



March 19, 2024

**VIA EMAIL**

Commissioner Robert Spindell  
Wisconsin Elections Commission  
P.O. Box 7984  
Madison, Wisconsin 53707  
[robert.spindell@wisconsin.gov](mailto:robert.spindell@wisconsin.gov)

Public Records Request  
Wisconsin Elections Commission  
P.O. Box 7984  
Madison, Wisconsin 53707  
[elections@wisconsin.gov](mailto: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”:<sup>1</sup>

1. All text messages or messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, X direct messages, Facebook messages, WhatsApp, Signal, Telegram, or Parler) between (A) Commissioner Spindell and (B) any of the external individuals listed below.

External Individuals:

1. Catherine Engelbrecht
2. Eli Huber
3. Hans von Spakovsky
4. Jay Valentine
5. Harry Wait
6. Mike Lindell
7. Patrick Byrne

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<sup>1</sup> Wis. Stat. § 19.35(4)(a).



8. Mike Roman
9. Peter Bernegger

American Oversight is not in a position to provide phone numbers for these individuals. To the extent Commissioner Spindell is unable to provide them, please use their first and last names as search terms. For example, a search for text messages between Commissioner Spindell and Catherine Engelbrecht would be conducted by searching Commissioner Spindell's text messages using the key terms "Catherine Engelbrecht," "Catherine," and "Engelbrecht."

2. All text messages or messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, X direct messages, Facebook messages, WhatsApp, Signal, Telegram, or Parler), including complete message threads/conversations, sent by Commissioner Spindell containing any of the key terms listed below.

Key Terms:

- a. "election integrity"
- b. "hand count"
- c. Elector
- d. Turnout
- e. "fewer votes"
- f. "less votes"
- g. "election reform"
- h. "ballot harvesting"
- i. "ballot fraud"
- j. "election fraud"
- k. "citizenship requirement"
- l. "require citizenship"
- m. "ballot box"
- n. "drop box"
- o. "witness signature"
- p. "witness requirement"
- q. "eligible but unregistered"
- r. "non-citizen"

American Oversight requests that full text message threads/conversations be produced. In other words, if Commissioner Spindell sent a text message containing any of the key terms listed above, the complete thread/conversation for 24 hours before/after the key term appears should be produced, and not just the message containing the key term.

For both parts of this request, the search should include text 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 phones.

**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.<sup>2</sup> American Oversight also makes materials it gathers available on its public website<sup>3</sup> and promotes their availability on social media platforms, such as Facebook and Twitter.com.<sup>4</sup>

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

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<sup>2</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>.

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

<sup>4</sup> 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).

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.<sup>5</sup>

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>6</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.

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<sup>5</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>.

<sup>6</sup> 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 Ben Sparks at [records@americanoversight.org](mailto: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