VIA EMAIL

Consultare, LLC
c/o Michael Gableman, President
P.O. Box 510145
New Berlin, WI 53151
mgableman@yahoo.com

Re: Public Records Law Request

Dear Michael Gableman:

Pursuant to Wisconsin’s public records law, Wis. Stat. §§ 19.31–19.39, American Oversight makes the following request for copies of records.

On May 26, 2021, Wisconsin State Assembly Speaker Robin Vos indicated that the legislature would hire three former law enforcement officers and a supervising attorney to investigate the November 2020 election. Since the time of this announcement, Speaker Vos has expanded the scope of the investigation, appointing former Wisconsin Supreme Court justice Michael Gableman as “special counsel,” and gaining Assembly approval to spend at least $676,000 in public funds, including budgeting for five investigators and $392,500 for a data analysis contractor. Speaker Vos also has indicated that he is willing to authorize subpoenas requested by Michael Gableman.

American Oversight seeks records with the potential to shed light on the Wisconsin Assembly’s investigation of the November 2020 election, including regarding the role and activities of contractors who are performing work in furtherance of that investigation.


Requested Records

American Oversight requests that Speaker Vos and the Wisconsin Assembly produce the following records "as soon as practicable and without delay":\(^4\)

All records substantively described in the request identified as WI-EXT-21-1123\(^5\) from the period after that request was submitted—i.e., from August 12, 2021, through the date of the search. For clarity, the records requested are reproduced, with modifications to account for newly identified information, as follows:

A complete copy (including any attachments) of any interim reports, analyses, notifications, or other work product produced or collected by individuals or entities under contract to investigate the November 2020 election or allegations of voter fraud or misconduct from previous elections (including but not limited to former justice Michael Gableman or any individual or entity designated or engaged as an investigator, including, but not limited to Steven Page) in connection with the legislature’s investigation of the November 2020 election.

This request seeks records in addition to, and not duplicative of, records previously sought by American Oversight. In all cases, responsive records include records that were “produced or collected” under any contract entered by the Speaker Vos and/or the Wisconsin Assembly.\(^6\)

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

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\(^4\) Wis. Stat. § 19.35(4)(a).

\(^5\) To be clear, the August 12, 2021 request referenced above seeks records from the period of July 19, 2021, through the date the search is conducted. This request seeks the same types of records from August 12, 2021, through the date the search is conducted. See https://www.americanoversight.org/document/public-records-request-to-contractor-michael-gableman-seeking-work-product-from-election-investigation/wi-ext-21-1123.

\(^6\) Wis. Stat. Ann. § 19.96(3) (“Each authority shall make available for inspection and copying under s. 19.95(1) any record produced or collected under a contract entered into by the authority with a person other than an authority to the same extent as if the record were maintained by the authority.”).
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. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.

The public has a significant interest in the Wisconsin Assembly’s investigation of the November 2020 election. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including the role of contractors in conducting the Assembly’s investigation. 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, 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**

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10 See supra, notes 1 & 2.
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.\(^1\)

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.\(^2\) 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.

American Oversight expects that you have ensured all responsive records and records relevant to this request and your compliance with it are retained as required by Wisconsin law. Please take all appropriate steps to ensure that no such records are deleted by the agency before the completion of processing for this request. If records potentially responsive or relevant to this request, or your compliance with it, 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 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 Sarah Colombo at


\(^2\) Wis. Stat. § 19.36(6).
records@americanoversight.org or (202) 869-5944. 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/ Sarah Colombo
Sarah Colombo
on behalf of
American Oversight
VIA EMAIL

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

Representative Robin Vos
Speaker, Wisconsin State Assembly
State Capitol, Room 217 West
P.O. Box 8953
Madison, WI 53708
Rep.Vos@legis.wisconsin.gov

Re: Public Records Law Request

Dear Chief Clerk Blazel and Speaker Vos:

Pursuant to Wisconsin’s public records law, Wis. Stat. §§ 19.31–19.39, American Oversight makes the following request for copies of records.

On May 26, 2021, Wisconsin State Assembly Speaker Robin Vos indicated that the legislature would hire three former law enforcement officers and a supervising attorney to investigate the November 2020 election. Since the time of this announcement, Speaker Vos has expanded the scope of the investigation, appointing former Wisconsin Supreme Court justice Michael Gableman as “special counsel,” and gaining Assembly approval to spend at least $676,000 in public funds, including budgeting for five investigators and $325,000 for a data analysis contractor. Speaker Vos also has indicated that he is willing to authorize subpoenas requested by Michael Gableman.

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American Oversight seeks records with the potential to shed light on the Wisconsin Assembly’s investigation of the November 2020 election, including regarding the role and activities of contractors who are performing work in furtherance of that investigation.

**Requested Records**

American Oversight requests that Speaker Vos and the Wisconsin Assembly produce the following records “as soon as practicable and without delay”:

All records substantively described in items B & C of the request identified as WI-REP-21-1124\(^4\) from the period after that request was submitted—i.e., from August 12, 2021, through the date of the search. For clarity, the records requested are reproduced, with modifications to account for newly identified information, as follows:

B. All electronic communications (including emails, email attachments, text messages, or messages on messaging platforms, such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp) between (i) former justice Michael Gableman, or anyone communicating on his behalf, such as an administrative assistant, or any individual designated or engaged as an investigator, including, but not limited to Steven Page, and (ii) any other contractor or agent of the Wisconsin Assembly charged with investigating the November 2020 election, including but not limited to, investigators or attorneys directly employed by the Wisconsin Assembly, or subcontractors, assistants, consultants, counsel, formal or informal advisors, temporary workers, unpaid volunteers, or external funders.

C. All calendars or calendar entries regarding the legislature’s investigation of the November 2020 election and maintained by or on behalf of the Wisconsin Assembly’s investigators, including former justice Michael Gableman, anyone acting as administrative assistant, or any investigators contracted by the Wisconsin Assembly or by former justice Gableman, including but not limited to Steven Page.

American Oversight requests that the calendars be produced in a format that includes all invitees, any notes, and all attachments. Please do not limit your search to Outlook calendars; we request the production of any calendar—paper or electronic, whether on government-issued or personal devices—used to track or

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\(^4\) Wis. Stat. § 19.35(4)(a).
\(^5\) To be clear, the August 12, 2021 request referenced above seeks records from the period of July 20, 2021, through the date the search is conducted. This request seeks the same types of records from August 12, 2021, through the date the search is conducted. See https://www.americanoversight.org/document/public-records-request-to-wisconsin-assembly-seeking-communications-regarding-election-investigation/wi-rep-21-1124.
coordinate how these individuals allocate their time related to the investigation of the November 2020 election.

This request seeks records in addition to, and not duplicative of, records previously sought by American Oversight. In all cases, responsive records include records that were "produced or collected" under any contract entered by the Speaker Vos and/or the Wisconsin Assembly.⁶

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.⁷ American Oversight also makes materials it gathers available on its public

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⁶ Wis. Stat. Ann. § 19.36(3) ("Each authority shall make available for inspection and copying under s. 19.35(1) any record produced or collected under a contract entered into by the authority with a person other than an authority to the same extent as if the record were maintained by the authority.").

website\textsuperscript{8} and promotes their availability on social media platforms, such as Facebook and Twitter.\textsuperscript{9}

The public has a significant interest in the Wisconsin Assembly’s investigation of the November 2020 election.\textsuperscript{10} Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including the role of contractors in conducting the Assembly’s investigation. 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, that you contact us prior to incurring any costs.

\textbf{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. \textbf{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. \textbf{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.\textsuperscript{11}

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.\textsuperscript{12} If it is your position that a document contains non-exempt

\textsuperscript{8} \textit{Documents}, American Oversight, \url{https://www.americanoversight.org/documents}.  
\textsuperscript{9} American Oversight currently has approximately 15,630 page likes on Facebook and 108,100 followers on Twitter. American Oversight, Facebook, \url{https://www.facebook.com/weareoversight/} (last visited Sept. 13, 2021); American Oversight (@weareoversight), Twitter, \url{https://twitter.com/weareoversight} (last visited Sept. 13, 2021).

\textsuperscript{10} \textit{See supra}, notes 1 & 2.


\textsuperscript{12} Wis. Stat. § 19.36(6).
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.

American Oversight expects that you have ensured all responsive records and records relevant to this request and your compliance with it are retained as required by Wisconsin law. Please take all appropriate steps to ensure that no such records are deleted by the agency before the completion of processing for this request. If records potentially responsive or relevant to this request, or your compliance with it, 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 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 Sarah Colombo at records@americanoversight.org or (202) 869-5244. 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/ Sarah Colombo
Sarah Colombo
on behalf of
American Oversight
VIA EMAIL

Consultare, LLC
c/o Michael Gableman, President
P.O. Box 510145
New Berlin, WI 53151
mgableman@yahoo.com

Re: Public Records Law Request

Dear Michael Gableman:

Pursuant to Wisconsin's public records law, Wis. Stat. §§ 19.31–19.39, American Oversight makes the following request for copies of records.

On May 26, 2021, Wisconsin State Assembly Speaker Robin Vos indicated that the legislature would hire three former law enforcement officers and a supervising attorney to investigate the November 2020 election.1 Since the time of this announcement, Speaker Vos has expanded the scope of the investigation, appointing former Wisconsin Supreme Court justice Michael Gableman as "special counsel," and gaining Assembly approval to spend at least $676,000 in public funds, including budgeting for five investigators and $395,000 for a data analysis contractor.2 Speaker Vos also has indicated that he is willing to authorize subpoenas requested by Michael Gableman.3

American Oversight seeks records with the potential to shed light on the Wisconsin Assembly’s investigation of the November 2020 election, including regarding the role and activities of contractors who are performing work in furtherance of that investigation.

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Requested Records

American Oversight requests that Speaker Vos and the Wisconsin Assembly produce the following records "as soon as practicable and without delay".  

All records substantively described in items B & C of the request identified as Wi-EXT-21-1127 from the period after that request was submitted — i.e., from August 12, 2021, through the date of the search. For clarity, the records requested are reproduced, with modifications to account for newly identified information, as follows:

B. All electronic communications (including emails, email attachments, text messages, or messages on messaging platforms, such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp) between (i) former justice Michael Gableman, or anyone communicating on his behalf, such as an administrative assistant, or any individual designated or engaged as an investigator, including, but not limited to Steven Page, and (ii) any other contractor or agent of the Wisconsin Assembly charged with investigating the November 2020 election, including but not limited to, investigators or attorneys directly employed by the Wisconsin Assembly, or subcontractors, assistants, consultants, counsel, formal or informal advisors, temporary workers, unpaid volunteers, or external funders.

