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CLERK OF THE SUPERIOR COURT
M. PATTERSON
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2 State Bar No. 038052
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4 P.O. Box 30042
5 Phoenix, AZ 85046
6 (989) 627-7757
7 davjhoffa@gmail.com
8 Attorney for Plaintiff, *Judicial Watch, Inc.*

9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

10 **MARICOPA COUNTY**

11 **JUDICIAL WATCH, INC.**) Maricopa County Superior Court
12 Plaintiff,) No. CV 2025-005732
13 v.) **COMPLAINT FOR SPECIAL ACTION**
14 **KRIS MAYES, in her official capacity as**) (A.R.S. § 39-121.02)
15 **Attorney General of the State of Arizona,**)
16 **ARIZONA DEPARTMENT OF LAW,**)
17 **an executive department of the State of**)
18 **Arizona,**)
19 Defendants.)
Plaintiff Judicial Watch, Inc. brings this special action against Defendants Kris Mayes, in
her official capacity as Arizona Attorney General, and the Arizona Department of Law, to

1 compel compliance with the Arizona Public Records Law, A.R.S. §§ 39-121, *et seq.* As grounds
2 therefor, Plaintiff alleges as follows:

3 **PARTIES**

4 1. Plaintiff Judicial Watch, Inc. (“Plaintiff”) is a not-for-profit, educational
5 organization incorporated under the laws of the District of Columbia and headquartered at 425
6 Third Street SW, Suite 800, Washington, DC 20024. Plaintiff seeks to promote transparency,
7 accountability, and integrity in government and fidelity to the rule of law. As part of its mission,
8 Plaintiff regularly requests records from federal, state, and local governments pursuant to open
9 records laws. Plaintiff analyzes the responses and disseminates its findings and the requested
10 records to the American public to inform them about “what their government is up to.”

11 2. Defendant Kris Mayes is the Attorney General for the State of Arizona, an
12 “officer” as that term is defined in A.R.S. § 39-121.01(A)(1). Attorney General Mayes has
13 possession, custody, and control of records to which Plaintiff seeks access.

14 3. Defendant Arizona Department of Law (commonly known as the Attorney
15 General's Office, designated in this Complaint as “AZAG,” and collectively with the Attorney
16 General designated as “Defendants”) is an executive department of the State of Arizona, and a
17 “public body” as that term is defined in A.R.S. § 39-121.01(A)(2). The Department of Law has
18 possession, custody, and control of records to which Plaintiff seeks access.

19 **JURISDICTION AND VENUE**

20 4. This Court has jurisdiction over this matter pursuant to A.R.S. § 39-121.02 and
21 Rule 3 of the Arizona Rules of Procedure for Special Actions (RPSA).

5. Venue is proper in this Court under RPSA 6(a)(2), because Defendant Mayes is an
agent of the State of Arizona and Defendant Department of Law is a public body of the State of
Arizona.

GENERAL ALLEGATIONS

6. On November 21, 2024, The Daily Signal published a report concerning correspondence between AZAG and the nonprofit organization “States United Democracy Center” during the lead up to AZAG's filing of criminal charges related to President Donald Trump's 2020 presidential campaign.

7. On December 9, 2024, Plaintiff sent to Defendants by both certified mail and G's online public records portal a request asking Defendants to produce the following records pursuant to the Arizona Public Records Law, A.R.S. §§ 39-121, *et seq.*:

1. The memo provided by *States United Democracy Fund* (“SUDC”) to AZAG regarding the investigation and prosecution of Republican state electors or “fake electors” for the 2020 presidential election.
2. Any communications between AZAG and SUDC.
3. Any communications between AZAG and the *Voter Protection Program* (“VPP”).
4. Any agreement or letter of engagement between SUDC and AGO.
5. Any communications between SUDC or VPP and any individual or entity, public or private, discussing, researching, mentioning, or illuding [sic] to

the investigation or prosecution of Republican state electors or “fake electors” for the 2020 presidential election.

6. Any communication from SUDC or VPP to any individual or entity, public or private, recommending, advocating, and/or offering advice or strategy for investigating or prosecuting Republican state electors or “fake electors” for the 2020 presidential election.

