



February 2, 2024

**VIA EMAIL**

Lisa Greene  
General Counsel and Chief Legal Officer  
Center for Internet Security  
31 Tech Valley Drive  
East Greenbush, NY 12061  
lisa.greene@cisecurity.org  
info@cisecurity.org

**Request for Arizona Public Records in Center for Internet Security's Custody**

Dear Ms. Greene:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file public records requests on issues of pressing concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL has over 209,200 followers on X, and our Founder and President has over 574,900 followers on X.

Pursuant to Arizona's Public Records Law (PRL), A.R.S. § 39-121, *et seq*, AFL submits the following public records request.

611 Pennsylvania Ave SE #231  
Washington, DC 20003

320 South Madison Avenue  
Monroe, Georgia 30655

**I. Arizona’s Public Records Statute Applies to Entities that Facilitate the Removal of Social Media Content at the Request of Arizona Government Officials and Employees**

Arizona’s PRL applies to non-governmental entities if they engage in actions on behalf of a public entity for which, if the entity “had undertaken this task” itself, it “would clearly have been subject to the open-record law.” *Fann v. Kemp*, No. 1 CA-SA 21-0141, 2021 WL 3674157, at \*5 ¶ 23 (Ariz. Ct. App. Aug. 19, 2021), review denied (Sept. 14, 2021) (quoting *Forum Pub. Co. v. City of Fargo*, 391 N.W.2d 169, 172 (N.D. 1986)); see also *Cyber Ninjas, Inc. v. Hannah*, No. 1 CA-SA 21-0173, 2021 WL 5183944, at \*2 ¶ 9 (Ariz. Ct. App. Nov. 9, 2021), review denied (Jan. 4, 2022) (“reiterat[ing] our holding in *Fann* that documents ... are public records subject to the PRL even if they are in the possession of [a private entity] rather than” a public body).

If an Arizona government agency had directly removed online political speech protected by the federal and State constitutions, records of that suppression of free speech would be subject to the PRL. If your organization has removed such speech, or facilitated the removal of such speech, at the behest of agencies and political subdivisions of the State of Arizona, any such records are subject to the PRL and must be disclosed.

When a public body in Arizona subject to the PRL “outsource[s] its important ... function” to a private entity, then that entity’s “documents with a substantial nexus to government activities qualify as public records.” *Fann*, 2021 WL 3674157, at \*5 ¶ 24; see also *Cyber Ninjas*, 2021 WL 5183944 at \*4 ¶ 19 (“Only documents with a substantial nexus to government activities qualify as public records.” (quoting *Lake v. City of Phoenix*, 222 Ariz. 547, 549, ¶ 8 (2009)). Thus, “[t]o the extent [a private entity] is in sole possession of ... public records,” it “has become the custodian of those records under the PRL” and “has assumed the obligations the PRL assigns to a ‘custodian’ of public records.” *Cyber Ninjas*, 2021 WL 5183944, at \*3 ¶ 15. “Under the PRL, a person seeking public records must make its request to the ‘custodian’ of the records.” *Id.*

The Arizona Supreme Court has endorsed this interpretation of the PRL and extended it, holding also that immunities under the PRL that apply to a public body also apply to that body’s contractors. *Fann v. Kemp in & for Cnty. of Maricopa*, 253 Ariz. 537, 543, 515 P.3d 1275, 1281 (2022) (“Legislative immunity applies to legislators, legislative aides, and legislative contractors’ legislative activities. Thus, legislative contractors’ communications similarly can be subject to the legislative privilege.” (cleaned up)). No such immunities apply here.

Accordingly, AFL submits this request to the Center for Internet Security (“CIS”) because it is the custodian of the public records that AFL seeks. “The requested

records are no less public records simply because they are in the possession of a third party.” *Fann*, 2021 WL 3674157 at \*4 ¶ 23.

Your compliance with this request is required under Arizona law and is necessary to fulfill “the PRL’s purpose, which ‘exists to allow citizens to be informed about what their government is up to.’” *Cyber Ninjas*, 2021 WL 5183944 at \*4 ¶ 18 (quoting *Scottsdale Unified Sch. Dist. 48 of Maricopa Cnty. v. KPNX Broad. Co.*, 191 Ariz. 297, 302-03, ¶ 21 (1998)).