C. All calendars or calendar entries regarding the legislature's investigation of the November 2020 election and maintained by or on behalf of the Wisconsin Assembly's investigators, including former justice Michael Gableman, anyone acting as administrative assistant, or any investigators contracted by the Wisconsin Assembly or by former justice Gableman, including but not limited to Steven Page.

American Oversight requests that the calendars be produced in a format that includes all invitees, any notes, and all attachments. Please do not limit your search to Outlook calendars; we request the production of any calendar—paper or electronic, whether on government-issued or personal devices—used to track or coordinate how these individuals allocate their time related to the investigation of the November 2020 election.

This request seeks records in addition to, and not duplicative of, records previously sought by American Oversight. In all cases, responsive records include records that

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5 To be clear, the August 12, 2021 request referenced above seeks records from the period of July 20, 2021, through the date the search is conducted. This request seeks the same types of records from August 12, 2021, through the date the search is conducted. See https://www.americanoversight.org/document/public-records-request-to-contractor-michael-gableman-seeking-communications-regarding-election-investigation.
were “produced or collected” under any contract entered by the Speaker Vos and/or the Wisconsin Assembly.⁶

**Fee Waiver Request**

In accordance with Wis. Stat. § 19.36(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.⁷ American Oversight also makes materials it gathers available on its public website⁸ and promotes their availability on social media platforms, such as Facebook and Twitter.⁹

The public has a significant interest in the Wisconsin Assembly’s investigation of the November 2020 election.¹⁰ Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including the role of contractors in conducting the Assembly’s investigation. 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

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⁶ Wis. Stat. Ann. § 19.36(3) ("Each authority shall make available for inspection and copying under s. 19.35(1) any record produced or collected under a contract entered into by the authority with a person other than an authority to the same extent as if the record were maintained by the authority.").


¹⁰ See supra, notes 1 & 2.
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.\textsuperscript{11}

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.\textsuperscript{12} 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.

American Oversight expects that you have ensured all responsive records and records relevant to this request and your compliance with it are retained as required by Wisconsin law. Please take all appropriate steps to ensure that no such records are deleted by the agency before the completion of processing for this request. If records potentially responsive or relevant to this request, or your compliance with it, 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.

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\textsuperscript{12} Wis. Stat. § 19.36(6).
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 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 Sarah Colombo at records@americanoversight.org or (202) 869-5244. 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/ Sarah Colombo
Sarah Colombo
on behalf of
American Oversight
VIA EMAIL

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

Representative Robin Vos
Speaker, Wisconsin State Assembly
State Capitol, Room 217 West
P.O. Box 8953
Madison, WI 53708
Rep.Vos@legis.wisconsin.gov

Re: Public Records Law Request

Dear Speaker Vos and Chief Clerk Blazel:

Pursuant to Wisconsin's public records law, Wis. Stat. §§ 19.31–19.39, American Oversight makes the following request for copies of records.

On May 26, 2021, Wisconsin State Assembly Speaker Robin Vos indicated that the legislature would hire three former law enforcement officers and a supervising attorney to investigate the November 2020 election.¹ Since the time of this announcement, Speaker Vos has expanded the scope of the investigation, appointing former Wisconsin Supreme Court justice Michael Gableman as "special counsel," and gaining Assembly committee approval to form an Office of Special Counsel (OSC) and to spend at least $676,000 in public funds, including budgeting for five investigators and $325,000 for a data analysis contractor.² On October 1, the Assembly authorized subpoenas on Gableman’s behalf, seeking interviews with state and local elections officials as well as information regarding external grants donated to fund municipal elections in five

Wisconsin cities. Gableman has since issued additional demands to the mayors of those cities.

American Oversight seeks records with the potential to shed light on the Wisconsin Assembly’s investigation of the November 2020 election, including regarding the role and activities of contractors who are performing work in furtherance of that investigation.

**Requested Records**

American Oversight requests that your office produce the following records “as soon as practicable and without delay”.

A. All electronic communications (including emails, email attachments, text messages, or messages on messaging platforms, such as Slack, Google, Lync, Skype, or WhatsApp) between (i) the Wisconsin Assembly’s investigators, including any investigators engaged by the OSC, as well as overseeing attorney and Special Counsel Michael Gableman and (ii) any of the individuals or entities listed below, including, but not limited to at the suggested email addresses or domains. In the case of emails and texts, the search should include those sent or received from the specified officials’ personal accounts and/or devices if they were used to conduct official business, as well those sent from their official email addresses or government-issued devices.

For Part A of this request, please provide all responsive records from August 12, 2021, through the date the search is conducted.

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5 Wis. Stat. § 19.35(4)(a).

8 To be clear, Part A of this request seeks the records substantively described in American Oversight’s request identified as WI-REP-21-1124 from the period after that request was submitted—i.e., from August 12, 2021, through the date of the search—with modifications to account for recent events (including newly identified information regarding particular entities and to eliminate certain communications counterparties specified in the previous request). See [https://www.americanoversight.org/document/public-records-request-to-wisconsin-assembly-seeking-communications-regarding-election-investigation/wi-REP-21-1124](https://www.americanoversight.org/document/public-records-request-to-wisconsin-assembly-seeking-communications-regarding-election-investigation/wi-REP-21-1124).
Specified Entities:
1. Speaker of the Wisconsin Assembly Robin Vos, or anyone communicating on his behalf, including, but not limited to, his scheduler Amanda Ledtko, his chief of Staff Jenny Toftness, his legal advisor Steve Fawcett, or his policy analyst Jake Wolf
2. Representative Janel Brandtjen (including, but not limited to, janel@brandtjen.com, janel@glmarketing.com, and repbrandtjen@legis.wisconsin.gov), or her aides Bill Savage or Melodie Duesterbeck
3. Wisconsin State Representative Joe Sanfelippo, or his aides Dominik Kolodziejczyk or Joshua Hoisington
4. Representative Shae Sortwell, or his aide Sulamita Barbiyeru
5. Representative Timothy Ramthun, or his aides Tristan Johannes or Jared Heckman
6. Anyone communicating from an email address ending in @legis.wisconsin.gov
7. Wisconsin Elections Commissioner Bob Spindell (robert.spindell@wisconsin.gov, cd4.chairman@wispog.info and rsspindell@gottesmancompany.com)
8. Christina Bobb, Chanel Rion, or anyone communicating on behalf of One America News, including anyone communicating from an email address ending in @oann.com, or Voices and Votes, including anyone communicating from an email address ending in @voicesandvotes.org
9. Paul Farrow, Gerard Randall, Katie McCallum, Maripat Krueger, or anyone communicating on behalf of the Republican Party of Wisconsin (@wispog.org or @wispog.info)
10. Phill Kline (phillklineva@gmail.com), Jacqueline Timmerman, or anyone communicating on behalf of America’s Voter Alliance (@gott-freedom.org)
11. Jenna Ellis, or anyone communicating on behalf of Liberty University’s Falkirk Center (@falkirkcenter.com) or the Thomas More Society (@thomasmoresociety.org), the American Greatness Fund (@americangreatnessfund.com), or the Dobson Family Institute (@dobsonfamilyinstitute.com)
12. Ron Heuer (including, but not limited to ronheuer@gmail.com) or anyone communicating on behalf of the Wisconsin Voters’ Alliance
13. Karen Mueller, or anyone communicating on behalf of the Amos Center for Justice and Liberty (including, but not limited to, anyone communicating from an email address ending in @amoscenterforjustice.org)
14. Catherine Engelbrecht, Logan Churchwell, Maureen Riordan, Courtney Kramer, Dan Gelernter, or anyone communicating on behalf of True the Vote (including anyone communicating from an email address ending in @truethevote.org or @truethevote.com)

B. All electronic communications (including emails, email attachments, text messages, or messages on messaging platforms, such as Slack, GChat or
Google Hangouts, Lync, Skype, or WhatsApp) between (i) the Wisconsin Assembly’s investigators, including any investigators engaged by the OSC, as well as overseeing attorney and Special Counsel Michael Gableman and (ii) any of the additional individuals or entities listed below, including, but not limited to at the suggested email addresses or domains. As in Part A, in the case of emails and texts, the search should include those sent or received from the specified officials’ personal accounts and/or devices if they were used to conduct official business, as well those sent from their official email addresses or government-issued devices.

For Part B of this request, please provide all responsive records from June 1, 2021, through the date the search is conducted.

