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September 17, 2020

Records Officer  
Office of the Auditor, Linn County, Iowa  
935 Second Street, S.W.  
Cedar Rapids, Iowa 52404

***RE: Iowa Open Records Act Request — Public Records Concerning Election Matters.***

Dear Records Officer,

The following is a public records request pursuant Iowa Code Chapter 22, Iowa's Open Records Act. Please read this request carefully and respond as soon as possible.

## GENERAL INSTRUCTIONS

**Interpretation Of Request's Scope.** This open records request should be construed as broadly as possible. As you are aware, the goal of Iowa's Open Records Act is to open the workings of government to the public. Disclosure is the standard, not the exception. When in doubt, a potentially responsive record should be produced, not withheld or redacted.

**Search Boundaries.** The search perimeters of this open records request are comprehensive in nature. The public records sought should be produced regardless of their location or format. When responding to this request, ensure that all official and personal forms of communication that may have been used to conduct official business relevant to this request are searched thoroughly and properly (*e.g.*, official computers, official cell phones, personal computers, personal cell phones, text messages, email accounts, messaging devices/mediums, handwritten notes, etc.). It is your obligation to perform this search of potentially responsive records in good faith. If you do not, in the event of litigation, such sources of potentially responsive records can and will be examined during discovery.

**Withholding And Redactions.** If you withhold or redact any potentially responsive records in the course of fulfilling this open records request, please state exactly how many potentially responsive records have been withheld or redacted, and your precise legal basis for taking each specific action you have undertaken with respect to such withheld or redacted records. Remember: Iowa law clearly articulates a liberal policy in favor of access to public records. Any withheld or redacted records will be closely scrutinized.

**Timeline For Production.** Requests for public records are routine and should be handled immediately. Iowa law allows for a good faith reasonable delay in production, but be advised that the allowance of such a delay is very limited. As the government body having custody of the

records sought herein, you have up to twenty (20) calendar days to fulfill this request; however, ordinarily a request of this nature should take no more than ten (10) business days or less. You should produce all responsive records requested on a rolling basis; do not hold all responsive documents for a single omnibus release at the end.

**Fee Waiver Request Or Estimate.** The public records sought in this request will be used for public informational purposes, not for any commercial venture. Accordingly, a waiver of any production fees is appropriate. If, however, there will be a fee in relation to the fulfillment of this request, advise me in advance of a reasonable, good faith estimate of what that fee is expected to be. You may not charge any fee for the production of public records that exceeds the actual, reasonable costs of producing the records requested.

**Form Of Production Of Records.** All responsive records should be produced in electronic form (*e.g.*, via email attachment files, via compact disc, via thumb drive, via an internet-based shared drive/link, etc.). Production in electronic form is more economical and cost-effective for your office and for me. If electronic production of responsive records is not possible, reasonable notice should be given to that effect as soon as possible.

**Gender And Number.** Words and phrases used in this request should be construed as in the singular or plural number, and as in the masculine, feminine, or neutral gender, according to the context as the case may be.

**Understanding Of Records Sought.** The type of records sought by this request should be self-explanatory pursuant to the specific request(s) below. However, if you are confused about the records being sought, advise me immediately of such confusion so that adequate clarification(s) can be provided to you.

**Reservation Of Rights.** I reserve any and all legal or equitable rights to ensure that this particular open records request is fulfilled to its fullest extent, and that your office complies with any and all laws and regulations applicable hereto. Should there be a credible dispute over the outcome of this request, I will not be going to the Iowa Public Information Board (IPIB) for an informal dispute resolution. I will be going directly to Iowa District Court to seek available relief, including, but not limited to, the production of any responsive records sought but not produced, any responsive records sought but not produced in full, or any responsive records produced contrary to applicable law. In such a case, monetary damages, attorneys' fees, court costs, and attendant expenses of litigation will also be sought. If this request is fulfilled as asked, I am hopeful legal action will not be necessary.

**Records Cross-Checked By Alternate Sources.** You should assume that I am already in possession of certain records that are legally responsive to some or all of the specific records requests stated below. I am not obligated to inform you of the sources of any independently obtained copies of such records. Should your response(s) to this open records request not be consistent with what I may already know or with records that I may already possess, appropriate follow-ups may be made to determine the reason for such incongruity. Such potential follow-ups may include, but would not be limited to, subsequent demands for records, further

investigation aided by potentially concerned members of the public and the media, or the initiation of legal action against you.

### **SPECIFIC REQUESTS**

The following public records are hereby requested:

- 1.)** All public records in any form, or stored in any medium whatsoever, held by the Office of the Linn County Auditor dated between February 1, 2020 and the date of your final response to this specific open records request pertaining directly or indirectly to the legality of, the usage of, the printing of, the formatting of, the distribution of, the mailing of, the processing of, the handling of, and the receiving of absentee ballot request forms (hereinafter "ABRFs"). This specific request includes all public records held by Auditor Joel D. Miller himself, and any representatives or members of his official staff, regardless of the location and nature of the public records being sought, including, but not limited to, potentially responsive records held on official or personal devices or data mediums.
  
- 2.)** All public records in any form, or stored in any medium whatsoever, held by the Office of the Linn County Auditor dated between April 1, 2020 and June 2, 2020 pertaining directly or indirectly to:
  - a.** Exactly how many total ABRFs were sent to Linn County voters by the Office of the Linn County Auditor for the June 2020 primary election.
  
  - b.** Exactly how many total ABRFs sent to Linn County voters by the Office of the Linn County Auditor for the June 2020 primary election were sent "prepopulated" or "prefilled" with voter information; that is, printed and sent containing information other than, or over and above, simply the date of the applicable election and the type of the applicable election (*e.g.*, the voter's name, the voter's personal identification number (voter PIN), the voter's date of birth, or other information a voter may be required to provide on a returned ABRF) (hereinafter "Filled ABRFs").
  
  - c.** Exactly how many total ABRFs sent by the Office of the Linn County Auditor were timely returned for the June 2020 primary election.
  
  - d.** Exactly how many total Filled ABRFs sent by the Office of the Linn County Auditor were timely returned for the June 2020 primary election.
  
