



Wisconsin Elections Commission

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DATE: March 12, 2021

TO: Wisconsin Municipal Clerks
Wisconsin County Clerks

FROM: Meagan Wolfe, Administrator
Reid Magney, Public Information Officer

SUBJECT: Public Records Requests for Election Records

Many clerks have contacted the Wisconsin Elections Commission today about large public records requests they received by email from two different organizations seeking documents relating to the November 3, 2020 General Election:

- The Wisconsin Institute for Law and Liberty appears to have made two requests recently – one regarding grants municipalities may have applied for or received, and another for a wide range of documents related to voter registration verification and absentee voting.
- A media organization called LocalLabs appears to have made requests for information related to absentee ballot applications and absentee voting.

Clerks do not need to contact the WEC staff about these requests and do not need to forward the requests to the staff.

It is natural that clerks would seek guidance from WEC staff about how to respond to these kinds of public records requests for election materials. However, state law does not give the WEC the authority to interpret public records laws or issue binding advice to other units of government about how to comply with specific requests.

For this reason, you will want to consult with your municipal attorney or corporation counsel's office. You may also want to consult the Wisconsin Department of Justice's excellent Public Records Law Compliance Guide, which is available from the DOJ website: <https://www.doj.state.wi.us/office-open-government/open-government-law-and-compliance-guides>.

Clerks should be aware that at least one of the organizations is seeking some documents that may contain personally identifiable information (PII) such as voters' dates of birth and driver license numbers. Documents that contain PII cannot be released without that confidential information being redacted.

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