## II. Background

In recent elections, various arms of the federal and State governments have involved themselves in the policing of what they term “misinformation,” “disinformation,” and “malinformation.”<sup>1</sup> To that end, government officials—including State Secretary of State’s Offices and local election officials—reported “misinformation” for censorship to the CIS and its federally-funded Elections Infrastructure Information Sharing & Analysis Center (“EI-ISAC”).<sup>2</sup> Through their participation in the Election Integrity Partnership (“EIP”), the “misinformation” reported for censorship was relayed to the social media platforms—Facebook and Instagram, Google and YouTube, Twitter, TikTok, Reddit, Nextdoor, Discord, and Pinterest.<sup>3</sup> State and local government officials also relayed reports of “misinformation” directly to social media platforms for censorship.<sup>4</sup> The end result is that State and local government officials urge, pressure, and coerce social media platforms to monitor and censor disfavored speakers and content.

These activities are brazenly unlawful and unconstitutional. It is “axiomatic” that the government “may not induce, encourage, or promote private persons to accomplish what it is constitutionally forbidden to accomplish.” *Norwood v. Harrison*, 413 U.S.

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<sup>1</sup> See *Foreign Influence Operations and Disinformation*, CYBERSECURITY AND INFRASTRUCTURE SEC. AGENCY, <http://tinyurl.com/52e4t7wy> (last visited Dec. 22, 2023); Matt Taibbi, (@mtaibbi) TWITTER, (Dec. 9, 2022, 6:51 PM), <http://tinyurl.com/39p332tu>; Matt Taibbi, (@mtaibbi) TWITTER, (Feb. 21, 2023, 2:46 PM), <http://tinyurl.com/49xaw785>; *Press Release: AFL Lawsuit Reveals Damning CDC Documents Proving Government Collusion with Big Tech to Censor Free Speech and Promote Biden Administration Propaganda*, AM. FIRST LEGAL FOUND. (Jul. 27, 2023), <http://tinyurl.com/2z9be3wr>.

<sup>2</sup> STAFF OF H. COMM. ON THE JUDICIARY AND THE SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FEDERAL GOVERNMENT, 118TH CONG., *THE WEAPONIZATION OF CISA: HOW A “CYBERSECURITY” AGENCY COLLUDED WITH BIG TECH AND “DISINFORMATION PARTNERS TO CENSOR AMERICANS*, <http://tinyurl.com/jcr2ve64>.

<sup>3</sup> *THE LONG FUSE: MISINFORMATION AND THE 2020 ELECTION*, ELECTION INTEGRITY PROJECT at 17 (2021), <http://tinyurl.com/2j9t6k55>; see, e.g., Jeremy Duda, *Secretary of State Had Disinformation Pulled From Twitter*, AXIOS (Dec. 6, 2022), <http://tinyurl.com/mw89ces8>.

<sup>4</sup> E.g., Houston Keene, *Politics Dem Gov Katie Hobbs requested Twitter censor critics of tweet comparing Trump supporters to Nazis*, FOX NEWS, (Aug. 10, 2023), <http://tinyurl.com/2wc5pt53>; AFL also has obtained several emails through public records requests showing that during the 2022 elections, the Arizona Secretary of State’s Office communicated with Meta and with Twitter about removing or flagging users’ posts.

455, 465 (1973). A private entity thus violates the First Amendment “if the government coerces or induces it to take action the government itself would not be permitted to do, such as censor expression of a lawful viewpoint.” *Biden v. Knight First Amendment Institute at Columbia Univ.*, 141 S. Ct. 1220, 1226 (2021) (Thomas, J., concurring).

Records of such communications are thus highly relevant to the public discourse surrounding the upcoming 2024 elections and the proper role of government regarding the political speech of private citizens concerning those elections. Such records are subject to the PRL.