  - e.** Exactly how many total timely returned ABRFs sent by the Office of the Linn County Auditor resulted in the mailing of actual absentee ballots to voters affiliated with the Democratic Party, voters affiliated with the Republican Party, and independent voters, respectively, for the June 2020 primary election.

These specific requests and sub-requests include all public records held by Auditor Joel D. Miller himself, and any representatives or members of his official staff, regardless of the location and

nature of the public records being sought, including, but not limited to, potentially responsive records held on official or personal devices or data mediums.

**3.)** All public records in any form, or stored in any medium whatsoever, held by the Office of the Linn County Auditor dated between April 10, 2020 and June 30, 2020 pertaining directly or indirectly to:

**a.** Exactly how many total ABRFs were returned to the Office of the Linn County Auditor for the June 2020 primary election that were defective or incomplete in some way (*e.g.*, required information was missing, envelope or signature formalities not followed, etc.).

**b.** Exactly how many potential voters who returned such defective or incomplete ABRFs for the June 2020 primary election were directly contacted as mandated by Iowa law by the Office of the Linn County Auditor in an attempt to rectify such ABRF defects or incomplete information.

**c.** The manner in which the Office of the Linn County Auditor directly contacted voters returning such defective or incomplete ABRFs in an attempt to rectify such ABRF defects or incomplete information (*i.e.*, by phone, by email, by regular mail, etc.), as well as the specific names of the representatives or official staff members of the Office of the Linn County Auditor who made those direct voter contacts.

**d.** Exactly how many ABRFs initially returned with defects or incomplete information were eventually "cured" and resulted in the mailing of actual absentee ballots to voters affiliated with the Democratic Party, voters affiliated with the Republican Party, and independent voters, respectively, for the June 2020 primary election.

These specific requests and sub-requests include all public records held by Auditor Joel D. Miller himself, and any representatives or members of his official staff, regardless of the location and nature of the public records being sought, including, but not limited to, potentially responsive records held on official or personal devices or data mediums.

**4.)** All public records in any form, or stored in any medium whatsoever, held by the Office of the Linn County Auditor dated between July 1, 2020 and August 28, 2020 pertaining directly or indirectly to:

**a.** Exactly how many total ABRFs were sent to Linn County voters by the Office of the Linn County Auditor for the November 2020 general election.

**b.** Exactly how many total Filled ABRFs were sent to Linn County voters by the Office of the Linn County Auditor for the November 2020 general election.

**c.** Exactly, how many total ABRFs sent by the Office of the Linn County Auditor were timely returned for the November 2020 general election.

**d.** Exactly how many total Filled ABRFs sent by the Office of the Linn County Auditor were timely returned for the November 2020 general election.

**e.** Exactly how many of those timely returned ABRFs sent by the Office of the Linn County Auditor resulted in the mailing of actual absentee ballots to voters affiliated with the Democratic Party and voters affiliated with the Republican Party, respectively, for the November 2020 general election.

These specific requests and sub-requests include all public records held by Auditor Joel D. Miller himself, and any representatives or members of his official staff, regardless of the location and nature of the public records being sought, including, but not limited to, potentially responsive records held on official or personal devices or data mediums.

**5.)** All public records in any form, or stored in any medium whatsoever, held by the Office of the Linn County Auditor dated between August 26, 2020 and the date of your final response to this specific open records request pertaining directly or indirectly to:

**a.** Exactly how many total non-prepopulated or non-prefilled ABRFs (hereinafter "Blank ABRFs") were returned to the Office of the Linn County Auditor for the November 2020 general election that were defective or incomplete in some way (*e.g.*, required information missing, envelope or signature formalities not followed, etc.).

**b.** Exactly, how many potential voters who returned such defective or incomplete Blank ABRFs for the November 2020 general election were directly contacted as mandated by Iowa law by the Office of the Linn County Auditor in an attempt to rectify such Blank ABRF defects or incomplete information.

**c.** The manner in which the Office of the Linn County Auditor directly contacted voters returning such defective or incomplete Blank ABRFs in an attempt to rectify such Blank ABRF defects or incomplete information (*i.e.*, by phone, by email, by regular mail, etc.), as well as the specific names of the representatives or official staff members of the Office of the Linn County Auditor who made those direct voter contacts.

**d.** Exactly how many Blank ABRFs sent by the Office of the Linn County Auditor initially returned with defects or incomplete information were eventually "cured" and resulted in the mailing of actual absentee ballots to voters affiliated with the Democratic Party, voters affiliated with the Republican Party, and independent voters, respectively, for the November 2020 general election.

These specific requests and sub-requests include all public records held by Auditor Joel D. Miller himself, and any representatives or members of his official staff, regardless of the location and nature of the public records being sought, including, but not limited to, potentially responsive records held on official or personal devices or data mediums.

**6.)** All public records in any form, or stored in any medium whatsoever, held by the Office of the Linn County Auditor dated between August 1, 2020 and the date of your final response to this specific open records request pertaining directly or indirectly to:

**a.** Exactly how many total Filled ABRFs returned to the Office of the Linn County Auditor had to be legally voided as a result of that certain judicial ruling issued by Iowa District Court Judge Ian K. Thornhill in *Republican National Committee, et al. v. Miller*, Case No. EQCV095986 (Iowa Dist. Ct., Linn Cnty. Aug. 27, 2020), which held that the Office of the Linn County Auditor illegally and improperly sent out to voters of Linn County Filled ABRFs in contravention of Iowa law and the Iowa Secretary of State's July 17, 2020 emergency directive not to do so.

**b.** Exactly how many voters affiliated with the Democratic Party, voters affiliated with the Republican Party, and independent voters, respectively, that had their returned Filled ABRFs legally voided as a result of Judge Thornhill's Aug. 27, 2020 ruling.

**c.** The manner in which the Office of the Linn County Auditor directly or indirectly contacted voters who returned such legally voided Filled ABRFs to notify them that their previously returned Filled ABRFs were no longer valid (*i.e.*, by phone, by email, my regular mail, etc.), as well as the specific names of the representatives or official staff members of the Office of the Linn County Auditor who made those direct voter contacts.

**d.** A copy of any standardized written language used by the Office of the Linn County Auditor to inform voters who returned legally voided Filled ABRFs that their returned Filled ABRFs were invalid, and any standardized written language used by the Office of the Linn County Auditor "invit[ing] the sender to submit an [ABRF] in the manner prescribed by the Iowa Secretary of State," per Judge Thornhill's Aug. 27, 2020 ruling.

