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and Bryan Schott*

**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

UTAH POLITICAL WATCH, INC., and
BRYAN SCHOTT,

Plaintiffs,

v.

ALEXA MUSSELMAN, Utah House of
Representatives Communications Director
and Media Liaison Designee; AUNDREA
PETERSON, Utah Senate Deputy Chief of
Staff and Media Liaison Designee; ABBY
OSBORNE, Utah House of Representatives
Chief of Staff; and MARK THOMAS, Utah
Senate Chief of Staff, in their official and
individual capacities,

Defendants.

**FIRST AMENDED COMPLAINT
FOR DECLARATORY,
INJUNCTIVE, AND OTHER
RELIEF**

Case No. 2:25-cv-0050-RJS-CMR

Judge Robert J Shelby
Mag. Judge Cecilia M. Romero

INTRODUCTION

The First Amendment prohibits government officials from barring journalists from accessing and gathering news for arbitrary, speaker-based, and viewpoint-based reasons. Yet despite his decades covering Utah politics and having previously received press credentials to the media-designated areas within the Utah Legislature every year since the credentialing policy was established in 2013, the Utah Legislature denied Bryan Schott credentials for the 2025 Utah Legislative Session. This denial happened immediately after Schott reported a particular story to which Defendants objected. Defendants arbitrarily applied their newly minted, purposefully vague credentialing policy to limit Schott's ability to report on them and their fellow government officials.

The First Amendment does not condone speaker-based or viewpoint-based discrimination. But this is precisely what Defendants have engaged in by modifying their 2025 Policy to target Schott and applying other intentionally vague standards to ensure they can deny those they dislike and admit those whose reporting they prefer. Plaintiffs' ability to cover the Utah Legislature is now, and will continue to be, disadvantaged until Schott is able to obtain media access on par with other statehouse reporters. Plaintiffs are entitled to relief from Defendants' violation of their First Amendment rights.

JURISDICTION

1. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343, as Plaintiffs allege that Defendants are violating 42 U.S.C. § 1983 by depriving them, under color of state law, of rights, privileges, and immunities secured by the First and Fourteenth Amendments to the United States Constitution.

VENUE

2. This Court is the proper venue for this action per 28 U.S.C. § 1391(b) as a substantial part of the events and omissions giving rise to the claim have occurred and are occurring in this judicial district.

PARTIES

3. Plaintiff Utah Political Watch is a subscription-based newsletter service that provides independent news and analysis on politics in Utah. It is a limited liability corporation incorporated in the State of Utah.

4. Plaintiff Bryan Schott is the owner, publisher, primary reporter, and Editor-in-Chief of Utah Political Watch.

5. Defendant Alexa Musselman is the House Communications Director and the Media Liaison Designee for the Utah House of Representatives. She is sued in her official and individual capacities.

6. Defendant Aundrea Peterson is the Senate Deputy Chief of Staff and the Media Liaison Designee for the Utah Senate. She is sued in her official and individual capacities.

7. Defendant Abby Osborne is the Chief of Staff for the Utah House of Representatives and handles appeals of denials of press credential applications. She is sued in her official and individual capacities.

8. Defendant Mark Thomas is the Chief of Staff for the Utah Senate and handles appeals of denials of press credential applications. He is sued in his official and individual capacities.

STATEMENT OF FACTS

Bryan Schott's Reporting and Commentary

9. Bryan Schott has been a journalist in Utah for 25 years. He worked in local radio acting as a producer, anchor, reporter, and program director for numerous radio stations between 1993 and 2008.

10. Schott is an award-winning journalist—nationally, regionally, and in Utah. For example, he has been recently recognized with the National Press Foundation Election Journalism Fellowship; Awarded First Place for Politics Feature by Top of the Rockies; and recognized by the Utah Society of Professional Journalists as Best Newspaper Reporter.

11. Schott is a long-time member of the Society of Professional Journalists (“SPJ”), and abides by its code of ethics.

12. In 2009, Schott joined the independent news website, UtahPolicy.com, where he was a Managing Editor and Reporter until 2020.

13. During Schott’s tenure with UtahPolicy.com, he had full access to the Utah Legislature both before and after the Legislature began issuing media credentials.

14. From 2014 to 2020, Schott was the Host and Producer of the “Bernick and Schott on Politics” podcast in which he engaged in reasoned debate regarding Utah politics with co-host Bob Bernick - the Contributing Editor for Utah Policy. He contemporaneously ran websites UtahPulse.com and Idaho Politics Weekly where he published his own stories regarding the Utah Legislature and related political events in Utah and Idaho.

15. In 2020, Schott became a Political Correspondent for the Salt Lake Tribune, a daily newspaper published in the city of Salt Lake City, Utah, with the largest paid circulation in the

state. At the Salt Lake Tribune, Schott wrote articles regarding local news related to Utah politics and the Utah Legislature. During his tenure, Schott was prolific. His byline appeared on 1,201 stories, almost all regarding Utah-based or national politics.

16. After departing the Salt Lake Tribune, Schott founded Utah Political Watch in October 2024. UPW is a website that allows visitors to sign up for a daily newsletter covering Utah politics and may purchase a paid subscription to support the work and receive additional content.

17. UPW holds a media liability insurance policy with 2 million dollars of coverage.

18. Schott is UPW's sole reporter. However, UPW employs an editor, Malissa Morrell, to review his work. Morrell has served as his copyeditor in an unofficial capacity at various times since at least 2015. During that time, she has helped him with story selection, improving his stories (grammar, clarity, brevity) and headline writing. While she was not often utilized during his tenure with the Tribune, given its team of dedicated editors at that organization, Morrell has played a prominent role in UPW's output since its launch.

19. Prior to filing suit, Defendants never notified him that he was denied credentials on the basis that UPW lacks an editor. Had they done so, he would have informed them of Morrell's role. Once he was made aware of this unwritten criterion, he listed Morrell as an editor on the UPW website. *Staff*, Utah Political Watch, available at: <https://www.utahpoliticalwatch.news/staff/>.

20. Plaintiffs also produce an affiliated podcast, Special Session with Bryan Schott, where Schott talks about events that occur during the Utah Legislative Session as well as other relevant Utah political news.

21. UPW's daily newsletter has approximately 1,200 subscribers, of which 25% pay to receive additional content.

22. In addition to subscribers, the UPW website garners tens of thousands of pageviews per month. Top stories can receive 4,000 to 5,000 views each.

23. On average, each episode of the nascent Special Session podcast is downloaded between 250 and 300 downloads times.

24. Schott has over 12,000 followers on TikTok, where he receives on average between 4,500 and 10,000 views per video on Utah Politics. Over the last 60 days his videos have been viewed more than 214,000 times.

25. Schott has received numerous awards and public accolades for his work as a journalist. He's the recipient of several Utah Broadcasters Association Awards, including for Best Feature Story or Program, Best News Reporting in a Series and Best Feature Story or Program. In 2022, Schott was named as the State's Best Newspaper Reporter by the Utah Society of Professional Journalists. On June 17, 2024, Schott was one of only 34 journalists nationwide who was granted the National Press Foundation's 2024 Elections Journalism Fellowship.

Defendants' Media Credentialing Policy

26. Defendants adopted a written media credentialing policy in 2018. **Exhibit 1** (2018 Policy).

27. From 2019 through 2024, the policies expressly permitted bloggers and independent media to receive media credentials, albeit allowing for possible additional scrutiny.

28. The 2019 policy stated “a blog site owner or organization not bound by a code of ethics” could receive a credential upon signing a document agreeing to abide by an ethics code. **Exhibit 2** (2019 Policy).

29. The 2020 policy did not mention bloggers or independent media of any kind. **Exhibit 3** (2020 Policy)

30. In 2021, the policy read “Bloggers representing a legitimate independent news organization may become credentialed under some circumstances.” **Exhibit 4** (2021 Policy). That policy remained in place in 2022. **Exhibit 5** (2022 Policy).

31. In 2023, “limited, rare circumstances” replaced “some circumstances” in the above sentence. **Exhibit 6** (2023 Policy). That change remained in 2024. **Exhibit 7** (2024 Policy).

32. In November 2024, after Schott had established UPW, Defendants substantially revised their “Utah Capitol Media Access and Credentialing Policy” for controlling media access to the Utah Legislature to, for the first time, completely bar blogs and independent media from receiving press credentials under any circumstance. *Compare* Exh. 7 (2024 policy) *with* **Exhibit 8** (2025 Utah Capitol Media Access and Credentialing Policy, also available at: <https://perma.cc/M77N-LWXV>).

33. While the 2024 Credentialing Policy does not contain any initial information about the application process prior to outlining what criteria a journalist must meet to obtain a credential, the 2025 Credentialing Policy contains the following preamble:

The Utah Capitol Media Credential application process, outlined below, is designed to give professional journalists and media representatives from reputable organizations access to cover the Legislature and other significant events at the Utah State Capitol. This process aims to support informed reporting while maintaining the integrity and security of the Capitol.

Credentialed media members must primarily focus on gathering and reporting news that occurs at the Capitol. Completing an application does not guarantee that a credential will be issued. Having been previously credentialed does not guarantee that a credential will be granted in the future. A Utah Capitol Media Credential is valid for one calendar year*. Organizations may request more than one media credential; however, Senate and House media liaison designees reserve the right to limit the number of credentials allocated to any media organization.

34. The 2025 Credentialing Policy reversed course to expressly state: “Blogs, independent media or other freelance media do not qualify for a credential.” *Id.*

35. The 2025 policy provides no definition of “independent media”, “reputable news organization or publication” or any other term.

36. In this litigation, Defendants stated the credentialing policy was changed to exclude blogs and independent media, paradoxically, because of “an uptick in nontraditional, independent media.” Dkt. 26 at 14 (citing Peterson Decl. ¶32). In other words, because a larger portion of the media is now “nontraditional” or “independent,” that segment of the media is excluded.

37. The 2025 Credentialing Policy also contains five criteria in total that a journalist must meet to obtain press credentials: (1) “fill out an online application;” (2) “[b]e a professional member of the media (which includes journalists, photographers and videographers) who regularly covers the Legislature and Capitol in person and is part of an established reputable news organization or publication” (so long as one is not a blog, independent or freelance journalist) (3) “provide an annual background check;” (4) “[a]dhere to a professional code of ethics;” and (5) “[c]omplete the yearly harassment prevention training.” Exh. 8.

38. Additionally, if required by a media designee, the credential applicant must “submit a letter of introduction on official publication letterhead” that contains certain information verifying the applicants’ employment status and need for credentials. Exh. 8.

39. The 2025 Credentialing Policy dictates which areas of the Utah Legislature credentialed press are granted access to. Those areas include (1) “some secure areas of the Capitol, such as the press room and designated areas in the Senate and House chambers;” (2) “designated media workspaces in the Senate and House galleries;” (3) “set up in the Senate and House galleries for credentialed videographers and photographers;” (4) “[c]redentialed media may be permitted access to media availabilities and other press events with elected officials;” (5) “designated media parking;” (6) “the Capitol press room, which is equipped with internet access and an audio feed from both chambers;” (7) “designated areas in the galleries of the Senate and House;” and (8) “Committee Rooms.” Exh. 8.

40. In addition, as Schott was informed by Defendants (*see infra*), Defendants have a policy or practice of not distributing legislative press releases to any press that is not credentialed under the 2025 Credentialing Policy.

41. The access afforded to the credentialed media is important and significant to journalists and their audiences.

42. Attending events in person and live affords opportunities to newsgather and report that those watching or listening remotely and/or on a delayed feed do not have.

