

Subject: Public Records Requests
Date: Thursday, July 21, 2022 at 6:38:03 PM Eastern Daylight Time
From: Justin Riches
To: AO Records
CC: Ashley McIver, Krystle Isvoranu
Attachments: Morris_0580_6-8-22.pdf, Morris_0578_6-8-22.pdf, Morris_0576_6-8-22.pdf

EXTERNAL SENDER

Dear Mr. Morris,
Pursuant to your public records requests, please find the attached responsive records.
Best regards,
Justin Riches
Public Records Counsel
(602) 926-5507



June 8, 2022

VIA EMAIL

Justin Riches
Public Records Counsel
Arizona House of Representatives
1700 W. Washington St.
Phoenix, AZ 85007-2844
jriches@azleg.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.

Following the November 2020 election, members of the Trump campaign's legal team and individuals seeking to overturn the election results coordinated with members of the Arizona legislature in an attempt to affect the election's certification.¹ Later, many of these same individuals remained involved in the Arizona Senate's partisan "audit" of Maricopa County's election results.²

American Oversight seeks records with the potential to shed light on efforts to alter the results of Arizona's November 2020 election and the subsequent "audit" undertaken by the Arizona Senate. American Oversight does not seek records at issue in ongoing litigation against the Arizona Senate nor records over which the Arizona Senate has asserted a claim of privilege.

Requested Records

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

All electronic communications (including emails, email attachments, complete email chains, calendar invitations, text messages, or messages on messaging platforms, such as Slack, GChat or Google Hangouts, Lync, Skype, or

¹ Andrew Feinberg, 'Coup PowerPoint' Author Told Legislators They Could Throw Out 'Fake' Biden Ballots, Documents Show, Independent (Jan. 24, 2022, 5:27 PM), <https://www.independent.co.uk/news/world/americas/us-politics/coup-powerpoint-author-biden-ballots-b1999609.html?r=49089>.

² Jen Fifield & Zac Anderson, *From Rural Florida to Trump Allies' Inner Circle: Who is the Cyber Ninjas Leading Arizona's Audit?*, AZ Republic (updated Sept. 21, 2021, 7:46 PM), <https://www.azcentral.com/story/news/politics/arizona/2021/09/20/cyber-ninja-doug-logan-path-sarasota-florida-arizona-election-audit/5621094001/>;



WhatsApp) between (a) Representative Mark Finchem or his aide April Riggins, or Representative Jake Hoffman or his aide Minerva Arvizu, and (b) any of the individuals or entities listed below (including, but not limited to, at the email addresses provided). In the case of emails and texts, the search should include those sent or received from the specified officials' personal accounts and devices if they were used to conduct official business, as well those sent from official email addresses or government-issued devices.

1. Draza Smith (drazasmith@gmail.com, drazasmith@protonmail.com)
2. Floyd Brown
3. Grady Rhodes (grhodes40@yahoo.com)
4. James Penrose (including, but not limited to jim@fightback.law)
5. Joe Oltmann (joe@fecunited.com, joe@pinbn.com)
6. John Eastman (john.eastman@colorado.edu)
7. John Lott (johnlott@gmail.com, johnlott@crimeresearch.org)
8. John Mills (john5.17@verizon.net, blueshadowucq@verizon.net)
9. Ivan Raiklin (ivan@raiklin.com)
10. Ken Eyring (ken@intrinetsystems.com)
11. Liz Harris (lizharrismba@protonmail.com)
12. Luis Cornelio (luis.cornelio@protonmail.com)
13. Mark Lewis (marklewisaz@gmail.com)
14. Michael Gableman (wispecialcounsel@protonmail.com)
15. Michelle Malkin (michellemalkininvestigates@protonmail.com)
16. Merissa Hamilton (merissa@merissahamilton.com)

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

Please note that American Oversight does not seek records currently at issue in litigation against the Arizona Senate, and American Oversight has specifically excluded communications with any individual or entity over whose communications the Arizona Senate has previously claimed privilege.³

Statement of Noncommercial Purpose

This request is made for noncommercial purposes. American Oversight seeks records regarding attempts to alter the certification of the November 2020 election and the subsequent partisan “audit” of Maricopa County’s election results by the Arizona Senate.⁴ Records with the potential to shed light on this matter would contribute

³ American Oversight, *Arizona Senate Updated Privilege Log and Index – Received Oct. 1, 2021*, <https://www.documentcloud.org/documents/21077483-arizona-senate-updated-privilege-log-and-index-sept-30?responsive=1&title=1>.

