



December 09, 2020

VIA EMAIL

Senator Sylvia Allen
Arizona State Capitol Complex
1700 W. Washington St., Rm. 303
Phoenix, AZ 85007
sallen@azleg.gov

Senator David Gowan
Arizona State Capitol Complex
1700 W. Washington St., Rm. 200
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Senator Sonny Borrelli
Arizona State Capitol Complex
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sborrelli@azleg.gov

Re: Public Records Request

Dear Senator:

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

Requested Records

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

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) the Senator, their Administrative Assistant, or anyone serving as Chief of Staff to the Senator, and (b) any of the external parties listed below Item 2.
2. All text message chains/conversations or message chains/conversations on messaging applications similar in form to text messages (such as Signal, WhatsApp, Facebook Messenger, Twitter DMs, etc.) between (a) the Senator or their Administrative Assistant, and (b) any of the external parties listed immediately below.

External Parties:

- a. Anyone communicating from an email address ending in @donaldtrump.com, @donaldjtrump.com, @trumpvictory.com, or @trumporg.com
- b. Jenna Ellis, or anyone communicating from an email address ending in @falkirkcenter.com or @thomasmore.org



- c. Kelli Ward, Pam Kirby, Ray Ihly, Cyndi Love, or anyone communicating from an email address ending in @azgop.com or @azgop.org
 - d. Ronna McDaniel, Drew Serton, Brian Seitchik, or anyone communicating from an email address ending in @gop.com, @rnchq.com, or @rdpstrategies.com
 - e. 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, gdcillc.com)
 - f. Joseph diGenova, Victoria Toensing, or anyone communicating from an email address ending in @digenovatoensing.com
 - g. Sidney Powell, or anyone communicating from an email address ending in @federalappeals.com
 - h. Anyone communicating from an email address ending in who.eop.gov
 - i. Anyone communicating from an email address ending in mail.house.gov or senate.gov
 - j. Representative Paul Gosar, Thomas Van Flein, Leslie Foti, or anyone communicating from an email address ending in @drpaulgosar.com
 - k. Representative Andy Biggs, Kate LaBorde, Caroline Brennan, or anyone communicating from an email address ending in @biggsforcongress.com
 - l. Colonel Phil Waldron
 - m. Anna Orth
 - n. Judith Burns
3. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) sent by the Senator, their Administrative Assistant, or anyone serving as Chief of Staff to the Senator containing any of the following key terms:

Key Terms:

- | | |
|------------------------|-----------------------|
| a. Audit | r. Harvesting |
| b. Fraud | s. Electoral |
| c. Fraudulent | t. Elector |
| d. "Fact-Finding" | u. Electors |
| e. "Fact Finding" | v. Delegate |
| f. "Jenna Ellis" | w. Delegates |
| g. "Trump campaign" | x. Dump |
| h. Giuliani | y. Dumps |
| i. Ward | z. Statistical |
| j. Sharpie | aa. Dominion |
| k. Sharpies | bb. Steal |
| l. Irregularity | cc. Stolen |
| m. Irregularities | dd. Anomaly |
| n. "Damaged Ballots" | ee. Anomalies |
| o. "Ballot Damage" | ff. "Special session" |
| p. "Duplicate Ballots" | gg. 16-2-212 |
| q. Integrity | hh. 12/14/20 |

- ii. 12/14
- jj. "December 14"

kk. "Dec. 14"

- 4. All text message chains/conversations or message chains/conversations on messaging applications similar in form to text messages (such as Signal, WhatsApp, Facebook Messenger, Twitter DMs, etc.) sent or received by the Senator or their Administrative Assistant containing any of the following key terms:

Key Terms:

- | | |
|-------------|--------------|
| a. Trump | g. Electoral |
| b. Ellis | h. Elector |
| c. Giuliani | i. Electors |
| d. Ward | j. Delegate |
| e. Audit | k. Delegates |
| f. Fraud | |

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 the Senator received a mass-distribution news clip email from one of the listed external parties, that initial email would not be responsive to this request. However, if said custodian forwarded that email to another individual with their own commentary, that subsequent message would be responsive to this request and should be produced.

For ease of reference, American Oversight has included email addresses where possible for the external parties listed. To be clear, however, American Oversight's request is not limited to email communications. Text messages or other messages similar in form to text messages between the listed parties are responsive to items 2 and 4 of this request.

Please provide all responsive records from November 16, 2020, through the date the search is conducted.

Statement of Noncommercial Purpose

This request is made for noncommercial purposes. On November 30, 2020, Republican members of Arizona's legislature participated in an unofficial "fact-finding hearing" with members of President Donald Trump's campaign legal team regarding the 2020 election.¹ According to news coverage of the event, "[t]he goal of the Trump team's effort seems to be to persuade Arizona's Legislature to intercede with the state's

¹ *Trump's Legal Team to Hold Public Hearing with Arizona Republicans on Election Integrity*, Fox 10 Phoenix (Nov. 29, 2020), <https://www.fox10phoenix.com/news/trumps-legal-team-to-hold-public-hearing-with-arizona-lawmakers-on-election-integrity>.

election results,” an action which may not be allowed under state law.² American Oversight seeks the records requested to inform the public of Arizona legislators’ communications with members of President Trump’s campaign legal team and other individuals outside the Arizona government who have vested interests in the outcome of challenges to the state’s election administration policies and practices. Voting rights and related litigation are of significant public interest both in Arizona and nationwide.³ Records with the potential to shed light on this matter would contribute significantly to the public understanding of government operations.

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 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:

² Ryan Randazzo & Maria Polletta, *Arizona GOP Lawmakers Hold Meeting on Election Outcome with Trump Lawyer Rudy Giuliani*, Ariz. Republic (updated Nov. 30, 2020 7:02 PM MT),

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

³ See, e.g., *Arizona Election Updates: Trump Team Suing County over Voting Asks to Seal Evidence*, Ariz. Republic (updated Nov. 10, 2020, 5:06 PM MT),

<https://www.azcentral.com/story/news/politics/elections/2020/11/10/arizona-election-live-updates-2020-presidential-election/6229930002/>.

⁴ American Oversight currently has approximately 15,600 page likes on Facebook and 106,100 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Nov. 10, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Nov. 10, 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 locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- 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.
- 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 contact Christine Monahan at records@americanoversight.org or (202) 869-5244.

Sincerely,

A handwritten signature in blue ink, reading "Austin R. Evers". The signature is fluid and cursive, with a long horizontal line extending to the left.

Austin R. Evers
Executive Director
American Oversight