### **III. Records Requested**

1. For the time period of January 1, 2018 until the present, all records or communications that involve the State of Arizona or any of its political subdivisions.
2. For the time period of January 1, 2018 until the present, all records or communications about mis-, dis-, or mal-information on any social media platform (including requests that a posting be removed or that an account be suspended, removed, shadow-banned, or otherwise have its visibility or reach reduced) that were sent to or received from an Arizona state or local government official, employee, or contractor (such as from the following domains: az.gov; azsos.gov; azag.gov; maricopa.gov; risc.maricopa.gov; recorder.maricopa.gov; elections.maricopa.gov).
3. For the time period of January 1, 2018 until the present, any email chains that include the following email addresses and that also include any email address associated with Arizona state government (such as from the following domains: az.gov; azsos.gov; azag.gov; maricopa.gov; risc.maricopa.gov; recorder.maricopa.gov; elections.maricopa.gov):  
misinformation@cisecurity.org  
tips@2020partnership.atlassian.net

### **IV. Fees**

AFL is a non-profit entity and requests these records for non-commercial use. This request is made entirely to serve the public interest. AFL has a demonstrated ability and intention to effectively convey the information broadly to the public; AFL’s status as a representative of the news media has been recognized by many federal agencies, including the federal Departments of Defense, Education, Energy, Health and Human Services, Justice, Interior, and Homeland Security, which have all granted fee waivers under the Federal Freedom of Information Act.

AFL requests that you provide the records electronically in native format or in PDF format. Because AFL does not request any “copies, printouts or photographs” under the meaning of that term in Arizona statute, A.R.S. § 39-121.01(D)(1), and because public records custodians may not charge a fee for searching or redacting records for non-commercial use,<sup>5</sup> it would not be appropriate for you to charge any fees for providing the records.

We are, of course, available to provide additional information in writing or offline in support of this request. If you believe that AFL would be required under Arizona law to pay any fees in connection with this request, please contact us immediately upon making that determination.

## **V. Request for Expedited Processing**

Arizona law requires that entities subject to the PRL “promptly furnish” records requested under the Public Records Statute. A.R.S. § 39-121.01(D)(1). This requires that entities must “be[] quick to act” and “produc[e] the requested records without delay,” and the responding entities bear the burden of proving that their response was sufficiently prompt. *ACLU v. Ariz. Dep’t of Child Safety*, 240 Ariz. 142 ¶ 32 (App. 2016) (cleaned up). Additionally, “[a]n agency must make a good faith effort to conduct a search for the requested records.” *Phoenix New Times, L.L.C. v. Arpaio*, 217 Ariz. 533, 539 ¶ 16 (App. 2008) (cleaned up).

AFL thus requests expedited processing of this request. Expedited processing is particularly warranted here because AFL primarily is engaged in disseminating information to inform the public concerning government activity, and AFL uses responses to public records requests to do so. This request aims to uncover the communications from officials and employees of the State of Arizona seeking to censor political speech that is protected by the Arizona and federal Constitutions. In light of the extremely consequential upcoming elections in 2024, it is important for the public to be well-informed about the actions of State officials and employees that may affect the outcome of those elections, or which may have affected the outcome of prior elections.

Additionally, expedited processing is warranted here because failing to release the requested information would impair the substantial due process rights of an untold number of individuals persons who seek to engage in the public discourse and whose speech has been suppressed.

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<sup>5</sup> Arizona Agency Manual § 6.5.5, <https://tinyurl.com/2mu9hk56>.

## VI. Processing and Production

Processing should occur in strict compliance with Chapter 6 of the Arizona Agency Handbook.<sup>6</sup> If you have any questions or believe further discussions regarding search and processing will facilitate more efficient production of records of interest to AFL, please do not hesitate to contact me at FOIA@aflegal.org.

To accelerate your release of responsive records, AFL welcomes production on an agreed rolling basis. If possible, please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native format or in PDF format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

Thank you in advance for your cooperation.

Sincerely yours,

/s/ James K. Rogers

James K. Rogers

Arizona Bar No. 027287

America First Legal Foundation

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<sup>6</sup> *Id.* §§ 6.1-6.7.



February 2, 2024

**VIA EMAIL**

Amy B. Chan  
Arizona Secretary of State's Office  
Attn: Legal Services  
1700 W. Washington Street, Fl. 7  
Phoenix, AZ 85007-2808  
achan@azsos.gov

**Public Records Request for Social Media Communications and Takedown Requests**

Dear Ms. Chan:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file public records requests on issues of pressing concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL has over 209,200 followers on X, and our Founder and President has over 574,900 followers on X.

Pursuant to Arizona's Public Records Law (PRL), A.R.S. § 39-121, *et seq.*, AFL submits the following public records request.

