

**PUBLIC RECORDS INSPECTION AND COPY REQUEST FORM**

FEES
Black & White Photocopies, Scanning, PDF doc. conversion \$0.30 each
Color Photocopies \$0.35 each
Disk \$6.00 each/\$10.00 each-County's budget
Plus Postage (first-class mail)

Date Submitted \_\_\_\_\_

\_\_\_\_\_  
NAME OF REQUESTING PARTY (PLEASE PRINT LEGIBLY)

\_\_\_\_\_  
ADDRESS

CITY

STATE

ZIP

\_\_\_\_\_  
TELEPHONE

\_\_\_\_\_  
E-MAIL ADDRESS

\_\_\_\_\_  
SIGNATURE OF REQUESTING PARTY

**NON-COMMERCIAL PURPOSE**

I hereby request the custodian of records for Cochise County to provide for inspection and/or a copy or other reproduction, the following public record(s). I understand the fees as outlined in the Fee Box above. *[Indicate with specificity the record(s) you wish to have copied or reproduced. Provide date(s) if possible. Attach 8-1/2 x 11" sheet for additional space.]*

Pursuant to A.R.S. Section 39-121.03, the applicant certifies that said documents:

Will not be used for a commercial purpose.

– OR –

**APPLICATION FOR PUBLIC RECORDS FOR COMMERCIAL PURPOSE** *(See definition on reverse)*  
*(Complete this section only if you are requesting records for a commercial purpose.)*

Pursuant to A.R.S. Section 39-121.03, the applicant certifies that said documents:

Will be used for a commercial purpose.

I hereby depose and state as follows: I have read and understand the instructions for commercial request for public records on the reverse side of this form and certify that the following statement setting forth the commercial purpose for which the above requested public records will be used is true, correct and complete. I understand the fees as outlined in the Fee Box above.

*(Give brief explanation)*

\_\_\_\_\_  
SIGNATURE OF REQUESTING PARTY

**PUBLIC RECORDS REPRODUCTION REQUEST FORM**  
**Information and Instruction Sheet**

**NON-COMMERCIAL REQUEST**

1. If the request is for non-commercial purposes, only the top portion of the form on the reverse should be completed.
2. Any person may request to examine or be furnished copies, printouts or photographs of any public record during regular office hours (8:00 a.m. to 5:00 p.m., Monday – Friday).
3. To request inspection and/or copies, printouts or photographs of public records, please complete the top portion of the form on the reverse, and present it to the department that has the records requested. Please be specific so that the records can be easily identified.
4. The County will charge \$.30 cents per page for black & white copies, which is approximately equal to the cost of reproducing the requested material. Such amount should be paid prior to receipt of the materials. Review the Fee Box on the reverse side of this form for all applicable charges.

**COMMERCIAL REQUEST**

1. If the request is for commercial purposes, the top and bottom portions of the form on the reverse should be completed.
2. A “commercial purpose” is the use of all or part of a public record for the purpose of:
  - a. sale or resale;
  - b. producing a document for sale;
  - d. obtaining names and addresses from the record for the purpose of solicitation
  - e. selling names and addresses from the record to another for the purposes of solicitation or other monetary gain; or
  - f. any other purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of such public record.

Commercial purpose does not mean the use of public record as evidence or as research for evidence in an action before a judicial or quasi-judicial body.

3. Charges for a commercial request shall include:
  - a. A portion of the cost to the County of obtaining the original or copies of the documents, printouts or photographs to be reproduced,
  - b. A reasonable fee for the cost of time, equipment, and personnel in making the copies, and
  - c. The value of the reproduction on the commercial market.
4. Please note that one who obtains records for a commercial purpose without indicating the commercial purpose, or obtains the records for a noncommercial purpose, and then uses or allows the use of the records for a commercial purpose, will be liable for damages in the amount of three times what the County could have charged had it known, plus costs and attorneys fees. A.R.S. § 39-121.03(C). Furthermore, if a false statement is given, the requester may also be guilty of a felony. A.R.S. § 39-161.



April 27, 2023

**VIA EMAIL**

Cochise County Attorney  
Attn: Molly McCarty  
P.O. Drawer CA  
Bisbee, AZ 85603  
[mmccarty@cochise.az.gov](mailto:mmccarty@cochise.az.gov)  
[dlohse@cochise.az.gov](mailto:dlohse@cochise.az.gov)

Cochise County Recorder  
1415 Melody Lane  
Building B  
Bisbee, AZ 85603  
[recorder@cochise.az.gov](mailto:recorder@cochise.az.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 the Cochise County Recorder promptly produce the following records:

1. 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 Messenger, WhatsApp, Signal, Telegram, or Parler) between (a) Cochise County Recorder David Stevens, and (b) Cochise County Supervisors Tom Crosby or Peggy Judd, or La Paz County Elections Director Bob Bartelsmeyer.
2. Records reflecting any final formal or informal directives, guidance, assessments, reports, analyses, or recommendations concerning Cochise County elections or the County Recorder's responsibilities or powers authored, edited, issued, ordered, or approved by Cochise County Recorder David Stevens.
3. A complete copy (including any attachments) of any contract or subcontract, amendment, memorandum of understanding, or other written agreement



authored, edited, issued, ordered, approved, or signed by any personnel within the Cochise County Recorder's Office or the Cochise County Elections Department (including, but not limited to, County Recorder David Stevens).

4. Records sufficient to identify all employees who have entered into any position in the Cochise County Recorder's Office or the Cochise County Elections Department since February 28, 2023. To the extent that such individuals have held multiple titles or positions since February 28, 2023, please produce records sufficient to identify each title or position.
5. For each individual identified in response to Part 4 of this request, any resumes or curriculum vitae (CV) submitted by that individual.
6. Records sufficient to identify the actual or prospective 2023-2024 fiscal year budgets for the Cochise County Recorder's Office and the Cochise County Elections Department.
7. Records sufficient to identify any alterations or proposed alterations to any budget for the Cochise County Recorder's Office or the Cochise County Elections Department authored, edited, issued, ordered, or approved by Cochise County Recorder David Stevens.
8. Records sufficient to identify all invoices from and payments to entities for services related to Cochise County's election administration.
9. Records sufficient to identify all costs and expenses incurred by the Cochise County Recorder's Office or the Cochise County Elections Department.

For all parts of this request, please provide all responsive records from February 28, 2023, through the date the search is conducted.

### **Statement of Noncommercial Purpose**

This request is made for noncommercial purposes. American Oversight seeks records regarding efforts to alter Cochise County's election processes.<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 whether and to what extent Recorder David Stevens has reformed Cochise County's elections.

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.

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<sup>1</sup> Jen Fifield, *How an Arizona Official is Making Cochise County a 'Laboratory' for Election Skepticism*, Votebeat (Feb. 7, 2023, 4:54PM), <https://arizona.votebeat.org/2023/2/7/23589804/cochise-county-elections-recorder-david-stevens-hand-count>.

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:

- 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

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<sup>2</sup> American Oversight currently has approximately 16,000 followers on Facebook and 112,200 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Apr. 26, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Apr. 26, 2023).

<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 Ben Sparks at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 873-1741.

Sincerely,

/s/ Ben Sparks  
Ben Sparks  
on behalf of  
American Oversight