



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) Senator Karen Fann, or her aide Sawyer Bessler, or (b)

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/>.



Kelly Townsend, or her aide KayRee Kubat regarding a meeting held on or around December 22, 2021, titled “Elections Stakeholder Meeting w/Yavapai, Yuma & Cochise County Recorder and Elections Director.” 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 organizers or attendees, or communications with other individuals or entities regarding the content of the meeting.
- B. A complete copy, including any attachments, of the document, “From the desk of Ken Bennett – December 22, 2021.”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 December 14, 2021, through January 7, 2022.

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: [Kelly Townsend](#)
To: [Kelly Townsend](#); [David Gowan](#); [J.D. Mesnard](#); [Nancy Barto](#); [Sonny Borrelli](#); [Thomas T.J. Shope](#); [Tyler Pace](#); [Warren Petersen](#); [Ben Toma](#); [Beverly Pingerelli](#); [Karen Fann](#); [Brenda Barton](#); [Frank Carroll](#); [Gail Griffin](#); [Jacqueline Parker](#); [Jake Hoffman](#); [Jeff Weninger](#); [John Fillmore](#); [John Kavanagh](#); [Joseph Chaplik](#); [Kevin Payne](#); [Leo Biasiucci](#); [Lupe Diaz](#); [Neal Carter](#); [Steve Kaiser](#); [Tim Dunn](#); [kbazos@gmail.com](#); [Michelle Burchill](#); [Yuma-Robyn Stallworth Pouquette](#); [Lynn.Constabile@yavapai.gov](#); [Joel John](#); [Quang Nguyen](#); [Shawwna Bolick](#); [Walter Blackman](#); [David Cook](#); [Teresa Martinez](#); [Mark Finchem](#); [johnbrakey@gmail.com](#); [Stevens, David](#)
Cc: [Leslie Hoffman](#); [Brenda Barton](#); [April Riggins](#); [Keesha Esquerette](#); [Mark Finchem](#); [Tiffany Anderson](#); [Justin Riches](#); [Grant Hanna](#); [Michael Hans](#); [Hannah Willes](#); [Linsey Goodwin](#); [Andrew Pappas](#); [Jeff Kros](#); [Lisa Marshall](#); [Jacqueline Denlinger](#); [Sawyer Bessler](#); [KayRee Kubat](#); [Jessica Wilson](#)
Subject: Zoom Link for Elections Stakeholder Meeting w/ Yavapai, Yuma & Cochise County Recorder and Elections Director
Date: Tuesday, December 21, 2021 4:44:52 PM

Good afternoon,

For anyone that wants to join via Zoom, below is the link.

If you plan to attend via Zoom, please let me know so I can inform the person managing the call tomorrow.

Topic: Elections Stakeholders Meeting w/ Senator Townsend

Time: Dec 22, 2021 10:00 AM – 12:00 PM Arizona

Join Zoom Meeting

<https://azleg.zoom.us/j/89169215675?pwd=YnZFYXlmOGltV2s1MDZlV0VTSjBCUT09>

Meeting ID: 891 6921 5675

Passcode: 129753

Respectfully,

KayRee Kubat
Administrative Assistant to
Senator Kelly Townsend, LD16

Arizona State Senate

602-926-3536

From: Kelly Townsend
Sent: Monday, December 20, 2021 5:05 PM
Subject: Elections Stakeholder Meeting w/ Yavapai, Yuma & Cochise County Recorder and Elections Director

Good afternoon Members & Stakeholders,

(first, if you received an email that this was canceled, it is **NOT canceled**, I removed the people that declined so updates no longer go to them, but it shows canceled for those individuals – sorry for any confusion)

A quick note about this meeting on Wednesday, Dec 22 from 10a-12p in the Senate Caucus Majority Room.

The primary purpose of this is to collaborate with County Recorders, Election Directors, Legislators and other stakeholders on ideas to improve future elections.

Please bring your ideas to share and be ready to hear ideas.

If you have any questions, feel free to reach to Senator Townsend's office at 602-926-6647 or ktownsend@azleg.gov

Respectfully,

KayRee Kubat

Administrative Assistant to

Senator Kelly Townsend, LD16

Arizona State Senate

[1700 W Washington St Phoenix, AZ 85007](https://www.azleg.gov/legislators/kelly-townsend)

If you have any questions, feel free to reach out to Senator Townsend's office at 602-926-4467 or ktownsend@azleg.gov.