



May 25, 2021

VIA EMAIL

Public Records Officer
Legal Liaison Section
Maricopa County Sheriff's Office
550 W. Jackson Street
Phoenix, AZ 85003
LLSAdmin@mcs.maricopa.gov

City of Phoenix Police Department
Public Record and Services Unit
1717 E. Grant Street, Suite 100
Phoenix, AZ 85034
policepublicrecords@phoenix.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 February 23, 2021, Maricopa County announced the results of an independent audit into its November 3, 2020 elections results, confirming that ballots were tabulated accurately and that voting equipment and software were secure.¹ Nevertheless, the Arizona State Senate has pursued an additional audit and recount, including the hand tabulation of more than two million votes. On March 31, 2021, Senate President Karen Fann announced that the audit team would be led by the firm Cyber Ninjas,² whose founder has repeatedly circulated baseless accusations of widespread fraud in the 2020 elections.³

¹ Jen Fifield, *Maricopa County's 2020 Election Votes Were Counted Correctly, More County Audits Show*, Ariz. Republic (updated Feb. 23, 2021, 5:48 PM), <https://www.azcentral.com/story/news/politics/elections/2021/02/23/maricopa-countys-election-audits-show-2020-votes-counted-correctly/4550644001/>.

² Jeremy Duda, *Arizona Senate Hires a 'Stop the Steal' Advocate to Lead 2020 Election Audit*, AZ Mirror (updated Apr. 1, 2021, 10:18 AM), <https://www.azmirror.com/2021/03/31/arizona-senate-hires-a-stop-the-steal-advocate-to-lead-2020-election-audit/>.

³ *Id.*



Press reporting indicates that the Arizona Rangers have been providing volunteer security for the audit.⁴ In addition, security documents that were publicly released by Cyber Ninjas, and which are the subject of public reporting, name the “Phoenix Law Enforcement Officers Association” as a source of additional security during the audit.⁵

American Oversight seeks records with the potential to inform the public about any involvement by and expenses incurred by local law enforcement agencies in connection to the audit.

Requested Records

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

1. All communications (including, but not limited to, emails, email attachments, and text messages) regarding protection or security, whether provided by your office or outside entities, of the Arizona State Fairgrounds during the audit commissioned by the Arizona Senate of Maricopa County’s 2020 election results.
2. All communications (including, but not limited to, emails, email attachments, and text messages) between (a) any member of your office and (b) the Arizona Rangers, including but not limited to Col. Mike Droll, Lt. Col. Richard Lockery, or any person communicating from an email address ending in azrangers.gov, or any outside entity providing security for the ballot audit at the Arizona State Fairgrounds.
3. All communications (including, but not limited to, emails, email attachments, and text messages) between (a) any member of your office and (b) Ken Bennett, Karen Fann, Doug Logan, or any person representing the Arizona Senate or Cyber Ninjas (including but not limited to anyone with email addresses ending in @cyberninjas.com or azleg.gov).
4. All records, including expense reports, equipment inventory, and records of personnel hours, reflecting costs incurred by your office related to the ballot audit at the Arizona State Fairgrounds.

Please provide all responsive records from March 24, 2021, through the date of search.

Statement of Noncommercial Purpose

⁴ Ray Stern, *The Arizona Rangers Are Raising Big Money Off Arizona’s Ballot Audit*, Phoenix New Times (Apr. 29, 2021, 3:44 PM), <https://www.phoenixnewtimes.com/news/arizona-rangers-raise-more-than-160k-after-providing-audit-security-11549864>.

⁵ Garrett Archer, *Cyber Ninjas Security Plan Details Anticipated Attack by ‘Antifa,’* ABC 15 (Apr. 29, 2021, 10:12 PM), <https://www.abc15.com/news/state/cyber-ninjas-security-plan-details-anticipated-attack-by-antifa>.

This request is made for noncommercial purposes. American Oversight seeks records regarding the role of local law enforcement and outside security contractors in the Arizona State Senate’s planned audit of Maricopa County’s 2020 election results. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether or to what extent taxpayers are financing security for the audit.⁶

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.⁷

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.⁸ 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.

⁶ *See supra*, notes 4 & 5.

⁷ American Oversight currently has approximately 15,700 page likes on Facebook and 106,200 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited May 25, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited May 25, 2021).

⁸ 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.

- 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.
- 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 or (202) 539-6507.

Sincerely,

/s/ Khahilia Shaw
Khahilia Shaw
on behalf of
American Oversight