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OPEN RECORDS AND MEETINGS SUMMARY OPINION
2026-O-16

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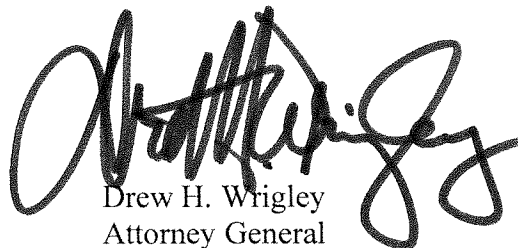
ISSUED TO: Morton County

SUMMARY OPINION¹

Karen Jordan requested an opinion from this office under N.D.C.C. § 44-04-21.1 asking whether Morton County failed to respond to an open records request in violation of N.D.C.C. § 44-04-18.

On September 20, 2023, Karen Jordan emailed the Morton County Treasurer (Treasurer) requesting copies of property tax notices. The email was not initially received because it was filtered into a junk folder. Ms. Jordan sent a follow-up email at 10:36 p.m. on October 11, 2023, and the Treasurer provided the requested records “as soon as [she received]” the follow-up email on October 16, 2023.

When a public entity receives a request for records, it must, within a reasonable time period, either provide the records or explain why the records are not being provided.² Here, the Treasurer did not receive the initial request due to an unintended junk email filter and provided the requested records within a reasonable time after receiving the follow-up request.³ Accordingly, Morton County did not violate the open records law.



Drew H. Wrigley
Attorney General

amr

cc: Karen Jordan

¹ This Summary Opinion is issued pursuant to the authority granted to this office in N.D.C.C. § 44-04-21.1(1).

² N.D.C.C. § 44-04-18.

³ See N.D.A.G. 2018-O-27 (finding no violation occurred where spam filter prevented receipt of email and the entity promptly responded upon actual receipt).