7. Any communication from SUDC or VPP to any individual or entity, public or private, recommending, advocating, or offering advice or providing or receiving strategy for preventing Donald Trump and his associates, allies, or supporters from challenging the outcome of the 2020 presidential election.

8. The time frame of the request was identified as “January 1, 2020, to the
completion of this request.” The request also asked Defendants: “If any responsive record or
portion thereof is claimed to be exempt from production, please provide sufficient identifying
information with respect to each allegedly exempt record or portion thereof to allow us to assess the
merit of the claimed exemption (A.R.S. §39-21.01.D.2.”).

9. A true and correct copy of Plaintiff's public records request is attached as **Exhibit**

10. On December 12, 2024, Plaintiff received an email from PublicRecords@azag.gov
regarding “responsive records subject to disclosure.” This email stated that “[a]dditional
responsive records have been withheld due to attorney-client and work-product privilege,” but provided

1 no index of records withheld. Nor did it provide any further explanation justifying its decision to
2 withhold responsive records on the grounds asserted.

3 11. This email further stated: “Our office is not aware of any correspondence with a
4 'VPP,' but can conduct a search if you have additional details to provide, like an email domain,
5 for example.” Plaintiff replied on December 16, 2024, providing the email domain
6 “@protectvoting.org,” to which AZAG responded on December 17, 2024, that they “have
7 started the process of searching for responsive records.”

8 12. Afterwards, on December 17, 2024, Plaintiff sent a reply email refreshing its
9 request for “an index of the withheld records under A.R.S. Sec. 39-121.01(D)(2).” Defendants
10 did not provide an acknowledgment of this request.

11 13. A true and correct copy of this email exchange is attached as **Exhibit B**.

12 14. In the time since Defendants' December 16, 2024, email stating that they reopened
13 their search for responsive records, Plaintiff has not received any such records, nor has Plaintiff
14 received any communication from Defendants regarding the status of the search.

15 15. In the time since Plaintiff's December 17, 2024, email refreshing its request for an
16 index of withheld records, Plaintiff has not received such an index, nor has it received any
17 further communications from Defendants regarding the status of any preparation of such an
18 index.

19 16. As of the date of this Complaint, after over two months, Defendants have failed to
20 (i) adequately search for and promptly furnish the “VPP” documents in response to Plaintiff’s
21 request; and (ii) indicate when or even whether these responsive records will be provided.

1 Pursuant to A.R.S. § 39.121.01(E), Defendants' failure to promptly respond to Plaintiff's records
2 request means that access to the requested records is deemed to be denied by Defendants.

3 17. As of the date of this Complaint, after over two months, Defendants have withheld
4 responsive records while failing to provide any justification for the withholding beyond bare
5 assertions of work-product and attorney-client protections. Further, Defendants have failed to (i)
6 reply to Plaintiff's renewed request for an index of withheld records; (ii) provide an index of
7 withheld records and the reasons for their nondisclosure; (iii) indicate when or even whether an
8 index of withheld records will be be provided; and (iv) provide any justification for failing to
9 provide an index of withheld records. Defendants have denied Plaintiff's records request with
10 respect to the withheld records, and, pursuant to A.R.S. § 39.121.01(E), Defendants' failure to
11 provide an index of withheld records means that access to requested public records is deemed to
12 be denied by Defendants.

13 **COUNT ONE**

14 **(Violation of Arizona Public Records Law, A.R.S. §§ 39-121, *et seq.* – Failure to furnish
15 responsive public records, withheld records)**

16 18. Plaintiff realleges and incorporates by reference paragraphs 1 through 17 as if
17 fully stated herein.

18 19. Article V, § 1(D) of the Arizona Constitution requires the Attorney General to
19 "keep . . . public records, books and papers," and to "perform such duties . . . as may be
20 provided by law." Article V, § 9 of the Arizona Constitution provides that "[t]he powers and
21 duties of . . . attorney general . . . shall be as prescribed by law." A.R.S. § 41-193(A) provides

1 that “[t]he department of law shall be composed of the attorney general and the subdivisions of
2 the department created as provided in this article[, and u]nless otherwise provided by law the
3 department shall: . . . 9. Perform other duties prescribed by law.”