**e.** If standardized written language was not used by the Office of the Linn County Auditor to inform voters who returned legally voided Filled ABRFs that their returned Filled ABRFs were invalid, and no standardized written language was used by the Office of the Linn County Auditor to "invite the sender to submit an [ABRF] in the manner prescribed by the Iowa Secretary of State," per Judge Thornhill's Aug. 27, 2020 ruling, then provide representative copies of any non-standardized or voter-personalized language to such effect.

These specific requests and sub-requests include all public records held by Auditor Joel D. Miller himself, and any representatives or members of his official staff, regardless of the location and nature of the public records being sought, including, but not limited to, potentially responsive records held on official or personal devices or data mediums.

**7.)** All public records in any form, or stored in any medium whatsoever, held by the Office of the Linn County Auditor dated between January 1, 2020 and the date of your final response to this specific open records request pertaining directly or indirectly to any communications of any kind by and between the Office of the Linn County Auditor and any

representative, agent, employee, operative, or contact-person of any one of the following organizations, or by and among the Office of the Linn County Auditor and any representative, agent, employee, operative, or contact-person of any combination of two or more of the following political organizations (hereinafter "Political Organizations"):

- a.** The Linn County Democratic Party (LCDP).
- b.** The Iowa Democratic Party (IDP).
- c.** The Democratic National Committee (DNC).
- d.** The Democratic Congressional Campaign Committee (DCCC).
- e.** The Democratic Senatorial Campaign Committee (DSCC).
- f.** The Democratic Association of Secretaries of State (DASS).
- g.** The Democratic Attorneys General Association (DAGA).
- h.** The Democratic Governors Association (DGA).
- i.** Majority Forward PAC.
- j.** United Impact Group (UIG).
- k.** Priorities USA PAC.
- l.** Priorities USA Action PAC.
- m.** American Bridge 21st Century PAC.
- n.** Unite the Country PAC.
- o.** PACROYNYM (an affiliate of ACRONYM).
- p.** American Possibilities.
- q.** Defenders PAC.
- r.** Senate Majority PAC.
- s.** House Majority PAC.
- t.** 43 Alumni for Biden PAC.
- u.** Americas PAC.

- v. The Iowa House Truman Fund (IHTF).
- w. The Iowa Senate Majority Fund (ISMF).
- x. The Lincoln Project.
- y. Our Principles PAC.
- z. The Democrat Legislative Campaign Committee (DLCC).
- aa. Biden for President.
- bb. The College and Young Democrats of Iowa.
- cc. The Coe College Democrats.
- dd. The Kirkwood College Democrats.
- ee. The Cornell College Democrats.
- ff. The Mounty Mercy College Democrats.
- gg. The Democratic Legislative Campaign Committee (DLCC).
- hh. Any similar Political Organizations, including, but not limited to political action committees ("PACs"), or affiliated Political Organizations of any kind.

These specific requests and sub-requests include all public records held by Auditor Joel D. Miller himself, and any representatives or members of his official staff, regardless of the location and nature of the public records being sought, including, but not limited to, potentially responsive records held on official or personal devices or data mediums.

**8.)** All public records in any form, or stored in any medium whatsoever, held by the Office of the Linn County Auditor dated between July 1, 2020 and the date of your final response to this specific open records request pertaining directly or indirectly to any communications of any kind by and between the Office of the Linn County Auditor and any candidate for office, any candidate's campaign committee, or any PAC supporting or opposing any candidate for office (including any representatives, agents, employees, operatives, or contact-persons thereof). This specific request encompasses, but is not limited to, communications by and between the Office of the Auditor of Linn County and any of the following candidates and their candidate's committees (hereinafter "Candidate Organizations"):

- a. President Donald J. Trump.
- b. Joseph R. Biden.

- c.** U.S. Senator Joni Ernst.
- d.** U.S. Congresswoman Abby Finkenauer.
- e.** Iowa State Senator Liz Mathis.
- f.** Iowa State Senator Robb Hogg.
- g.** Iowa State Senator Todd Taylor.
- h.** Iowa State Representative and Republican candidate for U.S. Congress Ashley Hinson.
- i.** Iowa State Representative Dan Zumbach.
- j.** Iowa State Representative Art Staed.
- k.** Iowa State Representative Liz Bennett.
- l.** Iowa State Representative Tracy Ehler.
- m.** Iowa State Representative Molly Donahue.
- n.** Iowa State Representative Kirsten Running-Marquart.
- o.** Former Linn County Supervisor and 2020 democratic primary candidate for Linn County Auditor Linda Langston.
- p.** Any other similar Candidate Organizations or affiliated Candidate Organizations of any kind.

These specific requests and sub-requests include all public records held by Auditor Joel D. Miller himself, and any representatives or members of his official staff, regardless of the location and nature of the public records being sought, including, but not limited to, potentially responsive records held on official or personal devices or data mediums.

**9.)** All public records in any form, or stored in any medium whatsoever, held by the Office of the Linn County Auditor dated between January 1, 2020 and the date of your final response to this specific open records request pertaining directly or indirectly to any communications of any kind by and between the Office of the Linn County Auditor and any of the following:

- a.** Any employee, agent, or representative whomsoever of the PERKINS COIE LLP Law Firm, including, but not limited to, attorneys Marc E. Elias, Christopher J.

Bryant, Kevin J. Hamilton, Amanda J. Beane, Nitika Arora, Heath L. Hyatt, or Matthew J. Mertens.

**b.** Any employee, agent, or representative whomsoever from DEMOCRACY DOCKET, LLC, including, but not limited to, Marc E. Elias, Allie Rothenberg, Sam Gottstein, or Kelsey Movsowitz.

**c.** Any employee, agent, or representative whomsoever from UNITED IMPACT GROUP, LLC, including, but not limited to, any individual whose name includes "Emily."

These specific requests and sub-requests include all public records held by Auditor Joel D. Miller himself, and any representatives or members of his official staff, regardless of the location and nature of the public records being sought, including, but not limited to, potentially responsive records held on official or personal devices or data mediums.