Schott’s Years of Press-Credentialed Access to the Utah Legislature

43. Schott has covered the Utah Legislature since 1999 for various media outlets in Utah.

44. In 2013, the Utah Legislature began requiring press credentials for reporters to access the House or Senate media areas. Previously, the application process was no more than a formality. Applicants would have to pass a criminal background check by the Utah Highway Patrol, and then a House or Senate staffer would sign off on the application.

45. After Schott established UPW in September 2024, he assumed that, in keeping with the practice over the past decade, he would again be granted press credentials. He informed Defendants that he had begun reporting on behalf of UPW and asked for details on the upcoming credential application as well as to be placed on the legislative press release list. Defendants did not immediately respond but, when later pressed, informed Schott that the list is only for credentialed media.

Schott's Reporting Angers Defendants

46. In the 2024 Legislative Session, Schott's reporting drew the ire of legislative leaders.

47. For example, on January 10, 2024, House Republicans held a pre-session press conference to lay out their legislative priorities. A reporter from KUTV asked about the effort to ban DEI at state colleges and universities. The legislator who was sponsoring that bill, Rep. Katy Hall, was in attendance, but Schultz would not let her speak about the issue.

48. Schott wrote an article the next day stating that Schultz dodged questions about the issue. Schott, Bryan, *Utah House GOP dodges questions on anti-DEI bills during rollout of 2024 legislative priorities*, Salt Lake Tribune, <https://bit.ly/41oVTUh>.

49. In response, Schultz sent several angry messages accusing Schott of bias. One message was to the effect of: "You used to be the best reporter in the Legislature. It's sad how far you've fallen."

50. Also on January 10, 2024, Schott made a lighthearted post poking a little fun at media staffers who had difficulty setting up a backdrop. Unamused, Defendant Osborn publicly replied:



51. In December 2024, reporting for UPW, Schott appeared to send Defendants over the edge when he accurately reported that a local nonprofit group had filed a complaint against Senate President Stuart Adams alleging Adams had violated campaign disclosure laws. Schott, Bryan, *Top Utah GOP lawmaker accused of skirting state laws on campaign finance disclosures*, Utah Political Watch, <http://bit.ly/4fYAYeH>.

52. On December 12, the same day the article was posted, Senate President Adams took to X.com to criticize Schott's reporting on Adams's campaign finance disclosure, labeling Schott a "former media member" and called the story "part of a troubling pattern of neglectful journalism that undermines the profession's integrity." *President Adams's X Post*, Dec. 12, 2024, <https://perma.cc/Q5JN-7ZCX>. This same statement was originally published verbatim on the Utah Senate's official Twitter and Facebook Pages before they took them down because of complaints.

53. But Adams was not the only one in the Senate who was upset. Schott had previously reached out to Defendant Peterson for comment. In an iMessage exchange attached hereto as **Exhibit 9**, Peterson dismissively referred to Plaintiff Schott as "someone who claims to be a

journalist,” and Plaintiff UPW as a “blog,” accused Schott of a “lack of professionalism,” “lack of journalistic integrity,” having “disregard for accurate reporting and ethical standards.” She chided him for “fail[ing] to obtain information from the Lieutenant Governor’s Office,” and told him “you aren’t a journalist” when he asked what ethical standards she claimed he had not met.

54. Peterson waited over five hours before providing a substantive response, which was to merely send to Schott a statement Peterson had released to another news organization in the interim, and which Schott had already seen published therein.

55. Peterson also made sure in that exchange to forewarn Schott: “We will follow our policy when reviewing media credential applications.” Exh. 9.

Defendants Deny Schott and UPW Press Credentials

56. On December 17, 2024, Schott applied for a press credential in keeping with his practice over the past decade. After passing the background check, Schott contacted Defendant Musselman regarding his application. Musselman told him “We have to look it over for a bit . . . I’m going to go touch base with others, then we’ll give you a call.”

57. Schott had never received this additional level of scrutiny before. And he asked Musselman whether the same level of scrutiny was applied when Utah News Dispatch which, as a month-old organization, had applied for press credentials for the 2024 Legislature and was ultimately been issued credentials for several reporters. Musselman could only state: “We did have conversations with them” although she admitted to being on leave from work during that time period.

58. While Schott waited, several other applicants walked in and out of Musselman's office and had their applications quickly approved.

59. Schott waited for approximately 90 minutes more before he texted Musselman to inquire about the delay.

60. Shortly later Schott received an email from Musselman, now with Peterson copied, informing him that his application had been rejected. The reason Musselman and Peterson gave: "Utah Capitol media credentials are currently not issued to blogs, independent, or other freelance journalists."

61. Schott appealed the decision to deny him press credentials. On December 26, 2024, he received a letter in response from Defendants Abby Osborne and Mark Thomas. **Exhibit 10.**

62. In the letter, Osborne and Thomas informed Schott that "the original decision stands, and your appeal has been denied." *Id.* The reason for the denial, the letter stated, was twofold. *Id.* First, Schott did not meet the criteria of "being a professional member of the media associated with an established, reputable news organization or publication." *Id.* Second, Schott did not meet the credentialing criteria because "[b]logs, independent media outlets or freelance media do not qualify for credentials." *Id.*

63. Neither in the email denying his application, nor in the letter denying his appeal, did Defendants inform Plaintiffs the standards they used to determine that UPW is not "an established, reputable news organization" and is a "[b]log[], independent media outlet[]." *Id.*

64. In January 2025, Schott requested and received lists of all news organizations granted or denied press credentials between 2021 and 2025. **Exhibit 11** (Schott's request for press

credential lists); **Exhibit 12** (response from House and Senate providing list of applicants credentialed and denied).

65. On February 5, 2025, Defendants produced to Plaintiffs a list of media credentials issued for the 2025 session. *See Exhibit 13.*

66. According to that list, credentials have been issued to reporters and interns from less than 20 organizations.

67. Under the 2025 credentialing policy, Defendants issued media credentials for at least one reporter from a blog and/or independent media outlet, and several depending how “independent media outlet” is defined.

68. Specifically, Defendants issued media credentials this year for the first time to a reporter from Building Salt Lake.

69. Building Salt Lake describes itself as “locally owned, independent media,” and touts that “Building Salt Lake is a nationally recognized Top-100 Urban Planning Blog.” *About, Building Salt Lake*, available at: <https://buildingsaltlake.com/about/>.

70. Thus, Building Salt Lake is both a blog and an independent media outlet.

71. Press credentials have been issued to reporters from multiple organizations that call themselves independent, including Building Salt Lake, Gephardt Daily, The Salt Lake Tribune, Utah Policy, and Utah News Dispatch.

72. Accordingly, being a blog or being independent are not bars to receiving credentials.

73. In this litigation, Defendants offer standards they purport to utilize in deciding whether to issue press credentials.

74. Defendant Musselman provides the following post hac reasoning in her declaration: “Schott is not responsible to an editor and is the final arbiter and executioner of his stories, and thus represents his own stream of consciousness.” Doc 28, PageID 310, ¶4.

75. Musselman also declared that because UPW had only existed for three months, it “did not have any institutional framework or a sufficiently established track record.” *Id.*

76. Defendants did not inform Schott of these justifications prior to filing their opposition to the TRO motion.

77. Defendants purport to have applied standards they claim are founded on credentialing policies from prior years dating back as far as 2018.

78. These prior policies are not contained in the 2025 credentialing policy. Nor are the prior policies publicly available on a website or otherwise.

79. Nowhere does the 2025 credentialing policy indicate that a separate editor is required.

80. Defendants have never inquired about UPW’s editorial process or publication process to ascertain if UPW simply prints “stream of consciousness” reporting.

81. Had Defendants inquired, Schott would have informed them of his editorial process and that he does, in fact, use an editor that reviews his work before publishing.

82. Defendants also did not notify Plaintiffs of its prohibition of a “stream of consciousness” reporting style when denying his application.

83. Had they done so, Schott would have informed them of the in-depth reporting processes he utilizes to put stories together, many of which take days or weeks to build and include input from multiple sources and are not stream of consciousness writings.

84. Had Defendants inquired, Schott would have informed them about UPW's track record of original reporting on policy and political news. He would have also informed them of UPW circulation and subscription numbers, and UPW and Schott's social media and podcast audience sizes.

85. Additionally, because Defendants apparently consider UPW to be an extension of Schott, Defendants should have considered Schott's extensive reporting history as part of UPW's track record.

86. Defendants do not uniformly apply their purported standard to other applicants.

87. Defendants do not apply their 2025 Policy to deny or revoke credentials for those who engage in "stream of consciousness" reporting via their publications or via live feed reporting on websites or through social media, such as X or Threads.

88. Defendants issued media credentials to Becky Ginos of the Davis Journal. Ginos is the editor and sole staff member of the Davis Journal. *See About Us*, The City Journal, <https://www.davisjournal.com/pages/about-us>.

89. Ginos is self-edited but is credentialled.

90. Defendants also issued a press credential to Holly Richardson, the editor and sole employee of Utah Policy. *About*, Utah Policy, <https://utahpolicy.com/about>. Utah Policy describes itself as a news aggregator. It primarily carries news releases and guest opinions. To the extent Utah Policy produces original stories, Holly Richardson would be self-edited.

91. Additionally, for the 2024 Legislative Session, Defendants issued press credentials to reporters with organizations that had been in business for similar or less time as UPW.

92. For example, Defendants issued press credentials for the 2024 session to multiple reporters with Utah News Dispatch even though that organization was formed in January 2024. Although Utah News Dispatch states that it is “an affiliate of States Newsroom,” it also says “Utah News Dispatch retains full editorial independence.” *About*, Utah News Dispatch, available at: <https://utahnewsdispatch.com/about/>.

93. The denial of press credentials to Schott is inconsistent with issuing press credentials to similarly situated reporters. This inconsistency demonstrates that the 2025 Credentialing Policy is either vague and/or not applied consistently.

The Legislative Session has Begun

94. The 2025 Utah Legislative Session began on January 21, 2025. Schott initiated this litigation the next day.

95. Schott missed the press conference about the House GOP legislative priorities on January 13th. And he has missed multiple legislative press releases.

96. Governor Cox held a monthly press conference on the morning of January 16, 2025, which Schott was not able to attend in person or ask questions at given his current lack of press credentials. Absent relief from this Court, Schott will miss the monthly gubernatorial press conferences for the remainder of 2025.

97. On the day Session started, numerous statehouse reporters, besides Schott, were able to cover the opening addresses by the Senate President and Speaker of the House on that date. As the session goes on, many statehouse reporters, but not Schott, will be able to report on legislative actions, press releases, speeches, impromptu press conferences, statements to the press, and other events that occur via access to the media areas within the Capitol, including

obtaining the necessary photos, audio, or video. Schott is being denied entry to the daily meetings with Senate leadership in the Senate President's office, media availabilities with the Speaker of the House in his office, and House or Senate rules committee meetings.

98. During this session, every member of the Capital press, except Schott, is able to view and report on these events from the designated media areas throughout the Capitol and both legislative chambers. Those other reporters are in a prime position to obtain videos, photographs, and audio recordings as part of their reporting materials, which is unavailable to members of the public sitting in the public sections.

99. Unlike Schott, those other reporters are able to speak to legislators and their staff, witness legislative action up close, receive legislative materials and attend spontaneous press briefings.

100. The 2025 legislative session continues until March 7, 2025 and special sessions can occur thereafter. In fact, the Utah Legislature has had one or more special sessions every year since 2001 except for 2014. *Sessions*, Utah State Legislature, <https://bit.ly/4i7DpNB>.

101. Every day of the 2025 Legislative Session that this Court does not intervene, Schott will continue to be obstructed from the same news gathering opportunities as are afforded to his colleagues in the media.

102. After the close of this session, there are likely to be special sessions called, from which Schott will also be denied credentialed access.