⁴ *See supra*, notes 1 & 2.

significantly to public understanding of operations of the government, including regarding the involvement of actors external to the Arizona legislature.

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.⁵

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.⁶ 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.
- 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

⁵ American Oversight currently has approximately 16,000 followers on Facebook and 117,300 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited May 18, 2022); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited May 18, 2022).

⁶ 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.

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 Zachery Morris at records@americanoversight.org or (202) 897-4213.

Sincerely,

/s/ Zachery Morris
Zachery Morris
on behalf of
American Oversight

Justin Riches

From: Ivan E. Raiklin <ivan@raiklin.com>
Sent: Sunday, January 30, 2022 2:43 PM
To: Kelly Townsend
Cc: Sonny Borrelli;Wendy Rogers;Mark Finchem
Subject: Joint Resolution to Decertify the 2020 Election

Senator Townsend and fellow Patriots!

When will the Senate Government Committee, of which you chair, exercise it's US Constitution Article 2, Section 1, Clause 2; 9th and 10th Amendment authorities to remedy the 2020 election by holding a committee vote to start the process of recalling Arizona's 11 electors?

I am hearing that Rep Finchem is proposing a bill to do this in the AZ House. The evidence is overwhelming. It is time to take the courageous step that your fellow legislator in Wisconsin, Rep Tim Ramthun has taken, and to move forward in recalling AZ's 11 electors.

Let me know how I can assist/support.

Respectfully,

Ivan Raiklin

Justin Riches

From: Mark Lewis <marklewisaz@gmail.com>
Sent: Thursday, December 23, 2021 6:44 AM
To: Mark Lewis
Subject: Happy holidays from your AZ water and power legislators

Dear water legislators,

While we all gather with family to celebrate the birth of our savior, I always try to count my blessings.

I have been an elected official for 28 years, serving Arizona's water and power providers in Central AZ. I continue to be grateful for the trust the voters place in me and your leadership in the community.

Some of the blessings I give thanks for:

