staff Attorney
Districting and Apportionment Commission
Montana State Legislature
1301 East 6th Avenue
Helena, MT 59601
kvaldrich@mt.gov

Re: Public Records Act Request

Dear Staff Attorney Aldrich:

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 Districting and Apportionment Commission produce the following records in a timely manner:

1. A complete copy (including any attachments) of any contract, amendment, memorandum of understanding, or other written agreement regarding external entities providing services relevant to the state or congressional redistricting processes, including, but not limited to, agreements with providers of map drawing software, consultants, advisors, or legal counsel.

This request should be interpreted to include any copies of contractual documents pertaining to redistricting in possession of the Districting and Apportionment Commission or any member or staff of the Commission, including those to which the Commission, Commission members, Commission staff, or Montana State Legislature are not party.

2. A complete copy of any unpublished formal or informal guidance, directives, memoranda, criteria, or other policy document pertaining to redistricting issued by or in possession of the Districting and Apportionment Commission (including any Commission member or staff).
3. Any district boundary proposals produced by any member of the Districting and Apportionment Commission, any Districting and Apportionment Commission staff member, or any entity commissioned or contracted by the Districting and Apportionment Commission or the Montana State Legislature, as well as any related data analyses. Please note that this request



does not seek electoral district maps or community of interest maps submitted as public comment by members of the public.

4. Any records containing assessments, interpretations, or opinions concerning data from the 2020 Census or the 2020 American Community Survey (ACS).
5. Any records containing assessments, interpretations, or opinions concerning past election results.
6. Any records containing assessments, interpretations, or opinions concerning political party affiliation data, racial demographic data, or present incumbency.
7. Records sufficient to identify the redistricting-related roles or responsibilities of any member of the Districting and Apportionment Commission, any Districting and Apportionment Commission staff member, or any entity commissioned or contracted by the Districting and Apportionment Commission or the Montana State Legislature for redistricting-related work.
8. Records reflecting any training materials used to instruct any member of the Districting and Apportionment Commission, any Districting and Apportionment Commission staff member, or any entity commissioned or contracted by the Districting and Apportionment Commission or the Montana State Legislature for redistricting-related work, in their roles or responsibilities.
9. Any records containing any formal or informal appraisal of or comment on any content or public comment submitted to the Districting and Apportionment Commission by members of the public.

Please provide all responsive records from January 1, 2021, 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:

- 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 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 Taylor Stoneman at records@americanoversight.org or (202) 848-1319.

Sincerely,

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

¹ American Oversight currently has approximately 15,600 page followers on Facebook and 109,100 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Nov. 22, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Nov. 22, 2021).