



December 11, 2020

VIA EMAIL

Representative Warren Petersen
Arizona State Capitol Complex
1700 W Washington St., Rm. 208
Phoenix, AZ 85007
wpetersen@azleg.gov

Re: Public Records Request

Dear Representative Petersen,

Pursuant to the Arizona Public Records Law, A.R.S. §§ 39-121 et seq., American Oversight makes the following request for records.

On November 30, 2020, members of the Arizona State Legislature met with President Trump's personal lawyer, Rudy Giuliani, for an unofficial hearing in which participants aired unsubstantiated allegations regarding the integrity of the presidential election.¹ Many of these same legislators have since called for a special session to directly appoint representatives to the Electoral College.²

American Oversight seeks records with the potential to shed light on whether or to what extent Arizona officials are acting at the behest of external political actors.

Requested Records

American Oversight requests that your office promptly produce the following records:

All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) Speaker Warren Petersen or his Chief of Staff, Michael Hunter, and (b) any of the external parties listed below.

¹ Ryan Randazzo & Maria Polletta, *Arizona GOP Lawmakers Hold Meeting on Election Outcome with Trump Lawyer Rudy Giuliani*, Ariz. Republic (updated Nov. 30, 2020, 9:02 PM),

<https://www.azcentral.com/story/news/politics/elections/2020/11/30/republican-lawmakers-arizona-hold-meeting-rudy-giuliani/6468171002/>.

² Maria Polletta, 'Cowardly' Say Some Arizona Republicans of Leaders Following Closure of Legislature, Ariz. Republic (updated Dec. 7, 2020, 10:52 PM),

<https://www.azcentral.com/story/news/politics/arizona/2020/12/07/some-arizona-republicans-call-leaders-cowardly-after-legislature-closed/6483240002/>.



Please provide all responsive records from November 3, 2020, through the date the search is conducted.

External Parties:

1. David Spilsbury (dave@spilsburylaw.com), or anyone communicating from an email address ending in @spilsburylaw.com
2. Dennis Wilenchik (dennisw@wb-law.com), John D. Wilenchik (jackw@wb-law.com), or anyone communicating from an email address ending in @wb-law.com
3. Lee Miller (lee@millerlaw.com), or anyone communicating from an email address ending in @millerlaw.com
4. Alexander Kolodin (alexander.kolodin@kolodinlaw.com), Christopher Viskovic (cviskovic@kolodinlaw.com), or anyone communicating from an email address ending in @kolodinaw.com
5. Sue Becker (sbecker@publicinterestlegal.org), or anyone communicating from an email address ending in @publicinterestlegal.org
6. Rep. Kelly Townsend or anyone acting as Chief of Staff to Rep. Townsend (including ktownsend@azleg.gov or any other known email addresses)
7. Rep. Mark Finchem or anyone acting as Chief of Staff to Rep. Finchem, including mfinchem@azleg.gov or any other known email addresses
8. Anyone communicating from an email address ending in @donaldtrump.com, @donaldjtrump.com, @trumpvictory.com, or @trumporg.com
9. Anyone communicating on behalf of the White House, including anyone communicating from an email address ending in @who.eop.gov
10. Ronna McDaniel, Laura Cox, Terry Bowman, Kelli Ward, or anyone communicating from an email address ending in @gop.com, @rnchq.com, or @azgop.com
11. John Gore, Alex Potapov, or anyone communicating from an email address ending in @jonesday.com
12. Justin Clark, Nathan Groth, Stefan Passantino, or anyone communicating from an email address ending in @michaelbest.com
13. Kory Langhofer, Thomas Basile, or anyone communicating from an email address ending in @statecraftlaw.com
14. Brett Johnson, Eric Spencer, or anyone communicating from an email address ending in @swlaw.com
15. Jay Sekulow or anyone communicating from an email address ending in @aclj.org
16. Matt Schlapp or anyone communicating from an email address ending in @conservative.org
17. Rudolph Giuliani, or anyone communicating on his behalf (such as Jo Ann Zafonte, Christianne Allen, Beau Wagner, or anyone communicating from an email address ending in @giulianisecurity.com, giulianipartners.com, gcdillc.com)
18. Anyone communicating from an email address ending in mail.house.gov or senate.gov

19. Joseph diGenova, Victoria Toensing, or anyone communicating from an email address ending in @digenovatoensing.com
20. Sidney Powell, or anyone communicating from an email address ending in @federalappeals.com
21. Jenna Ellis, or anyone communicating from an email address ending in @falkirkcenter.com or @thomasmore.org.
22. John Eastman, jeastman@chapman.edu or other known email addresses
23. John Solomon (including, but not limited to john@solomonmediallc.com, or any of his email addresses ending in @fox.com, @thehill.com, @justthenews.com, @washingtonguardian.net, or @washingtontimes.com)
24. David Bossie, or anyone communicating from an email address ending in @citizensunited.org

Please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if Speaker Petersen received a mass-distribution news clip email from Fox News, that initial email would not be responsive to this request. However, if Speaker Petersen forwarded that email to another individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

Statement of Noncommercial Purpose

This request is made for noncommercial purposes. American Oversight seeks records regarding attempts by Arizona legislators to cast doubt on the presidential election.³ Records with the potential to shed light on this issue would contribute significantly to public understanding of operations of the government, including to what extent these legislators acted in coordination with political special interests.

Because American Oversight is a 501(c)(3) nonprofit, this request is not in American Oversight's financial interest and is not made for a commercial purpose. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes

³ See *supra*, notes 1 & 2.

materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.⁴

Because this request is made for noncommercial purposes, American Oversight requests that any fees charged in connection with processing this request be limited to copying and postage charges, if applicable.⁵ Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fees.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, if the request seeks “communications,” please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.

⁴ American Oversight currently has approximately 15,600 page likes on Facebook and 106,000 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Dec. 9, 2020); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Dec. 9, 2020).

⁵ A.R.S. § 39-121.01(D)(1); *see also Hanania v. City of Tucson*, 128 Ariz. 135, 624 P.2d 332 (Ct. App. 1980). Furthermore, because this request is for noncommercial purposes, additional fees provided for under A.R.S. § 39-121.03(A) are not applicable and should not be assessed.

- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.
- If any records are withheld in full or in part, pursuant to A.R.S. § 39-121.01(D)(2), please provide an index of records or categories of records that have been withheld and the reasons the records or categories of records have been withheld.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not

understand any part of this request, please Khahilia Shaw at
records@americanoversight.org or (202) 539-6507.

Sincerely,



Austin R. Evers
Executive Director
American Oversight