



August 27, 2021

VIA EMAIL

The Honorable Devin LeMahieu
Majority Leader, Wisconsin State Senate
Room 211 South
State Capitol
PO Box 7882
Madison, WI 53707
Sen.LeMahieu@legis.wisconsin.gov

Michael Queensland
Senate Chief Clerk
P.O. Box 7882
Madison, WI 53707
Michael.Queensland@legis.wisconsin.gov

Re: Public Records Law Request

Dear Majority Leader LeMahieu & Chief Clerk Queensland:

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 State Senate produce the following records “as soon as practicable and without delay”:¹

1. A complete copy (including any attachments) of any contract, amendment, memorandum of understanding, or other written agreement regarding external entities providing services relevant to the state or congressional redistricting processes, including, but not limited to, agreements with providers of map drawing software, consultants, advisors, or legal counsel.

This request should be interpreted to include any copies of contractual documents pertaining to redistricting in possession of Majority Leader LeMahieu's office, including those to which the Wisconsin State Senate or Majority Leader LeMahieu are not party.

For request item 1, please provide all responsive records from June 9, 2021, through the date the search is conducted.

¹ Wis. Stat. § 19.35(4)(a).



2. A complete copy of any unpublished formal or informal guidance, directives, memoranda, criteria, or other policy document pertaining to redistricting issued by or in possession of Majority Leader LeMahieu's office.

For request item 2, please provide all responsive records from January 1, 2021, through the date the search is conducted.

3. Any district boundary proposals produced by any member of the Wisconsin State Senate, any Wisconsin State Senate staff member, or any entity commissioned or contracted by the Wisconsin State Senate, as well as any related data analyses. Please note that this request does not seek electoral district maps or community of interest maps submitted as public comment by members of the public.

For request item 3, please provide all responsive records from January 1, 2021, through the date the search is conducted.

4. Any records containing assessments, interpretations, or opinions concerning data from the 2020 Census or the 2020 American Community Survey (ACS).

For request item 4, please provide all responsive records from January 1, 2021, through the date the search is conducted.

5. Any records containing assessments, interpretations, or opinions concerning past election results.

For request item 5, please provide all responsive records from January 1, 2021, through the date the search is conducted.

6. Any records containing assessments, interpretations, or opinions concerning political party affiliation data, racial demographic data, or present incumbency.

For request item 6, please provide all responsive records from January 1, 2021, through the date the search is conducted.

7. Records sufficient to identify the redistricting-related roles or responsibilities of any entity commissioned or contracted by the Wisconsin State Senate for redistricting-related work

For request item 7, please provide all responsive records from January 1, 2021, through the date the search is conducted.

8. Records reflecting any training materials used to instruct any entity commissioned or contracted by the Wisconsin State Senate for redistricting-related work, in their roles or responsibilities.

For request item 8, please provide all responsive records from January 1, 2021, through the date the search is conducted.

9. Any records containing any formal or informal appraisal of or comment on any content or public comment submitted to the Wisconsin State Senate by members of the public in possession of Majority Leader LeMahieu's office.

For request item 9, please provide all responsive records from January 1, 2021, through the date the search is conducted.

Please provide all responsive records from January 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.² American Oversight also makes materials it gathers available on its public

² 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>.

website³ and promotes their availability on social media platforms, such as Facebook and Twitter.⁴

The public has a significant interest in Wisconsin's redistricting process.⁵ Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether and to what extent external entities have been contracted to conduct redistricting-related work. 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.⁶

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the

³ *Documents*, American Oversight, <https://www.americanoversight.org/documents>.

⁴ American Oversight currently has approximately 15,700 page likes on Facebook and 107,500 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Aug. 17, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Aug. 17, 2021).

⁵ Laurel White, *Redistricting Battle Officially Begin in Wisconsin with Release of Census Data*, Wis. Public Radio (Aug. 12, 2021, 2:45 PM), <https://www.wpr.org/redistricting-battle-officially-begins-wisconsin-release-census-data>.

⁶ 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>.

requested records.⁷ 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 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

⁷ Wis. Stat. § 19.36(6).