4 20. Among Defendants' duties required and prescribed by law are those set by
5 Arizona's Public Records Law, which requires public officers and public bodies to maintain all
6 records reasonably necessary or appropriate to maintain an accurate knowledge of their official
7 activities and activities supported by public money. A.R.S. § 39-121.01(B).

8 21. Arizona's Public Records Law grants every person the right to examine or be
9 promptly furnished with copies of public records. A.R.S. §§ 39-121 and 39-121.01(D). A
10 presumption in favor of disclosure applies to all public records. To discharge its duties under the
11 Public Records Law, public officers and public bodies must adequately search for and promptly
12 furnish responsive public records, unless the public officer or body can present evidence
13 demonstrating that an exception to disclosure applies.

14 22. Access to a public record is deemed denied if the custodian fails to promptly
15 furnish documents in response to a public records request. A.R.S. § 39-121.01(E).

16 23. Plaintiff has a right to inspect and obtain copies of the public records requested on
17 December 9, 2024 (Exhibit A), unless Defendants can present evidence justifying nondisclosure.

18 24. Defendants have violated Arizona's Public Records Law by failing for over two
19 months to promptly furnish public records requested on December 9, 2024 (Exhibit A) to
20 Plaintiff. Specifically, as acknowledged in Defendants' December 12, 2024, email, Defendants
21 are withholding records that they assert are exempt from disclosure under work-product and

1 attorney-client protections, but have not provided Plaintiff with any information that could be
2 used to evaluate these asserted exemptions.

3 25. By doing so, Defendants have failed to perform a duty required by law as to which
4 Defendants have no discretion and/or has failed to properly exercise discretion which
5 Defendants have a duty to exercise.

6 26. By doing so, Defendants have proceeded without or in excess of jurisdiction and
7 legal authority.

8 27. Defendants' conduct is arbitrary and capricious and/or an abuse of discretion.

9 28. An actual controversy exists between Plaintiff and Defendants regarding
10 Defendants' duties under the Arizona Public Records Law, and a Special Action to resolve this
11 controversy is authorized by statute, A.R.S. § 39-121.02.

12 29. Plaintiff is being irreparably harmed and damaged by Defendants' ongoing
13 violations of Plaintiff's right to access public records. Plaintiff will continue to be irreparably
14 harmed and damaged unless the relief requested in this special action is granted.

15 **COUNT TWO**

16 **(Violation of Arizona Public Records Law, A.R.S. §§ 39-121, *et seq.* – Failure to adequately
17 search for and promptly furnish responsive public records, VPP records)**

18 30. Plaintiff realleges and incorporates by reference paragraphs 1 through 17 and 19
19 through 23 as if fully stated herein.

20 31. Defendants have violated Arizona's Public Records Law by failing for over two
21 months to promptly furnish public records requested on December 9, 2024 (Exhibit A) to

1 Plaintiff. Specifically, the records that Defendants stated in their December 16, 2024, email that
2 they would begin searching for.

3 32. By doing so, Defendants have failed to perform a duty required by law as to which
4 Defendants have no discretion and/or has failed to properly exercise discretion which
5 Defendants have a duty to exercise.

6 33. By doing so, Defendants have proceeded without or in excess of jurisdiction and
7 legal authority.

8 34. Defendants' conduct is arbitrary and capricious and/or an abuse of discretion.

9 35. An actual controversy exists between Plaintiff and Defendants regarding
10 Defendants' duties under the Arizona Public Records Law, and a Special Action to resolve this
11 controversy is authorized by statute, A.R.S. § 39-121.02.

12 36. Plaintiff is being irreparably harmed and damaged by Defendants' ongoing
13 violations of Plaintiff's right to access public records. Plaintiff will continue to be irreparably
14 harmed and damaged unless the relief requested in this special action is granted.

15 **COUNT THREE**

16 **(Violation of Arizona Public Records Law, A.R.S. §§ 39-121, *et seq.* – Failure to furnish an
17 index of withheld public records)**

18 37. Plaintiff realleges and incorporates by reference paragraphs 1 through 17 and 19
19 through 21 as if fully stated herein.

