



Via Facsimile and U.S. Mail

December 2, 2016

Administrator Michael Haas
ATTN: Reid Magney
Public Information Officer
Wisconsin Elections Commission
Post Office Box 7984
Madison, Wisconsin 53707-7984
Fax: (608) 267-0500
Email: Elections@WI.Gov

Dear Administrator Michael Haas:

Under the Wisconsin Open Records Law, §19.31 et seq., and the Wisconsin public records law. 67 MLR 65 (1983).

I am requesting on behalf of Freedom Watch an opportunity to inspect or obtain copies of the following public records held in the possession, custody, or control of the Wisconsin Elections Commission including any of its local, County, or regional offices.

I am also requesting expedited treatment of this Open Records Law records request. We request a response in writing within five (5) days.

- 1) Inspection of the ballots cast in Wisconsin in the November 8, 2016, general election and/or all paper, electronic, or computerized records constituting recordation of votes cast in Wisconsin in the November 8, 2016, general election for president of the United States.

(Please include all responses of a voter in reference to the election for president whether a write-in vote for a candidate not named on the ballot, an under vote apparently choosing no one for president, an over vote apparently choosing more than one candidate for president, or a normal vote for a candidate. Of course, a vote for a presidential candidate in this context refers to a vote for the electors nominated to vote for a candidate for president along with a companion candidate for vice president.)

- 2) Inspection of voting information for each precinct including for each precinct on November 8, 2016, the number of voters who cast ballots, the tabulated results, the number of voters registered in the precinct, any reported

problems, provisional ballots received, voters refused the opportunity to vote, and other information maintained for each precinct's voting on November 8, 2016. If records containing this information is not maintained on a precinct by precinct level, provide records at the organizational level at which such records are available.

- 3) A copy of any and all documents, records, correspondence, letters, electronic mail (email) messages, cables, memoranda, reports, summaries, or faxes relating to any change to the number of votes tabulated for the office of president of the United States from the November 8, 2016, general election as a result of any recount, challenge, or context.
- 4) A copy of any and all documents, records, correspondence, letters, electronic mail (email) messages, cables, memoranda, reports, summaries, or faxes relating to any request for a recount of the votes cast and/or vote totals and/or election results in Wisconsin of the November 8, 2016, general election for president of the United States.
- 5) A copy of any and all documents, records, correspondence, letters, electronic mail (email) messages, cables, memoranda, reports, summaries, or faxes between presidential candidate Jill Stein and/or the Green Party and the Wisconsin Elections Commission concerning any recount of, contest of, challenge to, or investigation of voting in the November 8, 2016, general election for president of the United States.
- 6) A copy of any and all documents, records, correspondence, letters, electronic mail (email) messages, cables, memoranda, reports, summaries, or faxes between presidential candidate Hillary Clinton and/or Hillary Clinton's campaign "Hillary for America" and the Wisconsin Elections Commission concerning any recount of, contest of, challenge to, or investigation of voting in the November 8, 2016, general election for president of the United States.
- 7) A copy of any and all documents, records, correspondence, letters, electronic mail (email) messages, cables, memoranda, reports, summaries, or faxes between the Democratic National Committee and the Wisconsin Elections Commission concerning any recount of, contest of, challenge to, or investigation of voting in the November 8, 2016, general election for president of the United States.
- 8) A copy of any and all documents, records, correspondence, letters, electronic mail (email) messages, cables, memoranda, reports, summaries, or faxes relating to any evidence of fraud or "hacking" (i.e., any manipulation or alteration of data) in the votes cast and/or vote totals and/or election results in Wisconsin of the November 8, 2016, general election for President of the United States.

- 9) A copy of any and all documents, records, correspondence, letters, electronic mail (email) messages, cables, memoranda, reports, summaries, or faxes relating to the actual performance of voting machines in terms of reliability and accuracy in Wisconsin in the November 8, 2016, general election for President of the United States (i.e., a voting machine meaning any mechanical and/or electronic device or machine used in Wisconsin to allow voters to cast their votes and to record or tabulate the total number of votes cast for each candidate or referendum).
- 10) A copy of any and all documents, records, correspondence, letters, electronic mail (email) messages, cables, memoranda, reports, summaries, or faxes relating to any defects in voting machines in Wisconsin in the 2016 primary or general election (i.e., a voting machine meaning any mechanical and/or electronic device or machine used in Wisconsin to allow voters to cast their votes and to record or tabulate the total number of votes cast for each candidate or referendum).
- 11) A copy of any and all documents, records, correspondence, letters, electronic mail (email) messages, cables, memoranda, reports, summaries, or faxes relating to any vulnerabilities of voting machines used in Wisconsin during the November 8, 2016, general election to unauthorized manipulation or alteration of vote totals or information on votes cast for candidates (i.e., any mechanical and/or electronic device or machine used in Wisconsin to allow voters to cast their votes and to record or tabulate the total number of votes cast for each candidate or referendum).
- 12) A copy of any and all documents, records, correspondence, letters, electronic mail (email) messages, cables, memoranda, reports, summaries, or faxes relating to any defects or malfunctions in voting machines (i.e., any mechanical and/or electronic device or machine used in Wisconsin to allow voters to cast their votes and to record or tabulate the total number of votes cast for each candidate or referendum) in the 2016 primary or general election.
- 13) A copy of any and all documents, records, correspondence, letters, electronic mail (email) messages, cables, memoranda, reports, summaries, or faxes relating to any reports by Wisconsin voters or officials of voting irregularities or suspicious activities in the votes cast and/or vote totals and/or election results in Wisconsin of the November 8, 2016, general election for President of the United States.
- 14) A copy of any and all documents, records, correspondence, letters, electronic mail (email) messages, cables, memoranda, reports, summaries, or faxes relating to procedures, instructions, or directions created specifically for the

