

Fwd: Dominion EMAILS Green County

From: [REDACTED]

To: dan@attorneyeastman.com; mgableman@yahoo.com

Date: Thursday, July 22, 2021, 12:28 PM CDT

-----Original Message-----

To: I <glwfis@aol.com>

Sent: Wed, Jul 21, 2021 12:40 pm

Subject: Dominion EMAILS Green County

Dominion unty Clerk - problems with folded ballots. The ones dated around August 13-14th 2020.



DOMINIONgreencountyWIOpen Records Request - Peter Bernegger - 7-20-2021.pdf
1.7MB

From: 3

Sent: Tuesday, October 5, 2021 9:48 AM

To: Coms; Andrew Kloster

Subject: Subpoenas

Andrew: I need clarification on your wispecialcounsel email address. Also, I am sending this to Michael and you to review (you may have already seen it) so that we can be up to speed on how to avoid any pitfalls when we approach the machines. These objections are very specious, but they held water in AZ courts, I believe.

From: 3

Sent: Wednesday, October 6, 2021 10:33 AM

To: Coms

Subject: Re: 3 Subpoenas to be served in Madison

Zak: these don't have the instructions, witness fee papers, etc. Are not complete. But we got them to Gregg via Gary at the same time virtually you were sending, so all good. Thanks for the quick response.

Carol

From: Coms <Coms@wispecialcounsel.org>

Sent: Wednesday, October 6, 2021 10:27 AM

To: 3 <3@wispecialcounsel.org>; gregginvestigations@hotmail.com
<gregginvestigations@hotmail.com>

Subject: 3 Subpoenas to be served in Madison

Attached are the three Subpoenas that need to be served in Madison.

Very respectfully,

Zakory Niemierowicz
Office of WI Special Counsel

From: 3
Sent: Thursday, October 7, 2021 3:27 PM
To: Coms
Subject: Re: CTCL Part of Preliminary Report

Ok, I'll add some details. Just wanted to keep it in the ballpark of what we discussed. 😊

From: Coms <Coms@wispecialcounsel.org>
Sent: Thursday, October 7, 2021 2:06 PM
To: 3 <3@wispecialcounsel.org>
Subject: Re: CTCL Part of Preliminary Report

Yes,
please put in as much detail as possible, I am interested in all of it

-Mike

From: 3 <3@wispecialcounsel.org>
Sent: Thursday, October 7, 2021 1:17 PM
To: Coms <Coms@wispecialcounsel.org>; 6 <6@wispecialcounsel.org>
Subject: CTCL Part of Preliminary Report

I have 1265 words in my part, around 5 pages double spaced. I can put in more detail, or leave as is.

Carol

From: 3

Sent: Friday, October 8, 2021 8:51 AM

To: Coms

Subject: Two Docs to Read FYI For Michael

Zak: Here are the two docs Michael & I discussed. Please print for him so he can read over the weekend. Thanks!

Memo, 33 pages from Eric

Report from Stillwater Assoc., retained by Amistad/Phill

From: 3

Sent: Friday, October 8, 2021 9:06 AM

To: Coms; 6

Subject: Fw: Draft Interim Report -- Private Funding of Elections

3 has shared a Google Drive file with you. To view it, click the link below.

 [DraftInterimReport](#)

I already have an edit: page 1, reference to Safe Voting Plan should be Certified Wisconsin HAVA State Plan of 2003

The official plan is Certified Wisconsin HAVA State Plan

the CTCL one is called Wisconsin Safe Voting Plan

From: 3

Sent: Thursday, October 7, 2021 5:47 PM

To: Coms <Coms@wispecialcounsel.org>; 6 <6@wispecialcounsel.org>

Subject: Draft Interim Report -- Private Funding of Elections

Attached is my draft for the CTCL portion of the interim report. It's a Google Docs document, on the Google Drive. I can put it in Dropbox, but I don't have the login. I could save it as a Word document, but it messes up the footnotes. I can fix the issue later, but I wanted to get this out. It will probably be copy/pasted into the Main Report anyway.

Carol

EXTERNAL : RE: WI Special Counsel Reimbursement for June-October 1st

Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>

Fri 10/8/2021 9:13 AM

To: Coms <Coms@wispecialcounsel.org>

Mr. Niemierowicz,

Thank you for the submitting the expense report to me. I will get working on it right away.

Thanks,
Ted

Ted Blazel
Assembly Chief Clerk
Wisconsin State Assembly

From: Coms <Coms@wispecialcounsel.org>
Sent: Thursday, October 07, 2021 2:18 PM
To: Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>; Hale, Janine <Janine.Hale@legis.wisconsin.gov>
Subject: WI Special Counsel Reimbursement for June-October 1st

Hello Mr. Blazel,

Attached is our expense report for the entire team up until October 1st. The total reimbursement needed for Mike Gableman is \$32,587.43 which covers all expenses and the wages for the staff for the month of September. Please let me know if you have any questions.

Very Respectfully,

Zakory Niemierowicz
WI Special Counsel

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From: 3

Sent: Saturday, October 9, 2021 2:03 PM

To: Coms; Nicholas Morgan

Cc: 6

Subject: Re: Received Subpoenas and proposal for new subpoenas.

Hello: On the CTCL subpoenas, I have another item I think should be added:

1. All documents and communications relating to the "Wisconsin Safe Voting Plan" created by municipal entities including but not limited to Milwaukee, Kenosha, Green Bay, Racine and Madison during 2020.

This is very important, we need info on their "safe voting plan" so we can point out why it was illegal.

From: Coms <Coms@wispecialcounsel.org>

Sent: Saturday, October 9, 2021 11:11 AM

To: Nicholas Morgan <morgan@mklaw.com>

Cc: 3 <3@wispecialcounsel.org>; 6 <6@wispecialcounsel.org>

Subject: Received Subpoenas and proposal for new subpoenas.

Good morning Nick,

Thank you for sending the draft subpoenas, I am looking forward to reviewing them today.

Would you please draft all appropriate subpoenas to both the mayor, the clerk, and all green bay city counsel members demanding any and all documents and communications from the time period commencing the Friday prior to my Tuesday appearance in Green Bay through present which contain the following words, terms, and phrases: Gableman, CTCL, Zuckerberg, Special Counsel, Subpoena or subpoenas, investigation, investigator, and any other words, terms, or phrases you think would be helpful. It would probably be a good idea to issue similar subpoenas containing the same key words to the other four Zuckerberg cities.

By copy of this email I invite comments from Andrew, Carol, and Zak.

Thanks,

Mike

Sent from Mail for Windows

From: 3

Sent: Saturday, October 9, 2021 2:38 PM

To: Coms; RHH; 6

Subject: Re: A Superb Summary of the Salient Points From the Arizona Audit

Great article. Hans is on point. These are the things that we are looking at and need to look at. The press spin about AZ is not accurate, as usual.

From: Coms <Coms@wispecialcounsel.org>

Sent: Saturday, October 9, 2021 11:29 AM

To: RHH <ronheuer@gmail.com>; 3 <3@wispecialcounsel.org>; 6 <6@wispecialcounsel.org>; Coms <Coms@wispecialcounsel.org>

Subject: A Superb Summary of the Salient Points From the Arizona Audit

Thanks Ron for the terrific article.

I have met Hans a few times and did not know he was working on this issue.

Andrew or Carol, do either of you have his number? I'd like to ask him if he has any insights into the Wisconsin numbers.

Get [Outlook for Android](#)

From: RHH <ronheuer@gmail.com>

Sent: Saturday, October 9, 2021 10:55:20 AM

To: Coms <Coms@wispecialcounsel.org>

Subject: EXTERNAL : This seems to be a good recap of Maricopa Audit

Special Counsel,

This article seems to be a good recap of the Maricopa County Audit

https://www.dailysignal.com/2021/09/30/what-the-arizona-audit-really-shows-and-why-election-officials-should-be-embarrassed/?utm_source=TDS_Email&utm_medium=email&utm_campaign=Top5&mkt_tok=ODI0LU1lVC0zMDQAAAF_4sbO7aLnt2jbDDdVTACslwSqCJVVsK4IK7NY9kAyTCC66OfK93NYpFjzpDfi9InJ5py7FLoMtJtczNaXVqAZiqJMA8Eu3RiMBzHmR1_w5BCDQ

I would like to hear your thoughts.

Ron Heuer

President, WVA

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EXTERNAL : WEC Complaints

jay stone [REDACTED]

Mon 10/11/2021 10:55 AM

To: Coms <Coms@wispecialcounsel.org>

Hi Mike,

It was good to speak with you and Carol.

Please see attached.

Positive Regards,

jay

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From: 3

Sent: Tuesday, October 12, 2021 9:42 AM

To: Coms

Subject: Fw: EXTERNAL : Mike Gableman invited you to Dropbox Business

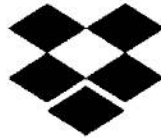
Zak: I got the link, clicked on it. But I need the login information for our office. Please give off line. Thanks.

From: Mike Gableman via Dropbox <no-reply@dropbox.com>

Sent: Wednesday, October 6, 2021 12:18 PM

To: 3 <3@wispecialcounsel.org>

Subject: EXTERNAL : Mike Gableman invited you to Dropbox Business



Join your 3 Wispecialcounsel teammates on Dropbox Business

"Here is the team shared dropbox, every relevant document can be uploaded here and everyone will have access. If you need a password it should be Truth2020!"

EXTERNAL : FW: Memo From Leg. Council

Fawcett, Steve <Steve.Fawcett@legis.wisconsin.gov>

Tue 10/12/2021 12:18 PM

To: Coms <Coms@wispecialcounsel.org>

From: Mautz, Kelly <Kelly.Mautz@legis.wisconsin.gov>
Sent: Monday, October 11, 2021 2:25 PM
To: Fawcett, Steve <Steve.Fawcett@legis.wisconsin.gov>
Cc: Hurley, Peggy <Peggy.Hurley@legis.wisconsin.gov>
Subject: Memo From Leg. Council

Hi Steve,

Peggy Hurley asked me to send you a copy of the attached memo. Please let us know if you have any questions.

Thanks.



Kelly Mautz

Executive Assistant to the Director, Wisconsin Legislative Council
608.504.5704 | kelly.mautz@legis.wisconsin.gov
One East Main Street, Suite 401, Madison, WI 53703

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Court Reporter Request

3 <3@wispecialcounsel.org>

Tue 10/12/2021 12:04 PM

To: stenosue@gmail.com [REDACTED]

Hello: I spoke to you this morning regarding a court reporter for Friday, October 15 at 0900, location 200 S. Executive Drive, Brookfield, WI. Tel. 262-259-2899.

We have subpoenas issued and would like to take statements under oath. 1-6 subpoenas.

Thank you,

Carol

Wisconsin Special Counsel
Michael J. Gableman

EXTERNAL : RE: EXTERNAL : RE: WI special Counsel Receipts

Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>

Wed 10/13/2021 9:33 AM

To: Coms <Coms@wispecialcounsel.org>

Zak,

I just received the other three.

Thanks,

Ted

Ted Blazel

Assembly Chief Clerk

Wisconsin State Assembly

From: Coms <Coms@wispecialcounsel.org>
Sent: Wednesday, October 13, 2021 9:28 AM
To: Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>
Subject: Re: EXTERNAL : RE: WI special Counsel Receipts

Good Morning Ted,

You should have a total of 9 pdf attachment's sent last night at 5:03 pm and this morning around 9:15.

Zak

From: Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>
Sent: Wednesday, October 13, 2021 9:23 AM
To: Coms <Coms@wispecialcounsel.org>
Subject: EXTERNAL : RE: WI special Counsel Receipts

Zakory,

I will let you know if we received them.

Thanks,

Ted

Ted Blazel

Assembly Chief Clerk

Wisconsin State Assembly

From: Coms <Coms@wispecialcounsel.org>
Sent: Wednesday, October 13, 2021 9:09 AM
To: Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>
Subject: WI special Counsel Receipts

Good morning Ted/Janine,



I will be send 3 more files that got bounced back from your email server last night. Can you please respond that you recieved these emails.

Very respectfully,

Zakory Niemierowicz
WI Special Counsel

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From: 3

Sent: Saturday, October 16, 2021 3:18 PM

To: Coms; Erick Kaardal; Andrew Kloster; Nicholas Morgan; 'RHH'; Carol M

Subject: Re: EXTERNAL : NY Post

1. I think a short cover of the certification by Ann Jacobs and not the entire WEC committee by vote in the WEC section of the report is warranted and important to show another aspect of the WEC problem. It could take as little as 3 sentences.
2. I think we should avoid making this a political document. Just because Zuckerberg is in the news, etc. shouldn't sway our investigation. His wrongdoing in WI is a part of his greater strategy, but that doesn't mean this investigation interim report should turn into a political document.
3. We need to stick to the facts and the law here. We have plenty of material.
4. Just because Zuckerberg et al. were smarter and more tactical, why should this report be crying about it now? Why wasn't the GOP smarter. I thought this wasn't a GOP or DEM report. His activities weren't secret--Hauer tried to sue on it early. In fact, Erick might have been more successful if he had more info and pleaded differently. We'll never know--it's easy to play armchair quarterback. At least he tried early on, when it counted, unlike most of the GOP attorneys. The order denying TRO didn't close the door on the issues.
5. We are in danger of our investigation turning into a circus, mostly by adverse press appearances. You give them ammo, and they use it. If we had hid out the whole time, maybe did a video or a press release or two, we'd probably have better press. We wouldn't have had our own side turning on us, probably either (Brandjin). That is a fact.
6. I've never seen an investigation gain credibility by press availability.

From: Coms <Coms@wispecialcounsel.org>

Sent: Saturday, October 16, 2021 8:01 AM

To: Erick Kaardal <kaardal@mklaw.com>; 3 <3@wispecialcounsel.org>; Andrew Kloster <arkloster@gmail.com>; Nicholas Morgan <morgan@mklaw.com>; 'RHH' <ronheuer@gmail.com>; Carol M <wispecialcounsel.3@gmail.com>; Coms <Coms@wispecialcounsel.org>

Subject: RE: EXTERNAL : NY Post

Erick, Carol, Andrew, Nick, and Zak:

Erick sent this very informative article and the other articles referenced in it.

This is a good point at which to reconsider a shift of focus currently in the draft of Interim Report I. Specifically, I'd like to set aside discussion of the constitutional question concerning Wisconsin certification processes and expand reporting on the nation wide effort Zuckerberg engaged in and more precisely, the politically strategic focus of that engagement.

Re: EXTERNAL : PA Democratic-leaning counties selectively invited to apply for election grants, emails show

3 <3@wispécialcounsel.org>

Tue 10/19/2021 10:44 AM

To: Erick Kaardal <kaardal@mklaw.com>; arkloster@gmail.com <arkloster@gmail.com>; Nicholas Morgan <morgan@mklaw.com>; RHH <ronheuer@gmail.com>; Cms <Cms@wispécialcounsel.org>; 6 <6@wispécialcounsel.org>

Great article.

On the call, you were going to forward machine/absentee/ballot error rate info, I believe.

Thanks.

From: Erick Kaardal <kaardal@mklaw.com>

Sent: Tuesday, October 19, 2021 6:44 AM

To: 3 <3@wispécialcounsel.org>; arkloster@gmail.com <arkloster@gmail.com>; Nicholas Morgan <morgan@mklaw.com>; RHH <ronheuer@gmail.com>; Cms <Cms@wispécialcounsel.org>; 6 <6@wispécialcounsel.org>

Subject: EXTERNAL : PA Democratic-leaning counties selectively invited to apply for election grants, emails show

<https://broadandliberty.com/2021/10/13/network-of-dark-money-groups-implemented-selective-election-grant-process-favoring-democratic-leaning-counties-emails-show/>

Sent from my iPhone

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From: 3

Sent: Tuesday, October 19, 2021 10:53 AM

To: Coms; 6; 7; Erick Kaardal

Subject: Deliverables

Hi: I am losing track of everything that we are talking about doing, so I thought I'd list it here so I can know what's going on (not all discussed on staff call)

- card reader for door
- high speed printer/lease or buy
- Gary's report today
- draft of interim report today
- was email sent to all 2nd round subpoena recipients Friday
- list of 2nd round subpoena recipients and their contact info/status of discussions (so work can be done on scheduling)
- list of "BS" items discussed on call and status
- info on error rates for machines/absentee ballots/ballots
- maybe we need a "To Do" white board where we write what our projects are and write status once in a while
- or maybe we need to discuss status update on Monday call
- what are we going to do about document noncompliance
- coordination of coms /pr approach: assume Serrano & Fricke are our comms ppl, what are they planning. Still doing weekly video?

From: 3

Sent: Tuesday, October 19, 2021 3:46 PM

To: Coms; 6; 4; Erick Kaardal; Nicholas Morgan

Subject: PMK Oct. 22 Deposition Reschedule

I have called WEC and given them 3 dates 11/15 11/16 or 11/17 to pick a reschedule date. They want to discuss topics narrowing, etc.

I have a date of 11/9 at 0930 for City of Kenosha PMK. However, I don't have copies of the subpoenas so I can't look at them and see who the parties served were and who I need to call.

Please someone give the list of who was served and the list of topics. I have old stuff; I don't know if it was the final draft. Gary was printing me the proofs of service for whom he served, but we had to stop mid-print because of no ink and never finished.

Carol

From: Coms
Sent: Wednesday, October 20, 2021 9:05 PM
To: 6
Subject: Fwd: Date for PMK Deposition WEC

Received your drafts at 9:01.

Phone won't let me open.

Attached, please see state of things re Friday with WEC. Sounds like a refusal to me.

Get [Outlook for Android](#)

From: 3 <3@wispecialcounsel.org>
Sent: Wednesday, October 20, 2021 5:33:17 PM
To: johnsonkarp@doj.state.wi.us <johnsonkarp@doj.state.wi.us>
Cc: 6 <6@wispecialcounsel.org>
Subject: Re: Date for PMK Deposition WEC

Per our discussion today, the deponents scheduled for Friday Oct. 22 do not wish to agree to a continuance date, even if all objections are preserved and no rights or remedies are waived. Thus, deponents' counsel wishes to discuss the legal basis for such subpoena(s) and desire to discuss with Justice Gableman such legal bases at the earliest possible time, this evening or as soon as possible thereafter. Justice Gableman is requested to contact Mr. Karp at [608-440-1529](tel:608-440-1529).

Carol M.

From: 3
Sent: Tuesday, October 19, 2021 3:13 PM
To: johnsonkarp@doj.state.wi.us <johnsonkarp@doj.state.wi.us>
Cc: 6 <6@wispecialcounsel.org>
Subject: Date for PMK Deposition WEC

Hello: confirming our conversation of today, we agree that we don't expect anyone to appear this Friday, Oct. 22, provided we have agreement on one of these days:

Nov. 15 0930
Nov. 16 0930
Nov. 17 0930

We can discuss any further scheduling issues at a later time, including the person who would be most able to address deposition topics.

Thank you,

EXTERNAL : Invoice 20210014781-15 from MW - WISCONSIN

MW - WISCONSIN <corporatebillingsolutions@uslegalsupport.com>

Thu 10/21/2021 4:08 AM

To: Coms <Coms@wispecialcounsel.org>

MW - WISCONSIN

Invoice	Date Due	Balance
20210014781-15	12/04/2021	\$224.50

Click here if you to Pay Now

Dear Zakory Niemierowicz,

Thank you for choosing U.S. Legal Support.

Attached please find an electronic version of your invoice for Court Reporting services:

Pertaining To: General
 In The Matter Of: In RE: Mark Krauter
 Taken On: 10/15/2021
 Sold To: Zakory Niemierowicz (WI Special Counsel)

U.S. Legal Support is going green. No physical copy will be mailed. If you wish to change your preferred method of delivery, please reply to this email and we will gladly accommodate your request.

If you have any questions related to this invoice or any other billing inquiries please contact us at corporatebillingsolutions@uslegalsupport.com

Invoice not paid by due date is subject to interest of 1.5% per month. We will make reasonable efforts to allocate payments properly. U.S. Legal Support may recover any fees and costs it incurs in collecting any unpaid amounts. Any rights regarding allocations, refunds or adjustments after 90 days from payment shall be waived by payer.

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EXTERNAL : Re: Checking in

Smith, Matt <Matt.Smith@hearst.com>

Fri 10/22/2021 2:19 PM

To: Coms <Coms@wispecialcounsel.org>

Checking in again, any response to the DOJ motion and court hearing set for Monday?

Thanks,
Matt

Sent from my iPhone

On Oct 21, 2021, at 1:02 PM, Smith, Matt <Matt.Smith@hearst.com> wrote:

Hey there -

Checking in to confirm no testimony is scheduled with any election officials/mayors tomorrow (Friday 10/22)?

Thanks,
Matt

MATT SMITH

WISN-TV | 759 N. 19th St., Milwaukee, WI 53233

(o) 414-937-3360 | (c) 414-651-4845

[TWITTER](#) | [FACEBOOK](#) | [INSTAGRAM](#)

<image001.gif>

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Re: EXTERNAL : Fwd: zoom

3 <3@wispecialcounsel.org>

Mon 10/25/2021 6:27 PM

To: Nicholas Morgan <morgan@mklaw.com>

Thank you!

From: Nicholas Morgan <morgan@mklaw.com>

Sent: Monday, October 25, 2021 6:25 PM

To: 3 <3@wispecialcounsel.org>

Subject: EXTERNAL : Fwd: zoom

Just got this from Ron...use this.

Sent from my iPhone

Begin forwarded message:

From: RHH <ronheuer@gmail.com>

Date: October 25, 2021 at 6:25:15 PM CDT

To: Nicholas Morgan <morgan@mklaw.com>

Subject: zoom

Ron Heuer is inviting you to a scheduled Zoom meeting.

Topic: Heuer / Kaardal Call

Time: Oct 25, 2021 07:00 PM Central Time (US and Canada)

Join Zoom Meeting

[https://us02web.zoom.us/j/88180148015?](https://us02web.zoom.us/j/88180148015?pwd=TnRGWwXpsSHJsWWdCWGpoYzFIZWtsUT09)

[pwd=TnRGWwXpsSHJsWWdCWGpoYzFIZWtsUT09](https://us02web.zoom.us/j/88180148015?pwd=TnRGWwXpsSHJsWWdCWGpoYzFIZWtsUT09)

Meeting ID: 881 8014 8015

Passcode: 924024

One tap mobile

+13126266799,,88180148015#,,,,*924024# US (Chicago)

+19292056099,,88180148015#,,,,*924024# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 881 8014 8015

Passcode: 924024

Find your local number: <https://us02web.zoom.us/u/kbkAVkXO3>

Dan Eastman Project

7 <7@wispecialcounsel.org>

Tue 10/26/2021 12:39 PM

To: Coms <Coms@wispecialcounsel.org>

Dan has agreed to provide writing, up to a minimum of 500 words, on three topics:

1. Explain/elaborate on the 185K ghost votes.
2. Provide an example of two different people with the same voter ID number.
3. Provide a number of AB ballots that were returned before they were mailed and returned the same day they were mailed.

Dan agreed to provide a rough draft of this project by 9 AM Thursday

EXTERNAL : Zak would you please add Harry Wait to that Dropbo...

9203911385@vtext.com <9203911385@vtext.com>

Tue 10/26/2021 2:14 PM

To: Coms <Coms@wpecialcounsel.org>

Zak would you please add Harry Wait to that Dropbox, his email is harrytrex@gmail.com
He is helping us with the Racine investigation

Thanks

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EXTERNAL : RE: EXTERNAL : Teleconference between Tom, Mike and Me

Thomas Ciesielka [REDACTED]

Tue 10/26/2021 2:33 PM

To: Erick Kaardal <kaardal@mklaw.com>; Coms <Coms@wispecialcounsel.org>

Thanks for setting this up, Erick.

Thomas Ciesielka

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One N. LaSalle Street

Suite 600

Chicago, IL 60602

www.tcpr.net

(o) 312-422-1333

(c) [REDACTED]

[REDACTED]



From: Erick Kaardal <kaardal@mklaw.com>

Sent: Tuesday, October 26, 2021 2:11 PM

To: 'Coms' <Coms@wispecialcounsel.org>; Thomas Ciesielka [REDACTED]

Subject: RE: EXTERNAL : Teleconference between Tom, Mike and Me

We're confirmed then for 11 a.m. tomorrow. I will initiate call. Thanks.

From: Coms <Coms@wispecialcounsel.org>

Sent: Tuesday, October 26, 2021 2:07 PM

To: Erick Kaardal <kaardal@mklaw.com>; 'Thomas Ciesielka' <tc@tcpr.net>

Subject: RE: EXTERNAL : Teleconference between Tom, Mike and Me

Sounds good!

Mike

Sent from [Mail](#) for Windows

From: [Erick Kaardal](#)

Sent: Tuesday, October 26, 2021 12:30 PM

To: 'Thomas Ciesielka'

Cc: [Coms](#)

Subject: EXTERNAL : Teleconference between Tom, Mike and Me

EXTERNAL : RE: EXTERNAL : Copies of Contracts

Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>

Wed 10/27/2021 2:50 PM

To: Coms <Coms@wispecialcounsel.org>; Fawcett, Steve <Steve.Fawcett@legis.wisconsin.gov>

Mike,

Here are the two contracts and the amendment to the agreement. Let me know if you need anything else.

Ted

Ted Blazel
Assembly Chief Clerk
Wisconsin State Assembly

From: Coms <Coms@wispecialcounsel.org>
Sent: Wednesday, October 27, 2021 2:10 PM
To: Fawcett, Steve <Steve.Fawcett@legis.wisconsin.gov>; Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>
Subject: RE: EXTERNAL : Copies of Contracts

Thank you both,

Mike

Sent from Mail for Windows

From: Fawcett, Steve
Sent: Wednesday, October 27, 2021 11:46 AM
To: Blazel, Ted
Cc: Coms
Subject: EXTERNAL : Copies of Contracts

Ted,

Can you email a copy of both contracts we have with Justice Gableman to the email that I cc'd here? Thanks!

Best,

Steve Fawcett
General Counsel
Office of Assembly Speaker Robin Vos
608.266.3387

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From: Coms
Sent: Friday, October 29, 2021 9:17 AM
To: Coms
Subject: Re: Draft

She is reviewing Andrew's Draft

From: Coms <Coms@wispecialcounsel.org>
Sent: Friday, October 29, 2021 8:57 AM
To: Coms <Coms@wispecialcounsel.org>
Subject: FW: Draft

Zak,

Which draft did Carol get, that she's responding to here?

She said she'd scan and send a copy of her notes.

Sent from my Galaxy

----- Original message -----

From: 3 <3@wispecialcounsel.org>
Date: 10/28/21 5:23 PM (GMT-06:00)
To: Coms <Coms@wispecialcounsel.org>, 6 <6@wispecialcounsel.org>
Subject: Re: Draft

- I think this is a very good first draft.
- I think the outside money part is a little too brief and light in content.
- I think the WEC part is good but sentences need to be rearranged to make more sense to a lay person, because "assumes facts not evidence"--assumes ppl know what is being spoken about.
- Headings, breaking down into smaller chunks with subheadings, indent paragraphs.
- Are we going to have a telcon to discuss or discuss in the 11 o'clock tomorrow?

Let me know.

From: Coms <Coms@wispecialcounsel.org>
Sent: Thursday, October 28, 2021 1:03 PM
To: 3 <3@wispecialcounsel.org>
Subject: FW: Draft

EXTERNAL : Re: Gableman Subpoena Testimony

Joseph Santeler [REDACTED]

Fri 10/29/2021 5:15 PM

To: Coms <Coms@wispecialcounsel.org>

To The Office of Special Counsel:

I reiterate my question below, the only change being the date of anticipated testimony, which i would also ask that you provide as it becomes available.

I can best be reached at this email address.

Joe Santeler

On Fri, Oct 29, 2021 at 4:13 PM Fawcett, Steve <Steve.Fawcett@legis.wisconsin.gov> wrote:

Dear Mr. Santeler,

This question is best addressed to the Office of Special Counsel. I have cc'd them on this email and said address is the best way to contact them.

Sincerely,

Steve Fawcett

General Counsel

Office of Assembly Speaker Robin Vos

608.266.3387

From: Joseph Santeler <joesanteler@gmail.com>

Sent: Wednesday, October 6, 2021 9:35 AM

To: Fawcett, Steve <Steve.Fawcett@legis.wisconsin.gov>

Subject: Gableman Subpoena Testimony

Mr. Fawcett:

As you are the designated point of contact with Michael Gableman and Consultare LLC in the June 26, 2021 Agreement concerning election investigations, I write to ask whether you expect the October 15th testimony sought in Mr. Gableman's recent subpoenas to election officials to be open and accessible to members of the public. If you are determining anyone else on this question, including but not limited to Mr. Gableman or any of his agents, I would appreciate their contact information to the extent it is available to you or your office.

Thank you,

Joe Santeler

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EXTERNAL : Fw: WEC Issues

wijustice@protonmail.com <wijustice@protonmail.com>

Sat 10/30/2021 12:41 PM

To: Coms <Coms@wispecialcounsel.org>

Sent from ProtonMail mobile

----- Original Message -----

On Oct 29, 2021, 7:11 PM, chris chriskapenga.com <chris@chriskapenga.com> wrote:

Hi Mike - we have a couple of docs going here.

One is the direct problems we are seeing with WEC.

The second is an attempt to accumulate all the allegations about election integrity issues related to the NOV 2020 election, and then we are trying to document what we found when looking into it and any related action items. This is still a major work in process.

There is overlap between the two and we have not had a chance to do a complete update after the LAB audit was released.

Chris

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From: 3
Sent: Sunday, October 31, 2021 5:45 PM
To: Coms
Subject: Re: Questions/Teske

Here are the Teske Questions. Please print this for Monday for Michael, Zak. Thanks!

From: 3
Sent: Friday, October 29, 2021 9:27 AM
To: Coms <Coms@wispecialcounsel.org>
Subject: Questions/Teske

1. Where would sign-in logs be kept for Election Day, especially for Central Count, protocol regarding
2. Where would inspector's logs be kept for election day, protocol regarding
3. Issue with ballot opener--tore thousand or more ballots. What is process for dealing with that?
4. Who should be involving in curing ballots? Appropriate to have League of Women Voters doing ballot curing?
5. Records of training for poll workers--where are they kept?
6. Propriety of Jeffries hiring her son Caleb to be a Navigator at \$65/hour--Ethics Committee of Green Bay, nepotism, opinion on
7. Kim Wait--opinion, thoughts on
8. Jamie Fuchie--opinion, thoughts on
9. Ahmad Rivera's web browsing activity--where to find?
10. Did she keep copies of her critical emails/texts that relate to wrongdoing by Mayor and Jeffries

Basically--you could run through a lot of the questions on the Investigation Checklist and get her thoughts on:

Investigation Topics—the subject areas of investigation, specifically related to Green Bay:

Safe Voting Plan policies to increase in person and absentee voting in the city and in targeted communities of “historically disenfranchised”

early voting sites
curbside voting
absentee drop boxes
mobile voting precincts
vans to pick up “people of color”
voter navigators
Get-out-to-vote door hangers hung by city employees in targeted neighborhoods

City's get-out-to-vote targeted advertising to communities of
"historically disenfranchised"
Ballot harvesting like "Democracy in the Park," knowledge of activities
in Green Bay
Nursing home issues--knowledge of any in Green Bay

Wisvote data base unauthorized uses and unauthorized users:

National Vote at Home Institute, Michael Spitzer-Rubenstein
Absentee ballot redesign by Center for Civic Design
Absentee ballot mailing (e.g., sent out with absentee ballot application)
Absentee ballot processing and tabulations (e.g., absentee ballot curing;
separate facility; secretiveness)
Legally unauthorized letters sent out to confirm addresses for in person
voting
Central Counting facilities irregularities and illegalities
 Access/control given to private corporation employees
 Central count set up justification (covid)
Role of non-profits, existence of public-private partnership
Username/password, FIDO key, # and control of, access to Wisvote
How many authorized to log into Wisvote, aware of any changes
Any non-government employees authorized to log into--Spitzer-
Rubenstein?
Sharing of logins, passwords, specify
Badger books, who had access

From: 3

Sent: Sunday, October 31, 2021 6:18 PM

To: 7; 6; Coms; Erick Kaardal

Subject: Re: No AB Ballot Applications

Excellent explanation of the issue. Furthermore, this ties into our witness at MEC (Milwaukee) who gave us a copy of the letter signed by _____ Lawrence that was issued as "proof" of their residence so they could vote without completing an absentee ballot application.

One thing: footnote says "Id." for footnote 11 for instance, but I'm not sure what Id. refers to: the 2005 report? That couldn't document non-citizens registering in WI in 2020.

From: 7 <7@wispecialcounsel.org>

Sent: Saturday, October 30, 2021 8:45 PM

To: 3 <3@wispecialcounsel.org>; 6 <6@wispecialcounsel.org>; Coms <Coms@wispecialcounsel.org>; Erick Kaardal <kaardal@mklaw.com>

Subject: No AB Ballot Applications

The last paragraph may be a little too strong/dramatic.

From: 3

Sent: Tuesday, November 2, 2021 1:54 PM

To: Coms; Erick Kaardal

Subject: GB/Nursing Homes

FYI: Very productive convos today, re: nursing home issue in Brown County.
Scheduling meetings for week of 11/15 in Green Bay on this and other issues.

EXTERNAL : pages 201-396

Erick Kaardal <kaardal@mklaw.com>

Tue 11/2/2021 3:25 PM

To: 3 <3@wispecialcounsel.org>

<https://americanvotersalliance.org/wp-content/uploads/2021/06/7.-The-Amistad-Projects-2020-Presidential-Election-Super-Appendix.pdf>

Erick G. Kaardal

Mohrman, Kaardal and Erickson, P.A.

150 S. Fifth St., Ste. 3100

Minneapolis MN 55402

612-341-1074

f. 612-341-1076

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From: 3

Sent: Friday, November 5, 2021 8:13 PM

To: Coms

Subject: Jeffries/Contract

Not going to be able to furnish report, re: Green Bay/Jeffries today. My source to confirm a few things didn't call back yet.

From: 3

Sent: Saturday, November 6, 2021 11:27 AM

To: Coms

Subject: Report to SC Gableman

- Spoke with Tommy. We are coordinating our trips to Green Bay week of 11/15
- Tommy said he's forwarding budget info to incorporate into new budget doc
- Discussed with Tommy issue of sources wanting to remain unnamed (can discuss with you offline)
- Running down story re: payments/CJ; sources need to return calls
- Based on preliminary verification, Erick's explanation (during 2pm call) re: payment may be the correct one
- There are questionable payments (for services rendered) in GB that need to be examined, there is at least some accounting impropriety based on preliminary exam

From: 3

Sent: Monday, November 15, 2021 10:12 AM

To: Coms; 6

Subject: Fw: EXTERNAL : Proposed Budget Items

I received this. All expenses look very high for lots of paper generating equipment. The relationship mapping software is a definite plus, however, as Andrew mentioned, it seems too pricey for the reasons he mentioned. There are other versions of relationship mapping software that are user friendly, some are open source (and/or cheaper), and may be more advisable. The data guy you've been talking to from the PD would probably be aware of them, or another data guy.

From: Neil Saxton <neil.e.saxton@gmail.com>

Sent: Monday, November 8, 2021 8:29 PM

To: 3 <3@wispecialcounsel.org>

Cc: Coms <Coms@wispecialcounsel.org>

Subject: EXTERNAL : Proposed Budget Items

Ms. Matheis,

Please find attached an excel spreadsheet containing items to be added to the proposed budget. Please let me know if you have any questions.

Very Respectfully,

Neil Saxton

[414-840-3576](tel:414-840-3576)

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From: Coms
Sent: Wednesday, November 17, 2021 10:19 AM
To: RHH
Subject: Fwd: Green Bay Investigation Update

Get [Outlook for Android](#)

From: 3 <3@wispecialcounsel.org>
Sent: Tuesday, November 16, 2021 9:08:04 PM
To: Coms <Coms@wispecialcounsel.org>
Subject: Re: Green Bay Investigation Update

I'm glad you only want a status because I told Neil I would do summaries of interviews and I am not in a position to be able to do that in the next few days. Also, I've alerted everyone I spoke to to ask their network if they have any info regarding relatives, friends that may have been taken advantage of or bullied into submitting ballots for the election.

To recap:

Janet Angus: Through multiple conversations and texting, provided background, her thoughts on city workers who have knowledge like maintenance people but are afraid to talk, city used CTCL \$ to buy 2 maintenance trucks that were used for about 1/2 hour to haul voter boxes, now they are new maintenance dept. trucks. Kimber Rollins filed an ethics complaint against the mayor in the past week or so. Angus knows people in the medical community, in terms of hearing about nursing home abuse issues. But she didn't know of any right now. She said she did/would do open records requests about payments to CTCL on contracts.

Richard Carlstedt: very nice decent man whose wife used to be a poll worker. No useful information, wasn't there election night.

Tom Sladek: never heard from him

Matt & Polly Reisner: spoke extensively to them. No real new information. Polly is the person who is an accounting type who can critique expenditures. She had an issue with a \$100k+ media expenditure that was not itemized--says it isn't proper. She alluded to payments to Jeffries son that she thinks are improper. This prompts someone to examine accounting documents related to CTCL contracts. She hinted she knew about improper payment to Jeffries then backed down.

Sandra Duckett: no real information, nice lady. She gave me media types' names, says she has a line to them: Brian Schimm and Vickey McKenna, Fox11.

Lark Wartenberg: no real information.

Kim Wayte: spoke extensive to her. Former deputy clerk in Green Bay. Now at another city, Allouez. She gave me lots of background. Acknowledged inefficiency of tabulator set up. If you look in docs, tabulator set up seems to have been hijacked by Michael Spitzer-R. Led me to think someone needs to interview Jamie Fugie (who ran Central Count, Green Bay employee). I told Tommy on 11/8 that would be something to use his skills for--get to her and interview her. Told me Steve Grenier & his daughter ran tabulators, they were both official election officials, trained & sworn. They had the new 450 machine but had 2-5 DS200 backup machines. But it still took til 4-6 am. to count 32,000 ballots. That is extremely inefficient (she didn't say this, I am commenting). He is GB Public Works employee. Kim was at City Hall, in charge of there. Didn't think central count should have been at Hyatt. Didn't directly interact with Spitzer-Rubenstein. Told me she didn't know who was curing ballots--again that's why Jame Fugie needs to be spoken to.

Rex C. - observer at Central Count, said it was absolute chaos. Meeting him to go over Hyatt issues he observed. Said there were police there, but they weren't doing anything in terms of interceding in disputes. Doesn't want to be on the record.

Sandy Juno - spoke to her extensively. Gave me background about election, how its run, etc.

James Fitzgerald - told me next election they'll have enough observers. They got a list of over 100 volunteers. He didn't really have anything new to add. I believe he told me San Luis was the big nursing home around here. It's where I am going to visit ad hoc. Is meeting me Thursday.

I don't have time/energy to go out to nice dinners, unfortunately.:)

From: Coms <Coms@wispecialcounsel.org>

Sent: Tuesday, November 16, 2021 2:52 PM

To: 3 <3@wispecialcounsel.org>

Subject: Green Bay Investigation Update

Good Afternoon Carol,

Mike would like a status update on the work you have been doing in regards to Green Bay before you start your interviews tomorrow. Tonight, could you please create a document telling us who you have met with so far, and what information you found useful or not useful from each person you spoke with? Keep up the great work, enjoy your flight to Green Bay and if your staying downtown go to Hagermeister Park for dinner. We will be awaiting your statues update tonight.

Very Respectfully,

Zakory Niemierowicz

From: 3

Sent: Thursday, November 18, 2021 2:10 PM

To: Coms; Erick Kaardal; Nicholas Morgan

Subject: Legislative Subpoena Enforcement

Here is the doc I texted Clint & Andrew yesterday. It might be of use again. Has Wisconsin in the Appendix. Maybe put in dropbox.

From: Coms
Sent: Friday, November 19, 2021 10:49 AM
To: 3
Subject: RE: Message for Zak:

Good Morning Carol,

I watched the WEC meetings, and the meeting where Meagan Wolfe testified in front of Jahnelle, I will have to look for my notes and I will scan them for you.

Very Respectfully,

Zakory Niemierowicz
WI Special Counsel

From: 3
Sent: Friday, November 19, 2021 10:07 AM
To: Coms
Subject: Message for Zak:

Hi Zak: you watched committee meeting(s), was it only WEC or did you watch Janelle's committee meeting(s)?

You took notes, are they in dropbox or could you email them to me?

Thanks!
Respectfully,
Carol

From: 3

Sent: Friday, November 19, 2021 3:32 PM

To: Coms

Subject: Status Update for Michael

Michael: You are interested in knowing details of my activities, so I thought I'd give you an outline:

- I met with Polly & Matt Roesner today to close the loop on a few items, which I will write up.
-
- Gleaned lots of info about nursing homes and possibly presence of Navigators at at least one of them, and Celestine Jeffries on the phone advising at least one of them. I am reviewing it and writing it up next week.
-
- I was concentrating on CTCL, perhaps making a case for fraud/election fraud, working on the legal pleading aspect. Because Erick can't be involved in the CTCL aspect because of his pending litigation, he is concentrating on nursing homes, but I don't know how this affects me.
-
- I have been playing phone tag the few days with my lawyer friend in Madison, to get his info about possible Dane County nursing home voting improprieties.
-
- I plan on spending the week of 11/22 using the Ricoh database to search and review specific documents related to the fraud and payments to CTCL and to work on the legal pleading aspect.
-
- Yesterday, there was a meeting with Kase that Erick invited me to, but Ron when I spoke to him earlier in the day kept his participation under wraps (he was there). That was curious, just as you had assigned me to speak to Kris Teske, and then he put the kabosh on that, telling me she wouldn't speak to me. So, it was good that you went through her brother to get her to speak/meet with WI Spec Office of Spec Counsel. I was told she only wanted to speak with two people by Erick: Tommy and him. Ok, that's fine. Plus, Erick wanted to be there because of his pending litigation. Meanwhile, Tommy, Erick and Ron were there. Ok, once again: a bit of sandbagging maybe by Ron? I don't understand it.
-
- I am interested in the data analysis aspect of the investigation, analyzing what Kase may be putting together. Also, the relationship mapping and pinging data of the Navigators. I am good at analyzing things like that and seeing patterns and using those patterns to make a case. I think we can get information on public records requests easier: for

instance, the cell phone information for the navigators up here in Green Bay. Polly led me to believe they had been given "government issued phones."

-
- Milwaukee is a hotbed of improper activity, especially with regard to the absentee ballot applications, Residency letter signed by Mr. Lawrence, and the BOD machine, and flash drive incident. I am wondering who is running after those leads & nailing them down if Neil & Tommy are both looking at Green Bay? I think those items have been around since the Election Committee hearings back in the Spring 2021.
-
- I have no plans to return to Wisconsin thru 11/30. I scheduled various medical appointments for the week of 11/29 (and dental on 11/22) at least 6 weeks ago.
-
- I am not sure what the criteria is for presence in Brookfield, but as I do have as many family obligations as Andrew (granted without the young children), I don't see the differentiation between us in terms of presence in Wisconsin. My daughter is not doing great, and my mother-in-law is still in the rehab hospital. Also, Ron seems to spend a lot of time up at his home near Green Bay.
- I can schedule time in Brookfield, but if I am going to be doing legal work, which is what I would prefer to do, I don't see the necessity with regard to the month of December. It is actually really hard to concentrate in that office, especially on legal concepts, with all the activity and disruptions there. The telephone lines also reach all the way out to California. Driving in this weather is not preferred (the type of car I would rent is not good for this weather) and the drivers in the Ubers don't inspire confidence. If required, I can be there, of course. Actually, video meetings accomplish the same, they are better than just teleconferences.

Respectfully,
Carol

-
-

From: 3

Sent: Friday, November 19, 2021 11:06 PM

To: Coms; Erick Kaardal; Neil Saxton; moparmolly@outlook.com

Subject: Dane County Nursing Home Violation(s)

My friend from Dane County (Madison) contacted me after he obtained permission to forward his contact's information to us:

His name is Wally Jankowski, tel. 608-849-8868, he is a V.P. at Advanced Concrete in Waunakee, WI. The person who voted without consent is his father, who has been institutionalized since 1977 with a brain injury. Wally is his legal guardian.

His story: He looked on the I vote website (or whatever it's called) and discovered his father had requested a mail in ballot, voted and returned it all before election day. The Waunakee clerk told him that since no one in nursing homes has an ID, they aren't required all they have to give is consent they want their vote cast and the aide fills out the ballot seals it and gets it in. He asked her how his dad gives consent since he doesn't speak or write and she said pointing is acceptable or an eye wink would be ok as well. He asked her why they didn't ask the legal guardians or family and she had no answer. He also pointed out that from April to at least November 2020 he was unable to visit his father. 3 women that "did all the ballots for the residents at {Waunakee] Manor" told him they didn't know if they did his father's ballot but she expected he'd want to vote the way Wally did. He hasn't voted since 1972, this was the first time since then. The village clerk told him she couldn't send Wally a copy of his ballot because they are all mixed in.

Wally said he emailed Robin Vos back in Nov 2020 about this but never heard anything.

From: 3

Sent: Monday, November 22, 2021 9:22 PM

To: Coms; 6; 7; Neil Saxton; Moparmolly@outlook.com

Subject: Summary of Additional GB Nursing Home Info

Synopsis of Interview With Polly & Matt Roeser (Follow on to earlier telephonic interviews)
11/19/21

Polly clarified her claim that Caleb Jeffries was making in excess of \$45/hr. was based on his timesheet, which she had. She clarified that she had misinterpreted the amounts on the sheet (which were confusing) and he actually worked 279 or so hours at \$18/hr. She said the Finance Director for Green Bay wrote an article in the local paper explaining how the Navigators worked.

Matt has been conducting an investigation of his own into area nursing homes. I am summarizing info he passed along in an attached chart. He determined Celestine Jeffries was in direct telephone contact with an employee at Parkside Manor, Jenn. Also, Navigators were at Parkside Manor and/or Sunrise.

Hannah Weingarden who works at Odd Fellows nursing home said the Navigators were at Parkside and/or Sunrise, and she is the source of information about Celestine Jeffries talking on the phone to Parkside.

EXTERNAL : Heuer Expense

RHH <ronheuer@gmail.com>

Tue 11/2/2021 12:45 PM

To: Coms <Coms@wispecialcounsel.org>

Zak,

Here are my expenses for Oct. Let me know if you need anything else.

Ron Heuer

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EXTERNAL : RE: EXTERNAL : RE: Reimbursement documents for WI Special Counsel

Hale, Janine <Janine.Hale@legis.wisconsin.gov>

Wed 11/3/2021 11:39 AM

To: Coms <Coms@wispecialcounsel.org>

Cc: Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>

Thank you Zak. Let's confirm 1:30 p.m. tomorrow, Nov. 4. Please give me a call at that time.

Janine Hale

Janine L. Hale

Fiscal Clerk

Office of the Assembly Chief Clerk

17 W Main St., Suite 401 | Madison, WI 53703

608-237-9616

janine.hale@legis.wi.gov



From: Coms <Coms@wispecialcounsel.org>

Sent: Wednesday, November 3, 2021 11:37 AM

To: Hale, Janine <Janine.Hale@legis.wisconsin.gov>

Subject: Re: EXTERNAL : RE: Reimbursement documents for WI Special Counsel

Good Morning Janine,

Tomorrow, November 4th, at 1:30 works well for me to go over the October documents.

Very Respectfully,

Zakory Niemierowicz
WI Special Counsel

From: Hale, Janine <Janine.Hale@legis.wisconsin.gov>

Sent: Wednesday, November 3, 2021 11:32 AM

To: Coms <Coms@wispecialcounsel.org>

Cc: Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>

Subject: EXTERNAL : RE: Reimbursement documents for WI Special Counsel

Zak,

Thank you for the email. I am in receipt of all the documents.

I would prefer to schedule a time tomorrow to review the reimbursement. 11 a.m. or 1:30 p.m. and any time in the afternoon works best for me.

EXTERNAL : Message for Mike RE: Media Relations Proposal

Thomas Ciesielka [REDACTED]

Wed 11/3/2021 3:49 PM

To: Coms <Coms@wispecialcounsel.org>

MIKE,

PLEASE LET ME KNOW YOUR THOUGHTS ON THE BRIEF OUTLINE OF MY PROPOSAL? IF YOU LIKE IT AND WANT TO MOVE FORWARD, I CAN FLESH OUT MORE DETAILS.

TOM C.

Mike,

Thanks for making time to chat this morning.

Just so you know, I am somewhat limited with what I can do until I get the report that will be presented on November 8. However, based on what you and Erick shared, I trust that I can get up to speed once I have it.

Before I draft a more detailed proposal, I wanted to get your feedback on the outline of what I will propose:

Timeframe: November 2 - December 1, 2021 (with option for monthly retainer commitment to be determined)

Scope of Work:

- Scheduled planning meetings and phone calls to prepare messaging
- Develop a unique plan for potential media coverage as is appropriate for specific messages
- Pursue coverage by Wisconsin media and select national media that regularly report on election integrity news
- Schedule media interviews for you, and media training, if necessary
- Plan press conferences, when appropriate
- Social media consulting. This work could include: a Content Strategy Kickstart; audit of current social media and other social media channel opportunities. We would present a holistic view of the various digital marketing initiatives that impact success. These include social media, email marketing, article writing, website updating, capitalizing on public relations opportunities

Results:

The nature of public relations does not allow for a guarantee of coverage and/or the quality/value of coverage. However, TCPR will follow best practices for deliverables.

Fee:

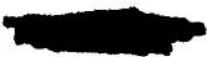
Monthly retainer \$10,000 (with a one-month commitment, agreement extension fee would likely be about the same amount per month)

Expenses: While nothing significant is expected, if expenses should exceed \$500/month, TCPR would ask for permission in advance before incurring those expenses.



Payment Terms: A deposit of \$10,000 would be required to begin work. Then if the agreement is extended, monthly invoices would be due net 30 days.

If these general details are a fit, I can provide a more detailed proposal.



Please let me know.

Thanks,

Tom C.

Thomas Ciesielka

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One N. LaSalle Street

Suite 600

Chicago, IL 60602

www.tcpr.net

(o) 312-422-1333

(c) 312-403-1333



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Re: EXTERNAL : RE: City of Green Bay/Election 2020

3 <3@wispecialcounsel.org>

Thu 11/4/2021 3:20 PM

To: Kim Wayte <KimW@villageofallouez.com>

Yes, thank you, at your convenience.

Carol

From: Kim Wayte <KimW@villageofallouez.com>

Sent: Thursday, November 4, 2021 1:35 PM

To: 3 <3@wispecialcounsel.org>

Subject: EXTERNAL : RE: City of Green Bay/Election 2020

Hello,

I work until 4 pm and I can call this evening when I am done with work if that works for you.

Thank you,

Kim Wayte

Deputy Clerk
Village of Allouez
1900 Libal Street
Green Bay, WI 54301
920-448-2800

From: 3 [mailto:3@wispecialcounsel.org]

Sent: Thursday, November 4, 2021 12:16 PM

To: Kim Wayte <KimW@villageofallouez.com>

Subject: City of Green Bay/Election 2020

Ms. Wayte:

I work for the Wisconsin Assembly's Office of the Special Counsel. I am interested in your observations and facts surrounding Central Court and City Hall and November 3. I would like to speak to you by telephone or in person. I can meet with you at your convenience.

Thank you,

Carol Matheis

Investigator

Wisconsin Office of the Special Prosecutor

P.O. Box 510766

New Berlin, Wisconsin 53151

EXTERNAL : FW: WI County and Municipal Clerks Updated 11-8-2021.xlsx

Witecha, James - ELECTIONS <james.witecha@wisconsin.gov>

Mon 11/8/2021 8:30 AM

To: Coms <Coms@wispecialcounsel.org>

Cc: Wolfe, Meagan - ELECTIONS <Meagan.Wolfe@wisconsin.gov>; Judnic, Nathan - ELECTIONS <Nathan.Judnic@wisconsin.gov>

Good morning,

Please find the updated clerk contact list attached for your consideration.

Regards,

Jim Witecha

Staff Attorney

Wisconsin Elections Commission

212 East Washington Avenue, Third Floor

P.O. Box 7984

Madison, WI 53707-7984

608.266.0136 (direct)

608.712.8683 (cell)

608.267.0500 (fax)

james.witecha@wisconsin.gov

From: Hoeth, John M - ELECTIONS <John.Hoeth@wisconsin.gov>

Sent: Monday, November 8, 2021 7:48 AM

To: EL DL Administration <ELECDLAdministration@wisconsin.gov>

Subject: WI County and Municipal Clerks Updated 11-8-2021.xlsx

Thank you,

John Hoeth

Wisconsin Elections Commission

Elections Division

IS Technical Services Professional

Phone: 608-261-2028

Email: john.hoeth@wisconsin.gov

Helpdesk Email: elections@wi.gov

Follow Elections on Facebook and Twitter!

Voter ID law is in Effect. Let's Bring it to the Ballot!





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EXTERNAL : RE: Draft 2.3

Thomas Ciesielka <tc@tcpr.net>

Tue 11/9/2021 9:34 AM

To: Coms <Coms@wispécialcounsel.org>

Thanks for sending this newer draft.

While I understand the key points the report is working to make, I think it will require some editing to make it more accessible to most readers.

If you were to engage us, the soonest we could be in a position to publicize the interim report would be the middle of next week (November 17). And in order for us to start the prep work this week, we would need a prepayment.

Please let me know what you think.

Tom C.

Thomas Ciesielka

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One N. LaSalle Street

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Chicago, IL 60602

www.tcpr.net

(o) 312-422-1333

(c) 312-403-1333



From: Coms <Coms@wispécialcounsel.org>

Sent: Sunday, November 7, 2021 12:06 PM

To: Thomas Ciesielka <tc@tcpr.net>

Subject: Fwd: Draft 2.3

We still have more work to do but this should give you an idea of where we're headed.

Get [Outlook for Android](#)

From: 7 <7@wispécialcounsel.org>

Sent: Saturday, November 6, 2021 3:43:46 PM

EXTERNAL : Interim report

Smith, Matt <Matt.Smith@hearst.com>

Wed 11/10/2021 4:42 PM

To: Coms <Coms@wispecialcounsel.org>

Hi — I'm not personally at the Capitol this PM - can you send me the interim report Justice Gableman is discussing this afternoon?

Thanks-
Matt
WISN TV

Sent from my iPhone

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 : Fwd: Fw: Special Counsel Office Analysis

Darlene Lathrop [REDACTED]

Wed 11/10/2021 5:36 PM

To: Coms <Coms@wispecialcounsel.org>

Mr. Gableman,

After spending time in the office and with Zak, the following are areas that I feel are in need of upgrading.

I have prioritized them according to what I feel are your most important areas and the areas that will benefit you the most.

- 1. Security - due to the sensitive nature of your business, the front door should automatically lock. Perhaps there could be an intercom in Zak's office in order to answer anyone who might need access or an access code for those who frequent the office.

You can purchase wireless doorbell intercom systems from Amazon for \$54.99

Automatic locks for glass doors are quite pricey. The only ones I found were from Ozone, located in India and are upwards of \$10,000 or more. If you just got the intercom doorbell and kept the door locked at all times, making sure everyone in the office is on board with that protocol and has a key to gain entry, it would be sufficient.

- 2. Organization for files, letters, subpoena's, confidentiality agreements, articles, investigative reports as well as speech's which you may want to refer to at a later date. I showed Zak a few ideas for files for Mr. Gableman's office, I also put links or pictures below for your ease of reference.

HERMAN MILLER Lateral Files 2H 36W Soft White

HERMAN MILLER Lateral Files 2H 30W Soft White. Great deals on used, new, and refurbished office furniture from A...

You will also need hanging file folders together with manila file folders that can be labeled for content.

Hanging file folders can be purchased through Amazon, and are priced as low as \$9.56 for 25 folders.

Manila file folders can be purchased through Amazon, and are priced as low as \$11.12 for 100 folders.

3. The office for the Investigators and Analystist, this is pretty clear, you need three desks, three chairs, and three whiteboards. However, I believe that will become a gathering point when something needs to be discussed and I think a table and chairs that can accommodate up to 6 people should be added together with storage for them. The lateral filing cabinets above would be ideal and priced at only \$45 would be financially affordable.

Desks - We discussed renting furniture and I have a few links, but could not get pricing without calling. I am happy to do this on Thursday if needed. I also have a few links to used office furniture that may be useful if renting is too expensive.

[Rent Furniture in Brookfield, WI | CORT Furniture Rental](#)

[Rent Furniture Online | Brook Furniture Rental](#)

[Best 30 Office Furniture Rental in Brookfield, WI | superpages.com](#)

also, you may want to look at the Wauwatosa Habitat for Humanity Restore. They have a lot of inventory to look through. I am not sure if they deliver, but if you find some items there, I have a son with a pickup truck that would be willing to donate his time for a good cause.

4. Communication - A white board calendar would be a helpful tool to know what is happening at a glance. Zak suggested this as an ease of reference. Also, a corkboard for pinning any items as reminders.

A conference call puck. This will ensure a seamless conference call with no dropped calls; no bad reception; volume control better than a cell phone; I highly recommend this! You can purchase one from Amazon for around \$100 but it is money worth spent.

freeconferencecall.com. Zak says he has this. It is important for Mr. Gableman to be aware of the call in number and code for all his conference call needs. if it is helpful, this can be printed and pinned to the corkboard for ease of reference. Also having the number and code stored into your contacts on your phone for the times you are away from the office is handy.

[Zoom conference call capabilities. - Video Conferencing, Cloud Phone, Webinars, Chat, Virtual Events | Zoom](#)

Social Media. It is important to get a twitter account. This can be done anonymously if you prefer but following people who may be of interest in the audit to see what they have to say, as well as colleagues can be a helpful tool.

I would also recommend getting a high functioning printer. You can purchase these from Amazon for under \$300. The difference in quality printing is immeasurable.

5 Reception Area - Zak said the person in the office space that is long term tenant's are going to be putting in a reception area. It would be wise to speak to them to find out how soon they are going to proceed with this plan. Also to determine if they are going to hire a receptionist. Is this receptionist going to answer calls, greet clients or do any type of work for your offices? I believe that area needs to be set up as soon as possible. When this area is set up and functioning, it will make the office flow with ease. There needs to be someone there to do the front office tasks. It will be more professional looking and feel more professional for the office staff.

The closet where the printer currently is - If you are unable to move the printer to the reception area, then a sofa table would be a perfect solution. It is narrow enough to fit in the closet and will allow storage for paper underneath. These are reasonably priced and often can be purchased used.

The cubby space across from Zak's office. Zak indicated he would like a cabinet in that space so he could put office equipment on it. I think it would make a great use of "dead" space and allow for more storage.

Waiting area - I didn't see a place for people to sit and wait. Zak indicated that there are 4 waiting room chairs but they have been taken into the offices for one reason or another. Each office should have two chairs for people to sit and the waiting area should have 4. I also recommend having a table in between each set of two so anyone sitting there could place a cup of coffee or paperwork they may be looking at or holding.

Kitchen - A refrigerator is going to be necessary moving forward. You can get a nice used one from just about any appliance store. I also recommend a table with at least two chairs and Zak suggested some dishes.

Subscriptions - below are a list of useful subscriptions to consider

Wiseye - Zak indicated he has the \$10 monthly subscription to this. Mr. Gableman should have log in information.

Journal Sentinal - It was indicated you have the \$1 online subscription

Wispolitics.com has videos that might be useful to watch.

Office supplies - I have listed below some office supplies you may need.

- pens
- printer paper
- legal pads
- staples
- paper clips
- binder clips
- black markers
- highlighters

sticky notes

toner cartridge for printer (always need 1-2 on hand)

toner drum for printer (always need 1 on hand)

an electric stapler (only if budget allows)

an electric hole punch (I recommend this if you use a hole punch daily)

Business card holder at front reception.

If you have any questions or would like to add additional information, you can reach me at [REDACTED]

Sincerely,

Darlene

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EXTERNAL : Walworth County GOP Membership Meeting Dec 2

Ron Heuer <wiscjustice@outlook.com>

Thu 11/11/2021 5:33 PM

To: Coms <Coms@wispecialcounsel.org>

Mike,

Got a call from the Walworth Co GOP leader, Chris Goebel. He is having his Dec membership meeting on the Thursday, December 2, at Wilson's Whistle Stop in Elkhorn, WI. He asked if you would like to address his group. Chris runs a great meeting and he will have, more than likely 85- 100 people there. He didn't give me the time, but it would be after 6PM.

Would you be interested in speaking to them?

Ron Heuer

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Stillwater Associates Study: Private Money in Elections

3 <3@wispecialcounsel.org>

Wed 11/17/2021 7:39 PM

To: Neil.Saxton@protonmail.com <Neil.Saxton@protonmail.com>

Cc: Moparmolly@outlook.com <Moparmolly@outlook.com>

Hi: good meeting you today. Here is that Stillwater Assoc. report: excellent work on the private money in elections issue.

Teske Interview

3 <3@wispecialcounsel.org>

Thu 11/18/2021 2:48 PM

To: Erick Kaardal <kaardal@mklaw.com>; moparmolly@outlook.com <moparmolly@outlook.com>

Hi:

- I would like to meet up with Tommy after the interview.
- For the interview, I wanted to mention a good area of inquiry would be to ask how she was planning/would have set up the Central Count area, when those plans for 11/3 were finalized, and what participation she had in the planning. Because, as you saw, Tommy, it was a disorganized, complete mess spread over how many acres to count 32,000 ballots? And I don't think an experienced clerk would set that up. She may have some strong thoughts on that.
- Also, ask her opinion of Jamie Fuge, her qualifications to run central count, why she was chosen, how can she be reached to communicate with, etc.

You probably already thought of good stuff, but this would be enlightening, IMHO.

Respectfully,
Carol

Fw: EXTERNAL : WI discovery and pleading files

3 <3@wispecialcounsel.org>

Wed 11/24/2021 1:18 PM

To: Thomas Obregon <obregonthomas67@gmail.com>

Here is pertinent info Erick worked up about Green Bay.

From: Erick Kaardal <kaardal@mklaw.com>

Sent: Friday, October 1, 2021 4:21 PM

To: 3 <3@wispecialcounsel.org>; Andrew Kloster <arkloster@gmail.com>

Cc: Mary Gynild <Gynild@mklaw.com>

Subject: EXTERNAL : WI discovery and pleading files

Dear Carol and Andrew:

Thank you for your request for the WI CTCL discovery and WEC pleading files. I've asked Mary Gynild to put those documents in drop box for both of you. I've also attached a power point presentation that I've been presenting to GOP county organizations. Thanks.

egk

Erick G. Kaardal
Mohrman, Kaardal and Erickson, P.A.
150 S. Fifth St., Ste. 3100
Minneapolis MN 55402
612-341-1074
f. 612-341-1076


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Relationship Chart Start

3 <3@wispecialcounsel.org>

Wed 11/24/2021 4:36 PM

To: 6 <6@wispecialcounsel.org>

 1 attachments

RelationshipDocument;

Here is the beginning, Google Doc.

EXTERNAL : WisconsinEye Basic Activation

WisconsinEye <info@wiseye.org>

Tue 11/30/2021 6:15 PM

To: 3 <3@wispecialcounsel.org>

 WisconsinEye

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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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 5:54 PM

To: Coms

Subject: PDF's from Carol for Open Records - #3

From: 3

Sent: Wednesday, December 1, 2021 5:53 PM

To: Coms

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

Find messages, documents, photos or people

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- ✂️ Deals
- 🛒 Groceries
- 📄 Receipts
- ➔ Travel
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- + New Folder
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- Concealed ca...
- DOR Notice ...
- Harry Wait**
- Keto
- Spambox
- Thurs 13
- Unwanted 999+

Our press releases

Yahoo/ Harry W...



Harry Wait
To: mgableman@yahoo.com
Cc: glwfishs

Mon, Jul 19 at 10:00 AM



Harry Wait
+1 262-770-9796
Edit contact

Good morning again,

FYI so you can stay on top of the curve.

This is our current press releases.

racinecountycorruption.blogspot.com

Telegram account H.O.T. Wisconsin (I am not sure how to forward link)

Email sent to Robin Vos, sent separately

Copy of email sent to Bruce Vielmetti (credible reporter)

This is our current extent of publication.

Harry

↩️ ⏪ ⏩ ...

Reply, Reply All or Forward

Thank you. Received, thank you. Got it, thanks!

Fwd: Have you set up Michael Gableman for failure ?

From: Harry Wait [REDACTED]
To: mgableman@yahoo.com
Date: Monday, July 19, 2021, 10:00 AM CDT

FYI

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

From: Harry Wait [REDACTED]
Date: Sun, Jul 18, 2021 at 9:25 PM
Subject: Have you set up Michael Gableman for failure ?
To: <Robin.Vos@legis.wisconsin.gov>
Cc: janel Brandtjen <Rep.Brandtjen@legis.wisconsin.gov>, <cd4.chairman@wisgop.info>

Rep. Vos,

Two of the "detectives" that you personally hired have already quit and the third officer appears to have limited investigative training.

If you truly wish to have a credible look into the 2020 elections you will have to do better than that.

Real investigations take time and effort to sift out facts and fraud.

I suggest you extend the timeline allotted to Mr. Gableman and provide additional support to him for a real look at the 2020 elections.