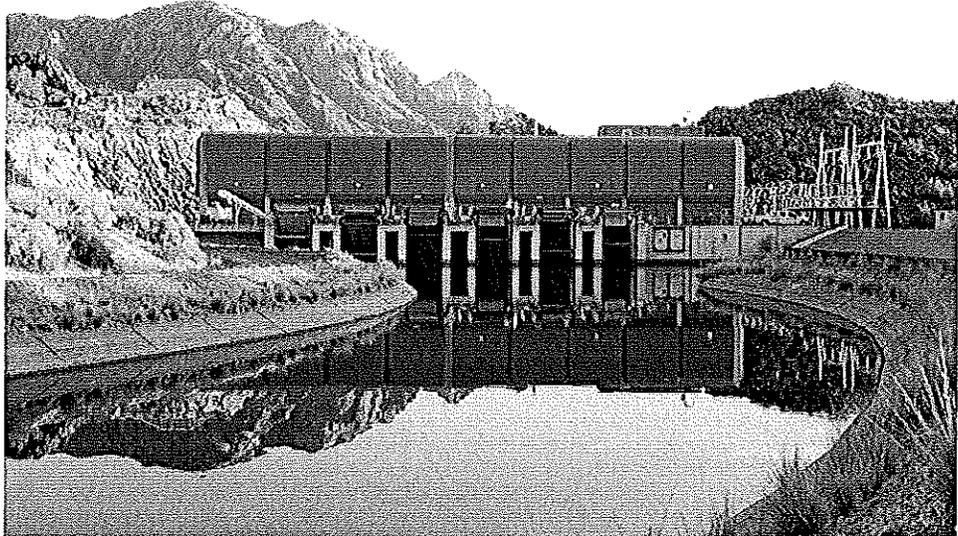
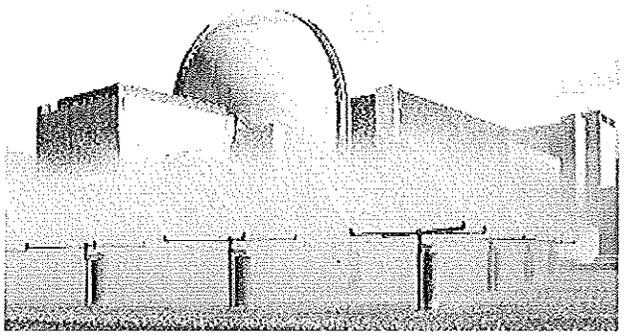
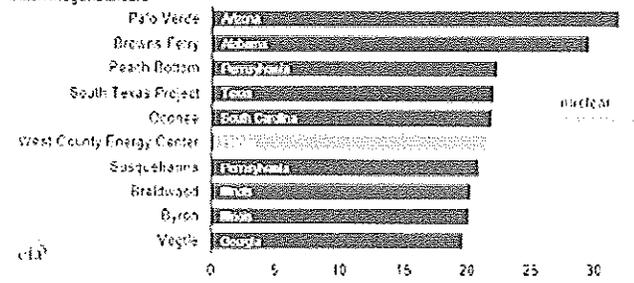
1. The largest nuclear power plant in America, producing non carbon energy for the past 33 years.
2. The 2nd largest water delivery canal structure in the USA, bringing water to 5 million people and 12 tribes, every day.
3. The lowest water and power costs in the western USA, providing reliability to Arizona's robotic factories of the future.
4. Our public safety professionals, on loney watches making sure bad things dont happen to good people.
5. Gratitude that our forefathers would create a state seal, which includes the term "Diat Dias" . "God Enriches" in latin.

Many blessings to your families and you, as we head into a new year.

1) Palo Verde NGS

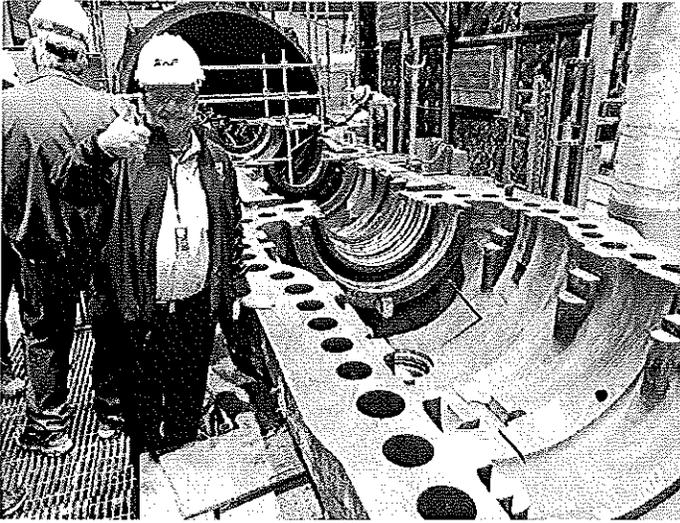
2) CAP canal in Mesa

Top 10 U.S. power plants by electricity generation, 2019
million megawatt-hours



3) Lower water & power rates.
watch.

4) Public safety on a loney



Sincerely,
Mark Lewis
Director Central AZ Project
Councilman Salt River Project D7
8485 E. McDonald Dr. Ste 55
Scottsdale, AZ 85250

Leasing Colorado River water to Queen Creek would be a step in the right direction

Opinion: Before there is a big government investment in augmentation projects, water markets and pricing should be given a chance to balance supply and demand.

