



March 19, 2024

VIA EMAIL

Commissioner Robert Spindell
Wisconsin Elections Commission
P.O. Box 7984
Madison, Wisconsin 53707
robert.spindell@wisconsin.gov

Public Records Request
Wisconsin Elections Commission
P.O. Box 7984
Madison, Wisconsin 53707
elections@wisconsin.gov

Re: Public Records Law Request

Dear Commissioner Robert Spindell and Wisconsin Elections Commission (WEC)
Public Records Officer:

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

Requested Records

American Oversight requests that Wisconsin Elections Commissioner Robert Spindell and the Wisconsin Elections Commission produce the following records “as soon as practicable and without delay”:¹

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (A) Commissioner Robert Spindell and (B) any of the external individuals listed below, including, but not limited to, the listed email addresses.

External Individuals:

1. State Representative Chuck Wichgers (Rep.Wichgers@legis.wisconsin.gov)
2. State Representative David Steffen (Rep.Steffen@legis.wisconsin.gov)
3. State Representative Janel Brandtjen (Rep.Brandtjen@legis.wisconsin.gov)
4. State Representative Kevin Petersen (Rep.Petersen@legis.wisconsin.gov)

¹ Wis. Stat. § 19.35(4)(a).



5. State Representative Robin Vos (Rep.Vos@legis.wisconsin.gov)
6. State Representative Scott Allen (Rep.Allen@legis.wisconsin.gov)
7. State Representative Scott Krug (Rep.Krug@legis.wisconsin.gov)
8. State Representative Ty Bodden (Rep.Bodden@legis.wisconsin.gov)
9. State Representative Tyler August (Rep.August@legis.wisconsin.gov)
10. State Senator Chris Kapenga (Sen.Kapenga@legis.wisconsin.gov)
11. State Senator Dan Feyen (Sen.Feyen@legis.wi.gov)
12. State Senator Dan Knodl (Sen.Knodl@legis.wisconsin.gov)
13. State Senator Devin LeMahieu (Sen.LeMahieu@legis.wisconsin.gov)
14. State Senator Duey Stroebel (Sen.Stroebel@legis.wisconsin.gov)
15. State Senator Howard Marklein (Sen.Marklein@legis.wi.gov)
16. State Senator Joan Ballweg (Sen.Ballweg@legis.wisconsin.gov)
17. State Senator Patrick Testin (Sen.Testin@legis.wisconsin.gov)
18. State Senator Van Wanggaard (Sen.Wanggaard@legis.wisconsin.gov)

Please note that American Oversight does not seek, and that part 1 of this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, if Commissioner Spindell received a mass-distribution news clip email from a listed external individual, that initial email would not be responsive to this request. However, if Commissioner Spindell forwarded that email to another individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by Commissioner Spindell containing any of the key terms listed below.

Key Terms:

- a. Resign*
- b. “All Voting is Local”
- c. AVL
- d. “democracy campaign”
- e. Impeach*
- f. “AR 18”
- g. 834
- h. 899
- i. 567
- j. 685
- k. Dissol*
- l. “abolish WEC”
- m. “abolish the WEC”
- n. Protasiewicz
- o. “choice voting”
- p. “early processing”
- q. “process early”
- r. “Monday process”

- s. “private fund”
- t. “ballot measure”
- u. “ballot initiative”
- v. “constitutional amendment”
- w. “Question 1”
- x. “Question 2”
- y. “election amendment”

Please note that American Oversight is using the asterisk (*) to designate the standard use of “wildcards” in the search for responsive records. For example, a search for “impeach*” would return all of the following: impeach, impeached, impeachment, etc. If your agency is unable to search for wildcards, please advise so that we may specifically include the variations that we would like searched.

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited part 2 of this request to emails sent by Commissioner Spindell. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both Commissioner Spindell’s response to an email containing a listed key term and the initial received message are responsive to this request and should be produced.

For both parts of this request, the search should include email communications sent or received by any individual or personal accounts associated with Commissioner Spindell if they were used to conduct official business, as well as those sent or received by official email addresses.

For both parts of this request, please provide all responsive records from September 1, 2023, 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.² American Oversight also makes materials it gathers available on its public website³ and promotes their availability on social media platforms, such as Facebook and Twitter.com.⁴

The public has a significant interest in the administration of elections in Wisconsin. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including the actions and communications of Commissioner Spindell as they pertain to election administration. 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. 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.⁵

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.⁶ If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the

² 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>.

³ *Documents*, American Oversight, <https://www.americanoversight.org/documents>.

⁴ American Oversight currently has approximately 16,000 followers on Facebook and 111,400 followers on Twitter.com. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Mar. 13, 2024); American Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited Mar. 13, 2024).

⁵ 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>.

⁶ Wis. Stat. § 19.36(6).

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 Ben Sparks at records@americanoversight.org or (202) 873-1741. 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/ Ben Sparks

Ben Sparks
on behalf of
American Oversight