



December 2, 2021

VIA EMAIL

Michael Queensland
Senate Chief Clerk
P.O. Box 7882
Madison, WI 53707
Michael.Queensland@legis.wisconsin.gov

Senator Devin LeMahieu, Majority Leader
Wisconsin State Senate
State Capitol, Room 211 South
P.O. Box 7882
Madison, WI 53707
Sen.LeMahieu@legis.wisconsin.gov

Senator Duey Stroebel
Wisconsin State Senate
State Capitol, Room 18 South
P.O. Box 7882
Madison, WI 53707
Sen.Stroebel@legis.wisconsin.gov

Senator Mary Felzkowski
Wisconsin State Senate
State Capitol, Room 415 South
P.O. Box 7882
Madison, WI 53708
Sen.Felzkowski@legis.wisconsin.gov

Re: Public Records Law Request

Dear Chief Clerk Queensland, Senate Majority Leader LeMahieu, Senator Stroebel, and Senator Felzkowski:

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

Wisconsin Governor Tony Evers recently vetoed two district boundary proposals, sending the state's redistricting process to the Wisconsin Supreme Court.¹ As the

¹ Mychael Schnell, *Wisconsin Governor Vetoes Redistricting Maps, Calls Them 'Gerrymandering 2.0,'* The Hill (Nov. 18, 2021, 6:27PM EST),



redistricting process proceeds, American Oversight seeks records related to the official activities of the individuals in charge of Wisconsin's redistricting.

Requested Records

American Oversight requests that your office produce the following records “as soon as practicable and without delay”:²

All calendars or calendar entries for Senate Majority Leader Devin LeMahieu, Senator Duey Stroebel, and Senator Mary Felzkowski including any calendars maintained on their behalf from January 1, 2021, through the date the search is conducted.

American Oversight requests that the calendars be produced in a format that includes all invitees, any notes, and all attachments. Please do not limit your search to Outlook calendars; we request the production of any calendar—paper or electronic, whether on government-issued or personal devices—used to track or coordinate how Senate Majority Leader LeMahieu, Senator Stroebel, and Senator Felzkowski allocates their time on public business.

The search should include any calendars associated with their individual email accounts, if used for official business, as well as any official calendars maintained for them, including by their legislative assistants.

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.³ American Oversight also makes materials it gathers available on its public

<https://thehill.com/homenews/state-watch/582261-wisconsin-governor-vetoes-redistricting-maps-calls-them-gerrymandering>.

² Wis. Stat. § 19.35(4)(a).

³ 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,

website⁴ and promotes their availability on social media platforms, such as Facebook and Twitter.⁵

The public has a significant interest in the activities of state legislators involved with Wisconsin's redistricting process.⁶ 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 legislators have consulted outside groups for input on the redistricting process. 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

<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>.

⁴ *Documents*, American Oversight, <https://www.americanoversight.org/documents>.

⁵ American Oversight currently has approximately 15,600 page followers on Facebook and 109,200 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Nov. 30, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Nov. 30, 2021).

⁶ Laurel White, *Redistricting Plan Would Increase GOP Chances in Wisconsin's Most Competitive Congressional District*, Wisc. Public Radio (Oct. 25, 2021, 6:15AM), <https://www.wpr.org/redistricting-plan-would-increase-gop-chances-wisconsins-most-competitive-congressional-district>.

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.⁷

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.⁸ 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 or (202) 869-5244. Also, if American Oversight's

⁷ 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>.

⁸ 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