COUNT ONE
Rights of Free Speech and Press
U.S. Const. amends. I, XIV, 42 U.S.C. § 1983
Forum Analysis -- Unreasonable and Viewpoint-based Denial of Press Credentials Against
All Defendants

103. Plaintiffs incorporate all prior paragraphs as though fully set forth herein.

104. In pertinent part, 42 U.S.C. § 1983 provides, “Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress”.

105. Defendants Musselman and Peterson acted under color of state law when they refused to issue media credentials to Schott.

106. Defendants Osborn and Thomas acted under color of state law when they denied Schott’s appeal of the denial.

107. Plaintiffs have been deprived of their First Amendment rights to news gather and exercise editorial judgment. Plaintiffs have a First Amendment right to gather news. The Supreme Court has long recognized a First Amendment right to news gather. *Branzburg v. Hayes*, 408 U.S. 665, 728 (1972). News gathering is “entitled to First Amendment protection because [it is] an important stage of the speech process that ends with the dissemination of information about a public controversy.” *Ness v. City of Bloomington*, 11 F.4th 914, 923 (8th Cir. 2021) (citation omitted).

108. The First Amendment right to report news includes a journalist’s right to exercise independent editorial judgment, which includes judgment of whether to use a third-party editor for their work or what style of reporting to engage in. “The Supreme Court has long held that an entity exercising editorial discretion in the selection and presentation of content is engaged in speech activity protected by the First Amendment.” *NetChoice, LLC v. Reyes*, No. 2:23-cv-00911-RJS-CMR, 2024 U.S. Dist. LEXIS 163294, at *22 (D. Utah Sep. 10, 2024) (internal quotations and citations omitted). “The choice of material to go into a newspaper, and the decisions made as to limitations on the size and content of the paper, and treatment of public issues and public officials – whether fair or unfair – constitute the exercise of editorial control and judgment.” *Miami Herald Pub. Co., Div. of Knight Newspapers, Inc. v. Tornillo*, 418 U.S. 241, 258 (1974).

109. Within this limited public forum, Plaintiffs have the First Amendment right to gather and report information from the media-designated areas within the Utah State Capitol equal to the rights of other credentialed media representatives and to exercise editorial judgment over their work.

110. Defendants cannot deny Plaintiffs equal access to media designated areas or editorial discretion unless the 2025 Credential Policy is reasonable in light of the forum’s purpose and viewpoint neutral.

111. Defendants denied Schott’s application for press credentials – and access to areas and spaces in the Capitol designated for media - on the basis that Schott is an “independent” reporter for a “blog” and, based on their determinations, not a “professional member of the media associated with an established, reputable news organization or publication.”

112. Post-litigation, Defendants reasoned that Plaintiffs were properly excluded because their policy prohibits journalists who do not have an editor and who publish a “stream of consciousness” style of reporting. Dkt. 26 at 15 (citing Musselman Decl. ¶4).

113. Defendants’ restrictions are unreasonable in light of the forum’s purpose. Defendants do not have space or security concerns that justify denying independent journalists or bloggers credentials or determining that they are not professional members of the media for a reputable news station. Defendants have also not reasonably “eliminated discretion” with these restrictions because the policy remains full of discretionary decisions Defendants can make such as what a “blog” or “independent” media even is, how a journalist “adheres to a professional code of ethics” or what makes a journalist “reputable” or a part of “established” media.

114. Defendants’ restrictions are also unreasonable given that they ban independent journalists or bloggers based on their lack of an editor or use of “stream of consciousness” reporting. This limits Plaintiffs’ and other journalists’ ability to exercise meaningful editorial discretion by creating and curating their reporting in the manner they want to. There is no reasonable explanation for a policy that creates such limitations as the style and editing choices a journalist makes do not affect security or space within the forum.

115. Defendants’ Policy is not viewpoint neutral. There is no First Amendment distinction between institutional press and other reporters, such as those who work for independent news websites or blogs. But Defendants’ Policy operates to grant journalists’ ability to news gather based on their affiliation with legacy or independent media. This targets journalists’ based on the viewpoint of their reporting.

116. Additionally, Schott was considered a “professional journalist” by Defendants since he started receiving credentials over a decade ago. It was only after he angered Defendants with his reporting and started his own publication that Defendants suddenly determined Schott was unprofessional. This shows Plaintiffs are being punished based on the viewpoints expressed by Schott and in UPW’s reporting.

117. Further, Defendants’ post-hoc complaints that Plaintiffs do not have an editor, or their reporting is “stream of consciousness,” indicates that Defendants have denied Plaintiffs’ credentials based on their use of editorial discretion to present their news pieces in a particular way. Defendants have punished a media organization for not being affiliated with larger media organizations, or for whom it chooses to have as an editor or whether to have an editor.

118. By denying Plaintiffs’ access to the Utah legislature based on a policy that is neither reasonable nor viewpoint neutral, Defendants, under color of law, have violated and continue to violate Plaintiffs’ First Amendment rights to free speech and press. Accordingly, Defendants injured, and continue to injure, Plaintiffs in violation of 42 U.S.C. § 1983.

119. By so doing, all Defendants deprived Plaintiffs of their First Amendment rights of Freedom of Speech and of the Press.¹

120. Plaintiffs are entitled to declaratory and preliminary and permanent injunctive relief against the continued enforcement and maintenance of Defendants’ unconstitutional customs,

¹ “By the plain terms of § 1983, two – and only two – allegations are required in order to state a cause of action under that statute. First, the plaintiff must allege that some person has deprived him of a federal right. Second, he must allege that the person who has deprived him of that right acted under color of state or territorial law.” *Gomez v. Toledo*, 446 U.S. 635, 640 (1980)

practices, and policies; to nominal damages; and to recover their attorneys' fees and expenses under 42 U.S.C. § 1988.

COUNT TWO
Rights of Free Speech and Press
U.S. Const. amends. I, XIV, 42 U.S.C. § 1983
Content and Viewpoint Discrimination

121. Plaintiffs reallege and incorporate paragraphs 1 through 102.

122. The press credential policy's complete prohibition of credentialing "[b]logs, independent media or other freelance media," and its reservation of credentials to only those journalists that Defendants deem to be from an "established reputable news organization," unconstitutionally discriminates against speech and press on the basis of content and viewpoint on their face and as applied against Plaintiffs.

123. Defendants have evidenced a lack of consistency and the use of an ever-moving marker to determine on what constitutes an "established reputable news organization" indicateshow viewpoint and retaliatory discrimination against Plaintiffs.

124. Defendants have granted credentials in 2024 and 2025 to journalists with a similar editorial structure to UPW. Additionally, Schott was deemed a "professional" journalist for over a decade before Defendants suddenly decided he no longer was.

125. As such, this has opened the door for content, viewpoint and retaliatory discrimination in the issuance of credentials. Additionally, Defendants engage in viewpoint discrimination by excluding journalists whose work is unedited because that unedited work offends the "refined" sensibilities of the government actors, or because of the government's distaste for "stream-of-consciousness" reporting. "[T]he public expression of ideas may not be

prohibited merely because the ideas are themselves offensive to some of their hearers.” *Matal v. Tam*, 582 U.S. 218, 244 (2017) (op. of Alito, J.).

126. Viewpoint discrimination is also apparent in the fact that Defendants’ revoked Schott’s credentials when their 2024 Policy, allowing “independent” and “blog” media access, was still in affect and then revised their 2025 Policy immediately thereafter. Defendants then denied Schott’s application submitted under the 2025 Policy after Schott had criticized or offended Defendants Olson and Peterson as well as the President of the Senate. Defendants’ revisions of their Policy were intended to target Plaintiffs, making the policy change and the subsequent denial of access to him both speaker and viewpoint based

127. The 2025 Policy fails strict scrutiny. “Because Defendants’ Policy is viewpoint-based, strict scrutiny applies. Thus, the policy is “presumptively unconstitutional and may be justified only if the government proves that [it is] narrowly tailored to serve compelling state interests.” *Reyes*, 2024 U.S. Dist. LEXIS 163294, at *28 (quoting *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015)).

128. Defendants do not articulate a compelling government interest warranting the 2025 Policy’s intrusion on Plaintiffs’ First Amendment right. Strict scrutiny demands that the curtailment of free speech must be actually necessary to the solution. Defendants’ 2025 Policy does not address an actual problem in need of solving.

129. Defendants have no compelling governmental interest in granting Capitol access only to those journalists they decide are from “established reputable news organization(s) or publication(s),” or in denying reporters access to areas and media spaces in the Capitol on

grounds that their reporting is done on behalf of “[b]logs, independent media or other freelance media.”

130. Nor is Defendants’ Policy narrowly tailored. The complete barring of “independent” media and “blogs” or those they deem to not be “professional” or “reputable” is not the least restrictive means to accomplish whatever post-hoc problem Defendants’ identify. As Defendants admit, their policy was significantly different for years prior to their November 2024 policy change and they allowed both Schott and independent journalists to be credentialed. Dkt. 26 at 12-14, 28-29. Thus, there are clearly alternative ways to structure their policy so that the “problems” they have can be resolved without infringing on First Amendment rights.

131. Further, the policy is “underinclusive or overinclusive” when judged against any State interest. *See Reyes*, 2024 U.S. Dist. LEXIS 163294 at *35. It is overinclusive in that it bars *all* media that is independent or a blog regardless of any other criteria met. It is underinclusive in that it does not serve Defendants’ single post-hac justification for the Policy change – to eliminate discretion – because it still permits Defendants the discretion to determine whether journalists were “established” or “reputable” or “adher[ing] to a professional code of ethics.” It also is underinclusive in that it does not actually bar the “stream of consciousness” reporting defendants claim to (unconstitutionally) target.

132. By applying the Policy against Plaintiffs, Defendants, under color of law, have violated and continues to violate Plaintiffs’ First Amendment rights to free speech and press. Accordingly, Defendants injured, and continue to injure, Plaintiffs in violation of 42 U.S.C. § 1983.

133. Plaintiffs are entitled to declaratory and preliminary and permanent injunctive relief against the continued enforcement and maintenance of Defendants' Policy prohibiting credentials to those who report for "[b]logs, independent media or other freelance media" and are not "professional member[s] of the media" who are "part of an established reputable news organization or publication;" nominal damages; and attorney fees and expenses under 42 U.S.C. § 1988.

COUNT THREE
Rights of Free Speech and Press
U.S. Const. amends. I, XIV, 42 U.S.C. § 1983
Retaliation

134. Plaintiffs reallege and incorporate paragraphs 1 through 102.

135. UPW's news coverage via the internet, social media and other forms of communication are constitutionally protected by the First Amendment, as is Schott's news gathering.

136. Defendant's actions in denying Schott's application for press credentials based on the viewpoints he previously expressed would "chill a person of ordinary firmness" from continuing to produce news content critical of the Utah Legislature or its leaders.

137. Schott's prior reporting on the Utah Legislature was a substantial and/or motivating factor in Defendants rewriting the Utah Capitol Media Access and Credentialing Policy to exclude independent media, and in their denial of his application.

138. By applying the Policy against Plaintiffs, Defendants, under color of law, retaliated against Plaintiffs for exercising their First Amendment rights to free speech and press.

Accordingly, Defendants injured, and continue to injure, Plaintiffs in violation of 42 U.S.C. § 1983.

139. Plaintiffs are entitled to declaratory and preliminary and permanent injunctive relief against the continued denial of Plaintiffs' access to media designated areas within the Utah State Capitol in retaliation for his prior reporting, nominal damages; and attorney fees and expenses under 42 U.S.C. § 1988.

