



July 23, 2021

VIA EMAIL

Yavapai County Government
1015 Fair Street
Prescott, Arizona 86305
YCCBO@yavapai.us

Re: Public Records Request

Dear Public Records Officer:

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

The Arizona Senate's investigation into Maricopa County's ballots and election equipment has raised alarm regarding its partiality and the chosen contractors' lack of experience.¹ While the original scope of the investigation included in-person canvassing of voters, the Senate has at least temporarily suspended these plans in response to a letter from the Department of Justice expressing concerns of potential voter intimidation.² However, public reporting indicates that residents of Pima and Yavapai Counties have been contacted by individuals claiming to represent the County Recorder's or Sheriff's offices.³

American Oversight seeks records with the potential to shed light on in-person canvassing of voters in Arizona.

¹ Jeremy Duda & Jim Small, *Arizona Senate Hires a 'Stop the Steal' Advocate to Lead 2020 Election Audit*, AZ Mirror (updated Apr. 1, 2021, 10:18 AM),

<https://www.azmirror.com/2021/03/31/arizona-senate-hires-a-stop-the-steal-advocate-to-lead-2020-election-audit/>.

² Jeremy Duda, *Fann Tells DOJ She Scrapped Audit Plans to Knock on Voters' Doors*, AZ Mirror (updated May 7, 2021, 9:11 PM),

<https://www.azmirror.com/2021/05/07/fann-tells-doj-she-scrapped-audit-plans-to-canvass-voters/>.

³ Andrew Oxford, *People Impersonating Election Officials Are Knocking on Doors in Yavapai County, Sheriff Warns*, AZ Republic (updated Jun. 15, 2021, 10:07 PM),

<https://www.azcentral.com/story/news/politics/elections/2021/06/14/yavapai-county-sheriff-warns-imposters-asking-voting-history/7693805002/>; Steve Jess, *Voter Intimidation Effort Reported in Yavapai County*, AZPM, June 15, 2021,

<https://news.azpm.org/p/tucsonelections/2021/6/15/195981-voter-intimidation-effort-reported-in-yavapai-county/>.



Requested Records

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

- A. All electronic communications (including emails, email attachments, text messages, messages on messaging platforms, such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp) between (i) Supervisors James Gregory, Craig Brown, Harry Oberg, or Mary Mallory, and (ii) any of the individuals or entities listed below. In the case of emails and texts, the search should include those sent or received from the specified officials' personal accounts and devices if they were used to conduct official business, as well those sent from their official email addresses or government-issued devices.

Specified Entities:

1. Liz Harris (including, but not limited to lizharrismba@gmail.com or crimeofthecentury2020@gmail.com)
2. Bobby Piton (including, but not limited to bobbypiton@gmail.com rcpixon@gmail.com, or anyone communicating from an email address ending in @preactiveinvestments.com)
3. Doug Logan, or anyone communicating on behalf of Cyber Ninjas (including anyone communicating from an email address ending in @cyberninjas.com)
4. Steve Davis, or anyone communicating on behalf of Digital Discovery (including anyone communicating from an email address ending in @digitaldiscoverycorp.com)
5. Heather Honey, or anyone communicating on behalf of Haystack Investigations (including anyone communicating from an email address ending in @haystackinvestigations.com)
6. Earl Eugene Kern, or anyone communicating on behalf of Wake Technology Services, Inc. (including anyone communicating from an email address ending in @waketsi.com)
7. Ben Cotton, or anyone communicating on behalf of CyFir (including anyone communicating from an email address ending in @cyfir.com)
8. Colonel Phil Waldron (including, but not limited to, phil@onewarrior.com or p@bonfiresearch.org), Russell Ramsland (including, but not limited to ryuks9sq@alliedspecialops.us), or anyone communicating on behalf of Allied Security Operations Group (including anyone communicating from an email address ending in @alliedspecialops.us)
9. Jovan Hutton Pulitzer (including, but not limited to, jovanhuttonpulitzer@gmail.com)
10. Patrick Byrne, or anyone communicating on behalf of the America Project (including anyone communicating from an email address ending in @americaproject.com)
11. Former National Security Advisor Mike Flynn, Joseph Flynn, or anyone communicating on behalf of Defending the Republic (including anyone

- communicating from an email address ending in
@defendingtherepublic.org)
12. Arizona Senate President Karen Fann, her aide Adrian Luth, or her aide Sawyer Bessler
 13. Arizona Senator Sonny Borrelli, or his aide, Phyllis Heivilin
 14. Mark Finchem (including, but not limited to, markfinchem@me.com), or his aide April Riggins
 15. Senate Liaison Ken Bennett (including, but not limited to, kbennettaz7@gmail.com, kbazsos@gmail.com, kjbennettaz@gmail.com, arizonaaudit@gmail.com)
 16. Senate Liaison Randy Pullen
 17. John Brakey (including, but not limited to, johnbrakey@gmail.com), Arlene Leaf, or anyone communicating on behalf of Audit USA (including anyone communicating from an email address ending in @auditelectionsusa.org)
 18. Congressional candidate Joshua Barnett
 19. Christine Bauserman
 20. Kelli Ward, or anyone communicating on behalf of the Arizona Republican Party (including anyone communicating from an email address ending in @azgop.com)
 21. Mickie Niland (mickie.azrp@gmail.com), Nancy Ordowski, Jason Cvancara, or anyone communicating on behalf of the Maricopa County Republican Party (including anyone communicating from an email address ending in @maricopagop.org)
 22. Lois Fruhworth, Steve Zipperman, Connie Martin, or anyone communicating on behalf of the Yavapai County Republican Party (including anyone communicating from an email ending in @yavgop.org)
 23. Christina Bobb, Chanel Rion, or anyone communicating on behalf of Voices & Votes
 24. Anyone communicating on behalf of One America News Network (including anyone communicating from an email address ending in @oann.com)

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

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 Supervisor James Gregory received a mass-distribution news clip email from the Arizona Republican Party, that initial email would not be responsive to this request. However, if Supervisor Gregory forwarded that email to another individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

- B. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) sent by Supervisors James Gregory,

Craig Brown, Harry Oberg, or Mary Mallory containing any of the key terms listed below.

Key Terms:

1. Affidavit
2. Audit
3. "Liz Harris"
4. itsmellsfunny.com
5. Canvass
6. crimeofthecentury2020.com
7. Piton
8. "Voices and Votes"
9. "Voices & Votes"
10. voicesandvotes.org

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

In an effort to accommodate your agency and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by the specified officials. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both Supervisory James Gregory's response to an email from one of the entities listed above and the initial received message are responsive to this request and should be produced.

Statement of Noncommercial Purpose

This request is made for noncommercial purposes. American Oversight seeks records regarding reported in-person canvassing of voters in Arizona.⁴ Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether or to what extent county officials have been aware of these canvassing efforts or have communicated with organizers.

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

⁴ *See supra*, notes 1-3.

materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.⁵

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.⁶ 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.
- 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

⁵ American Oversight currently has approximately 15,640 page likes on Facebook and 106,200 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited July 15, 2021); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited July 15, 2021).

⁶ 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.

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 Zachery Morris at records@americanoversight.org or 202.539.6507.

Sincerely,

/s/ Zachery Morris
Zachery Morris
on behalf of
American Oversight