



November 23, 2020

VIA EMAIL

Patrick Ptak, Communications Director
Arizona Governor's Office
1700 W. Washington St.
Phoenix, AZ 85007
pptak@az.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:

All email communications (including email messages, complete email chains, calendar invitations, and attachments thereto) between (a) any of the Office of the Governor officials listed in Column A, below, and (b) any of the external parties listed in Column B, below:

Column A: Office of the Governor Officials	Column B: External Parties
i. Doug Ducey, Governor, or anyone communicating on his behalf (such as an assistant or scheduler) ii. Daniel Scarpinato, Chief of Staff iii. Anni Lori Foster, General Counsel	i. Kelli Ward, Pam Kirby, Ray Ihly, Cyndi Love, or anyone communicating from an email address ending in @azgop.org or @azgop.com ii. Any representative of the Donald Trump for President campaign, including anyone communicating from an email address ending in @donaldtrump.com, @donaldjtrump.com, @trumpvictory.com, or @trumporg.com iii. David Bossie, or anyone communicating from an email address ending in @citizensunited.org



	iv.	John Gore, Alex Potapov, or anyone communicating from an email address ending in @jonesday.com
	v.	Justin Clark, Nathan Groth, Stefan Passantino, or anyone communicating from an email address ending in @michaelbest.com
	vi.	Kory Langhofer, Thomas Basile, or anyone communicating from an email address ending in @statecraftlaw.com
	vii.	Brett Johnson, Eric Spencer, or anyone communicating from an email address ending in @swlaw.com
	viii.	Ronald Hicks, or anyone communicating from an email address ending in @porterwright.com
	ix.	Drew Sexton, Brian Seitchik, or anyone communicating from an email address ending in @gop.com, @rnchq.com, or @rdpstrategies.com
	x.	James Bopp, Jr. (including, but not limited to, at jbooppjr@aol.com or jboopp@bopplaw.com)
	xi.	Jay Sekulow or anyone communicating from an email address ending in @aclj.org
	xii.	Matt Schlapp or anyone communicating from an email address ending in @conservative.org
	xiii.	Rudolph Giuliani, or anyone communicating on his behalf (such as Jo Ann Zafonte, Christianne Allen, or Beau Wagner) or anyone communicating from an email address ending in @giulianisecurity.com, giulianipartners.com, gdcillc.com)
	xiv.	Joseph diGenova, Victoria Toensing, or anyone communicating from an email address ending in @digenovatoensing.com

	xv. Sidney Powell, or anyone communicating from an email address ending in @federalappeals.com xvi. Jenna Ellis, or anyone communicating from an email address ending in @falkirkcenter.com or @thomasmore.org xvii. Former Gov. Jan Brewer - xviii. John Solomon, including, but not limited to, at john@solomonmediallc.com xix. Anyone communicating from an email address ending in mail.house.gov or senate.gov xx. Anyone communicating from an email address ending in who.eop.gov
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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 the records requested to inform the public of your office's communications with individuals outside the Arizona government who have vested interests in Arizona's official ballot count and the outcome of challenges to the state's election administration policies and practices. Voting rights and related litigation 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 the public understanding of government operations.

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 See, e.g., *Arizona Election Updates: Trump Team Suing County over Voting Asks to Seal Evidence*, Ariz. Republic (updated Nov. 10, 2020, 5:06 PM MT), <https://www.azcentral.com/story/news/politics/elections/2020/11/10/arizona-election-live-updates-2020-presidential-election/6229930002/>.

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 15,630 page likes on Facebook and 106,100 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Nov. 16, 2020); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Nov. 16, 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.

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 Christine Monahan at records@americanoversight.org or (202) 869-5244.

Sincerely,

A handwritten signature in blue ink, reading "Austin R. Evers". The signature is fluid and cursive, with a long horizontal line extending to the left.

Austin R. Evers
Executive Director
American Oversight