Robert Robb

Arizona Republic



A small proposal that would nevertheless move water policy considerably in the right direction is pending before the federal Bureau of Reclamation.

An investment company, Greenstone, purchased some farm land along the Colorado River. It proposes to sell the Colorado River water rights associated with the land to the town of Queen Creek, which would use the Central Arizona Project distribution system to transport it. It would be enough water to support an estimated 6,000 households.

The Arizona Department of Water Resources has approved the transaction, but it awaits a decision by the bureau.

Some locals object to the transaction. One argument is that selling water for a profit is *per se* offensive.

However, setting a market price for the water itself is precisely what makes this a small but considerable step in the right direction.

It's time to put a market value on water

If Arizona's water situation is considered holistically, taking into account all sources and uses, the anticipated reductions in the state's CAP allocation don't look so daunting.

However, who, where and for what purpose water can be used is subject to a web of legal restrictions.

Moreover, there is a shortage of anything only in relationship to a particular price for that thing. Arizona's ability to adjust to a declining supply of Colorado River water is made more difficult because, for the most part, there is no price put on water itself. It is treated as a free good.

In markets, prices reflect not only the current cost of production but anticipated future scarcity as well. Overwhelming, however, what end customers pay for water reflects the cost of extraction and delivery only. The price doesn't reflect the anticipated future scarcity of the water itself.

This is generally true of water delivered by cities, irrespective of source.

The CAP does charge for the water it delivers. But, again, the price reflects principally the cost of delivery without attempting to establish a market value for the water itself. And even the cost of delivery has been subsidized by property taxes.

In the Greenstone transaction, there will be a market price for the water itself. That price includes anticipated future scarcity. And end users in Queen Creek will pay a full market price for their water, including a value put on the water that reflects anticipated future scarcity as well as the cost of delivery and distribution.

Move water to where people want to live

Another local objection is that transporting water in this way reduces development opportunities in La Paz County, where the farm is located.

This should be stated bluntly. If people prefer to live in Queen Creek than La Paz County, government water policy should facilitate that preference, not thwart it.

And the local objection isn't universal. There are local farmers who support creating a market value for their water rights.

A comparable, and larger, step in the right direction is provided by a bill, sponsored by Arizona Sens. Mark Kelly and Kyrsten Sinema, allowing the Colorado River Indian Tribes to lease some of their allocation of Colorado River water.

Again, whoever would lease the water allocation would be paying a price for the water itself, which would be reflected in what was charged to end users.

The Gila River Indian Community wants the bill to be expanded to include it. It's hard to conjure up a reason why the right to lease water shouldn't be extended to all tribes. Indeed, to anyone who has a Colorado River allocation.

Not so fast on augmentation projects

For some time, a movement has been brewing for a large government investment in water augmentation projects. Desalination is the usual aspiration. There have been proposals for special property tax districts to stump up the cash.

I wouldn't be surprised if Gov. Doug Ducey includes something along these lines as a legacy project in his last year in office.

However, before government reaches into the pockets of taxpayers, there should first be a serious effort to see how far water markets and pricing can go to alleviate an imbalance between supply and demand.

These proposals to sell or lease Colorado River allocations are a beginning. But only a beginning.

Reach Robb at robert.robb@arizonarepublic.com.

Justin Riches

From: Ivan E. Raiklin <ivan@raiklin.com>
Sent: Thursday, May 6, 2021 4:25 AM
To: Karen Fann; Nancy Barto; Sonny Borrelli; Paul Boyer; David Gowan; Rick Gray; Vince Leach; David Livingston; J.D. Mesnard; Tyler Pace; Warren Petersen; Wendy Rogers; Thomas T.J. Shope; Kelly Townsend; Sine Kerr; Michelle Ugenti-Rita; Brenda Barton; Leo Biasiucci; Walter Blackman; Shawwna Bolick; Russell Bowers; Judy M. Burges; fcarrol@azleg.gov; Joseph Chaplik; Regina Cobb; David Cook; Tim Dunn; John Fillmore; Mark Finchem; Travis Grantham; Gail Griffin; Jake Hoffman; Joel John; Steve Kaiser; John Kavanagh; Quang Nguyen; Becky Nutt; Joanne Osborne; Jacqueline Parker; Kevin Payne; Beverly Pingerelli; Frank Pratt; Bret Roberts; Ben Toma; Michelle Udall; Jeff Weninger; Justin Wilmeth
Subject: The Nation is watching you, Adjourning would be unacceptable