Anything less will be viewed as a false effort on your part.

The success or failure of a proper investigation is upon you.

Keep this in mind, If Mr. Gableman fails then so do you.

Harry Wait
262-770-9796

--
Harry Wait

Fwd: Drop box

From: Harry Wait [REDACTED]

To: mgableman@yahoo.com; [REDACTED]

Date: Thursday, July 22, 2021, 06:11 PM CDT

Fyi

It appears the monkey is on my back, We will determine who put this thread and shut it down

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

From: **Harry Wait** [REDACTED]

Date: Thu, Jul 22, 2021, 5:10 PM

Subject: Drop box

To: Marley, Patrick <patrick.marley@jrn.com>

Patrick,

I will confirm yesterday that an invitation was extended to Michael Gableman as our next H.O.T. Government guest speaker, he has yet to respond to our request.

Word does travel fast.

In pursuit of the truth concerning the 2020 elections.

The below is one of many expected responses from our open records efforts.

<https://www.dropbox.com/sh/puohk88yIk7v4w0/AACZcPRkQyZBaRom3qx4zld6a?dl=0>

You may also view at hotgovernment.com or find us on Telegram @ H.O.T. Wisconsin.

We have opened our response files for public scrutiny .

We expect thousands of additional documents to be added in short order.

Of the several smoking guns concerning 2020 election irregularities by city of Racine officials is the manufactured shortage of poll workers.

Consider this, every municipality in the county of Racine with the exception of city of Racine had sufficiently trained staff on hand for the 2020 national election.

Most if not all municipalities in the county of Racine had turned down experienced volunteer poll workers being their positions were already filled.

Should we believe that all city of Racine residents lack awareness and duties to public service ?

The truth is in public records.

Stay tuned to the future announcement of "The Worst Politician Rally Ever" to be held at the State Capital Building.

We know how to have fun and be serious at the same time.

More later.

Harry

Full forensic audit

From: Harry Wait [REDACTED]

To: mgableman@yahoo.com

Date: Friday, July 23, 2021, 10:31 AM CDT

Mike, I was contacted by Tim Ramthum's office. He wishes to make direct contact to aid your efforts for a full election investigation. I told them I would forward their information to you and see where it goes from there.

We identified our leak and it has been sealed. It was one of ours attending the meeting.

Here is the contact info:

It was a pleasure speaking to you today.

My email is:

[REDACTED]

Tim Ramthum's cell:

[REDACTED]

Email:

[REDACTED]

We are very excited to hear from you. If we get the green light from Gableman, we can move this forward, but it is critical that we connect these two so they can discuss this.

The sooner the better.

God bless you Harry. It's time to get things done.

Tim's Personal email:

[REDACTED]

My personal email:

[REDACTED]

Further correspondence from

From: Harry Wait (b) (6)

To: mgableman@yahoo.com

Date: Friday, July 23, 2021, 02:02 PM CDT

Mike, I received the following additional correspondence from Ramthun's office:

Very good. Let Mike know that all we are looking for is for him to say something like "he doesn't have the resources to do a forensic audit." Or something along those lines.

We've got the cyber ninja team on hold, and we can move to get things done if we can get Tim and Mike talking.

No finger pointing, just a public statement that we have the team ready, whose on board, who's not. Before all the people so it's transparent.

We want to show that we are not trying to step on Mike's toes... just trying to help.

it gives us the green light to move forward.

Tell mike that all we need is for him to say he doesn't have the resources/capabilities to preform that kind of audit.

It won't put any pressure on him, and

Also that we are not really knowing what happened between him and Brandtjen... but we have a very serious action plan to help him.

More correspondence

From: Harry Wait [REDACTED]

To: mgableman@yahoo.com

Date: Friday, July 23, 2021, 02:24 PM CDT

So Tim didn't get a committee chair because he didn't play along with vos... and Tim is wanting this to happen as soon as possible. He's a little frustrated because he feels we have waited long enough for this, and it needs to get done.

He's trying to make contact because he's fighting for the people and transparency.

We started a you tube channel called "the Ramthun report" back in February to create transparency and keep people informed about what happens in Madison.

He's got to work the food stand at the fair at 5 so I highly recommend mike call him so Tim can ask him if he cannot do the type of audit the people and the nation needs to see,

Then we can move forward to try to make that happen as soon as possible.

Good Morning Mike,
The invitation is extended to you as well.

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

From: **Harry Wait** [REDACTED]
Date: Sat, Jul 24, 2021 at 10:00 AM
Subject: 2020 elections
To: <Ramthun@hotmail.com>, <Tjohannesagency@gmail.com>, CSCWC Info <info@cscwc.com>

Good morning Gentlemen,

Leading off with the following:

Extract from Thomas Jefferson's Fair Copy of the Kentucky Resolutions of 1798
"What the government is, if it be not a tyranny, which the men of our choice have

but **bind him down** from mischief by the chains of the **constitution.**"

Thomas Jefferson" , circa 1798

You may learn more

here: https://en.wikipedia.org/wiki/Kentucky_and_Virginia_Resolutions

We at H.O.T. Government appreciate your office reaching out to us and we wish to learn more.

We extend an invitation to be our guest at today's BBQ where you can meet some of our brightest and best public activists in a casual and fun environment.

I understand this is short notice but so are the upcoming elections, We need to fix the elections ASAP.

Bring a friend if you like.



Address is
5440 River Hills Rd.
Racine, Wi. 53402

Harry Wait
262-770-9796

--
Harry Wait



Mike Gableman <mgableman@...>

Sat, Jul 24 at 10:15 AM

To: [Redacted]

Good morning Harry,

Thank you for the invitation!

I see the start time is 5. I can't be there until 6 but I'd like to come.

Thank you again,

Mike

Sent from Yahoo Mail on Android

[Show original message](#)



Harry Wait [Redacted]

Sat, Jul 24 at 10:26 AM

To: Mike Gableman

Great, we look forward to you joining us as our guest.

[Show original message](#)

--
Harry Wait



Mike Gableman <mgableman@...>

Sat, Jul 24 at 10:29 AM

To: [Redacted]

Thanks

Sent from Yahoo Mail on Android

[Show original message](#)



Harry Wait [Redacted]

Sat, Jul 24 at 10:30 AM

To: Mike Gableman

Our pleasure.

[Show original message](#)

--
Harry Wait

Reply, Reply All or Forward

Thank you.

Mike Gableman's phone contact

From: Harry Wait [REDACTED]
 To: [REDACTED]
 Cc: [REDACTED]
 Bcc: mgableman@yahoo.com
 Date: Sunday, July 25, 2021, 09:31 AM CDT

Good morning gentlemen,

Your efforts for a full forensic audit of the 2020 elections have caught the attention of several of our supporters and now our supporters are posting your video on our Telegram account. Kudos to your efforts!

I like what I hear in your video so I wish to get to know the two of you better and learn more about your model to conduct an audit.


I have attached a document written by one of our supporters to help define and navigate an election audit. Hopefully you have found the time to read or at least skim our briefs that we have before the Wisconsin Supreme Court concerning the right to audit the ballot, our success in the Wisconsin Supreme court is critical to a successful audit of the 2020 national elections.

Our house is divided concerning working with Vos or a future of "Toss the Vos". I personally do not believe Vos is really interested in conducting a full forensic audit, which is why I am interested to learn more about your plans and efforts. You come well recommended by Bernie which carries a lot of weight with me.

Pursuant to earlier conversations and with the approval of Mike, I have Bcc'd Mike with this email and I am providing you with Mike's phone # so we can move this audit forward. Michael Gableman cell # [REDACTED]

We should talk further on Monday morning. Thanks for reaching out to our organization and feel free to call upon us for support.

Harry Wait
[REDACTED]

 Definition of Forensic Audit Derived 7-19-2021.pdf
 119.1kB

(No Subject)

From: Harry Wait [REDACTED]

To: mgableman@yahoo.com

Date: Monday, July 26, 2021, 08:17 AM CDT

https://www.jsonline.com/story/news/politics/2021/07/26/robin-vos-caught-middle-over-scrutiny-2020-election-wisconsin/8060045002/?utm_source=jsonline-Daily%20Briefing&utm_medium=email&utm_campaign=daily_briefing_greeting&utm_term=newsletter_greeting&utm_content=1258MJ-E-NLETTER65

Future Amicus brief to include Mike ?

From: Harry Wait ([REDACTED])

To: [REDACTED]; [REDACTED]; mgableman@yahoo.com

Date: Friday, July 30, 2021, 11:52 AM CDT

FYI

<https://wisconsinexaminer.com/2021/07/29/the-organized-takeover-of-wisconsin-courts/>

Upfront interview

From: Harry Wait (Harry [REDACTED])

To: mgableman@yahoo.com

Date: Sunday, August 1, 2021, 02:40 PM CDT

FYI

<https://youtu.be/q7wnbHzBUBw>

Robin,

It is unfathomable to me that you are holding up Janel's efforts to move forward with supeona's and depositions concerning the 2020 elections. Even a blind and deaf person could not be so oblivious to your constituent's roar of election accountability.

I am absolutely in awe of what possible reason could exist as to why you haven't acted upon her request for your signature.

If you truley wish to alienate your remaining supporters, then continue to obstruct election accountability and learn how that will work for you.

Being a reasonable man, I will be calling your office tomorrow morning seeking any reasonable excuse as to why WE THE PEOPLE are being ignored.

Respectfully submitted,

Harry Wait
[REDACTED]



Mike Gableman <mgableman

Tue, Aug 17 at 9:54 AM

To: [REDACTED]

Harry Wait,
robin.vos@legis.wisconsin.gov
Cc: janel Brandtjen

Nobody has asked for my input but since I was cc'd, I feel compelled to respond lest my silence be interpreted as agreement.

Harry, when you called me yesterday, I asked if we could speak today as I am currently under the weather. If we had spoken I would have told you that I am making progress toward a study of the machines insofar as planning a step by step review using the most cost and time efficient methods possible. If those methods can be used to eliminate doubt about how the machines functioned, let's do that. If, however, further investigation turns out to be warranted I would certainly recommend that.

During my time in Sioux Falls last week, I was disappointed and surprised by the "all or nothing" approach being sold by Mike Lindell: he and his colleagues constantly harped on the need for us all to go back to our home states and demand a "full, Arizona-style forensic audit." Unfortunately, no one who knows is telling us anything about that audit other than it has cost (so far) around \$6 million.

Why the rush to copy a method whose value- as opposed to cost- is currently unknown? I have been researching other methods and interviewing experts in the field who say they can provide us with the info everyone was hoping for from AZ.

I believe efforts are currently underway in the Assembly to allocate the resources I have requested in order to do this and have reason to hope that an announcement to that effect will be forthcoming.

I apologize I was not able to speak with you yesterday, but my time on the road and the work I've been doing there has taken a little bit of a




toll. My doc is optimistic that I will be back to speed in a day or two.

Thanks,

Mike

Sent from Yahoo Mail on Android

Show original message

 **Harry Wait** [redacted] Tue, Aug 17 at 10:56 AM
To: Mike Gableman
Cc: robin.vos@legis.wisconsin.gov, janel Brandtjen

Thanks Mike,
 Get well soon !

Show original message

--
Harry Wait

Fwd: IMPORTANT DATES - LEMAHIEU & KAPENGA EVENT IN JOHNSON CREEK - Tuesday, September 14 - Hi-Way Harrys

From: Harry Wait [REDACTED]

To: mgableman@yahoo.com

Date: Saturday, September 11, 2021, 10:45 AM CDT

This was sent to us to deseminat
to the public on our Telegram channel
We removed your contact info before we posted the contents.

If you would like to share your thoughts about the Vos "audit" with Gableman, it is my
understanding Gableman can be reached at (715) 371-6541

Dearest Audit Folks,

**LeMahieu (Senate Majority Leader) and Kapenga (Senate President) are up for Re-Election
next year....**

Both of them have the authority to sign the Audit subpoenas but have REFUSED to date.

(Disappointingly, Kapenga was elected as a TEA Party candidate but has grown progressively
more arrogant the longer he stays in office. Both of these guys have joined The Swamp in
Madison.)

The GOP is counting on all of you to be silent and get tired so discussion of a Full Forensic Audit
will just go away the longer they can drag this out. Senator Steve Nass made this pretty clear last
night at a Patriot mtg.

If you care about the value of your vote, **You Can't Be Silent.**

Serious Patriots Must Force this Audit Discussion Statewide.

**Below is a list of Upcoming GOP Fundraisers that Patriots
should attend, picket and/or litdrop to wake up our fellow
Wisconsinites.**

Also, folks should become acquainted with **CERS** and **RACC** - see below.

Many folks do not realize that party leadership puts an **"Assessment"** on their members
to cough up cash that goes into a collective pot and then the party Bosses dole it out as they like--
Often to the detriment of Conservative legislators. Legislators are expected to fork over \$1,000s
of dollars collected locally which vindicative Vos can again use against them, fund RINO
campaigns, etc.

Be sure to Note the item at the bottom of this list about Wisconsin GOP Night in D.C.

CERS - Committee to Elect a Republican Senate
RACC - Republican Assembly Campaign Committee

For those that might not be aware, CERS had their annual golf outing in Oconomowoc yesterday....this is a BIG \$\$\$ Event.

Again, it cannot be stressed enough how serious it is for you all to Force The Conversation Statewide....Many Grassroots Taxpayers and Patriots have NO CLUE what is taking place at this time....Educate them

Tuesday, Campaign **Political Update with**
Sept. 14 / **Senator Chris Kapenga**
4:00 PM Fundraiser
Political Update with
Senator Chris Kapenga
With Special Guest: Senate
Majority Leader Devin
LeMahieu 4:00 p.m. – 6:00
p.m. Hi-Way Harry's 710
Glover Lane Johnson
Creek, WI 53038 Donation
Levels: \$2,000 – Platinum |
\$1,000 – Gold | \$500 –
Silver PAC Accepted RSVP
to Jen at 608-212-7811
Checks payable to:
Taxpayers for Kapenga,
P.O. Box 33, Hartland, WI
53019
*Hi-Way Harry's, 710 Glover
Ln., Johnson Creek [Map]*

Tuesday, Campaign **A Fundraiser for Representative Jessie Rodriguez**

Sept. 14 / A Fundraiser for Representative Jessie Rodriguez With
5:30 PM Fundraiser Special Guest Congressman Mike Gallagher Tuesday,
September 14th 5:30PM The Cellar Pub & Grill 812 W
Oakwood Road Oak Creek, WI 53154 Host Levels Available
Gold: \$1000 Silver: \$500 Bronze: \$250 Suggested
Contribution: \$50/person or \$75/couple Please make checks
payable to: Friends for Jessie 6633 S Crane Drive Oak Creek,
WI 53154 Please RSVP to Jessie at 414.559.6056 or
jessie@jessieforassembly.com
The Cellar Pub & Grill, 812 W. Oakwood Rd., Oak Creek [Map]

Saturday, September 18 - 1st District GOP Fall Fest

Racine Fairgrounds - 19805 15th Ave. Union Grove
Noon - 3 p.m.
Vos' District - Those taxpayers need Serious Re-Education

Mon, 11:00 Campaign **Representative Kevin Petersen's 1st Annual Golf**
Sep AM / **Scramble**
27 Fundraiser
Representative Kevin Petersen's 1st Annual Golf Scramble
With Special Guest Wisconsin Assembly Speaker Pro
Tempore Tyler August Monday, September 27th Registration
Opens at 11:00AM with Shotgun Start at 12:00PM Waupaca
Country Club 1330 Ware Street Waupaca, WI \$1000 for two
golfers, hole sponsorship, and reception \$500 per individual
golfer and reception \$500 hole sponsorship and reception
(no golf) \$250 steak kabob reception only Conduit
contributions accepted. Checks payable to: Petersen –
Republican for 40th Assembly P.O. Box 227 Waupaca, WI
54981 RSVP to representative40@gmail.com or (920)636-
0344
Waupaca Country Club, 1330 Ware St., Waupaca [Map]

Tue, 5:30 Campaign **Please Join for a concert to honor** [Google Calendar](#)
Oct PM / **America with Representative Warren** [iCal/Outlook](#)
5 Fundraiser **Petryk**

Tuesday, October 5th 5:30pm – Social
Hour/Desserts 6:30pm – Concert Florian
Gardens Conference Center 2340 Lorch
Avenue Eau Claire, WI 54701 Sponsorship
opportunities for the event are still
available Platinum Plus Level: \$2,000
(couple) Platinum Plus Level: \$1,000
(individual) Platinum Level: \$1,000- \$1,999
(couple) Platinum Level: \$500- \$999
(individual) Gold Level: \$500- \$999 (per
couple) Gold Level: \$350- \$499 (per
person) Silver Level: \$250- \$349 (per
person or couple) General Concert

Admission: \$25 per person Max
Contribution: \$1000/individual or
\$2000/couple Minimum Contribution:
\$25/individual or \$50/couple Please RSVP
by September 20th at
warren@warrenpetryk4assembly.com
Credit cards accepted at
www.warrenpetryk4assembly.com
Florian Gardens Conference Center [Map]

Wed, 5:00 Campaign
Nov PM /
17 Fundraiser

**Republican Party of Wisconsin –
Wisconsin Night in DC**

Wednesday, November 17, 2021
Republican Party of Wisconsin –
Wisconsin Night in DC With Special
Guests (Invited): Sen. Ron Johnson; Rep.
Scott Fitzgerald; Rep. Mike Gallagher;
Rep. Glenn Grothman; Rep. Bryan Steil;
and Rep. Tom Tiffany Hosted by: Senate
Majority Leader Devin LeMahieu; Speaker
Robin Vos; Senate President Chris
Kapenga; Majority Leader Rep. Jim
Steineke, and Joint Finance Co-Chairs
Sen. Howard Marklein and Rep. Mark
Born 5:00 p.m. – 6:00 p.m. Host Reception
6:00 p.m. – 7:00 p.m. General Reception
Office of BGR Group, The Homer Building,
Eleventh Floor South 601 13th Street NW,
Washington, DC 20005 Parking available
in garage on G Street Donation Levels:
\$5,000 – Host: up to 4 attendees for Host
& General Reception \$2,500 – Sponsor:
up to 2 attendees for Host & General
Reception \$1,000 per person to attend
PAC and individual donations accepted
RSVP to the Republican Party of WI:
Victoria Busch vbusch@wisgop.org or
608-257-8035 Melanie Hubbard
mhubbard@wisgop.org or 608-279-1275
Checks payable to: Republican Party of
Wisconsin, 148 East Johnson St.,
Madison, WI 53703
*Office of BGR Group, The Homer Building,
Eleventh Floor South, 601 13th St. NW,
The Home Building, Washington DC [Map]*



Google Maps

Find local businesses, view maps and get driving directions in Google Maps.

Fwd: Gableman talking to conspiracy theorist Shiva.....

From: Harry Wait [REDACTED]
To: mgableman@yahoo.com; [REDACTED]
Date: Wednesday, September 15, 2021, 08:46 AM CDT

FYI

----- Forwarded message -----
From: **Harry Wait** [REDACTED]
Date: Wed, Sep 15, 2021 at 8:40 AM
Subject: Gableman talking to conspiracy theorist Shiva.....
To: Marley, Patrick <patrick.marley@jm.com>

Good morning Patrick,

Election integrity must be absolute.

I read with interest your article concerning Mike Gableman and was wondering what "engineeredmo" means.

"In the film, Ayyadurai maintained that voting machines had been engineeredmo to wipe out a third of his votes in the Massachusetts primary race."

Unless otherwise advised, I will consider it scribbler's error.

Having an opinion on a subjective matter contrary to one's own view is not necessarily the same as being an obstructionist or conspiracy theorist, unless of course you are writing for a targeted audience.

I have utmost respect for Dr. Shiva and believe he is a brilliant man, but recognize that even brilliant people do not always get everything right.

I also believe that software should not be in our voting machines, so would that make me a conspiracy theorist as well ?

One only has to look at Dieselgate to understand how hidden software can contain nefarious codes to skew results.

My point of this email is this, if there is even a remote possibility of election fraud having occurred, should that not be of the highest priority to our elected officials and of greatest concern to the public ?

Should we lose our ability or credibility to have votes counted properly, we will lose our republic.

Within the scheming world we live in; It's not who votes that counts, it's who counts the votes.

Respectfully,

Harry


Find messages, documents, photos or people

← Back ↩️ ⏪ ⏩ 📁 Archive 📁 Move 🗑️ Delete 🛡️ Spam 📄 📄 📄 ? ⚙️

- Inbox 999+
- Unread
- Starred
- Drafts 243
- Sent
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- Spam
- Trash
- ^ Less
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- 📷 Photos
- 📄 Documents
- 📄 Subscriptions
- ✂️ Deals
- 🛒 Groceries
- 📄 Receipts
- ➔ Travel
- Folders Hide
- + New Folder
- Bulk Mail 999+
- Concealed ca...
- DOR Notice ...
- Harry Wait 3**
- Keto
- Spambox
- Thurs 13
- Unwanted 999+

WEC Complaints 2

Yahoo/ Harry W...



Harry Wait [redacted]
To: Mike Gableman

Fri, Sep 17 at 4:14 PM

Hi Mike,

These were written and filed by Jay Stone, now an active supporter of HOT Government.

Jay stated he sent these to your <https://www.wifraud.com/> site but didn't receive an acknowledgement. So I am resubmitting them to make sure you are aware of these documents.

Thanks,

Harry

📄 Download all attachments as a zip file



WEC Stone v....pdf
241.9kB



(WEC) Stone...pdf
330.6kB



WEC Stone v....pdf
297.2kB

⏪ ⏩ ⋮



Mike Gableman <mgableman@...>
To: [redacted]

Fri, Sep 17 at 5:44 PM

Got it. Thank you Harry! We are really working hard with our Tech provider to tighten up this system. I appreciate your diligence as always.

Sent from Yahoo Mail on Android

> Show original message

Reply, Reply All or Forward



Harry Wait 🔍
[redacted]
+1 262-770-9796
+ Add to contacts

EXTERNAL : Fwd: Gableman Investigation

RHH <ronheuer@gmail.com>

Fri 10/8/2021 5:02 PM

To: Coms <Coms@wispecialcounsel.org>

FYI feedback from the LaCrosse GOP Chairman

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

From: **Bill Feehan** [REDACTED]

Date: Fri, Oct 8, 2021, 10:43 AM

Subject: Re: Gableman Investigation

To: RHH <ronheuer@gmail.com>

Hi Ron,

The press is always against us. Sickening the way they slander such a good man. Yes, there are people who continue to undermine the credibility of the investigations. I believe they have their own selfish motivations, money and power.

Bill Feehan

<https://lacrosseGOP.org/>

Chairman La Crosse County Republican Party

Chairman 3rd Congressional District Republican Party of Wisconsin

[REDACTED]

On Fri, Oct 8, 2021 at 9:08 AM RHH <ronheuer@gmail.com> wrote:

Good Morning,

It seems the left leaning press and certain factions of people who are singularly focused on a "forensic audit" are disseminating misinformation concerning the Gableman investigation.

I just learned Gableman will be on the Dan O'Donnell Show, WISN, AM Radio at 10:06 this morning to brief everyone as to where his investigation really stands at the moment.

- Ron Heuer
- President, WVA

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[REDACTED]

EXTERNAL : Good job

RHH <ronheuer@gmail.com>

Sun 10/10/2021 10:53 AM

To: Coms <Coms@wispecialcounsel.org>

Mike,

I watched your video four times this morning and once again, great job. This is your strong suit, explaining the mission and relating the story. Very believable.

One of the criticisms from the right wing folks is that you are granting immunity. Perhaps it would be good in your next video to explain that the immunity issue is not dictated by you, but by laws that have been on the books for a long time.

Just a thought.

Ron Heuer

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Strategic

EXTERNAL : FIDO Key User Information

RHH <ronheuer@gmail.com>

Mon 10/18/2021 9:13 AM

To: Coms <Coms@wispecialcounsel.org>; 3 <3@wispecialcounsel.org>; 6 <6@wispecialcounsel.org>; Erick Kaardal <kaardal@mklaw.com>; Nick Morgan <morgan@mklaw.com>

To All:

I believe the FIDO key issue is something we should discuss this morning. We can use this sheet for discussion.

Ron Heuer

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EXTERNAL : Heuer Consulting Agreement

RHH [REDACTED]

Mon 10/18/2021 5:09 PM

To: Coms <Coms@wispecialcounsel.org>

Mike,

Attached you will find my Heuer Consulting Agreement. Page 2 of the document defines the type of work I will be doing for the Special Investigation. This is a draft document.

Ron Heuer

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EXTERNAL : Unsubstantiated Claims Concerning Voter Data

RHH <ronheuer@gmail.com>

Fri 10/29/2021 12:51 PM

To: Coms <Coms@wispecialcounsel.org>

Mike,
Here it is...

Ron Heuer

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.

From: RHH
Sent: Monday, November 22, 2021 11:47 AM
To: 3
Cc: Coms; 6; 7; Thomas Obregon
Subject: EXTERNAL : Re: Fw: EXTERNAL : FIDO Key Report

Carol,
Caleb Jefferys does appear on the updated list of users. However, it shows his record created on May 6, 2021. He now has Data Entry access. What is not clear is what access he might have had in OCT/NOV 2020. Perhaps in his follow-up with Teske, **Tommie could ask the question, "exactly what did Caleb Jefferys do while he was at the City of Green Bay in October? To your knowledge, did Caleb Jefferys have any access to WisVote?"**
Ron

On Mon, Nov 22, 2021 at 10:33 AM 3 <3@wispecialcounsel.org> wrote:

Ok, let me clarify: one of the spreadsheets shows Caleb had access. If the spreadsheet was formulated by WEC (which I think it was) or the info in it was produced by WEC (which you say it was), then we have evidence of wrongdoing. This is great. That's the first name that stuck out, no doubt there are more.

From: 3 <3@wispecialcounsel.org>
Sent: Monday, November 22, 2021 10:28 AM
To: Coms <Coms@wispecialcounsel.org>; 'RHH' <ronheuer@gmail.com>; 6 <6@wispecialcounsel.org>; 7 <7@wispecialcounsel.org>
Subject: Fw: EXTERNAL : FIDO Key Report

Ron: great work. You have just given us prima facie evidence of wrongdoing if the spreadsheet was produced by WEC showing Jeffries' son, Caleb, had access to the voter registration system. He was just a "navigator," from CTCL.

Carol

From: RHH <ronheuer@gmail.com>
Sent: Sunday, November 21, 2021 4:12 PM
To: Coms <Coms@wispecialcounsel.org>; Erick Kaardal <kaardal@mklaw.com>; 6 <6@wispecialcounsel.org>; 3 <3@wispecialcounsel.org>; Nick Morgan <morgan@mklaw.com>; 7 <7@wispecialcounsel.org>
Subject: EXTERNAL : FIDO Key Report

To All:

Last week I received a response to my second FOIA request to WEC concerning FIDO Key information. Here is what I learned.

WEC responded to my first request only partially. They provided me with an outdated list of FIDO Key users attached as (Wisvote Users 2020 with Jurisdiction Apr 15 2020). This list showed 3,138 FIDO Key Users and detailed when they had been activated and at what level, Data Entry, Clerk, Read Only, System Administrator, and so on. However, I already had that information from Rep Brandtjen from one of her FOIA requests.

Knowing there had been new hires, newly elected clerks, that weren't on the original list of keys, I requested a total list including those issued after the April 15th date as one would assume they could generate a list of those keys assigned after Apr 15th.

What I received was a list of 208 names, 80 of which were included in the first list. This, in my opinion, is yet another signal of the incompetence that seems to be the norm at WEC. So, assuming this is correct, **there are 3,266 WisVote users approved by WEC as of Oct 18, 2021.**

But, they never answered my key question, that being "How many FIDO keys have been issued to the counties? The conclusion has to be that they do not know.

For example, in checking the spreadsheet, Kewaunee County has 2 FIDO Keys, yet the clerk indicates, yes, two are being used, but we have 15, with 13 being locked in a file drawer. Fond Du Lac County has used 8 keys out of 44 they received from WEC with 36 in a baggie in the clerk's drawer. Other counties have reported numbers of keys that are greater than the number of users on their spreadsheets.

I have attached are copies of the WisVoter User agreement and the WisVote confidentiality agreement they had included in their email to me.

According to WEC, their security on WisVote is adequate. Yet, we have testimony that people in the major municipalities shared their FIDO Keys, usernames and passwords with other employees. This indicates they could share with non-employees just as well.

Ron Heuer

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EXTERNAL : Fwd: Plaintiffs Zoom Call - Wednesday, Sep 15th

RHH <ronheuer@gmail.com>

Mon 10/25/2021 4:15 PM

To: Coms <Coms@wispecialcounsel.org>

Mike here is the call-in info for the 7PM zoom call. You are welcome to join us if you want.
Ron Heuer

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

From: **RHH** <ronheuer@gmail.com>

Date: Mon, Sep 13, 2021, 12:47 PM

Subject: Plaintiffs Zoom Call - Wednesday, Sep 15th

To:

Hello Plaintiffs,

Erick Kaardal and I would like to have a chat with you via Zoom on Wednesday evening at 7PM.

Purpose of call is to brief you on where are today with our complaints against the WI-5 Mayors, and WEC, also to discuss with those of you who had personal knowledge/experience on election night, Nov 3rd to determine whether you might be a "friendly" to subpoena for an interview with Mike Gableman.

Talk to you soon.

Ron Heuer
President, WVA

Ron Heuer is inviting you to a scheduled Zoom meeting.

Topic: Plaintiffs Zoom Meeting
Time: Sep 15, 2021 07:00 PM Central Time (US and Canada)

Join Zoom Meeting
<https://us02web.zoom.us/j/81688715606?pwd=ZUJiZFRhT0oxQ0dBcXVlK3ZiS1B3UT09>

Meeting ID: 816 8871 5606
Passcode: 569144
One tap mobile
+13126266799,,81688715606#,,,,*569144# US (Chicago)
+19292056099,,81688715606#,,,,*569144# US (New York)

Dial by your location
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
+1 301 715 8592 US (Washington DC)
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US (Tacoma)



Meeting ID: 816 8871 5606

Passcode: 569144

Find your local number: <https://us02web.zoom.us/j/81688715606>

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Talk to you soon.

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<https://us02web.zoom.us/j/81688715606?pwd=ZUJiZFRhT0oxQ0dBcXVlK3ZiS1B3UT09>

Meeting ID: 816 8871 5606

Passcode: 569144

One tap mobile

+13126266799,,81688715606#,,,,*569144# US (Chicago)

+19292056099,,81688715606#,,,,*569144# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)



Meeting ID: 816 8871 5606

Passcode: 569144

Find your local number: <https://us02web.zoom.us/j/81688715606>

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.

Election Fraud

From: Mike Lindell [REDACTED]

To: mgableman@yahoo.com

Date: Tuesday, August 24, 2021, 01:10 PM CDT

<https://www.dropbox.com/sh/y4kbfikjz6fumng/AABHXT79VIfUPQxBxo0OWVGMa?dl=0>

Mike Lindell
CEO My Pillow, Inc

Wisconsin Affidavits

From: Mike Lindell [redacted]

To: mgableman@yahoo.com

Date: Tuesday, August 24, 2021, 01:27 PM CDT

<https://www.dropbox.com/sh/y4kbfikjz6fumnq/AABHXT79VIfUPQxBxo0OWVGMa?dl=0>

Sent from my iPad

mike Lindell Wisconsin

From: Mike Lindell (mike@my-pillow.com)

To: mgableman@yahoo.com

Date: Saturday, August 28, 2021, 06:08 PM CDT

Hello Michael
Here is the full list....

Mike Lindell
CEO My Pillow, Inc



5757_Compiled.xlsx
5.3MB

FILED
10-22-2021
CIRCUIT COURT
DANE COUNTY, WI
2021CV002552

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

Wisconsin Elections Commission et al vs. Wisconsin State
Assembly et al

Notice of Hearing

Case No: 2021CV002552

COURT ORIGINAL

This case is scheduled for: **Status conference**

Date 10-25-2021	Time 08:00 am	Location 5th Floor, Courtroom 5D - Branch 16 215 S Hamilton Street Madison WI 53703-3285
Circuit Court Judge/Circuit Court Commissioner Rhonda L. Lanford		
Re Declaratory Judgment		

This matter will not be adjourned by the court except upon formal motion for good cause or with the specific approval of the court upon stipulation by all parties.

Please notice the change of date from Tuesday, October 26, 2021 to Monday, October 25, 2021 at 8:00 am.

Join Zoom Meeting

<https://wicourts.zoom.us/j/82164392882?pwd=b0xhV1pWRUdndmNIQkdCbm1rN09uUT09>

Meeting ID: 821 6439 2882

Passcode: 033414

If you require reasonable accommodations due to a disability to participate in the court process, please call 608-266-4311 prior to the scheduled court date. Please note that the court does not provide transportation.

Dane County Circuit Court
Date: October 22, 2021

DISTRIBUTION	Address	Service Type
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Thomas Charles Bellavia		Electronic Notice
Gabe Johnson-Karp		Electronic Notice
Colin A. Hector		Electronic Notice
Wisconsin State Assembly	2 East Main Street, Madison, WI 53703	Mail Notice
Robin Vos	State Capitol, Room 217 West, Madison, WI 53702	Mail Notice
Michael Gableman	200 South Executive Drive, Suite 101, Brookfield, WI 53005	Mail Notice
Assembly Committee on Campaigns and Elections	2 East Main Street, Madison, WI 53703	Mail Notice
Janel Brandtjen	State Capitol, Room 12 West, Madison, WI 53702	Mail Notice

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,
Plaintiffs,**

v.

**BRAD RAFFENSPERGER, ET AL.,
Defendants.**

**DECLARATION OF
J. ALEX HALDERMAN**

Civil Action No. 1:17-CV-2989-AT

Pursuant to 28 U.S.C. § 1746, J. ALEX HALDERMAN declares under penalty of perjury that the following is true and correct:

1. I hereby incorporate my previous declarations as if fully stated herein. I have personal knowledge of the facts in this declaration and, if called to testify as a witness, I would testify under oath to these facts.

2. My July 1, 2021, expert report describes numerous security vulnerabilities in Georgia's Dominion ICX BMDs. These include flaws that would allow attackers to install malicious software on the ICX, either with temporary physical access (such as that of voters in the polling place) or remotely from election management systems. They are not general weaknesses or theoretical problems, but

rather specific flaws in the ICX software, and I am prepared to demonstrate proof-of-concept malware that can exploit them to steal votes cast on ICX devices.

3. Some of these critical vulnerabilities could be at least partially mitigated through changes to the ICX software if Dominion implemented such changes and jurisdictions deployed them. However, it would likely take months for Dominion to assess the problems, develop responsive software updates, test them, obtain any necessary approvals from the EAC and state-level certification authorities, and distribute the new software to states, as well as additional time for localities to install the changes. But Dominion cannot begin this process, because (to my knowledge) they have yet to learn what is in my report.

4. My analysis also concludes that the ICX is very likely to contain other, equally critical flaws that are yet to be discovered. Jurisdictions can mitigate this serious risk through procedural changes, such as reserving BMDs for voters who need or request them. Election officials cannot make an informed decision about such urgent policy changes or any other mitigations until they have assessed the technical findings in my report. However, to my knowledge, the Georgia Secretary of State's Office has yet to even request access to it, despite Plaintiffs' repeated offers to make it available to appropriate individuals at the Secretary's Office.

5. Nor do these problems affect Georgia alone. In 2022, the ICX will be used in parts of 16 states.¹ Nevada will use it as the primary method of in-person voting in certain areas of the state. Louisiana is slated to use it for early voting in a DRE configuration where there is not even a paper trail. It will be used for accessible voting in Alaska and large parts of Arizona, California, Colorado, and Michigan. It will also see some use in parts of Illinois, Kansas, Ohio, Missouri, New Jersey, Pennsylvania, Tennessee, and Washington State. Officials in these jurisdictions too must act to update the software and their procedures, but they cannot do so without information about the problems. Continuing to conceal those problems from those who can—and are authorized to—address them, to the extent possible, serves no one and only hurts voters (and heightens the risk of compromise in future elections).

6. The most effective way to ensure that the necessary information gets to the parties responsible (without also falling into the wrong hands) would be to share my report with the Cybersecurity and Infrastructure Security Agency (CISA), which operates a Coordinated Vulnerability Disclosure (CVD) program for just this purpose. CISA is a federal agency that collaborates with state and local governments, election officials, federal partners, and vendors to manage risks to U.S. election

¹ See Verified Voting, “Verifier Search – November 2022,” <https://verifiedvoting.org/verifier/#mode/search/year/2022/model/ImageCast%20X>.

infrastructure.² Under CISA’s CVD process, agency staff would independently validate the vulnerabilities, work with Dominion to develop software updates as necessary, and facilitate sufficient time for affected states and localities to apply mitigation strategies.³ CISA strives to disclose “accurate, neutral, objective information focused on technical remediation and mitigation” and to “correct misinformation where necessary,”⁴ making it well qualified to coordinate the disclosure of such sensitive vulnerabilities.

7. Geoff Hale, Director of CISA’s Election Security Initiative, has confirmed to me that, if the Court permits it, the agency would be willing to receive my expert report and carry out coordinated vulnerability disclosure activities as appropriate (see Exhibit 1). Mr. Hale requests that I and my assistant Drew Springall be available for consultation with CISA during the CVD process, which we would be willing to do subject to the Court’s permission.

8. Informing responsible parties about the ICX’s vulnerabilities is becoming more urgent by the day. Foreign or domestic adversaries who are intent on

² Cybersecurity and Infrastructure Security Agency, “Election Infrastructure Initiative,” <https://www.cisa.gov/election-security>.

³ Cybersecurity and Infrastructure Security Agency, “Coordinated Vulnerability Disclosure Process,” <https://www.cisa.gov/coordinated-vulnerability-disclosure-process>.

⁴ *Id.*

attacking elections certainly could have already discovered the same problems I did, yet Georgia's 2022 primaries are less than nine months away, and other states that use the ICX will conduct high-profile elections even sooner. It is important to recognize the possibility that nefarious actors already have discovered the same problems I detail in my report and are preparing to exploit them in future elections. Providing my report to CISA through its CVD program will ensure that Dominion and affected jurisdictions are able to begin appropriate mitigations as soon as possible. Continuing to withhold my report from CISA puts voters and election outcomes in numerous states at unnecessary, and avoidable, risk.


9. I understand that State Defendants object to disclosure to CISA on the argument that my report should be used only for this lawsuit. But this ignores the implications of my report and my role in this matter. I am not a party to this lawsuit. I am an independent expert who was engaged to conduct an impartial assessment of the security and reliability of the Dominion BMD system, using (in part) election equipment that the Court ordered I be provided. I have done that, as reflected in my lengthy, detailed report and other submissions in this matter. As an independent expert and member of the election integrity community, I have a professional obligation to take appropriate steps to ensure that the severe vulnerabilities my report describes are properly remediated, to the extent possible, and that those tasked with

election security and administration across the country have the information they need to make responsible, informed decisions about election procedures, including the equipment used, the manner and purposes for which it is used (including whether it is used at all), the steps needed to secure that equipment and other aspects of the election systems in which it is used, and more. In short, my professional obligations do not end at the boundaries of this lawsuit, nor do the serious risks to voters and elections that my report discusses in depth. Additionally, I can imagine no prejudice to anyone in this lawsuit (or beyond) from disclosure of my report to CISA, nor am I aware of any claim of prejudice from any of the parties.

10. I of course have complied, and will continue to comply, with all directives from the Court regarding disclosure of my work in this matter. I submit this declaration to explain why I believe disclosure of my report to CISA is critically important (and not just for Georgia) and to respectfully ask that the Court allow that disclosure, rather than accept State Defendants' position that my findings must not be shared beyond the confines of this lawsuit, including with those who are authorized to address the vulnerabilities with the ICX and stand ready to do so. If my findings regarding the ICX actually present no meaningful risks to voters and election outcomes and therefore require no remediation, as I gather State Defendants would have the Court believe, CISA is well positioned to determine that. If, on the other

hand, my findings do warrant remediation, as I believe they do, then CISA is well positioned to work with Dominion and the appropriate authorities around the country to implement remedial measures. I can see no reason to prevent (or further delay) that important work for future elections. And I note that none of State Defendants' experts have disputed my findings regarding the ICX machines. Only Dr. Juan Gilbert has responded to my sealed report, and he has not examined the machines (or used them) to my knowledge.

I declare under penalty of the perjury laws of the State of Georgia and the United States that the foregoing is true and correct and that this declaration was executed this 21st day of September, 2021 in Ann Arbor, Michigan.



J. ALEX HALDERMAN

EXHIBIT 1



J. Alex Halderman <halderman@gmail.com>

Vulnerability Disclosure

Hale, Geoffrey <Geoffrey.Hale@cisa.dhs.gov>
To: "J. Alex Halderman" <jhalderm@umich.edu>
Cc: Andrew Springall <andrew.springall@gmail.com>

Thu, Aug 19, 2021 at 12:15 PM

Prof. Halderman,

Thank you for your email. Yes, CISA would be willing to receive the report regarding possible vulnerabilities in election infrastructure for inclusion in CISA's Coordinated Vulnerability Disclosure (CVD) process and would carry out any further coordinated disclosures activities as appropriate. As we share on our public website (<https://www.cisa.gov/coordinated-vulnerability-disclosure-process>), CISA's CVD program coordinates the remediation and public disclosure of newly identified cybersecurity vulnerabilities in products and services with the affected vendor(s). Note that part of our process may also involve validating any alleged vulnerabilities, planned mitigations, remediations, or patches with the security researcher who discovered the alleged vulnerability, so we would appreciate if you could continue to be available for consultation during the CVD process as well.

As shared on our website, please submit any vulnerability reports for CVD coordination using the form here: <https://www.kb.cert.org/vuls/report/>

Best,
Geoff

From: J. Alex Halderman <jhalderm@umich.edu>
Sent: Wednesday, August 18, 2021 4:37 PM
To: Hale, Geoffrey <Geoffrey.Hale@cisa.dhs.gov>
Cc: Andrew Springall <andrew.springall@gmail.com>
Subject: Vulnerability Disclosure

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

Dear Mr. Hale,

We are writing to you in your capacity as Director of the Election Security Initiative at the federal Cybersecurity and Infrastructure Security Agency (CISA).

We understand that the Election Security Initiative at CISA works to ensure the physical security and cybersecurity of the systems and assets that support the Nation's elections, including through detection and prevention, information sharing and awareness, and incident response.

WI-REP-21-1298, 21-1301, 21-1495, 21-1497-A, WI-REP-21-1295, 21-1296, 21-1299,

As you may be aware from recent press reports, one of us (Halderman) is presently serving as an expert witness for the plaintiffs in *Curling v. Raffensperger* (Civil action no. 1:17-CV-2989-AT, N.D. Ga.), a case that concerns the security of Georgia's election system. A year ago, the court granted plaintiffs access to an ICP ballot scanner and ICX ballot marking device as used in Georgia in order to test their security. Following months of analysis, on July 1, Dr. Halderman submitted an expert report that describes several very serious vulnerabilities we found in the equipment, which, to our knowledge, have not been previously documented or disclosed.

Given the nature of the vulnerabilities and the time that would be necessary to mitigate them before the 2022 midterm elections, we believe it is critical for Dominion and affected jurisdictions (which include Georgia and parts of many other states) to begin taking responsive action soon. It is also vitally important to prevent information sufficient to exploit the vulnerabilities from falling into the wrong hands, and to avoid fueling election-related misinformation if possible.

Currently, disclosure of the expert report to anyone other than outside litigation counsel for the parties is strictly prohibited by the Court's protective order and by recent directives from the judge. However, if permitted by the Court, we would like to share the report with CISA and ask your agency to carry out appropriate further disclosure of the information it contains to Dominion and affected jurisdictions as you see fit, under CISA's coordinated vulnerability disclosure (CVD) program (<https://www.cisa.gov/coordinated-vulnerability-disclosure-process>).

We understand that under this process, CISA will work with the vendor (Dominion) for mitigation development and the issuance of patches or updates and to facilitate sufficient time for affected end users to obtain, test, and apply mitigation strategies. We further understand that CISA strives to disclose "accurate, neutral, objective information focused on technical remediation and mitigation" and to "correct misinformation where necessary".

Please confirm that CISA would be an appropriate agency to handle coordinated vulnerability disclosure for election infrastructure under these circumstances, and that you would be willing to receive the report (subject to the Court's permission) and carry out further disclosures as you deem appropriate.

Sincerely,

J. Alex Halderman

Drew Springall

STATE OF WISCONSIN

CIRCUIT COURT

WAUKESHA COUNTY

MICHAEL J. GABLEMAN, IN HIS
OFFICIAL CAPACITY AS SPECIAL
COUNSEL TO THE WISCONSIN
ASSEMBLY EX REL. WISCONSIN
STATE ASSEMBLY

Petitioner,

Case No. 2021-CV-1710

v.

ERIC GENRICH et al.,

Respondent,

**PETITIONER'S MOTION FOR SANCTIONS
PURSUANT TO WIS. STAT. § 802.05**

TO: ALL COUNSEL OF RECORD

Please take notice that Petitioner Michael J. Gableman, in his Official Capacity as Special Counsel to the Wisconsin Assembly ex rel. Wisconsin State Assembly, at a time and place to be determined by the Court, will move the Court for sanctions pursuant to Wis. Stat. § 802.05(3) against counsel for Respondent Eric Genrich Jeffrey A. Mandell as well as Mandell's law firm—Stafford Rosenbaum LLP.

The Grounds for this Motion are—

1. Petitioner filed this action seeking a Writ of Attachment of the Person regarding Respondent on November 29, 2021.
2. The grounds for the Petition are that Respondent failed to appear at a time and place designated in a Subpoena issued by the Wisconsin State Assembly compelling his appearance to give testimony relating to the Petitioner's investigation of the November 2020 General Election in Wisconsin.

3. Counsel for Respondent, Jeffrey A. Mandell (“Mandell”) filed a letter with the Court dated December 2, 2021 in which Mandell sought remedial action on behalf of respondent regarding the Petition (the “Letter”).

4. A true and correct copy of the Letter is attached as **Exhibit A**.

5. In the Letter, Mandell asks the Court to dismiss the Petition “without further proceedings,” or in the alternative consolidate this matter with another pending civil action—*Wis. Elections Comm’n et al. v. Wis. Assembly, et al.*, Dane County Case No. 2021CV2552.

6. The Letter is an improper procedural vehicle for Mandell to seek the relief demanded as Wis Stat 802.01(2) requires that any application to a court for relief must be made by a motion; and that any such motion must contain a formal caption and otherwise follow the applicable rules of civil procedure and local rules.

7. As such, the Letter is not reasonably grounded in law.

8. Further, the Letter is without reasonable basis in law or fact for the following reasons—

- a. The objection that the Petition fails under Wis. Stat. §§ 811.01 and 811.02 is frivolous as ch. 811 governs the process of obtaining an attachment of municipal property in relation to a civil proceeding, while the Writ is a personal attachment based on the enforcement mechanisms of chapter 885—which governs the taking of testimony pursuant to subpoena;
- b. The contention that the Subpoena does not “lawfully require” testimony “before any committee of the legislature” because it compels

attendance at a deposition at the office of the Special Counsel ignores creates a legal requirement out of whole cloth that Subpoenas issued under section 13.31 are limited to requiring appearance at a public hearing before the legislature or a committee;

- c. The statements found in the Letter that the Petition “does not belong in this Court” because section 885.12 only permits a court “in the county where the person was obliged to attend” to issue an attachment, and that the Subpoena “does not oblige Mayor Genrich to give testimony in any location,” ignore the fact that the Subpoena requires the Respondent to appear at 200 South Executive Drive, Suite 101, Brookfield Wisconsin” to give testimony;
- d. The contention that the Special Counsel “lacks standing to bring the petition” is frivolous as the Special Counsel has been appointed by the Legislature to assist in the investigation of the November 2020 General Election in Wisconsin, and is a “person authorized to take testimony” by the Legislature in that regard;
- e. Attorney Mandel’s contentions that 1) Mayor Genrich has acted “reasonably” and as such the Petition should fail and 2) that alternatively, this matter should be consolidated with the Dane County case are, again, attempts to seek relief from the Court via correspondence and improper.

9. The Letter has also been filed for an improper purpose, specifically to harass and cause needless increase in the cost of pursuing the duly-authorized

investigation of the November 2020 General Election in Wisconsin.

10. This motion was served more than twenty-one (21) days prior to its filing, and Mandell was given an opportunity to withdraw the Letter.

11. As such, Petitioner requests that the Letter be stricken from the record, and that sanctions be entered against Mandell and his law firm for pursuing court remedies via the Letter, and that Petitioner be awarded their actual attorney's fees incurred in responding to the Letter and seeking this relief from the Court.

This Motion is supported by the accompanying Brief, Affidavit of Michael J. Gableman and the Court record on file.

Dated this 7th day of December, 2021.

**ATTORNEYS FOR PETITIONER
MICHAEL J. GABLEMAN, IN HIS OFFICIAL CAPACITY
AS SPECIAL COUNSEL TO THE WISCONSIN
ASSEMBLY EX REL. WISCONSIN STATE ASSEMBLY.**

By: Electronically signed by Kevin M. Scott
Kevin M. Scott, SBN: 1036825
The Law Office of Kevin M. Scott LLC
2665 S. Moorland Road, Suite 200
New Berlin, WI 53151
Tel.: (414) 899-8273
Email: kevin@kevinscottlaw.com

STATEMENT OF NONAPPEARANCE

STATEMENT OF NONAPPEARANCE

November 17, 2021

WISCONSIN STATE ASSEMBLY
2021-2022 REGULAR SESSION
ASSEMBLY COMMITTEE ON CAMPAIGNS AND ELECTIONS

Deposition of Vanessa Chavez,

Wednesday, November 17, 2021

at

REGUS
200 South Executive Drive
Suite 101
Brookfield, Wisconsin 53005

Stenographically reported by:
Maria V. Camera, Court Reporter

U.S. Legal Support | www.uslegalsupport.com
U.S. Legal Support | www.uslegalsupport.com

STATEMENT OF NONAPPEARANCE

STATEMENT OF NONAPPEARANCE

November 17, 2021

Page 2

Page 4

1 STATEMENT OF NONAPPEARANCE of VANESSA
 2 CHAVEZ, a witness, was taken at the instance of the
 3 WISCONSIN OFFICE OF THE SPECIAL COUNSEL, under and
 4 pursuant to the provisions of Chapter 804 of the
 5 Wisconsin Statutes, and pursuant to Subpoena, before me,
 6 MARIA V. CAMERA, Court Reporter and Notary Public in and
 7 for the State of Wisconsin, at REGUS, 200 South
 8 Executive Drive, Suite 101, Brookfield, Wisconsin 53005,
 9 on the 17th day of November, 2021, commencing at
 10 10:20 a.m. and concluding at 10:23 a.m.

11
 12 A P P E A R A N C E S
 13 MOHRMAN, KAARDAL & ERICKSON, P.A. by
 14 Mr. Nicholas Morgan
 15 150 South Fifth Street, Suite 3100
 16 Minneapolis, Minnesota 55402
 17 appeared on behalf of
 18 WISCONSIN OFFICE OF THE SPECIAL COUNSEL.

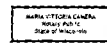
1 STATE OF WISCONSIN)
) SS
 2 MILWAUKEE COUNTY)
 3 I, MARIA V. CAMERA, Court Reporter, and
 4 Notary Public in and for the State of Wisconsin, do
 5 hereby certify that the preceding statement was recorded
 6 by me and reduced to writing under my personal
 7 direction.

8 I further certify that said Statement of
 9 Nonappearance was taken before me at REGUS, 200 South
 10 Executive Drive, Suite 101, Brookfield, Wisconsin 53005,
 11 on the 17th day of November, 2021, commencing at
 12 10:20 a.m. and concluding at 10:23 a.m.

13 I further certify that I am not a
 14 relative or employee or attorney or counsel of any of
 15 the parties, or a relative or employee of such attorney
 16 or counsel, or financially interested directly or
 17 indirectly in this action.

18 In witness whereof, I have hereunto set
 19 my hand and affixed my seal of office at Milwaukee,
 20 Wisconsin, on this 22nd day of November, 2021.

21 *Maria Victoria Camera*
 22
 23 MARIA V. CAMERA - Notary Public
 24 In and for the State of Wisconsin
 25 My commission expires January 25, 2023.



Page 3

1 TRANSCRIPT OF PROCEEDINGS
 2 MR. MORGAN: My name is Nick Morgan,
 3 attorney appearing from Mohrman, Kaardal & Erickson
 4 on behalf of the Wisconsin Office of the Special
 5 Counsel. It is Wednesday, November 17th, 2021,
 6 10:21 a.m., and in response to our subpoena, the
 7 Most Knowledgeable Person from the City of Green
 8 Bay has failed to appear to answer questions from
 9 myself or members of the Special Counsel.

10 I, and the court reporter, waited for the
 11 parties to check in at Suite 101, 200 South
 12 Executive Drive, Brookfield, Wisconsin, for one
 13 hour and twenty minutes. This is in addition to
 14 four other Most Knowledgeable People from two
 15 different cities and two different commissions that
 16 failed to show up yesterday, Tuesday,
 17 November 16th, 2021: The Most Knowledgeable Person
 18 from the City of Milwaukee, the Most Knowledgeable
 19 Person from the Milwaukee Election Commission, the
 20 Most Knowledgeable Person from the City of Madison,
 21 and the Most Knowledgeable Person from the
 22 Wisconsin Election Commission.

23 This is to note that none of these
 24 requested people showed up, and we will take
 25 further actions to get compliance at a future date.



STATEMENT OF NONAPPEARANCE

STATEMENT OF NONAPPEARANCE

November 17, 2021

1	actions 3:25	compliance 3:25	F
101 3:11 4:10	addition 3:13	concluding 4:12	failed 3:8,16
10:20 4:12	affixed 4:19	counsel 3:5,9 4:14,16	financially 4:16
10:21 3:6	appearing 3:3	COUNTY 4:2	future 3:25
10:23 4:12	attorney 3:3 4:14,15	court 3:10 4:3	G
16th 3:17	B	D	Green 3:7
17th 3:5 4:11	Bay 3:8	date 3:25	H
2	behalf 3:4	day 4:11,20	hand 4:19
200 3:11 4:9	Brookfield 3:12 4:10	direction 4:7	hereunto 4:18
2021 3:5,17 4:11,20	C	directly 4:16	hour 3:13
2023 4:24	CAMERA 4:3,22	Drive 3:12 4:10	I
22nd 4:20	certify 4:5,8,13	E	indirectly 4:17
25 4:24	check 3:11	Election 3:19,22	interested 4:16
5	cities 3:15	employee 4:14,15	J
53005 4:10	City 3:7,18,20	Erickson 3:3	January 4:24
A	commencing 4:11	Executive 3:12 4:10	K
a.m. 3:6 4:12	commission 3:19,22 4:24	expires 4:24	Kaardal 3:3
action 4:17	commissions 3:15		Knowledgeable

STATEMENT OF NONAPPEARANCE

November 17, 2021

STATEMENT OF NONAPPEARANCE

November 17, 2021

3:7,14,17,18, 20,21	P	S	Wednesday 3:5
M	parties 3:11 4:15	seal 4:19	whereof 4:18
Madison 3:20	people 3:14,24	set 4:18	Wisconsin 3:4,12,22 4:1, 4,10,20,23
MARIA 4:3,22	Person 3:7,17,19,20, 21	show 3:16	writing 4:6
members 3:9	personal 4:6	showed 3:24	Y
Milwaukee 3:18,19 4:2,19	preceding 4:5	South 3:11 4:9	yesterday 3:16
minutes 3:13	PROCEEDINGS 3:1	Special 3:4,9	
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Morgan 3:2	Q	State 4:1,4,23	
N	questions 3:8	statement 4:5,8	
Nick 3:2	R	subpoena 3:6	
Nonappearance 4:9	recorded 4:5	Suite 3:11 4:10	
Notary 4:4,22	reduced 4:6	T	
note 3:23	REGUS 4:9	TRANSCRIPT 3:1	
November 3:5,17 4:11,20	relative 4:14,15	Tuesday 3:16	
O	reporter 3:10 4:3	twenty 3:13	
office 3:4 4:19	requested 3:24	W	
	response 3:6	waited 3:10	



Wisconsin Elections Commission

212 East Washington Avenue | Third Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

March 24, 2021

The Honorable Janel Brandtjen
Room 12 West, State Capitol
Madison, WI

Re: Public Records Request

Dear Representative Brandtjen:

On March 12, 2021, the Wisconsin Elections Commission (WEC) received your public records request for communications between the WEC and several individuals associated with the City of Green Bay, Brown County and other groups. Specifically, you requested:

... any communications including, but not limited to, emails and attachments, both sent and received; text messages; messages and materials exchanged or viewed through online applications; any other correspondence, internal and external; and all other records, including both physical and electronic between the Wisconsin Elections Commission (WEC) and the organizations/people listed below. I am requesting these documents for the timespan of August 1, 2020 through November 20, 2020. Specifically, I am requesting any and all communications between the WEC, including Meagan Wolfe, the WEC's Attorney's Office or any other person within the WEC and the following:

- Any persons in the City of Green Bay's Clerk's Office
- Any persons in the City of Green Bay's Mayor's Office
- Any persons in the City of Green Bay's Attorney's Office
- Any persons in the National Vote At Home Institute
- Any persons in the Center for Tech and Civic Life
- Any persons in The Elections Group
- Sandy Juno, Brown County Clerk
- Michael Spitzer-Rubenstein
- Denise Gaumer-Hutchinson
- Sam Munger

Several key staff members who could possibly have had relevant communications with any of those persons or groups have searched their emails and other correspondence for responsive records. In addition to myself, they are Deputy Administrator Richard Rydecki, Technology and Training Director Robert Kehoe, Staff Counsels Nathan Judnic and James Witecha, and Public Information Officer Reid Magney. In order to expedite fulfillment of your request, frontline staff members who could have had routine communications with City of Green Bay or Brown County officials were not tasked with conducting searches. Nor were the six appointed WEC commissioners. If you would like a wider

Wisconsin Elections Commissioners

Ann S. Jacobs, chair | Marge Bostelmann | Julie M. Glancey | Dean Knudson | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

WI-REP-21-1298, 21-1301, 21-1495, 21-1497-A, WI-REP-21-1295, 21-1296, 21-1299,
21-1302, 21-1437, 21-1493-B, WI-EXT-21-1438, 21-1494, 21-1496, 21-1498-B-000132

Representative Brandtjen Public Records Request

March 24, 2021

Page 2

search, we will be happy to do so, though it may take some time as many frontline staff are extremely busy assisting clerks and voters ahead of the April 6 Spring Election.

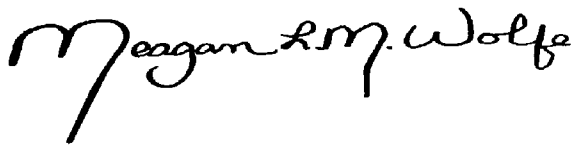
My staff will be providing you with these records as email attachments. There will be a few transmission emails for technological reasons and we will provide you with compressed file folders containing the .msg files of responsive records. In a few instances, we converted email messages to PDF files in order to redact sensitive username and password information that was sent to City of Green Bay staff members. Additionally, you will notice that multiple key staff members are copied on the same email chains. In some cases, duplicate copies of emails have been omitted.

Some of the correspondence we are providing you with today concerns suspected criminal violations of election laws, which were referred by the City of Green Bay Clerk's Office staff to the Brown County District Attorney's Office. The WEC has no information at this time indicating the current disposition of these referrals, and cautions that persons accused of crimes are presumed innocent until found guilty.

After the experience of the April 2020 Spring Election and Presidential Preference Primary, the Wisconsin Elections Commission made it a priority, within its statutory authority, to ensure that Green Bay was planning adequately for successful elections in August and November. This correspondence will illustrate for your Committee the significant time and effort expended by our staff to ensure that our agency was providing Green Bay and other communities with the information and resources they needed to serve all their voters in the November 2020 General Election.

Please feel free to contact me if you have any questions regarding this correspondence or the logistics of transmitting the responsive records to your office.

Sincerely,



Meagan Wolfe
Administrator
Wisconsin Elections Commission



Michael Gableman
Special Counsel
WI State Assembly Committee
on Elections and Campaigns

www.WIFraud.com
To report fraud:
262-202-8722

October 7, 2021

Via electronic mail

American Oversight
Attn: Sarah Colombo
1030 15th Street NW
Suite B255
Washington, DC 20005

Re: August 12, 2021 Public Records Request

Dear Ms. Colombo:

The Office of Special Counsel (OSC) received your four requests dated 8.12.2021. We are in the process of reviewing and evaluating the requests.

The Wisconsin Assembly created the OSC 37 days ago. As a newly created office, a wide and substantial variety of logistical or other issues needed office attention in a very compressed time.

Accordingly, the OSC will respond more substantively to your request in all prudential speed.

Sincerely,

MS/

Mike Gableman
Special Counsel
Wisconsin State Assembly
Committee on Elections and Campaigns



Michael Gableman
Special Counsel
WI State Assembly Committee
on Elections and Campaigns

www.WIFraud.com
To report fraud:
262-202-8722

October 7, 2021

Via electronic mail

American Oversight
Attn: Sarah Colombo
1030 15th Street NW
Suite B255
Washington, DC 20005

Re: August 6, 2021 Public Records Request

Dear Ms. Colombo:

The Office of Special Counsel (OSC) received your request dated 8.6.2021. We are in the process of reviewing and evaluating the request.

The Wisconsin Assembly created the OSC 37 days ago. As a newly created office, a wide and substantial variety of logistical or other issues needed office attention in a very compressed time.

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Sincerely,

MS

Mike Gableman
Special Counsel
Wisconsin State Assembly
Committee on Elections and Campaigns

Michael Gableman
Special Counsel
WI State Assembly Committee
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To report fraud:
262-202-8722

October 7, 2021

Via electronic mail

American Oversight
Attn: Sarah Colombo
1030 15th Street NW
Suite B255
Washington, DC 20005

Re: July 20, 2021 Public Records Request

Dear Ms. Colombo:

The Office of Special Counsel (OSC) received your request dated 7.20.2021. We are in the process of reviewing and evaluating the request.

The Wisconsin Assembly created the OSC 37 days ago. As a newly created office, a wide and substantial variety of logistical or other issues needed office attention in a very compressed time.

Accordingly, the OSC will respond more substantively to your request in all prudential speed.

Sincerely,

A handwritten signature in black ink, appearing to be "MSI".

Mike Gableman
Special Counsel
Wisconsin State Assembly
Committee on Elections and Campaigns

Michael Gableman
Special Counsel
WI State Assembly Committee
on Elections and Campaigns



www.WIFraud.com
To report fraud:
262-202-8722

October 7, 2021

Via electronic mail

American Oversight
Attn: Sarah Colombo
1030 15th Street NW
Suite B255
Washington, DC 20005

Re: July 19, 2021 Public Records Request

Dear Ms. Colombo:

The Office of Special Counsel (OSC) received your two requests dated 7.19.2021. We are in the process of reviewing and evaluating the requests.

The Wisconsin Assembly created the OSC 37 days ago. As a newly created office, a wide and substantial variety of logistical or other issues needed office attention in a very compressed time.

Accordingly, the OSC will respond more substantively to your request in all prudential speed.

Sincerely,

/s/

Mike Gableman
Special Counsel
Wisconsin State Assembly
Committee on Elections and Campaigns



Michael Gableman
Special Counsel
WI State Assembly Committee
on Elections and Campaigns

www.WIFraud.com
To report fraud:
262-202-8722

October 7, 2021

Via electronic mail

American Oversight
Attn: Sarah Colombo
1030 15th Street NW
Suite B255
Washington, DC 20005

Re: August 6, 2021 Public Records Request

Dear Ms. Colombo:

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Accordingly, the OSC will respond more substantively to your request in all prudential speed.

Sincerely,

MS

Mike Gableman
Special Counsel
Wisconsin State Assembly
Committee on Elections and Campaigns



Michael Gableman
Special Counsel
WI State Assembly Committee
on Elections and Campaigns

www.WIFraud.com
To report fraud:
262-202-8722

October 7, 2021

Via electronic mail

American Oversight
Attn: Sarah Colombo
1030 15th Street NW
Suite B255
Washington, DC 20005

Re: August 12, 2021 Public Records Request

Dear Ms. Colombo:

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The Wisconsin Assembly created the OSC 37 days ago. As a newly created office, a wide and substantial variety of logistical or other issues needed office attention in a very compressed time.

Accordingly, the OSC will respond more substantively to your request in all prudential speed.

Sincerely,

MS/

Mike Gableman
Special Counsel
Wisconsin State Assembly
Committee on Elections and Campaigns

Michael Gableman
Special Counsel
WI State Assembly Committee
on Elections and Campaigns



www.WIFraud.com
To report fraud:
262-202-8722

October 7, 2021

Via electronic mail

Associated Press
Attn: Scott Bauer
119 Martin Luther King Jr Blvd.
4
Madison, WI 53703

Re: Sept. 29, 2021 Public Records Request

Dear Mr. Bauer:

The Office of Special Counsel (OSC) received your request dated 9.29.2021. We are in the process of reviewing and evaluating the request.

