



May 8, 2020

VIA EMAIL

Meagan Wolfe, Administrator  
Wisconsin Elections Commission  
212 East Washington Avenue, Third Floor  
P.O. Box 7984  
Madison, Wisconsin 53707-7984  
[elections@wi.gov](mailto:elections@wi.gov)

**Re: Public Records Law Request**

Dear Ms. Wolfe:

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 Wisconsin Elections Commission produce the following records “as soon as practicable and without delay”<sup>1</sup>:

1. All email communications (including emails, complete email chains, and email attachments) and calendar invitations between Wisconsin Elections Commissioner Marge Bostelmann and any of the individuals named below.
  - a. Speaker of the State Assembly, Robin Vos
  - b. Chief of Staff to Speaker Vos, Jenny Toftness
  - c. Policy Director to Speaker Vos, Heather Smith
  - d. Legal and Policy Advisor to Speaker Vos, Steve Fawcett
  - e. Political Outreach Advisor to Speaker Vos, Joe Handrick
  - f. Office Administrator to Speaker Vos, Ashley Luke
  - g. Senate Majority Leader Scott Fitzgerald
  - h. Chief of Staff to Majority Leader Fitzgerald, Dan Romportl
  - i. Communications Director to Senate Majority Leader Fitzgerald, Joe Zimmerman
  - j. Policy Advisor to Majority Leader Fitzgerald, Kimber Liedl
  - k. Aide to Senate Majority Leader Fitzgerald, Adam Foltz
  - l. Aide to Senate Majority Leader Fitzgerald, Tadd Ottman

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<sup>1</sup> Wis. Stat. § 19.35(4)(a).



Please provide all responsive records from March 2, 2020, through date of search.

2. All email communications (including emails, complete email chains, and email attachments) and calendar invitations between Wisconsin Elections Commissioner Marge Bostelmann and any of the organizations or individuals listed below:
  - a. Wisconsin Republican Party (including, but not limited to, anyone communicating from an email address ending in @wisgop.org or @wisgop.info)
  - b. Republican National Committee (including, but not limited to, anyone communicating from an email address ending in @gop.com or @rnchq.com)
  - c. Michael Roman (of RNC) (including, but not limited to, at the email address mroman@rnchq.com or mroman@gop.com)
  - d. Honest Elections Project (including, but not limited to, anyone communicating from an email address ending in @honestelections.org)
  - e. Leonard Leo (of Honest Elections Project) (including, but not limited to, at the email address leonard.leo@fed-soc.org)
  - f. Justin Clark (of Elections, LLC) (jrclark@michaelbest.com)
  - g. True the Vote (including, but not limited to, anyone communicating from an email address ending in @truethevote.org)
  - h. Judicial Watch (including, but not limited to, anyone communicating from an email address ending in @judicialwatch.org)
  - i. Public Interest Legal Foundation (including, but not limited to, anyone communicating from an email address ending in @publicinterestlegal.org)

Please provide all responsive records from January 1, 2020, through date of search.

For both requests, American Oversight seeks all communications pertaining to Wisconsin government business sent by Commissioner Spindell whether sent from [robert.spindell@wisconsin.gov](mailto:robert.spindell@wisconsin.gov), [robert.spindell@wi.gov](mailto:robert.spindell@wi.gov), [cd4.chairman@wisgop.info](mailto:cd4.chairman@wisgop.info), or any other email address.

### **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. 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 website<sup>2</sup> and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>3</sup> American Oversight has demonstrated its commitment to the public disclosure of documents and creation of editorial content through numerous substantive analyses posted to its website.<sup>4</sup>

The public has a significant interest in understanding how officials prepared for the state's April 7, 2020 election, as well as how Wisconsin officials plan to conduct future elections while facing public health challenges. 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

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

<sup>3</sup> American Oversight currently has approximately 15,400 page likes on Facebook and 102,200 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited May 5, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited May 5, 2020).

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

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.<sup>5</sup>

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.<sup>6</sup> 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.

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](mailto:records@americanoversight.org) or

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<sup>5</sup> 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>.

<sup>6</sup> Wis. Stat. § 19.36(6).

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,

A handwritten signature in blue ink, appearing to read "Austin R. Evers", with a long horizontal flourish extending to the left.

Austin R. Evers  
Executive Director  
American Oversight