



TED BLAZEL
WISCONSIN ASSEMBLY CHIEF CLERK

July 12, 2024

American Oversight
1030 15th Street NW, Suite B255
Washington, D.C. 20005

Dear Ms. Pintado and Mr. Sparks:

I received your July 3, 2024 open records request. I have attached your request letter, WI-REP-24-1368, to my response.

I have attached the record that is responsive to your request.

Sincerely,

Ted Blazel
Assembly Chief Clerk
Wisconsin State Assembly

From: Ylvisaker, Jeff <Jeff.Ylvisaker@legis.wisconsin.gov>
Sent: Tuesday, June 04, 2024 1:18 PM EDT
To: Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>
Subject: FW: Request for an analysis of the Wisconsin voter database from WEC

FYI

From: Ylvisaker, Jeff
Sent: Wednesday, May 29, 2024 4:16 PM
To: Rep.Krug <Rep.Krug@legis.wisconsin.gov>
Subject: RE: Request for an analysis of the Wisconsin voter database from WEC

Good afternoon John,

It looks like you're interested to see if the WEC voter database that LTSB purchases every two years (in an odd year, typically in February/March) contains granular enough data to perform the following analysis/comparison.

From your email:

Rep. Krug would like to see LTSB, act on Ms. Bernier's suggestion that LTSB examine the voter database in order to confirm that there were not inactive voters activated for November 202 and then deactivated after the 202 election.

I agree with Ms. Bernier that a simple comparison of the names from early 2020 and then Election Day would confirm that this did NOT happen.

We spent time yesterday and today making sense of what data we have and don't have as it relates to your request.

The WEC voter database that LTSB purchases represents a snapshot in time (presumably as of the day WEC prepares the data for us). In other words, we do not receive information from WEC that would allow us to see peoples' "running" (dynamic) voter status over time.

Thank you,

Jeff

From: Rep.Krug <Rep.Krug@legis.wisconsin.gov>
Sent: Friday, May 24, 2024 3:11 PM
To: Ylvisaker, Jeff <Jeff.Ylvisaker@legis.wisconsin.gov>
Subject: Request for an analysis of the Wisconsin voter database from WEC
Importance: High

Hello Jeff, John from Rep. Krug's office here.

I have been asked by Rep. Krug to make the attached request of your office. At issue is the work of the Assembly Committee on Campaigns and Elections (which Rep. Krug chairs)

We are informed by former Sen. Kathy Bernier that LTSB has apparently already requested from the Wisconsin Election Commission (WEC), the complete Wisconsin voter database. (Please see below.)

Rep. Krug would like to see LTSB, act on Ms. Bernier's suggestion that LTSB examine the voter database in order to confirm that there were not inactive voters activated for November 202 and then deactivated after the 202 election.

I agree with Ms. Bernier that a simple comparison of the names from early 2020 and then Election Day would confirm that this did NOT happen.

Does LTSB have the data to do this analysis? I realize the list of database requests from WEC may be "static" and the request we are making is "dynamic" or over a span of time.

Please let me know of any questions you may have. Thank you.

John Reinemann
Aide to Rep. Scott Krug
Room 223 North, State Capitol
608-266-0215
john.reinemann@legis.wisconsin.gov

----- Forwarded message -----

From: Kathy Bernier <kathy@keepourrepublic.org>
Date: Fri, May 10, 2024 at 3:25 PM

AMERICAN
OVERSIGHT

WI-REP-24-1368-A-000001

Subject: Fwd: Requests for the entire Wisconsin voter database
To: <Sen.Krug@legis.wi.gov>

Hello Scott....and staff,

I see here that LTSB has already requested the "list", active and inactive voters. I had suggested to Robin Vos, that we have LTSB confirm that there were not inactive voters activated for November and then deactivated after the election. It would seem to me that a simple comparison of the names from early 2020 and then Election Day would confirm that this did NOT happen.

What do you think?

I know it is a challenge to disprove fiction, but I find it difficult to ignore them.

Thanks,
Kathy Bernier

Kathy Bernier

----- Forwarded message -----

From: **Kehoe, Robert Y - ELECTIONS** <robert.kehoe@wisconsin.gov>
Date: Tue, May 7, 2024 at 1:31 PM
Subject: RE: Requests for the entire Wisconsin voter database
To: kathy@keepourrepublic.org <kathy@keepourrepublic.org>, anthony@keepourrepublic.org <anthony@keepourrepublic.org>
Cc: Wolfe, Meagan - ELECTIONS <Meagan.Wolfe@wisconsin.gov>, Sharpe, Angela B - ELECTIONS <angela.sharpe@wisconsin.gov>, Vetterkind, Riley - ELECTIONS <riley.vetterkind@wisconsin.gov>

Good afternoon,

Attached is a list of requests for the entire Wisconsin voter database that were fulfilled between May 7, 2021 and May 7, 2024. There are 93 requests submitted by 23 different organizations listed below.

Organizations
Aristotle
Catalist LLC
Civitech
Democratic Party of Wisconsin
eMerges.com
i-360
L2 Political
Let's Preserve the American Dream
Locallabs
PowerPAC.org
Public Interest Tech Lab
Republican National Committee
Self, Michael D. Dean LLC
Statara Solutions LLC
The Data Trust
True the Vote
Valid Vote, Inc.
Voter Reference Foundation
Voteshield Protection, LLC
Wisconsin Center For Election Justice
Wisconsin Legislative Audit Bureau
Wisconsin Legislative Technical Services Bureau
Wisconsin Senate Committee on Shared Revenue, Elections, and Consumer Protection

The **Legislative Audit Bureau** reviewed voter data in seven different blocks, instead of taking the entire database at once. Their requests are thus shown as seven *partial* entries, based on the dates they requested each block of information.