**10.)** All public records in any form, or stored in any medium whatsoever, held by the Office of the Linn County Auditor dated between January 1, 2020 and the date of your final response to this specific open records request pertaining directly or indirectly to any communications of any kind by and between the Office of the Linn County Auditor and any employee, agent, or representative whomsoever of the DICKEY CAMPBELL SAHAG LAW FIRM, including, but not limited to, attorneys Gary Dickey, Angela Campbell, Matthew Sahag, or Jamie Hunter, and law firm staff members Mark Schultz, Taylor Heue, or Michelle Hayes. This specific request includes all public records held by Auditor Joel D. Miller himself, and any representatives or members of his official staff, regardless of the location and nature of the public records being sought, including, but not limited to, potentially responsive records held on official or personal devices or data mediums.

**11.)** All public records in any form, or stored in any medium whatsoever, held by the Office of the Linn County Auditor dated between January 1, 2020 and the date of your final response to this specific open records request pertaining directly or indirectly to any communications of any kind by and between the Office of the Linn County Auditor and any employee, agent, or representative whomsoever of the U.S. Department of Justice, the Office of the Governor of Iowa, the Office of the Secretary of State of Iowa, the Iowa Attorney General's Office, the Office of the Auditor of the State of Iowa, the Linn County Attorney's Office, or the Linn County Board of Supervisors (each supervisor individually, multiple supervisors collectively, or both), relating to:

**a.** The legality of, the usage of, the printing of, the formatting of, the distribution of, the mailing of, the processing of, the handling of, and the receiving of ABRFs (blank or filled) for either the June 2020 primary election, the November 2020 general election, or both.

**b.** The legality of, the usage of, the location of, the maintenance of, the funding of, the staffing of, the purchase of, the security of, the efficacy of, or the public policy ramifications of the use of so-called "drop boxes" for the return of absentee ballots for either the June 2020 primary election, the November 2020 general election, or both.

**c.** Any other federal, state, or local election law or administration matters of any kind not previously mentioned in this specific open records request.

**d.** For the purposes of this specific request, the name(s), title(s), and employer(s) of any employee, agent, or representative of the above-mentioned government entities should be included in any response.

These specific requests and sub-requests include all public records held by Auditor Joel D. Miller himself, and any representatives or members of his official staff, regardless of the location and nature of the public records being sought, including, but not limited to, potentially responsive records held on official or personal devices or data mediums.

**12.)** All public records in any form, or stored in any medium whatsoever, held by the Office of the Linn County Auditor dated between January 1, 2020 and the date of your final response to this specific open records request pertaining directly or indirectly to any communications of any kind by and between the Office of the Linn County Auditor and any lawyer or attorney, or any employee, agent, or representative of any lawyer or attorney, whether publicly employed by federal, state, or local government(s), employed in the private sector, or employed within or without the State of Iowa, relating to:

**a.** The legality of, the usage of, the printing of, the formatting of, the distribution of, the mailing of, the processing of, the handling of, and the receiving of ABRFs (blank or filled) for either the June 2020 primary election, the November 2020 general election, or both.

**b.** The legality of, the usage of, the location of, the maintenance of, the funding of, the staffing of, the purchase of, the security of, the efficacy of, or the public policy ramifications of the use of so-called "drop boxes" for the return of absentee ballots for either the June 2020 primary election, the November 2020 general election, or both.

**c.** Any other federal, state, or local election law or administration matters of any kind not previously mentioned in this specific open records request.

**d.** For the purposes of this specific request, the name(s), title(s), and employer(s) of such lawyers or attorneys and/or their employees, agents, or representatives should be included in any response.

These specific requests and sub-requests include all public records held by Auditor Joel D. Miller himself, and any representatives or members of his official staff, regardless of the location and nature of the public records being sought, including, but not limited to, potentially responsive records held on official or personal devices or data mediums.

**13.)** All public records in any form, or stored in any medium whatsoever, held by the Office of the Linn County Auditor dated between January 1, 2020 and the date of your final response to this specific open records request pertaining directly or indirectly to communications

by and between the Office of the Linn County Auditor and the Linn County Board of Supervisors (each supervisor individually, multiple supervisors collectively, or both), relating to:

**a.** The Office of the Linn County Auditor seeking permission or authorization from the Linn County Board of Supervisors to seek out, contact, consult, retain, hire, or otherwise establish an attorney-client relationship or a prospective attorney-client relationship with any lawyer or attorney — whether publicly employed by federal, state, or local government(s), employed in the private sector, or employed within or without the State of Iowa — about any matters whatsoever regarding election law or election administration matters, including, but not limited to, ABRFs (blank or filled) or so-called "drop boxes" for returning absentee ballots.

**b.** The Office of the Linn County Auditor being directed to or being given the recommendation to seek out, contact, consult, retain, hire, or otherwise establish an attorney-client relationship or a prospective attorney-client relationship with any lawyer or attorney — whether publicly employed by federal, state, or local government(s), employed in the private sector, or employed within or without the State of Iowa — by the Linn County Board of Supervisors about any matters whatsoever regarding election law or election administration matters, including, but not limited to, ABRFs (blank or filled) or so-called "drop boxes" for returning absentee ballots.

**c.** The Office of the Linn County Auditor obtaining permission or authorization from the Linn County Board of Supervisors to seek out, contact, consult, retain, hire, or otherwise establish an attorney-client relationship or a prospective attorney-client relationship with any lawyer or attorney — whether publicly employed by federal, state, or local government(s), employed in the private sector, or employed within or without the State of Iowa — about any matters whatsoever regarding election law or election administration matters, including, but not limited to, ABRFs (blank or filled) or so-called "drop boxes" for returning absentee ballots.

**d.** The Office of the Linn County Auditor notifying or informing the Linn County Board of Supervisors that the Office of the Auditor had already sought out, contacted, consulted, retained, hired, or otherwise established an attorney-client relationship or a prospective attorney-client relationship with a lawyer or attorney — whether publicly employed by federal, state, or local government(s), employed in the private sector, or employed within or without the State of Iowa — about matters regarding election law or election administration matters, including, but not limited to, ABRFs (blank or filled) or so-called "drop boxes" for returning absentee ballots.