COUNT FOUR
Rights of Free Speech and Press
U.S. Const. amends. I, XIV, 42 U.S.C. § 1983
Prior Restraint

140. Plaintiffs reallege and incorporate paragraphs 1 through 102.

141. The Utah Capitol Media Access and Credentialing Policy constitutes a prior restraint in violation of the First Amendment. By requiring that all applicants obtain press credentials from Utah Legislature, the policy establishes a regime that gives the government unbridled discretion to permit the exercise of First Amendment rights, without any immediate judicial review.

142. Defendants wield that unbridled discretion, only approving credentials for journalists they deem to be a part of what they consider to be “an established reputable news organization” or those who they decide have “[a]dhere[d] to a professional code of ethics.” Defendants rely on the undefined, broad terms of the credential policy to subjectively exclude news media and deprive them of the ability to gather news in a manner equal to that afforded to other media representatives. The failure to adopt and apply narrow, definite, and purely objective standards for press credentials, and the lack of immediate judicial review of denials under that policy, render the credentialing process unconstitutional.

143. Requiring Plaintiffs to submit to a prior restraint that vests unbridled discretion in the decisionmaker unconstitutionally deprives Plaintiffs of their free speech and press rights.

144. By subjecting Plaintiffs to the Policy, Defendants, under color of law, have violated and continues to violate Plaintiffs' First Amendment rights to free speech and press.

Accordingly, Defendants injured, and continue to injure, Plaintiffs in violation of 42 U.S.C. § 1983. Plaintiffs are entitled to declaratory and preliminary and permanent injunctive relief against the continued enforcement and maintenance of a press credentialing policy that provides Defendants unbridled discretion to deny whomever they choose from being able to gather news and information. They are also entitled to nominal damages, and to attorney fees and expenses under 42 U.S.C. § 1988.

COUNT FIVE
First Amendment and Fourteenth Amendment, 42 U.S.C. § 1983
Vagueness

145. Plaintiffs reallege and incorporate paragraphs 1 through 102.

146. As notice is the first element of due process, the Fourteenth Amendment guarantee of Due Process prohibits the enforcement of vague laws. The First Amendment likewise forbids the enforcement of laws that, however valid their application may be in some instances, are so vague as to chill protected speech.

147. The press credential policy's limitation of credentials to those who report for "an established reputable news organization or publication," "[a]dhere to a professional code of ethics" and withholding from "[b]logs, independent media or other freelance media," are unduly vague. It is unclear what is meant by "established," "reputable," "blog," "freelance" or "independent" media.

148. Nor is there any indication of what “ethics” Defendants demand journalists’ adherence to. What qualifies as a publication that is “established” or “reputable” is often in the eye of the consumer, and the entire public has access to publications distributed by ordinary channels, such as broadcast radio and the internet.

149. It is also unclear what may count as “independent” media or a “freelance” journalists since many journalists are able to report as a “freelancer” for one publication while also being regularly employed by another publication.

150. Additionally, it is unclear what qualifies as a “blog” and whether it is only journalists who report exclusively on a “blog,” as opposed to in conjunction with other media formats, cannot have credentials.

151. Defendants purport to use definitions and standards for these terms that are not readily apparent from the policy and are often contradictory. Additionally, some reporters and institutions that have been credentialed do not meet the terms of the policy as reasonably understood, or the unwritten standards that Defendants purport to apply.

152. Accordingly, Plaintiffs cannot understand how they could qualify for a press credential under these vague criteria. They also create ever-shifting goal posts for compliance.

153. These vague criteria provide Defendants with overly broad discretion within which they can deny credentials to media they dislike and grant it to media they prefer.

154. By applying vague press credential policies against Schott, Defendants, under color of law, have violated and continues to violate Plaintiffs’ First Amendment rights to free speech and press and Fourteenth Amendment right to due process. Accordingly, Defendants injured, and continue to injure, Plaintiffs in violation of 42 U.S.C. § 1983.

155. Plaintiffs are entitled to declaratory and preliminary and permanent injunctive relief against the continued enforcement and maintenance of the press credentialing policy's limitation of credentials to those who report for "an established reputable news organization or publication" and withholding from "[b]logs, independent media or other freelance media." Plaintiffs are also entitled to nominal damages, and to attorney fees and expenses under 42 U.S.C. § 1988.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that judgment be entered in their favor and against Defendants as follows:

- A. Orders preliminarily and permanently enjoining Defendants, their officers, agents, servants, employees, and all persons in active concert or participation with them who receive actual notice of the injunction, from withholding press credentials and placement on the legislative press release distribution list from Schott, UPW and other journalists on the basis that (1) they write for "[b]logs, independent media or other freelance media;" (2) Defendants do not consider them to be "a professional member of the media associated with an established reputable news organization or publication;" and (3) they "[a]dhere to a professional code of ethics;" and further, enjoining Defendants to grant Schott press credentials for the 2025 legislative session;
- B. Declaratory relief consistent with the injunction;
- C. Nominal damages in the amount of \$17.91;
- D. Costs of suit;
- E. Attorneys' fees pursuant to 42 U.S.C. § 1988; and

F. Any other relief this Court may grant in its discretion.

DATED: February 26, 2025.

Respectfully Submitted,

INSTITUTE FOR FREE SPEECH

/s/ Charles M. Miller

Charles Miller (admitted *pro hac vice*)

Courtney Corbello (admitted *pro hac vice*)

KUNZLER BEAN & ADAMSON, PC

Robert P. Harrington

*Attorneys for Plaintiffs Utah Political Watch,
Inc., and Bryan Schott*

EXHIBIT 1
to Plaintiffs' First Amended
Complaint

Utah Capitol Media Credentialing Policy

At this point, Utah Media Credentials will be given to representatives of Media Institutions, who are authorized by the chiefs of staff as an acceptable security risk.

Criteria

1. Must present a background check and represent an acceptable security risk.
2. Must demonstrate appropriate relationship to media institution. See notes, below.
3. Final discretion is given to the Chief of Staff of the Senate and Chief Deputy of the House, who are responsible for security within legislative areas.

Credential Privileges

- * Access to some secure areas of the Capitol. For example, at the Chiefs' instruction, Sgts at arms may wave credentialed media back to the President or Speaker's Office for press briefings.
- * Allowed access to the senate chamber floor when the senate adjourns. Lobbyists, and uncredentialed citizens are not given this access.
- * Access to the media workspace in the House and Senate Galleries.
- * Media parking
- * Capitol press room access
- * Access to other venues with hosts that choose to honor the Utah Capitol Media Credential.

Credentials may be denied for any of the following reasons:

- * Reasonable safety risk - demonstrated by past action or criminal record.
- * Journalist does not represent a media organization (as defined below)
- * Chiefs of Staff are not convinced the individual seeking credentials should have access to secure legislative space, for security reasons or any other reason.

Credentials can be revoked for the following reasons:

1. Chiefs of Staff believe the person may present a security risk to people at the capitol.
2. Reporter fails to adhere to standards of professional ethics.
3. Change in reporter status.

Definition of a Reporter / Defining Characteristics of those eligible

| <p>Defining characteristics of reporters to whom we have issued credentials:</p> | <p>Characteristics of people to whom we have NOT issued credentials:</p> |
|---|---|
| <ul style="list-style-type: none"> * Credentialed reporters represent institution that hire and fire, can be held responsible for actions, sued for libel, etc. * Credentialed reporters have editors, to whom they are responsible. They aren't the final arbiter and executioners of their own stories. They don't just represent their own stream of consciousness. * Reporters have some degree of education and/or professional training in journalism. * Credentialed reporters adhere to a defined professional code of ethics * Credentialed reporters represent institutions with a track record. As in, they have been in the business for a period of time and have established they are not lobbyist organizations, political parties, or flash-in-the-pan charlatans with blog sites. | <ul style="list-style-type: none"> * Blog site owners. The writing is essentially their own stream of consciousness, with little or no editorial oversight. * Little or no institutional framework. * Organizations with no history or track record * Institution and reporters whose main purpose seems to be Lobbying or pushing a particular point of view (examples: Sutherland Institute media staff, Utah Political Capitol, ULCT blog, etc.) * Organizations not bound by a journalistic code of ethics * People with a history that would present a reasonable concern for the order of the institution or the safety of personnel within secure areas. |
| <p>NOTE: We recognize these defining characteristics can be debated. For practical purposes, we need to create a clear definition, so this is the starting point. These characteristics will likely</p> | |

| | |
|--|--|
| change as the characteristics of the media industry evolve and become more clear. | |
|--|--|

Right of Appeal

If credentials are is denied by the Chiefs of Staff, the applicant may appeal in writing to Speaker of the House and Senate President, who will respond within 90 days.

If credentials are revoked by the Chiefs of Staff, the person who was denied credentials may appeal in writing to the Speaker of the House and Senate President, who will respond within 90

EXHIBIT 2
to Plaintiffs' First Amended
Complaint

Utah Capitol Media Credentialing Policy

To receive a Utah media credentials, which includes access to secure areas, an applicant must be

1. A reporter (see policy notes for definitions), and
2. Representatives of media institutions who are authorized by the chiefs of staff as an acceptable security risk.

Criteria

1. Must present a background check and represent an acceptable security risk.
2. Must demonstrate an appropriate relationship to media institution. See notes below.
3. Final discretion is given to the chiefs of staff of the Senate and House, who are responsible for security within legislative areas.

Credential Privileges

- Access to some secure areas of the Capitol. For example, at the chiefs' instruction, sergeant-at-arms may allow credentialed media back to the President's or Speaker's Office for press briefings.
- Allowed access to the Senate and House chamber floor when the Senate and House adjourns. Lobbyists, and non-credentialed citizens are not given this access.
- Access to the media workspace in the Senate and House Galleries.
- Media parking.
- Capitol press room access.
- Access to other venues with hosts that choose to honor the Utah Capitol Media Credential.

Credentials may be denied for any of the following reasons:

- Reasonable safety risk - demonstrated by past action or criminal record.
- Journalist does not represent a media organization (as defined below).
- Chiefs of staff are not convinced the individual seeking credentials should have access to secure legislative space, for security reasons or any other reason.

Credentials can be revoked for the following reasons:

1. Chiefs of staff believe the person may present a security risk to people at the capitol.

2. Reporter fails to adhere to standards of professional ethics.
3. Change in reporter status.

Definition of a Reporter / Defining Characteristics of those eligible

| Defining characteristics of reporters to whom we have issued credentials: | Characteristics of people to whom we have NOT issued credentials: |
|---|--|
| <ul style="list-style-type: none"> * Credentialed reporters represent institutions that hire and fire, can be held responsible for actions, sued for libel, etc. * Credentialed reporters have editors to whom they are responsible. They aren't the final arbiter and executioners of their own stories. They don't just represent their own stream of consciousness. * Reporters have some degree of education and/or professional training in journalism. * Credentialed reporters adhere to a defined professional code of ethics * Credentialed reporters represent institutions with a track record. As in, they have been in the business for a period of time and have established they are not lobbyist organizations, political parties, or flash-in-the-pan charlatans with blog sites. | <ul style="list-style-type: none"> * Blog site owners. The writing is essentially their own stream of consciousness, with little or no editorial oversight. * Little or no institutional framework. * Organizations with no history or track record * Institutions and reporters whose main purpose seems to be Lobbying or pushing a particular point of view (examples: Sutherland Institute media staff, Utah Political Capitol, ULCT blog, etc.) * Organizations not bound by a journalistic code of ethics * People with a history that would present a reasonable concern for the order of the institution or the safety of personnel within secure areas. |
| <p>NOTE: We recognize these defining characteristics can be debated. For practical purposes, we need to create a clear definition, so this is the starting point. These characteristics will likely change as the characteristics of the media industry evolve and become more clear.</p> | <p>*If there is a blog site owner or organization not bound by a code of ethics, they may sign a document stating they will abide by the journalistic code of ethics. If they then receive credentials and are caught breaking the contract, they will be required to remove the post, and their media credentials will be revoked.</p> |

Right of Appeal

- If credentials are denied by the chiefs of staff, the applicant may appeal in writing to Senate President and Speaker of the House and, who will respond within 90 days.