Not shown is a legislative request from **Senator Dewey Strobel**, which occurred prior to May '21.

Finally, the **Wisconsin Institute for Law and Liberty (WILL)** is not shown because they did not purchase the entire state database. Instead, WILL opted to review all registrations/activations that occurred between May 1, 2020 and November 4, 2020. Their request was dated June 15, 2021.

Let me know if you have any questions about this information.

Sincerely,

Robert Kehoe
Deputy Administrator
Wisconsin Elections Commission
Phone - 608.261.2019
Fax – 608.267.0500
robert.kehoe@wisconsin.gov
<https://elections.wi.gov>



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Kathy Bernier | Wisconsin State Director at KOR

kathy@keepourrepublic.org
715-590-8754



keepourrepublic.org

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Kathy Bernier | Wisconsin State Director at KOR

kathy@keepourrepublic.org
715-590-8754



keepourrepublic.org



July 3, 2024

VIA EMAIL

Edward Blazel
Assembly Chief Clerk
17 West Main Street, Room 401
Madison, WI 53703
Ted.blazel@legis.wisconsin.gov

Representative Scott Krug
State Capitol, Room 223 North
P.O. Box 8952
Madison, WI 53708
Rep.krug@legis.wisconsin.gov

Re: Public Records Law Request

Dear 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 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) between (a) Wisconsin Rep. Scott Krug, staffer Maryna Oliinyk, or staffer John Reinemann and (b) any of the external entities or individuals listed below, including, but not limited to, anyone communicating from any of the listed email addresses and domains.

External Entities/Individuals:

1. Federation for American Immigration Reform (fairus.org)
2. America First Legal (aflegal.org, athospr.com)
3. America First Policy Institute (americafirstpolicy.com)
4. Cleta Mitchell (cleta@cletamitchell.com)
5. Only Citizens Vote Foundation (onlycitizensvotecoalition.com)
6. State Freedom Caucus Network (statefreedomcaucus.org)
7. Andrew “Andy” Roth
8. Election Transparency Initiative (electiontransparency.org)

¹ Wis. Stat. § 19.35(4)(a).

9. Heritage Foundation (Heritage.org, heritageaction.com)
10. Honest Elections Project (jasonsnead.com, honestelections.org)
11. Association of Mature American Citizens (amac.us)
12. Americans for Citizen Voting (onlycitizens.vote)
13. Save Our States (saveourstates.com)
14. Election Integrity Network (whoscounting.us, electionintegrity.network)
15. Election Fairness Institute (electionfairnessinstitute.org)
16. Wisconsin Election Integrity Coalition (wisconsinelectionintegrity.com, wisconsinelectionintegrity.org)
17. Conservative Partnership Institute (cpi.org)
18. Peter Bernegger (pmbmap123@gmail.com) and/or anyone communicating from Election Watch (electionwatch.info)
19. Restoring Integrity and Trust in Elections, also known as RITE (riteusa.org)
20. Thomas More Society (thomasmoresociety.org)
21. Wisconsin Alliance for Law and Liberty (will-law.org)
22. Wisconsin Voter Alliance (wisconsinvoteralliance.com)
23. American Legislative Exchange Council (alec.org)
24. Jenny Beth Martin
25. Rosemary Jenks
26. Tea Party Patriots (teapartypatriots.org)

Please note that American Oversight does not seek, and this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications responding to or forwarding such emails are responsive to this request. For example, if an official received a mass-distribution news clip email from an email ending in aflegal.org, that initial email would not be responsive to this request. However, if the official forwarded that email to another listed individual with their own commentary, that subsequent message would be responsive to this request and should be produced.

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by Wisconsin Rep. Scott Krug, staffer Maryna Oliinyk, or staffer John Reinemann and containing any of the key terms listed below.

Key Terms:

1. Noncitizen
2. “Non-citizen”
3. “Non citizen”
4. “U.S. citizen”
5. “US citizen”
6. Undocumented
7. Immigrant
8. Immigrants
9. “Foreign citizen”
10. DOT
11. “Department of Transportation”

12. WEC
13. Wisconsin Elections Commission
14. Legislative Technology Services
15. Legislative Audit Bureau
16. “Permanent resident”

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 the specified individuals. To be clear, however, American Oversight requests that complete email chains be produced, displaying both sent and received messages. This means that both an individual’s response to an email and the initial received message are responsive to this request and should be produced.

For both parts of this request, please provide all responsive records from August 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 public understanding of relevant government procedures.

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

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>.

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 to amend Wisconsin's constitution. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether or to what extent Rep. Krug consulted outside entities about the issue of potential noncitizen voting in Wisconsin. 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, you contact us before 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.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

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

⁴ American Oversight currently has approximately 16,000 followers on Facebook and 111,500 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited July 2, 2024); American Oversight (@weareoversight), X (formerly Twitter), <https://twitter.com/weareoversight> (last visited July 2, 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. American Oversight welcomes the 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 downloads@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