recount of votes cast in Wisconsin of the November 8, 2016, general election for President of the United States.

- 15) A copy of any and all documents, records, correspondence, letters, electronic mail (email) messages, cables, memoranda, reports, summaries, or faxes relating to any decision not to conduct a manual recount of votes cast in Wisconsin of the November 8, 2016, general election for President of the United States.
- 16) A copy of any and all documents, records, correspondence, letters, electronic mail (email) messages, cables, memoranda, reports, summaries, or faxes relating to the different types or levels of challenges, recounts, audits, and/or investigations of the November 8, 2016, general election for President of the United States available under Wisconsin law and the procedures of the Wisconsin Election Commissions.

I request a waiver of all fees for this request. If notwithstanding our request for a fee waiver, there are any fees for searching or copying these records, please inform me if the cost will exceed \$100.

Disclosure of the requested information to Freedom Watch is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in any commercial interest. Freedom Watch is engaged in the active dissemination of public information as is evident by our ongoing public interest legal work and continual fight against corruption within the United States government. Freedom Watch's website, freedomwatchusa.org serves as a primary means of disseminating that information, and is seen by millions of people annually. Freedom Watch is an Internal Revenue code §501(c)(3) non-profit organization.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

In your handling of this FOIA request, I ask that you consider and apply the following definitions and guidelines governing such requests under Wisconsin law:

An agency cannot promulgate an administrative rule that creates an exception to the open records law. *Chavala v. Bubolz*, 204 Wis. 2d 82, 552 N.W.2d 892 (Ct. App. 1996), 95-3120.

Wisconsin Statutes § 19.32 Definitions. As used in ss. 19.32 to 19.39:

* * *

(3) "Requester" means any person who requests inspection or copies of a record, except a committed or incarcerated person, unless the person requests inspection or copies of a record that contains specific references to that person or his or her minor children for whom he or she has

not been denied physical placement under ch. 767, and the record is otherwise accessible to the person by law.

Wisconsin Statutes § 19.32 Definitions. As used in ss. 19.32 to 19.39:

(1) "Authority" means any of the following having custody of a record: a state or local office, elective official, agency, board, commission, committee, council, department or public body corporate and politic created by the constitution or by any law, ordinance, rule or order; a governmental or quasi-governmental corporation except for the Bradley center sports and entertainment corporation; a special purpose district; any court of law; the assembly or senate; a nonprofit corporation which receives more than 50 percent of its funds from a county or a municipality, as defined in s. 59.001 (3), and which provides services related to public health or safety to the county or municipality; a university police department under s. 175.42; or a formally constituted subunit of any of the foregoing.

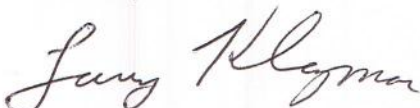
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Wisconsin Statutes § 9.31 Declaration of policy. In recognition of the fact that a representative government is dependent upon an informed electorate, it is declared to be the public policy of this state that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them. Further, providing persons with such information is declared to be an essential function of a representative government and an integral part of the routine duties of officers and employees whose responsibility it is to provide such information. To that end, ss. 19.32 to 19.37 shall be construed in every instance with a presumption of complete public access, consistent with the conduct of governmental business. The denial of public access generally is contrary to the public interest, and only in an exceptional case may access be denied.

"Record" in sub. (2) and s. 19.35 (5) does not include identical copies of otherwise available records. A copy that is not different in some meaningful way from an original, regardless of the form of the original, is an identical copy. If a copy differs in some significant way for purposes of responding to an open records request, then it is not truly an identical copy, but instead a different record. *Stone v. Board of Regents of the University of Wisconsin*, 2007 WI App 223, 305 Wis. 2d 679, 741 N.W.2d 774, 06-2537.

Thank you for handling this request.

Sincerely,



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