



May 27, 2021

VIA EMAIL

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Re: Public Records Law Request

Dear Public Records Officers:

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 your office produce the following records “as soon as practicable and without delay”:¹

All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between (a) the Legislator or any member of their staff and (b) any of the external parties listed below.

Please provide all responsive records from November 1, 2020, through the date the search is conducted.

1. Jessica Anderson, Garrett Bess, or any person communicating from an email address ending in @heritageaction.com
2. Ed Meese, Bridgett Wagner, Hans von Spakovsky or any person communicating from an email address ending in @heritage.org
3. Kris Kobach (including, but not limited to, communications with the email kkobach@gmail.com, kris@kriskobach.com, or any email address ending in ks.gov)
4. J. (John) Christian Adams, Maureen Riordan, or any person communicating from an email address ending in @publicinterestlegal.org or @electionlawcenter.com
5. Cleta Mitchell, or any person communicating from an email address ending in @freedomworks.org, @foley.com, or @bradleyfdn.org.
6. Catherine Engelbrecht, Courtney Kramer, or any person communicating from an email address ending in @truethevote.org

¹ Wis. Stat. § 19.35(4)(a).

7. Trent England, or any person communicating from an email address ending in @saveourstates.com
8. Ken Cuccinelli, or any person communicating from an email address ending in @sba-list.org, @americanprinciplesproject.org, or @electiontransparency.org
9. Leonard Leo, Jason Snead, or any person communicating from an email address ending in @honestelections.org, @fed-soc.org, or @jasonsnead.com
10. Tracie Sharp, Kathleen O'Hearn, or any person communicating from an email address ending in @spn.org
11. Bill McCollum, John Merrill, Andrew Wynne, , Ruth Johnson, Tre Hargett or any person communicating from an email address ending in @rslc.gop
12. Jenna Ellis, or any person communicating from an email address ending in @americangreatnessfund.com or @thomasmoresociety.org
13. Michael Bowman, Bill Meierling, or any person communicating form an email address ending in @alec.org
14. Florida GOP Chairman Joe Gruters (including but not limited to communications with the email gruters.joe@flsenate.gov)
15. Karen Mueller, or anyone communicating on behalf of the Amos Center for Justice and Liberty, including anyone communicating from an email address ending in @amoscenterforjustice.org
16. James Bopp, or any person communicating from an email address ending in @bopplaw.com
17. Will Consovoy, Michael Connally, or any person communicating from an email address ending in @consovoymccarthy.com
18. Jason Torchinsky or any person communicating from an email address ending in @hvjt.law
19. Stefan Passatino, Justin Clark, or any person communicating from an email address ending in @michaelbest.com
20. Rick Esenberg, or anyone communicating from an email address ending in @will-law.org
21. Scott Walker, Dorothy Moore, or anyone communicating from an email address ending in @walkergroupllc.com
22. CJ Szafir, or anyone communicating from an email address ending in @reforminggovernment.org

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 the legislator received a mass-distribution news clip email sent by one of the external parties, that initial email would not be responsive to this request. However, if the legislator 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 communications 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 website³ and promotes their availability on social media platforms, such as Facebook and Twitter.⁴

The public has a significant interest in a number of anti-voting bills introduced in the current Wisconsin legislative session.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 anti-voting activists have influenced these bills. American Oversight is committed to transparency and makes the

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>.

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

⁴ American Oversight currently has approximately 15,700 page likes on Facebook and 106,100 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited May 19, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited May 19, 2021).

⁵ See e.g., Melanie Conklin & Nate Rau, *Wisconsin Legislature Follows a Nationwide Systematic Push Against Voting Rights*, Wisconsin Examiner (Apr. 6, 2021), <https://wisconsinexaminer.com/2021/04/06/wisconsin-legislature-follows-a-nationwide-systemic-push-against-voting-rights/>; Ruthie Hague, *Wisconsin Republicans Add More Bills to Restrict Absentee Voting Practices*, Capital Times (Feb 24, 2021), https://madison.com/ct/news/local/govt-and-politics/wisconsin-republicans-add-more-bills-to-restrict-absentee-voting-practices/article_fc4f492c-646d-5edc-a636-c869458036ce.html.

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 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.

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>.

⁷ Wis. Stat. § 19.36(6).

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