



March 26, 2024

**VIA EMAIL**

Pete Galvan  
Associate Rules Attorney  
Arizona State Senate  
1700 West Washington Street  
Room 202 C  
Phoenix, AZ 85007  
[pgalvan@azleg.gov](mailto:pgalvan@azleg.gov)

**Re: Public Records Request**

Dear Public Records Officer(s):

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) Senator Anthony Kern, or anyone communicating on their behalf such as a chief of staff, assistant, or scheduler, and (b) any of the external entities listed below (and anyone communicating on their behalf), including, but not limited to, at the listed email addresses and/or domains.

**External Entities:**

- i. Alliance Defending Freedom ([adflegal.org](http://adflegal.org))
- ii. America First Legal ([aflegal.org](http://aflegal.org))
- iii. America First Policy Institute ([americafirstpolicy.com](http://americafirstpolicy.com))
- iv. American Association of Pro-Life Obstetricians and Gynecologists ([aaplog.org](http://aaplog.org))
- v. American College of Pediatricians ([acpeds.org](http://acpeds.org))
- vi. American Family Association ([afa.net](http://afa.net))
- vii. American Principles Project ([americanprinciplesproject.org](http://americanprinciplesproject.org))
- viii. Americans United for Life ([aul.org](http://aul.org))
- ix. Arizona Catholic Conference ([azcatholicconference.org](http://azcatholicconference.org))
- x. Arizona Free Enterprise Club ([azfree.org](http://azfree.org))
- xi. Arizona Life Coalition ([chooselifeaz.org](http://chooselifeaz.org))
- xii. Arizona Right to Life ([arizonarighttolife.com](http://arizonarighttolife.com), [azrighttolife.com](http://azrighttolife.com))
- xiii. Arizona Women of Action ([azwomenofaction.com](http://azwomenofaction.com))



- xiv. Catholic Medical Association (cathmed.org)
- xv. Center for Arizona Policy (azpolicy.org)
- xvi. Charlotte Lozier Institute (lozierinstitute.org)
- xvii. Christian Medical and Dental Associations (cmda.org)
- xviii. Concerned Women for America (concernedwomen.org and cwfa.org)
- xix. Decline to Sign (declinetosign.net)
- xx. Do No Harm (donoharmmedicine.org)
- xxi. Ethics and Public Policy Center (eppc.org)
- xxii. Family Policy Alliance (familypolicyalliance.com)
- xxiii. Family Research Council (frc.org and frcaction.org)
- xxiv. Goldwater Institute (goldwaterinstitute.org)
- xxv. Heritage Foundation (heritage.org) and/or Heritage Action (heritageaction.com)
- xxvi. Independent Women’s Forum (iwf.org)
- xxvii. It Goes Too Far (itgoestoofar.com)
- xxviii. Liberty Counsel (lc.org)
- xxix. Live Action (liveaction.org)
- xxx. March for Life (marchforlife.org)
- xxxi. Moms for Arizona (momsforarizona.com)
- xxxii. National Right to Life Committee (nrlc.org)
- xxxiii. Phoenix Women’s Clinics (lcwcaz.org)
- xxxiv. Pro-Life Arizona (pro-lifearizona.com)
- xxxv. Roman Catholic Diocese of Phoenix (dphx.org)
- xxxvi. Students for Life of America (studentsforlife.org) and/or SFL Action (studentsforlifeaction.org)
- xxxvii. Susan B. Anthony Pro-Life America (sbapro-life.org, sbalist.org, and sba-list.org)

Please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, if Senator Kern received a mass-distribution news clip email from a listed external entity, that initial email would not be responsive to this request. However, if they forwarded that email to another individual with their own commentary, that subsequent message would be 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) sent by Senator Anthony Kern, or anyone communicating on their behalf such as a chief of staff, assistant, or scheduler, that contain any of the key terms listed below.

Key Terms:

- a. “Arizona List”
- b. “AZ List”
- c. “ballot initiative”

- d. “ballot measure”
- e. “challenge signatures”
- f. “deceptive tactics”
- g. “decline to sign”
- h. “good faith judgment”
- i. “healthcare rising”
- j. “Planned Parenthood”
- k. “pro-life”
- l. “review signatures”
- m. abortion
- n. Dobbs
- o. gestation
- p. NARAL
- q. petitioner
- r. referendum
- s. reproductive
- t. Roe
- u. unborn
- v. viability

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by Senator Kern, or anyone communicating on their behalf. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means that both Senator Kern’s response to an email containing a listed key term and the initial received message are responsive to this request and should be produced.

**For both parts of this request, please provide all responsive records from September 21, 2023, through the date the search is conducted.**

### **Statement of Noncommercial Purpose**

This request is made for noncommercial purposes. American Oversight seeks records regarding state officials’ communications concerning abortion access in Arizona.<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 officials have communicated with external entities or individuals regarding such access.

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

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<sup>1</sup> Alice Miranda Ollstein, ‘*Our Prayer Is That It Doesn’t Even Reach The Ballot*’: Inside Arizona’s Abortion Battle, Politico (Mar. 6, 2024, 5:00 AM), <https://www.politico.com/news/2024/03/06/arizona-abortion-referendum-battle-00145089>.

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.com.<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:

- 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

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<sup>2</sup> American Oversight currently has approximately 16,000 followers on Facebook and 111,300 followers on Twitter.com. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Mar. 25, 2024); American Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited Mar. 25, 2024).

<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.

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. 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 Elizabeth Haddix at [records@americanoversight.org](mailto:records@americanoversight.org) or (252) 359-7424 ext. 1031.

Sincerely,

/s/ Elizabeth Haddix

Elizabeth Haddix  
on behalf of  
American Oversight