



July 19, 2021

**VIA EMAIL**

Representative Dave Murphy  
Wisconsin State Capitol  
Room 318 North  
Madison, WI 53708  
[rep.murphy@legis.wisconsin.gov](mailto:rep.murphy@legis.wisconsin.gov)

**Re: Public Records Law Request**

Dear Representative Murphy:

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.<sup>1</sup> Since this announcement, the names of several of the contracted individuals have been made public—and include former Milwaukee Police Detective Mike Sandvick and former Wisconsin Supreme Court Justice Michael Gableman, whose past actions have raised concerns over the partiality of the investigation.<sup>2</sup> In June, several Wisconsin state legislators, including Assembly Campaigns and Elections Committee chair Janel Brandtjen, visited the site of the Arizona State Senate's partisan "audit."<sup>3</sup> Former President Trump, among others, has

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<sup>1</sup> Patrick Marley, *Top Wisconsin Republican Robin Vos Hires Former Cops to Investigate November Election*, Milwaukee J. Sentinel (updated May 26, 2021, 5:16 PM), <https://www.jsonline.com/story/news/politics/elections/2021/05/26/wisconsin-republican-robin-vos-hires-ex-cops-investigate-election/7455034002/>.

<sup>2</sup> Patrick Marley & Molly Beck, *The Election Investigator Hired by Vos Wrote a Police Report That Spawned Partisan Fight Over Voting Rules in 2008*, Milwaukee J. Sentinel (updated May 28, 2021, 3:07 PM), <https://www.jsonline.com/story/news/politics/2021/05/28/wisconsin-election-investigator-vos-hired-has-partisan-past/7477548002/>; Molly Beck, *A Former Wisconsin Supreme Court Justice Will Oversee the Latest Election Review Sought by the State's GOP Leaders*, Milwaukee J. Sentinel (updated June 26, 2021, 2:45 PM), <https://www.jsonline.com/story/news/politics/elections/2021/06/26/former-wisconsin-supreme-court-justice-michael-gableman-will-oversee-robin-vos-2020-election-review/5357319001/>.

<sup>3</sup> Patrick Marley, *Wisconsin Republicans, and a Disgraced Ex-Missouri Governor, Tour Site of Controversial Arizona Ballot Audit*, Milwaukee J. Sentinel (updated June 13, 2021, 9:35 AM), <https://www.jsonline.com/story/news/politics/2021/06/12/wisconsin->



criticized the Wisconsin Legislature for failing to pursue a “full forensic investigation” of the election.<sup>4</sup>

American Oversight seeks records with the potential to shed light on the legislature’s investigation of the November 2020 election, including those regarding similar partisan reviews in other states and calls for Wisconsin to expand its investigation.

### **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 (A) Representative Dave Murphy, or anyone communicating on their behalf, such as a scheduler or assistant, or their chief of staff, and (B) any of the individuals or entities listed below. In the case of emails and texts, the search should include those sent or received from the specified officials’ personal accounts and devices if they were used to conduct official business, as well those sent from their official email addresses or government-issued devices.

#### Specified Entities:

1. Christina Bobb, Chanel Rion, or anyone communicating on behalf of Voices & Votes
2. Anyone communicating on behalf of One America News Network (including anyone communicating from an email address ending in @oann.com)
3. Former Missouri Governor Eric Greitens
4. Kelli Ward, or anyone communicating on behalf of the Arizona Republican Party (including anyone communicating from an email address ending in @azgop.com)
5. Anyone communicating from an email address ending in @azleg.gov
6. Arizona Senate President Karen Fann, her aide Adrian Luth, or her aide Sawyer Bessler
7. Arizona Senate Chief of Staff Wendy Baldo, Deputy Chief of Staff Melissa Taylor, Director of Communications Mike Philipsen, or General Counsel Greg Jernigan

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[republicans-review-arizona-ballots-alongside-missouri-governor-who-stepped-down-amid-scand/7671283002/](https://www.jsonline.com/story/news/politics/2021/06/26/vos-says-trump-misinformed-after-former-president-claimed-wisconsin-gop-leaders-hiding-election-corr/5356805001/).

<sup>4</sup> Molly Beck, *Wisconsin GOP Leaders Say Trump is ‘Misinformed’ After the Former President Claimed They Are Hiding Election Corruption*, Milwaukee J. Sentinel (updated June 26, 2021, 7:29 PM),

<https://www.jsonline.com/story/news/politics/2021/06/26/vos-says-trump-misinformed-after-former-president-claimed-wisconsin-gop-leaders-hiding-election-corr/5356805001/>.

