

**FILED**  
**10-17-2024**  
**CIRCUIT COURT**  
**DANE COUNTY, WI**  
**2024CV003175**  
**Honorable Frank D.**  
**Remington**  
**Branch 8**

# Re: Wisconsin Open Records

Logan Churchwell

Thu 3/21/2024 12:29 PM

To: Wisconsin Elections Commission <helpdesk@electionsupport.wi.gov>; brandon.hunzicker@wisconsin.gov  
<brandon.hunzicker@wisconsin.gov>;

Bcc: Noel Johnson <NJohnson@publicInterestLegal.org>; legal <legal@publicInterestLegal.org>;

Mr. Hunzicker: We're running on more than a month since the last update. What is the latest status of this request?

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**From:** Brandon Hunzicker (Wisconsin Elections Commission) <helpdesk@electionsupport.wi.gov>  
**Sent:** Wednesday, February 14, 2024 5:29 PM  
**To:** Logan Churchwell  
**Subject:** Re: Wisconsin Open Records

Your Wisconsin Elections Commission request number (21716) is updated with the information below.

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Brandon Hunzicker (Wisconsin Elections Commission)  
Feb 14, 2024, 16:29 CST

Dear Mr. Churchwell,

After applying the new date range described below, January 1, 2023, to February 9, 2023, there were 902 potentially responsive records. Next, I will review the records and determine whether or not they are responsive to your request concerning Election Day Registration postcard guidance. I believe this will eliminate a significant number of records containing terms such as "guidance" or "returned undeliverable" that do not involve Election Day Registration postcard guidance. For example, around 220 emails are simply automatic return messages related to emails sent to undeliverable email addresses.

After determining which records are responsive, I will review each email to determine whether any email is a privileged communication or otherwise subject to withholding or redaction under Wisconsin's public records law. Given the number of records and the fact that the Spring Primary is next week, which will demand most of my time next week, it is not likely that responsive records will be ready for transmission by February 27. Your arriving in Madison will not affect the amount of time needed to perform these tasks, and these records will be emailed to you when they are ready to be released, regardless of your appearance in our office.

Sincerely,



Brandon Hunzicker  
Staff Attorney  
Wisconsin Elections Commission  
201 West Washington Avenue  
P.O. Box 7984  
Madison, WI 53707-7984  
[brandon.hunzicker@wisconsin.gov](mailto:brandon.hunzicker@wisconsin.gov)

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Logan Churchwell  
Feb 13, 2024, 11:24 CST

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content is safe.**

Mr. Hunzicker: Thank you for the update. I'd like to proceed with the following:

--Before February 2, 2023; 4,656 (Please refine the range to 1/1/23 to 2/2/2023)

--On February 2, 2023; 132

--Between February 3 and Feb. 8, 2023; [inclusive] 129

--On February 9, 2023; 121

Since it has been 151 days since the original request, please provide these documents by February 27, 2024, otherwise I will be in Madison on that day to take delivery.

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Logan Churchwell  
Feb 12, 2024, 10:35 CST

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Mr. Hunzicker: Could you please provide an update on this matter?

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Logan Churchwell  
Jan 9, 2024, 12:26 CST

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Mr. Hunzicker: Could you please provide an update on this matter?

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Logan Churchwell

Dec 21, 2023, 14:34 CST

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Dear Mr. Hunzicker:

I'm confirming receipt of your latest email. Before adjusting search terms, could you please clarify which of the 7,279 potential items were dated:

- Before February 2, 2023;
- On February 2, 2023;
- Between February 3 and Feb. 8, 2023;
- On February 9, 2023; and,
- After February 9, 2023.

Again, these requests concern the February 9, 2023, Guidance issued by WEC regarding Election Day Registration Postcards: <https://elections.wi.gov/memo/updated-election-day-registration-edr-postcard-guidance>

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Brandon Hunzicker (Wisconsin Elections Commission)

Dec 21, 2023, 12:29 CST

Dear Mr. Churchwell,

We ran a records search of emails using your provided search terms and time range. The search resulted in 7,279 potential items. It would take an extremely long time to review this many records for release. Would it be possible for you to provide a narrower range of time or more specific search terms for your request?

Sincerely,

Brandon Hunzicker

Staff Attorney

Wisconsin Elections Commission

201 West Washington Avenue  
P.O. Box 7984  
Madison, WI 53707-7984  
[brandon.hunzicker@wisconsin.gov](mailto:brandon.hunzicker@wisconsin.gov)

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Logan Churchwell  
Nov 21, 2023, 18:30 CST

**CAUTION: This email originated from outside the organization.  
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Mr. Hunzicker:

We received your response dated November 15, 2023. Your response indicates that you will not perform a search for responsive records unless we provide (1) a "time range" for the request, and (2) "specific search terms."

