



June 30, 2022

VIA EMAIL

Pete Galvan
Associate Rules Attorney
Arizona State Senate
1700 West Washington Street
Room 202 C
Phoenix, AZ 85007
pgalvan@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.

On September 24, 2021, the Arizona Senate held a hearing at which the findings of its months-long “audit” of Maricopa County’s November 2020 general election results and administration were presented.¹ Records obtained by American Oversight suggest that since that time, additional documents have been authored, including by individuals formally involved in the “audit,” providing additional commentary or recommendations.

American Oversight seeks records with the potential to shed light on the Arizona Senate’s “audit” of Maricopa County’s election results, including regarding any reports, analyses, or other assessments beyond those already released publicly.

Requested Records

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

All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) sent or received by (a) Senate President Karen Fann, her aide Sawyer Bessler, or

¹ Jeremy Duda, *Arizona ‘Audit’: A Multitude of Unsubstantiated Claims and No Proof of Fraud*, AZ Mirror (Sept. 24, 2021, 8:06 PM), <https://www.azmirror.com/2021/09/24/arizona-audit-a-multitude-of-unsubstantiated-claims-and-no-proof-of-fraud/>.



anyone else communicating on her behalf, or (b) Senator Warren Petersen, or his aide Heather Covert regarding a meeting with Christine Bauserman and Ken Bennett on or around November 1, 2021. In the case of emails and texts, the search should include those sent or received from the specified officials' personal accounts and/or devices if they were used to conduct official business, as well those sent from their official email addresses or government-issued devices. Responsive records should be interpreted to include, but not be limited to:

- A. Records reflecting communications with organizers or attendees of the meeting, including, but not limited to, communications with Christine Bauserman or Ken Bennett, or communications with other individuals or entities regarding the content of the meeting.
- B. A complete copy, including any attachments, of the "additional report" referenced by Christine Bauserman.²
- C. Any handouts, agenda, summaries, or notes provided in connection with the meeting, including but not limited to: (A) electronic or hard-copy records provided by attendees, participants, or organizers of the commission meeting, or (B) formal or informal notes, descriptions, or analyses of the event created by the listed officials.

Please provide all responsive records from October 24, 2021, through November 8, 2021.

Statement of Noncommercial Purpose

This request is made for noncommercial purposes. American Oversight seeks records regarding the Arizona Senate's "audit" of Maricopa County's November 2020 election results and administration. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including regarding potential policy recommendations made to the Arizona Senate by "audit" personnel.

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

² To aid in your search, copies of the relevant communications have been attached as "Exhibit A."

materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.³

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.⁴ 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.

³ American Oversight currently has approximately 16,000 followers on Facebook and 117,700 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited June 22, 2022); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited June 22, 2022).

⁴ 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 contact Zachery Morris at records@americanoversight.org or (202) 897-4213.

Sincerely,

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

EXHIBIT A

From: [Christine Bauserman](#)
To: [Karen Fann](#)
Cc: [Warren Petersen](#); [Warren Peterson LD 12](#); [Ken Bennett](#)
Subject: Re: Meeting on "Report" with Ken Bennett
Date: Monday, November 1, 2021 9:04:42 AM

Confirming today at 2:30 for Ken and Christine

On Fri, Oct 29, 2021, 12:49 PM Christine Bauserman <cb12221@gmail.com> wrote:

Yes. We can meet.
Apologies for delay.

May I suggest Zoom for Senator Petersen.

On Thu, Oct 28, 2021 at 10:44 AM Karen Fann <KFann@azleg.gov> wrote:

I am available Monday between 2>30 and 3:30 . Does this work for everyone?



Karen Fann

President of the Senate

Tel: 602.926.5874

From: Christine Bauserman <cb12221@gmail.com>
Sent: Wednesday, October 27, 2021 1:33 PM
To: Karen Fann <KFann@azleg.gov>; Warren Petersen <wpetersen@azleg.gov>
Cc: Ken Bennett <kbazos@gmail.com>
Subject: Re: Meeting on 'Report' with Ken Bennett

Apologies - Ken has a personal conflict (he must send his dog over the rainbow bridge).

Does Monday or Tuesday work?

And this includes Warren's correct email.

On Wed, Oct 27, 2021 at 6:56 AM Karen Fann <KFann@azleg.gov> wrote:

On my calendar

Sent from my iPad

On Oct 26, 2021, at 8:29 PM, Christine Bauserman
<cb12221@gmail.com> wrote:

100% agree.

Ken and I will be in your office at 12:30 on Thursday. We hope that works for Warren also.

Thank you for your expedient response.

Christine

On Tue, Oct 26, 2021 at 4:03 PM Karen Fann <KFann@azleg.gov> wrote:

Thank you for reaching out ahead of time. Yes, we absolutely need to meet and go over this “report” before it is released to the public. I am being overly cautious about making sure we are working together and not against each other. My schedule is open from 12.30 to 2:00 pm on Thursday at the Capitol office. I need to drive back to Prescott Thursday night but will have time available to meet on Friday in Prescott. Let me know what works best for everyone. Karen

<image002.jpg>

Karen Fann

President of the Senate

Tel: 602.926.5874

From: Christine Bauserman <cb12221@gmail.com>

Sent: Tuesday, October 26, 2021 12:05 PM
To: Karen Fann <KFann@azleg.gov>; wpeterson@azleg.com; Ken Bennett <kbazos@gmail.com>
Subject: Meeting on 'Report' with Ken Bennett

Hello President and Chairman,

It was wonderful talking with you President Fann at the Lincoln Day Dinner.

Ken and I have produced an 'Additional Report' similar, while simultaneously different, from a Minority Report. It lacks criticism while focusing on solutions to the concerns and anomalies identified in the AZ Audit with detailed recommendations for systems for future audits.

Our goal is to bring Arizona together under election integrity and we strongly believe the audit should have united us, not divide us, and that it is still an achievable goal. The team that contributed to the report are election integrity subject experts and our camaraderie is inspiring.

Ken and I were hoping you would entertain a meeting this Thursday or Friday to review our report.

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Christine Bauserman, 520-235-2234

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