



January 10, 2023

VIA EMAIL

Arizona Corporation Commission – Legal Division
1200 West Washington Street
Phoenix, AZ 85007
LegalDiv@azcc.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 your office promptly produce the following records:

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) Commissioner Jim O'Connor, and (b) any of the external individuals or entities listed below, or anyone communicating on behalf of the entities listed below (including, but not limited to, at the listed email addresses and/or domains).

External Individuals and Entities:

- a. Mike Lindell (mike@mypillow.com), Michele Replogle, or anyone communicating from an email address ending in @mypillow.com
- b. Matthew DePerno (matthew@deper nolaw.com)
- c. Emily Newman (enewman@protonmail.com)
- d. Patrick Byrne, Mike Roman (mikeroman@protonmail.com), or anyone communicating on behalf of the America Project (@theamericaproject.com)
- e. Arizona Representative Mark Finchem (markfinchem@azleg.gov, markfinchem@me.com, markfinchem@protonmail.com)
- f. Arizona Senator Karen Fann (karenefann@outlook.com, fannm@cableone.net, kfann@azleg.gov)
- g. Arizona Senator Kelly Townsend (kellyjtownsend@yahoo.com, ktownsend@azleg.gov, kune_fish@yahoo.com)
- h. Joe Oltmann (joe@fecunited.com, joe@pinbn.com)
- i. Neal Schuerer (neal@paththereform.org, nschuerer@outlook.com)
- j. Arizona GOP Chair Kelli Ward (kelli@kelliward.com, drkelliward@gmail.com)



- k. David Clements (davidkclements13@protonmail.com, dkc@theprofessorsrecord.com)
- l. Erin Hughs (erin.hughs@yahoo.com)
- m. Ivan Raiklin (ivan@raiklin.com, ivan.raiklin@gmail.com)
- n. Jovan Hutton Pulitzer (jovanhuttonpulitzer@gmail.com)
- o. Doug Frank (drdouglasgfrank@outlook.com, drdouglasfrank@protonmail.com)
- p. Kurt Olsen (kurtols@protonmail.com)
- q. Phil Waldron (phil@onewarrior.com, p@bonfiresearch.org) or anyone communicating from an email address ending in @onewarrior.com or @bonfiresearch.org
- r. Russell Ramsland (ryuks9sq@alliedspecialops.us, yrku9sqs@protonmail.com), or anyone communicating from an email address ending in @alliedspecialops.us
- s. Seth Keshel (skeshel@protonmail.com, skeshel@gmail.com, bookings@captk.com)
- t. Shawn Smith (luftsas@gmail.com, ratioinvictus@protonmail.com)
- u. Shiva Ayyadurai (vashiva@vashiva.com)
- v. Todd Sanders (todd@krknsys.com, todd@americaproject.com, t@bonfiresearch.org), or anyone communicating from an email address ending in @americaproject.com
- w. Catherine Engelbrecht or anyone communicating on behalf of True the Vote (@truethevote.org)
- x. Doug Logan, and/or anyone communicating on behalf of Cyber Ninjas (@cyberninjas.com)

Please note that American Oversight does not seek, and that this request specifically excludes, responsive records to the extent an email contains only a news clip or news story. However, an email transmitting a news story with additional information from or to Commissioner Jim O'Connor would be responsive to this request.

For request item 1, please provide all responsive records from January 1, 2022, through the date the search is conducted.

- 2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by Commissioner Jim O'Connor containing any of the following key terms:

Key Terms:

- a. "Voting machine"
- b. Tabulat*
- c. Fraud*
- d. "Hand count"
- e. "Hand recount"
- f. Maricopa
- g. Lindell
- h. MyPillow

- i. Dominion
- j. Smartmatic
- k. “Election integrity”

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited item 2 of its request to emails sent by Commissioner O’Connor. 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 Commissioner O’Connor’s response to an email containing one of the listed key terms and the initial received message are responsive to this request and should be produced.

Please note that American Oversight is using the asterisk (*) to designate the standard use of “wildcards” in the search for responsive records. For example, a search for “tabulat*” would return all of the following: tabulate, tabulator, tabulators, etc. If your office is unable to search for wildcards, please advise so that we may specifically include the variations that we would like searched.

For request item 2, please provide all responsive records from July 1, 2022, 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 implore county officials to discontinue the use of voting machines.¹ 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 Commissioner O’Connor coordinated with external entities or individuals in efforts to end the use of voting machines in Arizona.

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

¹ Ryan Randazzo, *Arizona Utility Regulator Wants Public Hearing on ‘Voting Machines,’* Ariz. Republic (updated Sept. 9, 2022, 10:30 AM), <https://www.azcentral.com/story/news/politics/elections/2022/09/09/arizona-utility-regulator-jim-oconnor-wants-hearing-voting-machines/8028686001/>.

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.
- 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

² American Oversight currently has approximately 16,000 followers on Facebook and 113,100 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Jan. 9, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Jan. 9, 2023).

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.

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