Additional Specified Entities:
1. Reince Priebus, or anyone communicating on behalf of Michael Best & Friedrich LLP (@michaelbest.com)
2. Andrew Kloster
3. Jim Troupis (@troupis@hotmail.com), or anyone communicating on behalf of Troupis Law Office
4. Michael D. Dean (miked@michaeldeanllc.com)
5. Daniel Eastman, or anyone communicating from an email address ending in @attorneyeastman.com
6. Kurt Olsen
7. Erick Kaardal, or anyone communicating on behalf of Mohrman, Kaardal & Erickson, P.A. (@mklaw.com)
8. Wisconsin Gubernatorial Candidate Rebecca Kleefisch
9. Harry Wait (harrytrew@gmail.com or hotgovernment@gmail.com) or anyone communicating on behalf of Honest, Open, and Transparent Government
10. Arizona Senator Karen Fann (kfann@azleg.gov fannm@cableone.com, or karenfann@outlook.com), Senator Sonny Borrelli (sborrelli@azleg.gov, sonnyborrelli@hotmail.com, or sonny@ld5@hotmail.com), Representative Mark Finchem (unfinchem@azleg.gov or markfinchem@me.com), or anyone communicating on behalf of the Arizona Legislature (@azleg.gov)
11. Former Arizona Secretary of State Ken Bennett (@bennettaz7@gmail.com, kbazsos@gmail.com, kjbennettaz@gmail.com, or arizonaaudit@gmail.com)
12. Randy Pullen (rpullen1@google.com)
13. Pennsylvania Senators Doug Mastriano, Dave Argall, or Cris Dush, or anyone communicating on behalf of the Pennsylvania State Senate (@pasen.gov)
14. Matthew DePerno, or anyone communicating on behalf of DePerno Law Office (@depernonlaw.com)
15. Patrick Byrne, Mike Roman (mikeroman@protonmail.com) or anyone communicating on behalf of the America Project (@americaproject.com)
16. Al Hartman, Jenny Limcher, or anyone communicating on behalf of Hartman REIT (@hartman-reit.com)
17. Lin Wood, or anyone communicating from an email address ending in @fightback.law
18. Ivan Raiklin (ivan.raiklin@gmail.com or socialmediaraiklin@gmail.com)
19. Raj Doraisamy, Caroline Wetherington, or anyone communicating on behalf of Defend Wisconsin or Defend Our Union (@defendourunion.org)
20. Mike Flynn, or anyone communicating from an email address ending in @generallyflynn.com, or anyone communicating on behalf of America’s Future (@americasfuture.net)
21. Cleta Mitchell (cleta@cletamitchell.com or cmitchell@foley.com), or anyone communicating on behalf of the Bradley Foundation (@bradleyfdn.org)
22. Ed Corrigan, or anyone communicating on behalf of the Conservative Partnership Institute (@cpi.org)
23. Thomas Datwyler (tdatwyler@gmail.com)
24. John Eastman (jeastman@claremont.org)
25. Hogan Gidley, Kenneth Blackwell (kennethblackwell693@gmail.com), or anyone communicating on behalf of America First Policy Institute (@americafirstpolicy.com)
26. Doug Logan, or anyone communicating on behalf of Cyber Ninjas (@cyberninjas.com)
27. Ben Cotton, or anyone communicating on behalf of CyFir (@cyfir.com)
28. Phil Waldron (phil@onewarrior.com or p@bonfiresearch.org), Russ Ramsland (rvtks0sq@alliedspecialops.us), James Keet Lewis III (keet@ikeetlewis.com), or anyone communicating on behalf of Allied Security Operations Group (@alliedspecialops.us)
29. Jovan Hutton Pulitzer (jovanhuttonpulitzer@gmail.com)
30. Shiva Ayyadurai (vashiva@vashiva.com), or anyone communicating on behalf of EchoMail (@echomail.com)

Please note that for both Parts A & B of this request, American Oversight does not seek, and that 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. In other words, for example, if Michael Gableman received a mass-distribution news clip email from the Wisconsin Republican Party, that initial email would not be responsive to this request. However, if he forwarded that email to another individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

This request seeks records in addition to, and not duplicative of, records previously sought by American Oversight. In all cases, responsive records include records that were “produced or collected” under any contract entered by Speaker Vos and/or the Wisconsin Assembly.7

7 Wis. Stat. Ann. § 19.36(3) ("Each authority shall make available for inspection and copying under s. 19.35(1) any record produced or collected under a contract entered..."
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. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.

The public has a significant interest in the Wisconsin Assembly’s investigation of the November 2020 election. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including the role of contractors in conducting the Assembly’s investigation. 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

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11 See supra, notes 1-5.
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.12

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.13 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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13 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 B258, 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 Sarah Colombo at records@americanoversight.org or (202) 869-5244. 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/ Sarah Colombo
Sarah Colombo
on behalf of
American Oversight
VIA EMAIL

Michael Gableman
Office of Special Counsel
200 South Executive Drive, Suite 101
Brookfield, WI 53005
coms@wisppecialcounsel.org

Re: Public Records Law Request

Dear Office of Special Counsel and Michael Gableman:

Pursuant to Wisconsin's public records law, Wis. Stat. §§ 19.31–19.39, American Oversight makes the following request for copies of records.

On May 26, 2021, Wisconsin State Assembly Speaker Robin Vos indicated that the legislature would hire three former law enforcement officers and a supervising attorney to investigate the November 2020 election. Since the time of this announcement, Speaker Vos has expanded the scope of the investigation, appointing former Wisconsin Supreme Court justice Michael Gableman as “special counsel,” and gaining Assembly committee approval to form an Office of Special Counsel (OSC) and to spend at least $676,000 in public funds, including budgeting for five investigators and $325,000 for a data analysis contractor. On October 1, the Assembly authorized subpoenas on Gableman’s behalf, seeking interviews with state and local elections officials as well as information regarding external grants donated to fund municipal elections in five


EXHIBIT H
Wisconsin cities. Gableman has since issued additional demands to the mayors of those cities.

American Oversight seeks records with the potential to shed light on the Wisconsin Assembly's investigation of the November 2020 election, including regarding the role and activities of contractors who are performing work in furtherance of that investigation.

Requested Records

American Oversight requests that your office produce the following records "as soon as practicable and without delay":

A. All electronic communications (including emails, email attachments, text messages, or messages on messaging platforms, such as Slack, Google, Lynx, Skype, or WhatsApp) between (i) Michael Gableman or anyone communicating on his or the OSC's behalf and (ii) any of the individuals or entities listed below, including, but not limited to at the suggested email addresses or domains. In the case of emails and texts, the search should include those sent or received from the specified officials' personal accounts and/or devices if they were used to conduct official business, as well those sent from their official email addresses or government-issued devices.

For Part A of this request, please provide all responsive records from August 12, 2021, through the date the search is conducted.

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5 Wis. Stat. § 19.35(4)(a).
6 To be clear, Part A of this request seeks the records substantively described in American Oversight's request identified as WI-EXT-21-1127, directed to Michael Gableman, from the period after that request was submitted—i.e., from August 12, 2021, through the date of the search—with modifications to account for recent events (including newly identified information regarding particular entities and to eliminate certain communications counterparts specified in the previous request). See https://www.americanoversight.org/document/public-records-request-to-contractor-michael-gableman-seeking-communications-regarding-election-investigation.

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WI-EXT-21-1158
EXHIBIT H
Specified Entities:
1. Speaker of the Wisconsin Assembly Robin Vos, or anyone communicating on his behalf, including, but not limited to, his scheduler Amanda Ledtke, his chief of Staff Jenny Toftness, his legal advisor Steve Fawcett, or his policy analyst Jake Wolf
2. Representative Janel Brandtjen (including, but not limited to, janel@brandtjen.com, janel@glmarketing.com, and rcp.brandtjen@legis.wisconsin.gov), or her aides Bill Savage or Melodie Duesterbeck
3. Wisconsin State Representative Joe Sanfelippo, or his aides Dominik Kolodziejczyk or Joshua Hoisington
4. Representative Shae Sortwell, or his aide Sulamita Barbieru
5. Representative Timothy Ramthun, or his aides Tristan Johannes or Jared Heckman
6. Anyone communicating from an email address ending in @legis.wisconsin.gov
7. Wisconsin Elections Commissioner Bob Spindell (robert.spindell@wisconsin.gov, ed.chairman@wisgop.info and rspindell@gottesmancompany.com)
8. Christina Bobb, Chanel Rion, or anyone communicating on behalf of One America News, including anyone communicating from an email address ending in @oann.com, or Voices and Votes, including anyone communicating from an email address ending in @voicesandvotes.org
9. Paul Farrow, Gerard Randall, Katie McCallum, Maripat Krueger, or anyone communicating on behalf of the Republican Party of Wisconsin (@wisgop.org or @wisgop.info)
10. Phill Kline (phillklineva@gmail.com), Jacqueline Timmerman, or anyone communicating on behalf of America’s Voter Alliance (@gotfreedom.org)
11. Jenna Ellis, or anyone communicating on behalf of Liberty University’s Falkirk Center (@falkirkcenter.com) or the Thomas More Society (@thomasmoreociety.org), the American Greatness Fund (@americangreatnessfund.com), or the Dobson Family Institute (@dobsonfamilyinstitute.com)
12. Ron Heuer (including, but not limited to ronheuer@gmail.com) or anyone communicating on behalf of the Wisconsin Voters’ Alliance
13. Karen Mueller, or anyone communicating on behalf of the Amos Center for Justice and Liberty (including, but not limited to, anyone communicating from an email address ending in @amoscenterforjustice.org)
14. Catherine Engelbrecht, Logan Churchwell, Maureen Riordan, Courtney Kramer, Dan Gelernter, or anyone communicating on behalf of True the Vote (including anyone communicating from an email address ending in @truehevote.org or @truehevote.com)

B. All electronic communications (including emails, email attachments, text messages, or messages on messaging platforms, such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp) between (i) Michael
Gableman or anyone communicating on his or the OSC’s behalf and (ii) any of the additional individuals or entities listed below, including, but not limited to at the suggested email addresses or domains. As in Part A, in the case of emails and texts, the search should include those sent or received from the specified officials’ personal accounts and/or devices if they were used to conduct official business, as well those sent from their official email addresses or government-issued devices.

For Part B of this request, please provide all responsive records from June 1, 2021, through the date the search is conducted.

