



October 29, 2021

**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 Administrator Wolfe:

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

On August 10-12, 2021, MyPillow CEO and election conspiracy theorist Mike Lindell hosted a “cyber symposium” in Sioux Falls, South Dakota.<sup>1</sup> Wisconsin Representative Timothy Ramthun attended, as did Elections Commissioner Robert Spindell and former Wisconsin Supreme Court Justice Michael Gableman, who now is leading an investigation into the November 2020 election.<sup>2</sup> Rep. Ramthun indicated prior to the event that he had been in contact with Gableman as well as Assembly Speaker Robin Vos regarding his ideas for an expanded investigation, for which he was seeking private funding.<sup>3</sup> While attending the event, Rep. Ramthun released a statement indicating that he had communicated with Commissioner Spindell regarding Wisconsin's elections system about allegations made during the “symposium.”<sup>4</sup>

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<sup>1</sup> Patrick Marley & Molly Beck, *Official in Charge of Wisconsin's Election Review Attends Conspiracy-Fueled Symposium Hosted by MyPillow's Mike Lindell*, Milwaukee J. Sentinel (updated Aug. 12, 2021, 6:16 PM),

<https://www.jsonline.com/story/news/politics/2021/08/12/wisconsin-election-official-attends-mike-lindell-cyber-symposium/8108850002/>.

<sup>2</sup> *Id.*; Scott Bauer, *Wisconsin Election Probe Leader Traveled to Arizona*, Associated Press, Aug. 12, 2021, <https://apnews.com/article/joe-biden-elections-wisconsin-arizona-d7e52b6c5f806e606ae728a98a6e2ec5>.

<sup>3</sup> Patrick Marley, *Wisconsin Republican Invokes the QAnon Theme As He Seeks Private Funding for an Arizona-Style Election Audit*, Milwaukee J. Sentinel (updated Aug. 4, 2021, 8:29 AM), <https://www.jsonline.com/story/news/politics/2021/08/03/republican-timothy-ramthun-seeking-election-review-invokes-qanon-theme-the-calm-before-the-storm/5463451001/>.

<sup>4</sup> *Rep. Ramthun Gives Cyber Symposium Update*, Aug. 11, 2021,

[http://www.thewheelerreport.com/wheeler\\_docs/files/081121ramthun\\_01.pdf](http://www.thewheelerreport.com/wheeler_docs/files/081121ramthun_01.pdf).



American Oversight seeks records with the potential to shed light on the involvement of Wisconsin officials in the “cyber symposium,” including the extent to which they communicated with entities seeking to cast doubt on 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”:<sup>5</sup>

All electronic communications (including emails, email attachments, text messages, or messages on messaging platforms, such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp) between (i) Commissioner Spindell and (ii) any of the individuals or entities below, including, but not limited to at the suggested email addresses or domains. The search should include those sent or received from personal accounts and devices if they were used to conduct official business, as well those sent from any official email addresses or government-issued devices.

Please provide all responsive records from June 1, 2021, through the date the search is conducted.

#### **Specified Entities:**

1. Michael Gableman, Zakary Niemierowicz, Andrew Kloster, or anyone communicating on behalf of Gableman or the Wisconsin Office of Special Counsel
2. Mike Lindell
3. Reince Priebus, or anyone communicating on behalf of Michael Best & Friedrich LLP ([@michaelbest.com](mailto:@michaelbest.com))
4. Jim Troupis ([jtroupis@hotmail.com](mailto:jtroupis@hotmail.com)), or anyone communicating on behalf of Troupis Law Office
5. Michael D. Dean ([miked@michaelddeanllc.com](mailto:miked@michaelddeanllc.com))
6. Daniel Eastman, or anyone communicating from an email address ending in [@attorneyeastman.com](mailto:@attorneyeastman.com)
7. Kurt Olsen
8. Erick Kaardal, or anyone communicating on behalf of Mohrman, Kaardal & Erickson, P.A. ([@mklaw.com](mailto:@mklaw.com))
9. Ron Heuer ([ronheuer@gmail.com](mailto:ronheuer@gmail.com))
10. Harry Wait ([harrytrex@gmail.com](mailto:harrytrex@gmail.com) or [hotgovernment@gmail.com](mailto:hotgovernment@gmail.com)) or anyone communicating on behalf of Honest, Open, and Transparent Government
11. Former U.S. Representative Sean Duffy
12. Randy Pullen ([rpullen13@gmail.com](mailto:rpullen13@gmail.com))
13. Pennsylvania Senators Doug Mastriano, Dave Argall, or Cris Dush, or anyone communicating on behalf of the Pennsylvania State Senate ([@pasen.gov](mailto:@pasen.gov))

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<sup>5</sup> Wis. Stat. § 19.35(4)(a).