As you are aware, the Wisconsin Assembly created the OSC 37 days ago. As a newly created office, a wide and substantial variety of logistical or other issues needed office attention in a very compressed time.

Accordingly, the OSC will respond more substantively to your request in all prudent speed.

Sincerely,

A handwritten signature in black ink, appearing to be "MS/".

Mike Gableman
Special Counsel
Wisconsin State Assembly
Committee on Elections and Campaigns

From: Marley, Patrick
Sent: Monday, November 29, 2021 12:58 PM
To: 1; Coms
Subject: EXTERNAL : Open records request for legal contracts

Justice Gableman:

Under the state's open records law, I am requesting:

- Copies of all contracts and subcontracts between the Office of Special Counsel and the Thomas More Society;
- Copies of all contracts and subcontracts between the Office of Special Counsel and the Amistad Project;
- Copies of all contracts and subcontracts between the Office of Special Counsel and Mohrman, Kaardal and Erickson;
- Copies of all contracts and subcontracts between the Office of Special Counsel and attorney Jim Bopp and/or his firm;
- Copies of all contracts and subcontracts between the Office of Special Counsel and the James Madison Center for Free Speech.

I am seeking contracts and subcontracts that are made directly with the Office of Special Counsel, as well as contracts and subcontracts that are made with any of the office's contactors, including but not limited to Michael Dean.

If you have questions about this request, please let me know. Thank you.

Patrick Marley

State Capitol reporter

journal sentinel

Mobile: 608.235.7686
Office: 608.258.2262
patrick.marley@irn.com
[@patrickdmarley](https://twitter.com/patrickdmarley)
www.jsonline.com

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.

Open Records produced by WI Special Counsel 11/19/2021

2021 AR15 - two pages

5/28/21- Ballot 2103 - 1 page

6/26/21-Contract 4- 26 Pages

7/07/21-LRB Memo 3- 26 pages

08/5/21-LRB Memo 10 pages

08/20/21-1st amended contract- 5 pages

09/27/21-Ballot 2106- 1 page

DRAFT FOR REVIEW

Contact: Parker Armstrong
media@proactivecommunications.com
812-528-0315 (mobile)

WI Special Counsel Responds to Open Records Lawsuit

Office of Special Counsel promised American Oversight that it would produce requested records "in all prudential speed"

Brookfield, Wisconsin/October 8, 2021 – Following the filing of an open records lawsuit by American Oversight, Special Counsel Mike Gableman issued the following statement:

"The Office of Special Counsel responded to American Oversight's open records request on October 7, pledging to provide a substantive response 'in all prudential speed.' We explained that this Office was only officially established 37 days ago, and is still in the process of reviewing and evaluating requests for public records.

"It is also important to keep in mind that this Office is conducting an active investigation, and so must balance our desire to operate with transparency alongside our obligation to preserve the integrity of the investigative process. We will comply with all open records statutes and operate in accordance with both the letter and spirit of Wisconsin's open records law.

#####



Michael Gableman
Special Counsel
WI State Assembly Committee
on Elections and Campaigns

www.WIFraud.com
To report fraud:
262-202-8722

October 7, 2021

double copy

Via electronic mail

Milwaukee Journal Sentinel
Attn: Patrick Marley
P.O. Box 371
Milwaukee, WI 53201

Re: Sept. 28, 2021 Public Records Request – Contracts

Dear Mr. Marley:

The Office of Special Counsel (OSC) received your request dated 9.28.2021. We are in the process of reviewing and evaluating the request.

As you are aware, the Wisconsin Assembly created the OSC 37 days ago. As a newly created office, a wide and substantial variety of logistical or other issues needed office attention in a very compressed time.

Accordingly, the OSC will respond more substantively to your request in all prudent speed.

Sincerely,

/s/

Mike Gableman
Special Counsel
Wisconsin State Assembly
Committee on Elections and Campaigns



Michael Gableman
Special Counsel
WI State Assembly Committee
on Elections and Campaigns

www.WIFraud.com
To report fraud:
262-202-8722

October 7, 2021

Via electronic mail

Milwaukee Journal Sentinel
Attn: Patrick Marley
P.O. Box 371
Milwaukee, WI 53201

Re: Sept. 2, 2021 Public Records Request

Dear Mr. Marley:

The Office of Special Counsel (OSC) received your request dated 9.2.2021. We are in the process of reviewing and evaluating the request.

As you are aware, the Wisconsin Assembly created the OSC 37 days ago. As a newly created office, a wide and substantial variety of logistical or other issues needed office attention in a very compressed time period.

Accordingly, the OSC will respond more substantively to your request in all prudential speed.

Sincerely,

MS

Mike Gableman
Special Counsel
Wisconsin State Assembly
Committee on Elections and Campaigns



Michael Gableman
Special Counsel
WI State Assembly Committee
on Elections and Campaigns

www.WIFraud.com
To report fraud:
262-202-8722

October 7, 2021

Via electronic mail

Milwaukee Journal Sentinel
Attn: Patrick Marley
P.O. Box 371
Milwaukee, WI 53201

Re: Sept. 21, 2021 Public Records Request

Dear Mr. Marley:

The Office of Special Counsel (OSC) received your request dated 9.21.2021. We are in the process of reviewing and evaluating the request.

As you are aware, the Wisconsin Assembly created the OSC 37 days ago. As a newly created office, a wide and substantial variety of logistical or other issues needed office attention in a very compressed time.

Accordingly, the OSC will respond more substantively to your request in all prudential speed.

Sincerely,

A handwritten signature in black ink, appearing to be "MS".

Mike Gableman
Special Counsel
Wisconsin State Assembly
Committee on Elections and Campaigns



Michael Gableman
Special Counsel
WI State Assembly Committee
on Elections and Campaigns

www.WIFraud.com
To report fraud:
262-202-8722

October 7, 2021

Via electronic mail

Milwaukee Journal Sentinel
Attn: Patrick Marley
P.O. Box 371
Milwaukee, WI 53201

Re: Oct. 5, 2021 Public Records Request – Contracts

Dear Mr. Marley:

The Office of Special Counsel (OSC) received your request dated 10.5.2021. We are in the process of reviewing and evaluating the request.

As you are aware, the Wisconsin Assembly created the OSC 37 days ago. As a newly created office, a wide and substantial variety of logistical or other issues needed office attention in a very compressed time.

Accordingly, the OSC will respond more substantively to your request in all prudent speed.

Sincerely,

Handwritten signature of Mike Gableman, appearing as "JSG".

Mike Gableman
Special Counsel
Wisconsin State Assembly
Committee on Elections and Campaigns

open records request - unedited video for Office of Special Counsel

From: Marley, Patrick (patrick.marley@jrn.com)

To: mgableman@yahoo.com; wispecialcounsel@gmail.com; ted.blazel@legis.wisconsin.gov

Cc: mabeck@gannett.com

Date: Tuesday, September 21, 2021, 02:36 PM CDT

Dear Justice Gableman, Speaker Vos and Chief Clerk Blazel:

Under the state's open records law, I am requesting the complete, unedited footage that was shot for the video posted Sept. 20, 2021 on the Office of Special Counsel's YouTube page.

Please let me know if you have questions about this request.

Thank you.

Patrick Marley
State Capitol reporter

journal sentinel

Mobile: 608.235.7686
Office: 608.258.2262
patrick.marley@jrn.com
[@patrickdmarley](#)
www.jsonline.com

EXTERNAL : Open records request -- records requested by American Oversight (part 2)

Marley, Patrick <patrick.marley@jrn.com>

Tue 10/12/2021 4:15 PM

To: robin.vos@legis.wisconsin.gov <robin.vos@legis.wisconsin.gov>; Blazel, Ted - LEGIS <Ted.Blazel@legis.wisconsin.gov>; 1 <1@wispecialcounsel.org>

Cc: Fawcett, Steve <Steve.Fawcett@legis.wisconsin.gov>; Coms <Coms@wispecialcounsel.org>

Dear Speaker Vos, Chief Clerk Blazel and Justice Gableman:

Under the state's open records law, Wis. Stats. 19.31-39, I am requesting copies of all records that have been requested by American Oversight since May 1, 2021, but not yet provided to that organization.

I separately requested records that have already been provided to the organization.

Please let me know if you have any questions about this request.

Patrick Marley
State Capitol reporter

journal sentinel

Mobile: 608.235.7686
Office: 608.258.2262
patrick.marley@jrn.com
[@patrickdmarley](https://twitter.com/patrickdmarley)
www.jsonline.com

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EXTERNAL : Question on identity of Carol M. and other employees

Marley, Patrick <patrick.marley@jrn.com>

Wed 10/27/2021 10:09 AM

To: Coms <Coms@wispecialcounsel.org>

Hi Zakory:

A woman calling herself Carol M. has been contacting cities and the AG's office saying she works for the Office of Special Counsel. Does this person actually work for the special counsel and if so what is her last name? Is she an attorney or does she have some other role with the office?

In addition, can you please tell me who else works for the office? Specifically, who have been assigned the email addresses 2@wispecialcounsel.org, 4@wispecialcounsel.org and 5@wispecialcounsel.org? If you are not disclosing this information, can you tell me the basis for withholding these names, given that everyone is being paid by taxpayers?

Thank you.

Patrick Marley
State Capitol reporter

journal sentinel

Mobile: 608.235.7686
Office: 608.258.2262
patrick.marley@jrn.com
[@patrickdmarley](#)
www.jsonline.com

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.

FIRST AMENDMENT TO AGREEMENT

THIS FIRST AMENDMENT TO AGREEMENT (this "First Amendment") is made and entered into as of August 20, 2021, by and among **THE WISCONSIN STATE ASSEMBLY** (the "Assembly"), and **CONSULTARE LLC**, a Wisconsin limited liability company, by and through its President, Michael J. Gableman ("Gableman"), and together with the Assembly, the "Parties" and each a "Party").

RECITALS

- A. The Parties entered into that certain Independent Contractor Agreement effective July 1, 2021 (the "IC Agreement").
- B. The Parties desire to amend the IC Agreement to (1) approve and provide additional resources, including the budget attached hereto as Exhibit A, in order for Gableman to perform the Services required under the IC Agreement and (2) to confirm that Gableman shall act as the Custodian of Records with regard to the investigation that is subject of the IC Agreement.
- C. Capitalized terms used and not defined herein shall have the meaning given the same in the IC Agreement.

AMENDMENT

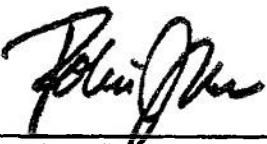
NOW, THEREFORE, in consideration of the foregoing recitals, the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the IC Agreement is amended and/or supplemented as follows:

1. **Incorporation of Recitals.** The recitals set forth in the section entitled "Recitals" above are hereby incorporated into this First Amendment as if set forth in full herein.
2. **Budget.** The Assembly hereby approves and incorporates the Budget attached hereto as Exhibit A, which funds shall be made available by the Assembly to Gableman for reimbursement of costs and expenses for the purposes identified in the Budget.
3. **Office of The Special Counsel.** There shall be, and is hereby established, The Office of The Special Counsel (the "Office") for the investigation that is the subject of the IC Agreement and Michael J. Gableman, as Special Counsel, shall control such Office, which Office shall be the Custodian of Records with regard to the records related to the investigation that is the subject of the IC Agreement.
4. **Miscellaneous.** In the event of any conflict between the terms and provisions of this First Amendment and the IC Agreement, the terms and provisions of this First Amendment shall control. If any provision of this First Amendment or the application thereof shall, for any reason and to any extent, be invalid or unenforceable, neither the remainder of this First Amendment nor the application of the provision to other persons, entities or circumstances shall be affected thereby, but instead shall be enforced to the maximum extent permitted by law. This First Amendment may be executed in multiple counterpart signature pages, all of which taken together shall be construed as one and the same document. Facsimile and electronic (i.e., ".pdf") signatures of this First Amendment shall be treated as original signatures to this First Amendment and shall be binding on the Parties.

[signature page follows]

IN WITNESS WHEREOF, the Parties hereby enter into this Frist Amendment as of the date first written above.

THE WISCONSIN STATE ASSEMBLY

By: 

Robin J. Vos, Speaker

CONSULTARE LLC

By: _____
Michael J. Gableman, President

EXHIBIT A

BUDGET

[to be attached]

Ex. A to First Amendment

Wisconsin 2020 Election Special Counsel Budget

	WEC	Private Admin of Elections	Voting Machines	Total *
Special Counsel	18,334.00	18,334.00	18,334.00	55,000.00
Administrative Assistant	5,333.00	5,333.00	5,333.00	16,000.00
Investigator #1	8,334.00	8,334.00	8,334.00	25,000.00
Investigator #2	8,334.00	8,334.00	8,334.00	25,000.00
Investigator #3	25,000.00	25,000.00		25,000.00
Investigator #4				25,000.00
Investigator #5	8,334.00	8,334.00	8,334.00	25,000.00
Rent				10,000.00
Office Equipment				2,000.00
Communications				15,000.00
Data Analysis Contractor			325,000.00	325,000.00
Outside Legal Counsel				50,000.00
Travel (reimb. @ federal rate)				25,000.00
Court Reporting				50,000.00
Service of Process/Filing				3,000.00
TOTAL				676,000.00

*5 months (08/01/21-12/31/21)
 †Investigators paid per month, plus reasonable expenses including reimbursement for mileage, lodging and food

COORDINATING ATTORNEY INDEPENDENT CONTRACTOR AGREEMENT

This Independent Contractor Agreement (Agreement) is entered into this 25th day of June 2021 by and between The Wisconsin Assembly (Assembly) and Consultare LLC, by and through its President, Michael J. Gableman, an independent contractor (Contractor), in consideration of the mutual promises made herein, as follows:

Term of Agreement

This Agreement will become effective on July 1, 2021, and will continue in effect until October 31, 2021, unless altered or extended by mutual agreement of Assembly and the Contractor.

Services to be Rendered by Contractor

Contractor agrees to:

- Coordinate the day to day investigatory work relating to potential irregularities and/or illegalities connected to the 2020 November election in Wisconsin.
- Analyze and delegate to the investigators leads/allegations from whatever source derived, including- but not limited to- those that have been submitted to the Assembly Committee on Campaigns and Elections, raised in the media, provided to members of the Legislature before or during the Investigation, or generated through the course of this investigation;
- Receive investigative reports from investigators and keep a weekly report of investigative findings.
- Routinely consult with investigators to help direct them in the nature and manner of their investigatory work.
- Compile all investigator reports and weekly attorney reports into a final report related to the election investigation, to be submitted to the Speaker of the Assembly, and;
- Keep all information/findings related to the services rendered under this agreement confidential, except when working with Integrity Investigators and such designee(s) of the Assembly whom the Speaker shall from time to time identify in writing to the Consultant for such purposes. At present, the Speaker hereby designates Attorney Steve Fawcett as the Assembly's point of contact with the Contractor. The identity of the Assembly point of contact with whom the Contractor may share such information may be modified from time to time in writing by the Speaker. The requirement for confidentiality set forth in this paragraph extends to any and all employees or agents of the Contractor.

Method of Performing Services

Contractor will determine the method, details, and means of performing the above-described services.

Compensation

In consideration for the services to be performed by Contractor, the Assembly agrees to pay Contractor the sum of Eleven Thousand dollars (\$11,000), on a monthly basis, the first such payment due on July 15, 2021, and payment continuing on and through the 15th day of each subsequent month subject to this Agreement (August, September, and October 2021) until the "Term of Agreement" recited herein has ended.

Equipment, Supplies and Related Expenses

Contractor will supply all equipment and supplies required to perform the services under this Agreement. Contractor will also be responsible for all related expenses, including but not limited to mileage or hotel stays, required to perform the services under this Agreement.

Workers Compensation

Contractor agrees to hold harmless and indemnify the Assembly for any and all claims arising out of any injury, disability, or death of the Contractor and Contractor's employees or agents. The Contractor also agrees to provide workers' compensation insurance for Contractor's employees and agents where necessary.

Insurance

Contractor agrees to hold the Assembly free and harmless from any and all claims arising from any negligent act or omission by the Contractor or Contractor's employees or agents during the performance of any duties under this Agreement. The Contractor should consider maintaining a policy of insurance to cover any negligent acts committed by the Contractor or Contractor's employees or agents during the performance of any duties under this Agreement.

Obligations of the Assembly

The Assembly agrees to meet the terms of all reasonable requests of Contractor necessary to the performance of Contractor's duties under this Agreement.

Assignment

Neither this Agreement nor any duties or obligations under this Agreement may be assigned by the Assembly or Contractor without the prior written consent of the Assembly and Contractor.

Termination of Agreement

Neither party may terminate this Agreement at any time prior to the "Term of Agreement" recited herein absent good cause, except at the sixty (60) day mark either party may terminate the last two months of the contract, by written notice, should either party desire to terminate the contract. If no such termination occurs by the sixty (60) day mark, the contract shall be fulfilled in full by both parties unless terminated for good cause.

Notices

Any notices to be given hereunder by either party to the other may be made either by personal delivery or by mail. Mailed notices shall be addressed to the parties at the following addresses:

Contractor:

Consultare LLC
c/o Michael J. Gableman, President
P.O. Box 510145
New Berlin, WI 53151

Assembly:

Speaker Robin Vos
c/o Steve Fawcett
PO BOX 8953
Madison WI 53708

Dispute Resolution

In the event the parties disagree to the terms or execution of the contract, the parties agree to notify the other party as soon as possible to said conflict and work in good faith to find a resolution. In the event that no resolution can be found, the parties agree that any conflict arising out of this contractual agreement is within the sole jurisdiction of the Circuit or Court for Waukesha County, which is the jurisdiction for the home County of residence of the Contractor.

Entire Agreement


This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the performance of services by Contractor and the Assembly, and contains all the covenants and agreements between the parties with respect to the rendering of such services in any manner whatsoever. Each party to this Agreement acknowledges that no representations, inducements, promises, or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein, and that no other agreement, statement, or promise not contained in this Agreement shall be valid or binding. Any modification of this Agreement will be effective only if it is in writing and signed by the other party.

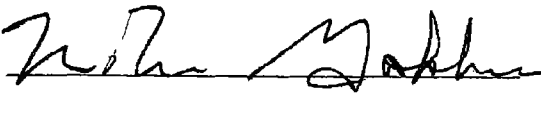
Partial Invalidity

If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way.

Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the State of Wisconsin.

Assembly, by:  Date: 6-24-2021

Contractor, by:  Date: June 26, 2021

DocuSign Envelope ID: CD3BD843-670A-4831-B87D-C44FBC25DA55

Sublease Agreement

This Sublease is made and entered into by and between CONSULTARE LLC (hereinafter "Sublessor") and THOMAS MORE SOCIETY (hereinafter "Sublessee").

Recitations

0.1 Whereas, Sublessee desires to sub-lease office space from Sublessor at the offices located at 155 S. Executive Drive Suites 212 & 110A, located in Brookfield, Wisconsin.

0.2 Whereas, Sublessor has agreed to sublease 886 rentable square feet of space to Sublessee commencing October 1, 2021 through the Lease termination date of September 30, 2022.

0.3 Whereas, Sublessor and Sublessee desire to accommodate the sub-lease in accordance with the agreement below.

Agreement

Now, therefore, in consideration of the above Recitations and the promises and agreements hereinafter contained, it is agreed between Sublessor and Sublessee that:

1.1 Term. Sublessee agrees to sub-lease the 886 rentable square feet of space, shown on the attached Exhibit A as "TMS" and the common area spaces, for a period of One (1) Year, commencing October 1, 2021 and ending at midnight on September 30, 2022.

1.2 Base Rent. Sublessee will pay to Sublessor the Base Rent of \$1218.25 per month. Rent shall be paid to Sublessor on or before the first day of each month of the term. Sublessor and Sublessee acknowledge and agree, and with its consent below, the Landlord acknowledges and agrees, that Sublessee's payment of Base Rent hereunder is Sublessee's only rental obligation with respect to its use and possession of the subleased premise and such payment of Base Rent includes Sublessee's share of real property taxes, insurance, utilities, building operation expenses and other services provided by Landlord under the Lease

1.3 Agreement. Sublessee agrees to abide by all terms, rules and regulations as set forth in Landlord's original Lease Agreement which is attached hereto and made part of this agreement. With respect to the subleased premises, Sublessee shall have all rights and obligations as Tenant has to the Demised Premises under said original Lease Agreement.

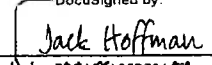
1.4 Improvements. None.

1.5 Warrant of Authority. Each party warrants and represents to the other that they have the power and authority to enter into and perform all their obligations under this Sub-lease and that such party has performed all acts and obtained all approvals necessary to make this Sub-lease a valid, binding legal obligation and each person who executes this Sub-lease in a representative capacity on behalf of either party individually warrants that (s)he is duly authorized to do so.

In witness whereof, this Sub-lease is duly executed and delivered as of the date specified below.

BY:  Date: 9/27/21
Sublessor: Michael Gablemen for Consultare LLC

BY:  Date: 9/23/2021
Sublessee: Andrew Bath for Thomas More Society

Landlord Consent: 
John Hoffman, Managing Partner

DocuSign Envelope ID: 67645D02-560F-4D35-AB99-A29A7598030D

Sublease Agreement

This Sublease is made and entered into by and between CONSULTARE LLC (hereinafter "Sublessor") and MOHRMAN, KAARDAL & ERICKSON, P.A. (hereinafter "Sublessee").

Recitations

0.1 Whereas, Sublessee desires to sub-lease office space from Sublessor at the offices located at 155 S. Executive Drive Suites 212 & 110A, located in Brookfield, Wisconsin.

0.2 Whereas, Sublessor has agreed to sublease 1272 rentable square feet of space to Sublessee commencing October 1, 2021 through the Lease termination date of September 30, 2022.

0.3 Whereas, Sublessor and Sublessee desire to accommodate the sub-lease in accordance with the agreement below.

Agreement

Now, therefore, in consideration of the above Recitations and the promises and agreements hereinafter contained, it is agreed between Sublessor and Sublessee that:

1.1 Term. Sublessee agrees to sub-lease the 1272 rentable square feet of space for a period of One (1) Year, commencing October 1, 2021 and ending at midnight on September 30, 2022.

1.2 Base Rent. Sublessee will pay to Sublessor the Base Rent of \$1749.00 per month. Rent shall be paid to Sublessor on or before the first day of each month of the term.

1.3 Agreement. Sublessee agrees to abide by all terms, rules and regulations as set forth in Landlord's original Lease Agreement which is attached hereto and made part of this agreement.

1.4 Improvements. None.

1.5 Warrant of Authority. Each party warrants and represents to the other that they have the power and authority to enter into and perform all their obligations under this Sub-lease and that such party has performed all acts and obtained all approvals necessary to make this Sub-lease a valid, binding legal obligation and each person who executes this Sub-lease in a representative capacity on behalf of either party individually warrants that (s)he is duly authorized to do so.

In witness whereof, this Sub-lease is duly executed and delivered as of the date specified below.

DocuSigned by:
BY: [Signature] Date: 9/22/2021
Sublessor: Michael Gablemen for Consultare LLC

DocuSigned by:
BY: William Mohrman Date: 9/21/2021
Sublessee: William Mohrman for Mohrman, Kaardal & Erickson, P.A.

DocuSigned by:
Landlord Consent: Jack Hoffman 9/22/2021
John Hoffman, Managing Partner

AGREEMENT FOR LEGAL SERVICES

THIS AGREEMENT, is made and entered into by and between Michael Gableman, in his official capacity as Special Counsel, Wisconsin State Assembly Committee on Elections and Campaigns (hereinafter "Client") and The Bopp Law Firm, P.C. (hereinafter "The Firm"). This agreement supersedes any and all previously executed agreements between the parties with respect to the services contemplated herein.

WHEREAS, Client desires to retain The Firm to represent Client in the litigation styled as *Wisconsin Election Commission, et al. v. Wisconsin State Assembly, et al.*, Case No. 2021-cv-002552 in the Wisconsin Dane County Circuit Court, and in any subsequent appellate proceedings.

THE PARTIES AGREE as follows:

Section 1 Hourly Rates. Client will pay the following hourly rates for attorneys: \$450/hour for James Bopp, Jr. and \$240/hour for Courtney Turner Milbank. Other attorneys may assist at The Firm's discretion at their corresponding hourly rates charged by the Firm. Hourly rates for attorneys undergo periodic review and may increase during the term of this Agreement upon notice to Client.

Section 2 Local Counsel. Pursuant to SCR 10.03(4), a non-resident attorney seeking admission to practice in Wisconsin courts must associate with a member of the State Bar of Wisconsin. Accordingly, Client authorizes The Firm to enter into an agreement with Michael D. Dean, LLC to serve as local counsel. Client will pay the following hourly rates for local counsel: \$275/hour for Michael D. Dean and \$175/hour for David J. Craig and Michael D. Dean, LLC will monthly invoice Client for their services, once approved by The Firm.

Section 3 Costs and Expenses. Costs and expenses are in addition to the hourly charges for legal services. Costs and expenses include, but are not limited to, court charges, copies, postage, telephone, fax, travel, parking, special materials, exhibits, photographs, investigators, experts, computer assisted legal research and all other disbursements, costs, or expenses attributable to said legal services. Client agrees to pay for computer assisted legal research at \$3.00 per minute. Client agrees to pay for copies and facsimiles (incoming or outgoing) at the rate of \$.25 per page for 1-25 total pages, \$.15 per page for 26-100 total pages, and \$.10 per page for more than 100 total pages. Total pages are those copied or facsimiled during a copying or facsimiling event.

Section 4 Invoices. The Firm shall invoice Client monthly for any fees, costs, or expenses incurred under this Agreement. All invoices are due and payable within 30 days of receipt. Each invoice shall constitute an account stated and objections must be made in a reasonable time. Interest accruing at 1.5% per month will be

applied to past due accounts until paid. Client agrees to pay all attorney fees, costs and expenses of collecting Client's account if legal action is taken to collect fees, costs and expenses due The Firm.

Section 5 Client's Cooperation. By this Agreement, Client agrees to cooperate with the Firm and provide all information known to Client or available to Client, which in the opinion of the Firm would aid in its representation of Client in this matter. Client further agrees to notify the Firm immediately of any change in Client's address or contact information, to review all documentation sent to Client by the Firm, and to promptly and thoroughly participate in the preparation and/or production of any documents that we request of Client.

Section 6 Termination by Client. The Firm will be obligated to honor any instructions of Client requesting termination of the Firm's representation, only if such instructions are delivered to The Firm in writing bearing the Client's personal signature. If Client elects to terminate The Firm's representation, Client is responsible for all fees, costs, and expenses incurred pursuant to this Agreement. Should The Firm be required to perform any services or functions after receipt of such instructions, Client is responsible for any fees, cost, and expenses for these services.

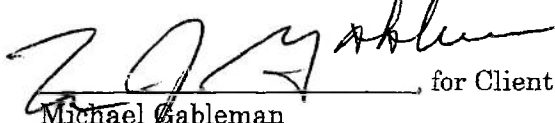
Section 7 Withdrawal by The Firm. The Firm also may withdraw from the representation of Client upon Client's failure to make payments in accordance with this Agreement, failure to cooperate with the agreed provisions of representation, or failure to follow the advice of the Firm, or under any circumstances permitted by or required by the Indiana Rules of Professional Conduct. Any termination of The Firm's representation would be subject to the approval of the tribunal and will only be done after reasonable notice has been provided.

Section 8 File Retention and Destruction. At the conclusion of the matter addressed in this Agreement, documents and property that Client has provided to us will, at Client's request, be returned to Client. The Firm shall retain Client's legal files for an indefinite period. At any time after five years have elapsed since the conclusion of the matter, after ten business days of notifying Client in writing, which includes by electronic mail sent to Client's last known electronic mail addresses, The Firm may destroy these files unless Client notifies The Firm in writing that it wishes to take possession of them. The Firm reserves the right to charge administrative fees and costs associated with researching, retrieving, copying, and delivering such files.

Section 9 Disputes. This Agreement shall be governed by Indiana law and courts in the State of Indiana. Any dispute arising under or in connection with the Agreement or related to any matter which is the subject of this Agreement shall be resolved on the basis of Indiana law without giving effect to Indiana's conflict of law principles and brought in a court located in Indiana.

The undersigned persons represent that they are duly authorized to sign this agreement and hereby agree to the terms and conditions of legal employment, as specified above.

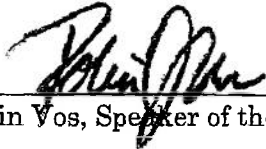
This Agreement may be signed in any number of counterparts. Each counterpart is an original and together, all of the counterparts form a single document. Signatures delivered by email in PDF format shall be effective.


_____ for Client

Michael Sableman
Special Counsel, Wisconsin State Assembly
Committee on Elections and Campaigns

11/17/21
Date

As authorized and approved for payment by the Wisconsin State Assembly by:



Robin Vos, Speaker of the Wisconsin State Assembly

11/17/21
Date

_____, for The Firm
James Bopp, Jr.
The Bopp Law Firm, P.C.

Date

Neil E Saxton

Anniversary Events, the Milwaukee Air and Water Show, multiple local exercises, and numerous area festivals.

- Provided national-level intelligence that effectively neutralized a terrorist threat by identifying a local individual with terrorism related ties leveraging federal partners to coordinate the revocation of the individual's visa and removal from U.S. territory
- Enabled law enforcement partners to more effectively execute their mission by identifying the need for increased reporting on locally available terrorism-related activities, gathering the necessary intelligence, and assist in the production of Intelligence Information Reports, concerning violent extremism and regional cyber intrusions
- Coordinated and assisted in the development of a Fusion Liaison Outreach (FLO) policy and training program to improve the implementation of intelligence operations in the local area.
- Produced or edited numerous local intelligence products, and conducted countless briefings and intelligence training events increasing the quality of locally published and disseminated products and resulting in stakeholders' increased awareness of the local threat environment

Investigator**December 2004 – September 2006***Intelligence Division – Special Investigations Unit, Milwaukee Police Department**Milwaukee, WI*

- Conducted criminal investigations involving individuals who violate the public trust. The subjects of these investigations included both elected and appointed officials from all levels of local government encompassing a wide variety of criminal offenses including bribery, extortion, embezzlement, illegal kickbacks, and money laundering with special emphasis on election fraud investigations in cooperation with other federal, state, and local law enforcement agencies.
- Member of a Task Force that was formed following errors identified in the 2004 General Election in the City of Milwaukee. Conducted a canvass of all electors in the 2004 Presidential Election leading to state and federal charges of election fraud.
- Member of the Department's Dignitary Protection Unit. Responsible for all aspects of executive protection including planning of event sites which include security arrangements, intelligence gathering and coordination with Local, State, and Federal agencies; provided guidance on the placement of officers and detectives necessary to provide a secure environment for dignitaries; investigated any direct or indirect threats made towards the dignitaries.

Patrol Officer**March 1991 – September 2006***Milwaukee Police Department**Milwaukee, WI*

- Patrolled designated areas of Milwaukee to preserve law and order, discover and prevent the commission of crimes, and enforce traffic and other laws and ordinances; protect real and personal; maintained awareness of wanted suspects, known criminals, stolen vehicles, missing persons, traffic violators, and crimes in progress.
- Responded to calls for service, including those involving automobile accidents, traffic hazards, misdemeanor and felony incidents, domestic disturbances, property control, civil complaints, and related incidents.
- Conducted investigations at scenes of incidents to determine what, if any, crime has been committed; identify, collect, preserve, process, and inventory evidence; locate and interview victims and witnesses; identify and interrogate suspects.
- Worked in partnership with the Milwaukee County District Attorney's Office to obtain and file criminal complaints on arrested subjects. Testified in court and at hearings.
- Assigned to a gang taskforce to gather knowledge about individuals and groups who were involved in criminal activity in order to understand how they function, describe their current activities, forecast future action they may undertake, and provide intelligence and participate in multi-jurisdictional intelligence gathering and suppression operations.

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EXPERTISE

- Law Enforcement & Public Safety,
- Safeguarding National Security Information,
- Counterterrorism Investigations and Strategies,
- Critical Infrastructure Protection,
- Intelligence Analysis & Operations,
- Emergency Planning & Response,
- Security/Surveillance Operations,
- Criminal Investigations,
- Traffic Patrol,
- Evidence Collection,
- Defensive Tactics,
- Firearms Safety & Handling,
- Interviews & Interrogations,
- Crime Scene Management,

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SPECIALIZED TRAINING AND CERTIFICATION

- Derivative Classifications and Marking
- Agency Administrator – RISSnet (Mid-States Organized Crime Information Center)
- Agency Administrator – Accurint
- Agency Administrator – CLEAR
- Statewide Administrator – DHS Infrastructure Protection Gateway
- Agency Administrator – DHS Homeland Security Information Network (HSIN)
- Moderator – HSIN Community of Interest
- Moderator – Special Interest Group on the Federal Bureau of Investigation’s Law Enforcement Online
- Agency Administrator – FBI eGuardian
- Protected Critical Infrastructure Information Certification
- Chemical-Terrorism Vulnerability Information Certification
- Terrorism/Fusion Liaison Officer
- LESB Handgun Qualification
- Over 30 specialized intelligence, counterterrorism, and infrastructure protection courses to include:
 - Preparing The Whole Community For A Complex Coordinated Attack (L-912),
 - Department Of Homeland Security Infrastructure Gateway (Overview And Methodology Of Infrastructure Surveys And Assessments, Understanding Dependencies, Understanding Significant Asset Areas, Surveying Perimeter Security & Barriers, Surveying Illumination, Parking, & Building Envelope, Surveying Security Activity History & Background, And Security Management Profile, Surveying Resilience Management Profile & Security Force Profile, Surveying Entry Controls And Electronic Security Systems,
 - Narcoterrorism And The Islamic Terrorist Threat,
 - Principles Of Intelligence Writing And Briefing Course (PIWB),
 - Critical Thinking And Analytic Methods (CTAM),
 - National Fusion Center Security Liaison,
 - National Suspicious Activity Reporting Initiative,
 - Critical Infrastructure/Key Resource Asset Protection,
 - Penlink – Call Analysis
 - Enhanced Threat And Risk Assessment (MGT-315),
 - Introduction To The National Infrastructure Protection Plan (IS-00860),
 - Prevention And Response To Suicide Bombing Incidents (PER-231),
 - Incident Response To Terrorist Bombings (PER-230),
 - Operational WMD Response For Law Enforcement,
 - WMD Threat And Risk Assessment (MGT-310),
 - Special Event Contingency Planning For Public Safety Agencies (IS-00015.A),
 - Introduction To The National Infrastructure Protection Plan (IS-00860),
 - Islamic Fundamentalism History
 - Law Enforcement Prevention And Deterrence Of Terrorist Acts (AWR-122-1),
 - WMD/Terrorism Incident Defensive Operations For Emergency Responders (PER-212),
 - ICS For Single Resources And Initial Action Incidents,
 - Principals Of Preparedness For Agro-Terrorism And Food System Disasters,
 - OPSEC For Public Safety Agencies Counterterrorism Program,
 - Physical Security Training Program,
 - Internet Telecommunications Exploitation Program,
 - Surveillance Detection,
 - Anti-Terrorism Awareness Training Program,
 - 28 CFR Part 23 (Criminal Intelligence Systems Operating Policies)
 - Fundamental Intelligence Analysis Training
 - Critical Infrastructure Support Annex (IS-821.A)
 - National Incident Management System (IS-00700)
 - Introduction To The Incident Command System (IS-00100),

NEIL E SAXTONE-mail: [REDACTED]
[REDACTED]**SUMMARY**

Retired Law Enforcement professional with twenty-five years diverse experience in the field including intelligence, investigations, patrol, tactical and strategic threat assessments. Subject matter expert on Homeland Security, with robust knowledge of special investigative procedures, counterterrorism, infrastructure protection and surveillance. Seasoned public speaker. Security Clearance Held: Top Secret (Department of Defense Level 5 Investigation)

PROFESSIONAL EXPERIENCE

President Local 203*Security, Police and Fire Professionals of America***December 2019 – Present***Roseville, MI*

As Union President I preside over Local 203 meetings and conduct contract negotiations. Sign all orders on the treasury and countersign all checks issued by the Financial Secretary. File grievances on behalf of union members and enforce all provisions of the International Unions Constitution and Bylaws

Protective Security Officer*Centerra LLC**Triple Canopy Inc***March 2018 – Present***Herndon, VA**Herndon, VA*

Perform interior and exterior patrols of Federal Buildings. Monitor building cameras and alarm systems. Perform physical screening at building entrances. Reporting incidents to proper officials and writing reports on said incidents.

Operations Officer*Southeastern Wisconsin Threat Analysis Center (STAC), Milwaukee Police Department***September 2011 – March 2016***Milwaukee, WI*

As Operations Officer for the STAC I was responsible for ensuring the guidance, direction and intent of the center's Director was conducted and adhered to.

- Managed the conduct of all STAC operations; including, adherence to the tenets contained in the National Criminal Intelligence Sharing Plan (NCISP) and other sector-specific information sharing plans.
- Created a collaborative environment for the sharing of intelligence and information among local, state, tribal, and federal law enforcement agencies, public safety agencies, and the private sector by maintaining a diverse fusion center membership; utilizing the Memoranda of Understanding as the foundation for a collaborative initiative, founded on trust, with the intent to share and exchange information.
- Educated and consulted legal advisors in the fusion center development process, utilizing Non-Disclosure Agreements for fusion center personnel and participants to aid in the security of proprietary information.
- Ensured compliance with local, state, and federal public records laws as they relate to Non-Disclosure Agreements, including the Freedom of Information Act (FOIA).
- Project manager for the Homeland Security Grant Program
- Fulfilled the duties and obligations of the Security Liaison Officer for STAC.
- Fulfilled the duties and obligations of the Intelligence Officer for STAC.
- Fulfilled the duties and obligations of Infrastructure Protection Officer.

Security Liaison Officer*Southeastern Wisconsin Threat Analysis Center (STAC), Milwaukee Police Department***August 2010 – March 2016***Milwaukee, WI*

As Security Liaison for the STAC I was primarily responsible for ensuring that Federal classified national security information was handled, safeguarded, and disseminated in accordance with Federal government standards. I

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functioned as the primary point of contact with the U.S. Department of Homeland Security (DHS) Office of Security; and the DHS Office of Intelligence and Analysis.

- Responsible for the management of a multi-disciplined security program designed to ensure that Federal classified national security information held and processed within the fusion center is properly safeguarded and protected.
- Ensure that the secure room within the fusion center where classified information is handled, stored, or discussed meet required Federal security standards and have been appropriately certified by DHS SLTPS/SMD or a sponsoring Federal agency.
- Ensure that State, Local and Tribal officials, Federal officials, contractors and other persons with whom classified information will be discussed or disseminated have been granted the appropriate level security clearance and require access to the information in the performance of their official duties.
- Maintain a master list of State, Local, Tribal, Federal, and contractor personnel who have been granted a security clearance by DHS, or another Federal agency, and who are assigned, detailed or attached to the fusion center.
- Assist in the development and delivery of security training and education to State, Local and Tribal personnel who will be granted a security clearance and access to classified information and ensure a SF 312 is executed for each SLT person under the purview of the SL.
- Ensure compliance with security training requirements of State, Local and Tribal personnel under the purview of the Security Liaison and that training records are maintained.
- Ensure that classified national security information is appropriately safeguarded and that approved procedures are followed for the facility's secure operations and classified capabilities.
- Immediately notify the DHS SLTPS/SMD of any infractions or violations involving the handling, storage, safeguarding or dissemination of classified information. Report behavior and/or incidents that are inconsistent with access to classified information. Take immediate steps to appropriately secure classified information that is not properly protected.

Infrastructure Protection Officer**March 2008 – March 2016***Southeastern Wisconsin Threat Analysis Center (STAC), Milwaukee Police Department**Milwaukee, WI*

As Infrastructure Protection Officer I was responsible for reducing the risks to critical infrastructure posed by acts of terrorism and to strengthen region preparedness, timely response, and rapid recovery in the event of an attack, natural disaster, or other emergency.

- Identified and analyzed threats and vulnerabilities to infrastructure; coordinated nationally and locally through partnerships with both government and private sector entities that share information and resources.
- Educated facility owners, risk managers, site managers and security personnel regarding the availability of technical assistance programs (including information sharing portals, assessment tools and instructional material) to support public and private sector CI/KR protection.
- Educated facility owners about all-hazards and especially terrorist threats that could interrupt functioning, damage, or destroy the facility.
- Partnered with site security personnel to conduct the infrastructure assessments, reinforcing the benefits of participating in the Infrastructure Protection Program; provided information on specific vulnerabilities and protections, including target hardening.
- One of two statewide administrators for the Department of Homeland Security Infrastructure Gateway.

Intelligence Officer**September 2006 – March 2016***Southeastern Wisconsin Threat Analysis Center (STAC), Milwaukee Police Department**Milwaukee, WI*

- Synchronized intelligence operations for the fusion center. Provided intelligence support to multiple special events ensuring flawless execution, to including a VIP visit by a Senator's visit, NASCAR and IndyCar races, Summerfest, the National Governor's Association, the National Guard Association of the United States, the JCC Maccabi Games, the Air National Guard Safety Summit, Harley-Davidson

EXTERNAL : Resume

Clinton W. Lancaster <[REDACTED]>

Thu 10/21/2021 2:05 PM

To: Coms <Coms@wispecialcounsel.org>

My resume is attached.

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.

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Clinton W. Lancaster,
Partner, Attorney at Law

LANCASTER LAW FIRM, PLLC
clint@TheLancasterLawFirm.com
Tel: (501) 776-2224
Fax: (501) 778-6186
www.TheLancasterLawFirm.com

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Clinton W. Lancaster

ATTORNEY AT LAW

THE LANCASTER LAW FIRM, PLLC

Office: 501-523-0720

Core Competencies

- Excellent writing and research skills (WestlawNext)
- In depth understanding of legal concepts.
- Extensive litigation experience.
- Extensive contract drafting and litigation prevention.
- Core ethical theory recognition and application.
- Implement, apply, and advise others on application of rules of ethics for attorneys.
- Quickly process, organize, and use new or developing information.

Notable Cases

Lunden Roberts v. Robert Hunter Biden (32 DR-19-187) (obtained substantial child support award from the President Joe Biden's ~~child~~ ^{son} for the support of President Biden's grandchild).

Donald Trump, et. al. vs. Joseph Biden, et. al. (2020 WI 91) (represented President Trump at Dane County recount, in Wisconsin state court, and on a petition for *certiorari* to the United States Supreme Court).

People vs. Aguilar (Colo.) (admitted *pro hac vice* as lead counsel and obtained a jury acquittal of Army veteran.)

Bennett v. City of Haskell, Arkansas (Ark.) (obtained federal jury verdict for woman sexually assaulted by on-duty police officer).

Attorney for twenty reported cases from the Arkansas Supreme Court and Arkansas Court of Appeals, including:

Clark v. Clark (2017 Ark. 612) (constitutional due process issue in an adoption case).

Jones v. Jones (2019 Ark. App. 593) (created new case law affecting the best interest of the child standard in child custody cases).

Johnson v. State, (2015 Ark. App. 677) (conviction overturned and client released from department of corrections for violation of Sixth Amendment rights).

Certifications, Admissions, Licenses

- Admitted, Arkansas Bar in 2011
- Admitted, United States District Court for the Eastern and Western Districts of Arkansas, 2011
- Admitted, United States Bankruptcy Courts for the Eastern and Western Districts of Arkansas, 2011

Education

Univ. of Ark. at Little Rock, William H. Bowen School of Law

Juris Doctor, May 2011

- UALR Law Review, *Associate Editor*, Volume Thirty-Three (2010-11)
- UALR Law Review, *Apprentice*, Volume Thirty-Two (2009-10)
- Reasoning, Writing, and Advocacy: Top Paper, Appellate Court Brief (Spring 2009)
- Law and Economics: Top Paper (Spring 2011)

University of Arkansas at Little Rock

B.A., Philosophy, May 2008

Professional Experience

- Aug. 2021—
Present. | **SALINE COUNTY, ARKANSAS, BOARD OF ELECTION COMMISSIONERS**
Commissioner and Board Member, Republican Party Designee
Republican member of county election commission. Currently oversee all elections and election related issues in Saline County, Arkansas. Acts as decision maker and finder of fact for issues during an election dispute. In charge of redistricting of county justice of the peace and school board districts.
- * * * * *
- Sep. 2011—
Present. | **LANCASTER & LANCASTER LAW FIRM, PLLC**
Managing Partner, COO
Founded law firm with spouse's MBA student loan money and no additional outside assistance the next day after passing the bar exam. Serve as the lead attorney for all courtroom litigation and appellate matters. Develop, control, and implements all litigation strategies. Responsible for matters in all State courts and all federal trial courts. Have tried over 1500 cases in a courtroom setting. Courtroom litigation strategies helped to push the firm over the one-million-dollar mark in profits.
- * * * * *
- 2010—2011 | **SOUTHWEST POWER POOL REGIONAL ENTITY** **LITTLE ROCK, ARK.**
Law Clerk/ Attorney
Managed legal claims against electrical generation facilities for violations of NERC Reliability Standards. Settled claims or initiated litigation against registered entities relating to their violations. Drafted the SPP RE proposed changes to the NERC Rules of Procedure.
- * * * * *
- 2010 | **JAMES LAW FIRM, P.A.** **LITTLE ROCK, ARK.**
Law Clerk
Assisted in the defense of major crimes including capital murder, murder, and drug offenses.
- * * * * *
- 2010 | **MITCHELL, WILLIAMS, SELIG, GATES, & WOODYARD, PLLC** **LITTLE ROCK, ARK.**
Law Clerk
Performed legal research on regulatory matters.
- * * * * *
- 2009 | **WRIGHT, LINDSEY, & JENNINGS LLP** **LITTLE ROCK, ARK.**
Law Clerk
Performed legal research on litigation matters.
- * * * * *
- 2009 | **THE HENRY FIRM, P.A.** **LITTLE ROCK, ARK.**
Law Clerk
Complied comprehensive research. Drafted appellate briefs for submission to the Arkansas Court of Appeals.
- * * * * *
- 2001—2006 | **UNIV. OF CENTRAL ARK. POLICE DEPT.** **CONWAY, ARK.**
Senior Officer, Field Training Officer

Sworn and certified law enforcement officer in the patrol division for both UCA and the Faulkner County Sheriff's Department. Responded to calls service. Supervised lower ranking officers. Trained new recruits both pre and post law enforcement academy attendance in patrol tactics, traffic stops, active shooter response, and general patrol.

Personal and Professional Recognitions

2014 Nationally Ranked Top 10 Attorneys Under 40 by the National Association of Family Law Attorneys

2015 Nationally Ranked Top 10 Attorneys Under 40 by the National Association of Family Law Attorneys

2016 Nationally Ranked Top 10 Attorneys Under 40 by the National Association of Family Law Attorneys

Ranked as One of the Ten Best Law Firm's in Client Satisfaction by American Institute of Family Law Attorneys for 2014.

Ranked as One of the Ten Best Law Firm's in Client Satisfaction by American Institute of Family Law Attorneys for 2015.

Ranked as One of the Ten Best Law Firm's in Client Satisfaction by American Institute of Personal Injury Attorneys for 2016.

Named of the "Top Attorneys" by Arkansas Life Magazine (2016 and 2018)

2017 Best of the Best Reader's Choice Award by the Saline Courier (attorney and law firm)

The National Trial Lawyers Top 100 Attorneys in Criminal Defense for 2016

Named a "Rising Star" by Super Lawyer's Magazine for Excellence in Practice for 2016.

America's Top 100 Attorney's Lifetime Achievement Award

National Academy of Jurisprudence Premier 100 Attorneys for 2016

"Superb" Rating by AVVO.

Seen on ABC's 20/20

Completed Great White Shark Dive (Gaansbai, South Africa—Shark Alley), 2011

Finisher, IronMan 70.3 (San Juan, Puerto Rico, 2017).

Finisher, IronMan 70.3 (OSCHNER, New Orleans, 2016).

Founder, The Lancaster Animal Project, Inc. (501(C)(3))

Former United States Marine.

Father of two children (girls)

Former Professional Bull Rider.

Publications

Clinton W. Lancaster, Note, *The Recreational Navigation Doctrine—The Use of the Recreational Navigation Doctrine To Increase Public Access To Waterways and Its Effect On Riparian Owners*, 33 U. ARK. LITTLE ROCK L. REV. 161 (2011).

Clinton W. Lancaster, *Chiodini v. Lock*, 2010 Ark. App. 340, ARK. REAL ESTATE REV. (2010-11).

Clinton W. Lancaster, *Crum v. Craig*, 2010 Ark. App. 531, ARK. REAL ESTATE REV. (2010-11).

Clinton W. Lancaster, *Thought for the Future* in VOICE OF THE FUTURE 13, 13 (Elder & Leemaun, 2007).

SOPHIA PAPANDREAS TJOTJOS

Rocky River, OH • (440) 781-7487

stjotjos@cox.net

www.linkedin.com/in/sophia-tjotjos-6255bba/

PROFESSIONAL SUMMARY

Highly skilled corporate law, contract law, elections law and litigation attorney with extensive experience advising s to large companies on all aspects of business practices and liabilities and conducting recounts and election law litiga Especially talented in negotiations, advocacy, small business development, contract and brief drafting and review. Known for the ability to resolve difficult disputes and elevate a client’s or company’s brand and professionalism.

ELECTION LAW/LITIGATION

Recount Counsel ~ President Donald Trump – Madison, WI

Nov 2020

- o Represented Trump in all aspects of the recount
 - Organized volunteers; created forms and instructions
 - Took affidavits and invested misconduct during the recount
 - Made oral arguments and motions before the recount panel
 - Organized all documents and evidence obtained during the recount
 - Conferred and developed strategy with lead counsel
- o Represented Trump in cases filed in Wisconsin Court relating to discrepancies uncovered by the recount
 - Researched case law, drafted briefs, edited briefs, prepared appendices

CONTRACT/CORPORATE LAW EXPERIENCE

Solo Practitioner ~ Sophia Papandreas Tjotjos, Esq. – Rocky River, OH

2010 - present

- o Delivered customized overall business and legal advice to:
 - Businesses in all phases of development from start-up to acquisition
 - Individuals in settlement and contract negotiations for employment, real property and home construction
 - Non-profit companies in all phases of operation including business, security and employment practices
- o Accomplished targeted results by understanding client’s vision, products, services, talents, markets

General Counsel ~ LOGOS Communications Systems, Inc. – Westlake, OH

1995 - 2010

- o Advised LOGOS in all aspects of business, including:
 - Created documents and business forms relating to by-laws, buy/sell agreements, employment/severance, r competes, landlord/tenant, vendors/customers, employee policies
 - Negotiated large contracts and resolved contract disputes
 - Oversaw LOGOS acquisition by Black Box Network Services.
- o Negotiated and revised large Master Services Agreement with Cleveland Clinic for IT networking hardware a services culminating in revenues equaling over 20% annually for LOGOS

LITIGATION EXPERIENCE

Partner ~ Porter, Wright, Morris & Arthur – Cleveland, OH

8 years

- o Litigated and negotiated settlements of high profile commercial disputes involving contracts, non-competes, unfair competition and director/officer duties

EXTERNAL : Fwd: RESUME 2021 CULPEPER.pdf

Megan Frederick <[REDACTED]>

Thu 10/21/2021 12:59 PM

To: Coms <Coms@wispecialcounsel.org>

Zakory,

Attached is my resume. I apologize in advance for the old fashioned style! My vitae doesn't have the same abundance of info and I haven't updated this one yet, so I thought Mike would want this one instead of the slimmed down vitae. Let me know if you need anything else!

Best,

Megan

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.



Megan Frederick, Esq. Frederick Law, PLLC

Licensed in Virginia: April 22, 2010 – in good standing
GAL certification: July 1, 2016 (Leslie Haley – mentor)
Sworn in before Supreme Court of Virginia: June 07, 2010

EDUCATION

Juris Doctorate	Regent Univ. School of Law	Dec. 2009
Masters of Science/Psych.	Virginia Comm. Univ. MCV campus	Dec. 2005
Bachelor of Science /Psych.	Old Dominion University	June 1998
High School Diploma	Culpeper County High School	June 1989

WORK EXPERIENCE

Frederick Law, PLLC May 5, 2016 opened
 Owner

Sole practitioner taking cases across the Commonwealth. Handle all aspects of cases involving criminal law, civil law, child abuse/neglect cases, family law, Guardian Ad Litem appointments, “pre” habeas and habeas criminal legal work, such as Motions to Suppress Eyewitness Testimony. I have also conducted and completed extensive Pro Bono work as I am a Christian attorney and take all cases that I am called to serve.

Trump Campaign
 North Carolina - Campaign Attorney leading up to and on election day.

Wisconsin Attorney Election Law – worked on Troupis’ small and elite legal team representing the Trump Campaign - one of three attorneys on record as litigators for the recount in Madison Wisconsin; managed the attorneys working the recount floor; took affidavits from witnesses during recount and prepared those affidavits for court argument/legal documents; organized and prepared the documents for Court of Appeals, State Supreme Court and prep for US Supreme Court; sat second chair (physically) to Judge Jim Troupis during his argument with Wisconsin Appellate Court and Wisconsin Supreme Court; massive research and prep work for federal litigation for President Trump’s and Mike Pence’s campaign election litigation within Wisconsin 2020 challenge, to include research, writing memos, writing case briefs for review and reviewing/editing final documents to go to the Courts.

Commonwealth’s Attorney Nov 2012 – Dec 2015
 Culpeper, Virginia

Elected Commonwealth’s Attorney; made charging decisions in high complex cases and for entire office and jurisdiction; prosecuted criminal cases such as armed robbery, DUI, murder, drug cases, internet crimes against children, and others; composed pleadings, briefs, and other court documents; managed and handled Asset Forfeiture monies/accounts and cases; managed

October 31, 2021

Mr. Gableman,

Per your request, I have enclosed a copy of my resume. As you will see, I have significant experience in initiating and overseeing criminal investigations from start to finish. I excel at working on my own, as well as in a team environment.

Based on my qualifications, professional achievements, and the responsibilities of this role, I am seeking a salary of between \$40 - \$50 per hour. Note that we can still negotiate based on your budget and requirements.

Thank you,



Thomas Obregon

THOMAS J. OBREGON

[REDACTED]
[REDACTED]
[REDACTED]

PROFESSIONAL EXPERIENCE**Milwaukee Police Department (9/1994 – 11/2019)**

- Retired from Milwaukee Police Department after 25 years and two months of service.
- Detective - Special Investigations Division (1/2017 – 11/2019)
- Detective – Project Safe Neighborhoods Initiative (5/2016 – 1/2017)
- Detective – Criminal Investigation Bureau – South Investigations (3/2013 – 5/2016)
- Detective – Intelligence Fusion Division (6/2009 – 3/2013)
- Detective – Homicide Division (6/2008 – 6/2009)
- Detective – Criminal Investigation Bureau – Robbery Division (8/2007 – 6/2008)
- Promotion to Detective (8/2007)
- Police Officer – Intelligence Division – South Side Gangs (5/2004 – 8/2007)
- Police Officer – District Two – Special Division Anti-Gang Unit (10/2001 – 5/2004)
- Police Officer – District Three – Weed and Seed Initiative (2/1995 – 10/2001)
- Recruit officer at Police Academy (9/1994 – 2/1995)

Prieto Pediatrics (1993 - 9/1994)

- Medical Assistant at Dr. Prieto's Pediatric Clinic – Milwaukee.

United States Army (1988 – 1992)

- PCS to 4th Infantry Division, 2/12th Infantry Division, Fort Carson, Colorado (1991-1992)
- Deployment to Saudi Arabia/ Iraq for Operation Desert Storm (1990-1991)
- Deployment to Vilseck, West Germany, 1st Armored Division 1-37 Armor Battalion, assigned to Delta Company 1-37 AR. Canadian Armor Trophy Team (1988)
- United States Army – Basic Training (1987)

Sports Novelties, Inc. (1985-1987)

- Warehouse Worker – Sports Novelties Inc., Duncanville, Texas

AWARDS AND COMMENDATIONS

- Black Medallion of the Order of St. George (September 2021). From the US Cavalry and Armor Association for outstanding record as a trooper and leader of Cavalry and Armor.
- Milwaukee Police Department's Distinguished Service Award (November 2019). For dedicated and loyal service to the City of Milwaukee.

Thomas J. Obregon

- Milwaukee Police Association 25 Year Service Certificate (September 2019). For twenty-five years of satisfactory and honorable police service with the Milwaukee Police Department.
- Milwaukee Police Department Meritorious Service Award (May 2019). Negotiated with a subject wanted on several felony wants who was suicidal and holding a knife to his throat. After five hours of negotiations, the subject dropped his weapon and surrendered.
- Milwaukee Police Department Meritorious Service Award (May 2018). Investigated a sexual assault/kidnapping incident of a nurse in downtown Milwaukee and identified, located, and arrested the suspects. Suspects were travelling contractors who were tracked to Kentucky.
- Department OF Homeland Security, Immigration and Customs Enforcement (ICE), (2010). Honored in recognition of assisting Homeland Security in active arrests and assisting in the apprehension of several Illegal Immigrant Gang Members.
- Milwaukee Police Department's Meritorious Service Award (May 2009). While assigned to the Homicide Division, assisted in achieving a 94 percent clearance rate, one of the highest clearance rates in the nation.
- Department of the Army Commendation Medal (August 1993). For exceptional meritorious service while assigned to Headquarters and Headquarters Company, 2nd Battalion, 12th Infantry.
- Department of the Army Good Conduct Medal (August 1992). For exemplary behavior, efficiency, and fidelity in active federal military service.
- Army Achievement Medal (January 1992). For meritorious achievement during Task Force 2-12 Infantry's National Training Center Rotation 92-04.
- Army Achievement Medal (October 1991). For meritorious achievement during the 2-12 Infantry train up and evaluation at Pinion Canyon maneuver site.
- Army Commendation Medal (February 1991). For meritorious achievement in combat operations during the period 17 January 1991 to 28 February 1991 while serving with HHC, 1st Battalion, 37th Armor, 3rd Brigade, 1st Armored Division, deployed to Southwest Asia during Operation Desert Storm. Assisted the United Nations Coalition in liberating the Republic of Kuwait from Iraqi armed aggression.
- United States Army Combat Medical Badge (June 1991). For service during combat operations during Operation Desert Storm and, more specifically, The Battle Of 73 Easting.
- Army Achievement Medal - Medic of the Quarter (September 1990). For demonstrating devotion to mission and accomplishment and improvement in all areas of leadership.
- 3rd Infantry Division- Marne Medic Award (March 1990). For superior demonstration of abilities and knowledge in the areas of field medical functions, soldier skills, physical fitness, and leadership.

Thomas J. Obregon

TRAINING/CERTIFICATION HIGHLIGHTS

- Crisis Negotiator Certification (2007-2019)
- State of Wisconsin Firearms Instructor (2001)
- State of Wisconsin Emergency Vehicle Operations Instructor (2001)
- State of Wisconsin Certified Law Enforcement Officer (1994)
- United States Army – Medical Proficiency Training, 98th General Hospital, Nuremberg West Germany (September 1988)
- United States Army Basic Training, and Advanced Individual Training, Academy of Health Sciences – Ft. Sam Houston (1987)
- United States Army – Basic Training, (Bootcamp) Ft. Bliss Texas (June 1987)
- United States Army- Advanced Individual Training Medic (August 1987)
- United States Army- Vehicle Operations-M-113 A1, M-998, Humvee, M-35 A, 2 ½ Ton Truck (1987)

RELATED MEDIA FEATURES/MENTIONS

- WISN Channel 12 – (7/11/2019) Jordan Fricke to Testify at Trial in Death of Matthew Rittner. <https://www.wisn.com/article/this-day-in-history-disneyland-opens-in-1955/28416075>
- Telemundo – Pari Cruz (5/22/19). Detective de la policia de Milwaukee honrado por su valentia y trabajo con department. <https://www.telemundowi.com/news/detective-de-la-policia-de-milwaukee-honrado-por-su-valentia-y-trabajo-con-departamento>
- Milwaukee Journal Sentinel - Ashley Luthern (5/15/19). A Year of Loss After Three On- Duty Deaths. <https://www.jsonline.com/story/news/crime/2019/05/15/milwaukee-police-year-loss-after-3-line-duty-deaths/1169261001/>
- WISN Channel 12 – Christina Pallodina (11/3/2014). Officers Come Together to Help Lieutenant Fighting Jaw Cancer. <https://www.wisn.com/article/officers-come-together-to-help-lieutenant-fighting-jaw-cancer/6324004>
- Milwaukee Magazine – Mario Quadracci (5/4/2013). The Watchmen. <https://www.milwaukeeemag.com/thewatchmen/>
- Milwaukee Journal Sentinel – Georgia Pabst (11/27/2010). 21 Arrested in Milwaukee in Nationwide Gang Investigation. <http://archive.jsonline.com/news/crime/82802157.html/>

Thomas J. Obregon

HIGHLIGHTS OF INVESTIGATIONS/INITIATIVES

La Familia Gang Investigation - Violent Crime Initiative

I initiated this project due to an increase in gang violence and resulting homicides on the south side of Milwaukee. This was made more difficult due to the reluctance on the part of victims and witnesses to cooperate with any of the investigations in fear of retaliation by rival gang members. A collaborative effort between the Milwaukee Police Department District Two, Community Prosecutors, Neighborhood Task Force, and Criminal Investigation Bureau, along with the Wisconsin Department of Corrections, and the High Intensity Drug Trafficking Area was initiated. This strategy identified the main offenders responsible for the violent crime who were taken into custody resulting in a reduction of crime in the area.

Mexican Fiesta

Mexican Fiesta is an annual festival that takes place on the Summerfest grounds. It historically drew large numbers of Hispanic gang members who caused fights and displayed other antisocial behavior that made it unsafe for families who were there to enjoy the celebration. A collaborative effort was initiated between the Milwaukee Police Department's Intelligence Fusion Center, District Two, Office of Management, Analysis and Planning, Neighborhood Task Force, along with the Mexican Fiesta security team to identify known gang members attempting to enter the park. These gang members were stopped at the entrance gate and informed that they were unable to enter the park by Mexican Fiesta security. Patrons enjoyed a peaceful celebration.

Immigration and Customs Enforcement Round Up

While assigned to the Intelligence Fusion Center, assisted Immigration and Customs Enforcement (ICE) and Milwaukee Police Department's District Two with 'Operation Community Shield', identifying and arresting known undocumented immigrant gang members.

Asian Gang Homicide Investigation - Sheboygan Police Department

I provided analytical support and intelligence that assisted the Sheboygan Police Department with an influx of violent crimes, to include homicides, involving Asian gangs.

Operation Violent Surenos SUR-13

While assigned to the Intelligence Fusion Center, assisted ICE and Milwaukee Police Department's District Two to develop and deploy a strategy of identifying the most prolific gang offenders on the south side of Milwaukee. We collected intelligence and deployed several federal agents, detectives, and officers to affect arrests, serve search warrants, and recover firearms from these violent gang members. This resulted in the issuance of local, state, and federal charges.

Thomas J. Obregon

Guns, Gang and Drug Suppression Initiative – District Three

This initiative was designed to prevent the commission of violent criminal acts, specifically robberies, aggravated assaults, shootings, homicides, and gun related offenses in District Three, located on the north side of Milwaukee. There are various Hybrid Neighborhood Groups, or HNGs, that operate in the target areas. This initiative was built on the frame of the Cornerstone project used in Milwaukee Police Department's District Two in 2010. In addition to identifying violent subjects, we assisted newer officers with investigatory techniques and the proper interviewing of prisoners.

Operation Summer Storm

I was involved in this joint operation with federal agents from ICE, the US Marshalls, HIDTA, as well as Milwaukee Police Department's District Two, Criminal Investigation Bureau, and Intelligence Fusion Center. This operation focused on transnational gang members and resulted in the arrest of 27 known gang members for federal, state, and local charges.

Operation Spring Clean Up

Milwaukee Police Department's Intelligence Fusion Center, along with ICE, led a transnational gang round up of 15 undocumented gang members who were arrested, charged with violent felonies, and deported.

Operation Corner Stone

The SARA model was used to develop a strategy to identify suspects in several shootings involving shotguns that took place in a six-block radius on the south side of Milwaukee. The problem was identified as a gang war. This resulted in the clearance of several violent crimes and the recovery of weapons and drugs tied to the gangs. Significant reductions in violent crime followed the initiative with a 70% overall crime reduction in six weeks.

Operation Clantones C-14

I was involved in this joint operation with federal agents from ICE, Milwaukee Police Department's District Two and Intelligence Fusion Center. The operation concluded with the arrest of six known Sureno gang members for federal, state, and local charges to include pending immigration violations.

Operation Big Freeze

I was involved in this operation which was a collaborative effort that involved the nationwide gang operation 'Community Shield'. This operation arrested 476 gang members nationwide in 83 cities and as a result, 47 firearms were seized. In Milwaukee alone, 21 individuals were arrested.

Ruben Cardenas

Milwaukee, WI 53219
rncars@gmail.com,
rucard@milwaukee.gov
(414) 305-2214

I am seeking a new and rewarding opportunity where my vast experience in Emergency Services and leadership, coupled with my exceptional organizational skills can be utilized. I have a broad range of skills that include the ability to mentor and lead individuals of all ages, problem-solving skills, the ability to supervise multiple tasks, and to work as a team leader, member or independently. With a strong interest in personal growth, I believe that I will be an asset to any company I am a member of. My current goal is to find a position with a reputable organization where I can make a difference.

