



September 17, 2024

VIA EMAIL

City of Madison Clerk's Office
210 Martin Luther King Jr Blvd
Room 105, City-County Building
Madison, WI 53703
CLRecordsCustodian@cityofmadison.com

Re: Public Records Law Request

Dear Public Records Officer(s):

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 your office 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) sent by Clerk Maribeth Witzel-Behl or Deputy Clerk Jim Verbick, and containing any of the key terms listed below.

Key Terms:

- a. Ziklag
- b. “operation checkmate”
- c. “operation steeplechase”
- d. “operation watchtower”
- e. “church engagement”
- f. USATransForm
- g. “USA Transform”
- h. “United in Purpose”
- i. Uihlein
- j. Uline
- k. “seven mountain”
- l. Yoder
- m. “1789 Foundation”

¹ Wis. Stat. § 19.35(4)(a).



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 1 of its request to emails sent by the listed officials. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. For example, both a listed official's response to an email containing a listed key term and the initial received message are 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) between (a) the officials listed above in part 1, and (b) the external entities and individuals listed below (including, but not limited to, anyone communicating from an email address ending in the listed domains).

External Entities and Individuals:

- a. America First Policy Institute (americafirstpolicy.com)
- b. Citizen AG (citizenag.org)
- c. Conservative Partnership Institute (cpi.org)
- d. Drew Hiss
- e. Julie Nimmons
- f. Ken Eldred
- g. Lance Wallnau
- h. Mark Bourgeois
- i. Martin Nussbaum
- j. Mike Yoder (yoderesq.com)
- k. Peter Bohlinger
- l. Ralph Reed, and/or anyone communicating on behalf of Faith and Freedom Coalition (ffcoalition.com)
- m. Turning Point USA (tpusa.com)

Please note that American Oversight does not seek, and part 2 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. For example, if a listed official received a mass-distribution news clip email from a listed external entity or individual, that initial email would not be responsive to this request. However, if they forwarded that email to another individual with their own commentary, that subsequent message would be responsive to this request and should be produced.

For both parts of this request, please provide all responsive records from January 1, 2024, 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 X (formerly Twitter).⁴

The public has a significant interest in efforts by external groups to challenge and remove voter registrations.⁵ 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 officials in Wisconsin have communicated with such groups. American Oversight is committed to transparency and makes the responses agencies provide to public records requests publicly available, and

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 (June 17, 2020), <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 111,200 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Sept. 11, 2024); American Oversight (@weareoversight), X (formerly Twitter), <https://x.com/weareoversight> (last visited Sept. 11, 2024).

⁵ Andy Kroll & Nick Surgey, *Inside Ziklag, the Secret Organization of Wealthy Christians Trying to Sway the Election and Change the Country*, PROPUBLICA (July 13, 2024 5:00 AM), <https://www.propublica.org/article/inside-ziklag-secret-christian-charity-2024-election>.

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

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.⁶

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.⁷ 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

⁶ 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>.

⁷ Wis. Stat. § 19.36(6).

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 David Kronig at records@americanoversight.org or (202) 897-3915. 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/ David Kronig
David Kronig
on behalf of
American Oversight