- If credentials are revoked by the chiefs of staff, the person who was denied credentials may appeal in writing to the Senate President and Speaker of the House and, who will respond within 90 days.

EXHIBIT 3
to Plaintiffs' First Amended
Complaint

Utah Capitol Media Credentialing Policy

Criteria

To receive a Utah Capitol media credential, an applicant must:

- § Be a professional journalist, which includes photographers, videographers, etc.
- § Present a background check.
- § Adhere to a professional code of ethics.
- § Represent news organizations or publications that have a track record.
- § Complete unlawful harassment prevention training.

Credential Privileges

- § Access to some secure areas of the Capitol.
- § Access to the Senate and House chamber floors when the Senate and House adjourn.
- § Access to the media workspaces in the Senate and House galleries.
- § Designated media parking.*
- § Capitol press room access.

Credentials may be denied or revoked for any reason, such as the following:

- § Applicant presents a security risk, as demonstrated by past action or criminal record.
- § Applicant does not represent a professional media organization.
- § Journalist fails to adhere to standards of professional conduct.

Right of Appeal

- § If credentials are denied or revoked, the applicant may appeal in writing to the Senate and House of Representatives chiefs-of-staff, who will respond within 90 days.

*Does not apply to interns or students.

EXHIBIT 4
to Plaintiffs' First Amended
Complaint

Utah Capitol Credentialing Policy

Credentialing Criteria

To receive and maintain Utah State Capitol media credential, an applicant must:

- Be a professional journalist (which includes photographers, videographers, etc).*
 - A media intern/student must work for an organization or institution and have a supervisor.
- Present a background check.
- Adhere to a professional code of ethics.
- Represent an established, reputable news organization or publication.
- Complete the unlawful harassment prevention training.

Credential Privileges

- Capitol media credentials provide access to some secure areas of the Capitol, such as the press room, designated areas in the Senate and House chambers that follow state rule and/or statute.
 - Interviews may be conducted in the lounge area when accompanied by a lawmaker or staff member.
 - No interviews are to be conducted on the Senate or House floors while adjourned.
- Credentialed media has access to media workspaces in the Senate and House galleries and committee rooms during committee hearings.
 - Space is limited in chambers and preference will be given to full-time media.
- Designated media parking.
 - Due to limited space, designated parking does not apply to interns or students.
- Media credentials allow members of the media Capitol press room access. The press room is equipped with internet access and audio feed from both chambers.
 - Interns and students must remain in designated areas in the press room.
- Videographers and photographers are allowed to set up in the House and Senate galleries.
- Members of the media must remain in designated areas.
 - With special permission, videographers and photographers may be allowed to set up on the Senate or House floor during floor time at designated locations in the rear of the chambers.
- Photos may be taken from perimeter aisles on the sides of the Senate and House and chamber floors during floor time.
 - Proper attire is required.
 - Men: Suit coat and tie.
 - Women: Business attire.

Credentials may be denied or revoked for any reason, such as the following:

- Applicant presents a security risk, as demonstrated by past action or criminal record.
- Applicant does not represent a professional media organization.
- Journalist, photographer or videographer fails to adhere to standards of professional conduct.

- Journalist, photographer or videographer fails to follow rules and regulations outlined in this document.

Right of Appeal

- If credentials are denied or revoked, the applicant may appeal in writing to the Senate and House of Representative chiefs-of-staff, who will respond within five business days.

Other Important Information

- Due to COVID-19 health concerns and physical distancing measures, media will have designated areas in chambers and committee rooms. The area behind the dais in committee rooms is temporarily unavailable. Please note, virtual equipment may obstruct camera views.
- Utah State Capitol media credentials should be worn and visible when at the Capitol complex to gain entrance to the Senate and House floors and committee rooms.
- Bloggers representing a legitimate independent news organization may become credentialed under some circumstances.

EXHIBIT 5
to Plaintiffs' First Amended
Complaint

Utah Capitol Media Access and Credentialing Policy 2022 *(Nov. 2021)*

Credentialing Criteria

Utah Capitol media credential application requires an annual background check and harassment prevention training.

To receive and maintain a Utah State Capitol media credential, an applicant must:

- Be a professional journalist (which includes photographers, videographers, etc)* who regularly covers the Legislature and Capitol in person.
 - A media intern/student can receive a credential but must work for an organization or institution and have a supervisor.
- Present a background check.
- Adhere to a professional code of ethics.
- Represent an established, reputable news organization or publication.
- Complete the unlawful harassment prevention training.

Credential Privileges

- Capitol media credentials provide access to some secure areas of the Capitol, such as the press room, designated areas in the Senate and House chambers that follow state rule and/or statute.
- Credentialed media has access to media workspaces in the Senate and House galleries and committee rooms during committee hearings.
- Videographers and photographers are allowed to set up in the House and Senate galleries.
- Designated media parking.
 - Due to limited space, designated parking does not apply to interns or students.
- Media credentials allow members of the media Capitol press room access. The press room is equipped with internet access and audio feed from both chambers.
 - Interns and students must remain in designated areas in the press room.
- Approved and designated areas for media:
 - House and Senate galleries
 - Committee Rooms – the area behind the dais in committee rooms is unavailable without permission.
 - Press Room

Credentials may be denied or revoked for any reason, such as the following:

- Applicant fails to complete the workplace harassment prevention training.
- Applicant presents a security risk, as demonstrated by past action or criminal record.
- Applicant does not represent a professional media organization.
- Applicant does not regularly cover the Legislature in person at the Capitol.
- Journalists, photographers or videographers fail to adhere to standards of professional conduct.
- Journalists, photographers or videographers fail to follow rules and regulations outlined in this document.

Right of Appeal

- If credentials are denied or revoked, the applicant may appeal in writing to the Senate and House of Representative chiefs of staff, who will respond within five business days.

Other Important Information

- Utah State Capitol media credentials should be worn and visible when at the Capitol complex to gain entrance to the Senate and House floors and committee rooms.
- Bloggers representing a legitimate independent news organization may become credentialed under some circumstances.

*Interns/students media credential will be valid for three months (January-March).

EXHIBIT 6
to Plaintiffs' First Amended
Complaint

Utah Capitol Media Access and Credentialing Policy

Credentialing Criteria

Utah Capitol media credential application requires an annual background check and harassment prevention training.

To receive and maintain a Utah State Capitol media credential, an applicant must:

- Be a professional journalist (which includes photographers, videographers, etc)* who regularly covers the Legislature and Capitol in person.
 - A media intern/student can receive a credential but must work for an organization or institution and have a supervisor.
 - Intern/student media credentials are only valid for three months (January-March).
- Present a background check.
- Adhere to a professional code of ethics.
- Represent an established, reputable news organization or publication.
- Complete the unlawful harassment prevention training.

Credential Privileges

- Capitol media credentials provide access to some secure areas of the Capitol, such as the press room, designated areas in the Senate and House chambers if the credentialed news media follow state rule, statutes and/or policy of each chamber.
- Credentialed media has access to designated media workspaces in the Senate and House galleries.
- Videographers and photographers are allowed to set up in the Senate and House galleries.
- Credentialed media are allowed access to media availabilities and other press events with elected officials.
- Designated media parking.
 - Due to limited space, designated parking does not apply to interns or students.
- Media credentials allow members of the media Capitol press room access. The press room is equipped with internet access and audio feed from both chambers.
 - Interns and students must remain in designated areas in the press room.
- Approved and designated areas for media:
 - Designated areas in the galleries of the Senate and House
 - Committee Rooms – the area behind the dais in committee rooms is up to the discretion of the chair of the committee.
 - Press Room

Media Designees

- Utah Senate media designees:
 - Chief of Staff Mark Thomas: mthomas@le.utah.gov – 801-673-8587
 - Deputy Chief of Staff Aundrea Peterson: aundreapeterson@le.utah.gov – 801-791-3365

- Utah House of Representative media designees:
 - Chief of Staff Abby Osborne: aosborne@le.utah.gov – 801-831-6116
 - Communications Director Alexa Musselman: amusselman@le.utah.gov – 801-865-5882

Senate Policy

- Except as provided below, credentialed news media may not be admitted to the Senate floor when the Senate is convened in session.
 - Credential news media photographers and videographers may be permitted to enter the Senate floor with permission from the Senate media designee when the Senate is convened in session if the news media comply with the applicable dress requirements and other rules of decorum.
 - The dress requirements: coat and tie for men and professional business attire for women.

 - View news media access rules for the [Senate floor](#), [committee](#) rooms and designated areas [here](#).

House Policy

- News media may not be admitted to the House floor when the House is convened in formal session.

- Credential news media photographers and videographers may be permitted to enter the House floor with permission from House media designee.

- For House Floor rules, click [here](#).

- For House Committee rules, click [here](#).

Credentials may be denied or revoked for any reason, such as the following:

- Applicant fails to complete the workplace harassment prevention training.

- Applicant presents a security risk, as demonstrated by past action or criminal record.

- Applicant does not represent a professional media organization.

- Applicant does not regularly cover the Legislature in person at the Capitol.

- Journalists, photographers or videographers fail to adhere to standards of professional conduct.

- Journalists, photographers or videographers fail to follow rules and regulations outlined in this document.

Right of Appeal

- If credentials are denied or revoked, the applicant may appeal in writing to the Senate and House of Representative chiefs of staff, who will respond within five business days.

Other Important Information

- Utah State Capitol media credentials should be worn and visible when at the Capitol complex to gain entrance to the Senate and House floors and committee rooms.
- Bloggers representing a legitimate independent news organization may become credentialed under limited, rare circumstances.

Revised – October 2022

EXHIBIT 7
to Plaintiffs' First Amended
Complaint

Utah Capitol Media Access and Credentialing Policy

Credentialing Criteria

Utah Capitol media credential application requires an annual background check and harassment prevention training.

To receive and maintain a Utah State Capitol media credential, an applicant must:

- Be a professional journalist (which includes photographers, videographers, etc)* who regularly covers the Legislature and Capitol in person.
 - A media intern/student can receive a credential but must work for an organization or institution and have a supervisor.
 - Intern/student media credentials are only valid for three months (January-March).
- Present a background check.
- Adhere to a professional code of ethics.
- Represent an established, reputable news organization or publication.
- Complete the harassment prevention training.

Credential Privileges

- Capitol media credentials provide access to some secure areas of the Capitol, such as the press room, designated areas in the Senate and House chambers if the credentialed news media follow applicable legislative rules, statutes and/or policy of each chamber.
- Credentialed media has access to designated media workspaces in the Senate and House galleries.
- Videographers and photographers are allowed to set up in the Senate and House galleries.
- Credentialed media are allowed access to media availabilities and other press events with elected officials.
- Designated media parking.
 - Due to limited space, designated parking does not apply to interns or students.
- Capitol media credentials provide access to the Capitol press room. The press room is equipped with internet access and audio feed from both chambers.
 - Interns and students must remain in designated areas in the press room.
- Approved and designated areas for media:
 - Designated areas in the galleries of the Senate and House
 - Committee Rooms – the area behind the dais in committee rooms is up to the discretion of the chair of the committee.
 - Press Room

Media Designees

- Utah Senate media designees:
 - Chief of Staff Mark Thomas: mthomas@le.utah.gov – 801-673-8587
 - Deputy Chief of Staff Aundrea Peterson: aundreapeterson@le.utah.gov – 801-791-3365

- Utah House of Representative media designees:
 - Chief of Staff Abby Osborne: aosborne@le.utah.gov – 801-831-6116
 - Communications Director Alexa Musselman: amusselman@le.utah.gov – 801-865-5882

Senate Policy

- Except as provided below, credentialed news media may not be admitted to the Senate floor when the Senate is convened in session.
 - Credential news media photographers and videographers may be permitted to enter the Senate floor with permission from the Senate media designee when the Senate is convened in session if the news media comply with the applicable dress requirements and other rules of decorum.
 - The dress requirements: coat and tie for men and professional business attire for women.

