



August 17, 2021

VIA EMAIL

Deputy Public Information Officer
Attorney General's Office
2005 North Central Avenue
Phoenix, AZ 85004
publicrecords@azag.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.

Requested Records

American Oversight requests that the Office of the Attorney General promptly produce the following records:

1. All email communications (including emails, email attachments, complete email chains, and calendar invitations) sent by Attorney General Mark Brnovich regarding the planning, preparation, or execution of any potential or actual audit, recount, inspection, or other analysis or review of the November 2020 election, including, but not limited to review of physical ballots, ballot images, voting equipment, or software (and including, but not limited to the current audit of Maricopa County's election results).

In an effort to accommodate the Office of the Attorney General and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by Attorney General Brnovich. 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 Attorney General Brnovich's response to an email about the election investigation and the initial received message are responsive to this request and should be produced.

2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) and text messages or messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, Twitter direct messages, Facebook messages, WhatsApp, Signal, Telegram, or Parler) between Attorney General Brnovich or anyone communicating on his behalf such as a Chief of Staff or assistant and the following individuals regarding the potential or



actual audit, recount, inspection or other analysis or review of the November 2020 election, including, but not limited to review of physical ballots, ballot images, voting equipment, or software (and including, but not limited to the current audit of Maricopa County's election results):

- a. Senator Karen Fann
- b. Senator Warren Petersen
- c. Senator Sonny Borrelli
- d. Representative Mark Finchem
- e. Colonel Phil Waldron
- f. Russ Ramsland
- g. Audit liaison Ken Bennett
- h. Audit spokesperson Randy Pullen
- i. Cyber Ninjas CEO Doug Logan
- j. CyFIR founder Ben Cotton
- k. Wake TSI EVP Earl Eugene Kern
- l. OANN reporter Christina Bobb
- m. Rudy Giuliani
- n. Jovan Hutton Pulitzer
- o. Bobby Piton

Please provide all responsive records from November 3, 2020 through the date the search is conducted.

Statement of Noncommercial Purpose

This request is made for noncommercial purposes. American Oversight seeks records regarding communications Attorney General Brnovich is having about the investigations in the 2020 election results in Arizona. 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 Attorney General Brnovich is communicating about the audit.

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.¹

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.² 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.
- 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

¹ American Oversight currently has approximately 15,700 page likes on Facebook and 106,600 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited July 27, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited July 27, 2021).

² 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.

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