VIA EMAIL

Edward Blazel
Assembly Chief Clerk
17 West Main Street, Room 401
Madison, WI 53703
ted.blazel@legis.wisconsin.gov

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 Chief Clerk Blazel and 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.¹ Since the time of this announcement, the names of several of the contracted individuals had been made public, among them former Milwaukee Police Detective Mike Sandvick, former Eau Claire police Detective Steven Page, and former Wisconsin Supreme Court Justice Michael Gableman.²

However, on July 30, 2021, Speaker Vos announced two of the investigators had quit and that, instead, former justice Gableman would serve as “special counsel” in an expanded investigation.³

American Oversight seeks records with the potential to shed light on the Wisconsin Assembly’s investigation of the November 2020 election, including regarding the role and activities of contractors who are performing work in furtherance of that investigation.

Requested Records

American Oversight requests that Speaker Vos and the Wisconsin Assembly produce the following records “as soon as practicable and without delay”:⁴

1. A complete copy (including any attachments) of any contract, sub-contract, amendment, memorandum of understanding, or other written agreement (A) between the Wisconsin Assembly and individuals or entities associated with the legislature’s investigation of the November 2020 election related to the planning, preparation, or execution of the investigation, including but not limited to agreements between named contractors former Milwaukee police Detective Mike Sandvick, former Eau Claire police Detective Steven Page, or former Wisconsin Supreme Court Justice Michael Gableman, and (B) between any of the individuals or entities named above in item 1(A) of this request and any assistants, consultants, counsel, formal or informal advisors, temporary workers, or unpaid volunteers, as well as any external sources of funds.

2. A complete copy (including any attachments) of any resume, bid, project proposal, cost or time estimate, scope of work, application form, or other document submitted to any of the individuals or entities named in item 1 of this request, as well as any records regarding the solicitation and evaluation of any bids or proposals.

3. Records identifying or referring to the scope of the investigative authority of the Assembly’s investigators or their agents, including but not limited to authority regarding compelling witnesses, issuing subpoenas, or making referrals to the Wisconsin Department of Justice, the U.S. Department of Justice or its subcomponents, or any other law enforcement agency.

⁴ Wis. Stat. § 19.35(4)(a).
4. Any project plans or other documents detailing the steps or procedures to be followed in each aspect of the investigation, including but not limited to: records regarding identifying, prioritizing, and investigating “potential irregularities and/or illegalities,” including a complete copy of any reports of alleged irregularity or wrongdoing; protocols, guidelines, or scripts for contacting and interviewing witnesses; records describing investigative methodology, equipment, or supplies; or guidelines for ensuring the safe handling and privacy of confidential voter information and ballot equipment.

5. A complete copy (including any attachments) of any invoice received from or records reflecting any payment made to former Milwaukee police Detective Mike Sandvick, former Eau Claire police Detective Steven Page, former Wisconsin Supreme Court Justice Michael Gableman, or any additional investigators contracted by the Wisconsin Assembly or by former justice Gableman, in connection with their services to the Wisconsin Assembly.

6. Any criteria, schedule, or other guidelines for the completion of work product related to the investigation, including, but not limited to, interim updates to the Assembly and the construction and presentation of a final report of findings.

Please provide all responsive records from July 19, 2021, through the date the search is conducted. This request seeks records in addition to, and not duplicative of, records previously sought by American Oversight. In all cases, responsive records include records that were “produced or collected” under any contract entered by the Speaker Vos and/or the Wisconsin Assembly.

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

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6 Wis. Stat. Ann. § 19.36(3) (“Each authority shall make available for inspection and copying under s. 19.35(1) any record produced or collected under a contract entered into by the authority with a person other than an authority to the same extent as if the record were maintained by the authority.”).
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. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.

The public has a significant interest in the Wisconsin Assembly’s investigation of the November 2020 election. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including the role of contractors in conducting the Assembly’s 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**

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10 See supra, notes 1 & 2.
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.11

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.12 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.

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 B253, 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

12 Wis. Stat. § 19.36(6).
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