20 38. A.R.S. § 39-121.01(D)(2) provides: "If requested, the custodian of the records of
21 an agency shall also furnish an index of records or categories of records that have been withheld

1 and the reasons the records or categories of records have been withheld from the requesting
2 person. . . . For the purposes of this paragraph, 'agency' has the same meaning prescribed in
3 section 41-1001." An "agency" under A.R.S. § 41-1001 includes "any . . . department [or]
4 officer . . . of this state, including the agency head and one or more members of the agency head
5 or agency employees or other persons directly or indirectly purporting to act on behalf or under
6 the authority of the agency head, whether created under the Constitution of Arizona or by
7 enactment of the legislature."

8 39. Access to a public record is deemed denied if the custodian is an "agency" as
9 defined under A.R.S. § 41-1001 and the agency "fails to provide to the requesting person an
10 index of any record or categories of records that are withheld from production pursuant to
11 subsection D, paragraph 2 of this section." A.R.S. § 39-121.01(E).

12 40. Plaintiff has a right to receive an index of responsive records or categories of
13 responsive records that Defendants have withheld from production in response to Plaintiff's
14 December 9, 2024, records request (Exhibit A). A.R.S. § 39-121.01(D)(2). This index must include
15 "the reasons the records or categories of records have been withheld." *Id.*

16 41. Defendants have violated Arizona's Public Records Law by failing to provide such
17 an index to Plaintiff regarding the responsive records withheld in response to Plaintiff's
18 December 9, 2024, records request (Exhibit A).

19 42. By doing so, Defendants have failed to perform a duty required by law as to which
20 Defendants have no discretion and/or has failed to properly exercise discretion which
21 Defendants have a duty to exercise.

43. By doing so, Defendants have proceeded without or in excess of jurisdiction and authority.

44. Defendants' conduct is arbitrary and capricious and/or an abuse of discretion.

45. An actual controversy exists between Plaintiff and Defendants regarding Defendants' duties under the Arizona Public Records Law, and a Special Action to resolve this controversy is authorized by statute, A.R.S. § 39-121.02.

46. Plaintiff is being irreparably harmed and damaged by Defendants' ongoing violations of Plaintiff's right to an index under the Arizona Public Records Law. Plaintiff will continue to be irreparably harmed and damaged unless the relief requested in this special action is granted.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment against defendants as follows:

A. Directing Defendants to immediately comply with A.R.S. §§ 39-121, *et seq.*, to conduct an adequate search for records responsive to Plaintiff's public records request, and to provide Plaintiff with copies of all public records requested on December 9, 2024, unless an exception to disclosure supported by specific evidence applies;

B. Permanently enjoining Defendants from continuing to fail to adequately search for all such public records, and from continuing to withhold any

such public records unless an exception to disclosure supported by evidence applies;

C. Directing Defendants to immediately comply with A.R.S. §§ 39-121, *et seq.*, to provide an index that (i) lists responsive records or categories of responsive records to Plaintiff's public records request that have been withheld from disclosure, and (ii) provides the reasons the responsive records or categories of responsive records have been withheld from disclosure;

D. Permanently enjoining Defendants from continuing to fail to provide such an index;

E. Awarding attorney's fees and other legal costs reasonably incurred by Plaintiff in this action pursuant to A.R.S. § 39-121.02(B) and RPSA 7(i); and

F. Granting Plaintiff such other and further relief as the Court deems just and proper.

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1 **RESPECTFULLY SUBMITTED** on February 14th, 2025.