**e.** The Office of the Linn County Auditor seeking funding, reimbursement, financial assistance, or other resources whatsoever to cover any legal costs or fees incurred or to be incurred relating to matters regarding election law or election administration matters, including, but not limited to, ABRFs (blank or filled) or so-called "drop boxes" for returning absentee ballots — whether such lawyer or attorney charging such legal costs or fees was publicly employed by federal, state, or local government(s), employed in the private sector, or employed within or without the State of Iowa.

**f.** The Linn County Board of Supervisors approving (in whole or in part), denying (in whole or in part), considering (in whole or in part), or debating (in whole or in part) any funding, reimbursement, financial assistance, or other resources whatsoever for the Office of the Linn County Auditor to cover any legal costs or fees incurred or to be incurred relating to matters regarding election law or election administration matters, including, but not limited to, ABRFs (blank or filled) or so-called "drop boxes" for returning absentee ballots — whether such lawyer or attorney charging such legal costs or fees was publicly employed by federal, state, or local government(s), employed in the private sector, or employed within or without the State of Iowa.

**g.** For the purposes of this specific open records request, the name(s), title(s), and employer(s) of any lawyer or attorney sought out, contacted, consulted, retained, or hired should be included in any response. This specific open records request, and all of its specific sub-requests, should be construed as applying to any lawyer or attorney sought out, contacted, consulted, retained, or hired on a for-fee basis or on a *pro bono* basis if no fee is/was involved in the establishment of an attorney-client relationship or a prospective attorney-client relationship.

These specific requests and sub-requests include all public records held by Auditor Joel D. Miller himself, and any representatives or members of his official staff, regardless of the location and nature of the public records being sought, including, but not limited to, potentially responsive records held on official or personal devices or data mediums.

**14.)** All public records in any form, or stored in any medium whatsoever, held by the Office of the Linn County Auditor dated between March 1, 2020 and the date of your final response to this specific open records request pertaining directly or indirectly to communications by and between the Office of the Linn County Auditor and any Media Outlet whatsoever relating to election law or election administration matters, including, but not limited to, ABRFs (blank or filled) or so-called "drop boxes" for returning absentee ballots.

The defined term "Media Outlet" as used throughout this open records request should to be construed as broadly as possible. This definition encompasses "traditional/legacy" media forms, such as television outlets (*e.g.*, KCRG TV, KWWL TV, MSNBC, CNN, etc.), print publications (*e.g.*, any newspapers, magazines, wire news services such as the AP or Reuters, etc.), and radio programs (*e.g.*, local talk radio, radio editions of other media organizations, etc.). This definition also encompasses all "new media" forms such as commentator/viewer-driven platforms (*e.g.*, Twitter, Instagram, Facebook, Wordpress websites, podcasts, etc.), editorial outlets (*e.g.*, online letters to the editor, internet news-based editorial boards, Progress Iowa, Iowa Citizens for Community Improvement, etc.), internet news organizations (*e.g.*, Huffington Post, Vox, Politico, The Hill, Yahoo! News, CourierNewsroom.com, etc.), blogs (*e.g.*, Bleeding Heartland, Iowa Starting Line, Blog for Iowa, etc.), "fact checking" websites (*e.g.*, Snopes, PolitiFact, etc.), and online video-based or streaming formats (*e.g.*, YouTube, Tik Tok, Vimeo, etc.).

This specific request includes all public records held by Auditor Joel D. Miller himself, and any representatives or members of his official staff, regardless of the location and nature of

the public records being sought, including, but not limited to, potentially responsive records held on official or personal devices or data mediums.

**15.)** All public records in any form, or stored in any medium whatsoever, held by the Office of the Linn County Auditor dated between May 1, 2020 and the date of your final response to this specific open records request pertaining directly or indirectly to any communications of any kind by and between the Office of the Linn County Auditor and any representative, agent, employee, operative, or contact-person of any one of the following organizations, or by and among the Office of the Linn County Auditor and any representative, agent, employee, operative, or contact-person of any combination of two or more of any of the following organizations (hereinafter "Member Organizations"):

- a.** League of United Latin American Citizens (LULAC), including any local or state chapter(s) thereof.
- b.** The American Civil Liberties Union (ACLU), including any local or state chapter(s) thereof.
- c.** The American Federation of State, County, and Municipal Employees Union (AFSCME), including any local or state chapter(s) thereof.
- d.** The United Automobile Workers Union (UAW), including any local or state chapter(s) thereof.
- e.** The International Brotherhood of Electrical Workers Union (IBEW), including any local or state chapter(s) thereof.
- f.** The American Postal Workers Union (APWU), including any local or state chapter(s) thereof.
- g.** The Teamsters Union, including any local or state chapter(s) thereof.
- h.** The Iowa State Education Association (ISEA), including any local or state chapter(s) thereof.
- i.** The National Association for the Advancement of Colored People (NAACP), including any local or state chapter(s) thereof.
- j.** Black Lives Matter (BLM), including any local or state chapter(s) thereof.
- k.** The Black Liberation Movement (also abbreviated commonly as BLM), including any local or state chapter(s) thereof.
- l.** ANTIFA (short for "anti-fascists"), including any local or state chapter(s) thereof.

**m.** Any Membership Organizations similar to, or affiliated with, any of the above-mentioned groups, including any national, state, or local chapter(s) thereof.

These specific requests and sub-requests include all public records held by Auditor Joel D. Miller himself, and any representatives or members of his official staff, regardless of the location and nature of the public records being sought, including, but not limited to, potentially responsive records held on official or personal devices or data mediums.

**16.)** All public records in any form, or stored in any medium whatsoever, held by the Office of the Linn County Auditor dated between April 1, 2020 and the date of your final response to this specific open records request containing any one, or a combination of more than one, of the following search terms:

- a.** "Absentee ballot request form."
- b.** "ABR."
- c.** "Blank."
- d.** "Populated."
- e.** "Prepopulated."
- f.** "Prefilled."
- g.** "Filled."
- h.** "Mailing."
- i.** "Voter PIN"
- j.** "Verification number."
- k.** "Open records."
- l.** "Records request."
- m.** "Canvass."
- n.** "Arrive."
- o.** "Deadline."
- p.** "Kevin Hall."
- q.** "Molly Hammer."