Authorized to work in the US for any employer

Work Experience

Operations Officer

Milwaukee Police Department, Southeastern WI Threat Analysis
Center - Milwaukee, WI, 03/2016 to Present
40 Hours/Week

Oversight of day-to-day operations within the assigned State and Local Fusion Center (SLFC), Southeastern WI Threat Analysis Center (STAC). Ensuring the guidance, direction and intent of STAC leadership is communicated and adhered. Provide the STAC leadership counsel and assistance over the daily operations and functions of the STAC. Ensure all appropriate STAC staff have access to necessary systems and portals so they may perform their job efficiently and effectively. Update and create STAC policy and procedures. Provide mentorship and guidance to Fusion Center members. Ensure privacy policy protection and adherence. Assist in the planning, direction, collection, evaluation, analysis, dissemination of various categories of intelligence information.

Intelligence Officer

Milwaukee Police Department, Southeastern WI Threat Analysis
Center - Milwaukee, WI, 03/2016 to Present
40 Hours/Week

Serve as an intelligence liaison within the assigned State and Local Fusion Center (SLFC), Southeastern WI Threat Analysis Center (STAC), in order to facilitate coordination and synchronization between the STAC and its partners; provide intelligence planning, reporting, and analytic expertise. Sponsored by the Federal Bureau of Investigations and deputized by the U.S. Marshals Service as a Special Deputy U.S. Marshal and Task Force Officer for the National Security Task Force. Work with State and Local government partners to create an information-sharing environment that serves stakeholders' information needs and builds interoperability horizontally and vertically by serving as an interface in sharing information between State and Local governments and the National Intelligence/Law Enforcement community. Connect state and local managers with awareness of other fusion centers' best practices. Performs as a coach and mentor for STAC personnel on DHS intelligence capabilities and requirements.

DHS Security Liaison Officer

Milwaukee Police Department, Southeastern WI Threat Analysis
Center - Milwaukee, WI, 03/2014 to Present
40 Hours/Week

Accountable for the physical and operational security within the assigned State and Local Fusion Center (SLFC), Southeastern WI Threat Analysis Center (STAC), and the security and protection of national sensitive and classified information, equipment and systems.

Grant Coordinator and Project Manager

Milwaukee Police Department, Southeastern WI Threat Analysis

Center - Milwaukee, WI, 03/2016 to Present
40 Hours/Week

Accountable for investment justification, project management and administration of annual federal grant awards for the State and Local Fusion Center (SLFC), Southeastern Wisconsin Threat Analysis Center (STAC), to include Wisconsin Emergency Management, Department of Military Affairs, Homeland Security grant Program, and ancillary grants by the Department of Justice, Office of Justice Programs. Cumulative annual grants administered for various new and enduring projects ranged conservatively to approximately \$500,000.

Police Officer

Milwaukee Police Department - Milwaukee, WI
12/1995 to Present
40 Hours/Week

As a Patrol Officer, responded to crime and non-crime related calls for police assistance; enforced laws and ordinances, and ensured safety in the community. Engaged in the identification and prevention of narcotics, weapons, human trafficking and gang crimes. Tour of duty in the City Jail Prisoner Processing Section, responsible for prisoner care and transport. Assigned a lead role as Head Jailer, additional duties entailed overseeing jail personnel, accounting and oversight of jail funds, operations and procedures administration. Tour of duty in the Vehicle Services Division; safeguarded access, operation and security of police vehicles. Collaborated in assessing new technology needs and implementing application and software updates to the vehicle-tracking database. Tour of duty in the Intelligence Division and subsequently assigned to a nationally recognized Fusion Center, Southeastern Wisconsin Threat Analysis Center (STAC). Holding and held capacities of Federal Grants Program Manager, Operations Officer, Security Liaison Officer, Intelligence Officer, Information Research Specialist, Open Source and Social Media Analyst, Crime Analyst, Financial Intelligence Analyst, Treasury Department BSA Task Force Officer, FBI FIG/JTTF/NSTF Task Force Officer.

Senior Intelligence Analyst

Milwaukee Police Department, Southeastern WI Threat Analysis
Center - Milwaukee, WI 12/2011 to 03/ 2016
40 Hours/Week

Lead analyst within the assigned State and Local Fusion Center (SLFC), Southeastern WI Threat Analysis Center (STAC). Responsible for providing mentorship and coaching to fusion center analysts, and review and guidance their analytic products and practices. Conduct research to identify threats and threat trends. Analyze large amounts of information and put into appropriate context in order to draw insights about the possible implications and assist managers in making informed tactical, operational, and strategic decisions. Produce and disseminate intelligence products with a nexus to homeland security to various multidiscipline partners. Collaborate with Federal, State, local, tribal, and private sector partners to create an information-sharing environment that serves stakeholders' information needs and builds interoperability.

Financial Intelligence Analyst (BSA)

Milwaukee Police Department, Southeastern WI Threat Analysis
Center - Milwaukee, WI 06/2007 to 12/ 2011
40 Hours/Week

Treasury Department, IRS, Task Force Officer and Analyst within the assigned State and Local Fusion Center (SLFC), Southeastern WI Threat Analysis Center (STAC), responsible for analyzing and investigating Bank Secrecy Act violations information with a nexus to Wisconsin.

Crime Analyst

Milwaukee Police Department, Southeastern WI Threat Analysis
Center - Milwaukee, WI 06/2004 to 06/2007
40 Hours/Week

As a crime analyst assigned to the Milwaukee Police Departments, Intelligence Fusion Center, I performed research and produced analysis and publications of operational information and intelligence using

traditional and specialized law enforcement and commercial applications in support of Federal, State and local law enforcement criminal, cyber, online social networking, and cellular data forensic investigations.

National Security Clearances:

FBI Top Secret – SCI (TS/SCI); DHS, I&A, Secret (S)

Languages:

Bilingual - English and Spanish.

Training:

National Computer Forensic Institute (NCFI) Basic Investigation of Computer and Electronic Crimes Program; DHS Basic Intelligence and Threat Analysis, Critical Thinking and Analytic Methods and Principles of Intelligence Writing and Briefing; Threat and Risk Assessments; Dark Web for Law Enforcement; Phishing Attacks Changing Landscape; New to Cyber Summit, Specialized Knowledge and Applications; LSU NCBRT, Site Protection Through Observational Techniques (Customized); Mobile Federal Law Enforcement Analysis Training Document Exploitation, Internet and Cyber Investigations and Online Social Networking, Bitcoins / Cyber-currency, Financial Analysis, Money Laundering, FinCEN, and Critical Writing Skills; Mexican Drug Cartel Investigations Training; VCPI Providing Dignitary/Executive Protection; The Nationwide Suspicious Activity Reporting Initiative The Analytic Role; Collaboration Through Information Sharing; DHS Plain English Analytic Guidance; Department of Homeland Security Information Network -Intel Technical Assistance Seminar Training; National Fusion Center Workshops (2013-2019); Law Enforcement Flying Armed; Building Communities of Trust; Law Enforcement Officer; Law Enforcement Intelligence Basic; VTRA Introduction to Basic Infrastructure Protection and Threats; DHS National Security Liaison Training; Recognition of Organized Hate Groups; Privacy, Civil Rights and Civil Liberties Fusion Center Training Program; State and Local Anti-Terrorism; Operations Security for Public Safety Agencies Counterterrorism; ISIS Tactics - Bombs, Drones and Kids; Domestic Terrorism; International Terrorism Origins and Ideologies; Introduction to and Understanding alarmist Militant Terrorism; Continuity of Operations (COOP) Awareness; Identifying, Designating, and Marking Classified National Security Information; Pen-Link Call Analysis; Criminal Intelligence Systems Operating Policies (28CFR PART 23); FBI Records Management; Information Security Awareness; Understanding Derivative Classification and Marking Computer-Based Information; Nationwide SAR Initiative & WiWatch Training; DHS SLT Insider Threat Training; FBI Insider Threat and Media Contact Awareness, among others.

Education

Business

Mt. Scenario College - Milwaukee, WI
January 2001 to January 2002 (attended)

Criminal Justice

Milwaukee Area Technical College - Milwaukee, WI
January 1996 to December 2001 (Attended)

Certifications and Licenses

State of Wisconsin, Department of Justice, Law Enforcement Standards Board, Law Enforcement Officer Certification

Wisconsin Law Enforcement Officer Certification
06/1996

State of Wisconsin, Department of Justice, Law Enforcement Standards Board, Law Enforcement Officer Certification

First Responder for Law Enforcement Certification
05/2020

DHS Protected Critical Infrastructure Information (PCII) Program

PCII Authorized User Certification
03/2021 to 03/2022

DHS Office of Infrastructure Protection

Chemical-terrorism Vulnerability Information Authorized User Certification
05/2011

Gary L Wait Resume

[REDACTED]
Union Grove, WI 53189
[REDACTED]
[REDACTED]

EDUCATION:

Washington Sate University Graduated 1977, BS CRIMINAL JUSTICE/Police Science & Administration

Columbia Basin College Graduated, 1971, Associated Arts & Sciences

University of Illinois, 1973 Graduated from Basic Law Enforcement Training

TRAINING:

Basic Law Enforcement Training, University of Illinois, July 1973

Forensic Investigations; Washington State University 1971-1973

Numerous Continuing Education training courses as required by Minnesota Licensing for Investigators from 1998 through 2009

Advanced Ergonomics Application: University of Michigan 1996

Additional extensive training seminars for various investigative needs to numerous list here can be provided upon request.

WORK EXPIRENCE:

Police Officer; City of Highland Park, Illinois, June 19⁷3 through March of 1979 Duties included uniform work responding to all calls. Violent Crime investigations and service as Tactical Officer (SWAT)

Founded Kimberly Security 79 to 80, developed Computer disaster planning and policy's

Underwriter: October 1980 to 1983 SHAND MOREHAN & CO. Evanston Illinois. Responsablity included the security underwriting for the UNAUTHROIZED ACCESS POLICY, (First computer policy underwritten by Lloyds of London.

Edward E. Chaim**Objective:**

Retired Milwaukee Police Detective with over 25 years of law enforcement experience, looking to obtain a position as an Investigator for the Wisconsin Office of Special Counsel.

Employment:

August 2021 to Present: Process Investigator (Part Time), Milwaukee County District Attorney's Office.

- Responsible for locating victims and witnesses and serving them with state subpoenas for courts.
- Establishing good relationships with victims and witnesses to ensure their cooperation during current and future court proceedings.
- Effecting arrests of absconding witnesses as ordered by the courts.
- Researching different databases and inquiring with multiple agencies to obtain information on victims and witnesses, in an effort to locate them.

June 2007 to March 2021: Detective, Milwaukee Police Department, Criminal Investigation Bureau.

- Responsible for investigating different types of felony crimes, with a focus on robberies to financial institutions, business robberies and crimes against persons.
- Lead investigator in thousands of investigations, taking over investigations from start to finish; interviewing victims and witnesses; and also interrogating suspects, with an emphasis on building solid cases for prosecution.
- Prepared police reports, search warrants, subpoenas for records and affidavits for courts relating to my investigations.
- Presented cases to the Milwaukee County District Attorney's Office for criminal prosecution.
- Prepared case files for discovery and turned over evidence for courts.
- Testified as a credible witness in both court and administrative proceedings.

- Chaired criminal trials alongside Milwaukee County Assistant District Attorneys and an Assistant Attorney General from the State of Wisconsin.
- Worked alongside other police departments, federal government agencies and other private entities, exchanging information and coordinating activities to conduct thorough and complete investigations.
- Fully bilingual. Can speak, read and write in both English and Spanish.
- Spanish Interpreter/Translator for the Milwaukee Police Department.

May 1996 to June 2007: Police Officer, Milwaukee Police Department, District #2.

- Patrolled the streets of the southside of Milwaukee, enforcing the Wisconsin State Statutes and city of Milwaukee Ordinances, preserving the public peace and order; and preventing and detecting crime.
- Responded to all types of calls for services, including high stress and unpredictable situations, which required critical thinking and problem solving.
- Defused numerous situations involving hostile and combative subjects, using verbal techniques and other de-escalating methods.
- Certified in OWI detection and Standard Field Sobriety Testing, Radar and Laser Speed Detection Devices and Electronic Control Devices (Taser).
- Worked as a Field Training Officer.

Awards:

- Investigative Achievement Award, United States Attorney's Office, Eastern District of Wisconsin.
- Distinguished Service Award, Milwaukee Police Department, Milwaukee, Wisconsin.

Education:

1995 to 1996: Milwaukee Police Academy, Basic Recruit Training Certificate, May 3, 1996.

1991 to 1995: Inter American University, Bachelor of Arts, Criminal Justice; May 29, 1995.

References:

Furnished upon request.

EXTERNAL : WI-5 Cities and WEC

RHH <ronheuer@gmail.com>

Wed 10/20/2021 10:25 AM

To: Coms <Coms@wispecialcounsel.org>

Mike,

I was talking to Erick this morning in regard to the documents received from the cities of Madison, Milwaukee, Racine, Kenosha and Green Bay. Where is that data? Is it in a drop box that we can get so it can be reviewed? That should be done prior to the interim report being produced.

Ron Heuer

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Timeline of WI 5 Mayors Meetings

Date	Event	Comment
May, _ 2020	First WI 5 Mayors Meeting	WI 5 mayors meet secretly to discuss applying for CTCL's election administration grants (Exhibit 6)
May 16, 2020	Second WI 5 Mayors Meeting	WI 5 mayors meet secretly to discuss applying for CTCL's election administration grants. WI 5 mayors agree to Mayor Mason and his staff coordinating WI 5's grant application. WI 5 mayors agree to submit one election administration plan for all five municipalities. Mayors agree on questions and data requests for WI 5 clerks. (Exhibit 6)
May 28, 2020	Racine Mayor Mason Receives \$100,000 CTCL Election Grant Agreement	CTCL's \$100,000 WI 5 grant reflects what the WI 5 mayors and CTCL agreed to in the first two WI 5 mayors' secret meetings. Racine keeps \$60,000 of CTCL's \$100,000 grant to apply for a larger CTCL grant and coordinate Green Bay, Kenosha, Madison, and Milwaukee CTCL Grants. Racine redistributes \$10,000 to cover the remaining WI 5 cities' CTCL grant application costs (Exhibit 2)
May 29, 2020	WI 5 Mayors Move Forward with CTCL Grant Application	Racine Mayor Mason's aide Vicky Selkove asked the WI 5 mayors for the WI 5 clerks' contact information. Selkove emailed the WI 5 clerks the WI 5 mayors' election administration questions and gave WI 5 Clerks a June 8, 2020 deadline to return completed questionnaire to her. (Exhibit 11)

Date	Event	Comment
June 8, 2020	WI 5's CTCL Planning Grant	<p>The City of Green Bay completed Vicky Selkove's questionnaire and returned it to her. The first line of Selkove's questionnaire said, "Please Complete the Following Information by noon on Monday, June 8th. Contact Vicky Selkove at vicky.selkove@cityofracine.org with any questions. (Exhibit 12)</p>
June 10, 2020	Preparation for the Third WI 5 Mayors Meetings	<p>Selkove thanked the WI 5 clerks for answering the questions the WI 5 mayors posed. Selkove asked another question at the behest of CTCL. WI 5's election administration plan is due at CTCL in five days. WI 5's third mayors's meeting is in three days. (Exhibit 18)</p>
June 13, 2020	Third WI 5 Mayors Meeting	<p>WI 5 Mayors secretly discuss applying for CTCL's election administration grants. WI 5 Mayors review and refine their Safe Voting Plan that must arrive at CTCL in 2 days (Exhibit 7)</p>
June 15, 2020	Deadline to Submit WI Safe Voting Plan to CTCL	<p>Mayor Mason or his staff emails one Safe Voting Plan for all WI 5 municipalities to CTCL (Exhibit 2)</p>

Date	Event	Comment
June 17, 2020	WEC announced a \$4.1 Million subgrant to offset pandemic-related elections costs	<p>Meagan Wolfe sent a WEC CARES Subgrant Program Announcement to all Wisconsin election jurisdictions. The WEC offered all Wisconsin election jurisdiction an equal and fair share of the \$4.1 election grant.</p> <p>Wolfe also stated, “that the State of Wisconsin will supply municipalities with cleaning supplies and protective equipment ahead of the August and November elections. If municipalities still have election related costs in those categories, those can be submitted to FEMA or Routes to Recovery for further reimbursement.” (WEC June 17, 2020 Announcement)</p>
July 6, 2020	WI 5 Mayors Go Public with Their CTCL Election Administration Grants for the First Time	<p>Because CTCL or Racine gave MKE Journal Sentinel an exclusive grant story, Racine’s Shannon Powell reminds WI 5 mayors of 12:30 PM press embargo. Powell encourages WI 5 mayors to send out press release after press embargo ends. (Exhibit 4)</p>
August 11, 2020	Wisconsin Holds Partisan Primary Election	<p>WI 5 Mayors meet four days later (Exhibit 8)</p>
August 15, 2020	Fourth WI 5 Mayors Meeting	<p>WI 5 mayors meet to discuss the Aug. 11, 2020 primary partisan election administration and plan election administration for the November presidential election (Exhibit 8)</p>
August 26, 2020	Fourth WI 5 Mayors Meeting Follow Up	<p>Madison Mayor Rhodes-Conway answered the WI 5 mayors’ election administration questions that the WI 5 mayors posed at the fourth WI 5 meeting (Exhibit 9)</p>

Fw: EXTERNAL : Email Address Exchange

3 <3@wispecialcounsel.org>

Tue 11/2/2021 3:37 PM

To: junosandra@yahoo.com <junosandra@yahoo.com>

Hello Sandy: I spoke with you briefly back in September along with Zak and perhaps Andrew over Zoom. I am going to be in Green Bay/Brown County Nov. 16-20 and would like to be able to meet with you. If you would like to talk on the telephone, my number is 262-259-2899.

Thanks,

Carol Matheis

Wisconsin Office of Special Counsel

From: Erick Kaardal <kaardal@mklaw.com>

Sent: Tuesday, November 2, 2021 3:21 PM

To: 'junosandra@yahoo.com' <junosandra@yahoo.com>; 3 <3@wispecialcounsel.org>

Subject: EXTERNAL : Email Address Exchange

Carol and Sandy:

I am exchanging email addresses here.

egk

Erick G. Kaardal

Mohrman, Kaardal and Erickson, P.A.

150 S. Fifth St., Ste. 3100

Minneapolis MN 55402

612-341-1074

f. 612-341-1076

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From: 3 <3@wispecialcounsel.org>
Sent: Wednesday, October 20, 2021 5:33:17 PM
To: johnsonkarp@doj.state.wi.us <johnsonkarp@doj.state.wi.us>
Cc: 6 <6@wispecialcounsel.org>
Subject: Re: Date for PMK Deposition WEC

Per our discussion today, the deponents scheduled for Friday Oct. 22 do not wish to agree to a continuance date, even if all objections are preserved and no rights or remedies are waived. Thus, deponents' counsel wishes to discuss the legal basis for such subpoena(s) and desire to discuss with Justice Gableman such legal bases at the earliest possible time, this evening or as soon as possible thereafter. Justice Gableman is requested to contact Mr. Karp at 608-440-1529.

Carol M.

From: 3
Sent: Tuesday, October 19, 2021 3:13 PM
To: johnsonkarp@doj.state.wi.us <johnsonkarp@doj.state.wi.us>
Cc: 6 <6@wispecialcounsel.org>
Subject: Date for PMK Deposition WEC

Hello: confirming our conversation of today, we agree that we don't expect anyone to appear this Friday, Oct. 22, provided we have agreement on one of these days:

Nov. 15 0930

Nov. 16 0930

Nov. 17 0930

We can discuss any further scheduling issues at a later time, including the person who would be most able to address deposition topics.

Re: EXTERNAL : Re: EXTERNAL : Re: EXTERNAL : Re: EXTERNAL : Re: Three More Subpoenas To Serve

3 <3@wispecialcounsel.org>

Wed 10/13/2021 4:11 PM

To: Greg Kowal <gregginvestigations@hotmail.com>

OK, thanks, will submit today for payment.

Carol

From: Greg Kowal <gregginvestigations@hotmail.com>

Sent: Wednesday, October 13, 2021 3:16 PM

To: 3 <3@wispecialcounsel.org>

Subject: EXTERNAL : Re: EXTERNAL : Re: EXTERNAL : Re: EXTERNAL : Re: Three More Subpoenas To Serve

Gregg Investigations, Inc.

(608) 755-1976

From: 3 <3@wispecialcounsel.org>

Sent: Wednesday, October 13, 2021 9:38 AM

To: Greg Kowal <gregginvestigations@hotmail.com>

Subject: Re: EXTERNAL : Re: EXTERNAL : Re: EXTERNAL : Re: Three More Subpoenas To Serve

Hello: looking for the proofs and service and invoices so we can get you paid. Thank you,
Carol

From: Greg Kowal <gregginvestigations@hotmail.com>

Sent: Wednesday, October 6, 2021 3:05 PM

To: 3 <3@wispecialcounsel.org>

Subject: EXTERNAL : Re: EXTERNAL : Re: EXTERNAL : Re: Three More Subpoenas To Serve

Hello,

Just letting you know the 3 Subponeas have been served.

Thanks!

Gregg Investigations, Inc.

(608) 755-1976

From: 3 <3@wispecialcounsel.org>

Sent: Wednesday, October 6, 2021 9:08 AM

To: Greg Kowal <gregginvestigations@hotmail.com>

Subject: Re: EXTERNAL : Re: EXTERNAL : Re: Three More Subpoenas To Serve

Yes, I just spoke to the staff person trying to get them together and they will be out between 9 and 9:30. They will come from me and/or gfishs@aol.com.

Thank you for your patience and assistance with this.

Carol

From: Greg Kowal <gregginvestigations@hotmail.com>
Sent: Wednesday, October 6, 2021 9:06 AM
To: 3 <3@wispecialcounsel.org>
Subject: EXTERNAL : Re: EXTERNAL : Re: Three More Subpoenas To Serve

Ok, thanks.

Gregg Investigations, Inc.
(608) 755-1976

From: 3 <3@wispecialcounsel.org>
Sent: Wednesday, October 6, 2021 8:57 AM
To: Greg Kowal <gregginvestigations@hotmail.com>
Subject: Re: EXTERNAL : Re: Three More Subpoenas To Serve

Hello: Sorry our office staff was delayed and are getting them out at between now and 9. They will be forwarded to you by me and/or by email from another staff member.

Thanks,

From: Greg Kowal <gregginvestigations@hotmail.com>
Sent: Wednesday, October 6, 2021 8:37 AM
To: 3 <3@wispecialcounsel.org>
Subject: EXTERNAL : Re: Three More Subpoenas To Serve

Hello,
Just seeing if these are still coming over?

Thanks!

Gregg Investigations, Inc.
(608) 755-1976

From: 3 <3@wispecialcounsel.org>
Sent: Tuesday, October 5, 2021 2:41 PM
To: gregginvestigations@hotmail.com <gregginvestigations@hotmail.com>
Subject: Three More Subpoenas To Serve

Dana: I would like to send you 3 more subpoenas to serve in Madison tomorrow. I would like to send them via email this evening, probably pretty late around 7-8 pm so you would have them to look at

EXTERNAL : RE: Subpoena of Parties

Haas, Michael R <MHaas@cityofmadison.com>

Tue 11/2/2021 11:56 AM

To: Coms <Coms@wispecialcounsel.org>

I apologize, but I had a typo in two places for the year. Attached please find the corrected letter.

Mike

From: Haas, Michael R

Sent: Tuesday, November 2, 2021 10:38 AM

To: 'Coms@wispecialcounsel.org' <Coms@wispecialcounsel.org>

Subject: Subpoena of Parties

Good Morning Special Counsel Gableman:

Attached please find our correspondence regarding the November 15th deposition continuance date your office has scheduled. Please feel free to contact me with any questions.

Mike



Michael Haas

City Attorney ~ City of Madison

210 Martin Luther King Jr. Blvd, ~ Room 401

Madison, WI 53703

608-266-6598 Direct Line

FAX: 608-267-8715

mhaas@cityofmadison.com

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From: Coms

Sent: Thursday, October 21, 2021 11:32 AM

To: Haas, Michael R

Subject: Subpoena of Parties

Caution: This email was sent from an external source. Avoid clicking on links and attachments.

Dear Mr. Haas,

We have been trying to work with you in order to schedule the deposition of the person most knowledgeable as described in the Wisconsin State Assembly's subpoena of October 4, 2021 as well as



to coordinate your client's compliance with the Assembly's subpoena duces tecum of that same date.

This office is currently reviewing the documents produced by the City of Madison last Friday, October 15.

In order to provide our office more time to review materials produced last week, as well as to give both parties additional time to reach an understanding of the scope and nature of the topics to be addressed in the deposition, we are continuing the return date from Friday, October 22, 2021 to Monday, November 15, 2021 at 9:30 a.m.

Thank you,
Mike Gableman
Office of the Special Counsel
Tel. (262) 202-8722

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 : Subpoena

Haas, Michael R <MHaas@cityofmadison.com>

Tue 10/5/2021 2:33 PM

To: Coms <Coms@wispecialcounsel.org>

Hello,

I am writing with regard to the *subpoena deuces tecum* that was delivered to the Madison City Clerk on October 1, 2021. I would like to contact Justice Gableman to discuss questions that have arisen regarding the scope of the subpoena and am requesting an email address or telephone number for him. Given the significant work that will be required to gather documents in response to the subpoena, time is of the essence, so I would appreciate receiving a response promptly. If there is another individual that should receive and process this request, please forward that individual's name and contact information. Thank you for your assistance.



Michael Haas

City Attorney ~ City of Madison
210 Martin Luther King Jr. Blvd, ~ Room 401
Madison, WI 53703
608-266-6598 Direct Line
FAX: 608-267-8715
mhaas@cityofmadison.com

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EXTERNAL : RE: Subpoena of Parties

Haas, Michael R <MHaas@cityofmadison.com>

Tue 11/2/2021 11:56 AM

To: Coms <Coms@wispecialcounsel.org>

I apologize, but I had a typo in two places for the year. Attached please find the corrected letter.

Mike

From: Haas, Michael R
Sent: Tuesday, November 2, 2021 10:38 AM
To: 'Coms@wispecialcounsel.org' <Coms@wispecialcounsel.org>
Subject: Subpoena of Parties

Good Morning Special Counsel Gableman:

Attached please find our correspondence regarding the November 15th deposition continuance date your office has scheduled. Please feel free to contact me with any questions.

Mike



Michael Haas
City Attorney ~ City of Madison
210 Martin Luther King Jr. Blvd, ~ Room 401
Madison, WI 53703
608-266-6598 Direct Line
FAX: 608-267-8715
mhaas@cityofmadison.com

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From: Coms
Sent: Thursday, October 21, 2021 11:32 AM
To: Haas, Michael R
Subject: Subpoena of Parties

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Dear Mr. Haas,

We have been trying to work with you in order to schedule the deposition of the person most knowledgeable as described in the Wisconsin State Assembly's subpoena of October 4, 2021 as well as



to coordinate your client's compliance with the Assembly's subpoena duces tecum of that same date.

This office is currently reviewing the documents produced by the City of Madison last Friday, October 15.

In order to provide our office more time to review materials produced last week, as well as to give both parties additional time to reach an understanding of the scope and nature of the topics to be addressed in the deposition, we are continuing the return date from Friday, October 22, 2021 to Monday, November 15, 2021 at 9:30 a.m.

Thank you,
Mike Gableman
Office of the Special Counsel
Tel. (262) 202-8722

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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

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Re: EXTERNAL : Re: Scheduling of PMK Deposition/City of Kenosha

3 <3@wispecialcounsel.org>

Tue 10/19/2021 4:08 PM

To: Matthew Knight [REDACTED]

Cc: Bryan Charbogian [REDACTED]

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 [REDACTED]

Sent: Tuesday, October 19, 2021 4:02 PM

To: 3 <3@wispecialcounsel.org>

Cc: Bryan Charbogian [REDACTED] <6@wispecialcounsel.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@wispecialcounsel.org>

To: "Matthew Knight" <mknight@kenosha.org>

AMERICAN OVERSIGHT
WI-REP-21-1298, 21-1301, 21-1495, 21-1497-A, WI-REP-21-1295, 21-1296, 21-1299,
21-1302, 21-1437, 21-1493-B, WI-EXT-21-1438, 21-1494, 21-1496, 21-1498-B-000203

EXTERNAL : Subpoena Return Date

Bryan Charbogian <bcharbogian@kenosha.org>

Tue 11/2/2021 4:33 PM

To: 3 <3@wispecialcounsel.org>; 6 <6@wispecialcounsel.org>

Cc: Matthew Knight <mknight@kenosha.org>

Carol and Andrew,

Please see the attached letter.

Best,
Bryan Charbogian

Bryan A. Charbogian

Assistant City Attorney

Office of the City Attorney

625 52nd Street

Kenosha, Wisconsin 53140-3480

262-653-4170

The City of Kenosha is subject to Wisconsin Statutes related to public records. Unless otherwise exempted from the public records law, senders and receivers of City email should presume that the email are subject to release.

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- EXTERNAL : RE: Subpoena of Parties

Carroll, James <jmcarr@milwaukee.gov>

Wed 11/3/2021 1:58 PM

To: Coms <Coms@wispecialcounsel.org>

Good afternoon,

Please see the attached correspondence. Kindly contact the undersigned with any questions or concerns.

Thank you.



Respectfully,
Jim Carroll

James M. Carroll | Assistant City Attorney | Milwaukee City Attorney's Office
Zeidler Municipal Building | 841 North Broadway | Milwaukee, WI 53202
Direct Dial: 414.286.8481 | Fax: 414.286.8550 | Email: jmcarr@milwaukee.gov

From: Coms <Coms@wispecialcounsel.org>
Sent: Thursday, October 21, 2021 11:39 AM
To: Carroll, James <jmcarr@milwaukee.gov>
Subject: Subpoena of Parties

You don't often get email from coms@wispecialcounsel.org. [Learn why this is important](#)

Dear Mr. Carroll,

We have been trying to work with you in order to schedule the deposition of the person most knowledgeable as described in the Wisconsin State Assembly's subpoena of October 4, 2021 as well as to coordinate your client's compliance with the Assembly's subpoena duces tecum of that same date.

This office is currently reviewing the documents produced by the City of Milwaukee last Friday, October 15.

In order to provide our office more time to review materials produced last week, as well as to give both parties additional time to reach an understanding of the scope and nature of the topics to be addressed in the deposition, we are continuing the return date from Friday, October 22, 2021 to Thursday, November 18, 2021 at 9:30 a.m.

Thank you,
Mike Gableman
Office of the Special Counsel
Tel. (262) 202-8722

From: Coms
Sent: Thursday, October 21, 2021 11:36 AM

To: Jmcarr@milwaukee.gov <Jmcarr@milwaukee.gov>

Subject: Subpoena of Parties

Dear Mr. Carroll,

We have been trying to work with you in order to schedule the deposition of the person most knowledgeable as described in the Wisconsin State Assembly's subpoena of October 4, 2021 as well as to coordinate your client's compliance with the Assembly's subpoena duces tecum of that same date.

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Office of the Special Counsel
Tel. (262) 202-8722

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Wed 11/3/2021 1:58 PM

To: Coms <Coms@wispecialcounsel.org>

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Thank you.



Respectfully,
Jim Carroll

James M. Carroll | Assistant City Attorney | Milwaukee City Attorney's Office
Zeidler Municipal Building | 841 North Broadway | Milwaukee, WI 53202
Direct Dial: 414.286.8481 | Fax: 414.286.8550 | Email: jmcarr@milwaukee.gov

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To: Carroll, James <jmcarr@milwaukee.gov>
Subject: Subpoena of Parties

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Mike Gableman
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Tel. (262) 202-8722

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EXTERNAL : Subpoenas to the City of Green Bay and City officials

Jeffrey Mandell [REDACTED]

Thu 10/7/2021 11:12 AM

To: Coms <Coms@wispecialcounsel.org>; 6 <6@wispecialcounsel.org>

Cc: Mel Barnes (mbarnes@lawforward.org) <mbarnes@lawforward.org>; Christine Sun (christine@statesuniteddemocracy.org) <christine@statesuniteddemocracy.org>; Aaron Scherzer <Aaron@statesuniteddemocracy.org>; Victoria Bassetti <victoria@statesuniteddemocracy.org>

This email memorializes a telephone conversation I just had with a member of the Office of Special Counsel. I, along with other lawyers copied here, represent the City of Green Bay in conjunction with the subpoenas issued by the Office of Special Counsel. The City has received several subpoenas: one directed to the City itself, one directed to the Mayor, and one directed to the City Clerk. The last of these has a return date of October 15; the first two have return dates of October 22.

As I indicated by telephone, given the breadth of the subpoenas, those return dates are unreasonably soon, and we need extensions on all three subpoenas. We seek the opportunity to discuss when a reasonable return date would be, as well as to discuss the scope of the subpoenas and some of the instructions they contain. We are aware that other recipients of subpoenas are also seeking dialogue with the Office of Special Counsel, and we would propose that the interests of efficiency would be served by a joint call among the Office of Special Counsel and legal representatives for any city that has received a subpoena and is seeking clarification.

I was assured by the representative in your office who took my call that I would receive a return call later today. My office number is below; my cell number is 773-620-2425. I am traveling today and tomorrow and may be slightly harder to reach than usual.

**STAFFORD
ROSENBAUM**

Jeffrey A. Mandell | (he, him, his)

[REDACTED]
[REDACTED]

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EXTERNAL : Re: Green Bay Documents - Supplement

Mel Barnes <mbarnes@lawforward.org>

Tue 10/19/2021 9:55 AM

To: 6 <6@wispecialcounsel.org>; Coms <Coms@wispecialcounsel.org>

Cc: Jeffrey Mandell <jmandell@staffordlaw.com>; Christine Sun <christine@statesuniteddemocracy.org>; Victoria Bassetti <victoria@statesuniteddemocracy.org>; Aaron Scherzer <Aaron@statesuniteddemocracy.org>

Good Morning Mr. Kloster,

The file I sent yesterday did not include unique page numbers--I apologize. Attached is a version with identifying numbers continuous from our Friday production. Please reference this numbered version in any future communications for our mutual convenience.

Will you please confirm receipt of this copy?

Thank you,
Mel

Mel Barnes (she, hers)

Staff Counsel

Mbarnes@lawforward.org | 920.740.1816

Law Forward, Inc.

P.O. Box 326, Madison, WI, 53703

Lawforward.org



f /lawfwd t @lawfwd

Interested in learning more about redistricting in Wisconsin? [Check out our new guide.](#)

From: Mel Barnes
Sent: Monday, October 18, 2021 5:01 PM
To: '6@wispecialcounsel.org' <6@wispecialcounsel.org>; 'coms@wispecialcounsel.org' <coms@wispecialcounsel.org>
Cc: Jeffrey Mandell <jmandell@staffordlaw.com>; Christine Sun <christine@statesuniteddemocracy.org>; Victoria Bassetti <victoria@statesuniteddemocracy.org>; Aaron Scherzer <Aaron@statesuniteddemocracy.org>
Subject: Green Bay Documents - Supplement

Hello Mr. Kloster,

Attached please find copies of the additional requests for records received by Green Bay that we previously noted we would provide as a supplement to Friday's materials. Note these documents are the requests Green Bay responded to, not the responsive materials themselves, which were included in what we shared on Friday. Please let me know if you have any issues opening the PDF.





We are meeting with our client tomorrow and will be in touch after that discussion.

Thanks,
Mel

Mel Barnes (she, hers)
Staff Counsel
Mbarnes@lawforward.org | 920.740.1816
Law Forward, Inc.

P.O. Box 326, Madison, WI, 53703
Lawforward.org



 /lawfwd  @lawfwd

Interested in learning more about redistricting in Wisconsin? [Check out our new guide.](#)

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EXTERNAL : Re: Green Bay Documents - Supplement

Mel Barnes <mbarnes@lawforward.org>

Tue 10/19/2021 9:55 AM

To: 6 <6@wispecialcounsel.org>; Coms <Coms@wispecialcounsel.org>

Cc: Jeffrey Mandell <jmandell@staffordlaw.com>; Christine Sun <christine@statesuniteddemocracy.org>; Victoria Bassetti <victoria@statesuniteddemocracy.org>; Aaron Scherzer <Aaron@statesuniteddemocracy.org>

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Thank you,
Mel

Mel Barnes (she, hers)

Staff Counsel

Mbarnes@lawforward.org | 920.740.1816

Law Forward, Inc.

P.O. Box 326, Madison, WI, 53703

Lawforward.org



f /lawfwd t @lawfwd

Interested in learning more about redistricting in Wisconsin? [Check out our new guide.](#)

From: Mel Barnes

Sent: Monday, October 18, 2021 5:01 PM

To: '6@wispecialcounsel.org' <6@wispecialcounsel.org>; 'coms@wispecialcounsel.org' <coms@wispecialcounsel.org>

Cc: Jeffrey Mandell <jmandell@staffordlaw.com>; Christine Sun <christine@statesuniteddemocracy.org>; Victoria Bassetti <victoria@statesuniteddemocracy.org>; Aaron Scherzer <Aaron@statesuniteddemocracy.org>

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Thanks,
Mel

Mel Barnes (she, hers)

Staff Counsel

Mbarnes@lawforward.org | 920.740.1816

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P.O. Box 326, Madison, WI, 53703

Lawforward.org



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I. Introduction

Petitioner Michael J. Gableman, serving as Special Counsel after being duly appointed to that position by the Wisconsin Assembly (Attach. A), did cause to be served upon Respondents lawful legislative subpoenas signed by the Speaker of the Assembly (Attach. B) requiring them to appear for deposition in the City of Brookfield in Waukesha County to answer questions about the administration of the November 3, 2020 election in their respective cities.

Respondents failed to appear for depositions; failed to give any reason why they would not appear; and, failed to contact Petitioner to arrange alternate times or dates for their appearance.

Petitioner now seeks an Order from this Court pursuant to Wis. Stat. Section 855.12 compelling Respondents to fulfill their lawful obligations under Wis. Stat. Sec. 13.31 by appearing for deposition and answering questions about election administration in their cities.

This case is about the Wisconsin Assembly's ("Assembly") right to exercise one of its core functions: legislative oversight. "The legislature has very broad discretionary power to investigate any subject respecting which it may desire information in aid of the proper discharge of its function to make or unmake written laws." *Goldman v. Olson*, 286 F. Supp. 34, 43 (W.D. 1968). In light of the Assembly's constitutional authority (Wis. Const. art. III, § 2) and obligation to determine what changes in law are necessary to secure faith in our democracy and to ensure future compliance with election laws—the Assembly properly launched an investigation into the recent elections. This memorandum will discuss: the background of the Assembly's investigation and delegation of authority to Special Counsel Gableman; the fact that Respondents possess no standing to

object to this action; the subpoenas are a proper exercise of legislative authority; and, the subpoenas were properly issued, in compliance with relevant law.

For the reasons herein, this Court must grant the relief sought by Petitioners and Order Respondents to comply with the legislative subpoenas they received.

II. Facts

A. Resolution and hiring of Special Counsel.

Following the recent Wisconsin elections, the Assembly determined that the integrity of the electoral process in Wisconsin has been “jeopardized by election officials who, either through willful disregard or reckless neglect, have failed to adhere to our election laws by, at various times, ignoring, violating, and encouraging noncompliance with bright-line rules established by the statutes and regulations governing the administration of elections in Wisconsin[.]” (Attach. C) **Ex. A.**

As a consequence of these significant concerns, in March 2021, the Assembly passed a resolution “direct[ing] the Assembly Committee on Campaigns and Elections (“Elections Committee”) to investigate the administration of elections in Wisconsin, focusing in particular on elections conducted after January 1, 2019.” (Attach. D). **See Pls. Ex. A.** In doing so, the Assembly focused particularly on the November 3, 2020 election (Attach. E). **[I THINK THIS WAS A FOOTNOTE IN COURTNEY’S BREIF; GO BACK AND PUT THIS IN FOOTNOTE FORM]**

The Assembly did not bring up this issue in a vacuum. Various other persons, entities, and elected officials have also discovered and alleged issues/illegals in connection with recent elections, both before and after the Resolution authorizing the investigation. See

e.g. *Hawkins v. Wisconsin Elections Commission*, 393 Wis.2d 629 (Wis. 2020) (addressing WEC’s decision to not include certain Green Party candidates on the ballot); Scott Hurley and Kia Murray, Legislative committee holds hearing on Wisconsin's election, Fox 11 News (Dec. 11, 2020), <https://fox11online.com/news/election/republicans-hold-hearing-on-wisconsins-election?src=link> (reporting on a legislative hearing held December 11, 2020, during which multiple issues regarding potential new legislation were discussed including, inter alia: whether the Assembly needed to clarify existing election laws; suggestions for changes to other election laws; and discussion regarding whether there needs to be more laws to charge people who break voting laws); and Racine County Sheriffs Office, Update to the Voter Integrity Investigation (Oct. 28, 2021), https://www.facebook.com/watch/live/?ref=watch_permalink&v=615650396142108 (last visited November 24, 2021) (recent press conference from Racine County Sheriff’s Department detailing election laws that were broken by WEC); see generally Legislative Audit Bureau Report, Report 21-19 (Oct. 2021), <https://legis.wisconsin.gov/lab/media/3288/21-19full.pdf> (last visited Nov. 24, 2021) (finding that WEC improperly disregarded statutory requirements for Special Voting Deputies in favor of sending absentee ballots to nursing homes, that they improperly allow clerks to adjourn from counting ballots before all ballots are counted, that they improperly consolidated polling places, and that they improperly allowed drop boxes without promulgating rules to permit clerks to establish them).

These are proper matters for the legislature to investigate. 3 **[IT SAYS 3 HERE BUT I THINK SOME TEXT IS MISSING]** on the intrinsic right of “American citizens to exercise their right to vote[,]” the

importance of widespread confidence in elections, and that “preserving the integrity of the electoral process is one of [their] most important responsibilities[.]” Id. Pursuant to this Resolution, the Committee on Assembly Organization adopted ballots authorizing Speaker Vos, Speaker of the Wisconsin State Assembly, to hire legal counsel and designate that individual as “special counsel” to oversee an Office of Special Counsel and to assist the Elections Committee in investigating the administration of elections in Wisconsin. Ballot 21-03 (May 28, 2021); Ballot 21-06 (Aug. 27, 2021). On June 26, 2021, the Assembly, through Speaker Vos, entered into a contract with Michael Gableman, to serve as Special Counsel for the investigation.

B. Subpoenas

Wisc. Stat. § 13.31 codifies the process for issuance of investigative subpoenas under the legislature’s inherent and constitutional authority: 3 **[THERE WE ARE WITH 3 AGAIN???** The attendance of witnesses before any committee of the legislature, or of either house thereof, appointed to investigate any subject matter, may be procured by subpoenas signed by the presiding officer and chief clerk of the senate or assembly. Such subpoenas shall state when and where, and before whom, the witness is required to appear, and may require such attendance forthwith or on a future day named and the production of books, records, documents and papers therein to be designated, and may also require any officer of any corporation or limited liability company, or other person having the custody of the keys, books, records, documents or papers of any such business entity, to produce the same before such committee. Such subpoenas may be served by any person and shall be returned to the chief clerk of the house which issued the same as subpoenas from the circuit court are served and returned. 3 **[WHY IS THIS**

HERE?] Failure to comply with the legislative subpoenas may constitute contempt, and may result in punishment or damages. See, e.g., Wisc. Stat. §§ 13.26(1)(c), 13.27, 885.11, 885.12, 885.15. 4 **[NOW, ITS 4]**

In October 2021, Special Counsel Gableman issued subpoenas to *Plaintiff Meagan Wolfe, in her official capacity as Administrator of the Wisconsin Elections Commission, and to Plaintiff Wisconsin Elections Commission (“WEC”).* **[NEED TO CHANGE THIS TO REFLECT CITIES OF GREEN BAY AND MADISON]** See Pls. Exs. B and C.

As required, these subpoenas were signed by both Speaker Robin Vos and Edward A. Blazel, Chief Clerk of the Wisconsin State Assembly.⁴ Id. These subpoenas were issued on behalf of the Elections Committee.⁵ Id. The subpoenas required both testimony and documents relating to the 2020 Elections in Wisconsin. Id. While the subpoenas provided that the evidence and testimony requested included, but was not limited to, “potential irregularities and/or illegalities related to the Election[,]” the subpoenas are self-limited by requiring evidence and testimony only for the November 2020 General Election, and documents only from January 1, 2020 through present. Id. Plaintiffs were to appear for depositions on October 22, 2021 **[MAKE SURE THIS DATE IS CORRECT]**; however, the parties refused **[AGAIN, MAKE SURE THIS IS CORRECT]**. And despite Special Counsel Gableman’s efforts to reschedule the depositions, the parties were unable to come to an agreement. The subpoenas complied with all relevant laws and authorities regarding the issuance of legislative subpoenas. See Wisc. Stat. § 13.31 and Assembly Rule 3(1)(o). 4 **[CHECK THIS OUT ON COURTNEY’S BREIF]** This initial issuance also complies with Assembly Rule 3(1)(o) providing that subpoenas be issued by the speaker and chief clerk. ⁵They were issued on behalf of the Elections Committee because

Special Counsel Gableman was properly delegated authority to investigate on behalf of the Elections Committee, by both the Committee on Assembly Organization and Speaker Vos. *Supra* p. 4. This proper delegation gave Special Counsel Gableman and the Office of Special Counsel the same authority and powers as the Elections Committee to investigate. *Id.* Accordingly, actions by Special Counsel Gableman and the Office of Special Counsel in furtherance of this investigation are undertaken on behalf of the Elections Committee. *Id.* 5 (detailing the other ways the subpoenas complied with black letter law) **[WHAT?]**.

The ballots both authorized the hiring of the Special Counsel as well as the establishment of an Office of Special Counsel, and the contracts between Speaker Vos and Special Counsel Gableman (*supra* p. 4), properly delegated the authority to investigate and to issue subpoenas to that Special Counsel. As a result, the subpoenas did not need to be approved by either Chairman Brandtjen, or the Committee.

C. Legislative Action

The subpoenas and the investigation itself further a significant legislative purpose—determining whether the legislature’s laws were applied and determining what legislation, if any, is necessary to ensure legitimacy, transparency, fairness, and integrity of Wisconsin elections. In fact, even in the midst of this investigation, the Wisconsin Legislature 6 has already made efforts to remedy some of the issues from prior elections. See SB 203, SB 204, SB 205, AB 173, SB 210, SB 212, and SB 292 (all addressing various election issues, passed by both Wisconsin Assembly and Senate but vetoed by the Governor). And, it is likely the Legislature will be introducing additional legislation after Special Counsel Gableman presents his recommended steps to enhance the integrity of Wisconsin elections and to restore public confidence in

elections going forward. The way the investigation is being handled and applied further shows how Special Counsel Gableman views his role in the investigation, and the legislative purpose that such investigation serves. In his Interim Report, Special Counsel Gableman gives an update on the investigation, but also highlights, in multiple ways, how he views his role in this investigation:

- Stating that his role is not to engage in law enforcement efforts. Interim Report, Office of the Special Counsel (Nov. 10, 2021), 9-10, <https://www.wifraud.com/content/files/InterimReportFINALSubmitt.pdf>. Instead, his job is: to investigate what happened in regard to the November 2020 election, what should have happened, why there was a difference between the two, and to recommend steps to enhance the transparency of our elections as well as restore public confidence in elections going forward. Id. at 3 (emphasis added).
- Highlighting that he is seeking answers to questions like: “what changes can the state of Wisconsin make to ensure our future elections are not only secure, but as important, widely known to be secure?” Id. at 4.
- Making clear that there is no law enforcement function to his investigation: “Under Wis. Stat. § 13.31, the legislature has the authority to subpoena information from individuals. Because this legislative subpoena is a part of common law legislative authority which holds that without access to all available information a legislature cannot properly legislate—and because this subpoena does not directly relate to or contemplate criminal proceedings, criminal due process rights are not implicated. See Wis. Stat. § 13.35. To this end, § 13.35 expressly provides that documents and testimony provided by a witness pursuant to a legislative subpoena cannot “be used in any trial or criminal proceeding against such person in court.” Id. at 9-10.
- Highlighting his ability and role to provide recommendations to improve the laws unlike the Legislative Audit Bureau (“LAB”), who also recently conducted an

investigation. *Id.* at 10. • Stating that the Special Counsel’s investigation differs from LAB’s “ability to make recommendations is statutorily limited to the four corners of current Wisconsin law and it does not generally make recommendations to improve the law.” *Id.* The investigation, properly authorized by the Assembly and properly delegated to Special Counsel Gableman and the Office of Special Counsel, is critical to the Assembly’s investigative and law-making authority, and must be allowed to continue, free from judicial intervention. II. Issues 1. Whether Plaintiffs have standing to bring this suit. 2. If Plaintiffs have standing, whether Plaintiffs have met their burden for injunctive relief. III. Rule A temporary injunction is not to be issued unless the movant satisfies the burden of proving four elements: “(1) the movant is likely to suffer irreparable harm if a temporary 8 injunction is not issued; (2) the movant has no other adequate remedy at law; (3) a temporary injunction is necessary to preserve the status quo; and (4) the movant has a reasonable probability of success on the merits.” *Milwaukee Deputy Sheriffs’ Ass’n*, 370 Wis.2d at 659-60 (citing *A.L. Grootemaat & Sons, Inc.*, 80 Wis.2d at 520-21). Injunctions are not to be issued lightly. *Werner v. A.L. Grootemaat & Sons, Inc.*, 80 Wis. 2d 513, 520 (1977). “The cause must be substantial.” *Id.* “The granting or denial of injunctive relief is a matter of discretion for the circuit court.” *Milwaukee Deputy Sheriffs’ Ass’n v. Milwaukee County*, 370 Wis.2d 644, 659-60 (Wis. Ct. App. 2016). IV. Argument A. Plaintiffs do not have standing. Neither WEC nor Meagan Wolfe, in her official capacity, have standing to bring this suit. See *City of Kenosha v. State*, 35 Wis.2d 317, 330 (Wis. 1967) (“creatures of the state, are not permitted to censor or supervise the activities of their creator” and thus have no standing to sue). 1. Sovereign immunity bars WEC’s claims for declaratory and injunctive relief. WEC has no basis to pursue claims against the Special Counsel or other legislative defendants for declaratory or injunctive

relief under Wisc. Stat. §§ 806.04 and 813.02(1). The Wisconsin Constitution provides sovereign immunity from all actions except those actions which the legislature has expressly authorized. Wis. Const. art. IV, § 27 (“The legislature shall direct by law in what manner and in what courts suits may be brought against the state”). Any such authorization must be specifically expressed by statute. See *State v. P.G. Miron Construction Company*, 181 Wis. 2d 1045, 1052-53 (Wis. 1994). This action against the Speaker, Special Counsel Gableman, and Chairwoman in their 9 official capacities is “a suit against the state,” and under art. IV, § 27, “it is the legislature that determines how and in what respect the state can be sued, and the mandate is equally applicable to administrative arms and agencies of the state.” *Appel v. Halverson*, 50 Wis. 2d 230, 235–36, (Wis. 1971) (footnotes omitted). Only the legislature may waive immunity to such suit, and any such waiver must be made “clearly and expressly.” *Panzer v. Doyle*, 271 Wis. 2d 295, 363–64 (Wis. 2004) (abrogated on other grounds by *Dairyland Greyhound Park, Inc. v. Doyle*, 295 Wis. 2d 1 (Wis. 2006)). In the absence of such express waiver, “The judiciary cannot step in where the legislature has failed to act” *Erickson Oil Prod., Inc. v. State*, 184 Wis. 2d 36, 52 (Ct. App. 1994). 2. WEC is not authorized by statute to bring this claim. In this case, the legislature has provided no consent or authority of any kind for WEC to pursue its present claims under Wis. Stat. § 806.04 or § 813.02(1). Wis. Stat. § 5.05(1) et seq. defines the Commission’s powers and duties administering Chapters 5-10 and 12. The legislature has authorized WEC to maintain actions in relation to specific duties. E.g. Wis. Stat. § 5.05(2m)(a) (“The commission shall investigate violations of laws administered by the commission and may prosecute alleged civil violations of those laws”). However, WEC has “only those powers [that] are expressly conferred or [that] are necessarily implied by the statutes under which [it] operate[s].”

Koschkee v. Taylor, 387 Wis 2d 552, 563 (Wis. 2019) (quoting Kimberly-Clark Corp. v. Pub. Serv. Comm'n, 110 Wis. 2d 455, 461-62 (Wis. 1983)). See also Racine Fire and Policy Commn. v. Stanfield, 70 Wis.2d 395, 402 (Wis. 1975) ("It is only where the capacity to sue or be sued is necessary to carry out an express power or to perform an express duty, or where the action arises out of the performance of 10 statutory powers or obligations that the authority to sue or be sued exists"). Here, the legislature has provided WEC no "powers or obligations" to sue the Assembly, a committee, or its officials to evade legislative investigation and fact-finding. 3. The complaint does not allege any exceptions to sovereign immunity. The only exception to the requirement that the legislature expressly waive immunity is where state officials act "beyond their constitutional or jurisdictional powers." Metzger v. Wisconsin Dep't of Tax'n, 35 Wis. 2d 119, 132-33 (Wis. 1967). In that case, "the courts may entertain actions to enjoin state officers and state agencies from acting beyond their constitutional or jurisdictional powers . . . but, to come within this exception, the complaint must allege action outside the lawful authority of the officer or agency." Appel, 50 Wis. 2d at 235-36. Applying that requirement here, the only facts that matter are the subpoenas themselves, for the obvious reason that they are the only "acts" by which any Defendant has exercised any official authority. And the only legal issue is whether the subpoenas, within their four corners, constitute any actions that are, in fact, "beyond their constitutional or jurisdictional powers." E.g. United States v. Callahan, 588 F.2d 1078, 1087-88 (5th Cir. 1979) (subpoena "legal and valid on its face"); Flowers v. First Hawaiian Bank, 295 F.3d 966, 974 (9th Cir. 2002) (subpoena "on its face . . . invokes nonexistent legal authority"); United States v. Polizzi, 323 F. Supp. 222, 225 (C.D. Cal.), rev'd on other grounds, 450 F.2d 880 (9th Cir. 1971) (subpoena "in all respects in proper form"). Plaintiffs' Complaint here

contains several vaguely pled references to law enforcement and extraneous facts (like the speaker's statements and Rep. Brandtjen's press release), but none of these references show that the Assembly acted "beyond [their] constitutional or jurisdictional 11 powers." See Part IV.C.2. (the subpoenas are a proper exercise of legislative authority and were properly issued). 4. WEC did not authorize this action. Even if the legislature had provided WEC authority to sue the legislature for injunctive and declaratory relief, WEC has neither alleged nor proven that it ever voted to do so. Any such action would require a two thirds vote of WEC Commissioners. "Any action by the commission, except an action relating to procedure of the commission, requires the affirmative vote of at least two-thirds of the members." Wis. Stat. § 5.05(1e). Suing the Wisconsin State Assembly, its Speaker, their Special Counsel, and an Assembly Committee and its chairwoman is obviously not a mere "procedure" excepted from the two-thirds vote requirement. The Wisconsin Open Meetings Law requires all governmental bodies, including the Commission, to maintain a public record of such votes. Secret votes are prohibited: "The motions and roll call votes of each meeting of a governmental body shall be recorded, preserved and open to public inspection to the extent prescribed in subch. II of ch. 19." Wis. Stat. § 19.88(3). Plaintiffs' own counsel, the Wisconsin Attorney General, explains that "The open meetings law requires a governmental body to create and preserve a record of all motions and roll-call votes at its meetings." Wisconsin Open Meetings Law Compliance Guide, 2019, Wisconsin Department of Justice, Attorney General Josh Kaul, p. 22. In addition to the Open Meetings requirements, Governor Tony Evers signed 2021 Wisconsin Act 38 into law this session, which requires that WEC: post on its Internet site the draft minutes of each meeting or hearing conducted by the 12 commission in open session no later than 48 hours after the completion of the meeting or

hearing...Minutes posted pursuant to this paragraph shall include a summary of every action that the commission voted on, a record of each member's vote for or against every action requiring a vote, a record of all motions and seconds made by each member, including the full text of each motion debated and voted on by the commission, and a record of each member's status as being present or absent for any part of a meeting or hearing. Wis. Stat. § 5.05(5s)(a). The subpoenas challenged by Plaintiffs were served on October 2021. Compl., Doc. 6, at 6-7. But since that date, the webpage maintained by WEC for posting meeting minutes in compliance with the Open Meetings Law and Wis. Stat. § 5.05(5s)(a) records no minutes of any vote authorizing this action. Nor are there minutes of any vote authorizing the Attorney General to commence this action on WEC's behalf. The Wisconsin Constitution provides that "[t]he powers, duties and compensation of the treasurer and attorney general shall be prescribed by law." Wis. Const. art. VI, § 3. Here, there is no lawful basis permitting the attorney general to bring this action without two-thirds vote of WEC. In the absence of authorization by WEC, the only other source of authorization is Governor Evers himself under Wis. Stat. § 165.25(1). WEC has neither pleaded nor proven the Governor directed the Attorney General to commence this action, and any such clandestine authorization would raise separation of powers questions even graver than those already before the court.⁷ ⁶Wisconsin Elections Commission, Past Meetings, <https://elections.wi.gov/about/meetings/past> (last visited Nov. 23, 2021). ⁷The only other conceivable source of authority is the Legislature's joint committee on legislative organization, which "shall be advisory to the commission on all matters relating to operation of the commission." Wisc. Stat. § 5.05(5f). But instead of seeking the committee's advice or authorization, Plaintiffs sued its co-chairman,

Assembly Speaker Robin Vos. 13 5. WEC Administrator Meagan Wolfe does not have the authority to commence this lawsuit. The Court likewise must not reach the merits of Administrator Meagan Wolfe's claims fail, which fail for the same reason WEC's—she has failed to plead or prove she authorized this action, and she has no authority to do so even if she had. The Commission “shall have the responsibility for the administration of chs. 5 to 10 and 12 and other laws relating to elections and election campaigns” Wis. Stat. § 5.05(1). See also § 5.05(2w) (the Commission “has the responsibility for the administration of chs. 5 to 10 and 12”). There is no statutory authority for the Administrator to commence an action on behalf of the Commission or on the Administrator's own behalf. The Administrator serves at the pleasure of the Commission, which “appoint[s] an administrator in the manner provided under s. 15.61(1)(b),” Wis. Stat. § 5.05(3d), and the “administrator shall perform such duties as the commission assigns to him or her in the administration of chs. 5 to 10 and 12.” *Id.* There is no record of any WEC resolution granting the Administrator the authorization to bring this case on its behalf or on the Administrator's behalf. B. The Separation of Powers doctrine precludes this Court from interfering with the Assembly's manner of investigation. As shown below (Part IV.C.2), the Assembly has broad authority to investigate and to determine the process, manner, and scope of legislative investigations. This Court should not grant the relief sought under the separation of powers doctrine, nor should this Court second guess the decision of the Assembly in determining how to conduct its investigation. The separation of powers “operates in a general way to confine legislative powers to the legislature.” *League of Women Voters of Wisconsin v. Evers*, 387 Wis. 2d 511, 537 (Wis. 2019) 14 (quoting *Goodland v. Zimmerman*, 243 Wis. 459, 467 (Wis. 1943). “From the very nature of things, the judicial power cannot legislate nor supervise the

making of laws.” Id. (quoting *State ex rel. Rose v. Superior Court of Milwaukee Cty.*, 105 Wis. 651, 675, (Wis. 1900)). Accordingly, the Wisconsin Supreme Court has made clear that “the judiciary may not interfere with the Legislature’s execution of its constitutional duties. ‘[T]his court will not, under separation of powers concepts and affording the comity and respect due a co-equal branch of state government, interfere with the conduct of legislative affairs.’” *League of Women Voters of Wisconsin v. Evers*, 387 Wis. 2d 511, 537 (Wis. 2019) (quoting *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 368 (1983)) (emphasis added). See also *State ex rel. Ozanne v. Fitzgerald*, 334 Wis. 2d 70, 78 (Wis. 2011) (“[W]e will not intermeddle in what we view, in the absence of constitutional directives to the contrary, to be purely legislative concerns [or procedures.]”); *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 364, 338 N.W.2d 684, 687 (1983) (“we will not intermeddle in what we view, in the absence of constitutional directives to the contrary, to be purely legislative concerns[.]”). As shown below, the Assembly has broad authority to conduct investigations in the way and manner they see fit. This Court must not violate the foundational constitutional principle of the separation of powers between the branches of government by interfering with the Assembly’s exercise of its core constitutional obligation and right of legislative oversight. C. Plaintiffs unlikely to succeed on the Merits As shown below, Plaintiffs are unlikely to succeed on the merits of their case. First, Plaintiffs have failed to submit the evidence necessary for a preliminary injunction (Part IV.C.1.), Second, the subpoenas are a valid exercise of legislative authority (Part IV.C.2.) and are properly issued (Part IV.C.3.). 1. Plaintiffs fail to present the evidence necessary for a preliminary or temporary injunction. Plaintiffs’ motion for preliminary injunction must be denied because their complaint is unverified and unsupported by affidavit or other evidentiary submission. As shown

above, supra Part III., injunctions are not to be issued lightly and require the moving party to prove four requirements have been met: “(1) the movant is likely to suffer irreparable harm if a temporary injunction is not issued; (2) the movant has no other adequate remedy at law; (3) a temporary injunction is necessary to preserve the status quo; and (4) the movant has a reasonable probability of success on the merits.” Milwaukee Deputy Sheriffs’ Ass’n, 370 Wis.2d at 659-60 (citing A.L. Grootemaat & Sons, Inc., 80 Wis.2d at 520-21). The Court may deny an injunction based on unverified representations even assuming allegations are true. Bloomquist v. Better Bus. Bureau of Milwaukee, 17 Wis. 2d 101, 104–05 (1962) (“having heard counsel’s summary of the proposed testimony, he concluded that even if the witnesses testified accordingly, the temporary injunction should not be granted”). However, a verified complaint is a sufficient basis for an injunction for granting an injunction only if it recites sufficient facts supporting the order and is supported by verification or affidavit made on personal knowledge. Wisconsin Judicial Benchbook, Vol. II, CV 35-3 (1999) (discussing My Laundry Co. v. Schmeling, 129 Wis. 597 (1906)). Even if plaintiffs supported their allegations by verification or affidavit, those allegations may be defeated by counter-affidavits. Valley Iron Works Mfg. Co. v. Goodrick, 103 Wis. 436 (1899). Further, merely presenting sworn evidence is not enough. Plaintiffs bear the burden to prove each individual element by clear and satisfactory evidence. For example, as to the likelihood of success, the court ruled in Clegg v. Jones, “we are constrained to say that the exclusive right to mine upon the tract in question is not established by that clear and satisfactory evidence which is essential to warrant the court in granting a perpetual injunction against others mining on the same.” 43 Wis. 482, 487 (Wis. 1878). As to irreparable harm, the court stated in Pure Milk Prod. Co-op. v. Nat’l Farmers Org. that “[t]o invoke the remedy of injunction the

plaintiff must moreover establish that the injury is irreparable” 90 Wis. 2d 781, 800 (1979) (citations omitted). And in *Wergin v. Voss*, the court required a “strong case of probability” of irreparable harm - “A showing of probable or contingent injury is insufficient: The injury must be inevitable and undoubted.” 179 Wis. 603, 192 N.W. 51, 53 (1923) (quoting 7 A. L. R. 749, internal citations omitted). Applying those principles, Plaintiffs fail to establish a likelihood of success on the merits where Plaintiffs have neither pleaded nor proven that this action is authorized in compliance with Wisconsin Statutes. Plaintiffs have failed to submit any sworn evidence that shows how they will sustain irreparable injury by producing those records which are clearly specified – especially where (1) Plaintiffs are specifically tasked by statute to collect and publish extensive information regarding maintenance of the voter database together with “[a]ny other information requested by the legislature,” Wis. Stat. § 6.50(2r)(h), (2) they admit that the Special Counsel is entitled to receive documents relevant to his legislative functions, and (3) they acknowledge that they have already produced documents responsive to the subpoena. Plaintiffs have not and can not present evidence that they lack adequate remedy for the simple reason that no remedy is needed where there is no harm to begin with. Finally, Plaintiffs do not address at all the need to maintain status *17 quo*. The lack of sworn evidence precludes the relief sought, as Plaintiffs cannot prove the four elements are met. 2. The subpoenas are a proper exercise of legislative authority. Plaintiffs allege that the subpoenas are unlawful and that the procedure for the depositions “has no basis in statute[.]” Pls. Br., Doc. 7, at 2, 4. The Assembly, however, has plenary⁸ authority to conduct investigations and issue subpoenas in furtherance of its legislative functions, and it is well within the Assembly’s authority to determine the manner, process, and scope of such investigations. This authority is

inherent. Nevertheless, the issuance of the subpoenas comply with all constitutional, statutory, and Assembly rules. Moreover, there is no statutory or constitutional authority that requires legislative investigations to take place only in public committees, and not through a special counsel, as Plaintiffs seem to allege. a. The Assembly has broad authority to conduct investigations and issues the subpoenas at issue. The Assembly has plenary authority to conduct investigations in furtherance of its legislative functions. Such investigations are essential to the lawmaking process, allowing the legislature to determine which laws to make or amend, and for the legislature to exercise its oversight duties. Without such investigative power, the legislature may not have access to all the information necessary to perform its duties or make informed legislation. This plenary power to 8Plenary means “[f]ull; entire; complete; unabridged.” The Law Dictionary, <https://thelawdictionary.org/plenary/> (last visited Nov. 24, 2021). 18 investigate also includes the power to determine the manner, process, and scope of legislative investigations. The Assembly has a “constitutional right” to conduct investigations. In re Falvey, 7 Wis. 630, 638 (Wis. 1858); see also, Wis. Const. Art. 4, Sec. 1 (“The legislative power shall be vested in a senate and assembly.”), State ex rel. McCormack v. Foley, 18 Wis. 2d 274, 277 (Wis. 1962) (“The framers of the Wisconsin Constitution vested the legislative power of the state in a senate and assembly. The exercise of such power is subject only to the limitation and restraints imposed by the Wisconsin Constitution and the Constitution and laws of the United States. This court has repeatedly held that the power of the state legislature, unlike that of the federal congress, is plenary in nature[.]”), Town of Beloit v. Cty. of Rock, 259 Wis. 2d 37, 53 (Wis. 2003) (citing Libertarian Party of Wisconsin v. State, 199 Wis. 2d 790, 801 (Wis. 1996)) (“The Legislature has plenary power to act except where forbidden by the Wisconsin Constitution.”),