Additional Specified Entities:
1. Reince Priebus, or anyone communicating on behalf of Michael Best & Friedrich LLP (@michaelbest.com)
2. Andrew Kloster
3. Jim Troupis (jtroupis@hotmail.com), or anyone communicating on behalf of Troupis Law Office
4. Michael D. Dean (miked@michaelddeanlle.com)
5. Daniel Eastman, or anyone communicating from an email address ending in @attorneyeastman.com
6. Kurt Olsen
7. Erick Kaardal, or anyone communicating on behalf of Mahrman, Kaardal & Erickson, P.A. (@mklaw.com)
8. Wisconsin Gubernatorial Candidate Rebecca Kleefisch
9. Harry Wait (harrytrex@gmail.com or hotgovernment@gmail.com) or anyone communicating on behalf of Honest, Open, and Transparent Government
10. Arizona Senator Karen Fann (kfann@azleg.gov fannmn@cableone.com, or karenfann@outlook.com), Senator Sonny Borrelli (sborrelli@azleg.gov, sonnyborrelli@hotmail.com, or sonny4ld5@hotmail.com), Representative Mark Finchem (markfinchem@azleg.gov or markfinchem@me.com), or anyone communicating on behalf of the Arizona Legislature (@azleg.gov)
11. Former Arizona Secretary of State Ken Bennett (kbennettaz7@gmail.com, kbazsos@gmail.com, kjbennettaz@gmail.com, or arizonaaudit@gmail.com)
12. Randy Pullen (rpullen18@gmail.com)
13. Pennsylvania Senators Doug Mastriano, Dave Argall, or Cris Dush, or anyone communicating on behalf of the Pennsylvania State Senate (@pasen.gov)
14. Matthew DePerno, or anyone communicating on behalf of DePerno Law Office (@depernomolaw.com)
15. Patrick Byrne, Mike Roman (mikeroman@protonmail.com) or anyone communicating on behalf of the America Project (@americaproject.com)
16. Al Hartman, Jenny Limcher, or anyone communicating on behalf of Hartman REIT (@hartman-reit.com)
17. Lin Wood, or anyone communicating from an email address ending in @fightback.law
18. Ivan Raiklin (ivan.raiklin@gmail.com or socialmediairaiklin@gmail.com)
19. Raj Doraismany, Caroline Wetherington, or anyone communicating on behalf of Defend Wisconsin or Defend Our Union (@defendourunion.org)
20. Mike Flynn, or anyone communicating from an email address ending in @generallyflynn.com, or anyone communicating on behalf of America’s Future (@americasfuture.net)
21. Cleta Mitchell (cleta@cletamitchell.com or cmitchell@foley.com), or anyone communicating on behalf of the Bradley Foundation (@bradleyfnd.org)
22. Ed Corrigan, or anyone communicating on behalf of the Conservative Partnership Institute (@cpi.org)
23. Thomas Datwyler (tdatwyler@gmail.com)
24. John Eastman (@eastman@claremont.org)
25. Hogan Gidley, Kenneth Blackwell (@kennethblackwell693@gmail.com), or anyone communicating on behalf of America First Policy Institute (@americafirstpolicy.com)
26. Doug Logan, or anyone communicating on behalf of Cyber Ninjas (@cyberninjas.com)
27. Ben Cotton, or anyone communicating on behalf of CyFir (@cyfir.com)
28. Phil Waldron (phil@onewarrior.com or p@bonfiresearch.org), Russ Ramsland (ryuksou@alliedspecialops.us), James Keet Lewis III (keet@keetlewis.com), or anyone communicating on behalf of Allied Security Operations Group (@alliedspecialops.us)
29. Jovan Hutton Pulitzer (@jovanhuttonpulitzer@gmail.com)
30. Shiva Ayyadurai (vashiva@vashiva.com), or anyone communicating on behalf of EchoMail (@echomail.com)

Please note that for both Parts A & B of this request, American Oversight does not seek, and that 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. In other words, for example, if Michael Gableman received a mass-distribution news clip email from the Wisconsin Republican Party, that initial email would not be responsive to this request. However, if he forwarded that email to another individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

This request seeks records in addition to, and not duplicative of, records previously sought by American Oversight. In all cases, responsive records include records that were “produced or collected” under any contract entered by Speaker Vos and/or the Wisconsin Assembly.\(^7\)

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\(^7\) Wis. Stat. Ann. § 19.36(3) (“Each authority shall make available for inspection and copying under s. 19.35(1) any record produced or collected under a contract entered into by the authority with a person other than an authority to the same extent as if the record were maintained by the authority.”).
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. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.

The public has a significant interest in the Wisconsin Assembly's investigation of the November 2020 election. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including the role of contractors in conducting the Assembly's investigation. 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

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11 See supra, notes 1-5.
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.\(^{12}\)

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.\(^{13}\) 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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\(^{13}\) 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 Sarah Colombo at records@americanoversight.org or (202) 869-5244. 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/ Sarah Colombo
Sarah Colombo
on behalf of
American Oversight
VIA EMAIL

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

Representative Robin Vos
Speaker, Wisconsin State Assembly
State Capitol, Room 217 West
P.O. Box 8953
Madison, WI 53708
Rep.Vos@legis.wisconsin.gov

Re: Public Records Law Request

Dear Chief Clerk Blazel and Speaker Vos:

Pursuant to Wisconsin’s public records law, Wis. Stat. §§ 19.31–19.39, American Oversight makes the following request for copies of records.

On May 26, 2021, Wisconsin State Assembly Speaker Robin Vos indicated that the legislature would hire three former law enforcement officers and a supervising attorney to investigate the November 2020 election.¹ Since the time of this announcement, Speaker Vos has expanded the scope of the investigation, appointing former Wisconsin Supreme Court justice Michael Gableman as “special counsel,” and gaining Assembly approval to spend at least $676,000 in public funds, including budgeting for five investigators and $325,000 for a data analysis contractor.² With Speaker Vos’s approval, Gableman has issued a number of demands for records to municipal and county clerks and summoned local officials for interviews.³


American Oversight seeks records with the potential to shed light on the Wisconsin Assembly’s investigation of the November 2020 election.

**Requested Records**

American Oversight requests that Speaker Vos and the Wisconsin Assembly produce the following records “as soon as practicable and without delay”:\(^4\)

Please provide all responsive records described below from September 15, 2021, through the date the search is conducted:

1. A complete copy (including any attachments) of any contract, sub-contract, amendment, memorandum of understanding, or other written agreement (A) between the Wisconsin Assembly and individuals or entities associated with the legislature’s investigation of the November 2020 election related to the planning, preparation, or execution of the investigation, including but not limited to agreements with former justice Michael Gableman or any individual or entity designated or engaged as an investigator, and (B) between any of the individuals or entities named above in item 1(A) of this request, or the Office of Special Counsel, and any assistants, consultants, counsel, formal or informal advisors, temporary workers, or unpaid volunteers, as well as any external sources of funds.

2. A complete copy (including any attachments) of any resume, bid, project proposal, cost or time estimate, scope of work, application form, or other document submitted to any of the individuals or entities named in item 1 of this request, as well as any records regarding the solicitation and evaluation of any bids or proposals.

3. Records identifying or referring to the scope of the investigative authority of the Assembly’s investigators or their agents, including but not limited to authority regarding compelling witnesses, issuing subpoenas, or making referrals to the Wisconsin Department of Justice, the U.S. Department of Justice or its subcomponents, or any other law enforcement agency.

4. Any project plans or other documents detailing the steps or procedures to be followed in each aspect of the investigation, including but not limited to: records regarding identifying, prioritizing, and investigating “potential irregularities and/or illegalities,” including a complete copy of any reports of alleged irregularity or wrongdoing; protocols, guidelines, or scripts for contacting and interviewing witnesses; records describing investigative methodology, equipment, or supplies; or guidelines for ensuring the safe handling and privacy of confidential voter information and election equipment.

\(^4\) Wis. Stat. § 19.35(4)(a).
5. A complete copy (including any attachments) of any invoice received from or records reflecting any payment made to former justice and Special Counsel Michael Gableman, or any other investigators or individuals, including any individuals associated with the Office of Special Counsel and/or contracted by the Wisconsin Assembly, in connection with their services to the Wisconsin Assembly.

6. Any criteria, schedule, or other guidelines for the completion of work product related to the investigation, including, but not limited to, interim updates to the Assembly and the construction and presentation of a final report of findings.

This request seeks records in addition to, and not duplicative of, records previously sought by American Oversight. In all cases, responsive records include records that were “produced or collected” under any contract entered by the Speaker Vos and/or the Wisconsin Assembly.

To be clear, this request seeks the records substantively described in American Oversight’s request identified as WI-REP-21-1295, directed to Speaker Vos and the Assembly, from the period after that request was submitted —i.e., from September 15, 2021, through the date of the search—with modifications to account for recent events. See https://www.americanoversight.org/document/records-request-to-wisconsin-assembly-seeking-additional-contractual-documents-from-elections-investigation.

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. American Oversight also makes materials it gathers available on its public

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a Wis. Stat. Ann. § 19.36(3) (“Each authority shall make available for inspection and copying under s. 19.35(1) any record produced or collected under a contract entered into by the authority with a person other than an authority to the same extent as if the record were maintained by the authority.”).

b 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,
website and promotes their availability on social media platforms, such as Facebook and Twitter. 8

The public has a significant interest in the Wisconsin Assembly’s investigation of the November 2020 election. 9 Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including the role of contractors in conducting the Assembly’s investigation. 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, 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. 10

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9 See supra, notes 1 & 2.
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.\footnote{Wis. Stat. § 19.36(6).} 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.

American Oversight expects that you have ensured all responsive records and records relevant to this request and your compliance with it are retained as required by Wisconsin law. Please take all appropriate steps to ensure that no such records are deleted by the agency before the completion of processing for this request. If records potentially responsive or relevant to this request, or your compliance with it, 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 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 Sarah Colombo at records@americanoversight.org or (202) 869-3244. 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/ Sarah Colombo
Sarah Colombo
on behalf of
American Oversight
VIA EMAIL

Michael Gableman
Office of Special Counsel
200 South Executive Drive, Suite 101
Brookfield, WI 53005
coms@wisppecialcounsel.org

Re: Public Records Law Request

Dear Special Counsel Michael Gableman:

Pursuant to Wisconsin’s public records law, Wis. Stat. §§ 19.81–19.39, American Oversight makes the following request for copies of records.

On May 26, 2021, Wisconsin State Assembly Speaker Robin Vos indicated that the legislature would hire three former law enforcement officers and a supervising attorney to investigate the November 2020 election.¹ Since the time of this announcement, Speaker Vos has expanded the scope of the investigation, appointing former Wisconsin Supreme Court justice Michael Gableman as “special counsel,” and gaining Assembly approval to spend at least $676,000 in public funds, including budgeting for five investigators and $325,000 for a data analysis contractor.² With Speaker Vos’s approval, Gableman has issued a number of demands for records to municipal and county clerks and summoned local officials for interviews.³

American Oversight seeks records with the potential to shed light on the Wisconsin Assembly's investigation of the November 2020 election.


1030 15th Street NW, Suite B255, Washington, DC 20005 | AmericanOversight.org
Requested Records

American Oversight requests that your office produce the following records “as soon as practicable and without delay”:⁴

Please provide all responsive records described below from September 15, 2021, through the date the search is conducted:

1. A complete copy (including any attachments) of any contract, sub-contract, amendment, memorandum of understanding, or other written agreement (A) between the Wisconsin Assembly and individuals or entities associated with the legislature’s investigation of the November 2020 election related to the planning, preparation, or execution of the investigation, including but not limited to agreements with former justice Michael Gableman or any individual or entity designated or engaged as an investigator, and (B) between any of the individuals or entities named above in item 1(A) of this request, or the Office of Special Counsel, and any assistants, consultants, counsel, formal or informal advisors, temporary workers, or unpaid volunteers, as well as any external sources of funds.

2. A complete copy (including any attachments) of any resume, bid, project proposal, cost or time estimate, scope of work, application form, or other document submitted to any of the individuals or entities named in item 1 of this request, as well as any records regarding the solicitation and evaluation of any bids or proposals.

