



City Clerk's Office

210 Martin Luther King, Jr. Boulevard, Room 103, Madison, WI 53703-3342
voting@cityofmadison.com • licensing@cityofmadison.com • clerk@cityofmadison.com
www.cityofmadison.com/clerk • www.cityofmadison.com/election
Phone: 608 266 4601 • Fax: 608 266 4666

We exist to assist.

November 26, 2024

Ben Sparks
American Oversight
1030 15th Street NW, Suite B255
Washington DC 20005
(202) 897-3915
records@americanoversight.org

Dear Ben Sparks:

Thank you for your request for public records dated October 1, 2024, for a copy of all email communications between Clerk Maribeth Witzel-Behl or Deputy Clerk Jim Verbick and a list of 17 external entities and individuals with domains and email addresses listed for all but two (Joshua Caleb Standifer and Lion of Judah and Lance Wallnau) from a period of July 1, 2024, through the date the search is conducted. We conducted the search on October 10, 2024.

Our office sent an initial reply via email on October 2, 2024, stating we had received your request and advising of possibly delays in addressing your request due to the daily office tasks and our primary mission of providing election-related services for the upcoming November 5 General Election in addition to working public records requests in the order in which they were received. We advised at the time that there were 16 requests ahead of yours. We also asked for clarification as your request looked for emails “between (a) the officials” but none were listed. We asked you to provide either names and or email addresses. We requested this clarification by October 16, 2024, at 4:30pm central time or the request would be closed. We also provided a link to all city custodians in case your referred to officials in another city department. We stated we would wait to hear from you.

We received your response via email on October 4, 2024. You indicated the officials you referred to were Clerk Maribeth Witzel-Behl and Deputy Clerk Jim Verbick. We replied via email the same day the clarification had been received.

We sent an emailed update on October 10, 2024, and advised we requested our email search using your criteria on that day. We advised of next steps including a review of resulting emails for relevancy, a review by the Office of the City Attorney for any emails that may need to be withheld for attorney-client privileges or confidentiality, and then a final review for any possible redaction needs.

Our office sent another email update on November 10, 2024, to advise the November 5 General Election was now over although required post-election work continued to be the priority. We advised that the IT search turned up four (4) relevant emails that met your criteria. A question arose from the results and clarification was sought from the Office of

the City Attorney and was still there at the time of that update. We followed up with them and finally received a response. This email serves as a final update.

Regarding your request, searching for emails between the Clerk or Deputy Clerk between July 1, 2024, and October 10, 2024, involving any of the 17 external entities or individuals and key terms for those with no domain or email available, the search conducted by our IT department turned up a total of four (4) emails matching the criteria. These four emails were reviewed, and all were found relevant. They were put together into a single PDF document. Any attachments were also included and are labeled for your convenience. Attachments immediately follow the email from which it came. Please note that the last email in the chain appears to contain a "JPEG image.dat" file which our computers are unable to open. When the original email was checked, there was no attachment. We believe all the requester did was simply copy and paste their updated request into the body of the email and so it appeared as an image when sent. This is noted on page 7. No redactions were necessary and none of the email communications needed to be withheld for attorney-client privilege or confidentiality purposes. All are being released to you as responsive to your request.

The City of Madison utilizes a Secure File Transfer Protocol (SFTP) folder for records that exceed file size limitations or when the number of files is large. This allows people safe and secure access to their public records. Please use the instructions below to log into the secure site to locate your documents.

You will have approximately one (1) week to review the records we have uploaded for you. You may view as many times as you would like or even download the information during this time. **The documents will be cleared on December 4, 2024, at 5:00pm central time.**

To access, connect to our SFTP site using the link below. Simply click the link and you will find the files: "Final_American Oversight Emails 2 file_112624". Click on the file to access it.

Link:

<https://sftp.cityofmadison.com:443/ui/#/syncplify/share?N=te6YfzrW6RPtWmm5G2innN>

We appreciate your patience and understanding as our office worked to honor your September 17, 2024, request. The office staff who handle open records requests also perform daily duties. Solely honoring your request would have diverted precious resources from our primary mission of providing election-related services for the upcoming November 5, 2024, General Election, such as voter registrations, providing notary public services, and providing licensure services to the City for applicants wishing to establish bars, restaurants, Airbnb's, and apartment complexes to name a few. The same staff who respond to open records requests such as yours, also must respond to daily office duties such as those just listed. While providing public records is an essential mission of our office, we could not cease other office operations to dedicate continuous attention to this request. We also work records requests in the order in which they are received.