- r. "Molly Widen."
- s. "Heidi Burhans."
- t. "Ken Kline."
- u. "Michael Ross."
- v. "Eric Gookin."
- w. "LULAC."
- x. "Majority Forward."
- y. "Elias."
- z. "Perkins Coie."
- aa. "Gary Dickey."
- bb. "Drop box."
- cc. "Emergency Directive."
- dd. "Legislative Council."
- ee. "Administrative Rule"
- ff. "Emergency Rule"
- gg. "Directive"
- hh. "Disaster"
- ii. "HF 2486"

These specific requests and sub-requests include all public records held by Auditor Joel D. Miller himself, and any representatives or members of his official staff, regardless of the location and nature of the public records being sought, including, but not limited to, potentially responsive records held on official or personal devices or data mediums.

17.) All public records in any form, or stored in any medium whatsoever, held by the Office of the Linn County Auditor dated between May 1, 2020 and the date of your final response to this specific open records request pertaining directly or indirectly to any *other open records request(s) separate and apart from this open records request* submitted to the Office of the Linn County Auditor relating to:

**a.** The legality of, the usage of, the printing of, the formatting of, the distribution of, the mailing of, the processing of, the handling of, and the receiving of ABRFs (blank or filled) for either the June 2020 primary election, the November 2020 general election, or both.

**b.** The legality of, the usage of, the location of, the maintenance of, the funding of, the staffing of, the purchase of, the security of, the efficacy of, or the public policy ramifications of the use of so-called "drop boxes" for the return of absentee ballots for either the June 2020 primary election, the November 2020 general election, or both

**c.** This specific request encompasses, but is not limited to, the actual responsive open records request(s) themselves, but also all public records provided pursuant to such open records request(s). There should be no charge for producing any public records previously provided to another party because little or no actual cost of reproducing such previously produced public records should be meaningfully incurred.

**d.** This specific request also includes the name(s), date(s), and on behalf of whom such other open records request(s) were submitted, received, responded to, and closed.

These specific requests and sub-requests include all public records held by Auditor Joel D. Miller himself, and any representatives or members of his official staff, regardless of the location and nature of the public records being sought, including, but not limited to, potentially responsive records held on official or personal devices or data mediums.

**18.)** All public records in any form, or stored in any medium whatsoever, held by the Office of the Linn County Auditor dated between September 17, 2020 and the date of your final response to this specific open records request pertaining directly or indirectly to *this instant open records request*, including, but not limited to:

**a.** Its receipt by the Office of the Linn County Auditor.

**b.** Its handling by the Office of the Linn County Auditor.

**c.** Its review by the Linn County Auditor, the Office of the Linn County Attorney, the Linn County Board of Supervisors (each supervisor individually, multiple supervisors collectively, or both), and any lawyer or attorney whether publicly employed or privately employed.

**d.** Any response to this open records request by the Office of the Linn County Auditor, including, but not limited to, any public records withheld and the legal basis claimed for such withholding, any redactions made and the legal basis claimed for such redactions, and any public records the Office of the Linn County Auditor was unable to locate for production and the precise reason why production as not possible.

**e.** Any public records detailing communications by and between the Office of the Linn County Auditor and any third party, including, but not limited to, the Linn County Attorney's Office, the Linn County Board of Supervisors, any Political Organizations, any Candidate Organizations, any Membership Organizations, or any Media Outlets as defined throughout this open records request

These specific requests and sub-requests include all public records held by Auditor Joel D. Miller himself, and any representatives or members of his official staff, regardless of the location and nature of the public records being sought, including, but not limited to, potentially responsive records held on official or personal devices or data mediums.

**19.)** All public records in any form, or stored in any medium whatsoever, held by the Office of the Linn County Auditor dated between May 1, 2020 and the date of your final response to this specific open records request pertaining directly or indirectly to any activities of the Office of the Linn County Auditor and its representatives or staff on all official or personal social media platforms whatsoever (*e.g.*, Facebook, Twitter, Instagram, Tik Tok, etc.) relating to:

**a.** ABRFs (blank or filled), including, but not limited to, the legality of ABRFs (blank or filled), the usage of ABRFs (blank or filled), the printing of ABRFs (blank or filled), the formatting of ABRFs (blank or filled), the distribution of ABRFs (blank or filled), the mailing of ABRFs (blank or filled), the processing of ABRFs (blank or filled), the handling of ABRFs (blank or filled), and the receiving of ABRFs (blank or filled) in any election.

**b.** So-called "drop boxes" for the return of absentee ballots, whether specific to Linn County, Iowa, statewide in the State of Iowa, or nationally, including, but not limited to, the legality of drop boxes, the usage of drop boxes, the location of drop boxes, the maintenance of drop boxes, the funding of drop boxes, the staffing of drop boxes, the purchase of drop boxes, the security of drop boxes, the efficacy of drop boxes, or the public policy ramifications of drop boxes in any election.

**c.** Any other federal, state, or local election law or administration matters of any kind not previously mentioned in this specific open records request.

**d.** All social media posts generated by, "liked" by, "followed" by, "tweeted" by, "retweeted" by, commented on, or otherwise highlighted by the Office of the Linn County Auditor Joel D. Miller and any representative and/or staff member of the Office of the Linn County Auditor dated within the same timeframe.

These specific requests and sub-requests include all public records held by Auditor Joel D. Miller himself, and any representatives or members of his official staff, regardless of the location and nature of the public records being sought, including, but not limited to, potentially responsive records held on official or personal devices or data mediums.

**20.)** All public records in any form, or stored in any medium whatsoever, held by the Office of the Linn County Auditor dated between May 1, 2020 and the date of your final response

to this specific open records request pertaining directly or indirectly any information, official business, communications, discussions, or other deliberative or decision-making activities conducted using certain "messaging apps" (e.g., SnapChat, Signal, WhatsApp, Telegram, Wickr, or similar modes of communication). If such modes of communication have been or are being utilized for official business by the Office of the Linn County Auditor or its representatives and/or staff, please provide all records so related. Be advised that even messaging apps that purport to have "disappearing" functions are subject to judicial subpoena or discovery compulsion in the event of litigation.

This specific request includes all public records held by Auditor Joel D. Miller himself, and any representatives or members of his official staff, regardless of the location and nature of the public records being sought, including, but not limited to, potentially responsive records held on official or personal devices or data mediums.