3. Records identifying or referring to the scope of the investigative authority of the Assembly’s investigators or their agents, including but not limited to authority regarding compelling witnesses, issuing subpoenas, or making referrals to the Wisconsin Department of Justice, the U.S. Department of Justice or its subcomponents, or any other law enforcement agency.

4. Any project plans or other documents detailing the steps or procedures to be followed in each aspect of the investigation, including but not limited to: records regarding identifying, prioritizing, and investigating “potential irregularities and/or illegalities,” including a complete copy of any reports of alleged irregularity or wrongdoing; protocols, guidelines, or scripts for contacting and interviewing witnesses; records describing investigative methodology, equipment, or supplies; or guidelines for ensuring the safe handling and privacy of confidential voter information and election equipment.

5. A complete copy (including any attachments) of any invoice received from or records reflecting any payment made to former justice and Special Counsel Michael Gableman, or any other investigators or individuals, including any individuals associated with the Office of Special Counsel and/or contracted by the Wisconsin Assembly, in connection with their services to the Wisconsin

⁴ Wis. Stat. § 19.35(4)(a).
6. Any criteria, schedule, or other guidelines for the completion of work product related to the investigation, including, but not limited to, interim updates to the Assembly and the construction and presentation of a final report of findings.

This request seeks records in addition to, and not duplicative of, records previously sought by American Oversight. In all cases, responsive records include records that were "produced or collected" under any contract entered by the Speaker Vos and/or the Wisconsin Assembly.\(^5\)

To be clear, this request seeks the records substantively described in American Oversight’s request identified as WI-REP-21-1996, directed to Michael Gableman, from the period after that request was submitted — i.e., from September 16, 2021, through the date of the search — with modifications to account for recent events. For ease of reference, that request is attached here. See Attachment A. In the abundance of caution, American Oversight notes that the request at Attachment A should be interpreted as specifically directed to the Office of Special Counsel in addition to Michael Gableman.

**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.\(^6\) American Oversight also makes materials it gathers available on its public

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\(^5\) Wis. Stat. Ann. § 19.36(3) ("Each authority shall make available for inspection and copying under s. 19.35(1) any record produced or collected under a contract entered into by the authority with a person other than an authority to the same extent as if the record were maintained by the authority.").

\(^6\) 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..."

WI-EXT-21-1494
EXHIBIT J
website\textsuperscript{7} and promotes their availability on social media platforms, such as Facebook and Twitter.\textsuperscript{8}

The public has a significant interest in the Wisconsin Assembly’s investigation of the November 2020 election.\textsuperscript{9} Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including the role of contractors in conducting the Assembly’s investigation. 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, that you contact us prior to incurring any costs.

\textbf{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. \textbf{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. \textbf{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.\textsuperscript{10}

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the


\textsuperscript{7} \textit{Documents, American Oversight}, https://www.americanoversight.org/documents.


\textsuperscript{9} See supra, notes 1 & 2.

requested records.\footnote{Wis. Stat. § 19.36(6).} 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.

American Oversight expects that you have ensured all responsive records and records relevant to this request and your compliance with it are retained as required by Wisconsin law. Please take all appropriate steps to ensure that no such records are deleted by the agency before the completion of processing for this request. If records potentially responsive or relevant to this request, or your compliance with it, 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 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 Sarah Colombo at records@americanoversight.org or (202) 869-5244. 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/ Sarah Colombo
Sarah Colombo
on behalf of
American Oversight
VIA EMAIL

Consultare, LLC
c/o Michael Gableman, President
P.O. Box 510145
New Berlin, WI 53151
mgableman@yahoo.com

Re: Public Records Law Request

Dear Michael Gableman:

Pursuant to Wisconsin's public records law, Wis. Stat. §§ 19.31–19.39, American Oversight makes the following request for copies of records.

On May 26, 2021, Wisconsin State Assembly Speaker Robin Vos indicated that the legislature would hire three former law enforcement officers and a supervising attorney to investigate the November 2020 election. Since the time of this announcement, Speaker Vos has expanded the scope of the investigation, appointing former Wisconsin Supreme Court justice Michael Gableman as "special counsel," and gaining Assembly approval to spend at least $675,000 in public funds, including budgeting for five investigators and $925,000 for a data analysis contractor. Speaker Vos also has indicated that he is willing to authorize subpoenas requested by Michael Gableman.

American Oversight seeks records with the potential to shed light on the Wisconsin Assembly's investigation of the November 2020 election, including regarding the role and activities of contractors who are performing work in furtherance of that investigation.

Requested Records

American Oversight requests that Speaker Vos and the Wisconsin Assembly produce the following records "as soon as practicable and without delay":

All records substantively described in the request identified as WI-EXT-21-1119 from the period after that request was submitted—i.e., from August 12, 2021, through the date of the search. For clarity, the records requested are reproduced, with modifications to account for newly identified information, as follows:

1. A complete copy (including any attachments) of any contract, sub-contract, amendment, memorandum of understanding, or other written agreement (A) between the Wisconsin Assembly and individuals or entities associated with the legislature's investigation of the November 2020 election related to the planning, preparation, or execution of the investigation, including but not limited to agreements with former justice Michael Gableman or any individual or entity designated or engaged as an investigator, including, but not limited to Steven Page, and (B) between any of the individuals or entities named above in item 1(A) of this request and any assistants, consultants, counsel, formal or informal advisors, temporary workers, or unpaid volunteers, as well as any external sources of funds.

2. A complete copy (including any attachments) of any resume, bid, project proposal, cost or time estimate, scope of work, application form, or other document submitted to any of the individuals or entities named in item 1 of this request, as well as any records regarding the solicitation and evaluation of any bids or proposals.

3. Records identifying or referring to the scope of the investigative authority of the Assembly's investigators or their agents, including but not limited to authority regarding compelling witnesses, issuing subpoenas, or making referrals to the Wisconsin Department of Justice, the U.S. Department of Justice or its subcomponents, or any other law enforcement agency.

4. Any project plans or other documents detailing the steps or procedures to be followed in each aspect of the investigation, including but not limited to: records regarding identifying, prioritizing, and investigating "potential irregularities and/or illegalities," including a complete copy of any reports of alleged irregularity or wrongdoing; protocols, guidelines, or scripts for contacting and interviewing witnesses; records describing investigative

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5 To be clear, the August 12, 2021 request referenced above seeks records from the period of July 19, 2021, through the date the search is conducted. This request seeks the same types of records from August 12, 2021, through the date the search is conducted. See https://www.americanoversight.org/document/public-records-request-to-contractor-michael-gableman-seeking-records-regarding-election-investigation/wi-ext-21-1119.
methodology, equipment, or supplies; or guidelines for ensuring the safe handling and privacy of confidential voter information and ballot equipment.

5. A complete copy (including any attachments) of any invoice received from or records reflecting any payment made to former justice Michael Gableman, Steven Page, or any other investigators or individuals contracted by the Wisconsin Assembly or by Michael Gableman, in connection with their services to the Wisconsin Assembly.

6. Any criteria, schedule, or other guidelines for the completion of work product related to the investigation, including, but not limited to, interim updates to the Assembly and the construction and presentation of a final report of findings.

This request seeks records in addition to, and not duplicative of, records previously sought by American Oversight. In all cases, responsive records include records that were “produced or collected” under any contract entered by the Speaker Vos and/or the Wisconsin Assembly.6

Fee Waiver Request

In accordance with Wis. Stat. § 19.36(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.7 American Oversight also makes materials it gathers available on its public

6 Wis. Stat. Ann. § 19.36(3) (“Each authority shall make available for inspection and copying under s. 19.35(1) any record produced or collected under a contract entered into by the authority with a person other than an authority to the same extent as if the record were maintained by the authority.”).
website\(^8\) and promotes their availability on social media platforms, such as Facebook and Twitter.\(^9\)

The public has a significant interest in the Wisconsin Assembly’s investigation of the November 2020 election.\(^{10}\) Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including the role of contractors in conducting the Assembly’s investigation. 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, 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.\(^{11}\)

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.\(^{12}\) If it is your position that a document contains non-exempt

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\(^10\) *See supra*, notes 1 & 2.


\(^12\) Wis. Stat. § 19.36(6).
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.

American Oversight expects that you have ensured all responsive records and records relevant to this request and your compliance with it are retained as required by Wisconsin law. Please take all appropriate steps to ensure that no such records are deleted by the agency before the completion of processing for this request. If records potentially responsive or relevant to this request, or your compliance with it, 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 USB drive. Please send any responsive material being sent by mail to American Oversight, 1090 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 Sarah Colombo at records@americanoversight.org or (902) 869-5944. 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/ Sarah Colombo
Sarah Colombo
on behalf of
American Oversight

- 5 -
VIA EMAIL

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

Representative Robin Vos
Speaker, Wisconsin State Assembly
State Capitol, Room 217 West
PO Box 8953
Madison, WI 53708
Rep.Vos@legis.wisconsin.gov

Re: Public Records Law Request

Dear Chief Clerk Blazel and Speaker Vos:

Pursuant to Wisconsin’s public records law, Wis. Stat. §§ 19.31–19.39, American Oversight makes the following request for copies of records.

On May 26, 2021, Wisconsin State Assembly Speaker Robin Vos indicated that the legislature would hire three former law enforcement officers and a supervising attorney to investigate the November 2020 election. Since the time of this announcement, Speaker Vos has expanded the scope of the investigation, appointing former Wisconsin Supreme Court justice Michael Gableman as “special counsel,” and gaining Assembly approval to spend at least $676,000 in public funds, including budgeting for five investigators and $325,000 for a data analysis contractor. With Speaker Vos’s approval, Gableman has issued a number of demands for records to municipal and county clerks and summoned local officials for interviews.

American Oversight seeks records with the potential to shed light on the Wisconsin Assembly's investigation of the November 2020 election.

**Requested Records**

American Oversight requests that Speaker Vos and the Wisconsin Assembly produce the following records "as soon as practicable and without delay".\(^4\)

Please provide all responsive records described below from September 15, 2021, through the date the search is conducted:

A complete copy (including any attachments) of any interim reports, analyses, notifications, or other work products produced or collected by individuals or entities under contract to investigate the November 2020 election or allegations of voter fraud or misconduct from previous elections (including but not limited to the Wisconsin Assembly's investigators, including any investigators engaged by the Office of Special Counsel, as well as overseeing attorney and Special Counsel Michael Gableman) in connection with the legislature's investigation of the November 2020 election.