I hope that this letter is responsive to your request. Please let me know if you need further information.

Sincerely,

Jennifer Haar, WCMC
City Clerk's Office Records Custodian

From: [Jefferson](#)
To: [davisforpresident](#)
Subject: Absentee Ballot Drop Box Quick Survey
Date: Wednesday, July 31, 2024 10:34:52 AM

You don't often get email from davisforpresident@protonmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Good morning:

Your Office has always been very helpful in assisting us to appreciate how the administration of elections in Wisconsin are professionally completed each election cycle.

We are reaching out to get a quick clarification on whether or not your Office plans to utilize absentee ballot drop boxes for the November 5, 2024, election.

As you know, the Wisconsin Supreme Court issued a ruling on July 5, 2024, that Wisconsin municipalities have the option of using absentee ballot drop boxes for upcoming elections.

We are learning that some communities (i.e. New Berlin, Muskego) have chosen not to have absentee ballot drop boxes for the November 5, 2024, election while others (i.e. Eau Claire, Waukesha) will only have one absentee ballot drop box near the Clerk's Office during normal business hours with cameras. Dane County will have multiple sites for their absentee ballot drop boxes located throughout the various communities. The City of Milwaukee will also be using absentee ballot drop boxes across the City.

When your Office has a minute, would you be so kind as to briefly let us know if your Office plans to use absentee ballot drop boxes for the November 5, 2024, election from the following perspectives:

- How many?
- Where will they be located?
- Any cameras?
- Hours absentee ballot drop boxes will be available to drop off absentee ballots.

Please know you are deeply appreciated and respected for helping to make sure elections in Wisconsin go smoothly and are safe and secure.

To the extent your Office considers this communication to be an Open Records Request, then we humbly submit this communication as such under the various provisions of Wisconsin State Statute 19.34.

With warm regards,

Jefferson E. Davis
Spokesmen
Election Integrity for Wisconsin Ad-Hoc Committee
262-470-0893 (c)

Sent with [Proton Mail](#) secure email.

From: [Will Flanders](#)
To: [Will Flanders](#)
Subject: Open Records Request
Date: Thursday, August 1, 2024 11:01:11 AM
Attachments: [Indefinitely Confined Request.pdf](#)

Attachment 1 immediately follows this email.

You don't often get email from flanders@will-law.org. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hi,

We are examining the handling of indefinitely confined status around Wisconsin. Your municipality was either one with the five most indefinitely confined voters or was randomly selected from the list of all other municipalities. Please find an open records request attached.

Don't hesitate to reach out if questions arise or clarification is needed.

Best,

Will Flanders
Research Director, Wisconsin Institute for Law & Liberty
330 E Kilbourn Ave 725
Milwaukee, WI 53202

ATTACHMENT 1



WISCONSIN INSTITUTE FOR LAW & LIBERTY, INC.
330 E. Kilbourn Avenue, Suite 725, Milwaukee, WI 53202-3141
414-727-WILL (9455)
Fax 414-727-6385
www.will-law.org

August 1, 2024
Re: Open Records Request

Dear Records Custodian,

This letter is a request for the following records, made under Wisconsin's Open Records Law, Wis. Stats. §§ 19.31-19.39 for the following records:

As required by Wisconsin Statute § 6.86(2)(b), the voter ID numbers, names, and mailing addresses for voters mailed a notice regarding their removal from the indefinitely confined list following the April 2nd 2024 election, the voter ID numbers of those who submitted a renewal application, and the list of voter ID numbers removed from the indefinitely confined list following this election.

The Open Records Law defines "record" to include information that is maintained on paper and electronically, such as data files and unprinted emails. Wis. Stat. §19.32(2).

If these records are stored electronically, the law requires you to provide them in that electronic format. See *Lueders v. Krug*, 2019 WI App 36. Electronic records can be sent by email to kyle@will-law.org. Otherwise, please mail them to the address above.

The Open Records Law "shall be construed in every instance with a presumption of complete public access, consistent with the conduct of governmental business. The denial of access generally is contrary to the public interest, and only in an exceptional case may access be denied." Wis. Stat. § 19.32(1). If you deny my request, the law requires you to do so in writing and state what part of the law you believe entitles you to deny my request. Wis. Stat. § 19.35(4)(a).

The Open Records Law states that you may charge for "the actual, necessary and direct cost" of locating records, if this exceeds \$50, for photocopies, and for postage. Wis. Stat. § 19.35(3). Please advise me before processing this request if the total cost will exceed \$50.

