



July 19, 2021

VIA EMAIL

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

Representative Dave Murphy
Wisconsin State Capitol
Room 318 North
Madison, WI 53708
rep.murphy@legis.wisconsin.gov

Re: Public Records Law Request

Dear Representative Murphy and Chief Clerk Blazel:

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 Since this announcement, the names of several of the contracted individuals have been made public—and include former Milwaukee Police Detective Mike Sandvick and former Wisconsin Supreme Court Justice Michael Gableman, whose past actions have raised concerns over the partiality of the investigation.² In June, several Wisconsin state legislators, including Assembly

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 Patrick Marley & Molly Beck, *The Election Investigator Hired by Vos Wrote a Police Report That Spawned Partisan Fight Over Voting Rules in 2008*, Milwaukee J. Sentinel (updated May 28, 2021, 3:07 PM), <https://www.jsonline.com/story/news/politics/2021/05/28/wisconsin-election-investigator-vos-hired-has-partisan-past/7477548002/>; Molly Beck, *A Former Wisconsin Supreme Court Justice Will Oversee the Latest Election Review Sought by the State's GOP Leaders*, Milwaukee J. Sentinel (updated June 26, 2021, 2:45 PM), <https://www.jsonline.com/story/news/politics/elections/2021/06/26/former-wisconsin-supreme-court-justice-michael-gableman-will-oversee-robin-vos-2020-election-review/5357319001/>.



Campaigns and Elections Committee chair Janel Brandtjen, visited the site of the Arizona State Senate’s partisan “audit.”³ Former President Trump, among others, has criticized the Wisconsin Legislature for failing to pursue a “full forensic investigation” of the election.⁴

American Oversight seeks records with the potential to shed light on the legislature’s investigation of the November 2020 election, including those regarding similar partisan reviews in other states and calls for Wisconsin to expand its investigation.

Requested Records

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

1. All records reflecting costs reimbursed or paid directly by the Wisconsin Assembly or any other government office or entity for any expenses incurred by Representative Dave Murphy or any staff members, during the trip of the delegation of Wisconsin state legislators to the site of the Arizona Senate’s investigation into Maricopa County’s elections taking place at the Veterans Memorial Coliseum in Phoenix, Arizona.⁶ Payments or reimbursements include, but are not limited to, any payments associated with: external consultants, advisors, or counsel; security detail; travel (including the travel of any individuals accompanying Rep. Murphy); long-term housing; the cost of transportation; individual airfare for Rep. Murphy; lodging; meals; per diem payments; rental vehicles; mileage reimbursements; overtime payments; payments made via government-issued charge cards or travel cards; or any other expenses.

To the extent your office has aggregated records sufficient to show all relevant expenses and costs, such as spreadsheets, American Oversight would accept production of such records as sufficient. To the extent your office does not have an aggregated record of travel

³ Patrick Marley, *Wisconsin Republicans, and a Disgraced Ex-Missouri Governor, Tour Site of Controversial Arizona Ballot Audit*, Milwaukee J. Sentinel (updated June 13, 2021, 9:35 AM), <https://www.jsonline.com/story/news/politics/2021/06/12/wisconsin-republicans-review-arizona-ballots-alongside-missouri-governor-who-stepped-down-amid-scand/7671283002/>.

⁴ Molly Beck, *Wisconsin GOP Leaders Say Trump is ‘Misinformed’ After the Former President Claimed They Are Hiding Election Corruption*, Milwaukee J. Sentinel (updated June 26, 2021, 7:29 PM), <https://www.jsonline.com/story/news/politics/2021/06/26/vos-says-trump-misinformed-after-former-president-claimed-wisconsin-gop-leaders-hiding-election-corr/5356805001/>.

⁵ Wis. Stat. § 19.35(4)(a).

⁶ See Marley, *supra* note 3.

costs, American Oversight requests records reflecting those costs, such as receipts, invoices, charge card or credit card statements, and reimbursement requests.

This request seeks not only the amount of the payment or reimbursement, but records reflecting where or how any funds were spent.

2. All records reflecting requests for reimbursement submitted to the Wisconsin Assembly attributable to Rep. Murphy or any staff members, including those not ultimately reimbursed, associated with the delegation to Phoenix, Arizona. Responsive records should include documentation of the nature of the reimbursement requests, including but not limited to receipts, expense reports, invoices, appraisals, and any other documents used to justify the reimbursement request. This request includes records reflecting any reimbursement requests, whether submitted directly by Rep. Murphy or on their behalf by their employees or other individuals.

For both parts 1 & 2 of this request, please provide all responsive records from June 1, 2021, 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 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.⁷ American Oversight also makes materials it gathers available on its public

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>.

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 delegation to the Arizona State Senate's investigation of Maricopa County's election results and administration.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 of Wisconsin lawmakers to investigate the state's own election or expand the current investigation. 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

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.

American Oversight expects that you have ensured all responsive records and records relevant to this request and your compliance with it are retained as required by

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

⁹ American Oversight currently has approximately 15,640 page likes on Facebook and 106,200 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited July 15, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited July 15, 2021).

¹⁰ *See supra*, notes 1-4.

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).

Wisconsin law. Please take all appropriate steps to ensure that no such records are deleted by the agency before the completion of processing for this request. If records potentially responsive or relevant to this request, or your compliance with it, 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 Sarah Colombo at records@americanoversight.org or (202) 869-5244. 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/ Sarah Colombo
Sarah Colombo
on behalf of
American Oversight