This request seeks records in addition to, and not duplicative of, records previously sought by American Oversight. In all cases, responsive records include records that were "produced or collected" under any contract entered by the Speaker Vos and/or the Wisconsin Assembly.\(^5\)

To be clear, this request seeks the records substantively described in American Oversight's previous request identified as WI-REP-21-1298, directed to Speaker Vos and the Assembly, from the period after that request was submitted — *i.e.*, from September 15, 2021, through the date of the search—with modifications to account for recent events. See [https://www.americanoversight.org/document/records-request-to-wisconsin-assembly-seeking-additional-work-products-from-elections-investigation](https://www.americanoversight.org/document/records-request-to-wisconsin-assembly-seeking-additional-work-products-from-elections-investigation).

**Fee Waiver Request**

In accordance with Wis. Stat. § 19.35(9)(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.

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\(^4\) Wis. Stat. § 19.35(4)(a).

\(^5\) Wis. Stat. Ann. § 19.36(3) ("Each authority shall make available for inspection and copying under s. 19.35(1) any record produced or collected under a contract entered into by the authority with a person other than an authority to the same extent as if the record were maintained by the authority.").
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. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.

The public has a significant interest in the Wisconsin Assembly's investigation of the November 2020 election. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including the role of contractors in conducting the Assembly's investigation. 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, 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

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9 See supra, notes 1 & 2.
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 conducted or 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. ¹⁰

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. ¹¹ 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.

American Oversight expects that you have ensured all responsive records and records relevant to this request and your compliance with it are retained as required by Wisconsin law. Please take all appropriate steps to ensure that no such records are deleted by the agency before the completion of processing for this request. If records potentially responsive or relevant to this request, or your compliance with it, 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 USB drive. Please send any responsive material being sent by mail to American

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¹¹ Wis. Stat. § 19.36(6).
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 Sarah Colombo at records@americanoversight.org or (202) 869-5244. 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/ Sarah Colombo
Sarah Colombo
on behalf of
American Oversight
VIA EMAIL

Michael Gableman
Office of Special Counsel
200 South Executive Drive, Suite 101
Brookfield, WI 53005
coms@wispecialcounsel.org

Re: Public Records Law Request

Dear Special Counsel Michael Gableman:

Pursuant to Wisconsin’s public records law, Wis. Stat. §§ 19.31–19.99, American Oversight makes the following request for copies of records.

On May 26, 2021, Wisconsin State Assembly Speaker Robin Vos indicated that the legislature would hire three former law enforcement officers and a supervising attorney to investigate the November 2020 election.¹ Since the time of this announcement, Speaker Vos has expanded the scope of the investigation, appointing former Wisconsin Supreme Court justice Michael Gableman as “special counsel,” and gaining Assembly approval to spend at least $876,000 in public funds, including budgeting for five investigators and $325,000 for a data analysis contractor.² With Speaker Vos’s approval, Gableman has issued a number of demands for records to municipal and county clerks and summoned local officials for interviews.³

American Oversight seeks records with the potential to shed light on the Wisconsin Assembly’s investigation of the November 2020 election.

Requested Records

American Oversight requests that your office produce the following records “as soon as practicable and without delay”:\footnote{Wis. Stat. § 19.35(4)(a).}

Please provide all responsive records described below from September 15, 2021, through the date the search is conducted:

A complete copy (including any attachments) of any interim reports, analyses, notifications, or other work product produced or collected by individuals or entities under contract to investigate the November 2020 election or allegations of voter fraud or misconduct from previous elections (including but not limited to the Wisconsin Assembly’s investigators, including any investigators engaged by the Office of Special Counsel, as well as overseeing attorney and Special Counsel Michael Gableman) in connection with the legislature’s investigation of the November 2020 election.

This request seeks records in addition to, and not duplicative of, records previously sought by American Oversight. In all cases, responsive records include records that were “produced or collected” under any contract entered by the Speaker Vos and/or the Wisconsin Assembly.\footnote{Wis. Stat. Ann. § 19.36(3) ("Each authority shall make available for inspection and copying under s. 19.35(1) any record produced or collected under a contract entered into by the authority with a person other than an authority to the same extent as if the record were maintained by the authority.").}

To be clear, this request seeks the records substantively described in American Oversight’s previous request identified as WI-REP-21-1299, directed to Michael Gableman, from the period after that request was submitted — i.e., from September 15, 2021, through the date of the search—with modifications to account for recent events. For ease of reference, that request is attached here. See Attachment A. In the abundance of caution, American Oversight notes that the request at Attachment A should be interpreted as specifically directed to the Office of Special Counsel in addition to Michael Gableman.

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.\(^6\) American Oversight also makes materials it gathers available on its public website\(^7\) and promotes their availability on social media platforms, such as Facebook and Twitter.\(^8\)

The public has a significant interest in the Wisconsin Assembly’s investigation of the November \(2020\) election.\(^9\) Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including the role of contractors in conducting the Assembly’s investigation. 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, 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.


\(^7\) *Documents*, American Oversight, [https://www.americanoversight.org/documents.]


\(^9\) See *supra*, notes 1 & 2.
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.\(^{10}\)

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.\(^{11}\) 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.

American Oversight expects that you have ensured all responsive records and records relevant to this request and your compliance with it are retained as required by Wisconsin law. Please take all appropriate steps to ensure that no such records are deleted by the agency before the completion of processing for this request. If records potentially responsive or relevant to this request, or your compliance with it, 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 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.


\(^{11}\) Wis. Stat. § 19.36(6).
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 Sarah Colombo at records@americanoversight.org or (202) 869-5244. 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/ Sarah Colombo
Sarah Colombo
on behalf of
American Oversight
VIA EMAIL

Consultare, LLC
c/o Michael Gableman, President
P.O. Box 510145
New Berlin, WI 53151
mgableman@yahoo.com

Re: Public Records Law Request

Dear Michael Gableman:

Pursuant to Wisconsin’s public records law, Wis. Stat. §§ 19.81–19.39, American Oversight makes the following request for copies of records.

On May 26, 2021, Wisconsin State Assembly Speaker Robin Vos indicated that the legislature would hire three former law enforcement officers and a supervising attorney to investigate the November 2020 election.¹ Since the time of this announcement, Speaker Vos has expanded the scope of the investigation, appointing former Wisconsin Supreme Court justice Michael Gableman as “special counsel,” and gaining Assembly approval to spend at least $675,000 in public funds, including budgeting for five investigators and $325,000 for a data analysis contractor.² Speaker Vos also has indicated that he is willing to authorize subpoenas requested by Michael Gableman.³

American Oversight seeks records with the potential to shed light on the Wisconsin Assembly’s investigation of the November 2020 election, including regarding the role and activities of contractors who are performing work in furtherance of that investigation.

Requested Records

American Oversight requests that Speaker Vos and the Wisconsin Assembly produce the following records “as soon as practicable and without delay”:

All records substantively described in the request identified as WI-EXT-21-1123 from the period after that request was submitted—i.e., from August 12, 2021, through the date of the search. For clarity, the records requested are reproduced, with modifications to account for newly identified information, as follows:

A complete copy (including any attachments) of any interim reports, analyses, notifications, or other work product produced or collected by individuals or entities under contract to investigate the November 2020 election or allegations of voter fraud or misconduct from previous elections (including but not limited to former justice Michael Gableman or any individual or entity designated or engaged as an investigator, including, but not limited to Steven Page) in connection with the legislature’s investigation of the November 2020 election.

This request seeks records in addition to, and not duplicative of, records previously sought by American Oversight. In all cases, responsive records include records that were “produced or collected” under any contract entered by the Speaker Vos and/or the Wisconsin Assembly.

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

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5 Wis. Stat. § 19.35(4)(a).
5 To be clear, the August 12, 2021 request referenced above seeks records from the period of July 19, 2021, through the date the search is conducted. This request seeks the same types of records from August 12, 2021, through the date the search is conducted. See https://www.americanoversight.org/document/public-records-request-to- contractor-michael-gableman-seeking-work-product-from-election-investigation/wi- ext-21-1123.
6 Wis. Stat. Ann. § 19.36(3) (“Each authority shall make available for inspection and copying under s. 19.35(1) any record produced or collected under a contract entered into by the authority with a person other than an authority to the same extent as if the record were maintained by the authority.”).
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. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.

The public has a significant interest in the Wisconsin Assembly’s investigation of the November 2020 election. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including the role of contractors in conducting the Assembly’s investigation. 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, 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

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10 See supra, notes 1 & 2.
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.\footnote{Wisc. Dep't of J., \textit{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.}

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregarable non-exempt portions of the requested records.\footnote{Wis. Stat. \S 19.36(6).} 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.

American Oversight expects that you have ensured all responsive records and records relevant to this request and your compliance with it are retained as required by Wisconsin law. Please take all appropriate steps to ensure that no such records are deleted by the agency before the completion of processing for this request. If records potentially responsive or relevant to this request, or your compliance with it, 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.

\textbf{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 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 Sarah Colombo at
records@americanoversight.org or (202) 869-5944. 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/ Sarah Colombo
Sarah Colombo
on behalf of
American Oversight
VIA EMAIL

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

Representative Robin Vos
Speaker, Wisconsin State Assembly
State Capitol, Room 217 West
P.O. Box 8953
Madison, WI 53708
Rep.Vos@legis.wisconsin.gov

Re: Public Records Law Request

Dear Chief Clerk Blazel and Speaker Vos:

Pursuant to Wisconsin’s public records law, Wis. Stat. §§ 19.81–19.89, American Oversight makes the following request for copies of records.

On May 26, 2021, Wisconsin State Assembly Speaker Robin Vos indicated that the legislature would hire three former law enforcement officers and a supervising attorney to investigate the November 2020 election. Since the time of this announcement, Speaker Vos has expanded the scope of the investigation, appointing former Wisconsin Supreme Court justice Michael Gableman as “special counsel,” and gaining Assembly approval to spend at least $676,000 in public funds, including budgeting for five investigators and $325,000 for a data analysis contractor. With Speaker Vos’s approval, Gableman has issued a number of demands for records to municipal and county clerks and summoned local officials for interviews.

American Oversight seeks records with the potential to shed light on the Wisconsin Assembly’s investigation of the November 2020 election.

