



April 17, 2024

VIA EMAIL

Pete Galvan
Associate Rules Attorney
Arizona State Senate
1700 West Washington Street Room 202 C
Phoenix, AZ 85007
pgalvan@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.

Requested Records

American Oversight requests that the Arizona Senate promptly produce the following records:

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) State Senator Sonny Borrelli or State Senator Wendy Rogers, and (b) any of the external entities and individuals listed below (and anyone communicating on their behalf, including, but not limited to, at the listed email addresses and domains).

External Entities/Individuals:

- a. Cause of America (causeofamerica.org)
- b. Linda Rantz (cause.america.mo@pm.me)
- c. Ben Cotton (ben.cotton@cyfir.com, bencotton@cytechservices.com)
- d. Kari Lake
- e. Mark Finchem (markfinchem@me.com, markfinchem@protonmail.com)
- f. Seth Keshel (skeshel@protonmail.com, skeshel@gmail.com)
- g. Election Fairness Institute (electionfairnessinstitute.org)
- h. Kurt Olsen (kurtols@protonmail.com)
- i. Liz Harris (lizharrismba@gmail.com, lizharris@cox.net, liz@lizharrisrealty.com)
- j. Christina Bobb
- k. Jeff DeWit
- l. Kelli Ward (kelli@kelliward.com, drkelliward@gmail.com)
- m. Lawrence Joseph
- n. Jim O'Connor



- o. America Project (americaproject.com)
- p. Emily Newman (enewman@protonmail.com)
- q. Mike Roman (mikeroman@protonmail.com)
- r. Patrick Byrne (deepcapture.com)
- s. Sidney Powell (sherlock1776@protonmail.com)
- t. Todd Sanders (todd@krknsys.com, bonfiresearch.org)
- u. Michael (Mike) Flynn (generalflynn.com)
- v. David Clements (davidkclements13@protonmail.com,
dkc@theprofessorsrecord.com)
- w. Erin Hughs (erin.hughs@yahoo.com)
- x. Mike Lindell (mypillow.com)
- y. Cleta Mitchell (cleta@cletamitchell.com, cmitchell@foley.com, cpi.org,
conservativepartnership.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 or responding to such emails are responsive to this request. In other words, for example, if Borrelli received a mass-distribution news clip email from the Election Fairness Institute, that initial email would not be responsive to this request. However, if Borrelli forwarded that email to a listed individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

2. All text messages or messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, X direct messages, Facebook messages, WhatsApp, Signal, Telegram, or Parler) between (a) State Senator Sonny Borrelli or State Senator Wendy Rogers, and (b) any of the external individuals listed below.

External Individuals:

1. Michael (Mike) Flynn
2. Patrick Byrne
3. David Clements
4. Erin Hughs
5. Jim O'Connor
6. Ben Cotton
7. Kari Lake
8. Mark Finchem
9. Kurt Olsen
10. Lawrence Joseph
11. Gina Swoboda
12. Seth Keshel
13. Christina Bobb
14. Kelli Ward
15. Mike Lindell
16. Cleta Mitchell

3. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by State Senator Sonny Borrelli or State Senator Wendy Rogers and containing any of the key terms listed below.

Key Terms:

- i. Finchem
- ii. Lake
- iii. "Voting machine"
- iv. "Vote-counting machine"
- v. "Electronic tabulator"
- vi. Dominion
- vii. "Election software"
- viii. Decryption
- ix. "Electronic voting"
- x. CyFIR
- xi. Bibb
- xii. "Election management system"
- xiii. "Democracy Suite"
- xiv. "America Project"
- xv. "Cybersecurity"

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited part 3 of this request to emails sent by Borrelli or Rogers. However, American Oversight requests that complete email chains be produced, displaying both sent and received messages. This means that both an individual's response to an email and the initial received message are responsive to this request and should be produced.

4. Records reflecting any evidence or documentation of compromised voting machine software used in Maricopa County, Pima County, and Coconino County's 2020 and 2022 elections, including, but not limited to, any data analyses or sworn declarations received in connection with claims made in a March 20, 2024 press conference.¹

Please provide all responsive records beginning January 1, 2024. Please consider this a standing request, the response to which should be updated promptly each time new information is added to any responsive records or new responsive records are created.

Statement of Noncommercial Purpose

¹ Greg Hahne, *AZ Sens. Borrelli and Rogers Continue Election Fraud Claims But Won't Provide Details*, KJZZ (Updated Mar. 22, 2024, 8:56 AM), <https://kjzz.org/content/1874862/az-sens-borrelli-and-rogers-continue-election-fraud-claims-wont-provide-details>.

This request is made for noncommercial purposes. American Oversight seeks records regarding statements made by Senators Borrelli and Rogers regarding the 2020 and 2022 election results. 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 Borrelli and Rogers communicated with external entities or individuals about election issues.

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.com.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:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- 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

² American Oversight currently has approximately 16,000 followers on Facebook and 111,200 followers on Twitter.com. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Apr. 11, 2024); American Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited Apr. 11, 2024).

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.

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. 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 or (202) 359-7424 ext. 1031.

Sincerely,

/s/ Elizabeth Haddix

Elizabeth Haddix

on behalf of

American Oversight