



November 15, 2021

**VIA EMAIL**

Representative Janel Brandtjen  
Wisconsin State Capitol  
Room 12 West  
Madison, WI 53708  
[rep.brandtjen@legis.wi.gov](mailto: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.<sup>1</sup> 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.<sup>2</sup>

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.

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<sup>1</sup> 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](https://www.documentcloud.org/documents/21054163-ocr-az-part-6_part-3#document/p998).

<sup>2</sup> 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](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”:<sup>3</sup>

- A. 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 (i) Representative Janel Brandtjen, or her aides Melodie Duesterbeck and Bill Savage, and (ii) any of the individuals or entities below.

The search should include those sent or received from personal accounts and devices if they were used to conduct official business, as well those sent from any official email addresses or government-issued devices.

1. Michael Gableman, Zakary Niemierowicz, Andrew Kloster, or anyone communicating on behalf of Gableman or the Wisconsin Office of Special Counsel
2. Reince Priebus, or anyone communicating on behalf of Michael Best & Friedrich LLP ([@michaelbest.com](mailto:@michaelbest.com))
3. Jim Troupis ([jtroupis@hotmail.com](mailto:jtroupis@hotmail.com)), or anyone communicating on behalf of Troupis Law Office
4. Michael D. Dean ([miked@michaelddeanllc.com](mailto:miked@michaelddeanllc.com))
5. Daniel Eastman, or anyone communicating from an email address ending in [@attorneyeastman.com](mailto:@attorneyeastman.com)
6. Kurt Olsen
7. Jesse Binall ([jesse@binall.com](mailto:jesse@binall.com))
8. Erick Kaardal, or anyone communicating on behalf of Mohrman, Kaardal & Erickson, P.A. ([@mklaw.com](mailto:@mklaw.com))
9. Wisconsin Gubernatorial Candidate Rebecca Kleefisch
10. Harry Wait ([harrytrex@gmail.com](mailto:harrytrex@gmail.com) or [hotgovernment@gmail.com](mailto:hotgovernment@gmail.com)) or anyone communicating on behalf of Honest, Open, and Transparent Government
11. Randy Pullen ([rpullen13@gmail.com](mailto:rpullen13@gmail.com))
12. Pennsylvania Senators Doug Mastriano, Dave Argall, or Cris Dush, or anyone communicating on behalf of the Pennsylvania State Senate ([@pasen.gov](mailto:@pasen.gov))
13. Toni Shuppe ([tshuppe@protonmail.com](mailto:tshuppe@protonmail.com)), Jamie Sheffield, or anyone communicating on behalf of Audit the Vote PA
14. Former Michigan State Senator Patrick Colbeck
15. Linda Lee Tarver ([lindaleetarver@gmail.com](mailto:lindaleetarver@gmail.com))
16. Matthew DePerno, or anyone communicating on behalf of DePerno Law Office ([@depernelaw.com](mailto:@depernelaw.com))
17. Patrick Byrne, Mike Roman ([mikeroman@protonmail.com](mailto:mikeroman@protonmail.com)) or anyone communicating on behalf of the America Project ([@americaproject.com](mailto:@americaproject.com))

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<sup>3</sup> Wis. Stat. § 19.35(4)(a).