**21.)** All public records in any form, or stored in any medium whatsoever, held by the Office of the Linn County Auditor dated between May 1, 2020 and the date of your final response to this specific open records request pertaining directly or indirectly to Linn County Auditor Joel D. Miller and his campaign and political activities related to his own election/re-election as Linn County Auditor (excluding publicly available disclosures and reports submitted to the Iowa Ethics & Campaign Disclosure Board per Iowa law). Search terms to be used for this specific records request are:

- a.** "Miller for Iowa."
- b.** "Miller for Iowa Committee."
- c.** "Candidate committee."
- d.** "Miller4Iowa@Gmail.com."
- e.** "Miller for the People."
- f.** "Miller4ThePeople@Gmail.com."
- g.** "Eric Mote."
- h.** "Iowa Ethics & Campaign Disclosure Board."
- i.** "Ethics Board."
- j.** "Megan Tooker."
- k.** "Mike Marshall."
- l.** "Tim Annee."

**m.** "Nancy Wood."

These specific requests and sub-requests include all public records held by Auditor Joel D. Miller himself, and any representatives or members of his official staff, regardless of the location and nature of the public records being sought, including, but not limited to, potentially responsive records held on official or personal devices or data mediums.

**22.)** All public records in any form, or stored in any medium whatsoever, held by the Office of the Linn County Auditor dated between January 1, 2020 and the date of your final response to this specific open records request containing the search term "MillerJoeD@GMail.Com," including, but not limited to, all emails sent to or from the Office of the Linn County Auditor, its representatives and/or staff, and such email address. This specific request includes all public records held by Auditor Joel D. Miller himself, and any representatives or members of his official staff, regardless of the location and nature of the public records being sought, including, but not limited to, potentially responsive records held on official or personal devices or data mediums.

**23.)** All public records in any form, or stored in any medium whatsoever, held by the Office of the Linn County Auditor dated between January 1, 2020 and the date of your final response to this specific open records request containing the search term/email suffix "@LinnCountyDemocrats.Org," including, but not limited to, all emails sent to or from the Office of the Linn County Auditor, its representatives and/or staff, and any sender or recipient that utilizes such email suffix designation. This specific request includes all public records held by Auditor Joel D. Miller himself, and any representatives or members of his official staff, regardless of the location and nature of the public records being sought, including, but not limited to, potentially responsive records held on official or personal devices or data mediums.

**24.)** Any public records in any form, or stored in any medium whatsoever, held by the Office of the Linn County Auditor dated between February 1, 2020 and the date of your final response to this specific open records request pertaining directly or indirectly to communications involving the Office of Linn County Auditor and any representative of its office and/or staff relating to, sent to, originating from, posted by, read by, or held within that certain communication system commonly and colloquially known as "*Basecamp*." *Basecamp* is, upon information and belief, a posting and communication system used with some regularity by and among Iowa county auditors and their representatives/staff to discuss matters related to official business. As such, these *Basecamp* communications qualify as public records subject to disclosure under Iowa's Open Records Act. With respect to such *Basecamp* postings and communications, provide any public records containing the following search terms:

- a.** "Linn."
- b.** "Johnson."
- c.** "Woodbury."
- d.** "Scott."

- e.** "Miller."
- f.** "Weipert."
- g.** "Gill."
- h.** "Moritz."
- i.** "Absentee ballot request."
- j.** "Prepopulated."
- k.** "Prefilled."
- l.** "Blank."
- m.** "Form."
- n.** "Lawsuit."
- o.** "Litigation."
- p.** "ABR."
- q.** "LULAC."
- r.** "Majority Forward."
- s.** "Counsel."
- t.** "Lawyer."
- u.** "Attorney."
- v.** "Gary."
- w.** "Dickey."
- x.** "Marc."
- y.** "Elias."
- z.** "Early voting."
- aa.** "Drop box."

- bb.** "COVID."
- cc.** "Virus."
- dd.** "Coronavirus."
- ee.** "In person voting."
- ff.** "Mail-in voting voting."
- gg.** "Satellite."
- hh.** "Petition."

These specific requests and sub-requests include all public records held by Auditor Joel D. Miller himself, and any representatives or members of his official staff, regardless of the location and nature of the public records being sought, including, but not limited to, potentially responsive records held on official or personal devices or data mediums.

**25.)** All public records in any form, or stored in any medium whatsoever, held by the Office of the Linn County Auditor dated between February 1, 2020 and the date of your final response to this specific open records request pertaining directly or indirectly to communications by and between the Office of the Linn County Auditor and National Association of Secretaries of State (NASS), the Iowa State Association of County Auditors (ISACA), the Iowa Association of Counties (ISAC), or the Democratic Association of Secretaries of State (DASS) concerning:

- a.** The legality of, the usage of, the printing of, the formatting of, the distribution of, the mailing of, the processing of, the handling of, and the receiving of ABRFs (blank or filled) in any election.
- b.** The legality of, the usage of, the location of, the maintenance of, the funding of, the staffing of, the purchase of, the security of, the efficacy of, or the public policy ramifications of the use of so-called "drop boxes" for the return of absentee ballots in any election.
- c.** Any other federal, state, or local election law or administration matters of any kind not previously mentioned in this specific open records request.

These specific requests and sub-requests include all public records held by Auditor Joel D. Miller himself, and any representatives or members of his official staff, regardless of the location and nature of the public records being sought, including, but not limited to, potentially responsive records held on official or personal devices or data mediums.

**26.)** All public records in any form, or stored in any medium whatsoever, held by the Office of the Linn County Auditor dated between February 1, 2020 and the date of your final

response to this specific open records request pertaining directly or indirectly to communications by and between the Office of the Linn County Auditor and any of the following individuals:

- a.** Valerie Smith, in her capacity as First Vice Chair of the Linn County Democratic Party (as opposed to her capacity as the Voter Outreach Coordinator for the Office of the Linn County Auditor).
- b.** Laura "Laurie" Belin, author of the popular left-leaning political blog and website, *Bleeding Heartland* (URL: [bleedingheartland.com](http://bleedingheartland.com)), and political activist affiliated with the Democratic Party.
- c.** John Deeth, author of the popular left-leaning political blog and website *John Deeth Blog* (URL: [JDeeth.Blogspot.Com](http://JDeeth.Blogspot.Com)), employee of the Johnson County, Iowa Auditor's Office, and affiliate with the Democratic Party.
- d.** Pat Rynard, author of the popular left-leaning political blog and website, *Iowa Starting Line* (URL: [IowaStartingLine.Com](http://IowaStartingLine.Com)), and political activist affiliated with the Democratic Party.
- e.** Jeff Link, founder of LINK STRATEGIES, LLC, a popular and influential full-service political and public relations firm in the State of Iowa that caters primarily to those affiliated with the Democratic Party and left-leaning candidates and causes.