Wisconsin law provides that a request "is deemed sufficient if it reasonably describes the requested record or the information requested." Wis. Stat. § 19.35(1)(h). However, "a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request." *Id.*

Our request "reasonably describes the requested record[s]" with a "reasonable limitation as to the subject matter." *Id.* The requested records concern an identifiable guidance document with a specific date and subject matter—namely, Election Day Registration postcards. There is thus no ambiguity with respect to the subject matter. Furthermore, the guidance document itself provides numerous other search terms.

While the request does not provide a "length of time" governing the request, such a time is inherent in the request due to the subject matter and specific date of subject document. Whatever ambiguity may exist regarding the outer bounds of the governing time period, it is not so ambiguous as to relieve WEC of its duty to search for responsive records. Furthermore, "the fact that the request may result in the generation of a large volume of records is not, in itself, a sufficient reason to deny a request as not properly limited." *State ex rel. Gehl v. Connors*, 2007 WI App 238, ¶23.

Notwithstanding the foregoing, we are providing additional information to help assist WEC with its search for response records.

- I. Date range for request: January 1, 2022.
  
- II. The following search terms are intended to be used independently and in connection with the other search terms:
  1. February 2, 2023
  2. February 9, 2023
  3. Guidance
  4. District Attorney
  5. Reasonable doubt
  6. Audit postcard
  7. Election Day Registration postcards
  8. EDR postcards
  9. Returned undeliverable
  10. Wis. Stat. § 6.56
  11. Wis. Stat. § 6.325

Thank you

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Brandon Hunzicker (Wisconsin Elections Commission)

Nov 15, 2023, 08:34 CST

Dear Mr. Churchwell,

I apologize for missing your requests for updates. I was not receiving notifications in our public records system, and I did not see your messages and messages from several other requesters. I believe that this problem has been fixed, but I want to give you my regular work email in case you need a direct way to reach me:

[brandon.hunzicker@wisconsin.gov](mailto:brandon.hunzicker@wisconsin.gov).

The Wisconsin Elections Commission receives a large number of public records requests. There are currently 63 open public records requests, and Commission staff are addressing them as quickly as we can. Your request is one of the more recent.

I need to ask for more information to allow us to run a search for your request. First, please provide a range of time within which you would like us to search for responsive records. Without a time range, we cannot run a search. Second, please specify the search terms that you would like us to apply to a search. Without specific search terms, we are not able to run an effective search for specific records. As written, your request names

categories of people, such as clerks and district attorneys, but it does not provide terms that can be applied to a search of records. Please provide a date range and search terms for us to use. After running the search, it will take time to review each record for responsiveness and privilege. The larger the number of records, the longer this process takes to complete.

Sincerely,

Brandon Hunzicker  
Staff Attorney  
Wisconsin Elections Commission  
201 West Washington Avenue  
P.O. Box 7984  
Madison, WI 53707-7984  
[brandon.hunzicker@wisconsin.gov](mailto:brandon.hunzicker@wisconsin.gov)

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Logan Churchwell  
Nov 7, 2023, 16:21 CST

**CAUTION: This email originated from outside the organization.  
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Please see the attached letter regarding this request and advise accordingly.

Attachment(s)  
[11.7.23 - WEC Mandamus Warning.pdf](#)

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Logan Churchwell  
Oct 26, 2023, 09:33 CDT

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Hello, can I get an update on this request?

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Logan Churchwell  
Oct 9, 2023, 10:14 CDT

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Hello, are there any updates on this request?

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Anna Langdon (Wisconsin Elections Commission)

Sep 15, 2023, 15:14 CDT

Dear Logan Churchwell,

The Wisconsin Elections Commission (WEC) acknowledges that it has received your public records request. The WEC will contact you when its review is complete or if any questions arise.

Sincerely,

Brandon Hunzicker  
Staff Attorney  
Wisconsin Elections Commission  
P.O. Box 7984  
Madison, WI 53707  
(608) 266-8005  
[electionsPIO@wisconsin.gov](mailto:electionsPIO@wisconsin.gov)

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Logan Churchwell

Sep 15, 2023, 15:07 CDT

**CAUTION: This email originated from outside the organization.  
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Dear Disclosure Officer: Please review the attached request letter and advise on when records can be made available. Thank you.

**Logan Churchwell**

Research Director  
Public Interest Legal Foundation  
[lchurchwell@publicinterestlegal.org](mailto:lchurchwell@publicinterestlegal.org)  
107 S. West Street, Suite 700  
Alexandria, VA 22314

Attachment(s)

[9.15.2023 WI EDR Guidance FOIA.pdf](#)

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[ZK6GKP-RRR2W]