



July 27, 2020

VIA FACSIMILE

Arizona Governor’s Office
1700 W. Washington St.
Phoenix, AZ 85007
Fax: (602) 542-7601

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.

Requested Records

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

1. All email communications (including emails, email attachments, calendar invitations, and attachments thereto) sent by (a) any of the officials in the Office of the Arizona Governor listed in Column A below to (b) any of the external individuals or groups listed in Column B below:

Column A: Officials in the Office of the Arizona Governor	Column B: External Parties
<ol style="list-style-type: none"> i. Doug Ducey, Governor, or anyone communicating on his behalf (such as an assistant or scheduler) ii. Daniel Scarpinato, Chief of Staff iii. Gretchen Conger, Deputy Chief of Staff iv. Patrick Ptak, Director of Communications v. Alec Esteban Thomson, Director of Strategic Initiatives & Campaigns 	<p>True the Vote:</p> <ol style="list-style-type: none"> i. Catherine Engelbrecht (including, but not limited to, at the email address catherine@truethevote.org) ii. Anyone communicating from an email address ending in @truethevote.org <p>FreedomWorks:</p> <ol style="list-style-type: none"> i. Adam Brandon (including, but not limited to, at the email address abrandon@freedomworks.org) ii. Anyone communication from an email address ending in @freedomworks.org



	<p>Elections, LLC:</p> <ul style="list-style-type: none">i. Justin Clark (including, but not limited to, at the email address jrclark@michaelbest.com)ii. Nathan Groth (including, but not limited to, at the email address ndgroth@michaelbest.com)iii. Stefan Passantino (including, but not limited to, at the email addresses spassantino@michaelbest.com or stefanpassantino@onebox.com) <p>Republican National Lawyers Association:</p> <ul style="list-style-type: none">i. Anyone communicating from an email address ending in @republicanlawyer.net <p>Verify the Vote:</p> <ul style="list-style-type: none">i. Anyone communicating from an email address ending in @verifythevote.org <p>Other Individuals:</p> <ul style="list-style-type: none">i. Hans von Spakovsky (including, but not limited to, at the email address hans.vonspakovsky@heritage.org)ii. Ralph Reed (including, but not limited to, at the email addresses ralph@censtrat.com, ralph.reed@censtrat.com, or rreed@censtrat.com)iii. Marc Lotter (including, but not limited to, at the email address marc@lottercommunications.com)iv. Ken Blackwell (including, but not limited to, at the email addresses john.blackwell@aol.com or kennethblackwell01@yahoo.com)v. Brad Smith (including, but not limited to, at the email addresses bsmith4901@aol.com or bsmith@law.capital.edu)
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	<ul style="list-style-type: none"> vi. Morton Blackwell (including, but not limited to, at any email address ending in @limail.us, lii.net, lead-inst.org, or leadershipinstitute.org) vii. Michael Roman (including, but not limited to, at the email addresses mroman@rnchq.com or mroman@gop.com) viii. Ed Hiner (including, but not limited to, at the email address ed.hiner@edhiner.com)
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2. All email communications (including emails, calendar invitations, and attachments thereto) sent by any of the officials in the Office of the Arizona Governor listed below concerning poll watching activities or the recruitment of poll watchers.

Officials in the Office of the Arizona Governor:

- Doug Ducey, Governor, or anyone communication on his behalf (such as an assistant or scheduler)
- Daniel Scarpinato, Chief of Staff
- Gretchen Conger, Deputy Chief of Staff
- Daniel Ruiz, Chief Operating Officer
- Alec Esteban Thomson, Director of Strategic Initiatives & Campaigns

For item 2 of this request, American Oversight believes that records containing the terms below are likely to be responsive records, and requests that your office, at a minimum, employ these search terms to identify responsive records.

Search Terms:

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| <ul style="list-style-type: none"> • “True the Vote” • TTV • “Continue to Serve” • Engelbrecht • “Matt Morgan” • “Matthew Morgan” • “Mike Roman” • “Michael Roman” • VoteStand • “Election integrity” • “Poll watcher” • “Poll watchers” | <ul style="list-style-type: none"> • “Poll watching” • “Watch the polls” • “Watching the polls” • “Voting observer” • “Voting observers” • “Vote observer” • “Vote observers” • “Vote observing” • “Voter observer” • “Voter observers” • “Voter observing” • “Observe voters” |
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- “Observe voting”
- “Observing voting”
- “Election observer”
- “Election observers”
- “Election observing”
- “Elections observer”
- “Elections observing”
- “Placement rule”
- “Consent decree”
- “Voter intimidation”
- “Intimidate voters”
- “Intimidating voters”
- “Ballot integrity”
- “Ballot security”
- “Election day operation”
- “Election day operations”
- EDO

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited both items of its request to emails sent by the officials listed above. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both Governor Ducey’s response to an email about poll watching and the initial received message are responsive to this request and should be produced.

For both items of this request, please provide all responsive records from January 1, 2020, to the date the search is conducted.

Statement of Noncommercial Purpose

This request is made for noncommercial purposes. American Oversight seeks records regarding the Arizona government’s involvement in poll watching activities or poll watcher recruitment. Claims of widespread election fraud are of significant public interest both in Arizona and nationwide.¹ 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 the Office of the Arizona Governor is engaged in poll watcher recruitment.

Because American Oversight is a 501(c)(3) nonprofit, this request is not in American Oversight’s financial interest. 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.

¹ See, e.g. Brahm Resnik, *#BattlegroundAZ: AG Hires GOP Poll Watcher to Police State’s ‘Elections Integrity,’* KPNX (August 18, 2019, 3:44 PM), <https://www.12news.com/article/news/battlegroundaz/75-3deabf8f-4cb5-4bc6-9fb0-f5f1d70a8c94>.

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.²

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.³ 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 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.

² American Oversight currently has approximately 15,500 page likes on Facebook and 104,200 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited July 9, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited July 9, 2020).

³ 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 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,



Austin R. Evers
Executive Director
American Oversight