



AMERICAN CIVIL LIBERTIES UNION OF NEW HAMPSHIRE

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DEVON CHAFFEE
EXECUTIVE DIRECTOR

May 18, 2017

VIA FIRST CLASS MAIL AND EMAIL (david.scanlan@sos.nh.gov)

David M. Scanlan
Deputy Secretary of State
State House, Room 204
107 North Main Street
Concord, NH 03301

Re: Right-to-Know Request Regarding the May 11, 2017 Presidential Advisory Commission on Election Integrity

Dear Deputy Secretary Scanlan:

This is a Right-to-Know request to the New Hampshire Secretary of State's Office pursuant to RSA 91-A and Part I, Article 8 of the New Hampshire Constitution by the American Civil Liberties Union of New Hampshire ("ACLU-NH"). The ACLU-NH defends and promotes the fundamental principles embodied in the Bill of Rights and the U.S. and New Hampshire Constitutions. In furtherance of that mission, the ACLU-NH regularly conducts research into government activities in New Hampshire. We ask that your Office waive all fees associated with responding to this request. Please contact me to discuss the fee waiver in advance of preparing any copies.

Below are the specific requests. Please note that they include any responsive communications between (i) any member of the N.H. Secretary of State's Office and (ii) any member of the federal Executive Branch, the presidential transition, the President's staff, the Vice President's staff, the Presidential Advisory Commission on Election Integrity, and/or the staff of Presidential Advisory Commission on Election Integrity.

1. All documents, notes, and internal/external communications—including but not limited to emails, letters, and texts—concerning the Presidential Advisory Commission on Election Integrity described in the President's May 11, 2017 Executive Order and Secretary of State William Gardner's membership on this Commission.
2. All documents, notes, and internal/external communications—including but not limited to emails, letters, and texts—concerning changes or potential changes to any rules, regulations, guidance, or guidelines contemplated in connection with the Presidential Advisory Commission on Election Integrity.
3. All documents, notes, and internal/external communications—including but not limited to emails, letters, and texts—concerning allegations of improper voter

registration, improper voting, fraudulent voter registration, and/or fraudulent voting (as those terms are defined in the President's May 11, 2017 Executive Order) in the November 2016 General Election, including but not limited to documents supporting or rebutting the President's allegation that thousands of Massachusetts residents were bused to New Hampshire to cast ballots against him.

4. Legal opinions, memoranda, findings, factual evidence, studies, audits or advisories concerning allegations of improper voter registration, improper voting, fraudulent voter registration, and/or fraudulent voting (as those terms are defined in the President's May 11, 2017 Executive Order) in the November 2016 General Election, including but not limited to the President's allegation that thousands of Massachusetts residents were bused to New Hampshire to cast ballots against him.
5. Proposed findings, recommendations, policies, and/or draft legislation for enhancing "election integrity" or promoting "confidence in the integrity of the voting processes" in connection with the Presidential Advisory Commission on Election Integrity.

In responding to this request, please consider the time limits mandated by the Right-to-Know law. In discussing those limits in *ATV Watch v. N.H. Dep't of Res. & Econ. Dev.*, 155 N.H. 434 (2007), the New Hampshire Supreme Court has stated that RSA 91-A:4, IV requires that a public body or agency, "within 5 business days of the request, make such records available, deny the request in writing with reasons, or to furnish written acknowledgement of the receipt of the request and a statement of the time reasonably necessary to determine whether the request shall be granted or denied." *Id.* at 440.

If produced, these records must be produced irrespective of their storage format; that is, they must be produced whether they are kept in tangible (hard copy) form or in an electronically-stored format, including but not limited to e-mail communications. If any records are withheld, or any portion redacted, please specify the specific reasons and statutory exemption relied upon. *See* RSA 91-A:4, IV (official must "make such record available" or "deny the request in writing with reasons") (emphasis added).

Thank you for your anticipated cooperation. I look forward to hearing from you as soon as possible. Of course, if you have any questions or concerns, do not hesitate to contact me.

Very truly yours,



Gilles Bissonnette
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Cc: Brian Buonamano (Brian.Buonamano@doj.nh.gov)