 - View news media access rules for the [Senate floor](#), [committee](#) rooms and designated areas [here](#).

House Policy

- News media may not be admitted to the House floor when the House is convened in formal session.

- Credential news media photographers and videographers may be permitted to enter the House floor with permission from House media designee.

- For House Floor rules, click [here](#).

- For House Committee rules, click [here](#).

Credentials may be denied or revoked for any reason, such as the following:

- Applicant fails to complete the workplace harassment prevention training.

- Applicant presents a security risk, as demonstrated by past action or criminal record.

- Applicant does not represent a professional media organization.

- Applicant does not regularly cover the Legislature in person at the Capitol.

- Journalists, photographers or videographers fail to adhere to standards of professional conduct.
- Journalists, photographers or videographers fail to follow rules and regulations outlined in this document.

Right of Appeal

- If credentials are denied or revoked, the applicant may appeal in writing to the Senate and House of Representative chiefs of staff, who will respond within five business days.

Other Important Information

- Utah State Capitol media credentials should be worn and visible when at the Capitol complex to gain entrance to the Senate and House floors and committee rooms.
- Bloggers representing a legitimate independent news organization may become credentialed under limited, rare circumstances.

Revised – October 2023

EXHIBIT 8
to Plaintiffs' First Amended
Complaint

Utah Capitol Media Access and Credentialing Policy

Utah Capitol Media Credential Application

The Utah Capitol Media Credential application process, outlined below, is designed to give professional journalists and media representatives from reputable organizations access to cover the Legislature and other significant events at the Utah State Capitol. This process aims to support informed reporting while maintaining the integrity and security of the Capitol.

Credentialed media members must primarily focus on gathering and reporting news that occurs at the Capitol. Completing an application does not guarantee that a credential will be issued. Having been previously credentialed does not guarantee that a credential will be granted in the future. A Utah Capitol Media Credential is valid for one calendar year*. Organizations may request more than one media credential; however, Senate and House media liaison designees reserve the right to limit the number of credentials allocated to any media organization.

Utah Capitol Media Credential Credentialing Criteria

To apply for a Utah State Capitol Media Credential, an applicant needs to:

- Complete the online application.
- Be a professional member of the media (which includes journalists, photographers and videographers) who regularly covers the Legislature and Capitol in person and is part of an established reputable news organization or publication.
 - A journalist intern or student who works for an established reputable media organization or institution and has a supervisor may be eligible to receive a credential. Intern/student media credentials are only valid for three months (January-March).**
 - Blogs, independent media or other freelance media do not qualify for a credential.
- Provide an annual background check.
- Adhere to a professional code of ethics.
- Complete the yearly harassment prevention training.
- If required by a media designee, submit a letter of introduction on official publication letterhead, signed by the managing editor, may be required. If multiple applicants from the same publication are applying, one letter will suffice.
 - The letter must include the following:
 - Verification of full-time employment.
 - Justification for the need for a Utah Capitol Media Credential.
 - Affirmation that the applicant has read and agrees to abide by the applicable legislative rules, statutes and policies, including those described in this document.

Credential Privileges

- Utah Capitol Media Credentials provide access to some secure areas of the Capitol, such as the press room and designated areas in the Senate and House chambers, if the credentialed news media follow applicable legislative rules, statutes and/or policies, including the policies of each chamber.
- Credentialed media has access to designated media workspaces in the Senate and House galleries.
- Credentialed videographers and photographers may be allowed to set up in the Senate and House galleries.
- Credentialed media may be permitted access to media availabilities and other press events with elected officials.
- Access to designated media parking.
 - Due to limited space, designated parking does not extend to interns or students.
- A Utah Capitol Media Credential provides access to the Capitol press room, which is equipped with internet access and an audio feed from both chambers.
 - Interns and students must remain in designated areas in the press room.
- Approved and designated areas for media:
 - Designated areas in the galleries of the Senate and House
 - Committee Rooms – designated area behind the dais in committee rooms, up to the discretion of the chair of the committee. Reach out to media liaison designees to request access.
 - Press Room

Media Liaison Designees

- Utah Senate media liaison designee:
 - Deputy Chief of Staff Aundrea Peterson: aundrapeterson@le.utah.gov – 801-791-3365
- Utah House of Representative media liaison designee:
 - Communications Director Alexa Musselman: amusselman@le.utah.gov – 801-865-5882

Senate Policy

- Except as provided below, credentialed news media may not be admitted to the Senate floor when the Senate is convened in session.
 - Credentialed news media members who are photographers or videographers may be permitted to enter the Senate floor with permission from a Senate media liaison designee when the Senate is convened in session if the news media members comply with the applicable dress requirements and other rules of decorum.
 - The dress requirements: coat and tie for men and professional business attire for women.

- View news media access rules for the Senate floor, committee rooms and designated areas here.

House Policy

- News media may not be admitted to the House floor when the House is convened in formal session.
- Credentialed news media members who are photographers or videographers may be permitted to enter the House floor with permission from a House liaison media designee.
- For House Floor rules, click here.
- For House Committee rules, click here.

Credentials may be denied or revoked for any reason, such as the following:

- Fails to complete the workplace harassment prevention training.
- Engages in unlawful discrimination or harassment.
- Presents a security risk, as demonstrated by past action or criminal record.
- Does not represent an established reputable news organization or publication.
- Does not regularly cover the Legislature in person at the Capitol.
- Fails to adhere to standards of professional conduct.
- Fails to follow the rules and regulations outlined in this document.
- Engages in lobbying.
- Holds government employment.
- Provides consulting or public relations services to clients in relation to the Legislature or matters under consideration by the Legislature.

Right of Appeal

- If credentials are denied or revoked, the applicant may appeal by submitting a written appeal to the Senate or House chief of staff. Appeals will be decided within five business days unless the Senate or House chief of staff notifies the appellant that a longer period will be required to resolve the appeal.
 - Senate Chief of Staff Mark Thomas: mthomas@le.utah.gov – 801-673-8587
 - House Chief of Staff Abby Osborne: aosborne@le.utah.gov – 801-831-6116

Other Important Information

- Utah Capitol Media Credentials must be worn and visible when at the Capitol complex to gain entrance to the Senate and House floors, committee rooms and media availabilities.

** Press credentials are valid for one calendar year unless revoked or surrendered.*

***Intern/student press credentials are valid for three months, January–March, unless revoked or surrendered.*

Revised – November 2024

EXHIBIT 9
to Plaintiffs' First Amended
Complaint

Thu, Dec 12 at 1:01PM

Asking for a comment.

Alliance for a Better Utah has filed a complaint with the LG's office about President Adams' financial disclosures.

According to the complaint, his financial disclosures from his campaign and the two PACs he's listed as the primary officer of show \$428,000 in payments to financial institutions and credit card companies going back to 2014.

Utah law requires that financial disclosures "reveal...the actual person or entity to whom the disbursement is ultimately made" and "may not merely list disclose, or report the transactional intermediary."

The FAQ from the LG's office for candidates says "Be sure you report the ultimate payee of an expenditure, and not a transactional intermediary, such as American Express. You didn't pay American Express for your campaign signs, you paid Office Warehouse using American Express."

None of the transactions on his disclosures provide those details. They simply show a payment to American Express or AMEX, the amount of the payment, and how those transactions are categorized. No other details.

Does President Adams have a response to this complaint?

Why was he not following Utah law for financial disclosures.

I've often heard President Adams talk about the need for transparency in government. How does this situation square with being transparent?

In the most recent financial disclosure for the Adams Leadership PAC, there's a \$16,134 payment to AMEX on Jan. 4, 2024 that is simply categorized as "other." What was that payment for?

Thu, Dec 12 at 2:56 PM

As someone who claims to be a journalist, it's disappointing to see such a lack of professionalism. Sending a request for comment and immediately publishing the story is not only irresponsible but also reflects a disregard for accurate reporting and ethical standards. Your story is not only misleading; it is factually inaccurate. You even failed to obtain information from the Lieutenant Governor's Office and didn't even allow those named in your story to respond. This is not the first time this has happened; it's part of a troubling pattern of neglectful journalism.

I asked the Lt. Gov. for comment at least 5 times.

Please tell me how my story is "factually inaccurate" and "misleading."

It certainly sounds like you're going to use your criticism of this story you don't like to deny me a press credential next week.

You still failed to allow us time to respond. Why didn't you reach out to us for comment five times?

Because I was trying to get clarification on this story before moving forward.

I only learned that ABU had filed the complaint today, which accelerated my timeline.

You are trying to divert attention from your lack of journalistic ethics. We will follow our policy when reviewing media credential applications

If you have a response or wish to refute anything in my story, I'll be happy to include it.

Please elaborate how you feel like I've breached journalistic ethics.

I'm always open to legitimate criticism.

Publishing at the same time you reach out is not seeking clarification; it is failing to follow basic journalistic standards that ensure a fair, accurate and balanced story. This is not the first time you have done this in the past few months.

Can you point me to where that ethical standard comes from?

If you have to be told you aren't journalist.

If you can't cite that source, then you're making it up.

Thu, Dec 12 at 6:27 PM

Earlier today, former media member Bryan Schott published a blog post that failed to include information from the Lt. Governor's Office or those named in the story before publishing the blog. Unfortunately, this is not the first time this has occurred; it is part of a troubling pattern of neglectful journalism that undermines the profession's integrity, which is one of the cornerstones of our republic.

As someone who claims to be a journalist, it is disappointing to see such a lack of professionalism. Sending a request for comment and immediately publishing the story is irresponsible and reflects a disregard for accurate reporting. The story is not only misleading but factually inaccurate.

Had he taken the time to get facts from the Lt. Governor's Office or allowed those named in the blog a chance to respond, he would have learned that the information was accurately reported and in compliance with the statute with no attempt to skirt the law. Instead, he published an inaccurate and misleading blog that omits critical details and essential context.

"Last year, following an inquiry by the Lt. Governor's Office into how I reported certain transactions on my disclosure report, I received an email confirming I was "compliant with state disclosure law." I have relied on this guidance as I continued to report transactions. This fall, the Lt. Governor's Office conducted a further inquiry into my disclosure report. After their review, I received an email stating that "no further action is required on your part until we have adequately reviewed the relevant statutes." Last week, the Lt. Governor's Office issued clarifying instructions to all candidates and officeholders, providing better instructions and requirements on how to disclose transactions. The letter indicated they will begin implementing these new requirements beginning in January 2025.

"I have always been, and remain, fully committed to complying with campaign disclosure requirements. Additionally, I will adhere to the updated guidelines issued by the Lt. Governor's Office last week.

"The claim that I failed to follow campaign disclosure requirements is not just inaccurate but a blatant falsehood. This is nothing more than misleading rhetoric, with Alliance for Better Utah once again resorting to desperate fundraising efforts built on misinformation. These kinds of deceitful tactics are intended to distract from the real work of improving our state." – President J. Stuart Adams

I saw the statement that you provided to KUTV.

Can you provide a copy of the communications from the lieutenant governor's office claiming that he was in compliance?

I'll be happy to include his statement in my story, minus the petty insults.