**Requested Records**

American Oversight requests that Speaker Vos and the Wisconsin Assembly produce the following records “as soon as practicable and without delay”:†

Please provide all responsive records described below from September 15, 2021, through the date the search is conducted:

A. All electronic communications (including emails, email attachments, text messages, or messages on messaging platforms, such as Slack, GCChat or Google Hangouts, Lync, Skype, or WhatsApp) between (i) the Wisconsin Assembly’s investigators, including any investigators engaged by the Office of Special Counsel, as well as overseeing attorney and Special Counsel Michael Gableman and (ii) any other contractor or agent of the Wisconsin Assembly charged with investigating the November 2020 election, including but not limited to, investigators or attorneys directly employed by the Wisconsin Assembly, or subcontractors, assistants, consultants, counsel, formal or informal advisors, temporary workers, unpaid volunteers, or external funders.

B. All calendars or calendar entries regarding the legislature’s investigation of the November 2020 election and maintained by or on behalf of the Wisconsin Assembly’s investigators, including any investigators engaged by the Office of Special Counsel, as well as overseeing attorney and Special Counsel Michael Gableman.

American Oversight requests that the calendars be produced in a format that includes all invitees, any notes, and all attachments. Please do not limit your search to Outlook calendars; we request the production of any calendar—paper or electronic, whether on government-issued or personal devices—used to track or coordinate how these individuals allocate their time related to the investigation of the November 2020 election.

This request seeks records in addition to, and not duplicative of, records previously sought by American Oversight. In all cases, responsive records include records that were “produced or collected” under any contract entered by the Speaker Vos and/or the Wisconsin Assembly.‡

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† Wis. Stat. § 19.35(4)(a).
‡ Wis. Stat. Ann. § 19.36(8) (“Each authority shall make available for inspection and copying under s. 19.35(1) any record produced or collected under a contract entered into by the authority with a person other than an authority to the same extent as if the record were maintained by the authority.”).
To be clear, this request seeks the records substantively described in Parts B and C of American Oversight’s request identified as WI-REP-21-1301, directed to Speaker Vos and the Assembly from the period after that request was submitted — i.e., from September 15, 2021, through the date of the search—with modifications to account for recent events. See https://www.americanoversight.org/document/records-request-to-wisconsin-assembly-seeking-additional-communications-regarding-elections-investigation

**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. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.

The public has a significant interest in the Wisconsin Assembly’s investigation of the November 2020 election. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including the role of contractors in conducting the Assembly’s investigation. American Oversight is committed to transparency and makes the responses agencies provide to

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9 See supra, notes 1 & 2.
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, 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,
audiocassettes, 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.\(^{10}\)

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.\(^{11}\) 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.

American Oversight expects that you have ensured all responsive records and records
relevant to this request and your compliance with it are retained as required by
Wisconsin law. Please take all appropriate steps to ensure that no such records are
deleted by the agency before the completion of processing for this request. If records
potentially responsive or relevant to this request, or your compliance with it, 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.

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\(^{11}\) Wis. Stat. § 19.36(6).
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 USB drive. Please send any responsive material being sent by mail to American Oversight, 1080 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 Sarah Colombo at records@americanoversight.org or (202) 869-5244. 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/ Sarah Colombo
Sarah Colombo
on behalf of
American Oversight
VIA EMAIL

Michael Gableman
Office of Special Counsel
200 South Executive Drive, Suite 101
Brookfield, WI 53005
coms@wispacialcounsel.org

Re: Public Records Law Request

Dear Special Counsel Michael Gableman:

Pursuant to Wisconsin's public records law, Wis. Stat. §§ 19.31–19.39, American Oversight makes the following request for copies of records.

On May 26, 2021, Wisconsin State Assembly Speaker Robin Vos indicated that the legislature would hire three former law enforcement officers and a supervising attorney to investigate the November 2020 election. Since the time of this announcement, Speaker Vos has expanded the scope of the investigation, appointing former Wisconsin Supreme Court justice Michael Gableman as “special counsel,” and gaining Assembly approval to spend at least $675,000 in public funds, including budgeting for five investigators and $325,000 for a data analysis contractor. With Speaker Vos's approval, Gableman has issued a number of demands for records to municipal and county clerks and summoned local officials for interviews.

American Oversight seeks records with the potential to shed light on the Wisconsin Assembly's investigation of the November 2020 election.

Requested Records

American Oversight requests that your office produce the following records "as soon as practicable and without delay":

Please provide all responsive records described below from September 15, 2021, through the date the search is conducted:

A. All electronic communications (including emails, email attachments, text messages, or messages on messaging platforms, such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp) between (i) Michael Gableman or anyone communicating on his or the Office of Special Counsel’s behalf; and (ii) any other contractor or agent of the Wisconsin Assembly charged with investigating the November 2020 election, including but not limited to, investigators or attorneys directly employed by the Wisconsin Assembly, or subcontractors, assistants, consultants, counsel, formal or informal advisors, temporary workers, unpaid volunteers, or external funders.

B. All calendars or calendar entries regarding the legislature’s investigation of the November 2020 election and maintained by or on behalf of the Wisconsin Assembly’s investigators, including any investigators engaged by the Office of Special Counsel, as well as overseeing attorney and Special Counsel Michael Gableman.

American Oversight requests that the calendars be produced in a format that includes all invitees, any notes, and all attachments. Please do not limit your search to Outlook calendars; we request the production of any calendar—paper or electronic, whether on government-issued or personal devices—used to track or coordinate how these individuals allocate their time related to the investigation of the November 2020 election.

This request seeks records in addition to, and not duplicitive of, records previously sought by American Oversight. In all cases, responsive records include records that were “produced or collected” under any contract entered by the Speaker Vos and/or the Wisconsin Assembly.

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\(^{a}\) Wis. Stat. § 19.35(4)(a).

\(^{b}\) Wis. Stat. Ann. § 19.36(3) (“Each authority shall make available for inspection and copying under s. 19.35(1) any record produced or collected under a contract entered into by the authority with a person other than an authority to the same extent as if the record were maintained by the authority.”).
To be clear, this request seeks the records substantively described in Parts B and C of American Oversight’s request identified as WI-REP-21-1302, directed to Michael Gableman, from the period after that request was submitted—i.e., from September 15, 2021, through the date of the search—with modifications to account for recent events. For ease of reference, that request is attached here. See Attachment A. In the abundance of caution, American Oversight notes that the request at Attachment A should be interpreted as specifically directed to the Office of Special Counsel in addition to Michael Gableman.

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. American Oversight also makes materials it gathers available on its public website7 and promotes their availability on social media platforms, such as Facebook and Twitter.

The public has a significant interest in the Wisconsin Assembly’s investigation of the November 2020 election.9 Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including the role of contractors in conducting the Assembly’s investigation. American

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9 See supra, notes 1 & 2.
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, 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.\(^\text{10}\)

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.\(^\text{11}\) 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.

American Oversight expects that you have ensured all responsive records and records relevant to this request and your compliance with it are retained as required by Wisconsin law. Please take all appropriate steps to ensure that no such records are deleted by the agency before the completion of processing for this request. If records potentially responsive or relevant to this request, or your compliance with it, 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.

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\(^\text{11}\) Wis. Stat. § 19.36(6).
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 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 Sarah Colombo at records@americanoversight.org or (202) 869-5244. 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/ Sarah Colombo
Sarah Colombo
on behalf of
American Oversight
AMERICAN OVERSIGHT

VIA EMAIL

Consultare, LLC
c/o Michael Gableman, President
P.O. Box 510145
New Berlin, WI 53151
mgableman@yahoo.com

Re: Public Records Law Request

Dear Michael Gableman:

Pursuant to Wisconsin’s public records law, Wis. Stat. §§ 19.31–19.39, American Oversight makes the following request for copies of records.

On May 26, 2021, Wisconsin State Assembly Speaker Robin Vos indicated that the legislature would hire three former law enforcement officers and a supervising attorney to investigate the November 2020 election.1 Since the time of this announcement, Speaker Vos has expanded the scope of the investigation, appointing former Wisconsin Supreme Court justice Michael Gableman as “special counsel,” and gaining Assembly approval to spend at least $676,000 in public funds, including budgeting for five investigators and $325,000 for a data analysis contractor.2 Speaker Vos also has indicated that he is willing to authorize subpoenas requested by Michael Gableman.3

American Oversight seeks records with the potential to shed light on the Wisconsin Assembly’s investigation of the November 2020 election, including regarding the role and activities of contractors who are performing work in furtherance of that investigation.

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Requested Records

American Oversight requests that Speaker Vos and the Wisconsin Assembly produce the following records "as soon as practicable and without delay":

All records substantively described in items B & C of the request identified as WI-EXT-21-1127 from the period after that request was submitted—i.e., from August 12, 2021, through the date of the search. For clarity, the records requested are reproduced, with modifications to account for newly identified information, as follows:

B. All electronic communications (including emails, email attachments, text messages, or messages on messaging platforms, such as Slack, GChat or Google Hangouts, Lyne, Skype, or WhatsApp) between (i) former justice Michael Gableman, or anyone communicating on his behalf, such as an administrative assistant, or any individual designated or engaged as an investigator, including, but not limited to Steven Page, and (ii) any other contractor or agent of the Wisconsin Assembly charged with investigating the November 2020 election, including but not limited to, investigators or attorneys directly employed by the Wisconsin Assembly, or subcontractors, assistants, consultants, counsel, formal or informal advisors, temporary workers, unpaid volunteers, or external funders.

C. All calendars or calendar entries regarding the legislature’s investigation of the November 2020 election and maintained by or on behalf of the Wisconsin Assembly’s investigators, including former justice Michael Gableman, anyone acting as administrative assistant, or any investigators contracted by the Wisconsin Assembly or by former justice Gableman, including but not limited to Steven Page.

American Oversight requests that the calendars be produced in a format that includes all invitees, any notes, and all attachments. Please do not limit your search to Outlook calendars; we request the production of any calendar—paper or electronic, whether on government-issued or personal devices—used to track or coordinate how these individuals allocate their time related to the investigation of the November 2020 election.

