



November 15, 2021

VIA EMAIL

Representative Janel Brandtjen
Wisconsin State Capitol
Room 12 West
Madison, WI 53708
rep.brandtjen@legis.wi.gov

Re: Public Records Law Request

Dear Representative Brandtjen:

Pursuant to Wisconsin's public records law, Wis. Stat. §§ 19.31–19.39, American Oversight makes the following request for copies of records.

Public records obtained by American Oversight include correspondence between Representative Janel Brandtjen and a nationwide network of donors, activists, attorneys, and candidates for elected office, “whose goal is completing a cyber forensic audit in their state,” according to a calendar invitation received by Representative Brandtjen.¹ The many other invitees on the call included John Eastman, Lin Wood, and former national security advisor Mike Flynn, all of whom have supported the false narrative that the November 2020 election was corrupted by systemic fraud and that former President Trump in fact won the election.²

American Oversight seeks records with the potential to shed light on the extent to which Wisconsin legislators have communicated with entities seeking to undermine faith in elections.

¹ American Oversight, *Arizona Senate Records Regarding Maricopa County Election ‘Audit’ Part 39/500* at 998, https://www.documentcloud.org/documents/21054163-ocr-az-part-6_part-3#document/p998.

² Spencer Ackerman & Kelly Weill, *‘When the Bombs Go Off, the Blood is on Mike Flynn’s Hands:’ Retired Officers Blast His Call for Martial Law*, Daily Beast (updated Dec. 2, 2020, 5:26 PM), <https://www.thedailybeast.com/when-the-bombs-go-off-the-blood-is-on-mike-flynn-s-hands-retired-officers-blast-his-calls-for-martial-law>; Tom Hamburger & Jacqueline Alemany, *Group Files Complaint with California Bar Association Against John Eastman, Lawyer Who Advised Trump on Election Challenges*, Wash. Post (Oct. 4, 2021, 6:07 PM), https://www.washingtonpost.com/politics/eastman-trump-bar-complaint/2021/10/04/26dc7d50-2535-11ec-8831-a31e7b3de188_story.html; Ed White, *Trump Lawyer Might Be Penalized Over Michigan Election Case*, Associated Press, July 12, 2021, <https://apnews.com/article/joe-biden-government-and-politics-elections-michigan-e45f806062edd8a7ba81cefd8f3f2638>.



Requested Records

American Oversight requests that your office produce the following records “as soon as practicable and without delay”:³

1. All records reflecting Representative Janel Brandtjen’s participation in any “election integrity” or “2020 election remediation” meeting,⁴ including, but not limited to: complete calendar invitations; communications with organizers or participants; meeting notes, readouts, transcripts, emails discussing the call, or other memorialization; or files shared during or in connection with any such meetings.
2. All records reflecting the full content of any post published to Wickr Pro related to “election integrity” meetings by Rep. Brandtjen (including, but not limited to the “2020 Election Remediation” meeting room).
3. All files uploaded by Rep. Brandtjen to Wickr Pro related to “election integrity” meetings (including, but not limited to the “2020 Election Remediation” meeting room).
4. All files downloaded by Rep. Brandtjen from Wickr Pro related to “election integrity” meetings (including, but not limited to the “2020 Election Remediation” meeting room), whether to a government or personal device.
5. All records reflecting the content of Rep. Brandjen’s Wickr Pro profile.
6. Records sufficient to identify the expiration timer for any Wickr Pro meeting rooms related to “election integrity” meetings (including, but not limited to the “2020 Election Remediation” meeting room).
7. Records sufficient to identify the full list of participants for any Wickr Pro meeting rooms related to “election integrity” meetings (including, but not limited to the “2020 Election Remediation” meeting room).
8. Records sufficient to identify the moderators of any Wickr Pro meeting rooms related to “election integrity” meetings (including, but not limited to the “2020 Election Remediation” meeting room).

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

³ Wis. Stat. § 19.35(4)(a).

⁴ *See supra*, note 1.

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

The public has a significant interest in actions taken by the Wisconsin legislature to investigate the November 2020 election.⁸ 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 legislators have communicated with external entities seeking to exert influence over any such investigations. 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

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 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 15,600 page likes on Facebook and 109,100 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Nov. 15, 2021) American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Nov. 15, 2021).

⁸ See Scott Bauer, *Wisconsin Attorney General Calls for Election Probe to End*, Associated Press, Oct. 11, 2021, <https://apnews.com/article/technology-wisconsin-madison-wisconsin-supreme-court-election-2020-1c1abf900523b141777771817c9a70f6>.

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 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.

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>.

¹⁰ 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 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