I'm assuming that since you included it in the statement, you would have that documentation from the lieutenant governor readily available.

I can certainly GRAMA the Lieutenant governor's office, but it seems like you have this at hand. I hope you see your way to share it with me.

Y

You know, in the interest of accuracy

You can certainly provide it now, or I can get a copy when I come up to get my media credential on Wednesday

Also, I would like to point out that I am not the one who made the allegations. I just reported on the allegations from ABU.

If you would have done your due diligence you wouldn't have reported inaccurate information that falsely states "one of the top Republicans in the legislature has not been following Utah law for more than a decade." That is strong and false statement without even trying to gather the facts. You publish the blog before asking for documentation from us though just run with anything Better Utah sends you.

Please provide that documentation.

My story has been updated.

And I've submitted a GRAMA to the Lt. Governor's office for those communications.

I don't have immediate access to his campaign account, but working on it.

So your idea of an "update" is to leave uncorrected the false and misleading claim that "one of the top Republicans in the legislature has not been following Utah law for more than a decade" and then simply add the word "update" at the bottom of the page? A real update would include a clear and accurate correction of inaccurate and misleading information in your blog, not just a vague note at the end.

It's curious that you can't find that email since you quoted directly from it.
I have a copy of the complaint filed with the Lt. Governor's office.
What I DON'T have is documentation to back up Adams's claim.
I'm not going to take your word for it until I see that - which is what responsible journalists do.

It is a statement from President Adams, who has the documents. As I told you, I don't have access, but working on getting the documents.

You wrote a story based on claims from Better Utah without hesitation or concern. It's clear you accept their claims as facts but then claim to be a responsible journalist when it comes to confirming information with us.

I've been looking into this for more than 2 months. My first outreach to the Lt. Gov.'s office was on Oct. 7. The fifth and final one was on Monday.
Like I said, I'm not going to take your word for it.
Would you like to see a copy of the complaint from ABU?
I have it right here.

And, as I made it clear throughout the story, the allegations were made by ABU.

What is your excuse for failing to reach out to us until 1:01 p.m. today? It is ridiculous and unacceptable that, after working on this story for two months, you did not contact us until you published the blog. This highlights your lack of journalist integrity.

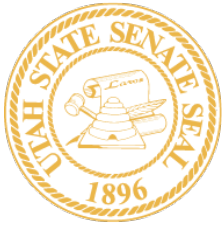
Because I didn't know if I had a story or not until I heard back from the Lt. Gov.
As I said before, when I found out about the ABU complaint, it changed my timeline.

Again, they made the allegations in a complaint that they gave me a copy of. I did not make the allegations.
I'll be waiting for a copy of those emails.
I find it interesting that you're focusing on how I wrote the story, and not the allegations themselves.

Again, you wrote inaccurate information and falsely stated, "one of the top Republicans in the legislature has not been following Utah law for more than a decade." That is written as a fact when it is blatantly inaccurate.

EXHIBIT 10

to Plaintiffs' First Amended
Complaint



UTAH STATE LEGISLATURE

STATE CAPITOL • SALT LAKE CITY, UTAH 84114
WWW.LE.UTAH.GOV



December 26, 2024

Bryan Schott,

After a careful review and thoroughly considering your appeal regarding the denial of your Utah Capitol Media Credential application, we are writing to inform you that the original decision stands, and your appeal has been denied. Your application does not meet the criteria outlined in the Utah Capitol Media Access and Credentialing Policy (policy), including:

- Being a professional member of the media associated with an established, reputable news organization or publication.
- Blogs, independent media outlets or freelance media do not qualify for credentials.

We want to provide insight and transparency into the review process. The claim that the denial was "based on retribution" is categorically false and without merit. Earlier this year, we were notified by your former employer, the Salt Lake Tribune, that you were no longer affiliated with that publication, an established Utah news organization. As a result, your Capitol Media Credential, which was issued based on your employment with the Tribune, no longer met the requirements.

The media liaison designees reviewed your recent submission and determined that the organization you named in your application, Utah Political Watch, was a blog, independent media outlet, or freelance media and therefore did not qualify for credentialing. This decision is consistent with the policy authorizing established, reputable news organizations, such as the Salt Lake Tribune, and prohibiting blogs, independent media outlets or freelance media. We reach the same conclusion on your appeal.

We receive numerous inquiries for credentials each year. The longstanding policy creates consistency for members of the media. The policy is regularly reviewed and updated, often in response to journalists' feedback. Any claim that recent updates to the policy were intended to prevent targeted individuals from obtaining credentials is inaccurate and completely unfounded.

Finally, nothing prevents individuals from reporting on the proceedings of the Utah Legislature, regardless of whether they hold a media credential. The Utah Legislature is dedicated to maintaining a transparent government, and the Capitol is open to all. Committee meetings,

legislative floor debates, agenda items and materials are readily accessible on the legislative website, and everyone is welcome to attend committee meetings and floor time.

We greatly value journalists' role in informing the public about government actions. This is vital for maintaining transparency and a healthy republic. We have built strong, collaborative relationships with the Utah Media Coalition and journalists based on mutual respect. We remain committed to fostering open and transparent communication with journalists and supporting the principles of a free press. Utah is a leader in government accountability, and we will continue to uphold these values in all interactions.

The decision to deny your appeal is in accordance with clearly established, and consistently applied, policies.

Sincerely,

Abby Osborne
Chief of Staff
Utah House of Representatives

Mark Thomas
Chief of Staff
Utah Senate

EXHIBIT 11

to Plaintiffs' First Amended
Complaint

UTAH STATE LEGISLATURE
REQUEST FOR A RECORD¹

Date: 01/02/2025

Requester Information

Bryan Schott
Name of individual or entity submitting the record request

Name of entity's contact individual, if the request is submitted by an entity

Mailing address of individual or entity submitting record request

City State Zip code

schott@utahpoliticalwatch.news
Email address of individual submitting record request or, if the request is submitted by an entity, email address of the entity's contact individual

By providing an email address, the requester is indicating that the requester is willing to receive communications by email regarding this record request.

Daytime telephone number of the individual submitting the record request or, if the request is submitted by an entity, daytime telephone number of the contact individual for the entity

Specify the legislative office believed to be the office that retains the record(s) being requested:²

- Utah House of Representatives (houserecords@le.utah.gov)
Utah Senate (senaterecords@le.utah.gov)
Office of the Legislative Auditor General (lagrecords@le.utah.gov)
Office of the Legislative Fiscal Analyst (lfarecords@le.utah.gov)
Office of Legislative Research and General Counsel (olrgcrecords@le.utah.gov)
Legislative Services (Human Resources, IT, Printing) (lsrecords@le.utah.gov)

Certifications required for an in-state request

1) I certify that:

(if this request is submitted by an individual) I live in Utah or am a legal resident of Utah

- or -

(if this request is submitted by an entity) the entity has its principal place of business or principal operations in Utah

2) I also certify that:

I am submitting this record request on my own behalf or for the requester entity and not on behalf of an individual who does not live in Utah or is not a legal resident of Utah, or on behalf of an entity that does not have its principal place of business or principal operations in Utah

(A request without these certifications will be considered to be an out-of-state request)

Description of the record(s) being requested (must identify the record(s) with reasonable specificity): Please provide a list of all news organizations that have been either granted or denied press credentials for the following years: 2025, 2024, 2023, 2022 and 2021.

Please include the number of credentials given to each outlet. This request does NOT include the names of individuals given credentials, just how many were granted to each outlet.

I am requesting only records³ sent, received, or created from 1/01/2021 to 01/02/2025

If you are requesting email or other electronic records, please specify the search terms⁴ you would like us to use to identify the records you are requesting:

I request an expedited response based on the following (you must demonstrate that an expedited response benefits the public rather than yourself -- an expedited response request is not automatically granted): I am a journalist and this is for a news story.

1. This record request and the legislative office's response to it are governed by Utah Code Title 63G, Chapter 2, Government Records Access and Management Act, and Legislative Management Committee Policy L. Legislative Records.

2. A record request submitted by email should be sent to the email address indicated in parentheses for the legislative office believed to be the office that retains the record(s) being requested and to which the request is being submitted.

3. Declining to limit your request to a specific time period may increase the volume of records and the amount of staff time required to identify, segregate, and classify the records, resulting in a higher fee.

4. Declining to identify search terms may increase the volume of records and the amount of staff time required to identify, segregate, and classify records, resulting in a higher fee.

UTAH STATE LEGISLATURE
REQUEST FOR A RECORD¹

Date: 12/31/2024

Requester Information

Bryan Schott
Name of individual or entity submitting the record request

Name of entity's contact individual, if the request is submitted by an entity

Mailing address of individual or entity submitting record request

City State Zip code

schott@utahpoliticalwatch.news
Email address of individual submitting record request or, if the request is submitted by an entity, email address of the entity's contact individual

By providing an email address, the requester is indicating that the requester is willing to receive communications by email regarding this record request.

Daytime telephone number of the individual submitting the record request or, if the request is submitted by an entity, daytime telephone number of the contact individual for the entity

Specify the legislative office believed to be the office that retains the record(s) being requested:²

- Utah House of Representatives (houserecords@le.utah.gov)
Utah Senate (senaterecords@le.utah.gov)
Office of the Legislative Auditor General (lagrecords@le.utah.gov)
Office of the Legislative Fiscal Analyst (lfarecords@le.utah.gov)
Office of Legislative Research and General Counsel (olrgcrecords@le.utah.gov)
Legislative Services (Human Resources, IT, Printing) (lsrecords@le.utah.gov)

Certifications required for an in-state request

1) I certify that:

(if this request is submitted by an individual) I live in Utah or am a legal resident of Utah

- or -

(if this request is submitted by an entity) the entity has its principal place of business or principal operations in Utah

2) I also certify that:

I am submitting this record request on my own behalf or for the requester entity and not on behalf of an individual who does not live in Utah or is not a legal resident of Utah, or on behalf of an entity that does not have its principal place of business or principal operations in Utah

(A request without these certifications will be considered to be an out-of-state request)

Description of the record(s) being requested (must identify the record(s) with reasonable specificity): Please provide a list of all news organizations that have been either granted or denied press credentials for the following years: 2025, 2024, 2023, 2022 and 2021.

Please include the number of credentials given to each outlet. This request does NOT include the names of individuals given credentials, just how many were granted to each outlet.

I am requesting only records³ sent, received, or created from 1/01/2021 to 12/30/2024

If you are requesting email or other electronic records, please specify the search terms⁴ you would like us to use to identify the records you are requesting:

I request an expedited response based on the following (you must demonstrate that an expedited response benefits the public rather than yourself -- an expedited response request is not automatically granted): I am a journalist and this is for a news story.

1. This record request and the legislative office's response to it are governed by Utah Code Title 63G, Chapter 2, Government Records Access and Management Act, and Legislative Management Committee Policy L. Legislative Records.
2. A record request submitted by email should be sent to the email address indicated in parentheses for the legislative office believed to be the office that retains the record(s) being requested and to which the request is being submitted.
3. Declining to limit your request to a specific time period may increase the volume of records and the amount of staff time required to identify, segregate, and classify the records, resulting in a higher fee.
4. Declining to identify search terms may increase the volume of records and the amount of staff time required to identify, segregate, and classify records, resulting in a higher fee.

EXHIBIT 12
to Plaintiffs' First Amended
Complaint



UTAH STATE SENATE

320 STATE CAPITOL · P.O. BOX 1451115

SALT LAKE CITY, UTAH 84114

801-538-1035 · SENATE.UTAH.GOV

January 13, 2025

Bryan Schott



schott@utahpoliticalwatch.news

RE: Records Request - Response

Mr. Schott:

I am writing with respect to the record request you submitted on December 31, 2024, under Utah Code Title 63G, Chapter 2, Government Records Access and Management Act, and Legislative Management Committee Policy L. Legislative Records (“Records Policy”).

