



May 28, 2021

VIA EMAIL

Edward Blazel
Assembly Chief Clerk
17 West Main Street, Room 401
Madison, WI 53703
ted.blazel@legis.wisconsin.gov

The Honorable Robin Vos
Speaker, Wisconsin State Assembly
Room 217 West
State Capitol
PO Box 8953
Madison, WI 53708
Rep.Vos@legis.wisconsin.gov

Re: Public Records Law Request

Dear Chief Clerk Blazel and Speaker Vos:

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

On May 26, 2021, Wisconsin State Assembly Speaker Robin Vos indicated that the legislature would hire three former law enforcement officers and a supervising attorney to investigate the November 2020 election.¹ Speaker Vos indicated that these investigators would possess subpoena power and might potentially refer their findings to prosecutors.² This announcement follows an April announcement that the Assembly Campaigns and Elections Committee would undertake a “formal investigation” of the

¹ Patrick Marley, *Top Wisconsin Republican Robin Vos Hires Former Cops to Investigate November Election*, Milwaukee J. Sentinel (updated May 26, 2021, 5:16 PM), <https://www.jsonline.com/story/news/politics/elections/2021/05/26/wisconsin-republican-robin-vos-hires-ex-cops-investigate-election/7455034002/>.

² *Id.*



election³ as well as a similar announcement immediately following the November 2020 election.⁴

American Oversight seeks records with the potential to shed light on the legislature's decision to investigate the results of the November 2020 election.

Requested Records

American Oversight requests that your office produce the following records “as soon as practicable and without delay”:⁵

1. A complete copy (including any attachments) of any contract or subcontract, amendment, memorandum of understanding, or other written agreement between the Wisconsin State Assembly (or members thereof) and parties investigating the November 2020 election. At a minimum, this request should be interpreted to include agreements with the three retired law enforcement officers and supervising attorney referenced by Speaker Vos.⁶
2. A complete copy (including any attachments) of any formal or informal guidance, directives, memoranda, or other policy and procedure documents issued to entities investigating the November 2020 election, including but not limited to: directives regarding the scope and duration of the investigation; guidance regarding which tips to review and when to refer findings to prosecutors; protocols for contacting persons of interest; guidance regarding the presentation of any findings; guidelines for ensuring the safe handling and privacy of confidential voter information and ballot equipment; or any other directives regarding the planning, preparation, and execution of the investigation.
3. A complete copy (including any attachments) of any resume, bid, project proposal, cost or time estimate, scope of work, application form, or other document submitted to the Wisconsin State Assembly by entities investigating the 2020 election.
4. A complete copy of any invoice from or payment to entities investigating the 2020 election.

³ Briana Reilly, *Wisconsin Assembly Election Panel Aims to Begin ‘Formal Investigation’ into 2020*, Capital Times, Apr. 6, 2021, https://madison.com/ct/news/local/govt-and-politics/wisconsin-assembly-elections-panel-aims-to-begin-formal-investigation-into-2020/article_1ad90e31-db74-5a14-aceb-ac51435e4a50.html.

⁴ Patrick Marley, *Top Republican Says an Investigation of Wisconsin’s Election Is Unlikely to Take Away Biden’s Win in the State*, Milwaukee J. Sentinel (updated Nov. 12, 2020, 8:42 AM), <https://www.jsonline.com/story/news/politics/elections/2020/11/11/wisconsin-republicans-say-election-probe-likely-wont-change-results/6248225002/>.

⁵ Wis. Stat. § 19.35(4)(a).

⁶ See Marley, *supra* note 1.

Please provide all responsive records from November 3, 2020, through the date the search is conducted.

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 action 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.⁷ American Oversight also makes materials it gathers available on its public website⁸ and promotes their availability on social media platforms, such as Facebook and Twitter.⁹

The public has a significant interest in the Wisconsin state legislature’s investigation of the November 2020 election results.¹⁰ Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether or to what extent partisan motivations or external actors guided the decision to open an investigation. American Oversight is committed to transparency and makes the responses agencies provide to public records requests

⁷ See generally *News*, American Oversight, <https://www.americanoversight.org/blog>; *State Investigations*, American Oversight, <https://www.americanoversight.org/states>; see, e.g., *State Government Contacts with Voting-Restriction Activists*, American Oversight, <https://www.americanoversight.org/investigation/state-government-contacts-with-voting-restriction-activists>; *Wisconsin Documents Offer Window into Early Uncertainty over COVID-19*, American Oversight, <https://www.americanoversight.org/wisconsin-documents-offer-window-into-early-uncertainty-over-covid-19>.

⁸ *Documents*, American Oversight, <https://www.americanoversight.org/documents>.

⁹ American Oversight currently has approximately 15,670 page likes on Facebook and 106,200 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited May 26, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited May 6, 2021).

¹⁰ See *supra*, notes 1, 3 & 4.

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.¹¹

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.¹² 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

¹¹ 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>.

¹² Wis. Stat. § 19.36(6).

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 Emma Lewis at records@americanoversight.org or (202) 919-6303. 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,

/s/ Emma Lewis
Emma Lewis
on behalf of
American Oversight