**I. Background**

In recent elections, various arms of the federal and State governments have involved themselves in the policing of what they term "misinformation," "disinformation," and

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“malinformation.”<sup>1</sup> To that end, government officials—including State Secretary of State’s Offices and local election officials—reported “misinformation” for censorship to the Center for Internet Security (“CIS”) and its federally-funded Elections Infrastructure Information Sharing & Analysis Center (“EI-ISAC”).<sup>2</sup> Through their participation in the Election Integrity Partnership (“EIP”), the “misinformation” reported for censorship was relayed to the social media platforms—Facebook and Instagram, Google and YouTube, Twitter, TikTok, Reddit, Nextdoor, Discord, and Pinterest.<sup>3</sup> State and local government officials also relayed reports of “misinformation” directly to social media platforms for censorship.<sup>4</sup> The end result is that State and local government officials urge, pressure, and coerce social media platforms to monitor and censor disfavored speakers and content.

These activities are brazenly unlawful and unconstitutional. It is “axiomatic” that the government “may not induce, encourage, or promote private persons to accomplish what it is constitutionally forbidden to accomplish.” *Norwood v. Harrison*, 413 U.S. 455, 465 (1973). A private entity thus violates the First Amendment “if the government coerces or induces it to take action the government itself would not be permitted to do, such as censor expression of a lawful viewpoint.” *Biden v. Knight First Amendment Institute at Columbia Univ.*, 141 S. Ct. 1220, 1226 (2021) (Thomas, J., concurring).

Records of such communications are thus highly relevant to the public discourse surrounding the upcoming 2024 elections and the proper role of government regarding the political speech of private citizens concerning those elections. Such records are subject to the PRL.

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## **II. Records Requested**

1. For the time period of January 1, 2018 until the present, all records or communications related to CIS, EIP, or EI-ISAC.
2. For the time period of January 1, 2018 until the present, all records or communications about mis-, dis-, or mal-information on any social media platform (including requests that a posting be removed or that an account be suspended, removed, shadow-banned, or otherwise have its visibility or reach reduced) that were sent to or received from the following social media platforms: Facebook; Instagram; Google; YouTube; Twitter; TikTok; Reddit; Nextdoor; Discord; and Pinterest.
3. For the time period of January 1, 2018 until the present, all emails or email chains that include the following email addresses:  
misinformation@cisecurity.org  
tips@2020partnership.atlassian.net

## **III. Custodians**

Until January 2, 2023:

1. Katie Hobbs, Secretary of State
2. Allie Bones, Assistant Secretary of State
3. Kori Lorkick, State Elections Director / Election Services and Compliance Manager
4. Christine Dyster, Deputy Elections Director
5. C. Murphy Hebert, Director of Communications
6. Sophia Solis, Deputy Communications Director

From January 1, 2023, until the present:

7. Adrian Fontes, Secretary of State
8. Keely Varvel, Assistant Secretary of State
9. C. Murphy Hebert, Deputy Assistant Secretary of State
10. Colleen Connor, State Elections Director
11. Lisa Marra, Deputy Elections Director
12. Paul Smith-Leonard, Director of Communications
13. Amanda O'Halloran, Interim Communications Director

## **IV. Fees**

AFL is a non-profit entity and requests these records for non-commercial use. This request is made entirely to serve the public interest. AFL has a demonstrated ability and intention to effectively convey the information broadly to the public; AFL's status

as a representative of the news media has been recognized by many federal agencies, including the federal Departments of Defense, Education, Energy, Health and Human Services, Justice, Interior, and Homeland Security, which have all granted fee waiver requests under the federal Freedom of Information Act.

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February 2, 2024

**VIA EMAIL**

Maricopa County  
Custodian of Public Records  
301 West Jefferson Street  
Phoenix, Arizona 85003  
pr@risc.maricopa.gov

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3. For the time period of January 1, 2018 until the present, all emails or email chains that include the following email addresses:  
misinformation@cisecurity.org  
tips@2020partnership.atlassian.net
4. For the time period of January 1, 2021 until the present, any emails from or to County Recorder Stephen Richer relating to the CISA MDM subcommittee or to his work for the subcommittee as a subject matter expert (SME).

