



July 27, 2022

VIA EMAIL

Representative Robin Vos
Speaker, Wisconsin State Assembly
State Capitol, Room 217 West
P.O. Box 8953
Madison, WI 53708
Rep.Vos@legis.wisconsin.gov

Re: Public Records Law Request

Dear 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.

In May 2022, former Wisconsin Elections Commission (WEC) member Dean Knudson resigned from his position.¹ On June 8, 2022, Wisconsin Assembly Speaker Robin Vos announced he would appoint Don Millis, who had previously served as a commissioner, as his replacement.² WEC subsequently appointed Millis to chair the commission for a two-year term.³

American Oversight seeks records with the potential to shed light on communications between Speaker Vos's office and now-WEC member Don Millis surrounding the date of his appointment.

¹ Molly Beck & Patrick Marley, *Dean Knudson's Resignation from the Wisconsin Elections Commission Came After Ron Johnson Said He Had Lost Support from GOP*, Milwaukee J. Sentinel (update May 27, 2022, 4:19 PM), <https://www.jsonline.com/story/news/politics/2022/05/26/wisconsin-election-official-resigned-after-ron-johnson-voiced-concerns/9942525002/>

² Henry Redman, *Vos Appoints Attorney Don Millis to Elections Commission*, Wis. Examiner (June 8, 2022, 1:05 PM), <https://wisconsinexaminer.com/2022/06/08/vos-appoints-attorney-don-millis-to-elections-commission/>.

³ Lawrence Andrea, *Wisconsin Elections Commission Picks Republican Tax Attorney as Its New Chair*, Milwaukee J. Sentinel (June 10, 2022, 5:03 PM), <https://www.jsonline.com/story/news/politics/2022/06/10/wisconsin-elections-commission-picks-republican-tax-attorney-don-millis-new-chair/7579472001/>.



Requested Records

American Oversight requests that your office produce the following records “as soon as practicable and without delay”:⁴

All email communications (including emails, email attachments, complete email chains, and calendar invitations) and text messages or messages on messaging platforms (such as Slack, GChat, or Google Hangouts, Lync, Skype, Twitter direct messages, Facebook messages, WhatsApp, Signal, Telegram, or Parler) between (A) Assembly Speaker Robin Vos or any of his office’s staff, and (B) Don Millis, now an appointed member of the Wisconsin Elections Commission. In the case of emails and texts, the search should include those sent or received from personal accounts and/or devices if they were used to conduct official business, as well those sent from official email addresses or government-issued devices.

In the case of emails sent from governmental accounts (@legis.wisconsin.gov or @legis.wi.gov), the search should include any emails stored on behalf of Speaker Vos by the Legislative Technology Services Bureau, as well as those in folders for deleted, junk, or trash mail.

Please provide all responsive records from April 1, 2022, 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.⁵ American Oversight also makes materials it gathers available on its public

⁴ Wis. Stat. § 19.35(4)(a).

⁵ 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*

website⁶ and promotes their availability on social media platforms, such as Facebook and Twitter.⁷

The public has a significant interest in the administration of elections in Wisconsin.⁸ Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including the nature of communications between Speaker Vos and Commissioner Millis around the time of Commissioner Millis's appointment. 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.⁹

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

COVID-19, American Oversight, <https://www.americanoversight.org/wisconsin-documents-offer-window-into-early-uncertainty-over-covid-19>.

⁶ *Documents*, American Oversight, <https://www.americanoversight.org/documents>.

⁷ American Oversight currently has approximately 16,000 followers on Facebook and 118,400 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited July 25, 2022); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited July 25, 2022).

⁸ *See supra*, note 1-3.

⁹ 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.¹⁰ 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 downloads@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

¹⁰ Wis. Stat. § 19.36(6).