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David J. Hoffa

David J. Hoffa

State Bar No. 038052

c/o Mark Spencer

P.O. Box 30042

Phoenix, AZ 85046

(989) 627-7757

davjhoffa@gmail.com

Attorney for Plaintiff

21

EXHIBIT A



Judicial Watch®

*Because no one
is above the law!*

December 7, 2024

CERTIFIED MAIL

Kris Mayes, Arizona Attorney General
Arizona Attorney General's Office
2005 N Central Ave.
Phoenix, AZ 85004

Re: **Records under Public Records Law**
A.R.S. § 39-101 through 39-221

Ms. Mayes;

The Daily Signal reported last month that a group led by former Obama “ethics czar” Norm Eisen was working behind the scenes with you and/or your office (“AZAG” – *the Arizona Attorney General’s Office*) to investigate and prosecute the Arizona “fake electors” after the 2020 election. The effort appears to have resulted in the criminal charges currently pending against Mark Meadows, Rudy Giuliani, Kelly Ward, et al., State of Ariz. v. Ward, Case No. CR-2024006850.

THE DAILY SIGNAL

EXCLUSIVE: Nonprofit Laid Out Road Map for Prosecuting Trump Supporters, and Arizona's AG Seems to Have Followed It



<https://www.dailysignal.com/2024/11/21/arizona-indictments-trump-supporters-mirror-nonprofits-suggestions/>

Pursuant to the provisions of the Arizona Public Records Law (*APRL*), A.R.S. §39-101 through §39-221, and unless otherwise noted, within the date range of January 1, 2020, to the completion of this request, please provide copies of:

1. The memo provided by *States United Democracy Fund* (“SUDC”) to AZAG regarding the investigation and prosecution of Republican state electors or “fake electors” for the 2020 presidential election.
2. Any communications between AZAG and SUDC.
3. Any communications between AZAG and the *Voter Protection Program* (“VPP”).
4. Any agreement or letter of engagement between SUDC and AGO.
5. Any communications between SUDC or VPP and any individual or entity, public or private, discussing, researching, mentioning, or illuding to the investigation or prosecution of Republican state electors or “fake electors” for the 2020 presidential election.
6. Any communication from SUDC or VPP to any individual or entity, public or private, recommending, advocating, and/or offering advice or strategy for investigating or prosecuting Republican state electors or “fake electors” for the 2020 presidential election.
7. Any communication from SUDC or VPP to any individual or entity, public or private, recommending, advocating, or offering advice or providing or receiving strategy for preventing Donald Trump and his associates, allies, or supporters from challenging the outcome of the 2020 presidential election.

These records are considered public under A.R.S. §39-101 through §39-221. To the extent applicable, the following definitions apply to the request:

“COMMUNICATION(S)” means every manner or method of disclosure, exchange of information, statement, or discussion between or among two or more persons, including but not limited to, face-to-face and telephone conversations, correspondence, memoranda, telegrams, telexes, email messages, voice-mail messages, text messages, electronic messaging (including instant messaging and chats delivered through Microsoft Teams, Google Workspace, Zoom Team Chat, or other similar systems), meeting minutes, discussions, releases, statements, reports, publications, and any recordings or reproductions thereof.

“DOCUMENT(S)” or “RECORD(S)” mean any kind of written, graphic, or recorded matter, however produced or reproduced, of any kind or description, whether sent, received, or neither, including drafts, originals, non-identical copies, and information stored magnetically, electronically, photographically or otherwise. As used herein, the terms “DOCUMENT(S)” or “RECORD(S)” include, but are not limited to, studies, papers, books, accounts, letters, diagrams, pictures, drawings, photographs, correspondence, telegrams, cables, text messages, emails, memoranda, notes, notations, work papers, intra-office and inter-office communications, communications to, between and among employees, contracts, financial agreements, grants, proposals, transcripts, minutes, orders, reports, recordings, or other documentation of telephone or other conversations, interviews, affidavits, slides, statement summaries, opinions, indices, analyses, publications, questionnaires, answers to questionnaires, statistical records, ledgers, journals, lists, logs, tabulations, charts, graphs, maps, surveys, sound recordings, data sheets, computer printouts, tapes, discs, microfilm, and all other records kept, regardless of the title, author, or origin.

“PERSON” means individuals, entities, firms, organizations, groups, committees, regulatory agencies, governmental entities, business entities, corporations, partnerships, trusts, and estates.

“REFERS,” “REFERRING TO,” “REGARDS,” REGARDING,” “RELATES,” “RELATING TO,” “CONCERNS,” “CONCERNING” or “PERTAINS TO” mean, containing, alluding to, responding to, commenting upon, discussing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing, or characterizing, either directly or indirectly, in whole or in part.