### **III. Custodians**

1. Stephen Richer, Maricopa County Recorder
2. Yessica del Rincón, Public Information Officer, Maricopa County Recorder's Office
3. Bill Gates, Maricopa County Supervisor, Chairman
4. Clint Hickman, Maricopa County Supervisor, Vice Chairman
5. Jack Sellers, Maricopa County Supervisor
6. Thomas Galvin, Maricopa County Supervisor
7. Steve Gallardo, Maricopa County Supervisor
8. Steve Chucuri, former Maricopa County Supervisor
9. Scott Jarrett, Maricopa County Elections Director
10. Dyster, Christine, Deputy Director, Elections Department
11. Karen Loschiavo, Executive Assistant, Elections Department

### **IV. Fees**

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AFL thus requests expedited processing of this request. Expedited processing is particularly warranted here because AFL primarily is engaged in disseminating information to inform the public concerning government activity, and AFL uses responses to public records requests to do so. This request aims to uncover the communications from officials and employees of the county seeking to censor political speech that is protected by the State and federal Constitutions. In light of the extremely consequential upcoming elections in 2024, it is important for the public to be well-informed about the actions of State officials and employees that may affect the outcome of those elections.

Additionally, expedited processing is warranted here because failing to release the requested information would impair the substantial due process rights of an untold number of individuals persons who seek to engage in the public discourse and whose speech has been suppressed.

## **VI. Processing and Production**

Processing should occur in strict compliance with Chapter 6 of the Arizona Agency Handbook.<sup>6</sup> If you have any questions or believe further discussions regarding search

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<sup>5</sup> Arizona Agency Manual § 6.5.5, <https://tinyurl.com/2mu9hk56>.

<sup>6</sup> *Id.* §§ 6.1-6.7.

and processing will facilitate more efficient production of records of interest to AFL, please do not hesitate to contact me at FOIA@aflegal.org.

To accelerate your release of responsive records, AFL welcomes production on an agreed rolling basis. If possible, please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native format or in PDF format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

Thank you in advance for your cooperation.

Sincerely yours,

/s/ James K. Rogers

James K. Rogers

Arizona Bar No. 027287

America First Legal Foundation





February 2, 2024

**VIA EMAIL**

Pima County Public Records Custodian  
Pima County  
115 N Church Avenue  
2nd Floor, Suite 231  
Tucson, AZ 85701  
publicrecords@pima.gov

**Public Records Request for Social Media Communications and Takedown Requests**

Dear Public Records Custodian:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file public records requests on issues of pressing concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL has over 209,200 followers on X, and our Founder and President has over 574,900 followers on X.

Pursuant to Arizona's Public Records Law (PRL), A.R.S. § 39-121, *et seq.*, AFL submits the following public records request.

**I. Background**

In recent elections, various arms of the federal and State governments have involved themselves in the policing of what they term "misinformation," "disinformation," and

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Washington, DC 20003

320 South Madison Avenue  
Monroe, Georgia 30655

[www.aflegal.org](http://www.aflegal.org)

“malinformation.”<sup>1</sup> To that end, government officials—including State Secretary of State’s Offices and local election officials—reported “misinformation” for censorship to the Center for Internet Security (“CIS”) and its federally-funded Elections Infrastructure Information Sharing & Analysis Center (“EI-ISAC”).<sup>2</sup> Through their participation in the Election Integrity Partnership (“EIP”), the “misinformation” reported for censorship was relayed to the social media platforms—Facebook and Instagram, Google and YouTube, Twitter, TikTok, Reddit, Nextdoor, Discord, and Pinterest.<sup>3</sup> State and local government officials also relayed reports of “misinformation” directly to social media platforms for censorship.<sup>4</sup> The end result is that State and local government officials urge, pressure, and coerce social media platforms to monitor and censor disfavored speakers and content.

These activities are brazenly unlawful and unconstitutional. It is “axiomatic” that the government “may not induce, encourage, or promote private persons to accomplish what it is constitutionally forbidden to accomplish.” *Norwood v. Harrison*, 413 U.S. 455, 465 (1973). A private entity thus violates the First Amendment “if the government coerces or induces it to take action the government itself would not be permitted to do, such as censor expression of a lawful viewpoint.” *Biden v. Knight First Amendment Institute at Columbia Univ.*, 141 S. Ct. 1220, 1226 (2021) (Thomas, J., concurring).

Records of such communications are thus highly relevant to the public discourse surrounding the upcoming 2024 elections and the proper role of government regarding the political speech of private citizens concerning those elections. Such records are subject to the PRL.

