



September 20, 2021

VIA EMAIL

Justin Riches
Public Records Counsel
Arizona House of Representatives
1700 W. Washington Street
Phoenix, AZ 85007
jriches@azleg.gov

Chris Kleminich
Arizona State Senate
Rules Attorney
1700 W. Washington Street
Room 202 C
Phoenix, AZ 85007
ckleminich@azleg.gov

Re: Public Records Request

Dear Public Records Officers:

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. Records reflecting the expenses and costs incurred by the Arizona Legislature or the individual legislators specified below related to their trip to Sioux Falls, South Dakota, on or around August 10-12, 2021¹

To the extent your office has aggregated records sufficient to show all relevant expenses and costs, such as spreadsheets, American Oversight would accept production of such records as sufficient. To the extent your office does not have an aggregated record of these costs, American Oversight requests records reflecting those costs, such as receipts, invoices, charge card or credit card statements, and reimbursement requests.

¹ See Jerod MacDonald-Evoy, *Arizona GOP Legislators Spread Debunked Claims at Lindell's 'Cyber Symposium'*, Pinal Central, Aug. 13, 2021, https://www.pinalcentral.com/maricopa_monitor/news/arizona-gop-legislators-spread-debunked-claims-at-lindell-s-cyber-symposium/article_fc86872f-6b87-51dc-ba90-86aaae6cfa28.html.



Relevant expenses may include, but are not limited to, hotel or other lodging costs; costs for air travel, rental car, or other transportation companies; costs incurred for government transportation; the cost of meals or refreshments; and per diem payments.

Relevant expenses include costs associated with the travel of the specified legislators, and of any staff members, family members, or other individuals travelling with them.

2. All email communications (including emails, email attachments, complete email chains, and calendar invitations) and text messages or messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, Twitter direct messages, Facebook messages, WhatsApp, Signal, Telegram, or Parler) sent or received by the individual legislators specified below, or anyone communicating on their behalf such as a chief of staff, scheduler, or assistant, regarding the specified legislator's trip to Sioux Falls, South Dakota, on or about August 10-12, 2021, or about Mike Lindell's Cyber Symposium.²

For parts 1 and 2 of this request, please provide all responsive records from August 1, 2021, through August 23, 2021.

3. All email communications (including emails, email attachments, complete email chains, and calendar invitations) sent by the individual legislators specified below from August 10-12, 2021.

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited part 3 of its request to emails sent by the specified legislators. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, the legislator's response to an email during the trip and the initial received message are responsive to this request and should be produced.

Specified Legislators:

Senator Wendy Rogers

Senator Sonny Borrelli

Representative Mark Finchem

Statement of Noncommercial Purpose

This request is made for noncommercial purposes. American Oversight seeks records regarding a trip taken by Arizona legislators to Sioux Falls, South Dakota, to attend an event purportedly related to election security.³ Records with the potential to shed light

² For further identifying information, please see *id.*

³ See MacDonald-Evoy, *supra* note 1.

on this matter would contribute significantly to public understanding of operations of the government, including the cost of the legislators' trip.

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:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- 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

⁴ American Oversight currently has approximately 15,700 page likes on Facebook and 108,100 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Sep. 9, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Sep. 9, 2021).

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.

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 Zachery Morris at records@americanoversight.org or (202) 897-4213.

Sincerely,

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