This request seeks records in addition to, and not duplicative of, records previously sought by American Oversight. In all cases, responsive records include records that

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5 To be clear, the August 12, 2021 request referenced above seeks records from the period of July 20, 2021, through the date the search is conducted. This request seeks the same types of records from August 12, 2021, through the date the search is conducted. See https://www.americanoversight.org/document/public-records-request-to-contractor-michael-gableman-seeking-communications-regarding-election-investigation.
were "produced or collected" under any contract entered by the Speaker Vos and/or the Wisconsin Assembly.⁶

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.⁷ American Oversight also makes materials it gathers available on its public website⁸ and promotes their availability on social media platforms, such as Facebook and Twitter.⁹

The public has a significant interest in the Wisconsin Assembly's investigation of the November 2020 election.¹⁰ Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including the role of contractors in conducting the Assembly's investigation. 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

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⁶ Wis. Stat. Ann. § 19.36(3) ("Each authority shall make available for inspection and copying under s. 19.35(1) any record produced or collected under a contract entered into by the authority with a person other than an authority to the same extent as if the record were maintained by the authority.").
¹⁰ See supra, notes 1 & 2.
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.\(^{11}\)

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.\(^{12}\) 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.

American Oversight expects that you have ensured all responsive records and records relevant to this request and your compliance with it are retained as required by Wisconsin law. Please take all appropriate steps to ensure that no such records are deleted by the agency before the completion of processing for this request. If records potentially responsive or relevant to this request, or your compliance with it, 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.

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\(^{12}\) Wis. Stat. § 19.36(6).
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 USB drive. Please send any responsive material being sent by mail to American Oversight, 1080 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 Sarah Colombo at records@americanoversight.org or (202) 869-5944. 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/ Sarah Colombo_
Sarah Colombo
on behalf of
American Oversight
VIA EMAIL

Michael Gableman  
Office of Special Counsel  
200 South Executive Drive, Suite 101  
Brookfield, WI 53005  
coms@wisspecialcounsel.org

Re: Outstanding Open Records Requests

Dear Special Counsel Gableman:

American Oversight has seven open records requests pending with the Office of Special Counsel (OSC) but has received no communication whatsoever with respect to six of them, and only an acknowledgement of receipt of the seventh. As you know, the OSC has an obligation to respond to these requests “as soon as practicable and without delay,” Wis. Stat. § 19.35(4), yet recent developments suggest responses to our requests may not be forthcoming. I write today to identify the requests for which we have not received a response and to seek confirmation that you will promptly comply with Wisconsin law.

Since the constitution of the OSC at the end of August, American Oversight has submitted open records requests (the “Requests”) as follows:

- WI-REP-21-1296, submitted September 15, 2021
- WI-REP-21-1299, submitted September 15, 2021
- WI-REP-21-1302, submitted September 15, 2021
- WI-EXT-21-1438, submitted October 15, 2021
- WI-EXT-21-1494, submitted October 26, 2021
- WI-EXT-21-1496, submitted October 26, 2021
- WI-EXT-21-1498, submitted October 26, 2021

The October 26 Requests seek the records substantively described in the September 15 Requests, but for the additional time period of September 15 through the date of the search. The October 26 Requests attached the corresponding September 15 Requests, which American Oversight sent to you directly, and note that, like the October 15 and

EXHIBIT O
26 Requests, the September 15 Requests should be treated as also submitted to the OSC (which we understand you were overseeing at that time).¹

To date, the OSC has acknowledged only one of these Requests. In response to the request identified as WI-EXT-21-1438, submitted on October 15, American Oversight received an email from Zakory Niemierowicz the same day stating in full: "We have received your latest open records request sent on October 15th, we acknowledge this request and will send a response letter once our personal [sic] in charge of open records responses [sic] returns to the office." It has now been four weeks since Mr. Niemierowicz’s email and American Oversight has received no further communications about WI-EXT-21-1438 or any of its other Requests.

Notably, during your November 10, 2021 testimony before the Assembly Committee on Campaigns and Elections, you refused to share basic information about the investigation such as the names of OSC personnel, stating such information "shouldn't be shared in real time."² Your efforts to cloak your investigation in secrecy raise serious concerns regarding whether the OSC will comply with Wisconsin’s open records law.

American Oversight is committed to working cooperatively with your office, but we cannot wait indefinitely for a response to our Requests, particularly when it appears that substantive responses may not forthcoming; let alone “as soon as practicable and without delay.” As you may be aware, on November 5, 2021, Judge Bailey-Rihn of the Dane County Circuit Court stated that records responsive to open records requests that were created after the constitution of the OSC “should be produced by the subunit at that time.”³ Unwarranted delays in releasing public records thwart the core purposes of the open records law; as the United States Court of Appeals for the District of Columbia wrote regarding the federal Freedom of Information Act, “stale information is of little value.” Payne Enters., Inc. v. United States, 837 F.2d 486, 494 (D.C. Cir. 1988).

Judge Bailey-Rihn also stated:

[c]here is a presumption of openness. Wisconsin public records law declares it is “an essential function of the representative government to provide public records.” That’s Wis. Stat. Section 19.31. This is “one of the strongest declarations of policy to be found in the Wisconsin

¹ On October 7, 2021, we received several letter acknowledgements from the OSC stating that "[c]The Office of Special Counsel (OSC) received" requests from American Oversight dated July 19, July 20, and August 12, 2021. As the OSC did not exist at the time of those requests, we assume the acknowledgement letters refer to the requests that we submitted directly to you on those dates. In any event, despite the letters indicating that the OSC would respond “more substantively... in all prudential speed,” the OSC has not made any further response.


³ Transcript of Motion Hearing (“Tr.”) at 26:12-15, American Oversight v. Fox, No. 21-CV-2440 (Nov. 5, 2021).
Special Counsel Gableman
Page 3 of 3

"Statutes," Zellner versus Cedarburg School District, 2007 WI 53. To that end it's stated, "The denial of public access generally is contrary to the public interest, and only in an exceptional case may access be denied."*

Accordingly, American Oversight requests that the OSC either fulfill the Requests or notify American Oversight of any denials as soon as practicable and without delay. If your office continues to violate its obligations under Wisconsin's open records law, American Oversight may resort to legal action to enforce our rights. Wis. Stat. § 19.37(1)(a).

Finally, as stated in each of the Requests, we expect that you and the OSC are taking all appropriate steps to ensure no responsive records or records relevant to the Requests or your compliance with them are deleted, including by instituting a litigation hold. See Wis. Stat. § 19.35(5); Am. Family Mut. Ins. Co. v. Golke, 2009 WI 81, ¶ 21, 319 Wis. 2d 397, 411, 768 N.W.2d 729, 735 ("Every party or potential litigant is duty-bound to preserve evidence essential to a claim that will likely be litigated.").

Thank you for your prompt attention to this matter.

Sincerely,

Sarah Colombo
Counsel
American Oversight

CC (via email):

Christa Westerberg
Pines Bach LLP
Cwesterberg@pinesbach.com

* Tr. at 95.

EXHIBIT O
Subject: Open Records Request through December 1st
Date: Saturday, December 4, 2021 at 3:03:06 PM Eastern Standard Time
From: Coms
To: Patrick.marley@jrn.com, AO Records, bspahn@gklaw.com
CC: Coms

EXTERNAL SENDER
Coms has shared OneDrive for Business files with you. To view them, click the links below.
open records part 2.pdf  open records part 3.pdf  Open records request.pdf

Good Afternoon,

Attached are the open records for the Office of Special Counsel up until December 1st, 2021. Some documents that contain strategic information to our investigation will continue to be help until the conclusion of our investigation. If you have any questions or concerns please feel free to contact our office at coms@wisspecialcounsel.org

Very Respectfully,

Zakory Niemierowicz
WI Special Counsel
From: 3
Sent: Wednesday, December 1, 2021 5:52 PM
To: Coms
Subject: Open Records PDF's from Carol - #1

See attached.
From: 3
Sent: Wednesday, December 1, 2021 5:53 PM
To: Corns
Subject: Open Records PDF's from Carol - email #3

See attached.
From: 3
Sent: Wednesday, December 1, 2021 5:56 PM
To: Coms
Subject: Open Records PDF's from Carol - #4 Last Email

EXHIBIT P
From: 3
Sent: Wednesday, December 1, 2021 5:54 PM
To: Coms
Subject: PDF's from Carol for Open Records - #3
Re: EXTERNAL : Re: Scheduling of PMK Deposition/City of Kenosha

3 <3@wischspecialcounsel.org>

Tue 10/19/2021 4:08 PM
To: Matthew Knight <mknight@kenosha.org>
Cc: Bryan Charbogian <bcharbogian@kenosha.org> <6@wischspecialcounsel.org>

You are correct: two subpoenas, one for the Mayor, one for PMK. Right now, we've rescheduled both for 11/9 at 0930. No one need appear this Friday.

We will discuss the particulars in the next week or two regarding the actual depositions that have been rescheduled.

Thank you,
Carol

From: Matthew Knight <mknight@kenosha.org>
Sent: Tuesday, October 19, 2021 4:02 PM
To: 3 <3@wischspecialcounsel.org>
Cc: Bryan Charbogian <bcharbogian@kenosha.org> <6@wischspecialcounsel.org>
Subject: EXTERNAL : Re: Scheduling of PMK Deposition/City of Kenosha

Carol:

Just to confirm my understanding, there are no depositions scheduled for this Friday, November 22nd.

Atty. Charbogian just advised me that originally there were 2 subpoenas served for this Friday, one for the PMK and one for the City of Kenosha Mayor. I had thought the subpoena for the City’s Mayor was for the 15th and had previously been resolved and would be rescheduled if necessary.

Could you please confirm that the Mayor need not appear on Friday the 22nd.

Matthew A. Knight
Deputy City Attorney
City of Kenosha
625 - 52nd Street, Rm 201
Kenosha, WI 53140
Ph. (262)653-4170
Fax (262)925-5933

From: "3" <3@wischspecialcounsel.org>
To: "Matthew Knight" <mknight@kenosha.org>
Cc: "Bryan Charbogian" <bcharbogian@kenosha.org>, "6" <6@wispecialcounsel.org>
Sent: Tuesday, October 19, 2021 3:40:43 PM
Subject: Scheduling of PMK Deposition/City of Kenosha

Confirming our conversation of today, we have rescheduled the deposition of the PMK for the City of Kenosha to November 9, 2021 at 0930. We anticipate a discussion prior to that date to discern who may best be produced to respond to the deposition subpoena.

Thank you,
Carol

Office of the Wisconsin Special Counsel

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
EXTERNAL: WisconsinEye Basic Activation

WisconsinEye <info@wiseye.org>
Tue 11/30/2021 6:15 PM
To: 3 <3@wislecuralcounsel.org>

You are subscribed to the Basic subscription level.

If you have any questions, please email info@wiseye.org.

Thank you!

WisconsinEye

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