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<sup>1</sup> See *Foreign Influence Operations and Disinformation*, CYBERSECURITY AND INFRASTRUCTURE SEC. AGENCY, <http://tinyurl.com/52e4t7wy> (last visited Dec. 22, 2023); Matt Taibbi, (@mtaibbi) TWITTER, (Dec. 9, 2022, 6:51 PM), <http://tinyurl.com/39p332tu>; Matt Taibbi, (@mtaibbi) TWITTER, (Feb. 21, 2023, 2:46 PM), <http://tinyurl.com/49xaw785>; *Press Release: AFL Lawsuit Reveals Damning CDC Documents Proving Government Collusion with Big Tech to Censor Free Speech and Promote Biden Administration Propaganda*, AM. FIRST LEGAL FOUND. (Jul. 27, 2023), <http://tinyurl.com/2z9be3wr>.

<sup>2</sup> STAFF OF H. COMM. ON THE JUDICIARY AND THE SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FEDERAL GOVERNMENT, 118TH CONG., THE WEAPONIZATION OF CISA: HOW A “CYBERSECURITY” AGENCY COLLUDED WITH BIG TECH AND “DISINFORMATION PARTNERS TO CENSOR AMERICANS, <http://tinyurl.com/jcr2ve64>.

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## **II. Records Requested**

1. For the time period of January 1, 2018 until the present, all records or communications related to CIS, EIP, or EI-ISAC.
2. For the time period of January 1, 2018 until the present, all records or communications about mis-, dis-, or mal-information on any social media platform (including requests that a posting be removed or that an account be suspended, removed, shadow-banned, or otherwise have its visibility or reach reduced) that were sent to or received from the following social media platforms: Facebook; Instagram; Google; YouTube; Twitter; TikTok; Reddit; Nextdoor; Discord; and Pinterest.
3. For the time period of January 1, 2018 until the present, all emails or email chains that include the following email addresses:  
misinformation@cisecurity.org  
tips@2020partnership.atlassian.net

## **III. Custodians**

1. Gabriella Cazares-Kelly, Pima County Recorder
2. Constance Hargrove, Pima County Elections Director
3. Adelita Grijalva, Pima County Supervisor
4. Sylvia M. Lee, Pima County Supervisor
5. Steve Christy, Pima County Supervisor
6. Matt Heinz, Pima County Supervisor
7. Rex Scott, Pima County Supervisor
8. Sharon Bronson, former Pima County Supervisor
9. Ramon Valadez, former Pima County Supervisor
10. Betty Villegas, former Pima County Supervisor
11. Ally Miller, former Pima County Supervisor

## **IV. Fees**

AFL is a non-profit entity and requests these records for non-commercial use. This request is made entirely to serve the public interest. AFL has a demonstrated ability and intention to effectively convey the information broadly to the public; AFL's status as a representative of the news media has been recognized by many federal agencies, including the federal Departments of Defense, Education, Energy, Health and Human Services, Justice, Interior, and Homeland Security, which have all granted fee waiver requests under the federal Freedom of Information Act.

AFL requests that you provide the records electronically in native format or in PDF format. Because AFL does not request any "copies, printouts or photographs" under

the meaning of that term in Arizona statute, A.R.S. § 39-121.01(D)(1), and because public records custodians may not charge a fee for searching or redacting records for non-commercial use,<sup>5</sup> it would not be appropriate for you to charge any fees for providing the records.

We are, of course, available to provide additional information in writing or offline in support of this request. If you believe that AFL would be required to pay any fees in connection with this request, please contact us immediately upon making that determination.

## **V. Request for Expedited Processing**

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Sincerely yours,

/s/ James K. Rogers

James K. Rogers

Arizona Bar No. 027287

America First Legal Foundation



February 2, 2024

**VIA EMAIL**

Coconino County Custodian of Records  
219 East Cherry Avenue  
Flagstaff, AZ 86001  
clerkoftheboard@coconino.az.gov  
recorder@coconino.az.gov  
ccollections@coconino.az.gov  
Elections@coconino.az.gov

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2. Donna Casner, Chief Deputy Recorder
3. Eslir Musta, Elections Director
4. Whitney Juszczak, Assistant Director of Elections
5. Patrice Horstman, Board of Supervisors
6. Jeronimo Vasquez, Board of Supervisors
7. Matt Ryan, Board of Supervisors
8. Judy Begay, Board of Supervisors
9. Lena Fowler, Board of Supervisors

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