



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)

**Re: Public Records Law Request**

Dear Commissioner Robert Spindell:

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 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. Clinton Lancaster
2. Former Vice President Mike Pence, former Chief of Staff Marc Short, former National Security Advisor Keith Kellogg, Director of Strategic Affairs Paul Teller
3. Garrett Ziegler
4. Gary Wait
5. Jerome Corsi
6. Jay Stone
7. John Lott
8. Megan Frederick
9. Peter Bernegger
10. Peter Navarro
11. Phil Cannon
12. Robert Natelson
13. Sophia Tjotjos

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



14. U.S. Representative Tom Tiffany, his chief of staff Jason Bauknecht, deputy chief of staff Mac Zimmerman, and/or operations director Mary Galey,
  15. U.S. Representative Mo Brooks, and/or his aides Madison Engelking or Sean Griffin
  16. William Olson
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) between (A) Commissioner Spindell and (B) any of the external individuals listed below.

External Individuals:

1. Daniel Eastman
2. Former National Security Advisor Michael Flynn, Joseph Flynn, Charles Flynn, and/or Michael Flynn Jr.
3. Harry Wait
4. Ivan Raiklin
5. Jacqueline Timmer
6. Mary Coran
7. Jovan Hutton Pulitzer
8. John Eastman
9. Kurt Olsen
10. Lin Wood
11. Michael Dean
12. Michael Gableman
13. Phil Waldron
14. Reince Priebus
15. Ron Heuer
16. Russell Ramsland
17. J. Keet Lewis
18. Wisconsin Representative Timothy Ramthun, or his aide Tristan Johannes

For both parts of this request, to the extent that your search requires specific phone numbers for any external individual, please use their first and last name as search terms. For example, a search for text messages between Commissioner Spindell and Clinton Lancaster would be conducted by searching Commissioner Spindell's text messages using the key terms "Clinton Lancaster," "Clinton," and "Lancaster."

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 November 1, 2020, through January 20, 2021.

## **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.<sup>4</sup>

The public has a significant interest in the administration of elections in Wisconsin.<sup>5</sup> Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including the extent of communications between Wisconsin officials and individuals or entities seeking to contest the result of the 2020 presidential election. American Oversight is committed to transparency and makes the responses agencies provide to public records requests

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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 page likes on Facebook and 111,400 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Mar. 14, 2024); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Mar. 14, 2024).

<sup>5</sup> See Melanie Conklin, *Will False Trump Electors’ Attempt to Hijack the Wisconsin Vote Be Punished?*, Wis. Examiner (Jan. 14, 2022), <https://wisconsinexaminer.com/2022/01/14/will-false-trump-electors-attempt-to-hijack-the-wisconsin-vote-be-punished/>.

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>6</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>7</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

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<sup>6</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>7</sup> Wis. Stat. § 19.36(6).

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](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