The law requires you to respond to this request "as soon as practicable and without delay." Wis. Stat. § 19.35(4)(a). If you are not the records custodian for this information, please forward this request to the appropriate person. Also, please contact me if I can help clarify or refine this request.

Sincerely,

Will Flanders
Research Director

From: [TTV Research](#)
To: clerk@cityofmadison.com
Subject: Open Records Request - Time Sensitive
Date: Monday, September 30, 2024 5:26:12 PM
Attachments: [9.30.24 Madison County Records Request.pdf](#) **Attachment 2 immediately follows this email.**

You don't often get email from research@truethevote.org. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Good afternoon,

Please see our attached full Open Records Request for non-commercial research purposes.

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Sincerely,

True the Vote
Research Team
research@truethevote.org
(713) 401-6017

ATTACHMENT 2



September 30, 2024

Open Records Custodian
City Clerk's Office
210 Martin Luther King Jr Blvd, Room 105
City-County Building
Madison, WI 53703
VIA EMAIL: clerk@cityofmadison.com

Dear Records Custodian:

Pursuant to Wisconsin Open Records Law, §19.31 et seq. we are requesting copies of video recordings from security cameras used to surveil all exterior and interior ballot drop boxes in Madison County for the November 2024 Election. Specifically, we are requesting ballot dropbox surveillance videos captured during absentee ballot voting period as detailed below:

1. Starting with the date ballot dropboxes were opened for mail-in/absentee voting;
2. Including the entire recording period through to the closing of polls and up until dropbox security footage has stopped recording ballot dropbox activity;
3. Providing the location and date of each recording.

If your agency does not maintain these public records, please let us know who does and kindly include the proper custodian's name and address. As provided in the open records law Wisconsin Open Records Law, §19.31 et seq. we will expect your response within ten (10) business days.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely, Wis. Stat § 19.36. Also, please provide all segregable portions of otherwise exempt material. Any materials requiring delivery via USPS or other carrier service should be directed to:

Email: research@truethevote.org

Standard Mail: True the Vote Research Department, P.O. Box 3109, Houston, Texas 77253-3109

713.401.6017 | PO Box 3109 #19128 Houston, TX 77253 | truethevote.org

Request for Fee Waiver

If any costs are associated with this request, please notify us in advance of further request processing.

True the Vote requests a fee waiver because “disclosure of the information is in the public interest, and it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.”

The requested information is also likely to contribute new information regarding government operations or activities. True the Vote’s request adds to a “public understanding,” for a “broad audience of persons interested in the subject.”

True the Vote is primarily engaged in disseminating information as a non-profit organization. It “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience.” True the Vote disseminates information through, among other means, our website (<http://www.trueethevote.org/>), social media outlets, educational conferences, and direct mail.

In Closing

True the Vote looks forward to working with you to fulfill this request. To ensure that this request is properly construed, True the Vote welcomes the opportunity to discuss this request prior to the undertaking of any search effort. If you do not understand any part of this request, have questions, or anticipate any issues with the release of the requested information, please do not hesitate to contact us at research@trueethevote.org or by phone at 713.401.6017.

Thank you for your assistance.

Sincerely,

Catherine Engelbrecht
President and Founder
True the Vote
research@trueethevote.org

713.401.6017 | PO Box 3109 #19128 Houston, TX 77253 | trueethevote.org

From: [TTV Research](#)
To: clerk@cityofmadison.com
Subject: Open Records Request - Time Sensitive
Date: Thursday, October 3, 2024 9:12:51 AM
Attachments: [JPEG image.dat](#)

This image does not open. We believe the requester copied and pasted an image of their request into the body of the email with updates as body looks exactly like Attachment 2, except with corrections. Therefore, no attachment immediately follows this email.

You don't often get email from research@truethevote.org. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

October 2, 2024



Open Records Custodian
Maribeth Witzel-Behl, City of Madison
clerk@cityofmadison.com

VIA EMAIL

Dear Records Custodian:

Pursuant to Wisconsin Open Records Law, §19.31 et seq., we are requesting copies of video recordings from security cameras used to surveil all exterior and interior ballot drop boxes in City of Madison for the November 2024 Election. Specifically, we are requesting ballot dropbox surveillance videos captured during absentee ballot voting period as detailed below:

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**Standard Mail: True the Vote Research Department, P.O. Box 3109, Houston, Texas
77253-3109**

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In Closing

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Thank you for your assistance.

Sincerely,

Catherine Engelbrecht