

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 21-0125

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BOB BROWN, DOROTHY BRADLEY, MAE NAN ELLINGSON,  
VERNON FINLEY, and the LEAGUE OF WOMEN VOTERS OF  
MONTANA,

Petitioners,

v.

GREG GIANFORTE, Governor of the State of Montana,

Respondent,

and

MONTANA STATE LEGISLATURE,

Intervenor-Respondent.

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**DECLARATION OF DAVID M.S. DEWHIRST**

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APPEARANCES:

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DAVID M.S. DEWHIRST  
Solicitor General  
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ATTORNEY FOR BETH McLAUGHLIN

1. I am a licensed, admitted Montana attorney and serve as the the Solicitor General of the State of Montana.

2. Attached as **Exhibit A** is a true and correct copy of an email public records request for materials related to SB 140 from Petitioners' counsel, the Edwards & Culver law firm, to Todd Everts of the Montana State Legislature on April 20, 2021. This message was forwarded by Mr. Everts to Derek Oestreicher in the Office of Attorney General, and Mr. Oestreicher then forwarded it to me.

3. I hereby declare under penalty of perjury under the laws of the State of Montana that the foregoing is true and correct.

Respectfully submitted this 22nd day of April, 2021.

By: /s/ David M.S. Dewhirst  
DAVID M.S. DEWHIRST

# Exhibit A

## Dewhirst, David

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**From:** Oestreicher, Derek  
**Sent:** Wednesday, April 21, 2021 8:24 AM  
**To:** Dewhirst, David  
**Subject:** FW: Records request re SB 402 and SB 140  
**Attachments:** LC1094\_2021\_Drafter\_Review\_02.docx; LC1094\_2021\_Legal\_Review\_03.docx; LC1094\_2021\_Legal\_Review\_02.docx; LC1094\_2021\_Legal\_Review\_01.docx; LC1094\_2021\_Drafter\_Review\_02.docx; LC0874\_2021\_Drafter\_Review\_01.docx; LC0874\_2021\_Legal\_Review\_01.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** Everts, Todd <teverts@mt.gov>  
**Sent:** Tuesday, April 20, 2021 2:30 PM  
**To:** Oestreicher, Derek <Derek.Oestreicher@mt.gov>  
**Subject:** FW: Records request re SB 402 and SB 140

Derek, Just an FYI on a public record information request that we responded to.

Todd M. Everts  
Director of Legal Services/Code Commissioner  
Montana Legislative Services Division  
Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)  
Office Phone: (406) 444-4023  
FAX: (406) 444-3036

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**From:** Everts, Todd  
**Sent:** Tuesday, April 20, 2021 1:06 PM  
**To:** 'Michael Sarabia' <[michael@edwardslawfirm.org](mailto:michael@edwardslawfirm.org)>  
**Cc:** Butner, Sabrina <[Sabrina.Butner@mt.gov](mailto:Sabrina.Butner@mt.gov)>  
**Subject:** RE: Records request re SB 402 and SB 140

Mr. Sarabia,

Per your public records request, see the attached versions of the bill drafts that you requested below. We maintain electronic bill drafting files (Junk files) that include all the materials that the bill drafter utilized in drafting a particular bill, including legal review comments (if any). I am ccing Sabrina Butner who manages public records requests for those files. The files are so large that Sabrina will need to get information from you on transferring them to you electronically.

Todd M. Everts  
Director of Legal Services/Code Commissioner  
Montana Legislative Services Division

Montana State Legislature  
[teverts@mt.gov](mailto:teverts@mt.gov)  
Office Phone: (406) 444-4023  
FAX: (406) 444-3036

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**From:** Michael Sarabia <[michael@edwardslawfirm.org](mailto:michael@edwardslawfirm.org)>  
**Sent:** Tuesday, April 20, 2021 12:36 PM  
**To:** Everts, Todd <[teverts@mt.gov](mailto:teverts@mt.gov)>  
**Subject:** [EXTERNAL] Records request re SB 402 and SB 140

Good afternoon, Mr. Everts—

I hope this email finds you doing well. Joe Kolman at your office directed me to you. I am writing to request copies of draft legislation and comments, notes, opinions of the Legislature's Legal Review. In particular, and at your earliest convenience, I would like copies of the following:

1. With regard to SB 402, a copy of the Draft of the bill sent to Legal Review on 03/21/2021
2. With regard to SB 402, copies of any comments, legal opinions, suggestions, edits, or changes to bill made during the legal review process
3. With regard to SB 140, a copy of the Draft of the bill sent to Legal Review on 01/21/21
4. With regard to SB 140, copies of any comments, legal opinions, suggestions, edits, or changes to bill made during the legal review process

Thank you!

Best,

Michael P. Sarabia  
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