Pursuant to A.R.S. §39-121.01.D.1, records must be furnished promptly. We look forward to your prompt response. Any response or records that can be delivered via e-mail attachments are certainly acceptable. Additionally, all responsive records in an electronic format (“PDF” is preferred) is appreciated. We also are willing to accept a “rolling production” of responsive records if it will facilitate a more timely production.

If any responsive record or portion thereof is claimed to be exempt from production, please provide sufficient identifying information with respect to each allegedly exempt record or portion thereof to allow us to assess the propriety of the claimed exemption (A.R.S. §39-121.01.D.2.) Additionally, any reasonably segregable portion of a record otherwise exempt from disclosure is required to be made available after deletion of the portions that are exempted by law.

Finally, the information sought is for non-commercial purposes. Please be advised that if the records are not provided to our office or if we do not hear from your office we will assume that your office is refusing to comply with our Public Records Request. If you do not understand this request or any portion thereof, or if you feel you require clarification of this request or any portion thereof, please contact us immediately at 602.510.7875 or mspencer@judicialwatch.org. The local Arizona address is:

Judicial Watch Inc.
PO Box 30042
Phoenix, AZ 85046

Sincerely,



MARK SPENCER
Southwest Projects Coordinator
Judicial Watch, Inc.

EXHIBIT B

Mark Spencer

From: Mark Spencer
Sent: Tuesday, December 17, 2024 5:20 PM
To: PublicRecords
Cc: Taylor, Richie
Subject: Index of Withheld Records: [EXTERNAL] AZAG Public Records Request: PRR-2024-112593-1923

Thanks again for the quick response.

Would you also be able to provide an index of the withheld records under A.R.S. Sec. 39-121.01(D)(2). My intent is not to aggravate or generate more work (which most likely this does), but to be thorough so as to acquire an accurate perspective and assessment of the issue.

Greatly appreciated,

Mark
602510.7875

From: PublicRecords <PublicRecords@azag.gov>
Sent: Tuesday, December 17, 2024 1:51 PM
To: Mark Spencer <MSpencer@JUDICIALWATCH.ORG>
Cc: Paul Orfanedes <POrfanedes@JUDICIALWATCH.ORG>
Subject: RE: [EXTERNAL] AZAG Public Records Request: PRR-2024-112593-1923

Hi Mark,

Thank you for providing the @protectvoting.org email domain. We have started the process of searching for responsive records.

Additionally, please find attached the memo referenced in item #1 of your request.

Sincerely,

Public Records



Arizona Attorney General Kris Mayes
2005 N. Central Ave.
Phoenix, AZ 85004
PublicRecords@azag.gov
<https://www.azag.gov/>

From: Mark Spencer <MSpencer@JUDICIALWATCH.ORG>
Sent: Monday, December 16, 2024 7:26 AM
To: PublicRecords <PublicRecords@azag.gov>
Cc: Paul Orfanedes <POrfanedes@JUDICIALWATCH.ORG>
Subject: RE: AZAG Public Records Request: PRR-2024-112593-1923

Thanks so much for your prompt response. It's greatly appreciated.

Allow me to assist your efforts by providing additional details, specifically an email domain. *The Voter Protection Project* email domain would be @protectvoting.org. I'm also providing an example (see attached and below – [States United Democracy Center](#)) of what might be related to item #1 in our request: *The memo provided by States United Democracy Fund (“SUDC”) to AZAG regarding the investigation and prosecution of Republican state electors or “fake electors” for the 2020 presidential election.*

Out of courtesy, I've copied Judicial Watch legal counsel to inform them of your assistance.