18. Al Hartman, Jenny Limcher, or anyone communicating on behalf of Hartman REIT (@hartman-reit.com)
19. Lin Wood, or anyone communicating from an email address ending in @fightback.law
20. Michael Bowman ([mbowman@alecaction.org](mailto:mbowman@alecaction.org))
21. Ivan Raiklin ([ivan.raiklin@gmail.com](mailto:ivan.raiklin@gmail.com) or [socialmediaraiklin@gmail.com](mailto:socialmediaraiklin@gmail.com))
22. Raj Doraisamy, Caroline Wetherington, or anyone communicating on behalf of Defend Wisconsin or Defend Our Union (@defendourunion.org)
23. Mike Flynn, or anyone communicating from an email address ending in @generalflynn.com, or anyone communicating on behalf of America's Future (@americasfuture.net)
24. Cleta Mitchell ([cleta@cletamitchell.com](mailto:cleta@cletamitchell.com) or [cmitchell@foley.com](mailto:cmitchell@foley.com)), or anyone communicating on behalf of the Bradley Foundation (@bradleyfdn.org)
25. John Eastman ([jeastman@claremont.org](mailto:jeastman@claremont.org))
26. Hogan Gidley, Kenneth Blackwell ([kennethblackwell693@gmail.com](mailto:kennethblackwell693@gmail.com)), or anyone communicating on behalf of America First Policy Institute (@americafirstpolicy.com)
27. Phil Waldron ([phil@onewarrior.com](mailto:phil@onewarrior.com) or [p@bonfiresearch.org](mailto:p@bonfiresearch.org)), Russ Ramsland ([ryuks9sq@alliedspecialops.us](mailto:ryuks9sq@alliedspecialops.us)), James Keet Lewis III ([keet@jkeetlewis.com](mailto:keet@jkeetlewis.com)), or anyone communicating on behalf of Allied Security Operations Group (@alliedspecialops.us)
28. Jovan Hutton Pulitzer ([jovanhuttonpulitzer@gmail.com](mailto:jovanhuttonpulitzer@gmail.com))
29. Shiva Ayyadurai ([vashiva@vashiva.com](mailto:vashiva@vashiva.com)), or anyone communicating on behalf of EchoMail (@echomail.com)

For Part A of this request, please provide all responsive records from April 1, 2021, through the date the search is conducted.

- B. 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 (i) Representative Janel Brandtjen, or her aides Melodie Duesterbeck and Bill Savage, and (ii) any of the individuals or entities below.

The search should include those sent or received from personal accounts and devices if they were used to conduct official business, as well those sent from any official email addresses or government-issued devices.

1. Wisconsin Elections Commissioner Bob Spindell (including, but not limited to [cd4.chairman@wisgop.info](mailto:cd4.chairman@wisgop.info) and [rspindell@gottesmancompany.com](mailto:rspindell@gottesmancompany.com))
2. Phill Kline (including, but not limited to [phillklineva@gmail.com](mailto:phillklineva@gmail.com)), or anyone communicating on behalf of the Amistad Project or the Thomas More Society (including anyone communicating from an email address ending in @thomasmoresociety.org)
3. Karen Mueller, or anyone communicating on behalf of the Amos Center for Justice and Liberty (including, but not limited to, anyone communicating from an email address ending in @amoscenterforjustice.org)

4. Tarren Bragdon, or anyone communicating on behalf of the Foundation for Government Accountability (including anyone communicating from an email address ending in @thefga.org)
5. Ron Heuer (including, but not limited to [ronheuer@gmail.com](mailto:ronheuer@gmail.com)) or anyone communicating on behalf of the Wisconsin Voters' Alliance
6. Jacqueline Timmer, or anyone communicating on behalf of the American Voter's Alliance (including anyone communicating from an email address ending in @got-freedom.org)
7. Catherine Engelbrecht, Logan Churchwell, Maureen Riordan, Courtney Kramer, Dan Gelernter, or anyone communicating on behalf of True the Vote (including anyone communicating from an email address ending in @truethevote.org or @truethevote.com)
8. Christina Bobb, Chanel Rion, or anyone communicating on behalf of Voices & Votes or One America News Network (including anyone communicating from an email address ending in @oann.com)

For Part B of this request, please provide all responsive records from July 15, 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>4</sup> American Oversight also makes materials it gathers available on its public

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<sup>4</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>.

website<sup>5</sup> and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>6</sup>

The public has a significant interest in actions taken by the Wisconsin legislature to investigate the November 2020 election.<sup>7</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 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**

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.<sup>8</sup>

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<sup>5</sup> *Documents*, American Oversight, <https://www.americanoversight.org/documents>.

<sup>6</sup> 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).

<sup>7</sup> 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>.

<sup>8</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>.

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>9</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.

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 Sarah Colombo at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 869-5244. Also, if American Oversight's

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<sup>9</sup> Wis. Stat. § 19.36(6).

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