Libertarian Party of Wisconsin, 199 Wis. 2d at 801 (“Our legislature has plenary power except where forbidden to act by the Wisconsin Constitution.”). Likewise, with regard to legislative investigations, courts have made clear that: The legislature has very broad discretionary power to investigate any subject respecting which it may desire information in aid of the proper discharge of its function to make or unmake written laws, or perform any other act delegated to it by the fundamental law, state or national, and to proceed, with that end in view, by a duly authorized committee of one or both branches of the Legislature and to incur reasonably necessary expenses, payable out of the public funds. Goldman, 286 F. Supp. at 43 (internal quotes and citation omitted). The Western District of Wisconsin further noted that: With respect to Congress, the Supreme Court has held: ‘The power * * * to conduct investigations is inherent in the legislative process. 19 That power is broad. It encompasses inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes. It includes surveys of defects in our social, economic or political system for the purpose of enabling the Congress to remedy them.’ Id. (quoting *Watkins v. United States*, 354 U.S. 178, 187 (1957)); see also id. (citing *Gibson v. Florida Legislative Investigation Committee*, 372 U.S. 539, 544-545 (1963) (acknowledging that this investigatory power of Congress is equally applicable to state legislatures)). No provision of the Wisconsin Constitution limits the authority of the Assembly to conduct investigations or to issue subpoenas, like those at issue here. So while various provisions, including Wisc. Stat. § 13.31, govern the initial issuance of subpoenas, no statute or rule operates to limit the Assembly’s authority to conduct an investigation how they see fit. The only case in Wisconsin discussing the constitutional limitations of legislative investigations is Goldman. In Goldman, the Court noted only two limitations upon the investigatory power of the Assembly. Id. The

first is due process (“whether the subject matter of the particular legislative investigation is defined with sufficient explicitness and clarity to provide a reasonable basis for judgment by the witness whether a specific question put to him is pertinent to that subject matter”), and the second is the First Amendment (“if the legislative inquiry invades those freedoms of opinion and speech and association protected by the First Amendment, whether there is a substantial relationship between the information sought and some subordinating, overriding, compelling state interest or concern.”). *Id.* As shown below, Plaintiffs have no Constitutional rights to assert here and, in any event, there is no First Amendment claim asserted and the Resolution and subpoenas comply with Due Process. See *infra* Part IV.C.3.b. As a result: 20 The policy, the expediency of exercising the power, and the manner of conducting the investigation, rests . . . entirely in the sound discretion of the legislature. For if the legislature have the power to investigate at all, it has the power of choosing how the investigation shall be had; whether by a committee of one house, or by a committee of each house, acting separately, or by committees acting jointly.” *In re Falvey*, 7 Wis. at 638; see also *id.* (noting that the legislature may investigate “in any other manner which to it might seem most convenient and proper”) (emphasis added). Accordingly, here, so long as the investigation is in furtherance of a valid legislative purpose and the action taken is not specifically proscribed by relevant authority, the subpoenas are validly issued. b. The subpoenas are in furtherance of a valid legislative purpose. The subpoenas and the Resolution authorizing the investigation are both within the proper scope of legislative purpose and function. And despite Plaintiffs allegations to the contrary (Pls. Br., Doc. 7, at 8), they do not constitute law enforcement activity, as there is no “enforcement” component to this investigation. As shown above, the Assembly has plenary power in investigations related to a legislative

purpose with the only limits being constitutional ones. See, e.g., *Watkins*, 354 U.S. at 197. “The power to investigate is inherent in the legislative process.” *Goldman*, 286 F. Supp. at 43. Determining what laws to make is at the core of the legislative function. Further, “[w]ithout information, [the Assembly] would be shooting in the dark, unable to legislate wisely or effectively.” *Trump v. Mazars, USA, LLP*, 140 S. Ct. 2019, 2031 (2020) (citing *McGrain v. Daugherty*, 273 U.S. 135, 161 (1927)). So while a subpoena must serve a “valid legislative purpose,” such legislative purpose must simply “concern a subject on which legislation could be had.” *Mazars, USA*, 140 S. Ct. at 2031 (emphasis added) (citations omitted). 21 Laws relating to elections are clearly within the purview of a “subject on which legislation could be had.” U.S. Const. Art. 1, § 4. (emphasis added) provides: “The Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof.” U.S. Const. Art. 1, § 4. (emphasis added); see also U.S. Const. Art. 2, § 1 (“Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors,” to vote for President and Vice President.). Further, “[t]he powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” U.S. Const. Amend. X. Thus, it is clear that laws and legislation regulating elections are clearly within the legislative powers of the States and is a concern “on which legislation could be had.” *Mazars, USA*, 140 S. Ct. at 2031. The Resolution authorizing the investigation states that it is “directing the Assembly Committee on Campaigns and Elections to investigate the administration of elections in Wisconsin.” Pls. Ex. A. And the subpoenas themselves are focused specifically on the November 2020 Election. Pls. Exs. B and C. Both the Resolution and Subpoenas are clearly investigating a concern “on which legislation could be had.” *Mazars*,

USA, 140 S. Ct. at 2031. In fact, Special Counsel Gableman acknowledges that his role in the investigation is to investigate what happened in regard to the November 2020 election, what should have happened, why there was a difference between the two, and to recommend steps to enhance the transparency of our elections as well as restore public confidence in elections going forward[] and to determine “what changes can the state of Wisconsin make to ensure our future elections are not only secure, but as important, widely known to be secure.” *Supra* p. 7. This further 22 supports the legislative purpose behind both the investigation and subpoenas. Even in the midst of this investigation, the Wisconsin Legislature has already made efforts to remedy some of the issues from prior elections. *Supra* p. 6-7 (detailing the recent bills passed relating to elections). These actions by the Legislature further support that this investigation involves a matter on which legislation could be had. None of the cases cited by the Plaintiffs support the allegation that the subpoenas are not directed to a legislative purpose. In fact, none of the cases turned on whether the investigation/ subpoena was in furtherance of a legislative subpoena. See *Watkins*, 354 U.S. 178 (1957) (holding that the resolution was overbroad and violated the defendant’s right to due process under the 5th Amendment); see also *Mazars, USA*, 140 S. Ct. 2019 (holding that while the investigation was to further a valid legislative purpose, the subpoenas for the President’s records violated the principles of separation of powers); *State v. Frear*, 138 Wis. 173 (1909) (finding that the bill failed to state facts sufficient to constitute a cause of action); *McGrain v. Daugherty*, 273 U.S. 135 (1927) (finding that the warrant was valid under the legislative resolution). Plaintiffs also allege that the subpoenas are not in furtherance of a valid legislative purpose because they are primarily focused on law enforcement. *Pls. Br.*, Doc. 7, at 8. This allegation is false. Nothing in the Resolution, nor the investigation,

deals with law enforcement. See generally Pls. Ex. A. The closest that the Plaintiffs can come is an out-of-context quote from Speaker Vos. Pls. Br., Doc. 7, at 9; Compl., Doc. 6, ¶ 40. But Speaker Vos was not stating that the investigation had any law enforcement aspect. Instead, he was making clear that information obtained during the investigation should remain confidential until such investigation was completed. Further, Special Counsel Gableman stated himself that “[t]his is not a criminal prosecution, nor is it litigation of any kind.” Former Wisconsin Supreme Court Justice Michael Gableman’s investigation into the November 2020 election before the Assembly Committee on Campaigns and Elections, 2021-2022 Assembly (Wis. Nov. 10, 2021) (statement of Justice Gableman). A legislative investigation is to be examined “not simply as written, but as applied or as threatened to be applied.” Goldman, 286 F. Supp. at 49. In application, the investigation is in no way similar to a criminal proceeding or law enforcement action. This investigation into election related matters is clearly a valid legislative purpose, as it relates to matters on legislation which could be had, and is not akin to a criminal proceeding or law enforcement action.

c. The manner of investigation is proper. Plaintiffs allege that witnesses may be compelled to testify only in public, in front of a specific Committee, and at the state capitol. Pls. Br., Doc. 7, at 5-6. But, given the broad and plenary authority the Assembly has to investigate, and to determine the process, manner, and scope of the investigation, relevant statutes and rules cannot be seen as limits to that authority unless explicit. As Courts have made clear, “the manner of conducting the investigation, rests . . . entirely in the sound discretion of the legislature.” *In re Falvey*, 7 Wis. at 638. “For if the legislature have the power to investigate at all, it has the power of choosing how the investigation shall be had[.]” Accordingly, it is within the constitutional powers of the Assembly to determine how an investigation will be

conducted. Here, Wisconsin statutes do not lay out the process, procedure, or manner of investigations or subpoenas, aside from the process on initial issuance and enforcement. See, e.g. 24 Wisc. Stat. §§ 13.26, 13.31. Nor does the Constitution establish the process, procedure, or manner of investigations or subpoenas. Finally, the Resolution did not establish the process, nor set constraints, on how the investigation is to be conducted. Instead, the Assembly determined, as is their prerogative and right, that the investigation would be conducted via special counsel. *Supra* p. 4. In accordance with that authority, Speaker Vos entered into a contract with Special Counsel Gableman to establish an Office of Special Counsel and to assist the Elections Committee in pursuing the investigation. *Id.* Doing so, properly delegated authority to Special Counsel Gableman to investigate on behalf of the Elections Committee, and gave him the same authority and powers as the Elections Committee. *Id.* Additionally, Speaker Vos authorized the issuance of the subpoenas in the name of the Election Committee, making clear that such subpoenas were attributed to them and were considered to be undertaken on behalf of the Elections Committee. *Id.*; see also *supra* p. 5, n. 5. Wisconsin statutes provide no bar or limit to this delegation or manner of investigation. For example, Wisc. Stat. § 13.31 does not provide an explicit limit regarding how witnesses are to provide testimony. Instead, it simply provides relevant procedures for how a subpoena is to be issued. Section 13.31 provides, in relevant part, “[t]he attendance of witnesses before any committee of the legislature, or of either house thereof, appointed to investigate any subject matter, may be procured by subpoenas signed by the presiding officer and chief clerk of the senate or assembly.” This makes clear that in order to compel a witness to appear before a legislative committee which has been directed or authorized to investigate, such subpoena must be signed by the

Speaker and Chief Clerk. Likewise, Assembly Rule 3(1)(o), also provide for issuing of subpoenas, providing that the Speaker shall be the one to issue subpoenas “with the 25 countersignature of the chief clerk[.]” Neither statute or rule limits who may take the testimony, nor where it may be taken. Instead, as shown above, it is the duty and right of the Assembly to determine the manner, processes, and scope of its investigation and subpoenas. Relevant case law and statutes also support the Assembly’s authority to pursue the investigation in this manner. In *In re Falvey*, the Wisconsin Supreme Court noted “the power of the legislature to investigate the matters named in the joint resolutions, either by a joint committee, or by a committee of either or both houses acting independently, or the legislature might have investigated into these matters in any other manner which to [the Legislature] might seem most convenient and proper.” *Id.* at 638 (emphasis added). Likewise, Wisc. Stat. § 13.31 in and of itself indicates that an investigation may not be in front of the entire committee, a “subpoena[] shall state when and where, and before whom, the witness is required to appear” (emphasis added). It would be unnecessary to state “before whom” the witness was to appear, if the Committee issuing the subpoena were the only entity or person permitted to take testimony. Likewise, § 13.26(c) provides that contempt punishment may be imposed when a witness “[refuses] to attend or be examined as a witness, either before the house or a committee, or before any person authorized to take testimony. . . .” (emphasis added). This clear statutory language indicates that someone, other than the committee as a whole, may investigate and take testimony on behalf of a committee. Finally, the ballots adopted by the Committee on Assembly Organization and the subsequent contracts providing that Special Counsel Gableman, as special counsel, is to assist the committee in its investigation. This action gave the

special counsel all the same powers as the 26 Elections Committee to pursue the investigation. *Supra* p. 4, 5 n. 5. And the subpoenas, properly authorized by Speaker Vos and the Chief Clerk and issued in the name of the committee, require attendance before the Special Counsel. See Pls. Exs. B and C. Such actions indicate that an appearance before Special Counsel Gableman, as special counsel, are to be considered as an appearance before the committee. Because no constitutional authority, statute, or rule limits the Assembly's authority to issue the subpoenas at issue, nor limits Special Counsel Gableman's authority to require testimony before him at his office, they are proper. Moreover, other relevant statutory provisions indicate that such actions may be taken by the Assembly. So the manner of investigation is proper and should not be enjoined. 3. The subpoenas comply with relevant law. Plaintiffs allege that the subpoenas are "unclear and indefinite" and that they are "overbroad and burdensome." Pls. Br., Doc. 7, at 10-13. But the subpoenas at issue are proper, both under Wisconsin law and due process. a. The subpoenas properly comply with the statute governing legislative subpoenas. Wisconsin law makes clear that "[t]he attendance of witness before any committee of the legislature, or of either house thereof, appointed to investigate any subject matter, may be procured by subpoenas signed by the presiding officer and chief clerk of the senate or assembly. Such subpoenas shall state when and where, and before whom, the witness is required to appear." Wisc. Stat. § 13.31 (emphasis added). Further, each house may punish by contempt for "[r]efusing to attend or be examined as a witness . . . before any person authorized to take testimony in legislative proceedings." Wisc. Stat. § 13.26(1)(c) (emphasis added). According, Wisc. Stat. § 13.31 only requires that a legislative subpoena be signed by the presiding officer and chief clerk of the chamber and state when and where, and before whom the witness is required to

appear.⁹ Here, both subpoenas comply with these requirements, as each were signed by the Speaker of the Assembly and the chief clerk. See Pls. Exs. B and C. The subpoenas also state when and where, and before whom they shall appear, stating: “You are hereby commanded to appear in person before the Special Counsel or his designee on Friday, October 15, 2021 at 9:00 am at 200 South Executive Drive, Suite 101, Brookfield WI 53005.” Pls. Ex. B (emphasis added). Finally, the subpoenas make clear that the subpoenaed were to appear on or Oct. 22, 2021, at 9:00 AM at 200 Executive Drive, Suite 101 Brookfield, WI before the Special Counsel or his designee. Because the subpoenas clearly follow the standards set out by Wisconsin law, they are proper.

b. The subpoenas also comply with Constitutional Limitations. As shown above, the Assembly has broad discretionary power to investigate any subject which it may desire in aid to the discharge of its power to make or unmake laws. See Part IV.C. 2., see also *Goldman*, 286 F. Supp. at 43 (“The power to conduct investigations is inherent in the legislative process.”) (citation omitted). This power is broad and encompasses all inquiries concerning the administration of existing laws as well as proposed or possible statutes. *Id.* There are only two limitations upon the investigatory powers of the state legislatures. *Id.* The first is due process, “whether the subject matter of the particular legislative investigation is 9Likewise, Assembly Rule 3(1)(o) provides that subpoenas be issued by the speaker and chief clerk. 28 defined with sufficient explicitness and clarity to provide a reasonable basis for judgment by the witness whether a specific question put to him is pertinent to that subject matter.” *Id.* The second is under the First Amendment.¹⁰ i. Plaintiffs can not make a due process claim. Plaintiffs claim due process violations, but the law is clear that constitutional protections do not apply to agencies and officials in their government capacities. A municipal corporation or governmental agencies, “created

by a state for the better ordering of government, has no privileges or immunities under the Federal Constitution which it may invoke in opposition to the will of its creator.” *Williams v. Mayoer and City Council of Baltimore*, 289 U.S. 36, 40 (1933). “A county as a quasi municipal corporation and as an arm of the state has no right to question the constitutionality of the acts of its superior and creator.” *City of Kenosha v. State*, 35 Wis. 2d 317, 330 (1967) (citing *Madison Metropolitan Sewerage Dist. V. Committee on Water Pollution*, 260 Wis. 229, 317 (1951)). This rule extends to governmental agencies since they are “created almost exclusively in the view of the policy of the state at large for purposes of political organization and civil administration in matters of state concern.” *Id.* Governmental agencies, “being creatures of the state, are not permitted to censor or supervise the activities of their creators.” *Id.* See also *City of New York v. Richardson*, 473 F. 2d 923, 929 (2nd Cir. 1973) (finding that “[p]olitical subdivisions of a state may not challenge the validity of a state statute under the Fourteenth Amendment”). Because, this second limitation is brought up only with the First Amendment right to assembly in cases involving legislative investigations into membership of groups and societies, (see *id.*; see also *Watkins v. U.S.*, 354 U.S. 178 (1957)), it has not been raised and is not a limitation in the present case. Special Counsel Gableman will not address any First Amendment issues. 29 Amendment.”). In this context, due process rights do not attach, so there can be no violation of due process from the subpoenas or investigation. ii. The Subpoenas are sufficiently clear and explicit. Even if Plaintiffs could make a due process claim, the subpoenas comply with due process. To survive due process, the subpoena must define with “sufficient explicitness and clarity” to afford those subpoenaed a reasonable basis for judgment whether a particular question put to them was pertinent to the question under inquiry. *Goldman*, 286 F. Supp. at 43-44. The resolution

in question in Goldman authorized a committee “for the purpose of gathering the facts with respect to the riotous and unlawful activities of the week of October 16th and any prior or further such activities and the possible involvement of the WEB DuBois Club and Students for a Democratic Society in such activity.” *Id.* at 38. The Court upheld the resolution, finding that it was “sufficiently well understood by all concerned.” *Id.* at 45. The Resolution and subpoenas in the present case should likewise be upheld under due process. The Resolution authorizing the committee states that “the Assembly committee on Campaigns and Elections to investigate the administration of elections in Wisconsin.” *Pls. Ex. A.* “[F]ocusing in particular on elections conducted after January 1, 2019.” *Id.* This clearly and explicitly defines the scope of the investigation. The subpoenas issued are even more clear. Stating that those subpoenaed are to appear “to give evidence and testimony with regard to the November 2020 General Election in Wisconsin.” *Pls. Ex. B.* While this may be a large subject, given that a general election is a large undertaking, it is only one subject that each witness should have a reasonable basis for the 30 questions asked. The subpoenas even further specify that the questioning will focus on potential irregularities and/or illegalities related to the Election. *Id.* Plaintiffs try to argue that this further obscures the subpoena, however, “[i]t is not reasonable to require the legislature to define the subject or subjects of investigation with that degree of specificity and clarity which must mark its ultimate articulation of a criminal prohibition.” *Goldman*, 286 F. Supp. at 48. The legislature must enjoy more leeway in its investigative function. *Id.* at 49. Thus, the Court must examine the resolution and subpoena, “not simply as written, but as applied.” The subpoena, as applied, is looking only into the November 2020 General Election and any potential irregularities and/or illegalities associated with it—satisfying due process. c. The subpoenas are not overbroad or

burdensome. Plaintiffs try to argue that a statute regulating discovery must narrow the subpoena since it is “overbroad and burdensome.” Pls. Br. Doc. 7, at 11 (citing to Wisc. Stat. § 804.01(3)(a)). However, the only constraints on legislative investigations are due process and First Amendment concerns, if applicable. Since the subpoenas satisfy due process, no other recourse is necessary or proper. Moreover, discovery rules are not applicable to legislative investigations. As shown above, the legislative authority to investigate is plenary. See Part IV.C.2. This absolute and unqualified authority means that no intervening or intermediating statutory scheme, like those governing discovery, can limit the legislature’s authority. Finally, discovery rules, under Wis. Stat. § 804.01, et seq. govern civil litigation. Accordingly, these rules governing discovery are only proper in their appropriate context—civil litigation. Because the subpoenas at issue are not part of any lawsuit or litigation effort, 31 importing procedure requirements from civil litigation is neither applicable, nor proper. This Court should abstain from importing irrelevant discovery rules into a legislative investigation and interfering with the legislature broad authority to investigate in the manner they see fit. Accordingly, this Court should not consider whether subpoenas comply with discovery rules. Any claim that the subpoenas are overbroad or burdensome is irrelevant in the context of a legislative investigation. Even assuming arguendo that it is proper to evaluate the subpoenas under discovery rules, the subpoenas are not overbroad or burdensome.¹¹ First, Wis. Stat. § 804.01(3)(a) is not relevant to this Response, since Plaintiffs have not sought a protective order. And Plaintiffs have not alleged that the subpoenas fail under the general discovery limits of Wis. Stat § 804.01(2)(am). Second, even if Wis. Stat. § 804.01(3)(a) were at issue, the subpoenas do not place an undue burden on Plaintiffs. Pursuant to Wisc. Stat. § 804.01(3)(a), courts may institute protective orders upon motion by a party from

whom discovery is sought upon a showing of good cause to protect against an undue burden. But the subpoenas do not put an undue burden on the Plaintiffs. They specify with sufficient explicitness that Plaintiffs are on notice of what is exactly required. Courts may find a undue burden only when the burden and expense substantial outweighs the value of the information sought. See *Vincent & Vincent, Inc. v. Spacek*, 102 Wis. 2d 266, 272 (Wis. Ct. App. 1981). For example, in *Vincent & Vincent* the information sought was information “concerning each claim or complaint made against Ford between 1974-1979 based on a defect in 11As a preliminary note, WEC is an agency created by the legislature. They are specifically tasked by statute to collect and publish extensive information regarding maintenance of the voter database together with “[a]ny other information requested by the legislature[.]” Wis. Stat. § 6.50(2r)(h). As such, the legislature has the authority to obtain any and all information and documentation from that created entity, and no such action could be considered overbroad. 32 engine valves, heads, or pistons in all Ford motor vehicles.” *Id.* 269-70. Interrogatories further sought the “name, address, and telephone number of each of the claimants.” *Id.* So the information sought required Ford to go through the records of every lawsuit filed against them across the country over a five year period. The court found that the burden and expense to Ford in completing the discovery request substantially outweighed the value of the information. See *id.* at 272 (finding that the claim for damages of \$2,200 was vastly outweighed by the cost of answering the interrogatories of \$10,000). That is not the case here. All the information sought is necessary for the Assembly to legislate wisely on any needed legislation regarding elections in Wisconsin. It is limited in scope to only the November 2020 General Election and any potential irregularities and/or illegalities related to the Election. This is manifestly

different from the scope of discovery sought in *Vincent & Vincent*. Plaintiffs argue that producing a “massive quantity of documents” that are already “in the files and databases of the Commission” would impose an extreme burden. Pls. Br., Doc. 7, at 12. However, all discovery is “burdensome and expensive to some degree.” *Vincent & Vincent*, 102 Wis. 2d at 272. The value of the information sought here is much more than the expense of responding to the subpoenas. The Assembly is attempting to exercise their plenary and inherent Constitutional authority to investigate in furtherance of a valid legislative purpose. Without this information, the Assembly would be “shooting in the dark, unable to legislate wisely or effectively.” *Trump*, 140 S.Ct. at 11. As such, it is not a burden on the Plaintiffs to produce the requested documents or to appear for the deposition. Further, “[t]he burden of establishing good cause is on the party seeking the protective order.” *Earl v. Gulf & Western Mfg. Co.*, 366 N.W. 2d 160, 164 (Wis. 1985). “The presumption is that no order is necessary; the movant must show a positive reason (i.e., “good cause”) for the entry of an order.” *Id.* at 165. Plaintiffs have not shown good cause for stopping the enforcement of the subpoenas, nor have they sought a protective order. Instead, their whole argument rests on the number of documents and that they should not be required to produce them. Pl. Br. Doc. 7, at 12. That is not reason enough to show good cause for an undue burden. See *Spacek*, 102 Wis. 2d at 270-71. As shown above, the power of inquiry with process to enforce it is an essential aspect of the legislative function. *Trump v. Mazars USA, LLP*, 140 S.Ct. 2019 at 11 (2020). Again, “[w]ithout information, [the legislature] would be shooting in the dark, unable to legislate wisely or effectively.” *Id.* (citing *McGrain v. Daugherty*, 273 U.S. 135, 175 (1927)). The manner of exercising the power and conducting investigations rests entirely in the sound discretion of the legislature. *In re Falvey*, 7 Wis. 630, 638 (1858).

“If the legislature have the power to investigate at all, it has the power of choosing how the investigation shall be had.” *Id.* Because there are no due process concerns or First Amendment concerns, this authority cannot be limited. Nor can discovery rules be imposed on the legislature’s plenary authority. Finally, discovery rules are not applicable when there is no litigation. So the subpoenas cannot be considered overbroad or burdensome. D. Plaintiffs face no harm from the Subpoenas. The burden is upon the Plaintiffs to show that they will face irreparable harm. See *Milwaukee Deputy Sheriffs’ Ass’n*, 370 Wis. 2d at 659-60. Not only do Plaintiffs fail to meet this burden, but they fail to allege that they face any harm in complying with the Subpoenas. See *Pls. Br. Doc. 7*. They do not provide any affidavits, evidence, or otherwise to show any harm or expense in complying with the subpoena. Plaintiffs seem to suggest that the harm is complying with the subpoenas itself. See *id.* at 4. However, any potential harm that could come from the subpoenas is through the Plaintiffs own action by refusing to comply. “Equitable remedies are not available to one whose own actions or inaction result in the harm.” *Matter of Estate of Lohr*, 174 Wis. 2d 468, 477 (Wis. Ct. App. 1993). The subpoenas are lawfully issued and are within the authority of Special Counsel Gableman to issue. Plaintiffs cannot point to any harm that they face in complying with the subpoena, other than the amount to produce. See *Pls. Br., Doc. 7*, at 11-13. The only potential harm faced is the potential for a contempt charge. See, e.g., *Wisc. Stat. §13.26(1)(c)*. A contempt charge would only come if the Plaintiffs refuse to comply with the subpoenas. In that event, Plaintiffs harm will arise from their unlawful refusal to comply with the subpoenas. Because of that, a temporary injunction is “not available to [them since their] own actions or inactions result in the harm.” *Matter of Estate of Lohr*, 174 Wis. 2d at 477. Therefore, there is no irreparable harm facing the plaintiffs. E. Plaintiffs have other

Adequate Remedies at Law. A temporary injunction cannot be issued unless the movant shows that there is no other adequate remedy at law. *Milwaukee Deputy Sheriffs' Ass'n*, 370 Wis. 2d at 659-60. The burden is upon the Plaintiffs to show they have no other adequate remedy. See *id.* Not only have Plaintiffs not satisfied their burden of showing there is no adequate remedy, that cannot do so for the simple reason that no remedy is needed where there is no harm to begin with. Because there is no harm, no remedy is needed, and Plaintiffs fail to meet their burden on this factor. 35 F. The status quo weighs against granting relief. The burden is upon the movant to show that a temporary injunction will maintain the status quo. *Milwaukee Deputy Sheriffs' Ass'n*, 370 Wis. 2d at 659-60. The function of such a motion is “to maintain the status quo, not to change the position of the parties or compel the doing of acts which constitute all or part of the ultimate relief sought.” *Mogen David Win Corp v. Borenstein*, 267 Wis. 504, 509 (Wis. 1954) (citing *Consolidated Vinegar Works v. Brew*, 112 Wis. 610 (1902)). The Plaintiffs have not satisfied their burden. They have not even attempted to say that a temporary injunction is necessary to maintain the status quo. See *Pls. Br., Doc. 7*. On the contrary, if this Court were to institute an injunction on the subpoenas it would disrupt the status quo. Currently, the Assembly has broad authority to engage in investigations. Enjoining the Assembly, or its Special Counsel, from pursuing the investigation would disrupt this widely understood, broad and plenary authority to investigate. Preventing the Assembly from engaging in its constitutional right to investigate. G. Balance of equities weighs against granting relief. While the balance of equities is not a standard factor when considering a preliminary injunction, Plaintiffs argue that the balance of equities favors the granting of injunctive relief. *Pls. Br., Doc. 7*, at 2, 14. But balance of equities supports transparency in elections and allows the Assembly to investigate and

make or amend legislation to promote the legitimacy of elections, instill widespread confidence in the fairness of elections, and preserve the integrity of elections. Compliance with these subpoenas ensures that necessary legislation is implemented and benefits the public interest. This factor weighs against granting relief. 36 IV. Conclusion For all the reasons detailed above, this Court should deny Plaintiff

"Covid 19 Grant?" What % spent

Memorandum *on* *Agreement*
"Agreement of June 15"
Wisconsin 5 Cities Investigation *Safety memo*
Into Privately-Funded GOTV *Zuchbery*

I. Statement of the Case: we are investigating whether the "Wisconsin 5" cities violated federal and state law by accepting and using \$8,800,000 of private money for get-out-the-vote operations.

As to the 2020 federal elections, we are investigating whether the *Zuchbery* Wisconsin 5 cities (Milwaukee, Madison, Green Bay, Racine and Kenosha) unconstitutionally departed from Wisconsin's election law scheme, violated the Equal Protection Clause, and violated Wisconsin state law when they accepted \$8,800,000 of Center for Tech and Civic Life money for their get-out-the-vote operations which came from Mark Zuckerberg and Priscilla Chan's more than ~~300,000,000 gift to Center for Tech and Civic Life~~.

First, the Wisconsin 5 cities have unconstitutionally departed from Wisconsin's election law scheme. The Wisconsin 5 cities do not have the legal authority to depart from the Wisconsin's election law scheme which includes federal laws like the U.S. Constitution, and state laws like Wisconsin Statutes, the Commission's administrative rules and the Commission's 250-page Election Administration Manual for Wisconsin Municipal Clerks. The U.S. Court of Appeals for the Seventh Circuit, in a recent 2020 Wisconsin case, suggested that the Electors Clause may apply when Wisconsin public officials have engaged in a "departure" from the state's election law scheme. *Trump v. Wisconsin Elections Commission*, 983 F.3d 919, 927 (7th Cir. 2020), citing *Carson v. Simon*, 978 F.3d 1051, 1059-60 (8th Cir. 2020) (preliminary injunction against Minnesota Secretary of State changing November 2020 absentee ballot receipt deadline).

Specifically, the Wisconsin 5 cities' unconstitutional departure is characterized (1) by the Wisconsin 5 cities jointly applying and accepting an enormous private grant of \$8.8 million for 2020 election administration, (2) by the violative contract provisions in the Wisconsin Safe Voting Plan (WSVP) picking and choosing among groups of similarly situated voters to get-out-the-vote, typically associated with campaigning, and (3) by the ubiquitous involvement of private corporations in the Wisconsin 5 cities' election administration prior to, during and after the election.

Second, the Wisconsin 5 cities are not "permitted to pick and choose among groups of similarly situated voters to dole out special voting privileges." *Obama for America United*, 697 F.3d 423, 435 (6th Cir. 2012) (affirming preliminary injunction against Ohio statute authorizing three extra days of in-person voting for military personnel residing in Ohio only as an unconstitutional favoring of a demographic group). In *Bush v. Gore*, the U.S. Supreme Court emphasized that equal protection restrictions apply not only to the "initial allocation of the franchise," but "to the manner of its exercise" as well. *Bush*, 531 U.S. 98, 104 (2000).



The state may not subject voters to “arbitrary and disparate treatment” that “value[s] one person’s vote over that of another.” *Id.*

The Wisconsin 5 cities’ WSVP provisions violate the Equal Protection Clause because it contains contract provisions picking and choosing among groups of similarly situated voters for improved in-person and absentee voting access. These privately-funded WSVP provisions do not survive strict scrutiny—the appropriate judicial standard of review for privately-funded municipal election administration in a federal election—because the classifications of voters used by the Wisconsin 5 cities to get-out-the-vote generally, Wisconsin 5 residents, as opposed to Wisconsinites statewide, and, specifically, Wisconsin 5 cities’ “communities of color” or “historically disenfranchised communities and individuals,” as opposed to other communities and individuals in the Wisconsin 5 cities, are not narrowly tailored to meet a compelling state interest.

Third, the Wisconsin 5 cities have no legal authority to deviate from Wisconsin’s state election law. As previously mentioned, Wisconsin’s state election law consists of Wisconsin Statutes, the Commission’s administrative rules and the 250-page Election Administration Manual for Wisconsin Municipal Clerks. These statutes, rules and manual clearly identify that the municipal clerks are to have “charge and supervision of elections and registration in the municipality” and that the Commission has the “responsibility” for administration of election law—not the Wisconsin 5 cities’ common councils, Mayors and private corporations. *Wis. Stat. §§ 5.05(1), 7.15 (1)*. The Wisconsin 5 cities have violated Wisconsin’s state election law, usurping the municipal clerks’ and Commission’s authority, by jointly applying and accepting an enormous private grant of \$8.8 million for 2020 election administration, by contract provisions in the WSVP picking and choosing among groups of similarly situated voters for favorable in-person and absentee voting treatment and by ubiquitous involvement of private corporations in election administration prior to, during and after the election.

II. The facts, collected so far, support our investigation into the Wisconsin 5 cities’ privately-funded get-out-the-vote operations.

A. Under federal and Wisconsin state law, the state legislature, the Commission and the municipal clerks, not the cities, nor private corporations, have the authority and responsibility to administer the laws relating to Wisconsin’s federal elections.

Wisconsin’s election law scheme is based on federal and state law. The Elections Clause of the U.S. Constitution states that the state legislatures and Congress set the conditions for Congressional elections:

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature

thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

U.S. Const., Art. I, § 4, cl. 1. And, the Electors Clause of the U.S. Constitution states that the state legislatures exclusively set the conditions for choosing Presidential Electors:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress.

U.S. Const., Art. II, § 1, cl. 2.

~~Pursuant to its constitutional authority, the Wisconsin Legislature statutorily empowered the Commission, not the Wisconsin Five cities, nor Center for Tech and Civic Life (CTCL), nor the other private corporations involved, to have "the responsibility for the administration of ... laws relating to elections," Wisconsin Statutes § 5.05(1). *Trump v. Wisconsin Elections Commission*, 983 F.3d 919, 927 (7th Cir. 2020).~~

Further, under Wisconsin Statutes § 7.15(1), the municipal clerk has "charge and supervision" of federal elections within a municipality:

- (1) SUPERVISE REGISTRATION AND ELECTIONS. Each municipal clerk has charge and supervision of elections and registration in the municipality...

~~In Wisconsin, the municipal clerks are provided the Commission's 250-page Election Administration Manual for Wisconsin Municipal Clerks providing great detail of the rules, regulations and laws (including Wisconsin Statutes § 7.15) pertaining to the city's election administration for planning and conducting elections. The Commission issues the election administration manual, as authorized under Wisconsin Statutes § 7.08 (3), "explaining the duties of the election officials, together with notes and references to the statutes." *Id.*~~ According to the Commission's Election Administration Manual for Wisconsin Municipal Clerks, "The municipal clerk's election duties include, but are not limited to, supervision of elections and voter registration in the municipality, equipping polling places, purchasing and maintaining election equipment, preparing ballots and notices, and conducting and tracking the training of other election officials."¹

In turn, the Commission and its municipal clerks, in their administration of Wisconsin's elections, are constitutionally obligated to follow the legal conditions set by the state legislature. Wis. Stat. §§ 5.05(1), 7.15(1).

¹ See <https://elections.wi.gov/sites/elections.wi.gov/files/2021-04/Election%20Administration%20Manual%20%282020-09%29.pdf>, p. 123 (last visited: May 24, 2021).

B. Center for Tech and Civic Life gives 86% of its election administration funds to the Wisconsin 5 Cities—\$8.8 million—with about \$1.5 million to other Wisconsin municipalities; and, two non-profit corporations published 2021 reports complaining about it.

In early 2020, the “Chan Zuckerberg Initiative” donated approximately \$400 million to Center for Tech and Civic Life to fund election administration during the recent 2020 Presidential election.² In spring of 2020, Center for Tech and Civic Life (CTCL) solicited the Mayors of the Wisconsin 5 cities to enter an election administration grant agreement called the “Wisconsin Safe Voting Plan” (WSVP). ~~Resp. App. 146-149.~~³ In July of 2020, CTCL agreed with the Wisconsin 5 cities that it would be transferred \$6.3 million to the Wisconsin 5 cities—Milwaukee, Madison, Green Bay, Kenosha and Racine. Resp. App. 6. That number would grow to about \$8.8 million for those five cities, while another \$1.5 million was allocated to more than 190 Wisconsin municipalities. *Id.* Thus, the Wisconsin ~~86%~~ of all CTCL grant funds in Wisconsin. Resp. App. 4.

As a preliminary matter, it is important to note that two non-profit corporations have analyzed the Wisconsin 5 cities’ acceptance and use of the CTCL moneys and published analytical reports in 2021. Resp. App. 1-27. Both reports are consistent with the complainants’ complaints against the respondents. *Id.*

First, the Wisconsin Institute for Law & Liberty (WILL) in a June 9, 2021 report titled “Finger on the Scale: Examining Private Funding of Elections in Wisconsin” had the following “key takeaways”:

- Wisconsin Municipalities Received Over \$10 million from CTCL. WILL received records from 196 communities that received a total \$10.3 million in funding from CTCL. These grants ranged from a high of \$3.4 million for the City of Milwaukee to \$2,212 for the Town of Mountain in Oconto County.
- Large Cities got the Lion’s Share of Funding. The largest five cities in the state (Milwaukee, Madison, Green Bay, Kenosha, and Racine) received nearly 86% of all CTCL grant funds in Wisconsin.
- Large Cities Spent Tens of Thousands on Voter Education. While most small towns used CTCL resources for voting equipment and COVID-related equipment, Milwaukee, Green Bay, and Madison spent close to or above \$100,000 on ostensibly “non-partisan” voter education efforts.

² “Priscilla Chan and Mark Zuckerberg Increase Support for Safe and Reliable Voting by \$19.5 Million,” Center for Election Innovation & Research (2020).

<https://electioninnovation.org/press/chan-zuckerberg-increase-2020-support/>.

³ “Resp. App.” refers to the “Complainants’ Response Appendix” which has been served with this response memorandum. Its pages are numbered 1 through 162.

- Spending Increased Turnout for Joe Biden. Areas of the state that received saw statistically significant increases in turnout for Democrats. Increases were not seen for Donald Trump.
- Wisconsin Needs Reform. This report highlights the inequitable distribution of private resources that came into the state during the 2020 election. Reform designed to ensure that any grant money is distributed in a per capita manner across the state will go a long way in increasing faith that our elections are being conducted in an open and honest manner.

Resp. App. 4.

The WILL report also calculated the CTCL funding per 2016 voter in Wisconsin's ten largest cities showing a huge amount of CTCL funding went to the Wisconsin 5 cities per voter and in total and showing only a small amount of CTCL funding went to the Wisconsin cities which were not Wisconsin 5 cities:

Municipality	CTCL Funding Per 2016 Voter	Total CTCL Grant Amount
Milwaukee*	\$13.82	\$3,409,500
Madison*	\$8.30	\$1,271,788
Green Bay*	\$36.00	\$1,600,000
Kenosha*	\$20.94	\$862,799
Racine*	\$53.41	\$1,699,100
Appleton	\$0.51	\$18,330
Waukesha	\$1.18	\$42,100
Eau Claire	\$2.01	\$71,000
Oshkosh	\$0.00	\$0.00
Janesville	\$6.11	\$183,292

What was the Biden \$ it's per voter

*Compare
How it
increase?*

*% Black?
% Biden*

*We should take this into its normal conclusion
EVERY city that gets \$.*

Resp. App. 13 ("*" denotes Wisconsin 5 city).

Notably, the WILL Report concluded that the CTCL funding affected Wisconsin's 2020 election outcomes in favor of Biden over Trump by more than 8,000 votes:

For President Biden there was a statistically significant increase in turnout in cities that received CTCL grants. In those cities, President Biden received approximately 41 more votes on average. While the coefficient was also positive for President Trump, it did not reach traditional levels of statistical significance.

This means that we cannot say that turnout for Republicans in CTCL receiving areas was any different than it would have been without the grants. Given the number of municipalities in the state that received grants, this is a potential electoral impact of more than 8,000 votes in the direction of Biden.

Resp. App. 16.

Who???

Second, the ~~Foundation for Government Accountability (FGA)~~ in a June 14, 2021 report titled "How Zuckerbucks infiltrated the Wisconsin Election" made five key findings:

- More than 200 local Wisconsin jurisdictions received "Zuckerbucks" for the 2020 election, totaling more than \$9 million.
- Nearly \$3.5 million was funneled into the City of Milwaukee via two grants.
- Green Bay spent only 0.8 percent of funds on personal protective equipment instead purchasing two new 2020 Ford 550s and paying a public relations firm nearly \$150,000 for voter outreach. *(which one?)*
- A representative of CTCL had behind-the-scenes access to election administration in Green Bay and Milwaukee.
- A former Govern Evers staffer worked for the grantor to coordinate grant applications in Eau Claire.

9% in other cities?

Resp. App. 21. The "bottom line" of the FGA report is "Wisconsin can—and should—prohibit local jurisdictions from accepting private money for election administration." *Id*

C. The Wisconsin 5 cities agreed to the Wisconsin Safe Voting Plan which contains geographic and demographic classifications to get-out-the-vote, increase in-person voting and absentee voting for targeted areas and groups, typically associated with campaigning. *who made this? Sperry?*

The Wisconsin Safe Voting Plan (WSVP) is part of the grant agreement between CTCL and the Wisconsin 5 cities. Resp. App. 103-123 (WSVP), 124-126 (Milwaukee), 127-130 (Madison), 131-133 (Kenosha), 134-136 (Green Bay), 137-145 (Racine). The WSVP contains provisions to increase in-person voting and absentee voting for targeted areas and groups. Resp. App. 103-123. Typically, candidates and campaigns, not cities, engage in get-out-to-vote efforts targeting areas and groups; CTCL provided the Wisconsin 5 cities about \$8.8 million to carry out the WSVP provisions. Resp. App. 124-126, 127-130, 131-133, 134-136, 137-145. The following WSVP provisions are geographic and demographic classifications to increase in-person voting for targeted areas and groups, or to increase absentee voting for targeted areas and groups, or both. *What do cities do? Can they use? What? Do they use? Any diff? w/ the?*

which one?

1. "[T]o be intentional and strategic in reaching out historically disenfranchised residents and communities"

On page 1, the WSVP states the Wisconsin 5 cities to "be intentional and strategic in reaching out historically disenfranchised residents and communities; and, above all, ensure the right to vote in our dense and diverse communities" within the Wisconsin 5 cities. Resp. App. 103. This election administration provision, promoting in-person voting and absentee voting, is privately-funded, disfavors Wisconsinites outside the Wisconsin 5 cities and favors "historically disenfranchised residents and communities" as opposed to the rest of the residents and communities within the Wisconsin 5 cities. *Id*

was this in doubt?

recast

what does original mean???

being deleted from



Biden

2. “[A]n opportunity to plan for the highest possible voter turnouts”

On page 2, the WSVP states, “The time that remains now and the November election provides an opportunity to plan for the highest possible voter turnouts..” in the Wisconsin 5 cities. Resp. App. 104. This election administration provision, promoting in-person voting and absentee voting, is privately-funded and disfavors Wisconsinites outside the Wisconsin 5 cities. *Id.*

What does this mean?

3. “[E]ncourage and increase ... in-person” voting and to “dramatically expand strategic voter education & outreach efforts”—“particularly to historically disenfranchised residents”

On pages 5 and 6, the WSVP states that about one-half of the grant money will be used by the Wisconsin 5 cities to “encourage and increase... in-person” voting and “dramatically expand strategic voter education & outreach efforts”—“particularly to historically disenfranchised residents” --within the Wisconsin 5 cities.

How were they different than the Biden outreach efforts

+ the other 1/2?

Recommendation	Green Bay	Kenosha	Madison	Milwaukee	Racine	Totals
Encourage and Increase Absentee Voting By Mail and Early, In-Person	\$277,000	\$455,239	\$548,500	\$998,500	\$293,600	\$2,572,839
Dramatically Expand Strategic Voter Education & Outreach Efforts	\$215,000	\$58,000	\$175,000	\$280,000	\$337,000	\$1,065,000
Totals	\$492,000	\$513,239	\$723,500	\$1,278,500	\$630,600	\$3,637,839

How are they different? + How are they different from Biden outreach efforts?

Resp. App. 107-8. These election administration provisions, promoting in-person voting, are privately-funded, disfavor Wisconsinites outside the Wisconsin 5 cities and favor “historically disenfranchised residents” as opposed to the rest of the residents within the Wisconsin 5 cities. *Id.*

What does this mean?

4. “Dramatically Expand Voter & Community Education & Out, Particularly to Historically Disenfranchised Residents”

On page 15, the WSVP states, “Dramatically Expand Voter & Community Education & Outreach, Particularly to Historically Disenfranchised Residents” within the Wisconsin 5 cities:

All five municipalities expressed strong and clear needs for resources to conduct voter outreach and education to their communities, with a particular emphasis on reaching voters of color, low-income voters, without reliable access to internet, voters with disabilities, and voters whose primary language is not English. show find this!

Resp. App. 117. Each of the Wisconsin 5 cities had their own plans to “target” certain residents and communities for higher in-person voter turnout. *Id.*

In Green Bay, private grant funds “would be distributed in partnership with key community organizations including churches, educational institutions, and organizations serving African immigrants, LatinX residents, and African Americans.” Resp. App. 117-118. Green Bay’s privately-funded classification leaves out electors who don’t live in Green Bay and leaves out electors in Green Bay who are not African immigrants, LatinX residents and African Americans. *Id.* How select programs?

In Kenosha, grant funds would be used “for social media advertising, including on online media like Hulu, Spotify, and Pandora (\$10,000) and for targeted radio and print advertising (\$6,000) and large graphic posters (\$3,000) to display in low-income neighborhoods, on City buses, and at bus stations, and at libraries (\$5,000).” Resp. App. 118. Kenosha’s privately-funded classification leaves out electors who don’t live in Kenosha and leaves out electors in Kenosha who don’t live in low-income neighborhoods. *Id.* to whom?

In Madison, private funds would support partnering “with community organizations and run ads on local Spanish-language radio, in the Spanish-language newspapers, on local hip hop radio stations, in African American-focused printed publications, and in online publications run by and for our communities of color (advertising total \$100,000).” Resp. App. 118. Madison’s privately-funded classification leaves out electors who don’t live in Madison and leaves out electors in Madison who are not Spanish-speaking, who do not listen to hip hop radio stations, who do not read African American-focused printed publications, and who do not read online publications run by and for Madison’s communities of color. *Id.*

In Milwaukee, the private funds would support a “communications effort would focus on appealing to a variety of communities within Milwaukee, including historically underrepresented communities such as LatinX and African Americans, and would include a specific focus on the re-enfranchisement of voters who are no longer on probation or parole for a felony.” Resp. App. 118-19. Milwaukee’s privately-funded classification leaves out electors who don’t live in Milwaukee and leaves out electors in Madison who are not members of Milwaukee’s historically underrepresented communities such as LatinX and African American. *Id.*

In Racine, the private funds would support renting “billboards in key parts of the City (\$5,000) to place messages in Spanish to reach Spanish-speaking voters” and “targeted

THESE ARE PROBABLY ALL Categories that Biden/Penn. Outreach aimed at

City residents with criminal records to encourage them to see if they are not eligible to vote. Resp. App. 119. Racine’s privately-funded classification leaves out electors who don’t live in Racine and leaves out electors in Racine who are not Spanish-speaking. Id.

Additionally, in Racine, private funds would be used “to purchase a Mobile Voting Precinct so the City can travel around the City to community centers and strategically chosen partner locations and enable people to vote in this accessible (ADA-compliant), secure, and completely portable polling booth on wheels, an investment that the City will be able to use for years to come.” Id. Racine’s privately-funded classification leaves out electors who don’t live in Racine and leaves out electors in Racine who do not live near “strategically chosen partner locations.” Id.

Individually and collectively, these election administration provisions, promoting in-person voting classifications, are privately-funded, disfavor Wisconsinites outside the Wisconsin 5 cities and favor “historically disenfranchised residents and communities” as opposed to the rest of the residents and communities within the Wisconsin 5 cities. Resp. App. 117-119.

5. WSVP’s “Absentee Voting” provisions.

On page 4, the WSVP states the following for the Wisconsin 5 cities:

Absentee Voting (By Mail and Early, In-Person)

- 1. Provide assistance to help voters comply with absentee ballot requests & certification requirements
- 2. Utilize secure drop-boxes to facilitate return of absentee ballots
- 3. Deploy additional staff and/or technology improvements to expedite & improve accuracy of absentee ballot processing
- 4. Expand In-Person Early Voting (Including Curbside Voting)

Which voters? how?

Resp. App. 106. This election administration provision, promoting absentee voting, are privately-funded and disfavor Wisconsinites outside the Wisconsin 5 cities. Only electors in the Wisconsin 5 cities benefit from the “assistance,” “drop-boxes,” “improvement” and increased “early voting.” Id.

6. “[E]ncourage and increase absentee voting by mail and early” and to “dramatically expand strategic voter education & outreach efforts”—“particularly to historically disenfranchised residents”

On pages 5 and 6, the WSVP states that about one-half of the grant money will be used by the Wisconsin 5 cities to “encourage and increase absentee voting by mail and early” and “dramatically expand strategic voter education & outreach efforts”—“particularly to historically disenfranchised residents” --within the Wisconsin 5 cities.

Recommendation	Green Bay	Kenosha	Madison	Milwaukee	Racine	Totals
Encourage and Increase Absentee Voting By Mail and Early, In-Person	\$277,000	\$455,239	\$548,500	\$998,500	\$293,600	\$2,572,839
Dramatically Expand Strategic Voter Education & Outreach Efforts	\$215,000	\$58,000	\$175,000	\$280,000	\$337,000	\$1,065,000
Totals	\$492,000	\$513,239	\$723,500	\$1,278,500	\$630,600	\$3,637,839

Resp. App. 107-8. These election administration provisions, promoting absentee voting, are privately-funded and disfavor Wisconsinites outside the Wisconsin 5 cities and favor “historically disenfranchised residents as opposed to the rest of the residents and communities within the Wisconsin 5 cities. *Id.*

7. "Provide assistance to help voters comply with absentee ballot request & certification requirements"

On pages 9 and 10, the WSVP states, "Provide assistance to help voters comply with absentee ballot request & certification requirements" within the Wisconsin 5 cities. Resp. App. 111-2. None of the private funding in this regard would benefit residents outside the Wisconsin 5 cities. *Id.*

In Green Bay, the city would use the private money to fund bilingual LTE "voter navigators" to help Green Bay residents properly upload valid photo ID, complete their ballots and comply with certification requirements, offer witness signatures and assist voters prior to the elections. Resp. App. 111. Green Bay would also utilize the private funds to pay for social media and local print and radio advertising to educate and direct Green Bay voters in how to upload photo ID and how to request and complete absentee ballots. *Id.*

In Kenosha, the city would use the private money to have Clerk's staff train/Kenosha library staff on how to help Kenosha residents request and complete absentee ballots. *Id.*

In Madison, the city used the private money to hold curbside "Get your ID on File" events for Madison voters. *Id.* The city used private money to purchase large flags to draw attention to these curbside sites and for mobile wifi hotspots and tablets for all of these sites so Madison voters could complete their voter registration and absentee requests all at once, without having to wait for staff in the Clerk's office to follow up on paper forms. *Id.*

In Milwaukee, the city used private money to promote and train Milwaukee Public Library branch staff prior to each election to assist any potential Milwaukee absentee voters with applying, securing, and uploading images of their valid photo ID. *Id.*

In Racine, the city used private funds to recruit and promote, train and employ paid Voter Ambassadors who would set up at the City's community centers to assist voters with all aspects of absentee ballot request, including photo ID compliance. *Id.* at 111-2.

These election administration provisions, promoting absentee voting, are privately-funded and disfavor Wisconsinites outside the Wisconsin 5 cities. *Id.* The only ones who benefit from these absentee balloting provisions are residents of the Wisconsin 5 cities. *Id.*

8. "Utilize Secure Drop-Boxes to Facilitate Return of Absentee Ballots"

On pages 10 and 11, the WSVP states, "Utilize ~~Secure Drop-Boxes~~ ^{Any other cities?} to Facilitate Return of Absentee Ballots" within the Wisconsin 5 cities. Resp. App. 112-113. None of the private funding in this regard would benefit residents outside the Wisconsin 5 cities. *Id.*

In Green Bay, the City intended to use private money to add ballot drop-boxes at a minimum of the transit center and two fire stations and possibly at Green Bay's libraries, police community buildings, and potentially several other sites including major grocery stores, gas stations, University of Wisconsin Green Bay, and Northern Wisconsin Technical College, in addition to the one already in use at City Hall. *Id.* at 112.

In Kenosha, the city intended to use the private money to install 4 additional internal security boxes at Kenosha libraries and the Kenosha Water Utility so that each side of town has easy access to ballot drop-boxes. *Id.* at 112.

In Madison, the city intended to use the private money to have one secure drop box for every 15,000 voters, or 12 drop boxes total and to provide a potential absentee ballot witness at each drop box. *Id.* at 112.

In Milwaukee, the city intended to use the private money to install secure 24-hour drop boxes at all 13 Milwaukee Public library branches. *Id.* at 112-3.

In Racine, the city intended to use the private money to have 3 additional drop boxes to be installed at key locations around the City. *Id.* at 113.

These election administration provisions, promoting absentee voting, are privately-funded and disfavor Wisconsinites outside the Wisconsin 5 cities. *Id.* at 112-3. The only ones who benefit from these absentee ballot drop box provisions are residents of the Wisconsin 5 cities. *Id.* at 112-3.

9. "Expand In-Person Early Voting (Including Curbside Voting)"

On pages 12-14, the WSVP states, "Expand In-Person Early Voting (Including Curbside Voting)" (EIPAV) within the Wisconsin 5 cities. Resp. App. 114. None of the private funding in this regard would benefit residents outside the Wisconsin 5 cities. *Id.*

In Green Bay, the city intended to use private money to expand and establish at least three EIPAV sites in trusted locations, ideally on the east (potentially UWGB) and west sides (potentially NWTC or an Oneida Nation facility) of the City, as well as at City Hall. *Id.* at 115. The City used the private money to print additional ballots, signage, and materials to have available at these early voting sites. *Id.*

In Kenosha, the city intended to use private money to offer early drive thru voting on City Hall property and for staffing for drive thru early voting. *Id.*

In Madison, the city intended to use private money to provide 18 in-person absentee voting locations for the two weeks leading up to the August election, and for the four weeks leading up to the November election. *Id.* The city intended to use private money to purchase and utilize tents for the curbside voting locations in order to protect the ballots, staff, and equipment from getting wet and to purchase and utilize large feather flags to identify the curbside voting sites. *Id.*

In Milwaukee, the city intended to use private money to set up 3 in-person early voting locations for two weeks prior to the August election and 15 in-person early voting locations and 1 drive-thru location. *Id.* at 115-6.

In Racine, the city intended to use private money to offer a total of 3 EIPAV satellite locations for one week prior to the August election, as well as offering in-person early voting – curbside. *Id.* at 116. For the November election, Racine intended to use private money to offer EIPAV at 4 satellite locations two weeks prior to the election and at the Clerk's office 6 weeks prior. *Id.*

These election administration provisions, promoting early in-person voting, are privately-funded and disfavor Wisconsinites outside the Wisconsin 5 cities. *Id.* at 114-6. The only ones who benefit from these EIPAV provisions are residents of the Wisconsin 5 cities. *Id.*

How different than
A Bids GOTV? 77

D. Each of the Wisconsin 5 cities completed the CTCL's planning document which shows the Wisconsin 5 cities' intention of using the private funding to get-out-the-vote in their respective city, generally, and to get-out-the-vote in their respective city's "communities of color," specifically.

As part of the CTCL process approving the WSVP, each of the Wisconsin 5 cities completed the CTCL's planning document. Resp. App. 28-34 (CTCL blank form), 35-52 (Green Bay), 53-66 (Kenosha), 67-78 (Madison), 79-90 (Milwaukee), 91-102 (Racine). The completed forms show the intention of the Wisconsin 5 cities was to get-out-the-vote generally and among "communities of color" specifically. *Id.* at 35-102. An example for each of the Wisconsin 5 cities' answer will show the intention of get-out-the-vote. *Id.*

For Milwaukee, in the section of the CTCL form on "equity & voter outreach, particularly to communities of color," CTCL asked the following question:

What other activities would your municipality like to engage in to ensure that historically disenfranchised communities within your municipality are able to cast ballots in the remaining elections of 2020, and what resources would you need to accomplish those efforts/activities? (including, but not limited to, printing, postage, staffing, translation, advertising, processing, training, etc.)

Resp. App. 86. Milwaukee responded by stating that it intended to engage in get-out-to-vote (GOTV) efforts based on race, criminal status and addressing "current protests".

The City would like to work with a communications consultant to create a communications plan around GOTV efforts. The campaign would focus on appealing to a variety of communities within Milwaukee, including Latin and African American voters. One specific target would be creating a campaign focusing on the re-enfranchisement of voters who are no longer on probation or parole for a felony. Additionally, we would like to find a marketing consultant who could create an edgy but non-partisan and tasteful campaign to harness current protests that are highlighting inequity.

Id.

For Green Bay, in the section of the CTCL form on "equity & voter outreach, particularly to communities of color," CTCL asked the following question:

What specific outreach would your municipality like to do for the remaining 2020 elections to reach voters of color, including Spanish-speaking voters? Please describe the outreach you'd like to do to reach these voters (i.e. informational mailings, billboards, radio or print advertisements, social media advertisements, phone calls specifically about photo ID, text messages, virtual

events, etc., etc.) what impact you think it might have on voter turnout provide estimated costs.

Resp. App. 59. Green Bay responded that it had a goal to “increase voter participation in underrepresented groups by 25% for November”:

As with our plan above, we’d like to reach out to the Hmong, Somali and Spanish-communities with targeted mail, geo-fencing, posters (billboards), radio, television and streaming PSAs, digital advertising, robo calls and robo texts, as well as voter-navigators. We would also employ our voter navigators to have town halls, registration drives in trusted locations and conduct virtual events.

~~✱~~ We believe this would establish trust and encourage voters from underrepresented groups to participate in greater numbers, especially as we look forward to the spring election in 2021. Our goal would be to increase voter participation in underrepresented groups by 25% for November.

Id.

Madison responded to the same question about “voters of color” by indicating its plans to run ads targeting “voters of color” to increase their voter turnout:

We would like to run ads on Spanish language radio and in our municipality’s Spanish language newspapers. We would also like to run ads on our local hip hop radio station, in our local African-American print publications, and in our online publications run by and for communities of color.

Resp. App. 74.

Kenosha responded to the same question stating that “Care-a-vans” would be utilized to transport “people of color”—instead of all people—to the polls:

Care-a-vans, team up with a local van service, would provide much more affordable and practical transportation for the elderly, people of color and disabled voters who prefer to vote in person. The vans could also be used to transport the voters before election day to the municipal building to early vote, or to a library to request a ballot.

Resp. App. 59.

~~Racine responded to the same question about “voters of color” by indicating its plans would “greatly increase our number of early voters”:~~

Billboards, voter ambassadors, and social media c greatly increase our number of early voters, especia

Resp. App. 97.

E. CTCL and its private corporate allies were ubic cities' election administration before, during a

Because the Wisconsin 5 cities agreed to the WSVI corporate allies were ubiquitous in the Wisconsin 5 cities' during and after the election.

1. Conception of the Plan

Although Plaintiffs have not been entitled to traditional courtroom discovery, the record created by public document requests shows that CTCL, a private company headquartered in Chicago⁴, reached out to the City of Racine to allow CTCL to provide grant money to certain handpicked cities in Wisconsin. Compl. App. 699. This first grant of \$100,000 was to be split among the five largest cities in Wisconsin at \$10,000 per city, plus an extra \$50,000 to Racine for organizing the five cities. Compl. App. 699. This first grant required the mayors of the five largest cities in Wisconsin and their respective staffs to complete CTCL election administration forms, including goals and plans to increase voter turnout in their respective cities and "communities of color" and develop a joint plan for their elections—not statewide. Compl. App. 394.

Christie Baumel wrote on June 9, 2020 regarding CTCL and "Election Cost Grant"^{who?}

"safe & secure election administration"

My understanding is that this is a small planning grant that Racine received from the Center for Tech & Civic Life to produce, by June 15th, a proposal for safe and secure election administration according to the needs identified by the five largest municipalities. In other words, this information informs the Center for Tech & Civic Life in their consideration of where and how to support complete, safe, secure elections in Wisconsin.

Resp. App. 147 (emphasis added.)

In short, CTCL was reaching out to the five largest cities in Wisconsin, and CTCL wanted information from those cities in determining how to provide support to those cities. *Id.* This program and the larger amount of grant money was not available to any cities or counties in Wisconsin other than the five largest cities, which later became known as the "Wisconsin 5." *Id.*

WISCONSIN 5 cities history of vote

⁴ Admitted in Megan Wolfe Brief at 3; Carlstedt Answer, par. 18; see also Compl. App. 1-2. Vote

The attempt of CTCL to target the five largest cities in Wisconsin for election support had been ongoing since earlier in 2020, as indicated in emails and invitations from Vicky Selkove, a Racine employee, to Kenosha, Madison, Milwaukee, and Green Bay mayors, and a few other city officials from the Wisconsin 5 cities. Compl. App. 464-482; 689-698; 863-869. Only those four cities plus Racine were invited to "Apply for a COVID 19 Grant" from CTCL and to thus be in on the "plan" to impact the 2020 election. Resp. App. 147.

These five cities began to identify themselves and to be identified by CTCL as the "Wisconsin 5," including a letterhead with the five cities' seals.⁵ Compl. App. 139-41, 487. Whitney May, Director of Government Services at CTCL wrote to representatives of the other Wisconsin Five cities on August 18, 2020, stating, "You are the famous WI-5...excited to see November be an even bigger success for you and your teams." Compl. App. 566-567.

The CTCL Agreement required the Wisconsin 5 Mayors and their respective staffs to develop a joint plan for the Wisconsin 5's elections, not statewide, pursuant to the agreement by June 15, 2020:

"Safe + Secure election admin."

The City of Racine, and any cities granted funds under paragraph 4, shall produce, by June 15th, 2020, a plan for a safe and secure election administration in each such city in 2020, including election administration needs, budget estimates for such assessment, and an assessment of the impact of the plan on voters.

"election administration"

Compl. App. 394 (emphasis added).

The carrot for the Wisconsin 5 to provide this information for CTCL was to get part of a \$100,000 grant. Once the Wisconsin 5 expressed interest in receiving the \$10,000 grants from CTCL, then the "Wisconsin 5" Cities quickly provided information to Vicky and CTCL on CTCL's form so they could "develop a robust plan for election administration for all five of our communities," by June 15, 2020. Resp. App. 147 (emphasis added). Following the expected "Council approval" on June 2, Vicky Selkove of Racine sought to "immediately" connect to "municipal clerks and other relevant staff" to "swiftly gather information about" the cities' "election administration needs." Resp. App. 148.

NOT "GC efforts"
A

Vicky Selkove obtained the information from the Wisconsin 5 cities through the five completed CTCL forms, then either Racine or CTCL used that information to prepare the Wisconsin Safe Voting Plan ("WSVP") as requested by CTCL. Resp. App. 28-34 (CTCL blank form), 35-52 (Green Bay), 53-66 (Kenosha), 67-78 (Madison), 79-90 (Milwaukee), 91-102 (Racine). Vicky expressed that she was the point person for communicating with the different city staffs to begin gathering information to prepare this plan." *Id.* at 148.

How was this different from GOTV efforts?

⁵ And a proposal to create T-shirts for the "famous WI-5," as encouraged by Whitney May, the Director of Government Services for CTCL. (566-567)

"Municipally-Admin. Democratic Party GOTV Plan."

2. The First Contract between CTCL and the Wisconsin 5 cities

On about May 28, 2020, the Racine Common Council approved, and signed, the CTCL conditional grant in the amount of \$100,000 to recruit and then coordinate, with the Wisconsin Five cities, to join the Wisconsin Safe Voting Plan 2020 submitted to CTCL on June 15, 2020. Comp. App. 393-394, 699-702.

