



July 24, 2024

VIA EMAIL

Ian McGaughey
County Administration Bldg.
198 S. Main St.
Yuma, AZ 85364
Ian.McGaughey@yumacountyaz.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) the officials listed below, 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/or domains.

Yuma County Officials:

- i. Recorder Richard Colwell
- ii. Supervisor Jonathan Lines
- iii. Supervisor Darren Simmons
- iv. Supervisor Martin Porchas
- v. Supervisor Marco "Tony" Reyes
- vi. Supervisor Lynne Pancrazi

External Entities or Individuals:

- i. Gina Swoboda (ginaswoboda@hotmail.com, ginaswo@asu.edu, gswoboda@azleg.gov, gs@voterreferencefoundation.com)
- ii. Goldwater Institute (goldwaterinstitute.org)
- iii. Shelby Busch (shelby.b@unitedlibertycoalition.com, wethepeopleaz@protonmail.com, shelbywpaa@protonmail.com)
- iv. Mark Finchem (markfinchem@me.com, markfinchem@protonmail.com, electionfairnessinstitute.org)
- v. Seth Keshel (skeshel@protonmail.com, skeshel@gmail.com)
- vi. Liz Harris (lizharrismba@gmail.com, lizharris@cox.net, liz@lizharrisrealty.com)



- vii. Arizona Free Enterprise Club (azfree.org)
- viii. Easy Arizona/EZ AZ (ezaz.org, strongaction.org)
- ix. Republican Party of Arizona (azgop.com)
- x. Anthony Kern (AKern@azleg.gov)
- xi. Jake Hoffman (Jake.Hoffman@azleg.gov)
- xii. Wendy Rogers (Wendyjrogers@gmail.com, wrogers@azleg.gov)
- xiii. Sonny Borrelli (sborrelli@azleg.gov)
- xiv. Only Citizens Vote Coalition (onlycitizensvotecoalition.com)
- xv. True the Vote (truethevote.org, iv3.us)
- xvi. Ian Camacho (ian.c.camacho@gmail.com) and/or anyone communicating on behalf of Look Ahead America (lookaheadamerica.org)
- xvii. Totes Legit Votes (toteslegitvotes@gmail.com)
- xviii. EagleAI Network (eagleai.pro)
- xix. Rick Richards (drr@me.com)
- xx. Steve Gaynor
- xxi. Mohave County GOP (mohavecountygop.com)
- xxii. Yavapai County GOP (ms.yavgop.org)
- xxiii. Pinal County GOP (pinalcountygop.org)
- xxiv. Yuma County GOP (yumagop.org)
- xxv. Mesena Gilbert (mesenagilbert@gmail.com)

Please note that American Oversight does not seek, and that part 1 of this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications responding to or forwarding such emails are responsive to this request. For example, if a listed official received a mass-distribution news clip email from an email address ending in azgop.org, that initial email would not be responsive to this request. However, if the listed official forwarded that email to another individual with their own commentary, that subsequent message would be responsive to this request and should be produced.

2. Records reflecting any challenges to voter registrations received by the Yuma County Recorder's Office, including any written affidavits challenging the legitimacy of any voter registrations and/or any other formal or information challenges to remove registered voters from the voter roll. and any action taken by county officials in response to said challenges, including, but not limited to, all email communications sent or received concerning challenged voter registrations.
3. Records reflecting any action taken by the Yuma County Recorder's Office in response to any challenges to voter registrations, including, but not limited to, records reflecting any investigation opened in response to a voter challenge; the removal or denial of any registered voter(s) from the voter roll in response to a voter challenge; and/or all email communications sent or received by election officials concerning challenged voter registrations.

For all parts of this request, please provide all responsive records from September 1, 2023, through the date the search is conducted.

Statement of Noncommercial Purpose

This request is made for noncommercial purposes. American Oversight seeks records regarding challenges to voter registrations filed by external parties. 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 counties have received challenges to voter rolls in the months preceding the November 2024 election.

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 X.com (formerly Twitter).¹

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.² 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

¹ American Oversight currently has approximately 16,000 followers on Facebook and 111,500 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited July 18, 2024); American Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited July 18, 2024).

² 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.

any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and 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 (252) 359-7424 ext. 1031.

Sincerely,

/s/ Elizabeth Haddix

Elizabeth Haddix

on behalf of

American Oversight