



February 03, 2022

VIA EMAIL

Justin Riches
Public Records Counsel
Arizona House of Representatives
1700 W. Washington Street
Phoenix, AZ 85007-2844
jriches@azleg.gov

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.

In December 2020, groups reportedly met in Arizona, Georgia, Michigan, New Mexico, Nevada, Pennsylvania, and Wisconsin to create and submit illegitimate electoral certificates declaring the victory of former President Donald Trump in states officially won by President Joe Biden in the November 2020 presidential election.¹

American Oversight seeks records with the potential to shed light on the role of public officials in the creation of these electoral certificates, including whether and to what extent the Trump campaign and its allies coordinated with state officials on such efforts.

Requested Records

American Oversight requests that the Arizona House of Representatives promptly produce the following records:

1. 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, The Buzz, or Parler) between (a) former Representative Anthony Kern and (b) any entity or individual listed below, including, but not limited to, any communication with any listed email address or domain.

¹ Luke Broadwater and Alan Feuer, *Jan. 6 Committee Subpoenas Fake Trump Electors*, N.Y. Times, Jan. 28, 2022, <https://www.nytimes.com/2022/01/28/us/politics/jan-6-committee-trump-electors.html>.



- i. Rudolph Giuliani
- ii. Anyone communicating on behalf of Donald Trump’s 2020 presidential campaign (@donaldtrump.com, @donaldjtrump.com, @trumpvictory.com, @45office.com, or @trumporg.com)
- iii. Anyone communicating on behalf of the American Voter’s Alliance (@got-freedom.org)
- iv. Stephen Miller (Stephen.miller@who.eop.gov, s.miller@who.eop.gov)
- v. Doug Frank (drdouglasgfrank@protonmail.com)
- vi. Ian Northon
- vii. Marc Short
- viii. Greg Jacobs
- ix. Ivan Raiklin (ivan.raiklin@gmail.com, socialmediaraiklin@gmail.com)
- x. Christina Bobb
- xi. Nancy Cottle
- xii. Loraine B. Pellegrino
- xiii. Tyler Bowyer
- xiv. Jake Hoffman
- xv. Robert Montgomery (robmont59@msn.com)
- xvi. Samuel I. Moorhead
- xvii. Greg Safsten
- xviii. Dr. Kelli Ward (kelli.ward@azgop.org)
- xix. Dr. Michael Ward

2. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) 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, The Buzz, or Parler) sent or received by former Representative Anthony Kern related to the issue of electoral certificates or “alternate electors.”²

For both parts of this request, please provide all responsive records from October 1, 2020, to January 11, 2021.

Statement of Noncommercial Purpose

This request is made for noncommercial purposes. American Oversight seeks records regarding potential communications of public officials with Donald Trump’s presidential campaign and associates concerning the compiling of “alternate” slates of

² If further identifying information is needed, please see Broadwater & Feuer, *supra* note 1.

electors to sign illegitimate Electoral College certificates.³ Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether and to what extent public officials coordinated with allies or members of Trump’s campaign to develop the certificates.

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. 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.

³ Zachary Cohen & Marshall Cohen, *Trump Allies’ Fake Electoral Certificates Offer Fresh Insights About Plot to Overturn Biden’s Victory*, CNN, (Updated January 12, 2022, 9:12 PM), <https://www.cnn.com/2022/01/12/politics/trump-overturn-2020-election-fake-electoral-college/index.html>.

⁴ American Oversight currently has approximately 15,700 page likes on Facebook and 114,500 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Feb. 2, 2022); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Feb. 2, 2022).

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.

- 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.
- 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 Khahilia Shaw at records@americanoversight.org or (202) 539-6507.

Sincerely,

/s/ Khahilia Shaw
Khahilia Shaw
on behalf of
American Oversight