The \$100,000 was targeted to the Wisconsin 5 cities, which are also the five largest cities in Wisconsin. Compl. App. 464-482; 689-698; 863-869. This grant and distribution to the Wisconsin 5 cities was not random, rather it was the intentional culmination of meetings or virtual meetings on May 16, 2020, June 13, 2020, and August 14, 2020. Id. These meetings were also secretive in that the mayors and their staff were invited to the meeting, but Common Council members were not informed of the meetings, nor was the public informed of the meetings. Id. The Common Council members of Racine were later asked to vote to approve what was decided at the meetings. Compl. App. 868-869. It is not believed that the Common Councils of the other four cities of the Wisconsin 5 were asked to vote on the \$100,000 grant, except perhaps long after they had already received the money and committed to accepting the larger grant and its conditions. Id. For example, the city of Madison received the \$10,000 even though as of the week of July 10 the Common Council had not accepted it yet. Resp. App. 153. Maribeth of Madison wrote on July 13 that "Common Council has yet to accept the \$10,000." Resp. App. 153-4.

The grant approved by the Racine Common Council stated, "The grant funds must be used exclusively for the public purpose of planning safe and secure election administration in the City of Racine in 2020, and coordinating such planning." Compl. App. 701. Thus, the consideration for the Wisconsin 5 cities to receive the first, small grant, was that they provide information for CTCL to use in preparing the WSVP for the large grant. Id.

3. Creation of the Wisconsin Safe Voting Plan ("WSVP") would provide the rationale for CTCL and the allied private corporations to engage in election administration to get-out-the-vote.

The WSVP was developed ostensibly "in the midst of the COVID-19 Pandemic" to ensure voting could be "done in accordance with prevailing public health requirements" to "reduce the risk of exposure to coronavirus." Further, it was intended to assist with "a scramble to procure enough PPE to keep polling locations clean and disinfected." Compl. App. 487-507, 711-735. However, another purpose existed as evidenced by the documents quoted and identified above; the other purpose was to incorporate CTCL, the allied private corporations and the Wisconsin 5 cities—and \$8.8 million of private funding—into joint get-out-the-vote operations in the Wisconsin 5 cities, including increasing voter turnout in their particular cities and, particularly, in their particular "communities of color." See, e.g., Resp. App. 103-123 (WSVP).

so, the ? is: "Did the plans submitted to the 5 City Councils

4. Having agreed to the initial \$10,000 per city grants (plus \$50,000 extra for Racine), the Wisconsin 5 Cities entered new grant agreements for the large grants, including CTCL's "conditions."

On or about July 6, 2020, Vicky Selkove announced that the Wisconsin Safe Voting Plan ("WSVP") had been "fully approved for funding by the Center for Tech & Civic Life"; the initial \$10,000 grant was the first step for the Wisconsin 5 cities to get an even larger grant from CTCL. Compl. App. 393-394, 703-704.

Also, on July 6, Tiana Epps-Johnson of CTCL emailed Vicky stating CTCL intends to fund each of the Wisconsin 5 Cities with far larger sums of money: Green Bay--\$1,093,400; Kenosha--\$862,779; Madison--\$1,271,788; Milwaukee--\$2,154,500; and Racine--\$942,100. The total of the grants to the Wisconsin 5 cities was therefore \$6,324,567.00. Compl. App. 17-18, 393-394, 419-420, 487-507, 551-553, 689-698, 711-735. Each of the Wisconsin 5 cities, expressly or impliedly, accepted the large grant money. For example, sometime in July 2020 the City of Madison accepted \$1,271,788 by vote of Common Council; a Madison city employee email dated July 17 states, "I believe they adopted this under suspension of rules on 7/14." Resp. App. 153.

Concurrently with CTCL's plans to provide the Wisconsin 5 cities with \$6,324,567.00 in grant money, the Wisconsin 5 cities began to be informed of the conditions or the consideration for that grant money. Resp. App. 124-145. On July 10, Vicky Selkove started contacting each of the Wisconsin 5 cities to let them know Tiana Epps-Johnson will contact them to start introducing the Wisconsin 5 cities to CTCL's "partners." Compl. App. 821-2. "Tiana and her team have arranged for extensive expert technical assistance from fantastic and knowledgeable partners across the country, to help each City implement our parts of the Plan." *Id.* Tiana will send a "draft grant agreement" for the city's review and "approval on Monday." *Id.* It was assumed that each City would vote to accept the money, and the terms of the agreement were not important. *Id.*

On July 10, 2020, Vicky Selkove sent an email to Celestine Jeffreys and copied Tiana Epps-Johnson stating that Green Bay should work with CTCL, along with several of the other largest Wisconsin cities to "implement our parts of the Plan," and to allow the City of Green Bay to "understand the resources she's [Tiana Epps-Johnson of CTCL] bringing to each of our Cities [the "cities" of Milwaukee, Racine, Madison, Kenosha and hopefully Green Bay] to successfully and quickly implement the components of our Plan." Compl. App. 269-270.

By approximately July 24, 2020, each of the Wisconsin 5 cities had agreed to contracts with CTCL, along with the conditions, rules and regulations CTCL attached to the grants. Compl. App. 17-18 (Green Bay), 393-394 (Racine), 419-420 (Racine), 551-552 (Kenosha), 689-698 (Milwaukee), 703-707 (Madison).

5. The grant agreements and the WSVP between CTCL and the Wisconsin 5 cities contain conditions regarding election administration.

In addition to being informed that the Wisconsin 5 should work with CTCL's "partners," the grant agreement contained express conditions that each of the Wisconsin 5

cities had to follow in order to receive and keep the grant funds. *Id.* The grant agreement included the WSVP. *Id.* And, the consideration for the second contract was that the Wisconsin 5 cities were to use CTCL's "partners" for election administration, and the Wisconsin 5 cities had to expressly agree to the written conditions in the Grant Agreements. *Id.* Those conditions in the second contract included:

- a. **"The grant funds must be used exclusively for the public purpose of planning and operationalizing safe and secure election administration in the City of _____ in accordance with the Wisconsin Safe Voting Plan 2020."**
- b. **Requiring each city or county receiving the funds to report back to CTCL by January 31, 2021 regarding the moneys used to conduct federal elections;**
- c. **"The City of _____ shall not reduce or otherwise modify planned municipal spending on 2020 elections, including the budget of the City Clerk of _____ (the Clerk) or fail to appropriate or provide previously budgeted funds to the Clerk for the term of this grant. Any amount reduced or not provided in contravention of this paragraph shall be repaid to CTCL up to the total amount of this grant."**
- d. The City of _____ **"shall not use any part of this grant to give a grant to another organization unless CTCL agrees to the specific sub-recipient in advance, in writing."**

Resp. App. 124-5 (Milwaukee), 127-8 (Madison), 131-2 (Kenosha), 134-5 (Green Bay), 139-40 (Racine). (emphasis added; name of city omitted). CTCL provided a grant tracking form the Wisconsin 5 cities to keep track of their expenditures, which they would later have to report to CTCL. Resp. App. 160.

Thus, the text of the grant document provides the conditions clearly: the grant funds had to be used for "planning and operationalizing ... election administration." Resp. App. 124-5 (Milwaukee), 127-8 (Madison), 131-2 (Kenosha), 134-5 (Green Bay), 139-40 (Racine). The Wisconsin 5 cities had to "report back to CTCL by January 31, 2021" regarding the moneys they used. Any moneys used "in contravention" of the Grant agreement would have to be "repaid to CTCL" up to the whole amount of the grant. *Id.* The Wisconsin 5 cities were not allowed to pay any part of the grant money to another organization "unless CTCL agrees ... in advance, in writing." *Id.* These were the rules imposed by CTCL on the Wisconsin 5 cities. *Id.*

It has been admitted that these were "conditions" and that generally the money from CTCL was "conditional." To underscore the conditions on the grant money, on July 24, 2020, Dennis Granadas of CTCL wrote Celestine Jeffreys of Green Bay:

Please find attached the revised grant agreement for review and signature. Please note that we made a few edits to clean up language, but this did not change the

substance of the agreement, unless an update was requested. If you have any concerns please let me know. In addition, we also updated Section 7 for clarity to the following (changes highlighted in bold): "**The City of Green Bay shall not reduce or otherwise modify planned municipal spending on 2020 elections, including** the budget of the City Clerk of Green Bay ("the Clerk") or fail to appropriate or provide previously budgeted funds to the Clerk for the term of this grant. Any amount reduced or not provided in contravention of this paragraph shall be repaid to CTCL up to the total amount of this grant." I look forward to receiving the signed agreement. Please let me know if you have any questions/concerns. Have a great weekend.

These provisions requiring repayment of the grant moneys are referred to as "claw-back" provisions, and require the Wisconsin 5 to return the moneys to CTCL if CTCL disagreed with how the Wisconsin 5 spent the money and conducted their 2020 elections. Compl. App. 018, 393, 419, 552, 689-698, 711-714. After the election in November 2020, CTCL has demanded that the grant recipient cities, i.e. the Wisconsin 5, submit forms to CTCL to prove they complied with the grant conditions by January 31, 2021. Resp. App. 160. These conditions were not merely "boilerplate" provisions; rather, CTCL intended to, and did enforce them. *Id.*

6. CTCL pushed onto the Wisconsin 5 Cities the CTCL "partners" who, in some instances, would effectively administer the election.

CTCL promoted to the Wisconsin 5 cities numerous entities, CTCL's "partners," that CTCL recommended that the Wisconsin 5 cities connect with and use in the administration of the election. Compl. App. 36-49, 51-67, 76-78. But, since the Wisconsin 5 were contractually bound to use only the "organizations" that CTCL approved "in advance, in writing," the "partner" referrals that CTCL made were more than mere "suggestions," they were part of the CTCL's contractual agreement with the Wisconsin 5 cities. Compl. App. 018, 393, 419, 552, 689-698, 711-714.

In late July of 2020, CTCL's Director of Government Services Whitney May hosted a series of separate "kick off" for each of the Wisconsin 5 city's public officials, where she introduced and provided an overview of CTCL's allied corporations (sometimes-called "technical partners") to engage in that city's election administration. Compl. App. 812-820, 852. CTCL's "partners" introduced to the Wisconsin 5 were private corporations to aid or administer the city's election administration:

- The National Vote At Home Institute ("VoteAtHome" or "NVAHI") who was represented as a "technical assistance partner" who could consult about among other things, "support outreach around absentee voting," voting machines and "curing absentee ballots," and to even take that duty (curing absentee ballots) off of the city's hands. Compl. App. 36-49, 51-67. The NVAHI also offered advice and guidance on accepting ballots and

streaming central count during election night and on the day of the count. Compl. App. 68-75.

- The Elections Group and Ryan Chew were represented to be able to provide “technical assistance partners to support your office” and “will be connecting with you in the coming days regarding drop boxes” and technical assistance to “support your office,” and worked on “voter outreach.” Compl. App. 76-8, 205, 79-81. Elections Group Guide to Ballot Boxes. Compl. App. 82-121.
- Ideas42 was represented by CTCL as using “behavioral science insights” to help with communications. Compl. App. 392.
- Power the Polls was represented by CTCL to help recruit poll workers (Compl. App. 122) and discuss ballot curing. Compl. App. 123-4.
- The Mikva Challenge was recommended to recruit high school age poll workers (Compl. App. 125-6, 404) and then to have the poll workers to “serve as ballot couriers,” and for “ballot drop-off/voter registrations.” Compl. App. 125-7.
- US Digital Response was suggested to help with and then take over “absentee ballot curing,” and to “help streamline the hiring, onboarding, and management” of Green Bay’s poll workers. Compl. App. 128-136.
- Center for Civic Design to design absentee ballots and the absentee voting instructions, including working directly with the Commission to develop a “new envelope design” and to create “an advertising/targeting campaign.” Compl. App. 137-155, 190-201.
- Eric Ming, the Communications Director for CSME, to serve as a “communications consultant to review your [City of Green Bay] advertising plan for November.” Compl. App. 156-7.
- The Brennan Center which focuses on “election integrity” including “post-election audits and cybersecurity.” Compl. App. 158-160.
- HVS Productions to add “voter navigator” FAQs and Election Countdown Copy for the city of Green Bay. Compl. App. 161-6.
- Modern Selections to address Spanish language. Compl. App. 167-9.

Interestingly, none of the referenced “partners” mandated by CTCL were health or medical experts; rather, as the grant contracts required, these were “experts” in “election administration.” *See* Compl. App. 812-820, 852. Defendant Kris Teske has admitted this usurpation by CTCL and its “partners” of election administration. She stated in her Answer:

- “others in the Mayor’s office began to hold meetings and make decisions relating to the election outside of the Clerk’s office.” Answer at 3.
- “This caused planning for the election to become VERY dysfunctional and caused great confusion in the Clerk’s office as many of the meetings and decisions were driven by the Mayor’s chief of staff and other senior officials without the knowledge or consent of the Clerk’s office.” *Id.*
- “I wrote several emails outlining my concerns with meetings that excluded the Clerk’s office and decisions that were made without consulting the Clerk’s office.” *Id.* at 2.
- “the office’s [Clerk’s office] ability to fulfill the obligations for the election were greatly hindered and diminished by outside interference.” *Id.* at 4.

7. The projects that CTCL’s partners promoted had nothing to do with Covid-19 safety.

As set forth, neither CTCL nor its “partners” were medical or health professionals. Instead, CTCL did boast that it had a “network of current and former election administrators and election experts available” to “scale up your vote by mail processes,” and “ensure forms, envelopes, and other materials are understood and completed correctly by voters.” Compl. App. 35.

Shortly after the grant agreements was negotiated and agreed upon, on July 31, 2020, CTCL’s Director of Government Services suggested to Maribeth of Madison the “projects” CTCL wished to focus on:

Hi Maribeth:

Reflecting on your Safe Voting Plan and the kickoff call last week. I wanted to get your feedback about the **projects** our technical partners should tackle first. What are the most urgent areas where you’d like support from the partners? Here’s what we captured in our notes as the likely top 3-4:

- **Adding satellite locations and drop boxes**—help site locations and provide tailored guidelines and implementation support (Elections Group)
- **Printing materials for mail ballots** – redesign bilingual **absentee ballot** instruction sheet and letter (Center for Civic Design, who is working with WEC on envelope design)
- **Targeting communities with election information** – NVAHA is launching a communications toolkit on August 5 to support **outreach** around **absentee voting** (National Vote at Home Institute), share research insights about how

to engage people who might not trust the **vote by mail** process (Center for Civic Design)

- **Training election officials** – review quick guides and other training materials (Elections Group)

Compl. App. 848.

Explaining this “targeting” of communications, Celestine Jeffreys wrote to Whitney May of CTCL on August 27, 2020 that “There are probably 5 organizations that are focused on working with disadvantaged populations and/or with voters directly.” Compl. App. 34, 42.

CTCL, when working with the Wisconsin 5 cities, had other conditions that had nothing to do with COVID prevention, including:

- Employing “voter navigators” to help voters “complete their ballots” Compl. App. 30-1.
- The “voter navigators” would later be “trained and utilized as election inspectors” Compl. App. 31.
- “Utilize paid social media” and “print and radio advertising” to direct voters “to request and complete absentee ballots” Compl. App. 30.
- “enter new voter registrations and assist with all election certification tasks” Compl. App. 30.
- “reach voters and potential voters through a multi-prong strategy utilizing ‘every door direct mail,’ targeted mail, geo-fencing, billboards radio, television, and streaming-service PSAs, digital advertising, and automated calls and texts,” and direct mail to “eligible but not registered voters” Compl. App. 32.
- Assist new voters to “obtain required documents” to get valid state ID needed for voting, targeting African immigrants, LatinX residents, and African Americans. *Id.*
- “facilitate Election day Registrations and verification of photo ID.” Compl. App. 32.

Thus, after the grant agreement were agreed upon, CTCL promoted election activities having nothing to do with Covid-19 safety, and which instead focused on voter outreach, absentee voting, and targeting specific geographic and demographic voters. Resp. App. 103-

21. Using the grant funds to perform the voter outreach desired by CTCL was one of the conditions. *Id.*

Not only did CTCL and its partners have no medical or health experience, and the “projects” had nothing to do with Covid-19 safety, but CTCL actually recommended moving the little, allegedly Covid-19 safety money away from health concerns and toward more “voter outreach.” Compl. App. 351-352, 358, 366. Shortly after the Wisconsin 5 cities agreed to the grants, Whitney May of CTCL wrote to Green Bay about “reallocating funds for Voter outreach,” including increasing “absentee voting” and to move funds from “PPE/cough guards or the ballot folder lines” to transfer those funds to the “voter outreach bucket.” *Id.*

8. After the Wisconsin 5 cities agreed to the large grants, and CTCL convinced the Wisconsin 5 cities to utilize CTCL’s “partners,” CTCL sought to embed those “partners” into the Wisconsin 5 cities’ election administration.

After the Wisconsin 5 cities agreed to the large grants, CTCL offered Milwaukee to provide “an experienced elections staffer [from the Elections Group] that could potentially embed with your staff in Milwaukee in a matter of days and fill that kind of a role.” Compl. App. 626 (emphasis added).

CTCL and its partners pushed to get involved with, and take over other parts of the election administration also. One of CTCL’s recommended “partners” was the National Vote at Home Institute (“NVAHI”). Michael Spitzer-Rubenstein, NVAHI’s employee, wrote to Claire Woodall-Vogg, the Executive Director of the City of Milwaukee Election Commission: “can you connect me to Reid Magney and anyone else who might make sense at the WEC? Would you also be able to make the connection with the Milwaukee County Clerk?” Compl. App. 600.

CTCL and its “partners” made many other attempts to, if not to “embed,” at least to access information to which private entities were obviously not entitled. *Id.* The following communications demonstrate:

- **If you could send the procedures manual and any instructions for *ballot reconstruction*, Pd appreciate that. On my end: • By Monday, I’ll have our edits on the absentee voter instructions. • We’re pushing Quickbase to get their system up and running and I’ll keep you updated. • I’ll revise the planning tool to accurately reflect the process.** Compl. App. 600 (Michael Spitzer-Rubenstein emailing to Claire Woodall-Vogg of Milwaukee).
- I’ll create a flowchart for the VBM [vote by mail] processing that we will be able to share with both inspectors and also observers. • **I’ll take a look at the reconstruction process** and try to figure out ways to make sure it’s followed. Compl. App. 600 (Michael Spitzer-Rubenstein emailing to Claire Woodall-Vogg of Milwaukee)

- “That sounds like a real pain. It would be helpful to just understand the system and maybe the USDR folks can figure out a way to simplify something for you. ... if it's okay with you, **they'd also like to record the screen-share to refer back to, if needed.**” **We're hoping there's an easier way to get the data out of WisVote than you having to manually export it every day or week.** To that end, we have two questions: 1. **Would you or someone else on your team be able to do a screen-share so we can see the process for an export?** 2. **Do you know if WisVote has an API or anything similar so that it can connect with other software apps? That would be the holy grail** (but I'm not expecting it to be that easy). Compl. App. 659 (Michael Spitzer-Rubenstein to Claire Woodall-Vogg).
- I know you won't have the final data on absentee ballots until Monday night but I imagine you'll want to set things up beforehand. **Just let me know your timeline for doing so and if you get me the absentee data a day ahead of time and I can set things up.** **And as a reminder, here's what I'll need: 1) Number of ballot preparation teams 2) Number of returned ballots per ward 3) Number of outstanding ballots per ward.** Compl. App. 673 (Michael Spitzer-Rubenstein to Claire Woodall-Vogg).
- **In order to get the data by ward, are you able to run a summary in WisVote or do you have to download all the active voters, absentee applications, etc. and then do an Excel pivot table or something similar?** We added Census data and zip codes to the map and so now we're moving to figure out how we'll update this. Also, **if you can send these reports (whether in summary form or just the raw data), we can put them in: Active voters, Absentee applications, Ballots received, Ballots rejected/returned to be cured.** Compl. App. 677, Michael Spitzer-Rubenstein to Claire Woodall-Vogg.
- “I'll try and do a better job clarifying the current need. We are not actually using anything visual right now (though will in the future). In the state of affairs now, **we are just looking for raw data. The end result of this data will be some formulas, algorithms and reports that cross reference information about ballots and the census data.** For example, we want to deliver to Milwaukee + Voteathome answers to questions like **“How many of age residents are also registered to vote?” or “what percentage of ballots are unreturned in areas with predominantly minorities?”**. To do that, we need a clear link between address + Census Tract. We need this for all ~300k voters and the ~200k+ absentee ballots, and it needs to be able automatic as we perform more inserts. To accomplish this, we were making calls to the Census API. They allow you to pass in an address and get the Census Tract. That solution “works”, but is far too slow. Their batch solution isn't working either.” Compl. App. 653-658 (emphasis added).

CTCL and its partners were influencing public officials while they were doing their jobs to administer the election. *See, e.g.*, Compl. App. 600, 653-658, 673, 677. Although some

of these attempts of CTCL and its partners to tamper with, or take over the Wisconsin 5's election administration, may have been rebuffed, others were agreed on. *Id.* The Wisconsin 5 cities apparently agreed that some of CTCL's attempts would have left a record making the election officials look bad or were too egregious. Compl. App. 659 For example, Claire Woodall-Vogg responded:

While I completely understand and appreciate the assistance that is trying to be provided, *I am definitely not comfortable having a non-staff member involved in the functions of our voter database, much less recording it.* While it is a pain to have to remember to generate a report each night and less than ideal, it takes me less than 5 minutes. Without consulting with the state, which I know they don't have the capacity or interest in right now, I don't think I'm comfortable having USDR get involved when it comes to our voter database. I hope you can see where I am coming from – this is our secure database that is certainly already receiving hacking attempts from outside forces.

Compl. App. 659 (Claire Woodall-Vogg to Michael Spitzer-Rubenstein) (emphasis added).

Respondent Kris Teske confirmed that CTCL and its “partners” sought to improperly interject or “embed” themselves into the election administration. Teske Answer, p. 3. She admitted in her Answer: “A further complicating factor arose when outside (private) organizations were engaged to participate in the planning and administration of the election.” *Id.*

Another example of embedding is in Milwaukee. The Elections Group employee Ryan Chew wrote at 4:07 a.m. on November 4, 2020, the day after the Presidential election, to Milwaukee election official Claire Woodall-Vogg:

Damn Claire, you have a flair for drama, delivering just the margin needed at 3:00 a.m. I bet you had those votes counted at midnight, and just wanted to keep the world waiting.

Resp. App. 161. Woodall-Vogg responded, “LOL. I just wanted to say I had been awake for a full 24 hours.” *Id.*

9. Given a blank check to run the election, CTCL and its “partners” took full advantage of the opportunity to administer the election in at least one of the Wisconsin 5 Cities.

The Wisconsin 5 cities used at least the following of CTCL's allied corporations to engage in election administration: Center for Civid Design (Compl. App. 809-11, 827-31, 839, 842, 846, Vote at Home Institute (*id.* at 804, 807, 825-826, 845); Voter Participation Center (*id.* at 843); healthyvoting.org (*id.* at 802); Elections Group (*id.* at 801); Brennan Center (*id.* at 793); Simon and Company, Inc. (*id.* at 806, 808). CTCL and its partners

assumed numerous aspects of administration of Wisconsin 5 cities' election processes. *See, e.g., id.* at 809-11, 827-831. For example, in Green Bay, the private corporations and their employees engaged in the following aspects of election administration.

- a. Vote at Home volunteered to take curing of ballots off of a municipality's plate; (*id.* at 179-181)
- b. Offered to "lend a hand" to Central Count stations; (*id.* at 182)
Elections Group offer; (*id.* at 183)
- c. Offered to connect a municipality to "partners like Power the Polls" to recruit poll workers; to partner with CTCL to send out e-mails to recruit poll workers; (*id.* at 184)
- d. Advised the City as to using DS200 voting machines; (*id.* at 185-188)
- e. Provided a "voter navigator" job description; (*id.* at 189)
- f. Advised a municipality regarding moving the "Central Count" from City Hall to a different location, which was wired to provide election results directly to private corporate employees; (*id.* at 270)
- g. The Center for Civic Design offered a municipality to design the absentee voting instructions and the absentee envelopes; (*id.* at 190-203)
- h. The Elections Group issued a Guide to Ballot Drop Boxes, a report on Planning Drop Boxes, Voter Outreach, and Communication; (*id.* at 204-238)
- i. Provided advice about procedures for challenging an elector's ballot; (*id.* at 239-243) and
- j. Conservation Voices and curing. (*id.* at 244-247)

Whitney May of CTCL advised Milwaukee's Information Coordinator Michelle Nelson on how to request from Milwaukee administration additional funding for election administration and encouraging her to consult with other Wisconsin Five clerks:

Below is some language I drafted along with 2 links that may help you frame the need for more staff. And have you asked Kris in Green Bay or Tara in Racine about their staffing levels? If they have similar numbers of registered voters as Kenosha, but more staff than Kenosha, then I think that's also a way to make your case to Admin.

Compl. App. 576. This email raises the concern that CTCL was drafting documents regarding municipal funding for election administration for the Wisconsin Five cities. *Id.* Based on CTCL contact with the Commission, the CTCL and its partners may have drafted documents for Commission staff as well. *Id.*

CTCL attempted to cover its tracks, somewhat. Compl. App. 252-3. Whitney May emailed to Celestine Jeffreys of Green Bay on 8-17-20 stating: "moving forward we would like to have Kris [Teske, Green Bay's City Clerk who was supposed to administer the

election] join the implementation calls. We ask because we want to ensure that Kris understands all the recommendations the project partners make, and we want to give her an opportunity to ask questions, too. Both of these things are really critical to the ultimate success of our partnership.” *Id.* CTCL’s statements admit that Kris Teske, the City Clerk who was in charge of running the election, had not been included previously, and CTCL, Celestine Jeffreys (of the Mayor of Green Bay’s office), and others were going behind Kris Teske’s back. *Id.* After the fact, they wanted to give the impression she was actually involved. *Id.*

Kris Teske has admitted in her communications much of the usurpation also. Compl. App. 338-9. As early as July, she claimed that the Mayor’s office was diverting her authority as a result of the CTCL Contract. She wrote in an e-mail:

“I haven’t been in any discussions or emails as to what they are going to do with the money. I only know what has been on the news/in the media...Again, I feel I am being left out of the discussions and not listened to at the meetings.”

Id. at 338. Kris Teske also wrote, “Celestine also talked about having advisors from the organization giving the grant who will be ‘helping us’ with the election and I don’t know anything about that.” *Id.* at 339. “I don’t understand how people who don’t have the knowledge of the process can tell us how to manage the election.” *Id.* Teske expressed concern that voting laws may be being broken. She wrote:

“I just attended the Ad Hoc meeting on Elections....I also asked when these people from the grant give us advisors who is going to be determining if their advice is legal or not...I don’t think it pays to talk to the Mayor because he sides with Celestine, so I know this is what he wants. I just don’t know where the Clerk’s Office fits in anymore.”

Id. at 338-9.

Kris Teske’s concern was repeated later on October 5, 2020 when she expressed concern that Michael Spitzer-Rubenstein of NVAHI was taking over ballot curing. Compl. App. 123-4. Kris Teske wrote on October 7, 2020, “I didn’t purchase this. Celestine did and should be the one signing this. She is the one working with them. I’m not signing an affidavit for things Celestine did or purchased because she doesn’t know election law.” *Id.*

Some of the most aggressive and egregious usurpation of election administration was performed by Michael Spitzer-Rubenstein of NVAHI. Mr. Spitzer-Rubenstein performed tasks such as:

- a. Providing a document and further instructions for the Central Count workers, (Compl. Ap. 248-9, 313-25)
- b. Augmenting the City of Green Bay’s “guide with the DS450” voting machine instructions; purchase order (*id.* at 310). Asking about 62001 openers, (*id.* at 250).

- c. Corresponding with the Green Bay City Attorney and other employees to interpret Wisconsin law and even to develop absentee voting protocols potentially inconsistent with Wisconsin Law;
- d. Offering to take “curing ballots” off of the City of Green Bay’s plate; (*id.* at 124, 179, 181).
- e. “helping Milwaukee assign inspectors to Central Count stations,” and offering to do the same for Green Bay; (*id.* at 179-81, 252-6).
- f. Setting up the voting machines and patterns in the Central Count location;
- g. Offering “additional resources” such as “funding available, both from ourselves, and the Center for Tech and Civic Life (thanks to Priscilla Chan and Mark Zuckerberg)” (*id.* at 122);
- h. Determining whether to accept ballots after the deadline of 8 pm (*id.* at 299)
- i. Allocating poll workers on election day.
- j. Monitoring numbers of absentee ballots by precinct.
- k. Teske tells finance person does not want NVAHI person in office, but Chief of Staff running show. (*id.* at 257-9).
- l. Central Count guidance # of poll workers. (*id.* at 260)

Emails between Brown County Clerk Sandy Juno and Mr. Spitzer-Rubenstein of NVAHI regarding vote counting machines at Central Count for the City of Green Bay demonstrate that Mr. Spitzer-Rubenstein was effectively in control of the vote count and the election. For example, Mr. Spitzer-Rubenstein wrote leading up to the election:

Subject: Question about Green Bay Central Count “Hi Sandy, I’m Michael Spitzer-Rubenstein, an advisor to the City of Green Bay through the National Vote at Home Institute. I’m helping the city set up Central Count for Tuesday. I heard from Kim there was some sort of issue with using DS200’s at Central Count. I’m trying to get the full backstory to advise her and the mayor.”

Mr. Spitzer-Rubenstein advised and set up the Central Count headquarters. On the hotel contract, Mr. Rubenstein was granted primary access to the room, ballot counters and absentee ballot openers. The Interim City Clerk provided specific instructions regarding Mr. Rubenstein and his leadership of Central Count:

“Number of keys to provide: 5 (4 to group and 1 for hotel to keep-Kristine Hall will hold for hotel). Deliver keys to: Michael Spitzer-Rubenstein” “Michael Spritzer-Rubenstein will be the on-site contact for the group.”

“DO NOT UNLOCK GRAND BALLROOM UNTIL MICHAEL SPITZER-RUBENSTEIN RQUESTS AND IS WITH SECURITY

WHEN UNLOCKING THE GRAND BALLROOM DOOR.”

Further, it was written: “Michael Spitzer-Rubenstein will be the on-site contact for the group [on Election Day].” Compl. App. 265-9. Mr. Spitzer-Rubenstein was one of three people providing “supervision and check-in duties” for workers on the days of the election and subsequent vote counting. Compl. App. 314.

Mr. Spitzer-Rubenstein had access to the Central Count, ballots, and ballot counting:

- a. Mr. Spitzer-Rubenstein negotiated directly with Trent Jameson of the Hyatt Regency and KI Convention Center so that “both networks reach my hotel room on the 8th floor” including “passwords” for /Wifi results of the election; (Compl. App. 270-4)
- b. Mr. Spitzer-Rubenstein developed a diagram and map of the “Central Count” area of the election and developed roles for the staff to handle and count ballots, and Central Count procedures. (Compl. App. 275-96)
- c. assigned inspectors for vote counting and polling places (Compl. App. 252)
- d. pushed for control of ballot curing process (Compl. App. 179-180)
- e. provided advice to Green Bay’s City Attorney regarding interpretation of Wisconsin statutes governing the timing and receipt of ballots (Compl. App. 297-300)
- f. To “pull the numbers on the absentee ballots returned and outstanding per ward” information on vote results and to determine which wards were on which voting machines. (Compl. App. 301-3)
- g. Created a pollworker needs spreadsheet (Compl. App. 304-6)
- h. He put himself in charge of transporting ballots to City Hall and then to Central Count on election day; and then counting them. (Discussion of “moving ballot boxes in the morning and evening.” November, 2, 2020, (Compl. App. 297, 0307-9).
- i. “I’m putting together instructions for the Central Count workers, ...” (Compl App. 310);
- j. Corresponding with Saralynn Flynn, also of Vote at Home, who wrote: “here is the document I made to hand out to central count observers.” (Compl. App. 248) The “document” created warned Election Observers to “NOT interfere in any way with the election process,” while CTCL personnel, partners, “pollworkers” and others deputized by CTCL, transported ballots, counted ballots, and “cured” defective mail in and absentee ballots, and otherwise exercised considerable control over the election process. (Compl. App. 311)
- k. On Election Day, Mr. Spitzer-Rubenstein had unfettered access to the Central Count floor.

On Election Day, Mr. Spitzer-Rubenstein had access to ballots, transporting ballots, and determining which ones would be counted or not counted.

Mr. Spitzer-Rubenstein wrote to Vanessa Chavez, Green Bay City Attorney, on November 3, 2020 (Election Day) at 9:29 pm: “Be prepared: ballots delayed.” The text stated: “I think we[sic]re probably okay; **I don’t think anyone challenged the ballots when they came in.**” (Compl. App. 312) (emphasis added)

Mr. Spitzer-Rubenstein explained that someone “prevented one of the dropbox deliveries from getting to City Hall by 8 PM,” so the ballots were “delayed,” i.e. did not arrive on time as required by law. Forty-seven boxes of ballots were expected to be delivered and apparently according to Mr. Spitzer-Rubenstein’s email, some of them were late but he decided that despite some of them being late, they were counted anyway because no one “challenged them.”

10. The “private corporate partners” were from out of state, and not necessarily knowledgeable about Wisconsin election law, or concerned about it.

Notably, CTCL’s “private corporate partners” were from out of state, and not necessarily knowledgeable about Wisconsin election law, or concerned about it. Ryan Chew of the Elections Group was located outside of Wisconsin. “I’ve probably missed the mark in a number of ways. It’s tough to do this from the distance of another state.” Further, Mr. Chew was represented by Whitney May of CTCL to “have decades of election experience working with the Cook County Clerk in Illinois. They [Mr. Chew and Gail, also from the Elections Group] are available to discuss your dropbox plans (and more!).” Compl. App. 563. CTCL is from the state of Illinois. Michael Spitzer-Rubenstein appears to have been from New York or nearby.

Kris Teske admitted in her Answer that “Many of these [election administration] decisions were made by persons who were not authorized to do so and some were made by people not qualified to make them as, again, election laws need to be followed to ensure the integrity of the election.” *Teske Answer*, p. 3.

11. Safe voting was a pretext—the real reason for CTCL grants was to conduct voter outreach, get-out-the-vote, registration of additional voters in specific targeted regions inside the Wisconsin 5 Cities.

The real reason for CTCL grants was to conduct voter outreach, get-out-the-vote, registration of additional voters in specific targeted regions inside the Wisconsin 5 Cities. Resp. App. 148. Safe voting was a pretext. On June 10, 2020, Vicky Selkove of Racine informed the representatives of the other Wisconsin 5 cities that: “Our national funding partner, the Center for Tech & Civic Life, has one additional question area they’d like

answered: “What steps can you take to update registered voters’ addresses before November? What steps can you take to register new voters? How much would each cost?”
Id.

12. Wisconsin’s municipal clerks are provided training on administering elections, including being provided a 250-page Election Administration Manual for Wisconsin Municipal Clerks; but, there is no evidence that CTCL and its “partners” from outside of Wisconsin received similar training in Wisconsin law.

Importantly, Wisconsin’s municipal clerks are provided training on administering elections, including being provided a 250-page Election Administration Manual for Wisconsin Municipal Clerks; but, there is no evidence that CTCL and its “partners” from outside of Wisconsin received similar training in Wisconsin law. According to the Election Administration Manual for Wisconsin Municipal Clerks, “The municipal clerk’s election duties include, but are not limited to, supervision of elections and voter registration in the municipality, equipping polling places, purchasing and maintaining election equipment, preparing ballots and notices, and conducting and tracking the training of other election officials.”⁶ There is no evidence that CTCL or its “partners,” who made recommendations to the Wisconsin 5 cities as to how to run their elections, were provided the Election Administration Manual for Wisconsin Municipal Clerks, or otherwise were trained in Wisconsin election law as municipal clerks would be trained.

13. The Wisconsin 5 cities became beholden to CTCL as a result of the private funding, WSVP and the provisions contained therein.

The documents show that the Wisconsin 5 cities became beholden to CTCL as a result of the private funding, WSVP and the provisions contained therein. Celestine Jeffreys of Green Bay expressed the sentiment on behalf of the entire Wisconsin 5 cities: “As far as I’m concerned I am taking all of my cues from CTCL and work with those you recommend.” Celestine Jeffreys of Green Bay email, July 13, 2020. Compl. App. 439.

On August 1, 2020, Maggie McClain of Madison email to Maribeth stating: “is there an approval/letter giving the go-ahead for this? Or an okay from CTCL saying the *grant funds could be used for this?* I need something to attach to the requisition.” Resp. App. 155.

On August 31, 2020, Kenosha sought and obtained CTCL approval of purchasing 3 DS450 high speed ballot tabulators for use at Absentee Central Count locations at an amended cost of \$180,000 instead of \$172,000. Compl. App. 584-586. Madison was seeking similar approval from CTCL corporations regarding election administration financing. Compl. App. 790-792, 797-799, 803, 808, 837-838)

⁶ See <https://elections.wi.gov/sites/elections.wi.gov/files/2021-04/Election%20Administration%20Manual%20%282020-09%29.pdf>, p. 123 (last visited: May 24, 2021).

On September 22, 2020, Karalyn Kratowitz, the interim deputy mayor of Madison asks CTCL for instruction and permission on how to spend the money. Resp. App. 158.

On January 7, 2021, CTCL tells Madison to report in pursuant to the agreement. Report by January 31, 2021. Resp. App. 160.

The Wisconsin 5 cities were periodically required to report to CTCL on election administration. For example, Green Bay officials began reporting to CTCL of the City's efforts regarding:

- a. Voter outreach/education;
- b. Drop boxes;
- c. Poll books;
- d. Community groups; and
- e. Badger books.

Resp. App. 261-264. Madison engaged in the same type of reporting to CTCL, to comply with CTCL's conditions. Resp. App. 712, 737. All the Wisconsin 5 cities were required to report to CTCL of their expenditures by January 31, 2021. Resp. App. 60. "Requiring each city or county receiving the funds to report back to CTCL by January 31, 2021 regarding the moneys used to conduct federal elections." Compl. App. 018, 393, 419, 552, 689-698, 711-714.

14. The Wisconsin 5 cities ceded at least some administrative control over the election to CTCL and its private partners so they could collectively get-out-the-vote in the 2020 election.

As set forth above, CTCL's stated and implied conditions led to the Wisconsin 5 cities' municipal clerks and other staff to sometimes eagerly step aside, and other times to be pushed aside, to let CTCL and its private corporate partners engage in aspects of election administration. *See, e.g.*, Resp. App. 103-23. CTCL and the private corporations, in light of the documents, had an ulterior motive in the WSVP to get-out-the-vote in the Wisconsin 5 cities and in their respective communities of color. *Id.* But, get-out-the-vote efforts are for the candidates and campaign, not cities, to conduct. *Id.* The Wisconsin 5 cities ceded administrative control over the election to CTCL and its private partners so they collectively got-out-the-vote in the 2020 election. *Id.*

MJG notes:

These lines print out and they should not. Let's get rid of the weird formatting issues and have a stand-alone title/ caption page (this made more sense when this was the only comment and it was on the caption page where weird lines appear).

§ 885.12 talks about a "committee" and so we will need to both rely upon and highlight the language in the first legislative committee ballot that says I am supposed to assist the "committee." I wonder now as I write this if this is the glitch? While I have been delegated investigatory power to conduct legislative oversight by investigation, where am I explicitly granted authority to issue subpoenas. We are going to have to argue in a Memorandum in Support of these petitions that the relevant authorizing documents give me that authority. The defendants certainly acted as though I have authority by complying with our subpoenas and have given us no notice that they do not recognize it.

In the memo, we will need to walk through the fact that no hearing is required under the statute: "upon sworn statement," and we must highlight the timing of all of this: if ct finds no good notice for continued date, there was no excuse for defendants not showing up 10/22.

Do we do a memorandum in support? Maybe just a short one explaining that we recognize the discretionary nature of the ct's decision and that if, in the exercise of that discretion, she finds it preferable to set a show cause hearing, we can do that. I mean, let's take it on: we think it is absolutely clear that we are entitled to this because defendants blew us off without excuse but we recognize this is a rarely-used statutory vehicle and it would be understandable if she wanted a hearing. Shows us as what we are: honest, unafraid of application of any legal variant, forthright. But also explain why some are in personal capacity

and

say we want costs and any amounts we are entitled to ask for.

We'll need to explain why we have the City subpoenas in here: that the mayor is responsible for compliance with subpoenas issued to his city.

STATE OF WISCONSIN CIRCUIT COURT WAUKESHA COUNTY | weird lines

MICHAEL J. GABLEMAN, IN HIS OFFICIAL CAPACITY AS SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY,

Plaintiff

v.

Case No.: _____

SATYA RHODES-CONWAY, PERSONALLY, AND IN HER OFFICIAL CAPACITY AS MAYOR OF MADISON, WISCONSIN;

MARIBETH WITZEL-BEHL, PERSONALLY, AND IN HER OFFICIAL CAPACITY AS CITY CLERK OF MADISON, WISCONSIN,

ERIC GENRICH, PERSONALLY, AND IN HIS OFFICIAL CAPACITY AS MAYOR OF GREEN BAY, WISCONSIN, and

CELESTINE JEFFRIES, PERSONALLY, AND IN HER OFFICIAL CAPACITY AS CITY CLERK OF GREEN BAY, WISCONSIN,

Defendants

I. PETITION FOR ORDERS TO COMPEL COMPLIANCE WITH LEGISLATIVE SUBPOENAS

AND

II. PETITION FOR ORDERS TO SHOW CAUSE

COMES NOW the Special Counsel, and for his petition states:

THE PARTIES

1. Plaintiff Michael J. Gableman has been duly appointed Special Counsel

and as such authorized by the Wisconsin Assembly and charged with aiding in the conduct of legislative oversight of administration of Wisconsin's elections, focusing in particular on elections conducted after January 1, 2019.

2. Defendant Satya Rhodes-Conway, is mayor of Madison, Wisconsin, serving as such both during the November 3, 2020 election as well as at the time a legislative subpoena was issued to and served upon her.

3. Defendant Maribeth Witzel-Behl, is city clerk of Madison, Wisconsin, and was employed as such both during the November 3, 2020 election as well as at the time a legislative subpoena was issued to and served upon her.

4. Defendant Eric Genrich, is Mayor of Green Bay, Wisconsin, serving as such both during the November 3, 2020 election as well as at the time a legislative subpoena was issued to and served upon him.

5. Defendant Celestine Jefferies, is city clerk of Green Bay, Wisconsin and was employed as such at the time a legislative subpoena was issued to and served upon her and formerly was employed by Defendant Three (Mayor Genrich) as his chief of staff during the November 3, 2020 election.

JURISDICTION AND VENUE

6. This Court has jurisdiction over the parties pursuant to Wis. Stat. § 13.31 and Wis. Stat. § 885.12.

7. Venue is proper in this court pursuant to Wis. Stat. § 885.12 because the subpoena was to be returned and the deposition was to be attended in Waukesha

County.

COMPLIANCE WITH WIS. STAT. § 802.01(2)(B)

8. Copies of the Wisconsin Assembly documents both appointing Plaintiff Special Counsel and setting forth his charge are attached as Exhibit One and are hereby incorporated as if fully set forth herein.

9. Copies of the legislative subpoenas issued to Defendant Mayor Satya Rhodes-Conway, as well as to the City of Madison are attached as Exhibit Two, and are hereby incorporated as if fully set forth herein.

10. A copy of the legislative subpoena issued to Defendant Mayor Maribeth Witzel-Behl, is attached as Exhibit Three, and is incorporated by reference as if fully set forth herein.

11. Copies of the legislative subpoenas issued to Defendant Mayor Eric Genrich, as well as to the City of Green Bay, are attached as Exhibit Four and are hereby incorporated as if fully set forth herein.

12. A copy of the legislative subpoena issued to Defendant Celestine Jefferies, is attached as Exhibit Five, and is hereby incorporated as if fully set forth herein.

13. Email correspondence reflecting the continued dates of the depositions for Defendant Mayor Satya Rhodes-Conway and Defendant Maribeth Witzel-Behl is attached as Exhibit Eight and is hereby incorporated as if fully set forth herein.

14. Email correspondence reflecting the continued dates of the depositions

for Defendant Mayor Eric Genrich and Defendant Celestine Jefferies is attached as Exhibit Nine and is hereby incorporated as if fully set forth herein.

SWORN STATEMENT OF FACTS (IS THIS RIGHT?)

15. Plaintiff was appointed Special Counsel by the Wisconsin Assembly on June 26, 2021. *See* Ex. 1.

16. Pursuant to his appointment, Plaintiff is to conduct an investigation for the purpose of exercising legislative oversight into Wisconsin elections, focusing in particular on elections conducted after January 1, 2019. *Id.*

17. As part of his exercise of the legislative oversight authority delegated to him by the Wisconsin Assembly, Plaintiff sought information relating to execution of statutes relevant to election administration in the Cities of Madison and Green Bay during the time frame which included the November 3, 2020 election.

18. Plaintiff served a subpoena *duces tecum* upon Defendant Mayor Satya Rhodes-Conway on [Need Date] pursuant to Wis. Stat. § 13.31. *See* Exs. 2–3. This subpoena *duces tecum* required both the production of documents as well as testimony by deposition in Brookfield, Wisconsin, located within Waukesha County on October 22, 2021. *Id.*

19. Plaintiff served a subpoena *duces tecum* upon Defendant Maribeth Witzel-Behl on [Need Date] pursuant to Wis. Stat. § 13.31. *See* Ex. 4. This subpoena *duces tecum* required the production of documents and testimony by deposition in

Brookfield, Wisconsin, located within Waukesha County, on October 15, 2021 at 9:30 a.m. *Id.*

20. The City of Madison, Defendant Mayor Rhodes-Conway, and Defendant Maribeth Witzel-Behl timely caused production of documents as required by the subpoena *duces tecum* that was served upon them on [Need Date] but did not appear personally on October 15, 2021.

21. To allow time to review the documents so produced in preparation for the depositions noticed in the [Need Date] subpoena *duces tecum*, Plaintiff continued the depositions of Mayor Rhodes-Conway and Witzel-Behl until November 15, 2021, at 9:30 a.m. *See Ex. 8. [I am not certain we have this timing right. I can't remember what caused us to move the depo date but I do not think it all sprang out of one set of subpoenas]*

22. Plaintiff served a subpoena *duces tecum* upon Defendant Mayor Eric Genrich and the City of Green Bay, Wisconsin on [Need Date], pursuant to Wis. Stat. § 13.31. *See Exs. 5–6.* This subpoena *duces tecum* required the production of documents and testimony by deposition in Brookfield, Wisconsin, located within Waukesha County, on October 22, 2021, at 9:00 a.m. *Id.*

23. Plaintiff served a subpoena *duces tecum* upon Celestine Jefferies on [Need Date] pursuant to Wis. Stat. § 13.31. *See Ex. 7.* This subpoena *duces tecum* required the production of documents and testimony by deposition in Brookfield, Wisconsin, located within Waukesha County on October 15, 2021, at 9:00 a.m. *Id.*

24. The City of Green Bay, Mayor Genrich, and Celestine Jefferies timely

caused production of documents required by the [Need Date] subpoena *duces tecum* but did not appear personally in Brookfield, Wisconsin on October 15, 2021.

25. To allow time to review the documents so produced in preparation for the depositions noticed in the [Need Date] *subpoena duces tecum*, Plaintiff continued the depositions of Defendant Mayor Genrich and Defendant Celestine Jefferies to November 17, 2021, at 9:30 a.m. *See* Ex. 9.

26. On November 15, 2021, in the City of Brookfield, Waukesha County, Wisconsin, Defendant Satya Rhodes-Conway failed without excuse to appear and give testimony.

27. On November 15, 2021, in the City of Brookfield, Waukesha County, Wisconsin, Defendant Maribeth Witzel-Behl failed without excuse to appear and give testimony.

28. On November 17, 2021, in the City of Brookfield, Waukesha County, Wisconsin, Defendant Mayor Eric Genrich failed without excuse to appear and give testimony.

29. On November 17, 2021, in the City of Brookfield, Waukesha County, Wisconsin, Defendant Celestine Jefferies failed without excuse to appear and give testimony.

CAUSE OF ACTION AND REQUESTED RELIEF

30. The circuit court in which a witness's attendance is required by legislative subpoena has the authority to enforce a legislative subpoena.

31. Plaintiff now petitions this Court for an Order Compelling Compliance

with Legislative Subpoena requiring Defendant Satya Rhodes-Conway to appear for deposition and give testimony on December 14, 2021, at 9:00 a.m.

32. In the alternative, Plaintiff petitions this Court for an order compelling Defendant Satya Rhodes-Conway to appear and show cause for her failure to attend the deposition or otherwise comply with the [Date Needed] subpoena *duces tecum*.

33. Plaintiff petitions this Court for an Order Compelling Compliance with Legislative Subpoena requiring Defendant Maribeth Witzel-Behl by to appear for deposition and give testimony on December 14, 2021, at 9:00 a.m.

34. In the alternative, Plaintiff petitions this Court for an order compelling Defendant Maribeth Witzel-Behl to appear and show cause for her failure to attend the deposition or otherwise comply with the [Date Needed] subpoena *duces tecum*.

35. Plaintiff petitions this Court for an Order Compelling Compliance with Legislative Subpoena requiring Defendant Mayor Eric Genrich to appear for deposition and give testimony on December 16, 2021, at 9:00 a.m.

36. In the alternative, Plaintiff petitions this Court for an order compelling Defendant Mayor Eric Genrich to appear and show cause for his failure to attend the deposition or otherwise comply with the [Date Needed] subpoena *duces tecum*.

37. Plaintiff petitions this court for an Order Compelling Compliance with Legislative Subpoena requiring Defendant Celestine Jefferies to appear for deposition and give testimony on December 16, 2021, at 9:00 a.m.

38. In the alternative, Plaintiff petitions this Court for an order compelling Defendant Celestine Jefferies to appear and show cause for her failure to attend the

deposition or otherwise comply with the [Date Needed] subpoena *duces tecum*.

39. The State of Wisconsin has been damaged by the actions of the defendants. These damages include attorney’s fees and costs.

40. Plaintiff requests this Court order Defendants pay jointly and severally, Plaintiff’s fees and costs pursuant to Wis. Stat. § 885.11(1). [We’d have to explain that we are seeking these fees from the Defendants personally because they abandoned the scope of their official capacities when they intentionally failed to comply with a lawful subpoena. If the average person did this, they’d have to pay. These people were doing this for partisan gain.]

WHEREFORE Plaintiff petitions this honorable court to enforce the legislative subpoenas, order the defendants to appear with commanded documents and give testimony, alternatively, to appear and show cause, and for all other just and proper relief to which he may be entitled.

*****VERIFICATION*****

I, MICHAEL GABLEMAN, do hereby state, on oath, that the facts and information set forth above are true and correct to the best of my knowledge, information, and belief.

STATE OF _____)
) ss
COUNTY OF _____)

MICHAEL GABLEMAN

ON THIS DAY, the _____, personally appeared before me MICHAEL GABLEMAN, known well to me to be the person whose name is subscribed to the within instrument and acknowledged that he or she executed the same for the purposes therein contained.

My Commission Expires: _____

NOTARY PUBLIC

RESPECTFULLY SUBMITTED,

Michael Gableman, WI Bar No.: 1024325

**SPECIAL COUNSEL to the WISCONSIN
ASSEMBLY COMMITTEE ON
CAMPAIGNS AND ELECTIONS**

P.O. Box 510766

New Berlin, WI 53151

T: (262) 2020-8722

E: coms@wispecialcounsel.org

WISCONSIN STATE ASSEMBLY

2021-2022 Regular Session

Assembly Committee on Campaigns and Elections

SUBPOENA DUCES TECUM

STATE OF WISCONSIN)
) ss.
COUNTY OF WAUKESHA)

THE STATE OF WISCONSIN TO: Hon. Eric Genrich
Mayor, City of Green Bay
100 N. Jefferson St.
Green Bay WI 54301


PURSUANT TO WIS. STAT. § 13.31 YOU ARE HEREBY COMMANDED TO APPEAR in person before the Special Counsel or his designee on **Friday, October 22, 2021 at 9:00 am at 200 South Executive Drive, Suite 101, Brookfield, WI 53005**, to give evidence and testimony with regard to the November 2020 General Election in Wisconsin (the "Election") including, *but not limited to*, potential irregularities and/or illegalities related to the Election.

You are further commanded to bring with you originals or copies, if originals are not available, of all documents contained in your files and/or in your custody, possession, or control, pertaining to the Election. Responsive documents include, *but are not limited to*, the items set forth on Exhibit A, attached hereto and incorporated herein. Please direct any inquiries to (262) 202-8722.

FAILURE TO COMPLY WITH THIS SUBPOENA MAY CONSTITUTE CONTEMPT OF THE LEGISLATURE, PURSUANT TO WIS. STAT. § 13.26(1)(C) AND IS SUBJECT TO PUNISHMENT, INCLUDING IMPRISONMENT, PURSUANT TO WIS. STAT. § 13.27.

Dated at ~~Pleasant Prairie~~ Wisconsin this 4th day of October 2021.

WISCONSIN STATE ASSEMBLY

By: 

REP/ROBIN VOS, SPEAKER
Wisconsin State Assembly

By: 

*Edward A. Blazel, in Madison, WI
Wisconsin State Assembly, Chief Clerk*

WISCONSIN STATE ASSEMBLY

2021-2022 Regular Session

Assembly Committee on Campaigns and Elections

SUBPOENA DUCES TECUM

STATE OF WISCONSIN)
) ss.
COUNTY OF WAUKESHA)

THE STATE OF WISCONSIN TO: Satya Rhodes-Conway
Mayor, City of Madison
210 Martin Luther King Jr Blvd, Room 403
Madison, Wisconsin 53703


PURSUANT TO WIS. STAT. § 13.31 YOU ARE HEREBY COMMANDED TO APPEAR in person before the Special Counsel or his designee on **Friday, October 22, 2021 at 9:00 am** at **200 South Executive Drive, Suite 101, Brookfield, WI 53005**, to give evidence and testimony with regard to the November 2020 General Election in Wisconsin (the "Election") including, *but not limited to*, potential irregularities and/or illegalities related to the Election.

You are further commanded to bring with you originals or copies, if originals are not available, of all documents contained in your files and/or in your custody, possession, or control, pertaining to the Election. Responsive documents include, *but are not limited to*, the items set forth on Exhibit A, attached hereto and incorporated herein. Please direct any inquiries to (262) 202-8722.


FAILURE TO COMPLY WITH THIS SUBPOENA MAY CONSTITUTE CONTEMPT OF THE LEGISLATURE, PURSUANT TO WIS. STAT. § 13.26(1)(C) AND IS SUBJECT TO PUNISHMENT, INCLUDING IMPRISONMENT, PURSUANT TO WIS. STAT. § 13.27.

Dated at ~~Plum Point~~ Wisconsin this 4th day of Oct 2021.

WISCONSIN STATE ASSEMBLY

By: 

REP/ROBIN VOS, SPEAKER
Wisconsin State Assembly

By: 

EDWARD A. BLAZEL, NEW MADISON, WI
Wisconsin State Assembly, Chief Clerk

1/26/22, 1:27 PM

Subpoena DRAFT - Racine MKP v.3.docx

WISCONSIN STATE ASSEMBLY

2021-2022 Regular Session

Assembly Committee on Campaigns and Elections

SUBPOENA FOR DEPOSITION

STATE OF WISCONSIN)
) ss.
COUNTY OF WAUKESHA)

THE STATE OF WISCONSIN TO: City of Racine
730 Washington Ave
Racine, WI 53403

PURSUANT TO WIS. STAT. § 13.31 YOU ARE HEREBY COMMANDED TO CAUSE the person or persons most knowledgeable in regard to the November 2020 General Election in Wisconsin (the "Election") to appear in person before the Special Counsel or his designee on **Friday, October 15, 2021 at 9:00 am** at **200 South Executive Drive, Suite 101, Brookfield, WI 53005**, to give evidence and testimony including, *but not limited to*, potential irregularities and illegalities related to the Election, including the Topics of Testimony (Schedule B).

You are further commanded that your designees or representatives bring with them originals or copies, if originals are not available, of all documents contained in your files and/or in your custody, possession, or control, pertaining to the Election. Responsive documents include, *but are not limited to*, the items set forth on Exhibit A, attached hereto and incorporated herein.

FAILURE TO COMPLY WITH THIS SUBPOENA MAY CONSTITUTE CONTEMPT OF THE WISCONSIN LEGISLATURE, PURSUANT TO WIS. STAT. § 13.26(1)(C) AND IS SUBJECT TO PUNISHMENT INCLUDING IMPRISONMENT, PURSUANT TO WIS. STAT. § 13.27.

Dated at _____, Wisconsin this _____ day of _____, 2021.

WISCONSIN STATE ASSEMBLY

By: _____
REP. ROBIN VOS, SPEAKER
Wisconsin State Assembly

By: _____
EDWARD A. BLAZEL
Wisconsin State Assembly, Chief Clerk



WISCONSIN STATE ASSEMBLY

2021-2022 Regular Session

Assembly Committee on Campaigns and Elections

SUBPOENA DUCES TECUM

STATE OF WISCONSIN)
) ss.
COUNTY OF Waukesha County)

THE STATE OF WISCONSIN TO: Matt Krauter
 Clerk, City of Kenosha
 625 5th Street Room 105
 Kenosha, WI 53140


PURSUANT TO WIS. STAT. § 13.31 YOU ARE HEREBY COMMANDED TO APPEAR in person before the Special Counsel or his designee on **Friday, October 15, 2021 at 9:00 am at 200 South Executive Drive, Suite 101, Brookfield, WI 53005**, to give evidence and testimony with regard to the November 2020 General Election in Wisconsin (the "Election") including, *but not limited to*, potential irregularities and/or illegalities related to the Election.

You are further commanded to bring with you originals or copies, if originals are not available, of all documents contained in your files and/or in your custody, possession, or control, pertaining to the Election. Responsive documents include, *but are not limited to*, the items set forth on Exhibit A, attached hereto and incorporated herein.


FAILURE TO COMPLY WITH THIS SUBPOENA MAY CONSTITUTE CONTEMPT OF THE LEGISLATURE, PURSUANT TO WIS. STAT. § 13.26(1)(C) AND IS SUBJECT TO PUNISHMENT, INCLUDING IMPRISONMENT, PURSUANT TO WIS. STAT. § 13.27.

Dated at Madison, Wisconsin this 28th day of September 2021.

WISCONSIN STATE ASSEMBLY

By: 

REP. RON VOS, SPEAKER
Wisconsin State Assembly

By: 

EDWARD A. BEAZEL
Wisconsin State Assembly, Chief Clerk

Wisconsin Legislative Council



Anne Sappenfield
Director

TO: REPRESENTATIVE MARK SPREITZER
FROM: Peggy Hurley, Staff Attorney, and Brian Larson, Senior Staff Attorney
RE: Legislative Subpoena Authority and Special Counsel
DATE: October 6, 2021

You asked this office to review copies of subpoenas issued to elections officials in the Cities of Green Bay and Milwaukee and to determine whether the subpoenas comply with the requirements of s. 13.31, Stats. State law specifically states that a legislative subpoena may compel a person to appear before, or to provide documents to, a legislative committee. However, other statutes and case law support the conclusion that a duly authorized representative of a committee may serve as agent for the committee. Therefore, issuance of the subpoenas appears to be valid, and carrying out and enforcing the subpoenas must protect the due process and First Amendment rights of the individuals subpoenaed.

BACKGROUND

2021 Assembly Resolution 15 was passed by the Assembly earlier this year and directs the Assembly Committee on Campaigns and Elections to investigate the administration of elections in Wisconsin, focusing in particular on elections conducted after January 1, 2019. Pursuant to this resolution, the Committee on Assembly Organization adopted separate ballots on May 28 and August 27, 2021, to authorize the Speaker of the Assembly to hire legal counsel and to designate that individual as special counsel to oversee an Office of Special Counsel.

The August 27, 2021, ballot provides that the Special Counsel shall direct an elections integrity investigation, assist the Assembly Committee on Campaigns and Elections, and hire investigators and other staff.

On September 28, 2021, the Speaker and the Chief Clerk of the Assembly executed subpoenas, on behalf of the Assembly Committee on Campaigns and Elections, to require certain officials to appear before the Special Council on October 15, 2021. The subpoenas were signed and served in accordance with the statutes.

LEGISLATIVE SUBPOENA AUTHORITY

Sections 13.31 to 13.36, Stats., establish the procedures for compelling a witness to appear before a legislative committee and produce documents and records before the committee. The statutes set forth specific provisions relating to service of process, summary process to take custody of a witness, consequences for refusal to testify, immunity for testimony procured by subpoena, and witness fees for testifying before a legislative committee.

- 2 -

The legislative subpoena statute, s. 13.31, Stats., states:

The attendance of witnesses **before any committee of the legislature, or of either house thereof, appointed to investigate any subject matter**, may be procured by subpoenas signed by the presiding officer and chief clerk of the senate or assembly. Such subpoenas shall state when and where, and before whom, the witness is required to appear, and may require such attendance forthwith or on a future day named and the production of books, records, documents and papers therein to be designated, and may also require any officer of any corporation or limited liability company, or other person having the custody of the keys, books, records, documents or papers of any such business entity, to produce the same before such committee. Such subpoenas may be served by any person and shall be returned to the chief clerk of the house which issued the same as subpoenas from the circuit court are served and returned. (Emphasis added.)

This statute and case law¹ establish that a witness may be compelled to appear before a legislative committee charged with investigatory authority.

DISCUSSION

Validity of Subpoena

A plain language reading of the phrase “before any committee of the legislature, or of either house thereof, appointed to investigate any subject matter” in s. 13.31, Stats., appears to contemplate that a witness may be compelled to appear and to produce documents before a legislative committee, so long as that committee is appointed to investigate the subject matter to which the subpoena pertains. The Office of Special Counsel is not a legislative committee, although it has been charged with assisting the Assembly Committee on Campaigns and Elections.

Some of the duties of the chair established in ss. 13.32 (1) and 13.34, Stats., also indicate that current statutes anticipate that a witness would appear before a legislative committee. Specifically, the chair of the committee may file with the presiding officer a certificate stating that the summoned person failed to appear or refused to answer questions or provide requested documents. Additionally, s. 13.36, Stats., directs that the chair of the committee before which a witness appeared may document the witness’ appearance in order to authorize the payment of witness fees.

If a court considers the statutes directly and specifically relating to legislative subpoenas and applies a plain language analysis, these statutes appear to compel a witness to appear, and produce documents for, a legislative committee and not a separate entity. However, a court may refrain from questioning whether an authorized investigation should be carried out in a specific manner by an independent branch.² When considering the Legislature’s authority to carry out its duties, the Wisconsin Supreme Court has consistently held that unless an action interferes with a constitutional provision or right, it

¹ See *Goldman v. Olson*, 286 F. Supp. 35 (W.D. Wis. 1968).

² The Wisconsin Supreme Court has held that the Legislature has all “authority ... appropriate to achieve the ends” of its express law-making authority. *Wisconsin Carry, Inc. v. City of Madison*, 2017 WI 19 ¶ 54 n.38; *Johnston v. City of Sheboygan*, 30 Wis.2d 179, 186 (1966) (quoting *M’Culloch v. Maryland*, 17 U.S. (4 Wheat.) 316, 421 (1819) (“Let the end be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the constitution, are constitutional.”)).

- 3 -

will not interfere with the Legislature on matters of legislative procedure or purely legislative matters. [*Ozanne v. Fitzgerald*, 2011 WI 43 (2011); *La Follette v. Stitt*, 114 Wis. 2d 358 (1983).] In addition, a court may find that it is not entirely clear what it means for a witness to appear “before” a committee for purposes of this provision and that a plain language analysis is insufficient.

There are several facts that indicate an appearance before the Special Counsel might be interpreted as an appearance before the committee. First, a legislative committee may utilize outside experts to perform work on its behalf under appropriate circumstances. In this case, the Assembly has charged a committee with conducting an investigation; and, in connection therewith, the house has directed the Speaker to hire an investigator to perform work on behalf of the committee. This could be viewed as similar to other instances in which the legislative branch utilizes outside experts to perform tasks that may require specialized knowledge or skills, such as actuarial services to oversee the retirement system or legal counsel. In some cases, these outside experts are hired in accordance with specific statutory procedures.³ In other cases, the house or body authorizes the hiring of the outside expert in a resolution or motion approved by the relevant committee on organization.⁴

Second, the ballot adopted by the Committee on Assembly Organization instructs the Special Counsel to assist the committee. The subpoenas signed by the Speaker and Chief Clerk, and requiring attendance before the Special Counsel, were issued in the name of the committee. This may also support the view that an appearance before the Special Counsel could be considered an appearance before the committee for purposes of s. 13.31, Stats.

