



February 28, 2020

VIA EMAIL

Wisconsin Legislative Reference Bureau
1 East Main Street, Suite 200
Madison, Wisconsin, 53703
lrb.reference@legis.wisconsin.gov

Re: Public Records Law Request

Dear Public Records Officer:

Pursuant to Wisconsin's public records law, Wis. Stat. §§ 19.31–19.39, American Oversight makes the following request for copies of records.

Requested Records

American Oversight requests that the Legislative Reference Bureau (LRB) produce the following records “as soon as practicable and without delay”¹:

1. All email communications sent to or received from member of the Wisconsin Elections Commission (WEC), including the members listed below:
 - a. Marge Bostelmann
 - b. Julie M. Glancey
 - c. Ann S. Jacobs
 - d. Dean Knudson
 - e. Robert F. Spindell, Jr.
 - f. Mark L. Thomsen
 - g. Jodi Jensen
 - h. Beverly Gill
2. All records of meeting requests from any WEC Commissioner (listed above) to any member of the LRB staff. These records would include, at a minimum, calendar invitations, and internal LRB emails discussing a request for a meeting.
3. All records of meetings that took place between members of the LRB staff and any WEC Commissioner (listed above). These records would include,

¹ Wis. Stat. § 19.35(4)(a).



at a minimum, calendar entries, calendar invitations, memoranda written to prepare for or memorialize meetings, and internal LRB emails about any meetings.

Please provide all responsive records from January 1, 2019, through the date of your search.

American Oversight believes that your office is in the best position to determine where responsive records are likely to reside. Based on publicly available information, American Oversight believes that your search should include, at a minimum, the records of Chief Richard A. Champagne, Deputy Chief Cathlene Hanaman, Staci Duros, Michael Gallagher, Joseph Kreye, Richard Loeza, Zachary Wyatt, and any member of the LRB's leadership and scheduling teams who may have communicated with WEC Commissioners.

Fee Waiver Request

In accordance with Wis. Stat. § 19.35(3)(e), American Oversight respectfully requests that the records be produced without charge. Providing American Oversight with a waiver of fees is in the “public interest” because American Oversight will, in accordance with its organizational mission, make the records available to the public without charge. These disclosures will likely contribute to a better understanding of relevant government procedures by the general public.

American Oversight's work is aimed solely at serving the public interest. *Id.* As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest. Rather, American Oversight's mission is to serve the public by promoting transparency in government, educating the public about government activities, and ensuring 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 website² and promotes their availability on social media platforms, such as Facebook and Twitter.³ American Oversight has demonstrated its commitment to the public disclosure of

² *Documents*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/documents>.

³ American Oversight currently has approximately 15,400 page likes on Facebook and 101,800 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Feb. 19, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Feb. 19, 2020).

documents and creation of editorial content through numerous substantive analyses posted to its website.⁴

The public has a significant interest in understanding the actions of the Wisconsin Elections Commission, including how the Commission and individual Commissioners pursue their policy priorities. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government. American Oversight is committed to transparency and makes the responses agencies provide to public records requests publicly available, and the public's understanding of the government's activities would be enhanced through American Oversight's analysis and publication of these records.

American Oversight asks that if its request for a fee waiver is denied in whole or in part, that you contact us prior to incurring any costs.

Guidance Regarding the Search & Processing of Requested Records

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the term "record" in its 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 transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

Please search all locations and systems likely to have responsive records regarding official business. **You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts.** Emails conducting government business sent or received on the personal account of the authority's officer or employee constitutes a record for purposes of Wisconsin's public records laws.⁵

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.⁶ If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

⁴ News, AMERICAN OVERSIGHT, <https://www.americanoversight.org/blog>.

⁵ Wisc. Dep't of J., *Wisconsin Public Records Law Compliance Guide*, Oct. 2019, at 3, <https://www.doj.state.wi.us/sites/default/files/office-open-government/Resources/PRL-GUIDE.pdf>.

⁶ Wis. Stat. § 19.36(6).

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 to discuss this request. 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 Megan Field at records@americanoversight.org or 202.897.2465. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,



Austin R. Evers
Executive Director
American Oversight