Again, thank you,

Mark Spencer
602.510.7875

COPY

ATTORNEY-CLIENT PRIVILEGE
ATTORNEY WORK PRODUCT

SW2023-010034

CLERK OF THE SUPERIOR COURT
FILED

08-31-2023 3:45 p.m.
D. Navarro, Deputy



To: Office of the Arizona Attorney General
From: States United Democracy Center
Date: July 25, 2023
Re: Arizona False Electors Scheme Memo

I. INTRODUCTION

After losing the 2020 election, former President Donald Trump and his allies launched a complex and unlawful plan to overturn the election results in certain states, including Arizona, with the goal of preventing Joe Biden from being declared the winner of the presidential election. The plan included perpetuating, even before Election Day, the "big lie" that the only way that Trump could lose is if the election were "stolen"; filing frivolous post-election lawsuits; pressuring officials in seven battleground states to delay or stop certification of election results; urging state legislatures to declare a "failed" election, to order a complete "audit" of all votes, and to appoint their own slate of (Republican) electors; and finally, disrupting the January 6, 2021, Joint Session of Congress and pressuring then-Vice President Mike Pence to reject legitimate slates of (Democratic) electors from those battleground states, including Arizona.

A critical part of this effort involved organizing "alternate" slates of Trump electors to cast fake electoral votes in seven states which Biden had won (Arizona, Georgia, Nevada, New Mexico, Michigan, Pennsylvania, and Wisconsin). This came to be known as the "fake elector" scheme. The existence of these fake electoral votes was an essential premise for the argument by Trump lawyer John Eastman that Pence had the unilateral authority to reject or delay the counting of the legitimate electoral slates at the January 6 Joint Session, where electoral votes were to be counted and the election was to be certified and declared for the actual winner, Biden. Alternatively, a core group of national and state figures attempted to use the fake slates of electors to urge members of Congress to object to the legitimate Biden electors and to pressure legislatures in those seven states to certify their electoral votes for Trump, even though he had lost, potentially disenfranchising millions of voters. Fortunately, these efforts failed.

States United Democracy Center Inc

The States United Democracy Center is a nonpartisan, 501(c)(3) nonprofit organization dedicated to free, fair, and secure elections. They support state and local officials by providing the resources and expertise they need to run and defend our elections, keep elections safe, and make sure the will of the people is respected.

From: PublicRecords <PublicRecords@azag.gov>

Sent: Thursday, December 12, 2024 8:09 PM

To: Mark Spencer <MSpencer@JUDICIALWATCH.ORG>

Subject: [EXTERNAL] AZAG Public Records Request: PRR-2024-112593-1923

Mark Spencer,

The Arizona Attorney General's Office has processed your attached public records request, for:

“...unless otherwise noted, within the date range of January 1, 2020, to the completion of this request, please provide copies of:

- 1. The memo provided by States United Democracy Fund (“SUDC”) to AZAG regarding the investigation and prosecution of Republican state electors or “fake electors” for the 2020 presidential election.*
- 2. Any communications between AZAG and SUDC.*
- 3. Any communications between AZAG and the Voter Protection Program (“VPP”).*
- 4. Any agreement or letter of engagement between SUDC and AGO.*
- 5. Any communications between SUDC or VPP and any individual or entity, public or private, discussing, researching, mentioning, or illuding to the investigation or prosecution of Republican state electors or “fake electors” for the 2020 presidential election.*
- 6. Any communication from SUDC or VPP to any individual or entity, public or private, recommending, advocating, and/or offering advice or strategy for investigating or prosecuting Republican state electors or “fake electors” for the 2020 presidential election.*
- 7. Any communication from SUDC or VPP to any individual or entity, public or private, recommending, advocating, or offering advice or providing or receiving strategy for preventing Donald Trump and his associates, allies, or supporters from challenging the outcome of the 2020 presidential election.”*

This request was assigned tracking number **PRR-2024-112593-1923**.

Please find attached the responsive records subject to disclosure. Additional responsive records have been withheld due to attorney-client and work-product privilege. Our office is not aware of any correspondence with a “VPP,” but can conduct a search if you have additional details to provide, like an email domain, for example.

At this time, Public Records will mark PRR-2024-112593-1923 as completed and closed. In the event you have additional clarifying details to provide for another search, please feel free to respond directly to this email with that information. You do not need to submit a new public records request.

Sincerely,

Public Records



Arizona Attorney General Kris Mayes
2005 N. Central Ave.
Phoenix, AZ 85004
PublicRecords@azag.gov
<https://www.azag.gov/>