There is statutory support, as well, for the proposition that an individual or an entity may be authorized to hear testimony on behalf of a legislative committee. Under ss. 13.32 and 13.34, Stats., the chair of the committee for which a subpoena was issued may initiate contempt proceedings against a person who fails to comply with the terms of the subpoena. However, the legislative subpoena statute indicates that the subpoena must “state when and where, **and before whom**, the witness is required to appear,” and the general legislative contempt statute states that a person may be held in contempt for “[r]efusing to attend or be examined as a witness, either before the house or a committee, **or before any person authorized to take testimony in legislative proceedings**, or to produce any books, records, documents, papers or keys according to the exigency of any subpoena.” [ss. 13.31 and 13.26 (1) (c), Stats.; emphasis added.] This language appears to indicate that someone other than the legislative committee may investigate or take testimony on behalf of the committee.

A court adopting this view would likely determine that an appearance before the Special Counsel should be considered an appearance before the committee. In that case, the subpoenas would be deemed valid because all of the requirements under s. 13.31, Stats., would be met.

³ The Joint Survey Committee on Retirement Systems (JSCRS) routinely contracts for outside actuarial reports to assist the committee in evaluating proposed changes to the retirement system, as provided under the statutes. [s. 13.50, Stats.] The statutes specifically authorize the Joint Survey Committee on Tax Exemptions (JSCTE) to employ personnel as required for the performance of its duties, in accordance with procedures specified in the statutes. [s. 13.52, Stats.] Also, the Joint Committee on Legislative Organization (JCLO) is specifically authorized to employ an outside staff of professional consultants for the purpose of studying ways to improve legislative staff services and organization. [s. 13.90 (1) (f), Stats.]

⁴ Most often, this approach has been used to hire outside legal counsel to represent the body, a house, or a subunit or member. For example, on October 12, 2005, JCLO authorized the hiring of an outside law firm to represent the defendants in *State of Wisconsin v. David A. Zien and Scott L. Gunderson*. On February 14, 1997, JCLO adopted a ballot authorizing the Co-Chairs of JCLO to select and retain legal counsel to represent the Joint Committee on Review of Administrative Rules (JCRAR) in a lawsuit, *Wisconsin's Environmental Decade v. Dept. of Commerce*, and to direct costs to be paid in equal shares by the Senate and Assembly.

- 4 -

Rights of Persons Subpoenaed

While the court is not likely to prevent an individual or entity from being appointed by the Legislature to assist a legislative committee, any subpoenas issued or procedures followed must protect the constitutional rights of the persons subpoenaed. A person whose presence is commanded by a legislative subpoena must appear before the appropriate committee, produce responsive records, and answer questions posed by members of the committee. A person who refuses to do so may be arrested and held in criminal contempt; a person who complies is protected against the use of his or her testimony in a related criminal proceeding. [ss. 13.26 (1) (c), 13.32, and 13.35, Stats.]

In the *Goldman* case, the court considered a challenge to a legislative subpoena issued pursuant to a legislative resolution authorizing a select Senate committee to investigate disruptions on the University of Wisconsin campus. The court found:

With respect to the present case, there are to be considered two limitations imposed by the Constitution of the United States upon the investigatory powers of state legislatures. The first is a concept of due process under the Fourteenth Amendment: whether the subject matter of the particular legislative investigation is defined with sufficient explicitness and clarity to provide a reasonable basis for judgment by the witness whether a specific question put to him is pertinent to that subject matter. The second is a First Amendment concept, as embodied in the Fourteenth: if the legislative inquiry invades those freedoms of opinion and speech and association protected by the First Amendment, whether there is a substantial relationship between the information sought and some subordinating, overriding, compelling state interest or concern.⁵

Thus, while courts generally afford judicial deference to purely legislative matters, the legislative determination that to “appear before a committee” means to appear before the Office of Special Counsel may still be subject to constitutional considerations depending upon how the subpoenas are carried out and enforced.

Please let us know if we can provide any further assistance.

PH:BL:ksm

⁵ *Goldman v. Olson*, 286 F. Supp. 35 (W.D. Wis. 1968); see, also, *Groppi v. Leslie*, 404 U.S. 496, 92 S. Ct. 582, 30 L. Ed. 2d 632 (1972), which found that while the Legislature is entitled to hold an individual in contempt, due process protections require proper notice and an opportunity to respond.

This document is redacted in accordance with court rules or as ordered by the court.

EXTERNAL : Gaussian heat maps

John Ker <johnker777@yahoo.com>

Mon 10/25/2021 9:04 PM

To: Coms <Coms@wispecialcounsel.org>

We did one for each county in Wisconsin. In short, the normal pattern should look like a sunburst. The expected pattern is shown in the lower right hand corner of the attached. What really happened in the Nov. 3rd election for Oconto County is shown in the larger blue fingerprint map in the middle. Then please look at the next email for comparison.

Working draft for internal discussions only.

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 : Re: EXTERNAL : Adele 700

John Ker <johnker777@yahoo.com>

Fri 10/29/2021 12:46 PM

To: Coms <Coms@wispecialcounsel.org>

Have to add, we are sending in public records requests for the absentee envelopes and applications. Those could take weeks to obtain from the Clerk, depends on her.

On Friday, October 29, 2021, 12:26:44 PM CDT, Coms <coms@wispecialcounsel.org> wrote:

Good Morning John,

I previously stated that we would send the \$700 dollar check the next day, but Mike instructed me we will be sending it out on the 1st of the month with the checks for the rest of the office.

When can we expect to see a report on what was found in the other half of the data the \$700 dollars is being used for?

Very Respectfully,

Zakory Niemierowicz
WI Special Counsel

From: John Ker <johnker777@yahoo.com>
Sent: Wednesday, October 27, 2021 4:29 PM
To: Coms <Coms@wispecialcounsel.org>
Subject: EXTERNAL : Adele 700

Pls send \$700 to

Adele Morgan
1490 78th St
New Richmond, WI 54017

To finish other half of St Croix county paying for Melissa search engine fees. She has spent

about \$1500 of her own already. Thank you.

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.

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 : Excess registrants

John Ker <johnker777@yahoo.com>

Thu 11/4/2021 3:53 PM

To: Coms <Coms@wispecialcounsel.org>

The volunteer dropped the ball getting the 100 worst of the worst done; however attached is a good representation of the problem with the WisVote database.

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 : Revised new computer model powerpoint

John Ker <johnker777@yahoo.com>

Tue 11/2/2021 11:44 AM

To: Coms <Coms@wispecialcounsel.org>

Apologies, there was a typo of a number in the first powerpoint sent. Please delete that one and use the attached.

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.

[REDACTED] Elm Grove

As a volunteer for democracy in the park in Madison, Guy in a blue pickup truck asked workers if he could take ballots with him, and bring them back later. The workers said yes.

[REDACTED] Sturgeon Bay

Went to the polling location to vote, poll worker had absentee stamped by her name even though she never asked for an absentee ballot nor voted absentee, poll worker told her to just sign over the stamp, "It was happening A Lot"

[REDACTED] Texas

Claims he was being solicited to vote absentee, when contacting WEC, WEC stated that is was an outside group that had bought information from WEC

[REDACTED] Westfield

Both her and her husband received 3 absentee ballots that were not requested...when was sending so many of these out?

[REDACTED] Ashland

Watched as the poll computer system went from 66 absentee ballots mailed out to 166 absentee ballots sent out, even though the clerk claimed she only sent out 66 ballots.

[REDACTED] West Allis

System shows him voting absentee, but he did not vote because of a rib injury.

[REDACTED] St. croix county

Ballot machine was down, workers said to just put ballots in a drawer and the workers would put them in the machine later.

[REDACTED] wauwatosa

Parents received absentee ballots even though they have been dead for 15 and 13 years. The parents had never lived in Wisconsin, so how did they get into the system, and have they voted in the past?

[REDACTED] Milwaukee

Deceased friend received two postcards stating thank you for voting, postcards were kept.

[REDACTED] Keystone Ward

System says absentee ballot received October 5th, even though they didnt mail out their absentee ballot until October 17th.

[REDACTED] Watertown

When going to vote at the polls there were no ID checks and there were no poll books being used at the polling site.

[REDACTED] Village of Cross Plains

Grandmother with dementia received an unsolicited absentee ballot at St. Mary's Care Center in Madison. Who was ordering these ballots at the care facility, and what was done with other ballots for people that could not vote.

[REDACTED] Milwaukee

[REDACTED] died on October 27th, absentee ballot received on October 28th, 96 years old with alzheimers.

[REDACTED] New Berlin

Mother is at Hales Corner care center. Someone requested, filled out, and returned an absentee ballot for her, even though she has dementia and has no recollection of voting.

[REDACTED] Town of Bristol

Mother is in Oakwood Assisted Living facility in Madison. Someone ordered her absentee ballot and changed her address in the system even though the mother is in POA because of significant cognitive decline.

DRAFT DOCUMENT

October 9, 2021

To: Staff, Special Counsel

From: Ron Heuer

Inter office Memorandum

Subject: Office of Special Counsel Media Contact Policy

Current Status

Public perception surrounding the Office of the Special Counsel is important and dynamic. To that point, the media is focused on the activities of Special Counsel Gableman and his staff. The media will attempt to contact any of the staff at any time to try to pick up a story or uncover tidbits on the investigation discoveries. The worst thing about the press is that they will try their best to pick up something they can expand upon in order to attack the entire investigative process of the Special Counsel itself. Mike is being inundated with messages from various sources and it is consuming valuable time that he needs to be focusing on the investigation.

How to handle media inquiries

If anyone from the press attempts to reach you, do not engage them. Be respectful, take their name and contact information and inform them that ~~you are operating under an NDA (non-disclosure agreement) and are therefore not allowed to disclose information concerning the investigation.~~ In the event that they are persistent, take their contact information and forward it to Peter Fricke at Proactive Communications fricke@proactivecommunications.com.

The Office has a designated press officer for them to talk with

How to handle information concerning stories about the investigation

All of us are constantly being bombarded with countless stories in publications and on the net about Mike Gableman and/or the investigation. If you sense that any of these articles need to be brought to Mike's attention forward them to Peter Fricke at Proactive Communications fricke@proactivecommunications.com. In the unlikely event it is something urgent that appears to you to be damaging to the investigation, immediately call or text Brian Fraley, at 262-290-3343.

Peter + Brian, yesterday @ I spoke @ length w/ both Ben Krumpholz from Fox 11 in GB + JR Ross of WISN. I + would be helpful if I could-



Simply refer future contracts
to them + Scott Bauer (anyone
but Marley) to one or both ~~of~~
of you AND we understand that I
+ talk to the ~~top~~ reporters
only when you both recommend
it + only after we have
settled on the ~~best~~ most
appropriate message. Everyone
but Marley should get AS
much info AS possible AS
often as possible so that we
look like what we all are
Brave, honest + transparent. ^{Part 7}

Open Records Policy

This document comprises the Open Records Policy ("Policy") for the Office of the Special Counsel ("Office"), and is immediately effective upon signature of the Special Counsel. This document sets forth internal procedures for best record-keeping practices, with two goals in mind. First, to comply with all applicable Wisconsin state law, especially Wisconsin Stat. §§ 19.31-39. Second, to enable the Office to expeditiously complete its mission for the State of Wisconsin.

This document is not intended to have any binding legal force outside the Office. Rather, it is an internal manual for managerial purposes. For specific questions, please contact the Office, or consult the relevant sections of the Wisconsin Code, or the advisory manual published by the Office of the Attorney General, entitled "Wisconsin Public Records Law Compliance Guide" ("Guide"). A copy of this manual will be made available to all staff of the Office, including contractors.

Definitions

For the purposes of this Policy, the definitions laid out in the Guide are incorporated by reference.

Not all information received, collected, or compiled by the Office qualifies as a "record" under Wisconsin law. The Office, and the person of the Special Counsel, is responsible for establishing effective controls on record retention and production. This Office, and the Special Counsel, take seriously this obligation, as open records are the foundation for effective government in the State.

Policy

All Office staff, including Contractors and the Special Counsel, shall comply with Wisconsin Open Records Law. The Special Counsel is the sole custodian of records, and shall implement oral and written policies to ensure compliance with the law. When noncompliance is brought to the attention of the Special Counsel, he shall take corrective action, up to and including termination for cause of any contractor or employee relationship. The Special Counsel shall be responsible for maintaining and releasing records pursuant to Wisconsin Open Records law.

Open records requests made pursuant to Wisconsin law shall be promptly responded to. Records shall be made available to requestors as soon as practicable.

Compliance with this Policy shall be considered a part of all Contractor work-product, and shall be incorporated into all future contracts.

Personal Use of Devices

The Office makes available work-issue emails and equipment as appropriate. As with other entities of the Wisconsin state government, incidental personal use of work-issue equipment is permissible. Conversely, incidental work use of personal devices is unavoidable, especially among contractors. Staff and contractors of the Office have been instructed to promptly forward all records created by such incidental personal use to the Office, including relevant records created prior to the effective date of this Policy. In consideration for compliance with this provision of the policy all Office Staff, Contractors, and the Special Counsel retain a reasonable expectation of privacy in their personal devices.

Special Note

The investigation conducted by the Office into the election of November 3, 2020 does involve information exempt from Open Records requests for the pendency of the investigation, Wis. Stat. § 19.36. Such information may include confidential business information, trade secrets, personnel records, law enforcement records, and other records otherwise exempt from disclosure.

Upon submission of a "Final Report" to the Assembly, or upon the disestablishment of this Office, this investigation will be considered closed. At that time, all records will be transmitted personally by the Special Counsel to the Assembly, Upon transmission, the Special Counsel will cease to be the designated custodian of record under Wisconsin state law, pursuant to Wis. Stat. § 19.33.

Michael J. Gableman

Wisconsin Special Counsel

Date: _____

October 11, 2021

To: Staff, Special Counsel

From: Ron Heuer

Inter office Memorandum

Subject: Office of Special Counsel Media Contact Policy

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Definitions

**REMARKS OF THE HON. MICHAEL J. GABLEMAN BEFORE
THE WISCONSIN ASSEMBLY COMMITTEE ON ELECTIONS
AND CAMPAIGNS, THE HON. JANELLE BRANDTJEN, CHAIR**

Wednesday, December 1, 2021

Chairman Brandtjen and Members of the Committee,

I am delighted to be back before you. I would like to take some time to update you on the latest news relative to my investigation and then take whatever questions you may have, with the understanding that I have been allotted one hour for today's meeting that my schedule today requires me to adhere to that time limit.

I. Subpoenas Issued & Lawsuits Filed

Not long ago, my office drafted a series of subpoenas demanding certain documents and testimony from government officials who helped administer the November 2020 election. The Speaker of the Assembly signed those subpoenas and they were duly served.

Those subpoenas were issued to the Wisconsin Election Commission, the Mayors of Green Bay, Milwaukee, Kenosha, Racine, and Madison—that is, the five cities that together took an aggregate of around \$9 million from the Zuckerberg Foundation in exchange for ceding some of their authority to administer that election. I issued similar subpoenas for the municipal clerks of those five cities.

In response, I received straightforward cooperation from the City of Kenosha and little or no cooperation from Madison, Milwaukee, Racine, and Green Bay. After those subpoenas were served, Josh Kaul, the current attorney general of our state filed a lawsuit against Speaker Vos, Chairman Brandtjen and my office in which he has asked the court to prohibit me from asking any questions of Meghan Wolf, the

administrator of WEC. In response to this lawsuit, Speaker Vos has had to hire attorneys, as has Chairman Brandtjen and me. Like Josh Kaul and his hundreds of lawyers, all of our lawyers are being paid by the taxpayers. Oral argument is set on that matter before the court in Madison on December 23.

On this past Monday, November 29, I filed two Petitions for Writs of Attachment in the Circuit Court for Waukesha County against the mayors of Green Bay and Madison: Eric Genrich and Satya Rhodes-Conway. I did so because of all the clerks and all the mayors, those two simply failed without reason or excuse to appear for their depositions and answer questions about how and to what extent they allowed Mark Zuckerberg's employees to plan and administer their cities' election in November 2020. This is a significant area of inquiry because undisputed news reports tell us that Mr. Zuckerberg and his wife, Priscilla Chan, spent a total of roughly \$500 million to defeat the incumbent President Donald Trump and elect the current President, Joe Biden.

Reasonable minds might wonder whether the millions of dollars each of these mayors received from the Zuckerbergs may have induced them to do something other than treat all candidates fairly and impartially and whether those mayors used the Zuckerberg money to get out the vote for Joe Biden. These questions have been left unasked by a suddenly incurious press. Rather, the state's largest and once-respected but now rapidly failing newspaper has taken up the partisan cause of unlawful electioneering by shielding from accountability potential wrongdoing by government officials.

Eric Genrich and Satya Rhodes-Conway have chosen to ignore the subpoenas issued by the Wisconsin Assembly because they have no intention of answering uncomfortable questions about how they ran their elections and what they did with the millions of dollars of Zuckerberg money they took. The court date for the hearing on my petitions is

December 22, 2021. Rather than be held accountable for his partisan efforts, Mayor Genrich has chosen to hire three law firms who-- it is reported—have donated their services. All three law firms who are donating thousands and thousands of dollars worth of free legal services to Eric Genrich share his partisanship. Whatever costs are borne of this cover up will, again, be paid for by the taxpayers.

Let's talk about cover-ups because that is exactly what the Wisconsin Election Commission, its administrator Meaghan Wolf, and Mayors Genrich and Rhodes-Conway are engaging in. They are trying to run and hide from accountability to the citizens they are supposed to serve. Why go through all this legal evasion, maneuvering, and expense unless they do not want the public to know what they have done.

You know, the last time I was here, the only questions I received from Eric Genrich and Satya Rhodes-Conway's advocates on this committee were in regard to the identities of the personnel who work with me. I must note that in keeping my pledge to reach out to all members of this committee, I called Representative Spreitzer (even after he tweeted that in his opinion I am not worth a phone call) to ask to sit down and meet with him. He refused my offer, which tells me everything I need to know about whose side he's on and it isn't the side of the average citizen. At least he was upfront. In contrast to Representative Subeck who accepted my offer to visit but then simply absented not just herself from her office at the appointed hour, but also her entire staff as well. I waited in the hallway for twenty minutes. Representative Emerson said she'd think about my offer and I am still waiting to hear back.

This is worth mentioning because the commonality of Eric Genrich, Satya Rhodes-Conway, Mark Spreitzer, Lisa Subeck, and Jody Emerson is that in November 2020, they all wanted Donald Trump to lose and Joe Biden to win. And they have no interest in exposing themselves or each other's wrongdoing to public accountability.

II. The Attacks on my Office

The attacks on my office that have come mainly from one cowardly, dishonest, partisan reporter for our state's largest and once respected but now rapidly failing newspaper as well as Mark Spreitzer and other partisans is that my office has lacked transparency. Yes, after being given proof that the Wisconsin Election Commission has been committing on a longstanding basis systematic illegalities, Mark Spreitzer's first question to me concerned the identities of the people I work with. The cowardly, dishonest, and partisan reporter's articles appear on the front page of his newspaper every time I meet with someone he doesn't agree with and makes up lies about my lack of understanding of elections and lies about nonexistent meetings with conservative billionaires.

III. My Response

A. Personnel

The following individuals work for my office:

The following people have worked for my office but no longer do so:

B. Subleases

A couple of weeks ago, I reported to the Chief Clerk of the Assembly that I had entered into sublease agreements with the Thomas More Society and the law firm who represents the Wisconsin Voters Alliance.

The purpose of the sublease is to save taxpayer money. Finding temporary office space for an unknown period of time in order to accommodate an unpredictable number of staff is difficult and expensive.

I found the least expensive office space with the maximum flexibility so that if this investigation were forced to shut down prior to the conclusion of the one-year lease, taxpayers would not be stuck with the bill.

C. Money Spent

On August 30, 2021, the Assembly appropriated a budget for this office of \$376,000, a number based on a projected operational lifespan of roughly three or four months. So far, we have spent the following amounts:

Wisconsin Office of Special Counsel

Strategic Communications Program - Video Script #2

October 1, 2021

Hello, I'm Mike Gableman, the Wisconsin Special Counsel. Recently, we issued the first subpoenas of our investigation into the 2020 election to city clerks and state election officials. It is my sincere hope that they will cooperate fully and in good faith. This should be a moment for nonpartisan transparency and accountability to ensure that our elections were conducted fairly, not a moment for a partisan circling of the wagons.

Public comments by our own governor, however, cause me concern that we will not get the kind of cooperation from public officials that the people of Wisconsin deserve.

In the course of making remarks about this investigation, Gov. Tony Evers suggested that clerks should be "lawyered up" before speaking to the Office of Special Counsel. The governor is certainly entitled to his own opinion about this investigation, but I'm disappointed that he advised public servants to resist a process designed to enhance transparency and public confidence in our elections.

The only reason clerks would need to be "lawyered up" is if they have something to hide. All we are asking the clerks to do is provide the Office of Special Counsel with basic information about how they administered the 2020 elections based on records they are required by law to maintain. There is no reason they should be unable to answer any of our questions, and there is no reason for them to have any concerns about speaking with us if they fully complied with the law in managing the election. After all, we're trying to give the people of Wisconsin a complete and accurate understanding of how their elections were run.

Gov. Evers seems to believe there is no need for this investigation, arguing that the election result has "already been proven probably 100 times" and that this is a "\$700,000 boondoggle." But that statement shows that he has a totally incomplete and misguided view of what we are doing. And if the governor believes it has been "proven" that the election was conducted flawlessly, then he is completely ignorant about the concerns Wisconsin voters have regarding the sanctity and security of their vote.

Based on what the Office of Special Counsel has investigated so far, there is compelling evidence that Wisconsin's election laws were not properly followed by election officials at both the state and local levels. There is also evidence that ambiguities in the law were expansively interpreted in a way that potentially served to undermine ballot security measures.

How is it a "boondoggle" for the people of Wisconsin to determine if their elections were run fairly, Governor? Looking the other way while millions of dollars in private funds may have been used in the public management of elections to achieve a preferred outcome at the expense of election integrity - if indeed this occurred - would be the true definition of a boondoggle.

It's also untrue that, as some in the news media have alleged, the Office of Special Counsel is asking clerks to "prove a negative."

I have said that the burden is on clerks to prove that they conducted the 2020 elections lawfully, and I stand by that. We are not demanding they disprove allegations that the election may have been conducted unlawfully. We are asking them to be accountable to the people of Wisconsin, who have serious questions about how the election was conducted since initial evidence shows that violations of law or protocols may have occurred.

Our public officials have a duty to be transparent with the citizens of Wisconsin, and in the context of elections, that means they should be prepared to demonstrate that they conducted our elections in accordance with established laws. We have laws on the books requiring election officials to preserve election materials specifically to ensure that when questions arise about how an election was conducted, they are in a position to answer those questions. It is not the responsibility of citizens or lawmakers to demonstrate that laws were broken before asking public officials to explain their conduct.

The Office of Special Counsel will use all the tools at our disposal to get the answers that the people of Wisconsin expect and deserve. As we do, I will continue to update you as frequently as possible. Thank you for your time and attention and God bless you.

Good Afternoon Chairman Brandtjen and to All Members of the Committee,

I am grateful for the opportunity to be here. My gratitude springs from one source: that I have been entrusted by the people of Wisconsin through their Assembly with the mission of finding out whether the November 2020 election was administered in a free, fair, transparent, and lawful manner and that the Assembly, through Speaker Vos, has pledged to give me the tools necessary to find out.

A democracy cannot be maintained when the people become convinced that their elections are rigged: that is, where elections officials treated voters in a disparate manner for partisan gain, where unelected bureaucrats make up, apply, and enforce rules untethered to law [I WILL NEED A DISCRETE LIST FOR WHEN THEY ASK ME WHAT I AM REFERRING TO] and when the people come back to ask thoughtful questions about the fairness of the process, they are mocked by partisans who have access to ink by the barrel and ignored by those they entrusted to safeguard their sacred right to vote.

I cannot pinpoint the precise locale of the tipping point for faith in a democracy, but the following polling numbers lead me to believe we are close:

On June 21 of this year, the Rasmussen polling organization reported:

51%, a majority of U.S. likely voters, now believe cheating affected the 2020 election results, up from 47% just after the November election. Legacy media still spends 24/7 demonizing any questioning of the 2020 results. Public trust in their work is demonstrated below -

American Voters Refuse to Obey Media Orders To 'Move-On' on Election Integrity Issues

Nov 19, 2020 - 1000 National Likely Voters

"How likely is it that Democrats stole votes or destroyed pro-Trump ballots in several states to ensure that Biden would win?"

Very or Somewhat Likely-
Democrats - 30%
Unaffiliated - 39%
Republicans - 75%
All Voters - 47%

Apr 13, 2021 - 1000 National Likely Voters

"How likely is it that cheating affected the outcome of the 2020 presidential election?"

Very or Somewhat Likely-
Democrats - 30%
Unaffiliated - 51%
Republicans - 74%
All Voters - 51%

4:26 PM · Jun 11, 2021

Furthermore:

We learn from a recent Marquette University Law School poll that:

- A. Nearly 1 in 3 Wisconsinites doubt last years presidential election results;

- B. 71% of Republicans in our state doubt the elections accuracy**
- C. 60% of Wisconsin citizens believe government is broken in Wisconsin**
- D. 51% believe Wisconsin is on the wrong track**

This lack of confidence is not limited to Wisconsin. A Gallup poll taken February 12, 2020 reported that 59% of all Americans do not have confidence in the honesty of U.S. elections. Among major democracies, such confidence is measurably worse only in Chile and Mexico and the highest percentage of concern is among women ages 30-49, 68% of whom do not have confidence in the honesty of American elections.

Finally, Americans are focusing their dissatisfaction on a search for action and accountability. A poll reported November 1, 2021 in State Policy Network instructs us that:

- A. 84% of registered voters support upgrading voting equipment and voter registration databases (including 88% of Republicans and 84% of Democrats;**

and

- B. 84% of American voters desire the establishment of consistent guidelines for when absentee ballots must be received.**

Closer to home, a September 2021 poll conducted by the Wisconsin Institute for Law and Liberty informs that:

- A. 87% of Wisconsin voters favor a requirement for every election clerk to use the same standards for correcting errors on absentee ballots;
- B. 84% of Wisconsin voters support the current law requiring everyone to show voter ID before casting a ballot (this includes 96% of republican voters, 70% of Democratic voters, and 81% of Independent voters);
- C. 76% of Wisconsinites are in favor of making in-person absentee voting hours the same everywhere across the state;
- D. 69% of voters favor a uniform statewide requirement for people voting by mail to provide a copy of their photo ID with their ballot (this includes 86% of Republican voters, 52% of Democratic voters, and 65% of Independent voters), and;
- E. 65% of Wisconsin voters favor a ban on ballot harvesting.

In short, a majority of our fellow citizens have expressed a variety of thoughtful and meaningful concerns about the fairness, honesty, and transparency of our elections and furthermore seek understanding and truth as well as accountability from those entrusted with the administration of those elections. The interim report I delivered to the Speaker earlier today is an important first step along that journey.

The journey of the office of the Special Counsel began with its creation 70 days ago.

The duty of this office is to help the Assembly with its constitutional obligation of legislative oversight. My investigation is just that: an investigation into the extent to which elections in Wisconsin have been conducted in compliance with the law. In order to accomplish this mission, the Assembly has delegated to me the same kinds of investigative tools and powers it would normally have unto itself. This is not a criminal prosecution, nor is it litigation of any kind. If changes in the law need to be made, my responsibility includes reporting on choices available to the Wisconsin legislature for doing so.

Without all available information, the Legislature cannot fulfill its Constitutional DUTY to legislate and oversee the consequences of its legislation, and our citizens will continue to have declining faith in our democratic process. The organized cover-up---the obstruction of the Assembly's subpoenas--- these are actions undertaken to block the legislature and the people from seeing the governmental information they have already paid for. These are actions which contribute to the steady erosion of public confidence in how things are currently run.

In the two months my Office has been funded, we have done a lot and expect to do a lot more. Back in March 2021, this committee was tasked by Assembly Resolution 15 of 2021 to investigate elections administration, and "in particular... elections conducted after January 1, 2019." On May 28, 2021, the Committee on Assembly Organization authorized Speaker Vos to hire legal counsel and "on behalf of the Assembly" to approve budgets and

contracting arrangements, in part to effectuate Assembly Resolution 15. Through Speaker Vos, on June 26, 2021 the Assembly and I entered into a contract. And at the end of August, the Committee on Assembly Organization established the independent Office of the Special Counsel.

This Office, my Office, reports through the Speaker to the Assembly and through the Assembly to the people of the State of Wisconsin. Ours is a small office with a comparatively modest budget. By contrast, the Legislative Audit Bureau (LAB) report listed almost 20 staff who spent 9 months on their report on the 2020 election. I have read that report and commend the LAB for its work.

Like many Wisconsinites, I was disappointed- but unsurprised- to read the LAB's recitation of the variety and breadth of the Wisconsin Election Commission's (WEC) unlawful and/ or otherwise derelict conduct undertaken in association with its work on the 2020 election:

- A. WEC's consistent failure to comply with laws concerning clerk training;
- B. WEC's illegal conduct in failing to discharge its duty to prevent alleged incidents of abuse to vulnerable residents of nursing homes;
- C. WEC failure to comply with statutes concerning online voter registration;
- D. WEC's failure to conform its conduct to rules concerning the counting of ballots;

- E. WEC's unlawful conduct when it helped turn nursing homes into polling places;**
- F. WEC's failure to comply with laws to address electronic voting security, and;**
- G. WEC's unlawful failure to complete post election audit reports.**

The myriad of WEC's unlawful and legally-dubious conduct as found byLAB has, by reason of its very nature and quantity, made it more difficult to investigate these matters.

Another obvious cause of unnecessary and expensive delay is caused by WEC and its administrator, Meaghan Wolfe, along with various cities engaging in a cover up of what happened in the November 2020 election: Ms. Wolfe, WEC, and several cities have hired a multitude of high-priced lawyers from both in and out of state all for the purpose of obstructing the legislature's constitutional duty and right to find out what happened.

Furthermore, we currently have a Governor telling government employees to "lawyer up" to withhold information the public has not only a right to, but has already paid for as well. Similarly, we have what I consider the bizarre specter of our state's highest ranking law enforcement officer denying the citizens he is supposed to be serving their right to find out what happened in their election and instead fighting against the people on behalf of his powerful friends in government.

Whoever Tony Evers and Josh Kaul are serving in this matter, it certainly is not the public.

With that, I think it's fair to say there are some powerful forces aligned against my office, against your committee, against the Assembly, and against the people of Wisconsin. But the unalterable truth is that we have to get to the bottom of this. I must pause here briefly to acknowledge the invaluable assistance of the Speaker of the Assembly, Robin Vos, who has supplied my office with everything I have so far requested to accomplish our mission. As the nature of the mission, that is, the procedure and logistics as opposed to the substantive goal of finding the truth, has evolved and grown, so too has my office's need for time and other resources.

As opposed to my staff of under ten individuals, Josh Kaul has hundreds of lawyers under his direction and an annual budget of \$153,786,500. WEC has twenty six employees and an annual budget of around \$9,000,000. The governor, of course, is the chief executive of our state.

The recent nonpartisan LAB report makes clear that election laws have been and are currently being broken. Although I have already enumerated some of the particulars, nothing illustrates the depth of the problems at WEC more than the LAB reports recommendation that the Wisconsin Elections Commission enact a rule requiring themselves to follow the law! So we all know laws have been and continue to be broken. And the LAB report does a good job at giving a broad overview of certain major issues that citizens are concerned about. But the LAB report gives only an overview.

My Office, by contrast, is doing a closer and more refined review of these issues, and expects to present robust legislative options in our Final Report. In the meantime, however, we have spent

countless hours speaking with clerks and other officials, and various election law experts from in and out of state.

For more detail, I recommend that you, the media, and the public all review our Interim Report, you each have a copy and the pdf is available on Wlfraud.com. We have been very busy, and we are staffing up. We have focused on three areas of inquiry.

First, we are looking at the issue of outside money in Wisconsin elections—can our elections be bought? Is it okay for outside money, including money that is hiring lawyers right now to obstruct this investigation, to change how elections are administered? My office already has spoken with clerks who have expressly told us that they want outside money banned in the state. Banned. And we have clerks who quit because they were bullied by these dark money groups. And your committee has testimony of just a small sampling of CITIZENS who were bullied, one man whose wife was in tears. To address these concerns we need to review all contracting documents and talk with citizens and officials—it's not enough to whitewash and say “oh it's a gray area in the law.” No. You have to interview all the complainants and review all the documents. This is hard work my Office is doing, that the LAB doesn't because it's not part of their mission. It is, however, part of my mission. We already have evidence these groups coerced local officials and in the words of one clerk, endangered the security of the election and the physical safety of voters.

Second, we are looking at the Wisconsin Elections Commission and the more general issue of clerk authority—who runs elections in our state? WEC replaced the disgraced and partisan Government Accountability Board (GAB) in 2015. GAB is the

entity that oversaw the illegal John Doe investigation and intercepted personal medical information belonging to a Republican senator and filed it under “opposition research.” Kevin Kennedy, the outgoing head of GAB who planned and oversaw the John Doe investigation said that WEC would be “no more transparent” than GAB. How right you were, Mr. Kennedy, how right you were. We are seeing that now, and not just with the cover-up. Clerks have complained that the chain of authority with WEC is unclear, and that a lot of the guidance coming out of WEC has harmed election security and possibly been unlawful. What is WEC and why don’t they follow the law? When it issues guidance that the Commissioners don’t even vote on—is that legally binding? Should they even put this stuff out?

It is perverse that citizens of this state often have no remedy when election laws are broken except to complain to WEC---but what happens when a citizen complains about the actions undertaken by WEC itself? Just as it is demonstrably unacceptable for WEC to be the final adjudicator of its own conduct, it would be equally unacceptable for WEC to issue a report to exonerate itself. And when it excluded the Green Party from the ballot in 2020, WEC’s own actions served to frustrate judicial review of its conduct.

It is an understatement to observe that WEC has numerous issues that cry out for the exercise of legislative oversight.

Third, my Office is looking at the machines. More broadly, we are looking at all the confusing technical aspects of Wisconsin elections administration. As I’ve said many times, I’m not in the business of overturning any election, and I’m also not in the business of claiming without evidence that Russia hacked the

election machines. But what the LAB report failed to do, and what my Office is doing, is taking a look at the rules, the contracts, and the technical aspects of election machines so that we can examine and test those systems and come back to our fellow citizens with clear and understandable explanations of how these systems work. This includes deploying independent and certificated technical experts and speaking with machine vendors. It also includes obtaining access to the various voter databases that are, as the LAB report has noted, often of dubious quality.

In the absence of true transparency, eager citizens are often left with accessing outdated information-- often at great expense-- and performing statistical analyses which show extremely high numbers of dead voters, or other impossibilities. I have not made any unsubstantiated claims, nor will I: but my Office is committed to thorough investigation of all credible claims related to elections administration. This is something the LAB didn't do and was not expected to do. It's not something WEC or any entity under investigation can do themselves. Only the Legislature, through my Office, can do this. So I'm grateful for the continued support of you, and the public, and the Assembly more generally, and I'd be happy to answer your questions.

My office has continued to investigate cases of elder abuse throughout the state which resulted from WEC's self-admitted illegal conduct of exposing our most vulnerable citizens—residents of nursing homes and continuing care facilities—to abuse and manipulation for partisan gain. Understandably, this issue has generated much public interest and although once again the state's largest and once well respected but now failing newspaper has disparaged investigation efforts into this story, neither I nor anyone in my office will be deterred from continuing to meet with victims of this insidious abuse. And we will hold those government officials responsible for this grotesque abuse accountable to the public they are supposed to serve.

II. The Attacks on my Office

The attacks on my office that have come mainly from one cowardly, dishonest, partisan reporter for our state's largest and once respected but now rapidly failing newspaper as well as Mark Spreitzer and other partisans is that my office has lacked transparency. Yes, after being given proof that the Wisconsin Election Commission has been committing on a longstanding basis systematic illegalities, Mark Spreitzer's first question to me concerned the identities of the people I work with. The cowardly, dishonest, and partisan reporter's articles appear on the front page of his newspaper every time I meet with someone he doesn't agree with and makes up lies about my lack of understanding of elections and lies about nonexistent meetings with conservative billionaires.

III. My Response

A. The following individuals work or have worked for my office:

Mike Gableman- July 1 thru present with a salary of \$11,000 per month
Former Wisconsin Supreme Court Judge from New Berlin Wisconsin. In charge of staffing and overseeing the employees during the investigation into the November 2020 election.

Zakory Niemierowicz- September 1 thru present with a salary of \$4,000 per month Graduate of the University of Wisconsin-Milwaukee with a degree in Human Resources. Handles office administration tasks such as scheduling, note taking, buying equipment, and reimbursement claims.

Andrew Kloster- September 1 thru present with a salary of \$5,000 per month Currently practising law in the Washington DC area. Currently serving as Chief of Staff for the Wisconsin Special Counsel. Provides legal work for the office.

Carol Matheis- September 1 thru present with a salary of \$5,000 per month Currently practising law in the state of California. Provides legal services and oversight for the office while assisting the investigator team with legal document assistance.

Gary Wait- September 1 thru November 1 with a salary of \$3250 per month Worked as an investigator for the Wisconsin Special Counsel, conducting interviews, sorting information, and tracking leads.

Ron Heuer- October 1 thru present with a salary of \$3250 per month Currently the President of the Wisconsin Voters Alliance. Working as an investigator for the Wisconsin Special Counsel specializing in the nursing home and elder abuse leads.

Clint Lancaster- November 1 thru present with a salary of \$10,000 per month Currently practising law in the state of Arkansas. Provides legal assistance and document review for the Wisconsin Special Counsel. Assists the office with planning and strategy.

Thomas Obregon- November 1 thru present with an hourly wage of \$40 per hour Retired Milwaukee Police Department detective. Currently serving as the lead investigator for the Wisconsin Special Counsel, providing directives and oversight to other investigators.

Neil Saxton- November 1 thru November 21 with an hourly wage of \$40 per hour Former Milwaukee Police Department detective. Assisted with

witness interviews and interview reports. Sorted through open records received from the Wisconsin 5 cities.

Edward Chaim- November 27 thru present with an hourly wage of \$40 per hour Retired Milwaukee Police Department detective. Assists with witness interviews and interview reports. Helps schedule meeting times with witnesses and follow reported leads.

Classified Person- November 1 thru present with an hourly wage of \$40 per hour Identity to be kept confidential at this time to protect his best interests with his full time employer. Currently the data expert for the investigation team creating timelines and information webs as needed.

B. Subleases

A couple of weeks ago, I reported to the Chief Clerk of the Assembly that I had entered into sublease agreements with the Thomas More Society and the law firm who represents the Wisconsin Voters Alliance.

The purpose of the sublease is to save taxpayer money. Finding temporary office space for an unknown period of time in order to accommodate an unpredictable number of staff is difficult and expensive.

I found the least expensive office space with the maximum flexibility so that if this investigation were forced to shut down prior to the conclusion of the one-year lease, taxpayers would not be stuck with the bill.

C. Money Spent

On August 30, 2021, the Assembly appropriated a budget for this office of \$376,000, a number based on a projected operational lifespan of roughly three or four months. So far, we have spent the following amounts:

July-September 30th Mike Gableman Salary \$33,000

Office Staff Salary \$17,250

Office rent \$4,351

Office Supplies \$2,567

Hotel costs \$3,861

Milage and transportation \$3,540

Flight costs \$630

Travel Meals \$400

Total \$65,000

October

Mike Gableman Salary \$11,000

Office Staff Salary \$21,000

Office rent \$2,500

Office Supplies \$3,250

Hotel costs \$2,355

Flight costs \$1,045

Milage and transportation \$2,251

Travel Meals \$142

Total \$43,500

November

Mike Gableman Salary \$11,000

Office Staff Salary \$36,000

Office rent \$2,500

Office Supplies \$7,000

estimate Hotel costs \$5,000

estimate Flight costs \$2,500

estimate Milage and transportation \$2,000

estimate Travel Meals \$400

estimate Total \$67,000

Grand Total \$175,500 out of \$676,000.

D. Open Records Requests

I am now in the process of locating and reviewing each potentially responsive record correlative to the corporations that have been requesting certain records.

Those records will be posted by the close of business this coming Friday, December 3, 2021. I will wait until the conclusion of this investigation, when my final report is delivered to the Assembly, before I disclose any record whose disclosure might reasonably compromise the integrity of this investigation if released prior to its conclusion.

IV. Concluding Remarks

With all of that concluded, I have eliminated any reasonable criticism over any purported lack of transparency.

I am ready now to move forward with my demand that every government official and every person who took part in administering public elections with Zuckerberg money and Zuckerberg employees now be held to a similar level of transparency so that they maybe held accountable for any wrongdoing they engaged in.

I am now happy to take your questions.

HELLO, I'M MIKE GABLEMAN, THE WISCONSIN SPECIAL COUNSEL. RECENTLY, THE OFFICE OF SPECIAL COUNSEL BEGAN ISSUING SUBPOENAS TO MAYORS, CITY CLERKS, AND STATE ELECTION OFFICIALS AS PART OF OUR ONGOING EFFORT TO ENSURE THAT FUTURE ELECTIONS ARE TRANSPARENT, INCLUSIVE, AND ACCOUNTABLE.

IN ORDER TO FACILITATE FASTER RESPONSES AND ADDRESS CONCERNS THAT THE TERMS OF THOSE SUBPOENAS WERE TOO BURDENSOME, WE OFFERED THE OPPORTUNITY TO PROCEED INFORMALLY AS LONG AS PUBLIC OFFICIALS WERE WILLING TO COOPERATE IN GOOD FAITH. WE IDENTIFIED A MORE LIMITED RANGE OF DOCUMENTS THAT WE WOULD ACCEPT AS A STARTING POINT, WITH THE UNDERSTANDING THAT ADDITIONAL INFORMATION WOULD BE PROVIDED ON A MUTUALLY AGREEABLE TIMELINE. WE OFFERED MAYORS AND CITY CLERKS A REPRIEVE ON THE TIMING OF THEIR INTERVIEWS IN ORDER TO GIVE THEM MORE TIME TO PREPARE, WITH THE EXPECTATION THAT THIS WOULD ENABLE THEM TO PROVIDE MORE THOROUGH AND RELEVANT INFORMATION IN RESPONSE TO THE QUESTIONS WE ARE ASKING ON BEHALF OF STATE LAWMAKERS AND THE PEOPLE OF WISCONSIN.

IN CASES WHERE PUBLIC OFFICIALS ARE NOT INTERESTED IN WORKING WITH US, WE HAVE NO ALTERNATIVE BUT TO EXERCISE THE POWER GRANTED TO US BY THE STATE ASSEMBLY TO COMPEL THEM TO TESTIFY AND PRODUCE THE DOCUMENTS THIS OFFICE HAS REQUESTED.

IT'S IMPORTANT TO REITERATE THAT THIS SHOULD NOT BE AN ADVERSARIAL PROCESS. THE STATE ASSEMBLY IS TASKED WITH THE CONSTITUTIONAL AUTHORITY TO MANAGE ELECTIONS, AND THOSE APPOINTED OR ELECTED TO RUN OUR ELECTIONS HAVE THE RESPONSIBILITY TO ANSWER QUESTIONS POSED TO THEM BY THE OFFICE OF SPECIAL COUNSEL, WHICH IS REPRESENTING THE AUTHORITY OF THE STATE ASSEMBLY AND THE PEOPLE OF WISCONSIN. SUCH TRANSPARENCY IS THE HALLMARK OF A DEMOCRATIC FORM OF GOVERNMENT, AND WE ARE ACTING TO KEEP IT SO.

THE LAW DOES NOT EMPOWER THE OFFICE OF SPECIAL COUNSEL TO ENGAGE IN ANY KIND OF PROSECUTION. THE LAW ALSO EXTENDS IMMUNITY TO THOSE WHO ARE COMPELLED TO RESPOND TO OUR SUBPOENAS. THIS IS WISE, BECAUSE IT PREVENTS PUBLIC OFFICIALS FROM "PLEADING THE FIFTH" IN ORDER TO AVOID PROVIDING INFORMATION OR GIVING TESTIMONY RELEVANT TO THIS INVESTIGATION. IN THAT SENSE, IT SERVES AS AN ASSURANCE OF THE

The Office of the Special Counsel

January 3, 2022

Dear Mr. Cotton,

It was a great pleasure to speak with you earlier today. At the end of our conversation, you asked me for a statement of work to provide to your executive committee: this is my effort to comply with that request.

Four months ago, I received an appointment from the Wisconsin Assembly to conduct an investigation into the 2020 election pursuant to the oversight powers normally reserved to the legislature. In the time since, I have identified four main areas of inquiry: the nature and effect of certain directives issued by the Wisconsin Elections Commission, the role played in the administration of Wisconsin's election by the Zuckerberg-funded Center for Tech and Civic Life, and whether the voting machines sold to Wisconsin elections officials performed as they were supposed to.

I have reached out to you for help in regard to the third issue; that is, the machines. The vast majority of municipalities in Wisconsin use machines manufactured by either Dominion or ES&S. A foundational problem is that nobody in our state seems to understand how those machines work and all substantive questions regarding their performance which are directed to elections officials are referred by those officials to the machine manufacturers and/ or their respective agents (e.g. Command Central in St. Cloud, Minnesota). This lack of transparency regarding a crucial component of the administration of Wisconsin elections-- in combination with other factors including the hotly-contested nature of the 2020 election and the slim margin of victory (20,800 votes out of over three million ballots cast) of the reported winner—has led to widespread skepticism of the machines and consequent suspicions that the machines functioned in an improper fashion.

My only goal for this investigation is to tell my fellow Wisconsinites what happened and whether what happened is consistent or inconsistent with what was supposed to happen. To me, this is the very definition of a nonpartisan issue: both political parties should be equally interested in doing what they can to ensure that

Wisconsin's elections administration systems are honest and transparent and that they are perceived by the public as such.

The shroud of mystery with which the machines are cloaked is harmful to public trust in our elections and to confidence in the integrity of their results. I seek to lift the veil of unnecessary and harmful secrecy and allow any interested member of the public to know precisely how their public elections are run.

Ultimately, this investigation will result in the production of a report which will be written for the purpose of both furthering the public's understanding of Wisconsin's elections administration as well as providing options the legislature may wish to consider enacting to enhance public confidence in our elections.

It is for these reasons that I am requesting your help in obtaining a better understanding of how the machines are supposed to work and whether they worked as intended during the election. Either way, the citizens of Wisconsin have both the right and the reasonable expectation to know the answer to this question and it is up to the members of this investigation team to give them one.

It was a pleasure speaking with you earlier today and I look forward to our next conversation.

Sincerely,

Mike Gableman

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It is disappointing that we can't even trust our own local media to accurately cover a topic as important – and supposedly bipartisan – as the integrity of Wisconsin's election process.

We've long since come to expect that partisanship taints most, if not all, of the reporting we encounter in the national media. But we like to think that we can place greater trust in reporters who live in our communities and, presumably, care about presenting matters truthfully to their friends and neighbors. Unfortunately, that's not always the case.

In the context of retired Supreme Court Justice Michael Gableman's investigation of the 2020 election, for instance, there have been numerous misrepresentations, mischaracterizations, and outright falsehoods promoted by reporters based right here in Wisconsin. The goal of this slanted coverage is obviously to preemptively undermine public faith in Gableman's eventual findings, even though the purpose of his investigation is to help Wisconsinites regain faith in the administration of our elections.

One line that frequently appears in local coverage of the Office of Special Counsel investigation, which Gableman leads, is that Gableman visited the site of the Maricopa County audit in Arizona and attended a widely-panned symposium hosted by Mike Lindell. The purpose of including these facts in almost every story about the Special Counsel investigation is clearly to paint Gableman as some sort of extremist, or even a conspiracy theorist.

But what, really, is the problem with Gableman seeking to educate himself about the approaches that others have taken when pursuing their own investigations into the 2020 election? He never claimed that he was seeking guidance or inspiration from those efforts, merely that he was trying to better understand how they went about their business. Couldn't he just as easily have learned about pitfalls to avoid in his own investigation? Moreover, shouldn't it matter that some of the people who are most zealous about conducting an Arizona-style audit in Wisconsin are also among Gableman's most vocal critics?

Similarly, many local news articles try to portray Justice Gableman as biased by claiming that he previously proclaimed that the election had been stolen. Gableman's actual statement, however, was that "Our elected leaders — your elected leaders — have allowed unelected bureaucrats at the Wisconsin Elections Commission to steal our vote."

Based on what he actually said, it's clear that Gableman was making a much more limited

Interim Report One-Pager

- Report on or about Nov 8, with coordinated rollout and preview by relevant offices
- Possible criminal referral to state / federal authorities and possible referral to IRS re: c3 electioneering, teased in report, likely prior to December 31. Possible technical audit of sampled machines prior to December 31.
- Report focuses on three areas:
 - Administrative agency Wisconsin Election Commission
 - Machine operations, promise to analyze
 - Most importantly: the influence of outside money on the election
- Conclusions: Many questions are raised in these three areas. Who runs Wisconsin elections? Can companies be involved in running Wisconsin elections? How can the public be confident in our elections?
- Messaging:
 - Not an "audit" as there is no common definition
 - Not to overturn election results
 - Prospective: want full confidence in the elections going forward
 - Public has a right to know
 - NO PROMISES: no preconceived notions
 - If there is a promise, though, it is to fully investigate all reasonable concerns
 - No political axe to grind: Gableman not running for office
 - Open-door policy to all lawmakers and public comment
 - Positive about Wisconsin clerks
 - NO named individuals at this stage: inappropriate for a pending investigation

Recommendations will NOT come in interim report

- Likely recommendations in final report will include
 - Eliminate WEC
 - Reassert clerk authority
 - Free access to election data on same terms as big \$\$ groups
 - Private right of action to those who can demonstrate election fraud / violation of election code
 - Strong firewall between those who are election officials and the general public

- Increased funding for election administration AND banning of outside \$\$ in elections
- Notice-and-comment or other transparency requirements for election machines and certification
- Limited or eliminated absentee ballots
- Eliminate indefinitely confined

"The people are the government, administering it by their agents; they are the Government, the sovereign power." -Andrew Jackson

"Men must be aggressive for what is right if government is to be saved from men who are aggressive for what is wrong." - Robert LaFollette

"The supreme issue, involving all others, is the encroachment of the powerful few upon the rights of the many." - Robert LaFollette

Elections in the United States are the bedrock of our representative democracy. Elections in our state of Wisconsin are subject to law, including the fundamental law of the State, the Constitution of Wisconsin, and the Constitution of the United States. These laws are complicated, and fair elections are not a mere checkbox exercise. To secure republican government it is important not just that the law is followed, but that all citizens have confidence that the law is followed. In the run up to the election of November 3, 2020, polling showed that a majority of Americans did not have confidence that their vote would count. In a democracy, this is unacceptable. To help alleviate these justified fears on the part of so many Americans, and so many Wisconsinites, the state Assembly saw fit to establish a new office, the Office of the Special Counsel, to investigate the November 2020 election in our state. As head of this new office, I am authorized by state law to take all reasonable steps to investigate what happened in November 2020, what should have happened, why there was a difference between the two, and to recommend steps to secure our democracy going forward.

This interim report is a first step in discharging that mission. While this report does not definitively answer all questions that might be asked about the November 2020 election, it takes an important first step in collating those questions and presenting them in a structured manner. Over the few short months my office has been funded, we have spoken with, and listened to, everyone who has wanted to talk. This open-door policy will remain throughout the entirety of this investigation, and any future investigation the office is charged with investigating. While we have drawn some criticism from those in the media who would suggest that my discussions with various individuals or groups implies an endorsement of their views, this is not the case. But I do not apologize for this open-door policy: the views of all Wisconsinites matter, and sidelining or even laughing at serious concerns of any citizen of this state would call into question whatever results my investigation comes to.

In the short time the Office of the Special Counsel has been funded, we have not only met with many individuals and groups, but we have collected, and in some cases compelled by law, the production of, relevant information. We expect to depose governmental officials, under oath, to determine whether state and federal law were followed in the November 2020 election, whether good management held, and if not, who might have been responsible. We stand prepared to refer all relevant information to appropriate state and federal law enforcement authorities, if necessary.

But make no mistake: I sincerely hope the law was followed in Wisconsin. It would give me the greatest satisfaction to deliver to the speaker of the Assembly and to the public a final report which analyzes the November 2020 election in a complete and thorough manner, and which comes to the conclusion that no major overhaul of our laws or practice are necessary, and that everything happened on the up-and-up. And yet, as the following interim report demonstrates, many questions are as-yet unanswered. Among these questions: were all lawful votes, and only lawful votes, counted? Did the machines work as advertised? Were all election processes followed to the letter? Did clerks and other election officials have all the tools they needed to deal with the unprecedented

challenged posed by the COVID lockdowns and by historic (and likely never to be repeated) levels of absentee voting? Did outside corporate money unduly influence the election? And above all: what changes can the state of Wisconsin make to ensure that our future elections are secure, and more importantly, widely known to be secure?

In the coming weeks, this investigation will continue to collect and analyze information about the November 2020 election, because the public has a right to know what happened. I have no partisan agenda: I am running for no office, and I do not believe there is any lawful remedy in the state of Wisconsin to change the certification of its electors from our current President Joe Biden to former President Donald Trump. Furthermore, I do not come with any preconceived answers to any questions. Why were so many voter registrations at a single address? Why were so many voter registrations given under a single phone number? Why was there a "blip" at 4 a.m. in the reported statewide returns the morning after the election? All of these questions may have innocent explanations.

In fact, in the many discussions I and my office have had with the many fine public servants in the state of Wisconsin, I have learned that complicated questions may have simple answers. But many complicated questions deserve honest, but complicated answers, that take time to process and report. So I ask each reader of this interim report to take this as a jumping-off point for learning about how our democracy in the state of Wisconsin works. And again, please reach out to my office if you have any information of relevance. Your voice matters.

Michael J. Gableman

Special Counsel

“Men must be aggressive for what is right if government is to be saved from men who are aggressive for what is wrong.” - Robert LaFollette, former Governor of Wisconsin

Elections in the United States are the bedrock of our representative democracy. Elections in our state of Wisconsin are subject to law, including the fundamental law of the State, the Constitution of Wisconsin, and the Constitution of the United States. These laws are complicated, and fair elections are not a mere checkbox exercise. To secure republican government it is important not just that the law is followed, but that all citizens have confidence that the law is followed. In the run up to the election of November 3, 2020, polling showed that a majority of Americans did not have confidence that their vote would count. In a democracy, this is unacceptable. To help alleviate these justified fears on the part of so many Americans, and so many Wisconsinites, the state Assembly saw fit to establish a new office, the Office of the Special Counsel, to investigate the November 2020 election in our state. As head of this new office, I am authorized by state law to take all reasonable steps to investigate what happened in November 2020, what should have happened, why there was a difference between the two, and to recommend steps to secure our democracy going forward.

This interim report is a first step in discharging that mission.

While this report does not definitively answer all questions that might be asked about the November 2020 election, it takes an important step in collating those questions and presenting them in a structured manner. Over the roughly 60 days my office has been funded, we have spoken with, and listened to, everyone who has wanted to talk. This open-door policy will remain throughout the entirety of this investigation, and any future investigation the office is charged with investigating. While we have drawn some criticism from those in the media who would suggest that my discussions with various individuals or groups implies an endorsement of their views, this is not the case. But I do not apologize for this open-door policy: the views of all Wisconsinites matter, and sidelining or even laughing at serious concerns of any citizen of this state would call into question whatever results my investigation comes to.

In the short time the Office of the Special Counsel has been funded, we have not only met with many individuals and groups, but we have collected, and in some cases compelled by law, the production of, relevant information. Further, our investigation has gone beyond, and will

continue to go beyond, the investigation conducted by the Legislative Audit Bureau (LAB). One purpose of this interim report is to lay out for the public how the OSC investigation differs from the LAB investigation.

Notwithstanding lawsuits and threats of lawsuits supported by high-priced, out-of-state lawyers, my office expects to depose governmental officials, under oath, to determine whether state and federal law were followed in the November 2020 election, whether good management held, and if not, who might have been responsible. We stand prepared to refer all relevant information to appropriate state and federal law enforcement authorities, if necessary. The wagon-circling by possible bad actors in our state is concerning, and is not limited to my investigation: the City of Madison, the City of Milwaukee, and the town of Little Suamico all refused to fully cooperate even with the LAB investigation, cooperation which our legislature and the people are entitled to by our State Constitution.

Make no mistake: I sincerely hope the law was followed in Wisconsin. It would give me the greatest satisfaction to deliver to the speaker of the Assembly and to the public a final report which analyzes the November 2020 election in a complete and thorough manner, and which comes to the conclusion that no major overhaul of our laws or practice are necessary, and that everything happened on the up-and-up. And yet, as the following interim report demonstrates, many questions are as-yet unanswered. Among these questions: were all lawful votes, and only lawful votes, counted? Did the machines work as advertised? Were all election processes followed to the letter? Did clerks and other election officials have all the tools they needed to deal with the unprecedented challenges posed by the COVID lockdowns and by historic (and likely never to be repeated) levels of absentee voting? Did outside corporate money unduly influence the election? And above all: what changes can the state of Wisconsin make to ensure that our future elections are secure, and more importantly, widely known to be secure?

In the coming weeks, this investigation will continue to collect and analyze information about the November 2020 election, because the public has a right to know what happened. I have no partisan agenda: I am running for no office, and I do not believe there is any lawful remedy in the state of Wisconsin to change the certification of its electors from our current President Joe Biden to former President Donald Trump. Furthermore, I do not come with any preconceived answers to any questions. Why were so many voter registrations at a single address? Why were so many voter registrations given under a single phone number? Why was there a “blip” at 4

a.m. in the reported statewide returns the morning after the election? All of these questions may have innocent explanations.

In fact, in the many discussions I and my office have had with the many fine public servants in the state of Wisconsin, I have learned that complicated questions may have simple answers. But many complicated questions deserve honest, but complicated answers, that take time to process and report. So I ask each reader of this interim report to take this as a jumping-off point for learning about how our democracy in the state of Wisconsin works. And again, please reach out to my office if you have any information of relevance. Your voice matters.

Michael J. Gableman

Special Counsel

What is the OSC Investigation?

November 3, 2020 was election day nationwide, and was, in our State of Wisconsin, the culmination of months of work by dedicated election workers and volunteers. It was a monumental and expensive undertaking that is critical to our representative democracy in the state. However, it is beyond debate that questions remain about the integrity of that election. In discharging its duty under both the Federal and State Constitutions, the Wisconsin General Assembly saw fit, on June 26, 2021, to appoint a Special Counsel and to subsequently establish a permanent Office of the Special Counsel to investigate the election, to make findings, and to report those findings and other recommendations to the Assembly. This report comprises a first step in fulfilling that duty.

The Office of the Special Counsel is an authorized governmental agency of the State of Wisconsin, and its employees, including and especially the Special Counsel himself, take care to abide by all applicable state and federal laws, including open records laws and regulations relating to the practice of law, and to abide by the highest ethical standards to maintain a commitment to transparency, inclusion, and accountability. As such, the Office has established various internal policies and continues to maintain records, and commits to full disclosure of all public records upon the conclusion of the present investigation.

To-date, the Office has already collected and reviewed thousands of governmental and other documents, and interviewed numerous governmental and other witnesses, and will continue to do so until the conclusion of the present investigation. The Office has been allocated a modest budget, and has relied heavily upon volunteers and input by citizens' groups: the vast majority of the Office budget, while allocated, has not been spent, with the single greatest expense thus far being office space.

The Office may be reached by [mail / phone]. As noted below, testimony compelled by this Office bears with it the promise, mandated by Wisconsin law, that any information we collect may not be used in a criminal proceeding against the individual that provided it. This Office already has been in contact with certain whistleblowers and commits to taking all steps to protect the interests of those and future whistleblowers.

Constitutional Background

Pursuant to the federal Constitution, Article I, Section 4, it is state legislatures who are authorized to set “The Times, Places and Manner of holding Elections for Senators and Representatives...” And the Supreme Court of the United States has clarified that this means that in our state the Wisconsin legislature bears primary responsibility for establishing rules regarding things like voter registration, poll watching, penalties, ballot counting, and certification. This primacy of the state legislature is ratified by the Wisconsin Constitution as well, which in Article IV, Section 1 declares that “The legislative power shall be vested in a senate and assembly.” Whether this means that the state Assembly and Senate may, by Joint Resolution, tighten up or loosen election security for federal elections, and whether there are limits on how much of this constitutional responsibility can and should be delegated to other state actors (such as the Wisconsin Elections Commission), is an open question in state law.

It remains beyond debate, however, that both the Federal and Wisconsin Constitutions contemplate broad authority for the state legislature in administering federal elections, and plenary authority for the state legislature in administering its own state elections. This background principle is absolute, limited only by certain, enumerated constitutional guarantees of a republican form of government, and guarantees against discrimination.

This absolute authority brings with it the legislative prerogative to gather information, debate bills, and pass laws. In discharging these duties the legislature has authority to conduct oversight, including the ability to compel production of documents, and to compel testimony. Under Wis. Statutes § 885, the legislature has the authority to subpoena information from individuals. Because this legislative subpoena is a part of common law legislative authority--that without access to all available information a legislature cannot properly legislate--and because this subpoena does not directly tie into or contemplate criminal proceedings, criminal due process rights are not ordinarily implicated. Furthermore, the legislative subpoena process is governed by § 13.35, which expressly provides that documents and testimony provided by a witness pursuant to a subpoena cannot “be used in any trial or criminal proceeding against such person in court.”

This office has, to-date, issued seventeen subpoenas for documents and testimony for governmental information from sitting governmental officials, and has obtained some voluntary compliance. These subpoenas, properly issued pursuant to and in furtherance of the legislature's core oversight function, have nevertheless been attacked in the media, and are subject to pending litigation and threats of litigation, and have involved nationwide attention and the pro bono work of out-of-state attorneys. Given non-compliance with the Legislative Audit Bureau (LAB) investigation and the plenary authority of the legislature, the Assembly and this Office are currently jointly defending these subpoenas. The legislature, and the public, have a right to all available information about the 2020 election in Wisconsin.

The LAB, established in 1971, is authorized by Wisconsin statutes to "conduct[] postaudits of the accounts and other financial records of departments to assure that all financial transactions have been made in a legal and proper manner." Wis. Statutes § 13.94(1). This agency has a large staff and a history of working with all state instrumentalities, but its relatively narrow mission is to ensure that taxpayer money is well-spent. Its recent report notes up-front that it is concerned with "audits and evaluations of public finances and the management of public programs." As such, its interest is not in addressing public concerns, nor the concerns of the full legislature, but of responding to directed audits of the "records of each department" of the state of Wisconsin. It is accordingly not granted authority to request subpoenas, although it does have broad authorization to access governmental data. Further, and as the recommendations in the recent LAB report suggest, its ability to make recommendations is statutorily limited to the four corners of current Wisconsin law, and it does not generally make recommendations to improve the law. When it does, as in the case of the current report, these changes are extraordinarily modest, perhaps recognizing its dubious authorization. Finally, its sole product is a "detailed report" to the legislature, which includes discussion of any "illegal or improper expenditures." To the extent illegal or improper conduct does not implicate the state fisc, that conduct is apparently outside the purview of LAB inquiry.

By contrast, the OSC investigation has a wide mandate to investigate the 2020 election in Wisconsin, beyond mere "waste, fraud, and abuse."

Can Companies be Involved in Running Wisconsin Elections?: Delegation and Undue Corporate Influence

Why would such a coordinated attack be made on robust legislative oversight? While this Office draws no conclusions yet, initial interviews and discussions with clerks suggests that there is widespread confusion about the appropriate role of outside money in administering Wisconsin elections. Public and non-public evidence already is in this Office's possession that indicates undue influence by well-funded outside groups, who leveraged large grants to certain Wisconsin cities in order to coopt our election apparatus to their benefit. The recent LAB investigation did not adequately look into these concerns by clerks and the public, concerns which led to some clerks quitting, and numerous unanswered complaints to WEC. Indeed, contracts made between outside groups and certain municipalities led directly to actions contrary to Wisconsin state law, which clerks have noted harmed both election security and the physical safety of voters.

How much authority can clerks contract away to private organizations? As the LAB report contends: "Statutes do not specify the actions and responsibilities that consultants are allowed to take at polling places and central count locations on Election Day." Nevertheless, for the purposes of legislative inquiry, this cannot be the end of the story. Whether certain organizations and individuals operated within a grey area in state law does not preclude obtaining all relevant facts and attempting to draw fine distinctions to facilitate legislative oversight, to dialogue with the public, and to present legislative recommendations.

Oblique reference to at least one major issue is made in the LAB report which bears mentioning. Specifically, the LAB report notes the following:

"We asked the clerks of all 39 municipalities whether consultants worked at central count locations during the November 2020 General Election. Clerks indicated that consultants associated with non-profit organizations worked at the central count locations in 2 of the 39 municipalities. Specifically:

- One municipality indicated that a consultant attended the August 2020 primary as an observer, helped to modify the municipality's election training materials from August 2020 until October 2020, and was at the central count location on Election Day in

November 2020 to provide technical assistance for electronic voting equipment. The municipality indicated that at least five poll workers monitored such assistance at all times.

- A second municipality indicated that a consultant provided logistical support and offered elections administration recommendations but did not have the authority to make decisions and did not count ballots. The municipality indicated that the consultant initially wore a city employee identification badge at the central count location on Election Day in November 2020 but subsequently became an observer after the deputy clerk spoke with WEC's administrator about this individual."