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

8. Sonny Borrelli, or his aide Phyllis Heivilin
9. Warren Petersen, or his aide Heather Covert
10. Arizona Senator Kelly Townsend or her aide KayRee Kubat
11. Arizona Senator Wendy Rogers, or her aide Ian Jaime
12. Arizona Representative Leo Biasiucci, or his aide Jennifer Johnson
13. Arizona Representative Mark Finchem (including, but not limited to, [markfinchem@me.com](mailto:markfinchem@me.com)), or his aide April Riggins
14. Arizona Senate Liaison Ken Bennett (including, but not limited to, [kbennettaz7@gmail.com](mailto:kbennettaz7@gmail.com), [kbazsos@gmail.com](mailto:kbazsos@gmail.com), [kjbennettaz@gmail.com](mailto:kjbennettaz@gmail.com), [arizonaaudit@gmail.com](mailto:arizonaaudit@gmail.com))
15. Arizona Senate Liaison Randy Pullen
16. Assistant Arizona Senate John Brakey (including, but not limited to, [johnbrakey@gmail.com](mailto:johnbrakey@gmail.com)), Arlene Leaf, or anyone communicating on behalf of Audit USA (including anyone communicating from an email address ending in [@auditelectionsusa.org](mailto:@auditelectionsusa.org))
17. Doug Logan, or anyone communicating on behalf of Cyber Ninjas (including anyone communicating from an email address ending in [@cyberninjas.com](mailto:@cyberninjas.com))
18. Earl Eugene Kern, or anyone communicating on behalf of Wake Technology Services, Inc. (including anyone communicating from an email address ending in [@waketsi.com](mailto:@waketsi.com))
19. Ben Cotton, or anyone communicating on behalf of CyFir (including anyone communicating from an email address ending in [@cyfir.com](mailto:@cyfir.com))
20. Steve Davis, or anyone communicating on behalf of Digital Discovery (including anyone communicating from an email address ending in [@digitaldiscoverycorp.com](mailto:@digitaldiscoverycorp.com))
21. Heather Honey, or anyone communicating on behalf of Haystack Investigations (including anyone communicating from an email address ending in [@haystackinvestigations.com](mailto:@haystackinvestigations.com))
22. Liz Harris (including, but not limited to, [lizharrismba@gmail.com](mailto:lizharrismba@gmail.com))
23. Colonel Phil Waldron (including, but not limited to, [phil@onewarrior.com](mailto:phil@onewarrior.com) or [p@bonfiresearch.org](mailto:p@bonfiresearch.org)), Russell Ramsland (including, but not limited to [ryuks9sq@alliedspecialops.us](mailto:ryuks9sq@alliedspecialops.us)), or anyone communicating on behalf of Allied Security Operations Group (including anyone communicating from an email address ending in [@alliedspecialops.us](mailto:@alliedspecialops.us))
24. Patrick Byrne, or anyone communicating on behalf of the America Project (including anyone communicating from an email address ending in [@americaproject.com](mailto:@americaproject.com))
25. Jovan Hutton Pulitzer (including, but not limited to, [jovanhuttonpulitzer@gmail.com](mailto:jovanhuttonpulitzer@gmail.com))
26. Bobby Piton (including, but not limited to [bobbypiton@gmail.com](mailto:bobbypiton@gmail.com) [rcpiton@gmail.com](mailto:rcpiton@gmail.com), or anyone communicating from an email address ending in [@preactiveinvestments.com](mailto:@preactiveinvestments.com))
27. Former National Security Advisor Mike Flynn, Joseph Flynn, or anyone communicating on behalf of Defending the Republic (including anyone communicating from an email address ending in [@defendingtherepublic.org](mailto:@defendingtherepublic.org))

Please provide all responsive records from May 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.<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 Wisconsin state legislature’s delegation to the Arizona State Senate’s investigation of Maricopa County’s election results and 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 whether or to what extent partisan motivations or external actors guided the decision of Wisconsin lawmakers to investigate the state’s own election or expand the current investigation. American Oversight is committed to transparency and makes the responses agencies provide to public records requests publicly available, and the public’s

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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 15,640 page likes on Facebook and 106,200 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited July 15, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited July 15, 2021).

<sup>9</sup> See *supra*, notes 1-4.

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**

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.

American Oversight expects that you have ensured all responsive records and records relevant to this request and your compliance with it are retained as required by Wisconsin law. Please take all appropriate steps to ensure that no such records are deleted by the agency before the completion of processing for this request. If records potentially responsive or relevant to this request, or your compliance with it, 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.

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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).

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](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