14. Virginia Senator Amanda Chase, or anyone communicating from an email ending in @chaseforva.com
15. Toni Shuppe ([tshuppe@protonmail.com](mailto:tshuppe@protonmail.com)), Jamie Sheffield, or anyone communicating on behalf of Audit the Vote PA
16. Former Michigan State Senator Patrick Colbeck
17. Patrick Byrne, Mike Roman ([mikeroman@protonmail.com](mailto:mikeroman@protonmail.com)) or anyone communicating on behalf of the America Project (@americaproject.com)
18. Al Hartman, Jenny Limcher, or anyone communicating on behalf of Hartman REIT (@hartman-reit.com)
19. Lin Wood, or anyone communicating from an email address ending in @fightback.law
20. Micheal Bowman ([mbowman@alecaction.org](mailto:mbowman@alecaction.org))
21. Ivan Raiklin ([ivan.raiklin@gmail.com](mailto:ivan.raiklin@gmail.com) or [socialmediaraiklin@gmail.com](mailto:socialmediaraiklin@gmail.com))
22. Raj Doraisamy, Caroline Wetherington, or anyone communicating on behalf of Defend Wisconsin or Defend Our Union (@defendourunion.org)
23. Matthew DePerno, or anyone communicating on behalf of DePerno Law Office (@deper nolaw.com)
24. Mike Flynn, or anyone communicating from an email address ending in @generalflynn.com, or anyone communicating on behalf of America's Future (@americasfuture.net)
25. John Eastman ([jeastman@claremont.org](mailto:jeastman@claremont.org))
26. Hogan Gidley, Kenneth Blackwell ([kennethblackwell693@gmail.com](mailto:kennethblackwell693@gmail.com)), or anyone communicating on behalf of America First Policy Institute (@americafirstpolicy.com)
27. Phil Waldron ([phil@onewarrior.com](mailto:phil@onewarrior.com) or [p@bonfiresearch.org](mailto:p@bonfiresearch.org)), Russ Ramsland ([ryuks9sq@alliedspecialops.us](mailto:ryuks9sq@alliedspecialops.us)), James Keet Lewis III ([keet@jkeetlewis.com](mailto:keet@jkeetlewis.com)), or anyone communicating on behalf of Allied Security Operations Group (@alliedspecialops.us)
28. Seth Keshel
29. Jovan Hutton Pulitzer ([jovanhuttonpulitzer@gmail.com](mailto:jovanhuttonpulitzer@gmail.com))
30. Shiva Ayyadurai ([vashiva@vashiva.com](mailto:vashiva@vashiva.com)), or anyone communicating on behalf of EchoMail (@echomail.com)

Please note that American Oversight does not seek, and that this request specifically excludes the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if Commissioner Spindell received a mass-distribution news clip email from the America First Policy Institute, that initial email would not be responsive to this request. However, if Commissioner Spindell forwarded that email to another individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

### **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.<sup>6</sup> American Oversight also makes materials it gathers available on its public website<sup>7</sup> and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>8</sup>

The public has a significant interest in the actions of Wisconsin officials with respect to election administration.<sup>9</sup> Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including to what extent Wisconsin officials communicated with entities seeking to cast doubt on the results of the November 2020 election and future elections. 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

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<sup>6</sup> 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>.

<sup>7</sup> *Documents*, American Oversight, <https://www.americanoversight.org/documents>.

<sup>8</sup> American Oversight currently has approximately 15,630 page likes on Facebook and 108,900 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Oct. 28, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Oct. 28, 2021).

<sup>9</sup> See *supra*, notes 1-3.

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.<sup>10</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>11</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

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<sup>10</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>11</sup> Wis. Stat. § 19.36(6).

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](mailto: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