In your record request, you request access to the following records:

“Please provide a list of all news organizations that have been either granted or denied press credentials for the following years: 2025, 2024, 2023, 2022 and 2021.”

I have identified a record that is responsive to your request and have enclosed an electronic copy of this record.

Sincerely,

Phalin Flowers
Records Coordinator
Utah Senate



House of Representatives *State of Utah*

UTAH STATE CAPITOL • PO BOX 145030
350 N STATE STREET, SUITE 350
SALT LAKE CITY, UTAH 84114-5030 • (801) 538-1029

January 13, 2025

Bryan Schott


schott@utahpoliticalwatch.news

Subject: GRAMA Request – Response

Mr. Schott,

I am writing in response to the record request submitted on January 2, 2025, to the Utah House of Representatives under Title 63G, Chapter 2, Government Records Access and Management Act, and Legislative Management Committee Policy L. Legislative Records (“Records Policy”).

In your record request, you request access to the following record produced between January 1, 2021, and January 2, 2025:

“...a list of all news organizations that have been either granted or denied press credentials for the following years: 2025, 2024, 2023, 2022, and 2021. Please include the number of credentials given to each outlet. This request does NOT include the names of individuals given credentials, just how many were granted to each outlet.”

I have identified a record responsive to your request and have enclosed an electronic copy of the record.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Glenn".

Jacob Glenn
Records Coordinator
Utah House of Representatives

| Name | Year |
|--------------------|------|
| ABC4 | 2021 |
| ABC4 | 2021 |
| ABC4 News | 2021 |
| ABC4 News | 2021 |
| ABC4 News | 2021 |
| ABC4 Utah | 2021 |
| Associated Press | 2021 |
| City Weekly | 2021 |
| Daily Herald | 2021 |
| Deseret News | 2021 |
| Deseret News | 2021 |
| Deseret News | 2021 |
| FOX 13 KSTU | 2021 |
| Fox 13 News | 2021 |
| FOX13 | 2021 |
| FOX13 | 2021 |
| KCPW | 2021 |
| KPCW-FM | 2021 |
| KSL | 2021 |
| KSL Newsradio | 2021 |
| KSL TV | 2021 |
| KSL-TV | 2021 |
| KSL-TV | 2021 |
| KSL.com | 2021 |
| KSTU - Fox 13 | 2021 |
| KSTU FOX 13 News | 2021 |
| KTVX | 2021 |
| KTVX (ABC4) | 2021 |
| KTVX - ABC4 News | 2021 |
| KTVX/ABC4 | 2021 |
| KUER | 2021 |
| KUTV | 2021 |
| KUTV | 2021 |
| KUTV | 2021 |
| KUTV | 2021 |
| KUTV | 2021 |
| KUTV | 2021 |
| KUTV | 2021 |
| KUTV | 2021 |
| KUTV 2News | 2021 |
| KUTV 2News | 2021 |
| KUTV 2News | 2021 |
| KUTV/2News | 2021 |
| NBC Telemundo | 2021 |
| NBC Telemundo Utah | 2021 |

| | |
|--------------------------|------|
| Telemundo | 2021 |
| TELEMUNDO UTAH | 2021 |
| Telemundo Utah | 2021 |
| The Daily Utah Chronicle | 2021 |
| The Daily Utah Chronicle | 2021 |
| The Daily Utah Chronicle | 2021 |
| The Deseret News | 2021 |
| The Salt Lake Tribune | 2021 |
| Univision | 2021 |
| Univision 32 | 2021 |
| Univision32 KUTH | 2021 |
| Deseret News | 2022 |
| FOX 13 News | 2022 |
| KUER | 2022 |
| Salt Lake Tribune | 2022 |
| The Salt Lake Tribune | 2022 |
| ABC 4 | 2022 |
| ABC 4 KTVX | 2022 |
| ABC 4 KTVX | 2022 |
| ABC 4 News | 2022 |
| ABC4 | 2022 |
| Abc4 News | 2022 |
| ABC4 News | 2022 |
| ABC4 News Utah | 2022 |
| ABC4 Utah - KTVX | 2022 |
| abc4news | 2022 |
| Associated Press | 2022 |
| Deseret News | 2022 |
| Deseret News | 2022 |
| KCPW | 2022 |
| KSL | 2022 |
| ksl | 2022 |
| KSL 5 TV | 2022 |
| KSL Television | 2022 |
| KSTU | 2022 |
| KSTU | 2022 |
| KSTU - Fox13 | 2022 |
| KTVX | 2022 |
| KUER | 2022 |
| KUER | 2022 |
| KUTV | 2022 |
| KUTV | 2022 |
| KUTV | 2022 |
| KUTV | 2022 |
| KUTV | 2022 |

| | |
|---------------------------------|----------------|
| KUTV 2 Newd | 2022 |
| ABC4/On spec | 2022 |
| The Daily Utah Chronicle | 2022 |
| The Salt Lake Tribune | 2022 |
| The Salt Lake Tribune | 2022 |
| Great Salt Lake Collaborative | 2023; 3 months |
| Great Salt Lake Collaborative | 2023; 3 months |
| ABC4 | 2023 |
| ABC4 News | 2023 |
| ABC4 News | 2023 |
| ASSOCIATED PRESS | 2023 |
| Deseret News | 2023 |
| Deseret News | 2023 |
| Deseret News | 2023 |
| Deseret News | 2023 |
| Deseret News / KSL | 2023 |
| Fox 13 KSTU, Scripps Television | 2023 |
| FOX 13 News | 2023 |
| FOX 13 NEWS | 2023 |
| Fox News | 2023 |
| KSL | 2023 |
| KSL | 2023 |
| KSL | 2023 |
| KSL | 2023 |
| KSL | 2023 |
| KSL 5 News | 2023 |
| KSL 5 TB | 2023 |
| KSL Newsradio | 2023 |
| KSL Newsradio | 2023 |
| KSL TV | 2023 |
| KSL TV | 2023 |
| KSL TV | 2023 |
| kstu fox 13 | 2023 |
| KSTU Fox 13 | 2023 |
| KSTU News | 2023 |
| KUER | 2023 |
| KUTV | 2023 |
| KUTV | 2023 |
| KUTV | 2023 |
| KUTV 2 News | 2023 |
| KUTV Television | 2023 |
| ABC 4 | 2023 |
| PBS Utah | 2023 |
| PBS Utah | 2023 |
| The Tribune | 2023 |

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| KUTV | 2024 |
| KUTV | 2024 |
| KUTV | 2024 |
| KUTV 2 News | 2024 |
| KUTV 2 News | 2024 |
| KUTV 2 NEWS | 2024 |
| KUTV 2 News | 2024 |
| KUTV 2 News | 2024 |
| KUTV 2 News | 2024 |
| KUTV Channel 2 | 2024 |
| NBC TELEMUNDO UTAH | 2024 |
| NBC Telemundo Utah | 2024 |
| Salt Lake City Weekly | 2024 |
| Salt Lake Tribune | 2024 |
| Salt Lake Tribune | 2024 |
| Salt Lake Tribune | 2024 |
| Salt Lake Tribune | 2024 |
| Telemundo | 2024 |
| Telemundo Utah | 2024 |
| The Associated Press | 2024 |
| The Daily Herald | 2024 |
| The Daily Utah Chronicle | 2024 |
| The Daily Utah Chronicle | 2024 |
| The Daily Utah Chronicle | 2024 |
| The Salt Lake Tribune | 2024 |
| The Salt Lake Tribune | 2024 |
| The Salt Lake Tribune | 2024 |
| The Salt Lake Tribune | 2024 |
| The Salt Lake Tribune | 2024 |
| The Salt Lake Tribune | 2024 |
| The Salt Lake Tribune | 2024 |
| The Salt Lake Tribune | 2024 |
| Utah News Dispatch | 2024 |
| Utah News Dispatch | 2024 |
| Utah Policy/Deseret News | 2024 |
| Davis Journal | 2025 |
| Deseret News | 2025 |
| Deseret News | 2025 |
| Deseret News | 2025 |
| FOX 13 News (KSTU-TV) | 2025 |
| AP | 2025 |
| Gephardt Daily | 2025 |
| KSL | 2025 |
| KSL | 2025 |
| KSL News | 2025 |
| KSL TV News | 2025 |

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|--------------------------|------|
| KSL.com | 2025 |
| KUTV | 2025 |
| KUTV 2 News | 2025 |
| KUTV2News | 2025 |
| Salt Lake Tribune | 2025 |
| The Deseret News | 2025 |
| The Salt Lake Tribune | 2025 |
| The Salt Lake Tribune | 2025 |
| The Salt Lake Tribune | 2025 |
| The Salt Lake Tribune | 2025 |
| The Salt Lake Tribune | 2025 |
| The Salt Lake Tribune | 2025 |
| Utah News Dispatch | 2025 |
| Utah News Dispatch | 2025 |
| Utah News Dispatch | 2025 |
| Utah Policy/Deseret News | 2025 |

| Name | Supervisor | Status |
|----------------------|-------------------|---------------|
| Freelance reporter | myself | denied |
| Capitol Press Corps | Self | denied |
| fnews | myself | denied |
| Utah Political Watch | Self | denied |

EXHIBIT 13

to Plaintiffs' First Amended
Complaint

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|--------------------------|----------|
| KUTV | 12/31/25 |
| KUTV | 12/31/25 |
| KUTV 2 News | 12/31/25 |
| KUTV 2 News | 12/31/25 |
| KUTV 2 News | 12/31/25 |
| KUTV 2 News | 12/31/25 |
| KUTV 2 News | 12/31/25 |
| KUTV 2 NEWS | 12/31/25 |
| KUTV CBS2 | 12/31/25 |
| KUTV Channel 2 | 12/31/25 |
| KUTV2News | 12/31/25 |
| NBC TELEMUNDO UTAF | 12/31/25 |
| Nexstar | 12/31/25 |
| Salt Lake City Weekly | 12/31/25 |
| Salt Lake Tribune | 12/31/25 |
| Salt Lake Tribune | 12/31/25 |
| Salt Lake Tribune | 12/31/25 |
| Salt Lake Tribune | 12/31/25 |
| The Associated Press | 12/31/25 |
| The Daily Utah Chronicle | 12/31/25 |
| The Daily Utah Chronicle | 12/31/25 |
| The Daily Utah Chronicle | 12/31/25 |
| The Daily Utah Chronicle | 12/31/25 |
| The Daily Utah Chronicle | 12/31/25 |
| The Deseret News | 12/31/25 |
| The Deseret News | 12/31/25 |
| The Salt Lake Tribune | 12/31/25 |
| The Salt Lake Tribune | 12/31/25 |
| The Salt Lake Tribune | 12/31/25 |
| The Salt Lake Tribune | 12/31/25 |
| The Salt Lake Tribune | 12/31/25 |
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| The Salt Lake Tribune | 12/31/25 |
| The Salt Lake Tribune | 12/31/25 |
| The Salt Lake Tribune | 12/31/25 |
| The Salt Lake Tribune | 12/31/25 |
| Utah News Dispatch | 12/31/25 |
| Utah News Dispatch | 12/31/25 |
| Utah News Dispatch | 12/31/25 |
| Utah News Dispatch | 12/31/25 |
| Utah News Dispatch | 12/31/25 |
| Utah Policy | 12/31/25 |
| KUER | 3/31/25 |

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|-----------------------|---------|
| KUER, NPR Utah | 3/31/25 |
| The Deseret News | 3/31/25 |
| The Salt Lake Tribune | 3/31/25 |