



August 2, 2022

**VIA EMAIL**

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Arizona House of Representatives  
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**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 the Arizona House of Representatives promptly produce the following records:

All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (A) Senator Karen Fann or her aide Sawyer Bessler; Senator Sonny Borrelli or his aide Phyllis Heivilin; or Senator (formerly Representative) Kelly Townsend or her aide KayRee Kubat; and (B) individuals or entities communicating from @protonmail.com, @proton.me, or @pm.me email domains.

Please provide all responsive records from:

1. November 30, 2020, through December 16, 2020
2. December 31, 2020, through January 8, 2021
3. September 19, 2021, through September 26, 2021



## **Statement of Noncommercial Purpose**

This request is made for noncommercial purposes. American Oversight seeks records regarding attempts by Arizona legislators to prevent the certification of or cast doubt on the November 2020 presidential election.<sup>1</sup> Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including the nature and extent of communications with external entities.

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.<sup>2</sup>

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.<sup>3</sup> 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:

- Our request for records includes any attachments to those records or other materials enclosed within those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all

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<sup>1</sup> Richard Ruelas, *Jan. 6 Congressional Committee Subpoenas Kelli Ward, Mark Finchem*, AZ Republic (updated Feb. 16, 2022, 9:29 AM), <https://www.azcentral.com/story/news/politics/arizona/2022/02/15/jan-6-committee-subpoenas-kelli-ward-mark-finchem-over-2020-election/6804440001/>.

<sup>2</sup> American Oversight currently has approximately 16,000 followers on Facebook and 118,400 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Aug. 2, 2022); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Aug. 2, 2022).

<sup>3</sup> 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 Khahilia Shaw at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 539-6507.

Sincerely,

/s/ Khahilia Shaw

Khahilia Shaw  
on behalf of  
American Oversight