Arizona Legislators:

With the election audit currently underway, it would be highly inappropriate to adjourn the Legislative Session sine die. This is the most important audit in American history, and the results may impact the entire state of Arizona. Any irregularities uncovered by the audit must be fully addressed by the Legislature.

Many of us remember the body ending the Legislative Session Sine die last year. There was a promise to call a Special Session, but this was never done. Governor Ducey refused and not enough supported it to make the supermajority. This was unacceptable then and it would be unacceptable now.

If the session ends sine die, enacted laws will not be in effect until after the 2022 primary election. This would be a dereliction of duty.

The legislature must take an extended recess rather than sine die adjournment. The election problems must be fixed now.

Justin Riches

From: Mark Finchem
Sent: Wednesday, December 16, 2020 6:15 PM
To: Grady Rhodes
Cc: Jeff Utsch;Mark Finchem
Subject: Re: Getting ballot images

Follow Up Flag: Follow up
Flag Status: Flagged

Brad Nelson is putting up a smokescreen, these are electronic ballot images, not paper images. It's my understanding that the ESNS system operates very similar to the dominion system. That means he has the ballot images already in his possession. This \$.35 per page garbage is for him to print the electronic images, and that's not what we want.

Mark Finchem, Vice-President
Energy Policy Analysis
Clean Power Technologies, LLC
www.thecleanpowergroup.com

Sent from my iPhone

On Dec 16, 2020, at 5:48 PM, Grady Rhodes <grhodes40@yahoo.com> wrote:

Mark,

Please read my email below. I think you need to also know what we (Pima GOP) are doing. Maybe we should communicate/collaborative on this?

Jeff,

If you have another email address to reach Mark Finchem, please forward this important message.

Grady Rhodes

grhodes40@yahoo.com

----- Forwarded Message -----

From: "Grady Rhodes" <grhodes40@yahoo.com>
To: "Bobbie Jo" <bobbiejo.king@gmail.com>, "Benny White" <bennywhite1@cox.net>
Sent: Wed, Dec 16, 2020 at 5:21 PM
Subject: Re: Screenshot 2020-12-16 at 4.13.39 PM
Bobbie Jo,

In Pima Co. it's not the Recorder who counts ballots, it's the Director of Elections.

I have asked Elections Director Brad Nelson for this information under David Eppihimer's (Pima GOP Chair) authority. Brad is fixated on getting a public records request which will cost thousands to make the duplicates (\$0.35 per page and \$5 per CD).

And Benny White explains that getting the scanned ballot images taken by the ES&S DS850 machines, which are stored with the rest of the elections material in the Pima Co. Treasure's vault, will take a court order. And that court order would have to have justification like witnesses under oath who watched or performed vote switching. And even then the ballot images will likely have to be analyzed in an environment controlled by the court or maybe Pima Co. This would protect the privacy of the voters, since in certain situations the ballots could be traced back to individual voters. The ballot images would never be made public (or passed around on the internet), except if they are used as evidence in a voter fraud trial.

I will try to get this message to Mark Finchem but he has not responded to my other messages, so I don't know if he is getting them.

Grady

From: Bobbie Jo <bobbiejo.king@gmail.com>
Sent: Wednesday, December 16, 2020, 4:15 PM
To: Benny White; Grady Rhodes
Subject: Screenshot 2020-12-16 at 4.13.39 PM

- 1) this would go to County Elections here, yes?
- 2) don't the machines already take an image of them?

B

Justin Riches

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