



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

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September 26, 2022

Sarah Colombo
American Oversight
records@americanoversight.org

Dear Sarah Colombo:

This is in response to your correspondence, dated September 8, 2022, in which you requested the following:

Records sufficient to identify the number and types of threats to elections officials currently or previously reported by or to the Wisconsin Statewide Intelligence Center (WSIC), including any reports or analyses of threats to elections officials possessed by WSIC.

To be clear, American Oversight is not requesting the disclosure of names, other personally identifiable information, or privileged details about ongoing investigations, and it does not object to the redaction of such information from responsive documents. To the extent that WSIC maintains aggregated information, such as spreadsheets or databases, of threats to election officials and the dates of reported threats, such documents would be responsive to this request.

Please provide all responsive records from September 1, 2018, through the date the search is conducted.

The Wisconsin Department of Justice (Wisconsin DOJ) construes your correspondence as a public records request pursuant to the Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39.

Wisconsin DOJ searched its files and determined that Wisconsin DOJ does not have any records responsive to your request. The Wisconsin Statewide Information Center (WSIC) does not collect or maintain any aggregated information matching your request. There is no established reporting mechanism or requirement in Wisconsin compelling that local elections officials report received threats to WSIC, and WSIC does not track such threats. Therefore, WSIC has no spreadsheets, databases, or other records containing compiled data that would identify the number or types of threats received by local elections officials in Wisconsin for

any time period. The public records law “does not require an authority to provide requested information if no record exists, or to simply answer questions about a topic of interest to the requester.” *Journal Times v. City of Racine Board of Police and Fire Commissioners*, 2015 WI 56, ¶ 55, 362 Wis. 2d 577, 866 N.W.2d 563; *see also State ex rel. Zinngrabe v. Sch. Dist. of Sevastopol*, 146 Wis. 2d 629, 431 N.W.2d 734 (Ct. App. 1988).

As our office explained in a September 20, 2022 email to you, our records search identified Wisconsin DOJ Division of Criminal Investigation (DCI) files documenting referrals of information related to six incidents in which threats were received by the Wisconsin Elections Commission or its individual commissioners over a period from 2020-2022. However, in your September 26, 2022 email response, you clarified that your office was not interested in having copies of those records prepared for release to you in response to your request. Therefore, your request has been closed. Should you later determine you do wish to request those referenced materials, please contact our office.

Pursuant to Wis. Stat. § 19.35(4)(b), if a determination denies a request, in whole or in part, it is subject to review by mandamus under Wis. Stat. § 19.37(1) or upon application to a district attorney or the Attorney General.

Sincerely,



Paul M. Ferguson
Assistant Attorney General
Office of Open Government

PMF:kas