



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

March 9, 2022

Office of the Chief Clerk
Justin Riches, Public Records Counsel
1700 W. Washington, Room 201
Phoenix, AZ 85007
jriches@azleg.gov

Re: Public Records Request – Former Rep. Anthony Kern

Dear Mr. Riches:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records of the Arizona State House of Representatives pursuant to the Arizona Public Records Law, A.R.S. §§ 39-121 et seq.

Specifically, CREW requests the following records from Former Representative Anthony Kern and his staff, including but not limited to public records sent or received from Representative Kern’s email account akern@azleg.gov, his personal phone, or any other personal email or electronic messaging account:

1. All communications from November 3, 2020 to April 6, 2021 with any of the following individuals:
 - a. Nancy Cottle
 - b. Loraine B. Pellegrino
 - c. Arizona Republican Party Chair Kelli Ward
 - d. Former New York City Mayor Rudy Giuliani
 - e. Arizona Representative Jake Hoffman
 - f. United States Representative Louie Gohmert
 - g. United States Representative Paul Gosar
 - h. United States Representative Andy Biggs
 - i. Ali Alexander
 - j. Ed Martin
 - k. Arizona Representative Mark Finchem
2. All communications from November 3, 2020 to April 6, 2021 including any of the following words and phrases:
 - a. “Stop the Steal”
 - b. “Save America Rally”
 - c. “Washington”

March 9, 2022

Page 2

- d. "D.C."
- e. "Capitol"
- f. "Elector"
- g. "Electoral College"

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, as well as emails to which the subjects of this request were cc'ed or bcc'ed.

Our request also seeks all responsive records stored in personal or non-official electronic messaging accounts or devices that concern state business or otherwise fall within the scope of the Arizona Public Records Law.

If it is your position that any portion of the requested records is exempt from disclosure, 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. A.R.S. § 39- 121.01(D)(2). If some portions of the requested records are properly exempt from disclosure, please redact those portions and produce the remainder of the requested records.

On December 14th, 2020, Representative Kern and ten other Arizona Republicans gathered to sign a document purporting to be the certificate of electoral votes from the state of Arizona for the presidential and vice presidential election.¹ This alternate slate of electors cast votes in favor of Donald Trump, disregarding the certified election results that confirmed that Joe Biden won the state, and claiming that their votes were the ones to be counted in Congress on January 6th. Representative Kern and the other false electors also joined U.S. Representative Louie Gohmert's failed lawsuit which would have allowed Vice President Mike Pence to choose which electoral votes to count.²

On January 5th, 2021, the day before rioters breached the U.S. Capitol in an attempt to stop the counting of Electoral College votes, Trump supporters gathered for a "Stop the Steal" rally organized by conservative activist Ali Alexander. Representative Kern spoke alongside Alexander, proclaiming, "We will not allow the vote to be stolen from our duly

¹ Richard Ruelas, [A fake, pro-Trump slate of 2020 electors sent their votes to Congress. Who was behind it?](https://www.usatoday.com/story/news/politics/2022/01/14/arizona-trump-electors-slate-refuse-explanations/6532330001/), *USA Today*, January 14, 2022, <https://www.usatoday.com/story/news/politics/2022/01/14/arizona-trump-electors-slate-refuse-explanations/6532330001/>

² Catie Edmondson and Maggie Haberman, [Federal Judge Dismisses Election Lawsuit Against Pence](https://www.nytimes.com/2021/01/01/us/politics/mike-pence-louie-gohmert-lawsuit.html), *New York Times*, January 1, 2021, <https://www.nytimes.com/2021/01/01/us/politics/mike-pence-louie-gohmert-lawsuit.html>

March 9, 2022

Page 3

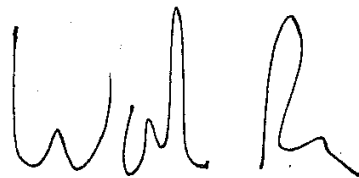
elected president.”³ The next day, Representative Kern was photographed on the steps of the Capitol during the riot.⁴ Releasing these records would shed light on Representative Kern’s role in coordinating efforts to overturn the election and in the events that immediately preceded the attack on the Capitol.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public’s right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and reducing the influence of money on politics. CREW intends to analyze the information responsive to this request and to share its analysis with the public. The release of information obtained through this request is not in CREW’s financial interest. Moreover, there is substantial public interest in the requested documents insofar as they concern Representative Kern’s communications with key individuals who sought to overturn the results of the 2020 presidential election and his role in these organized efforts.

Because this request is made for noncommercial purposes, CREW requests that any fees charged in connection with processing this request be limited to copying and postage charges, if applicable. CREW agrees to pay up to \$100 for copying and postage charges in connection with processing this request. If such costs or fees are expected to exceed this amount, please contact me at wdavis@citizensforethics.org.

Where possible, please produce records in electronic format. Please send the requested records to me at either wdavis@citizensforethics.org. Please contact me if you have any questions about this request or foresee any problems in fully releasing the requested records. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Walker Davis". The signature is fluid and cursive, with the first name "Walker" and the last name "Davis" clearly distinguishable.

Walker Davis
Deputy Research Director

³ [LIVE: 'Stop the Steal' rally in Washington D.C., WPTV, January 5, 2021, https://www.facebook.com/WPTV5/videos/209369994185413/](https://www.facebook.com/WPTV5/videos/209369994185413/)

⁴ Robert Anglen and Andrew Oxford, [Arizona lawmakers who pushed 'Stop the Steal' face scrutiny for presence at U.S. Capitol riot, AZ Central, January 14, 2021, https://www.azcentral.com/story/news/local/arizona-investigations/2021/01/14/arizona-lawmakers-pushed-stop-steal-rally-appeared-u-s-capitol-mark-finchem-anthony-kern/4147370001/](https://www.azcentral.com/story/news/local/arizona-investigations/2021/01/14/arizona-lawmakers-pushed-stop-steal-rally-appeared-u-s-capitol-mark-finchem-anthony-kern/4147370001/)