These specific requests and sub-requests include all public records held by Auditor Joel D. Miller himself, and any representatives or members of his official staff, regardless of the location and nature of the public records being sought, including, but not limited to, potentially responsive records held on official or personal devices or data mediums.

**27.)** All public records in any form, or stored in any medium whatsoever, held by the Office of the Linn County Auditor dated between March 1, 2020 and the date of your final response to this specific open records request pertaining directly or indirectly to Linn County Auditor Joel D. Miller's website and blog *JoelMiller.US* (URL: [LCAuditor.Wordpress.Com](http://LCAuditor.Wordpress.Com)). Upon information and belief, Auditor Miller and representatives and/or staff from his office routinely post about the Office of the Linn County Auditor's official duties, actions, plans, work, news/press releases, and policy viewpoints on this certain website. As such, the following is requested:

- a.** All public records relating to why this certain website exists, who came up with the idea of launching it, and whether or not it is an auxiliary to the Linn County Auditor's official county-supported website (*i.e.*, URL: [LinnCounty.Org/Auditor](http://LinnCounty.Org/Auditor)), a replacement for the Linn County Auditor's official county-supported website, or whether this certain website is separate and apart from any county-supported website/public relations protocol (whether officially authorized or not).
- b.** All public records relating to or causing to show any expenditure of public time, public funds, or other resources (tangible and intangible) regarding the purchase of,

upkeep of, updating/maintenance of, and publishing activities of, and attendant costs of this certain website.

**c.** All public records indicating whether or not material for this certain website was/is published, updated, or maintained by the Office of the Linn County Auditor and its representatives and/or staff during ordinary and customary business hours (*i.e.*, the public's time). This includes, but is not limited to, time-stamps, posting times, or metadata pertaining to responsive records.

**d.** All public records indicating whether or not any links to or posts published on this certain website were circulated within or without the Office of the Linn County Auditor to any person whomsoever using state resources (*e.g.*, email, text messages, written memorandums, official social media accounts, official office websites, official office press releases, etc.).

**e.** All public records containing the search terms "JoelMiller.US" or "LCAuditor.Wordpress.Com" held by the Office of the Linn County Auditor.

These specific requests and sub-requests include all public records held by Auditor Joel D. Miller himself, and any representatives or members of his official staff, regardless of the location and nature of the public records being sought, including, but not limited to, potentially responsive records held on official or personal devices or data mediums.

**28.)** All public records in any form, or stored in any medium whatsoever, held by the Office of the Linn County Auditor dated between May 1, 2020 and the date of your final response to this specific open records request pertaining directly or indirectly to:

- a.** Any constituent communications sent to or from the Office of the Linn County Auditor related to voters receiving ABRFs (blank or filled), not receiving ABRFs (blank or filled), receiving incorrect ABRFs (blank or filled), receiving ABRFs (blank or filled) intended for someone else, or any complaints from constituents regarding ABRFs (blank or filled).
- b.** Any constituent communications sent to or from the Office of the Linn County Auditor related to voters asking about so-called "drop boxes" for returning absentee ballots, complaining about so-called "drop boxes" for returning absentee ballots, or commenting on the Office of the Linn County Auditor utilizing so-called "drop Boxes" for returning absentee ballots.

These specific requests and sub-requests include all public records held by Auditor Joel D. Miller himself, and any representatives or members of his official staff, regardless of the location and nature of the public records being sought, including, but not limited to, potentially responsive records held on official or personal devices or data mediums.

## CONTINUED PRESERVATION OF UNTAMPERED RECORDS

All relevant responsive records should be preserved relating to above-mentioned requests and sub-requests until the final satisfaction of this open records request has concluded and for a reasonable amount of time thereafter. This applies to public records produced in full, produced in part (e.g., snippets or redactions), or withheld in whole or in part. Be advised that should spoliation of any public records occur in spite of this responsibility to preserve the same, the Office of the Linn County Auditor and its representatives/staff may be subject to legal action. Further, if legal action is taken, any individual responsible for such spoliation may be held liable. This responsibility of continued preservation of untampered records extends to all persons involved in this open records request and its fulfillment, including, but not limited to, personal or non-publicly employed lawyers or attorneys involved in the review, response, or consideration of any matters included herein.

If the Office of the Linn County Auditor has a routine records destruction policy in place, your office would be wise to halt such records destruction practices as it pertains to any public records sought herein for the foreseeable future. Relevant responsive records to this open records request should be maintained in their native format with any applicable metadata preserved and left unaltered in the event that a digital forensic analysis of such relevant responsive records may be necessary in the future.

Finally, should this request extend to records and matters involving Linn County Auditor Joel D. Miller's private counsel (with whom he has publicly stated he has consulted regarding official election law and/or election administration matters),<sup>1</sup> please advise upon receipt of this open records request the name and contact information of such lawyer(s)/attorney(s). Should you fail to do so within three (3) business days of receipt of this request, I will assume Auditor Miller is not represented by private counsel and will therefore conduct myself accordingly.

I await your prompt response.

Sincerely,

/s/ Colin C. Smith

COLIN C. SMITH

*Attorney At Law*

**SMITH LAW OFFICE, LLC**

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<sup>1</sup> See, e.g., Laurie Belin, *Linn County Auditor Proceeds With Mailing That Republicans Tried To Stop*, BLEEDING HEARTLAND BLOG (Jul. 21, 2020), available at <https://www.bleedingheartland.com/2020/07/21/linn-county-auditor-proceeds-with-mailing-that-republicans-tried-to-stop/> (last visited Jul. 23, 2020).