May 28, 2021

VIA EMAIL

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 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. Speaker Vos indicated that these investigators would possess subpoena power and might potentially refer their findings to prosecutors. This announcement follows an April announcement that the Assembly Campaigns and Elections Committee would undertake a “formal investigation” of the election as well as a similar announcement immediately following the November 2020 election.

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2 Id.
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

Records reflecting any final formal or informal legal analysis prepared by or for your office regarding the legal authority authorizing the Wisconsin Legislature’s investigation into the November 2020 election, including but not limited to the Legislature’s authority to:

1. Commence an investigation into the November 2020 election;
2. Engage outside contractors to conduct the investigation and exercise the Legislature’s subpoena power; and/or

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. 6 American Oversight also makes materials it gathers available on its public

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5 Wis. Stat. § 19.35(4)(a).
website\textsuperscript{7} and promotes their availability on social media platforms, such as Facebook and Twitter.\textsuperscript{8}

The public has a significant interest in the Wisconsin state legislature’s investigation of the November 2020 election results.\textsuperscript{9} Records with the potential to shed light on this matter would contribute significantly to public understanding 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 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.\textsuperscript{10}

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.\textsuperscript{11} If it is your position that a document contains non-exempt

\begin{footnotes}
\item[9] See supra, notes 1, 3 & 4.
\end{footnotes}
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 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