This cursory reporting is concerning, because it substantially waters down already-public information relating to the involvement by a number of nonprofits in election administration, and it suggests that problems were raised and adequately resolved by clerks and WEC. In fact, in both instances, evidence is already available to this Office that is inconsistent with LEB reporting, and which indicates a more widespread and deeper issue. For example, one individual referred to in the LAB report was directly involved in all aspects of management of election officials, was entrusted with the only sets of physical keys to the central count location, and was engaged in the management of the transport of ballots, and had instructed the counting of unlawful ballots that had arrived at central count beyond the lawful time window. The actions of this individual apparently was the precipitating factor in the resignation of one municipal clerk in protest.

Furthermore, under Wis. Statutes § 7.41, there are express rules for "members of the public" to exercise their right to observe Wisconsin elections, which includes limitations on the ability of observers to obtain confidential voter information, or to communicate with election officials. Individuals are, under Wisconsin law, either election officials or members of the public, and do not "become" observers, as the LAB report suggests. Finally, an issue involving possible unauthorized access to election materials, or impersonation of a municipal employee, cannot be remedied by *ex parte* discussion with a single bureaucrat at WEC. None of these issues is directly addressed by the LAB report.

The LAB report also fails to address to what degree state instrumentalities may properly contract with outside groups. Clerks have already raised concerns to this Office that there are

certain election administration functions which they are simply unable to perform. Clerks and the public have raised concerns about the ability of outside contractors to legally bind election officials with onerous contractual terms. Specifically, this Office is already reviewing contracts by certain nonprofits which gave preferential access to voter data to those groups and which prohibited contracting municipalities from exercising their legal right to change election procedures, lest they be on the hook for paying money back to those groups. Clerks have also raised concerns about technical contracts which limit their ability to review the inner workings of equipment and software related to voter registration and vote tabulation.

Another major concern raised by numerous members of the public is whether outside contractors abided by all applicable state and federal antidiscrimination laws, a question not addressed in the LAB report. This Office has also already uncovered evidence of selective targeting of voters by these private groups, raising the question of to what extent nonpartisan government agencies were turned into partisan get-out-the-vote operations, or whether this targeting was on any other unlawful basis. Some of this targeting was apparently in the context of recommending ballot “drop boxes” in certain locations, but not others, apparently in violation of Wisconsin Stat. § 6.855 (see below). Each of these facts, if true, are concerning, and this Office continues to investigate the extent of this entanglement. Furthermore, in the absence of a strong and independent clerk culture, with networks for advice and without properly administered, statutorily mandated training for clerks, the possibility of undue outside influence in our elections increases (see below).

Some clerks have noted to this office that the complexity and scope of Wisconsin elections will *always* and *necessarily* mean delegation of at least some election functions to private companies. But clerks have suggested a line must be drawn somewhere and many express concern over the 2020 election. Indeed, one current clerk specifically recommended to this Office that private money be prohibited. This Office continues to investigate precisely how much authority was ceded to private entities in that election.

Who Runs Wisconsin Elections?: Finger-Pointing and the Wisconsin Elections Commission

Clerk Authority

While the law has changed somewhat, the core of constitutional and statutory authority to administer elections in the state of Wisconsin still resides with county and municipal clerks. Under Wisconsin Statutes § 7.15(1), the municipal clerk has “charge and supervision” of not only state, but also federal elections within a municipality. In turn, these clerks report electoral results to the county clerk, and provide county clerks with all materials the county clerks need to discharge their lawful duty to administer elections in their county. While municipal clerks are appointed by political, often partisan officials such as mayors, county clerks in our state are directly elected. Ultimately, therefore, the responsibility for ensuring election security resides with the county clerks.

Nevertheless, these county clerks are often part-time government employees, and their offices are often run on shoestring budgets. For many counties, this means periods of time with little activity, and periods of time in the spring and fall with lots of activity. As a result, clerks take all the help they can get. Many good Wisconsinites volunteer to be election inspectors or other deputized election officials. And clerks often rely upon technology and management guidance to lighten their administrative burden.

Government Accountability Board Scandal and Creation of Wisconsin Elections Commission

To assist with developing best practices, the Wisconsin Elections Commission (WEC) was established in 2016. Prior to 2016, a large, opaque, and politically unaccountable agency, the Government Accountability Board (GAB), was charged with administering vast swaths of statewide ethics and election law. In the wake of a major statewide scandal that drew national attention, the John Doe investigations, the legislature and Governor took the unprecedented step of abolishing that agency and amending state election laws. Rather than returning the state to a system of clear delegations of authority and broad clerk autonomy, however, the amendments created WEC, drawing criticism from many quarters, including Kevin Kennedy,

the outgoing Director of GAB, who remarked that the new system would have essentially no changes, and that the new system would be “no more transparent” than the old one.

Pursuant to Wisconsin law, WEC is tasked with certain portions of “the administration of...laws relating to elections.” Wisconsin Statutes § 5.05(1). Precisely how far this delegation goes is an open question. WEC authority is expressly laid out in that section contemplates public rulemaking, investigation, and enforcement. However, the election code sections over which WEC has regulatory authority does include numerous provisions which expressly delegate authority to individual actors, such as county and municipal clerks. And, in fact, Wisconsin law delegates to the “board” the duty to certify the state’s electors in a presidential election, a job fulfilled in 2020 solely by the Chairperson of WEC, without board vote. § 7.70(5). The LAB report does not make an effort to systematically review these delegations, but does note in several places the “shared” election administration responsibilities.

Confusion about WEC Authority

While this Office draws no conclusions yet, initial interviews with clerks suggests that there is widespread confusion about what role the Wisconsin Elections Commission may lawfully play in the state, and some suggestion that WEC has acted outside its lawful purview. There is evidence that numerous complaints by clerks to WEC were ignored, and that some clerks even quit, loudly or quietly, in protest in the run up to the 2020 election. This problem is exacerbated by a lack of clarity as to the legal status of WEC guidance: some clerks are convinced that compliance with WEC guidance provides them with a legal “safe harbor” in the event their directives are challenged in court. The staff Director of WEC recently did state that this is not the case.

To the extent WEC guidance is merely persuasive, however, documents, such as online FAQs, are apparently issued without a full Commission vote. Other documents, as the LAB report notes in the case of the March 2020 Commission-approved guidance, are flatly contrary to law. As noted above, much authority is delegated to the WEC staff director. However, under Wisconsin law, there is apparently no current legal recourse other than a petition to WEC to challenge such unlawful behavior. When WEC tacitly or explicitly authorizes actions contrary to Wisconsin law, such as enabling poor security for access to statewide voter registration data systems, or authorizing “shortcuts” such as issuing absentee ballots without application or enabling widespread ballot curing, voters and candidates are left with no choice but to file

dead-on-arrival lawsuits. The LAB report, consistent with the LAB mission discussed above, did not investigate these issues, which the OSC continues to investigate and collate.

Lack of Legal Remedies

Furthermore, the LAB did not investigate various decisions WEC and other made in the run-up to the 2020 election, some of which appear designed to prevent the Wisconsin courts, including the Supreme Court of the state, from weighing in. Specifically, the decision by WEC to quickly issue ballots without a party candidate on the ballot was the determining factor in the Wisconsin Supreme Court declining to address the merits of that exclusion. In the 2020 case of *Hawkins v. Wisconsin Elections Commission*, the narrow majority held that because WEC had claimed that it had already issued some questioned ballots, that there was no time to properly address the claims of the excluded party candidate. In other words, the actions of WEC itself operated to prevent our state's highest court from addressing whether its actions were lawful. The Chief Justice of the Wisconsin Supreme Court wrote a scathing dissent, noting that "The court's silence not only affirms lawless conduct by the Commission, but also provides no directive for the required treatment of nomination papers in the future." This Office continues to look into recommendations to ensure that this remedial gap in Wisconsin law is repaired.

Absentee Balloting

A second action that has evaded both LAB and state judicial review involves the issue of absentee balloting. Precisely what rules govern the requirements for mail-in and in-person absentee voting in the state of Wisconsin? Following the letter of state statute, Subchapter IV of the state election code, Wis. Statute §§ 6.84 *et seq*, there are numerous requirements for absentee ballot request, collection, and counting. But many of these plain rules were apparently abrogated by WEC and municipalities in 2020, with COVID-19 as an excuse. One issue involved the mass self-certification of individuals as "indefinitely confined" under the statute, a category which enables a voter to evade state voter ID requirements, but which is intended to apply to the physically immobile, such as residents of a retirement home. Presented to the Wisconsin Supreme Court, again the majority ducked a merits ruling, prompting the Chief Justice to note that it appears the Court "cannot be bothered with addressing what the statutes require to assure that absentee ballots are lawfully cast." In the absence of legal remedy, it is up to the state legislature to address the various equitable questions and set a policy going forward.

One major issue that has been identified involves an event known as “Democracy in the Park,” which were citywide ballot-collection events in Madison before the election. The LAB report mentions this issue in passing as a “Special Event” occurring in a “specified outdoor setting.” Without explaining the issue, the report recommends that the Legislature “clarify” statutes so that individuals know whether or not they can return absentee ballots contrary to the procedures laid down in Wis. Statutes § 6.855. In other words, the LAB report implicitly notes that the statutes were violated by Democracy in the Park, and recommends that the law be changed.

What was Democracy in the Park, and why has it been the subject of numerous citizen complaints, lawsuits, and legislative inquiries apart from this Office’s investigation? While this Office draws no conclusions, it appears the events, which occurred on September 26 and October 3, 2020, involved numerous possible violations of state law, calling into question the validity of ballots so collected. Specifically, these involved large outdoor gatherings where alleged designees of the City Clerk’s office assisted with ballot collection for over 17,000 votes. Given that these locations were not voted on by the City Council, as required by Wisconsin law, these events appear facially unlawful. Furthermore, it is not clear that all of the workers at those events were properly deputized and trained, or that they swore and filed the mandatory oath of office. Finally, this Office also seeks to review the processing of those ballots. Each of these fact-intensive avenues of inquiry are crucial for determining if those ballots were lawful, or fake.

Clerk Training

In addition, there is already some evidence that WEC failed to complete its statutorily mandated duties. As the LAB report correctly notes, Wisconsin law, Wis. Statutes § EL 12.01 *et seq.*, lays out training protocols for clerks. But county clerks are politically accountable to their voters, and WEC certification or lack of certification does not affect a clerk’s legal rights. However, if a clerk is *not* certificated by WEC, such as for failing to be properly trained, WEC is required by law to notify the “governing body” of that clerk’s municipality. In other words, WEC is mandated by law to train clerks, and clerks get a letter to their mayor or county board if they fail to comply. And yet, as the LAB found, at least 17.5% of clerks were not properly trained, and no letters from WEC went out explaining this. This Office continues to review the issue. Moreover, this Office already has ample evidence that in the absence of this legally-mandated training,

certain outside groups filled the vacuum, providing some municipalities with incorrect and even unlawful advice. In a sworn affidavit, at least one clerk has noted that outside advice negatively impacted the security of the vote and the physical safety of voters.

Exploitation of Elders

This Office continues to review the issues involving WEC more generally, as well as other plain rules that are apparently without remedy in Wisconsin law, such as the editing of ballots with red ink by clerks, and ballot harvesting at nursing homes and at unauthorized public events. A recent event by the Racine sheriff highlighted the alleged exploitation of some of our most vulnerable citizens by those dead-set on maximizing votes for their preferred presidential candidate. Furthermore, complaints were apparently made to WEC and ignored, in a system which the sheriff described as leading to our election system being “not just broken, but shattered.”

In the run-up to the November 3, 2020 election, clerks and WEC took numerous steps to alleviate public fears about COVID-19. But in this chaos was the opportunity for electoral advantage. Wisconsin law mandates under Wis. Statutes § 6.875 that individuals in various types of communal living facility may have special access to absentee voting in person, but only subject to the rules of § 6.875. These rules govern the “Special Voting Deputies” that a municipality may train and authorize to collect absentee votes in person: this is the *only* lawful method for harvesting absentee ballots outside normal procedures, and Special Voting Deputies swear an oath and become duly-authorized “election officials.” Without the availability of Special Voting Deputies under statute, it would be much more difficult for many senior citizens or those in assisted living facilities to vote, as they would be required to show up at a central, authorized voting location. Yet in 2020, at the recommendation of their top bureaucrat, WEC voted to unilaterally prohibit the use of Special Voting Deputies, explaining that COVID-19 made it too dangerous to allow for Special Voting Deputies to enter these facilities.

On its own, this action might have been lawful, although the availability of Special Voting Deputies to municipalities appears mandatory under § 6.875: in other words, even if WEC stated they were unavailable due to WEC’s assessment of COVID risks, clerks might still have been able to appoint them. The result of this action would have been to make voting much more

difficult, but not impossible, for individuals in these group homes. WEC's official action, on its own, might have depressed turnout. But WEC's unofficial action filled the gap, apparently replacing a lawful, statutory scheme with the kind of machine politics reticent of the Gilded Age. WEC and some clerks apparently instructed residential care staff to act in a manner unauthorized by law, collecting and assisting in completing ballots for individuals in these group homes, including those with dementia. This led to record-high turnout and voting by individuals who had not voted for nearly a decade.

On its face, this type of activity could lead to criminal referral for the residential care staff, as the top staff member on WEC has noted. But residential care staff represent the "little fish" in this alleged criminal enterprise. This Office is reviewing this apparent gap in the Wisconsin criminal law, to facilitate referrals and legislative recommendations. This includes reviewing legal methods for ensuring our senior citizens are not bullied, and that retirement and nursing homes are not hotbeds of unlawful election activity, merely because these citizens cannot fight back. This also includes determining how far "public health" justifications should go in enabling administrative agencies to suspend state laws for any given election.

WEC Self-Dealing

Numerous members of the public, and clerks, have questioned what authority clerks have to operate consistent with their understanding of state law, to the extent that WEC issued facially binding guidance giving the green light to these various schemes. Some clerks feel that WEC may legally bind the clerks in granular decisions about their local needs. Other clerks are concerned about repercussions for not following WEC guidance. Many clerks have expressed disagreement with WEC conclusions, and some have done so publicly. Numerous members of the public have raised concerns about WEC "self-dealing": the discretionary nature of WEC intake, review, and response to complaints, and the fact that complaints about WEC are handled, under law, by WEC itself.

This Office continues to interview clerks and expects to discuss with WEC staff what the appropriate role for WEC is in future Wisconsin elections.

How can the Public be Confident in Our Elections?: The Black Box

As former GAB Director Kevin Kennedy noted, the new WEC system is, apparently, “no more transparent” than the old one which he ran. Without robust legislative oversight, many Wisconsinites are at risk of feeling that their vote does not count, or that there is widespread fraud in the state. Two major areas of inquiry are being looked at by the OSC, both dealing with the appropriate level of transparency for our election systems. First, the Office is reviewing the laws and procedures relating to the use of technological tools in administering the elections: the “voting machines” and the various election databases used by the state of Wisconsin. Second, the Office is reviewing barriers to public access to information, such as charges for access to voter registration data.

While this Office draws no conclusions yet, interviews with clerks, citizens, and other groups does suggest that there is widespread concern about the inability of an average citizen to track how elections are run. This inability has huge downstream consequences, as citizens are often presented with snippets of information reminiscent of the “confusopoly” in health insurance. Presented with outdated data sets of dubious quality, citizens seeking to use public information to confirm election results are unable to do so, while those with money and access (or preferential contracts, noted above) can access better data, more quickly. Further, the precise operations of voting machines are not readily accessible or understood by the public, or by commissioners on WEC itself. As with health insurance, the system operates on autopilot, with the insured praying that their bill is accurate, and with voters praying the system is working as advertised.

Elections systems in Wisconsin are governed by state and federal law. Specifically, the federal Election Assistance Commission (EAC) created under the Help America Vote Act of 2002 (HAVA) is tasked with approving all voting systems used in federal elections, and with approving all modifications of voting systems used in federal elections. 52 U.S.C. § 20971. As a part of this, voting systems vendors submit their proposed systems to the EAC for approval. Typically, once a system is tested and approved by the EAC, the vendor will make a similar application to WEC, which approves the system for sale and use within the state of Wisconsin. However, beginning in 2015 the state of Wisconsin allowed GAB (and now WEC) to approve systems for use in the state which are not approved by the EAC. Wis. Statutes § 5.591. While there is thus wide discretion vested in WEC to approve changes to voting systems, federal law

mandates that “all records and papers... relating to any application, registration, payment of poll tax, or other act requisite to voting in such election” be preserved by the State for twenty-two months following the election. 52 U.S.C. § 20701.

But as was made eminently clear in a recent WEC meeting made subsequent to an preservation request issued by this Office, WEC officials and staff are not at all clear as to what “modifications” require WEC approval, what modifications can lawfully be made, or what certain software updates actually entail. Further, WEC approval of actions that might violate federal recordkeeping laws are no guarantee of legal immunity for clerks with final say over what happens to voting machines in their locales. And in fact, as one machine vendor noted during that open meeting, in order to install a software update, that company would be obliged to entirely wipe a machine. Whether this technical process destroys election records in contravention of federal law is a question that WEC has yet been unable to answer.

In order to address this question, and other related questions, this Office has been allocated a budget to engage neutral, certificated data security experts, and has already taken steps to initiate an open and full technical audit of various voting systems, to demonstrate to election officials and the general public the security of these systems. Whatever the results, various clerks have already suggested that they themselves do not know precisely how the voting machines work, and rely entirely upon private contractors to assure them of system integrity. This in and of itself may be a problem.

Prior to the establishment of this Office, the Special Counsel did personally engage with various outside individuals relating to various voting machine concerns. Some of this has been reported in the media. This Office does not endorse the views of any particular outside individual, nor has this Office yet uncovered any evidence of foreign hacking of elections in the state of Wisconsin. Nevertheless, the opacity of elections systems has given rise to numerous theories about the 2020 election.

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A second issue related to the transparency of our election system in the state is the public availability of voter data. While this Office as yet draws no conclusions, there is already evidence that security surrounding the WisVote (SVRS) system is lax. This statewide system

enables clerks to track absentee ballot requests, and includes highly sensitive personal information. As such, it is subject to a high level of paper security laid out in WEC guidance. Nevertheless, there is already some evidence of unauthorized access to this database. Further, several clerks have complained that they were provided by WEC with numerous, unrequested access keys, leading to a security headache and concerns that the statewide system was not secure.

In addition to concerns about too much access, concerns have been raised about non enough access, or about unequal access, to voter registration information. WEC does provide statewide voter registration data for a fee up to, and usually, \$12,500. This fee is set by WEC administrative rule, and it is mandated by statute that the fee be set “at an amount estimated to cover both the cost of reproduction and the cost of maintaining the list at the state and local level.” WEC Wis. Stat. § 6.36(6). Nevertheless, it is apparently the case that the fee is charged for each reproduction, no matter the actual cost, and that subsequent individuals requesting a list that has already been produced are charged the same rack-rate. Further, there is some evidence that outside groups were provided privileged access to this data without fee, and on an expedited basis. This Office continues to investigate this matter, and again, this issue is not addressed in the LAB report.

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Conclusion

EXTERNAL : Jay Stone Complaints

James Carlson [REDACTED]

Mon 10/11/2021 10:22 AM

To: Coms <Coms@wispecialcounsel.org>

This is a tale of two grants. One grant is the Cares Act Election Grant and CTCL election grant is the other. Madison, Milwaukee and Racine common councils had resolutions to apply for the Cares grant before they actually did. I'm unsure about what Green Bay did, though I have copies of emails discussing the Cares Grant. I'm unsure if Kenosha applied for the Cares grant. The Cares grant application was around the time Kenosha's clerk retired.

Of note, Meagan Wolfe sent out notice and application for the Cares Grant on June 17, 2020. At the same time the WI 5 was secretly applying for CTCL's grant, the WI 5 was also publicly applying for the Cares grant.

I attached the relevant documents.

Positive Regards,

Jay Stone

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 : New WEC Complaint Against Meagan Wolfe

James Carlson [REDACTED]

Mon 10/11/2021 10:23 AM

To: Coms <Coms@wispecialcounsel.org>

I filed a new WEC complaint against Meagan Wolfe for rejection of my August 28, 2020 complaint (see attached). I did not see a time limit or statute of limitations for filing a WEC complaint.

I may have found a smoking gun because Wolfe had one set of rules when she distributed election grants and another set of rules when CTCL distributed election grants. Recall I emailed you Wolfe's Cares Act subgrant announcement in which she offered an equal share of the grant money to all election commissioners, municipal and county clerks (see attached). From my complaint: "Administrator Wolfe offered and distributed equal shares of a \$4.1 election grant to all Wisconsin municipalities, counties, and election commissions, yet two months later Wolfe showed no concern when Complainant alleged CTCL offered and awarded a \$6.3 million grant to only five Wisconsin cities which Complainant claimed was unequal protection in violation of the U.S. Constitution's First and Fourteenth amendments."

From my complaint: "After Administrator Wolfe rejected Complainant's August 28, 2020 complaint, Complainant filed a Federal Election Commission complaint alleging a similar set of facts and allegations as he did in his WEC complaint (Exhibit 1). Whereas Complainant's WEC complaint focused on the WI 5 clerks and mayors receiving CTCL's election administration grant money, Complainant's FEC complaint concentrated on Mark Zuckerberg, Priscilla Chan (Mark Zuckerberg's wife), and CTCL who provided the grant money to the WI 5 cities."

"If Complainant's FEC complaint with nearly the same facts and allegations as his WEC complaint met the FEC's requirement for review, why wasn't Complainant's WEC complaint good enough for Administrator Wolfe to review?"

In Wolfe's rejection letter to me she wrote I had to be "served by local election officials," and I'm "not a resident of the municipalities." The words and terms Wolfe used to dismiss my complaint are not in Wis. Statute § 5.06(1). Wolfe added her own words of "local election officials" and a "resident of the municipalities" to Wis. statute § 5.06 and then used her fictitious statute that she created to deny me standing in my complaint.

To learn more, see Stone v. Wolfe.

Positive Regards,

jay

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 : Fwd: Receipt of Complaint - Stone v. Wolfe

Jay Stone [Redacted]

Wed 10/20/2021 1:58 PM

To: Coms <Coms@wispecialcounsel.org>

Hi Mike,

Below are more correspondences between WEC attorney Judnic and myself. I threatened to file a WEC complaint in order to get Judnic to provide notification of receipt of my complaints that he should have done weeks earlier.

Positive Regards,

Jay Stone
[Redacted]

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

From: Jay Stone [Redacted]

Date: Mon, Oct 18, 2021 at 8:52 PM

Subject: Re: Receipt of Complaint - Stone v. Wolfe

To: Judnic, Nathan - ELECTIONS <Nathan.Judnic@wisconsin.gov>

Dear Mr Nathan W. Judnic,

Unless the WEC posts the Stone v. Wolfe complaint and exhibits on the WEC's Section §5.06 complaint page and unless the WEC acknowledges the receipt of my Stone v. Obama, et al.; Stone v. Jarrett et al.; and Stone v. Barrett et al. complaints I will file another WEC complaint.

Please respond in two business days by Wednesday, October 20, 2021.

Regards,

Jay Stone

On Thu, Oct 14, 2021 at 4:45 PM Judnic, Nathan - ELECTIONS <Nathan.Judnic@wisconsin.gov> wrote:

Mr. Stone,

The Wisconsin Elections Commission is in receipt of your complaint filed against Administrator Meagan Wolfe. Per the Commission's procedures, the Respondent is now afforded 10 business days to file a response. Once a response has been received, you are allowed 10 business days to file a reply.

Regards,

Nathan W. Judnic

Staff Attorney

EXTERNAL : Fwd: Please Recuse Yourself from My Four Pending WEC Complaints

jay stone [REDACTED]

Wed 10/20/2021 1:53 PM

To: Coms <Coms@wispecialcounsel.org>

Hi Mike,

Since you are investigating WEC's role in the 2020 election, I am forwarding you an email in which I asked WEC attorney Nathan Judnic to recuse himself from having any involvement in my four pending WEC complaints.

Positive Regards,

jay stone

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

From: **jay stone** <jayjoelstone@gmail.com>

Date: Wed, Oct 20, 2021 at 11:39 AM

Subject: Please Recuse Yourself from My Four Pending WEC Complaints

To: Judnic, Nathan - ELECTIONS <Nathan.Judnic@wisconsin.gov>

October 20, 2021,

Dear Mr. Judnic,

I asked that you recuse yourself from any involvement in my four pending WEC complaints because of your pattern of improper conduct towards me. The USPS delivered my first complaint to the WEC on August 25, 2021. Nearly two months later, in an October 14, 2021 email from me to you, I asked for notification of receipt of three of my WEC complaints. Instead of explaining why you were not providing notification, you simply did not respond to my email. I called and left you two messages on your WEC voicemail, which you never responded to. I left a message on WEC's general voicemail that was never responded to; I assume you received my message because a WEC operator/employee told me you handle WEC complaints. You tried to protect your friend and colleague Administrator Meagan Wolfe by not posting my complaint against her on WEC's complaint webpage. I should not have had to use a threat of a WEC complaint to make you provide notification of receipt of my three WEC complaints and post my complaint against Meagan Wolfe on WEC's webpage. I believe your behavior towards me is biased and hostile because I dared to file WEC complaints. For these reasons I asked that you recuse yourself from my four pending WEC complaints.

Of note, I have filed four Federal election Commission complaints in the last year and I have had any conflict or problems with the FEC lawyers, investigators, or paralegals.

Mr. Judnic, you have until Friday, October 22, 2021 at 5 PM to send me your recusal notification on WEC stationary or I will take further action.

Regards,

jay stone

CC: WEC Board of Commissioners

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EXTERNAL : WEC and CTCL Election Grant Comparison

jay stone [REDACTED]

Sun 10/24/2021 3:55 PM

To: Coms <Coms@wispecialcounsel.org>

Hi Mike,

I attached a table with a WEC and CTCL grant comparison. I plan to use the table in my Meagan Wolfe complaint to show that there were enough irregularities between the CTCL and WEC election grants that Wolfe should have investigated my original August 28, 2020 complaint.

I recall Meagan Wolfe testifying before Janel's Committee. I don't recall Wolfe answering specific questions about what was written in the Wisconsin Safe Voting Plan. I believe that the WSVP's first two items were red flags that Wolfe missed (see attached table). The first item is, "Encourage and increase absentee voting by mail or early in-person voting" (This is a GOTV drive) and the second item is, "Dramatically expand strategic voter education and outreach efforts, particularly to historically disenfranchised voters" (This is another GOTV drive).

Positive Regards,

jay stone

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 : FEC Complaints - Jay Stone

James Carlson [REDACTED]

Mon 10/11/2021 10:21 AM

To: Coms <Coms@wispecialcounsel.org>

Besides CTCL's grants, my WEC and FEC complaints challenge the legality of the following:

1. When We All Vote's (WWAV) gave \$5,000 to pay for the prom's of high schools who registered the most voters.
2. WWAV provided food and swag at its voter registration drive.
3. WWAV provided food, music and entertainment at its early voting celebrations.
4. Campus Democracy Challenge provided awards to colleges, faculty, staff, and students for having the highest percentage of student voters, most registered students, etc.
5. WWAV and Campus Democracy Challenge request or requirement that voters use pledges to vote, plans to vote and voting plans because these strategies to vote depend on psychological harm, cognitive dissonance, and peer pressure to succeed.

I attached my FEC complaints. I will send you my WEC complaints in another email.

Positive Regards,

Jay Stone

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.



ROBIN J. VOS

SPEAKER OF THE WISCONSIN STATE ASSEMBLY

TO: Members of the Committee on Assembly Organization
FROM: Speaker Robin Vos, Chair
DATE: August 27, 2021
SUBJECT: Ballot 21-06 ~ Authorization to designate special counsel

[MOTION] *It is moved that the Committee on Assembly Organization authorizes the Speaker of the Assembly to designate the legal counsel hired pursuant to the May 28, 2021, ballot adopted by the Committee on Assembly Organization, as special counsel to oversee an Office of Special Counsel. The special counsel shall direct an elections integrity investigation, assist the Elections and Campaign Committee, and hire investigators and other staff to assist in the investigation.*

I am recommending adoption of this motion. Please review and indicate your approval by circling "aye" or "no", signing your name, and inserting the date. Thank you.

[If this ballot is not returned to the Speaker's office by Monday, August 30, 2021 at 10:00 a.m., you will be designated as not voting.]

_____ AYE NO

Speaker Robin Vos



ROBIN J. VOS

SPEAKER OF THE WISCONSIN STATE ASSEMBLY

TO: Members of the Committee on Assembly Organization
FROM: Speaker Robin Vos, Chair
DATE: May 28, 2021
SUBJECT: Ballot 21-03 ~ Authorization to Obtain Legal Counsel and Employ Investigators

[MOTION] *It is moved that the Committee on Assembly Organization authorizes the Speaker of the Assembly to hire legal counsel and employ investigators to assist the Assembly Committee on Campaigns and Elections in investigating the administration of elections in Wisconsin. Speaker Vos, on behalf of the Assembly, shall approve all financial costs and contractual arrangements for hiring legal counsel and investigators.*

I am recommending adoption of this motion. Please review and indicate your approval by circling "aye" or "no", signing your name, and inserting the date. Thank you.

[If this ballot is not returned to the Speaker's office by Friday, May 28, 2021 at 3:00 p.m., you will be designated as not voting.]

Speaker Robin Vos

AYE NO



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2247/1

MPG:skw

2021 ASSEMBLY RESOLUTION 15

March 17, 2021 - Introduced by Representatives SANFELIPPO, BRANDTJEN, MURPHY, ROZAR, THIESFELDT and TUSLER. Referred to Committee on Rules.

1 **Relating to:** directing the Assembly Committee on Campaigns and Elections to
2 investigate the administration of elections in Wisconsin.

3 Whereas, the ability of American citizens to exercise their right to vote is
4 foundational to our representative democracy; and

5 Whereas, the legitimacy of the American form of government depends on the
6 citizens' widespread confidence in the fairness of elections and acceptance of election
7 results; and

8 Whereas, preserving the integrity of the electoral process is one of our
9 government's most important responsibilities; and

10 Whereas, the administration of elections in Wisconsin is governed by an
11 extensive set of duly enacted laws; and

12 Whereas, however, election laws are not self-enforcing but rely on the good
13 faith efforts of election officials to dutifully carry out those laws as written in order
14 to ensure fair elections; and



Wisconsin Elections Commission

212 East Washington Avenue | Third Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

DATE: June 17, 2020

TO: Wisconsin Municipal Clerks
City of Milwaukee Election Commission
Wisconsin County Clerks
Milwaukee County Election Commission

FROM: Meagan Wolfe
Administrator

SUBJECT: WEC CARES Subgrant Program Announcement

- SUMMARY.** Under the Coronavirus Aid, Relief and Economic Security (CARES) Act, the Wisconsin Elections Commission (WEC) was awarded funds on April 6th to help “prevent, prepare for, and respond to coronavirus, domestically or internationally, for the 2020 Federal election cycle.” The WEC produced a plan to distribute a majority of these funds to municipalities through the WEC CARES Subgrant program to help them prepare for the remainder of the 2020 election year.
- PROGRAM DESCRIPTION.** The Elections Commission authorized a \$4.1 million WEC CARES subgrant program for municipalities to offset pandemic-related elections costs. The approved WEC CARES Subgrant program provides a \$200 base amount plus an additional \$1.10/per registered voter. This means that if a municipality has 100 registered voters, the municipality will receive the base \$200 plus \$1.10/per those 100 registered voters. That total amount the municipality would receive is \$310.00.
- AUTHORIZED USES.** The WEC CARES Subgrant is for pandemic-related expenditures for the 2020 elections. The following are the allowable uses under the WEC CARES Subgrant:
 - ADDITIONAL BALLOT SUPPLIES, PRINTING, AND POSTAGE COSTS** for higher levels of absentee or vote by mail processes, including printers, scanners, and envelope openers costing less than \$5000 per unit.
 - ADDITIONAL CLEANING SUPPLIES, CLEANING SERVICES AND PROTECTIVE EQUIPMENT** including additional disinfectants, wipes, paper towels, deep cleaning services for polling places pre- and post-election, masks, gloves, gowns, face shields, plexiglass, thermometers and other equipment for staff and poll workers’ virus protection for in-person absentee voting sites, election day polling places and absentee central-count locations.
 - ADDITIONAL STAFFING** for processing of higher levels of absentee ballot requests and absentee ballot tabulation, resulting in expanded hours, overtime, and associated benefits costs

Wisconsin Elections Commissioners

Ann S. Jacobs, chair | Marge Bostelmann | Julie M. Glancey | Dean Knudson | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe
WI-REP-21-1298, 21-1301, 21-1405, 21-1497-A, WI-REP-21-1295, 21-1296, 21-1299,
21-1302, 21-1437, 21-1493-B, WI-EXT-21-1438, 21-1494, 21-1496, 21-1498-B-000375

WEC CARES Subgrant Program

June 10, 2020

Page 2

for election staff and poll workers or unbudgeted temporary election staff or poll workers and for additional staffing for cleaning polling locations and creating other protective measures.

- (4) ADDITIONAL MAILINGS FOR PUBLIC COMMUNICATION of changes in registration, absentee ballot request options, or voting procedures, including information on coronavirus precautions being implemented during the voting process.
 - (5) ADDITIONAL ABSENTEE DROP-BOXES, installation, and security.
 - (6) ADDITIONAL SPACE LEASING for new polling places when existing sites are closed or relocated due to the pandemic.
 - (7) ACQUISITION OF ADDITIONAL EQUIPMENT necessary to process the higher volume of absentee ballots. This includes new automated letter opening equipment, paper folding machines, high speed or central count tabulators, and mobile IT equipment. (This "Equipment" category defined as costing equal or greater than \$5000 per unit. Equipment costs less than \$5000 should instead be reported under the applicable category above, most likely Additional Ballot Supplies. Additional reporting and documentation are required for allowable equipment purchases as outlined in the Code of Federal Regulations, Title 2 section 200.33. (2 CFR § 200.33))
4. **DOCUMENTATION & REPORTING.** Municipalities are asked to document all election pandemic-related expenses from January 20, 2020 to November 30, 2020 that fall under the seven categories above. These expenses can be tracked on the WEC CARES Expenditure Tracking template that will be provided by WEC Staff. Documentation includes anything that provides information on the purchase, such as receipts, invoices, payroll reports, etc. and explanations and justifications of how claimed expenditures qualify as pandemic related.

There will be a required check-in for municipalities between the August and November elections due on September 15, 2020. For this check-in, the WEC financial staff requires all municipalities that accepted funds to return a copy of the WEC CARES Expenditures Reporting template to elections.finance@wi.gov. This report will cover all claimed expenses under the four above categories from January 20th, 2020 to September 1st, 2020. The check-in report is to help clerks receive any guidance or ask any questions as it will relates to the final report due December 1st, 2020. WEC staff wants to ensure that clerks feel comfortable tracking expenditures and with the reporting requirements before the final deadline.

The final report due to the WEC will consist of an updated and complete WEC CARES Expenditures Reporting template from the September 15th check-in. The completed report will cover the entire January 20th, 2020 to November 30th, 2020 time period and is due December 1, 2020. This is an important deadline. If a report is not received by December 1, 2020, the jurisdiction may be required to return all subgrant funds received. Only the completed WEC CARES Expenditure Report template needs to be submitted; all receipts, invoices, and other documentation should not be submitted but must be maintained on file until December 30th, 2024.

WEC CARES Subgrant Program

June 10, 2020

Page 3

5. **WHAT IF I NEED SOMETHING ELSE?** The WEC CARES Subgrant is a one-time subgrant award to help offset the additional costs that have been and will be incurred as they prepare for elections impacted by the COVID-19 pandemic. Please note that the State of Wisconsin will supply municipalities with cleaning supplies and protective equipment ahead of the August and November elections. If municipalities still have election related costs in those categories, those can be submitted to FEMA or Routes to Recovery for further reimbursement. As well, we have worked with the Department of Administration to understand their Routes to Recovery subgrant to ensure our subgrant compliments theirs and provides municipalities with the maximum access to available funds. Our recommendation is to focus your WEC CARES Subgrant funds toward preparing for the August and November elections as these are funds received immediately after the signed WEC CARES Agreement has been received by the WEC. As well, the WEC CARES Subgrant will cover all election-related pandemic expenditures until November 30, 2020, even if they have not been paid out by December 1, 2020. Per DOA guidance, the Routes to Recovery Grant will be a reimbursement of expenses already paid through October 30, 2020. For further information on the Routes to Recovery grant please go to <https://doa.wi.gov/Pages/LocalGovtsGrants/COVID-Grants.aspx>.

6. **HOW DO JURISDICTIONS APPLY?** Clerks must read, sign, and return the WEC CARES Subgrant Agreement and Certification form to elections.finance@wi.gov. These agreements need to be returned to WEC no later than September 1st, 2020. Subgrant awards will be issued as signed agreements are received. If you require a paper agreement be mailed to you, please contact the WEC Helpdesk at (608)261-2028.

7. **IMPORTANT DATES?** Below is a table of the important deadlines to remember:

Date	Description
January 20, 2020	Reporting period begins
September 1, 2020	Deadline for agreement
September 15, 2020	Check-In Due to WEC
November 30, 2020	Reporting Period Ends
December 1, 2020	Final WEC CARES Expenditure Report Due to WEC

8. **QUESTIONS?** If you have any questions or concerns please email the WEC Financial Team at elections.finance@wi.gov or call the WEC Helpdesk at (608)261-2028.

..Number

200445

..Version

SUBSTITUTE 1

..Reference**..Sponsor**

The Chair

..Title

Substitute resolution relative to the acceptance and funding of the WEC CARES Subgrant, issued by the Wisconsin Elections Commission. These funds are a subgrant of the 2020 HAVA CARES Act Grant.

..Analysis

This resolution authorizes the Election Commission to accept and fund additional election administration costs associated with the national emergency related to coronavirus in the amount of \$323,861.80. The project will provide funding for increased in postage and operating costs due to higher levels of absentee voting and increased absentee voting education.

..BODY

Whereas, The City of Milwaukee appears to be eligible for grant funds from the Wisconsin Elections Commission to receive funding for increased postage and operating costs due to higher levels of absentee voting and to fund hazard pay for poll workers; and

Whereas, The operation of this grant project from 01.22.2020 to 11.30.2020 would cost \$323,861.80 with no city match; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the Wisconsin Elections Commission is authorized and the Election Commission shall accept this grant without further approval unless the terms of the grant change as indicated in Milwaukee Code of Ordinances Section 304-81; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant parent of the 2020 Special Revenue-Grant and Aid Projects Fund, the following amounts for the grant title: WEC CARES Subgrant program

Project/Grant
Fund

GR0002000000
0150

Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$323,861

2. Create the necessary Special Revenue Fund - Grant and Aid Project/Grant and Project/Grant levels; budget to these Project/Grant values the amount required under the grant agreement; and, be it

Further Resolved, That these funds are budgeted to the Election Commission which is authorized to:

1. Expend from the amount appropriated sums for specified purposes as indicated in the grant budget and incur costs consistent with the award date: 07.01.2020
2. Expend from the 2020 grant budget funds for specific items of operating postage cost; and, be it

..Requestor
Election Commission
..Drafter
Molly King
6.20.2020
Common/ElectCom/2020/WEC Subgrant Res



City of Madison

City of Madison
 Madison, WI 53703
 www.cityofmadison.com

Master

File Number: 61070

File ID: 61070

File Type: Resolution

Status: Council New Business

Version: 1

Reference:

Controlling Body: COMMON COUNCIL

File Created Date : 06/22/2020

File Name:

Final Action:

Title: Authorizing the City Clerk to apply for and accept a Coronavirus Aid, Relief and Economic Security (CARES) subgrant from the Wisconsin Elections Commission, and amending the 2020 Adopted Operating Budget to increase the City Clerk's Supplies budget by \$198,200.

Notes:

CC Agenda Date: 07/14/2020

Agenda Number: 107.

Sponsors: Satya V. Rhodes-Conway, Sheri Carter, Lindsay Lemmer, Michael J. Tierney, Keith Furman, Syed Abbas, Grant Foster, Rebecca Kemble, Michael E. Verveer, Arvina Martin, Donna V. Moreland, Patrick W. Heck, Shiva Bidar, Max Prestigiacomo and Marsha A. Rummel

Effective Date:

Attachments: WEC CARES Announcement.pdf, WEC CARES Agreement and Certification Form.pdf, WEC CARES FAQ.pdf

Enactment Number:

Author:

Hearing Date:

Entered by: echristianson@cityofmadison.com

Published Date:

Approval History

Version	Date	Approver	Action
1		Stephanie Mabrey	Approve

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Clerk's Office	06/23/2020	Referred for introduction				
Action Text:		This Resolution was Referred for Introduction					

Master Continued (61070)

Notes: Finance Committee (7/20/20) Common Council (7/21/20)

1 COMMON COUNCIL 07/14/2020

Text of Legislative File 61070**Fiscal Note**

The proposed resolution authorizes the City Clerk to apply for and accept a Coronavirus Aid, Relief, and Economic Security (CARES) subgrant from the Wisconsin Elections Commission, and increases the City Clerk's Supplies budget by \$198,200. All Wisconsin municipalities are eligible to receive CARES subgrants in the amount of a \$200 base plus \$1.10 for each registered voter. The grant is intended to support election costs such as additional ballot supplies, printing, postage, personal protective equipment, and cleaning associated with administering an election during the COVID-19 pandemic. The City Clerk's Office will use the funding for additional postage costs associated with increases in absentee voting. As of June 30, 2020, the Clerk's Office spent nearly \$145,000 on postage, largely driven by April absentee ballot mailing costs.

Title

Authorizing the City Clerk to apply for and accept a Coronavirus Aid, Relief and Economic Security (CARES) subgrant from the Wisconsin Elections Commission, and amending the 2020 Adopted Operating Budget to increase the City Clerk's Supplies budget by \$198,200.

Body

The Wisconsin Elections Commission has created the Coronavirus Aid, Relief and Economic Security (CARES) program to help defray administrative expenses incurred by municipalities due to the Coronavirus pandemic.

WHEREAS, the City of Madison as a municipality has a proud history of fair and transparent elections with the focus on the voter, and

WHEREAS, the Madison City Clerk's Office is committed to the never-ending goal of all eligible voters being able to vote and having their votes counted, and

WHEREAS, the Coronavirus pandemic has had a marked effect on election administration including difficulty securing polling places, safety for Election Officials working the polls and an extraordinary increase in the number of absentee ballot requests, and

WHEREAS, the City Clerk's Office completed a racial equity analysis of the April election held during a pandemic finding that communities of color tend to prefer in-person voting, and

WHEREAS, going forward, more deliberate planning will need to continue to create an environment where underrepresented parts of our community can safely and easily vote, and

NOW, THEREFORE, BE IT RESOLVED, the City of Madison authorizes the City Clerk to apply for, and accept a CARES subgrant from the Wisconsin Elections Commission for the purpose of continuing and expanding open and transparent elections.

BE IT FURTHER RESOLVED, the City of Madison 2020 Adopted Operating Budget for the City Clerk's Office is amended to increase the Supplies budget for the Clerk's Office by \$198,200.

DRAFT DOCUMENT FOR DISCUSSION PURPOSES ONLY. NOT FINAL AND NOT CONCLUSIVE.

October 27, 2021

Statement of issues you requested.

Thank you for giving me the time to listen to my client's concerns. I represent a client who has a continuing interest in the results of the November 2020, election in Wisconsin. My client has purchased from the Wisconsin Elections Commission ("WEC") four sets of data related to that election. My client has purchased two copies of the Wisconsin state voter roll ("Voter Roll") at a cost of \$12,500 each and two sets of the WEC absentee Ballot Database at a cost of \$10,800 each (Ballot Database). This is the database that the Republican Party and the Democratic Party use during elections to see who has actually returned a ballot to local clerks and who has not yet done so. In total my client has spent \$46,600 purchasing from WEC election related data related to the November 2020 election.

It is important to note that WEC maintains a comprehensive database of all voters in Wisconsin. Yet, only a portion of this database is available to the public. Custom data allegedly can be obtained if and only if a requester actually knows what it is looking for and can pay the price. This requires an inside knowledge of the WEC database which is not available to the public. We do not know who has access to which portions of the WEC database.

The WEC database includes over 7 million voters, over half of which are categorized as "inactive." Wisconsin has a population of less than 6 million people and only 3.2 million people voted in the November election - which was near-record turnout. WEC has taken the position that it has a statutory obligation to maintain the historical record of all voters so it operates its database to include active, registered voters and voters who were at one time active but are now marked inactive. Voters can be turned inactive when they die, move out of state, become incarcerated, become incompetent or fail to respond to a post card mailing from WEC or local clerks that is intended to verify a voter remains at the recorded address. Having more inactive than active voters on the voter roll is an inefficient way to manage to state voting system.

Clerks also have the ability to turn inactive voters active. We cannot tell from WEC data the date and time voters in the database are turned inactive. It would be immensely helpful to the public if the public could see the date and time any voter was turned inactive, turned back to active and then turned back to inactive. In essence, a record of a voter's activation and de-activation. One would think the historical record would be enriched from providing public knowledge of a voter's change in status over time. Having this piece of information publicly available would put an end to the allegations of turning inactive voters on, voting them and turning them back off. It would be very easy to detect if the data were public.

The WEC database is sub-divided into separate silos which are available to different segments of the population. An individual voter can go to myvote.com and see his or her personal voting

record for free. They can ask for a ballot and can check voting history. They can only see their individual record.

Municipal and county clerks can access the WEC database through the WisVote silo which is the administrative level of the WEC database. It allows clerks to manage local voter populations. Clerks can register voters, turn a voter inactive for statutory reasons, or reactivate a voter if they show proper identification at the clerk's office or polling place. The public cannot access WisVote and access to WisVote is theoretically limited to clerks who have a FIDO stick from WEC and authorized user name and password. According to a list obtained from WEC by the Assembly Elections Committee, over 3,200 clerks and municipal and county personnel accessed the WisVote database during the November 2020 election. We have 1920 municipal clerks and 72 county clerks in Wisconsin.

Badger Books is a wireless pad device that allows local clerks to activate or deactivate voters in the WisVote system. Anyone with a logged-in Badger Book can change voter status within the WisVote system. This presents a security risk due to the mobility and ease of transportation of the device. WEC currently has an RFP out soliciting bids to make Badger Books type devices available at all polling places. Security concerns have been raised.

One troubling discovery is that any county clerk and, upon belief, some local clerks can access the entire state WisVote system just by logging in. So, any of our 72 county clerks can see the WisVote data from any other county and allegedly they have system permissions to change data. One would think each clerk would be siloed into its own data for security reasons so no clerk could modify, observe or monitor any other clerk's data. Not so. It would seem to be good practice for the WisVote system to be siloed into separate jurisdictions for the protection of local clerks who have the statutory responsibility to manage their local voter roll.

The public cannot access the WisVote database (a subset of the WEC database) but it can purchase "snapshots" of the Voter Roll database and the Ballot Database on any given day to see state-wide data. These combined databases cost the public \$23,300 and are a static record taken on the day of purchase. Clerks continue to enter new registrants each day into the WEC database through WisVote and mark registered voters inactive as they die or move, etc. So the public pays big money to see a static snapshot of voter data on only one day. The public should be able to log in on a read-only basis and see the whole WEC database in real time everyday and then be able to download a snapshot for free.

My clients purchased two sets of the aforementioned database because the databases purchased just after the election were incomplete. Clerks in Wisconsin have 45 days to enter data into the WisVote database. We have a December 1, 2020 copy of the Voter Roll and an August 19, 2021 copy. Thus, we can see the status of voters within 45 days of the election and again nine months later in August of 2021 after all of the "dust has settled" from the November 2020 election. We also have a Ballot Database dated December 1, 2020 and a later snapshot dated September 24, 2021.

On a technical note, the size of these databases makes it very difficult for the public to analyze the data in any meaningful way. Excel spreadsheets are limited to handling 1 million files. The Voter Roll has 7 million files. This makes it very expensive and difficult for anyone to analyze election data on a state-wide basis. Anyone trying to analyze the data on a state-wide basis will need “big data” capabilities that require sophisticated software and massive processing power.

My client has acquired access to a sophisticated data analytics program that is used to analyze large datasets concerning financial fraud and national security issues. The system was designed to operate the TSA No-fly List and was used successfully in investigating fraud on E-bay and other on-line commerce platforms. The system uses fractal programming technology. It is used by very large insurance companies, utilities and other large data users to rapidly detect fraud. In short, this data system expensive and is fully capable of analyzing WEC elections data state-wide and spotting anomalies which warrant further investigation to assure the public that Wisconsin’s voter database is accurate.

When we run the Voter Roll data for December, 2020, we come up short of the number of voters who participated in the November 2020 election due to the 45 day lag in data entry by local clerks. This snapshot shows only 1.2 million votes cast almost a month after the election where 3.2 million votes were cast. The data in the database lags far behind the election results. When we run the August 19, 2021 database we pick up voters who have been added to the WEC database since December of 2020. This is a problem, because for \$23,300 we cannot tell exactly how many voters were registered, active voters who cast a ballot up to and including election day.

Further, voters can register at the polls and the clerks have 45 days to enter data but WEC certifies election results well within the 45 day window. So, in essence, WEC is certifying election results before it has complete data on registered voters and ballots cast. It has votes cast (or vote totals), but not ballots cast. Those votes are not all connected to voters in the system even after the 45 day window. Only later can we start to see who voted and whether there is a ballot cast for each voter who voted.

When we run the August 2021 Voter Roll, we find 1,970,059 voters cast a ballot in the November 2020 election. But, WEC does not certify the number of ballots cast in an election. It certifies the number of votes cast for candidates. This is problematic because not all voters vote for all candidates on the ballot. So, the WEC certification of Presidential vote totals will fall short of the number of ballots actually cast because not everyone votes for President. We are unable to find a WEC certification of the number of actual ballots cast in the election so we cannot reconcile the number of ballots cast at the county level with the total ballots cast state-wide.

When we run the same analysis on the September 24, 2021 Ballot Database for “active ballots”, we find a total of 1,979,908 ballots were cast in the November election. This number is 9,908 ballots higher than the Voter Roll database shows were cast. One could conclude from the WEC data that there were 9,908 more ballots cast than voters who cast absentee ballots in the

November 2020 election. Similarly, if we run the analysis on the full Absentee Ballot database, including all absentee ballots returned to, but not accepted by clerks, we find 2,155,218 ballots were cast by voters but not all accepted by the clerks. This results in a 185,159 ballot difference – meaning 185,159 more ballots were returned to clerks than the Voter Roll database showed who voted.

It is unclear what happened to these ballots, whether they were cast in a manner that is inconsistent with how clerks mark ballots as “received” in WisVote or whether they even exist. We find that the WEC data is so convoluted that it is not possible for the public (after paying \$23,300 for the data) to determine exactly how many ballots were actually cast by voters and received by clerks when these two databases are compared. These are anomalies that should be investigated to reconcile the inconsistencies.

Good public policy mandates that the public be able to see and understand the data in the state voter roll and voting system at a reasonable cost (or free) to be assured that elections are being run accurately and fairly. The public should be able to see a state-wide WEC certified number of ballots cast along with certified vote totals for each candidate that match the publicly available database totals.

When a voter is entered into the WEC database a unique voter identification number is assigned to that individual voter. We have over 7 million voters in the system. So, if the last person to be registered is 7, 893,489 one would expect the next person to be numbered 7,893,490 and so on. An analysis of the system indicates that over 79,000 voters share a voter identification number.

Normally, when a voter is added to the system, the system assigns a sequential number. This way 1920 municipal clerks don't have to assign a number (they would not know which number is next to use) the system assigns the number. It appears that, from time to time, an existing voter number is chosen and a zero or two is added to distinguish the two voters. WEC staff was questioned about this issue and responded that the WEC database uses a variable string data structure that allows 0 to precede a whole number. As an example in the WEC database, Voter 7,893,001 and voter 07,893,001 are two different voters with two different numbers but a data search using current state-of-the-art search technology finds them to be the same person. WEC's position is that a leading 0 is a valid digit that distinguishes the two.

This is highly unusual in database management and suggests there are two numbering conventions being used at the same time. It is possible that an existing number is selected by someone entering a new voter and a 0 added to the front to create a new voter number. This cannot happen at the local clerk level because the system assigns sequential numbers automatically at the WisVote level. The 79,000 voters with the 0 or 0s leading numbers which otherwise match a different voter number should be reviewed to validate identity and registration. It is unclear how those voters could have been entered into the system through WisVote.

This unusual numbering convention is highly unusual in modern database management and creates significant database security questions. The company my client uses to analyze the WEC data also analyses huge, secure commercial databases across the country and has not seen any modern database system using this kind of numbering scheme because of the difficulty in controlling and managing data. Zero is not a number (it is the absence of a number) and conventional databases ignore it for purposes of counting. This type of numbering system suggests more than one group or person could be entering voters into the WEC system. The clerks across the state will enter a new voter name and address and the system assigns a sequential number – the next number in line. Then, someone enters another voter by using an existing voter number and adding one or more 0s to the front. That voter gets shuffled into the deck of 7 million voters and can only be found by searching for duplicate numbers in the system. But this second voter could be inserted without easy detection into the system. As virtually all of these “double” situations are assigned to voters with different names and addresses in different counties or communities, the local clerks (and the individual voters) would never see a double number or name.

WEC data generally is inconsistent. In the Ballot Database, we can see when a ballot is mailed to an absentee voter and when it is marked “returned” upon receipt of that ballot by the clerk. We have identified 19,710 ballots across the state that were marked as “returned” by clerks on a date BEFORE they were mailed out. This, of course, is impossible. We do not have access to WisVote to determine whether that system auto-populates a date for the clerk or whether the clerks have to remember what day it is and then enter the correct date themselves. If the system auto-populates the dates, then something is very wrong with 19,710 ballots showing up in local clerks’ offices prior to the date they were even mailed to voters. If the clerks can’t remember the correct dates and consistently enter a wrong date into a government record, that is a separate personnel issue. This should be investigated.

My client ran an analysis of all voters in the August 2021 Voter Roll and discovered that phone numbers are used as some sort of a marker to identify groups of voters. In one instance, the phone number 262-994-9050 was used by 23,009 individual voters, most of whom are inactive. The 994 exchange is registered to the Racine, Wisconsin area. WEC has posted information on its website that this number was used by the City of Racine as some sort of marker when voter data was migrated into the WEC system. But the 23,009 number falls far short of the total of Racine voters. The city has not publicly commented on the issue but an open records request made by a third party to the City of Racine allegedly states that the City of Racine searched its records over the past 7 years and found no such phone number had been assigned to the city within that time period.

The number now appears in multiple counties in Wisconsin and 20 people used that phone number to register to vote in the November 2020 election. The 262-994-9050 phone number is still active and was found listed on a Chinese language chat board operated by The Massachusetts Institute of Technology which also listed over 26 Wisconsin phone numbers attached to elder care and charitable facilities, primarily in southeastern Wisconsin, wherein it seems ballots were being requested. This phone number could have been a search marker to

allow someone to find this population in a universe of 7 million voters. Further inquiry is warranted as to why MIT is worried about Wisconsin's election in Mandarin Chinese.

The phone number search also reveals that 5,617 individual voters had the area code 920 attached to their names with no phone number. This, of course, is the Green Bay area code. Another 261 registered voters use only the 715 area code. It is unclear why only an area code is attached to these groups rather than a complete phone number. Of the 920 group, 891 voted absentee and 572 voted at the polls in November. Across Wisconsin, elder facilities and group homes use the same phone number for all voting residents -active and inactive – which allows for search engines to easily find groups of individual voters in these types of facilities by phone number. It appears from the search that phone numbers are used not to communicate with individual voters but rather as markers or tags to allow for search within WisVote or the WEC database for these populations.

We also discovered that Wisconsin voters are using virtual mailbox services (located in commercial strip malls) across the state to register to vote. Under state law, a voter is required to actually live in a specific district. Voting from a virtual mailbox allows anyone in the world to register at that address and cast a ballot. As an example, we searched a popular national virtual address service and found a number of addresses in Wisconsin and over 100 instances of people who "voted" absentee from those addresses in the November 2020 election. There are dozens of other virtual address facilities across Wisconsin where people are voting. This is not only illegal but it skews the election results for local races in that district. Local clerks should be cognizant of where local voters actually live and verify residential addresses before registering voters. My client has also detected multiple instances of voters registered at properties that don't exist or small dwellings that cannot, by zoning or physics, hold the number of voters registered at the property.

A search of voters casting ballots from the same address, two trends emerge. First, college dormitories across the state have vastly more registered voters than dorm population. This is because of the transient nature of college dorms. When a student registers to vote, they register at that address. At some point, they no longer live in the dorm but they remain registered at that address as either active or inactive. It is unclear how many voters who cast a ballot from that address actually live in the dorm at the time the ballot is returned. Ballot security is low, as most college dorm mailrooms are not secure and ballots can be accessed from within the mailrooms. College students have the option of either voting from home or at school. Given the transient nature of dorms, it would be good public policy to NOT register kids at dorms but at their home residence and have them vote absentee.

The second trend is voters registered to vote from elder facilities. Again this is a relatively transient population and registered voters listed at the facility often exceed the rated facility population. Unless a pair of special deputies actually conducts the vote at the facility it is not possible to see from the data who was actually a resident of the facility when the ballot was cast. Former residents can receive ballots at the facility and without the special deputies as witnesses it is unclear who could be casting a ballot. Special deputies must be reinstated

immediately to preserve the dignity of older voters and protect the reputations of elder facilities.

Overall, the public has a very difficult time seeing and understanding Wisconsin's voter data. Voting is the only way most Wisconsinites can participate in any form of state or local governance. It is imperative that Wisconsin voters believe Wisconsin is administering a fair, honest and transparent voting system that is politically neutral. The data we have analyzed is expensive and it takes expensive computing power that is not available at reasonable cost to average citizens. Many of the anomalies we have discovered need further investigation.

In the last election however, private groups were allowed to pay money to access WisVote data and administer local elections. In light of this policy change, the public should have real-time access to all WEC data at no charge so elections can be monitored in real time, just as some groups, but not the public, were allowed to do in November.

WEC staff has indicated that WEC's voter database was developed by state employees and is unique in the United States. It would be prudent to audit the WEC database system to see what language it is coded in, whether the coding language and version is current, where it is hosted, who has access to the systems in addition to local and county clerks, levels of system security and protections against hacking, malware, ransomware and all of the other digital threats we constantly hear of in the news.

Also, we are not aware of any RFP related to the acquisition of the database or any portion of the database. If all or part of the system was acquired from or supported by any outside vendor, that information should be made public immediately. Digital cyber security of the state voter database should be a concern of all citizens and of utmost concern to WEC. Database management is a highly technical area that requires constant updating and monitoring to protect from global threats. It is unclear if WEC staff is trained to this level of sophistication to adequately protect the data system from cyber attack or other malfeasance. It would make sense for Wisconsin to use a voting system that has a national reputation for safety and security and a base of experts watching for cyber threats.

In light of the recent Legislative Audit Bureau findings, it might be a good idea to put the state voter roll out for RFP to find a more standardized and commonly used system that is better and more generally understood. Feedback from industry and other states would allow the public to better assess the security and transparency of an off-the-shelf system that is being watched and used in multiple states. A one-off, custom voter data system like that employed in Wisconsin seems costly and burdensome to manage and update to stay current with constantly changing security threats.

My client agrees with the suggestion that the maintenance and operation of the state voter database be moved to the Department of Administration and operated in a non-policy, politically neutral environment where state-of-the-art database management talent can be employed to secure the system and take it out of the hands of the hyper-partisan WEC. Splitting

the election database system from the election regulators would put an end to much of the partisan concern over fairness of the system.

We also agree with the suggestion that the state voter roll only contain the names and data of ACTIVE voters in Wisconsin. Once a voter becomes inactive, they should be permanently removed from the voter roll. Re-registration would be required to become active on the voter roll again. While we recognize WEC's duty to preserve the historical record of Wisconsin, we feel that mission would be better accomplished by taking all voter data concerning inactive voters and transferring it to a database administered by the State Historical Society who is charged with maintaining the State archives. There, any historian can search the historical voter data without security risk to the state voter roll. Only active, registered voters should be listed in the state voter roll. This would eliminate allegations of inactive voters coming back to life and voting.

Respectfully Submitted,

5) Over the last three weeks, the results of investigations into Maricopa’s November 3 election have been announced, revealing massive election fraud vindicating the concerns (though not the unruliness) of those who rallied on January 6.

A) CANVASS – A 4,500-interview door-to-door canvass was disclosed two weeks ago. The canvassing organization asked five benign questions (none of which were any form of, “For whom did you vote?”) They report that citizens welcomed their interviews overwhelmingly, providing robust documentation and asking, *What took you so long?*

1. Maricopa has 2.6 million registered voters, of whom 2.1 million voted November 3.
 1. Thus, 500,000 did *not* vote.
 2. Yet of the 500,000 who did *not* vote, ≈170,000 (34%) think they *did* vote. Many are adamant, telling stories about driving to the polls or mailing their ballots, and providing witnesses. Many have given affidavits to this effect.
 3. It thus appears that ≈**170,000 Maricopans experienced voter suppression.**
2. Of 2.1 million Maricopa voters who voted (per the records), ≈**100,000** are ghosts. The humans do not exist (which explains such arcane mysteries as 52 ballots being mailed from a 2-bedroom home, or ballots being mailed from empty sandlots).
3. **Another 30,000 ballots** which people say they voted in-person do not show up, but those same 30,000 people show up as having voted-by-mail. What happened to their in-person votes, and from whence came their vote-by-mail votes?
4. In sum, at the low end of the estimate the Maricopa canvass reveals at least ≈300,000 suppressed votes and stuffed ballots, and at the high-end the estimate is over 400,000. That is to say, 15% – 20% of the votes in Maricopa were either suppressed or stuffed. This swamps the outcome of 12 down-ballot races (two of which were Maricopa Board of Supervisors who won by tiny margins and who have since spent their time attacking the audit). The Maricopa rig also swamped the presidential race in Arizona, which was decided by 10,457 votes.

B) FORENSIC AUDIT OF BALLOTS – CyberNinjas delivered its audit last week:

State	Count
WISCONSIN	72
Grand Total	72

Flipped...		
State	Count	Total Bdiff
WISCONSIN	72	136,285

Bactual	Tactual	MoV	Win
1,494,581	1,746,469	(251,888)	T

Certified...

State	Bcert	Tcert	MoV	Win
WISCONSIN	1,630,866	1,610,184	20,682	B

Actual...

State
WISCONSIN

County	Target Count
Adams	5
Ashland	13
Barron	9
Bayfield	49
Brown	8
Buffalo	56
Burnett	35
Calumet	43
Chippewa	50
Clark	1
CRAWFORD	2
Dane	20
Dodge	7
Door	6
Douglas	45
Dunn	5
Eau Claire	22
Florence	2
Forest	25
Grant	14
Green	32
Green Lake	13
Iron	5
Jackson	2
Juneau	10
Kenosha	45
La Crosse	31
LaCrosse	1
Lafayette	31
Langlade	7
Ozaukee	16
St. Croix	21
Grand Total	631

Phone	Count
(262)994-9050	23,227
Grand Total	23,227

Databases and Lists

Version: Nov. 22nd, 2021

A. Ones to obtain:

1. Current and complete WisVote system
2. Current and complete MyVote system
3. DMV list
4. Deceased list: WI Dept. of Health Services
5. Felons and Probation: State of Wis. Dept. of Corrections
6. WisVote log in and activity logs

B. Have Already:

1. New registrants of 16,238 registered from Sept. 23, 2021 up to November 19, 2021. Fifty-seven days. 284 new registrants per day on average.

2. Door County - only people who cast a ballot November 3, 2020.

3. All the ones on the Valentine system;

December 1st, 2020 statewide (believed to be Nov.10th, 2020)

August 19th, 2021 all statewide

September 21, 2021 absentee only statewide

Then various search queries of the above

4. Nursing home list, long term care, assisted living lists from State of Wisconsin

Peter

CHAPTER 811

ATTACHMENT

811.001	Definitions.	811.14	Sale of perishable property attached or garnisheed.
811.01	Attachment; municipal corporation.	811.15	Care of property; collection of debts.
811.02	Writ; form and contents.	811.16	Bond for release of property; estoppel.
811.03	Basis for attachment.	811.17	Exception to defendant's sureties; release of property; costs.
811.04	Amendment to affidavit.	811.18	Vacation or modification of writ.
811.06	Bond; justification.	811.19	Hearing on motion to vacate or modify.
811.07	Additional security.	811.21	Damages, defendant when to recover.
811.08	Officer's return.	811.22	Return of property; damages on dismissal; entry in register's office.
811.09	Alias writs.	811.23	Judgment for plaintiff, how satisfied.
811.10	Directions to sheriff; several writs.	811.24	Action by sheriff, who to prosecute.
811.11	Attachment of real estate.	811.25	Execution after defendant's death.
811.12	What may be attached; how attached.	811.26	Stranger may intervene.
811.13	Indemnity to sheriff.		

811.001 Definitions. In this chapter:

(1) "Defendant" includes the spouse or former spouse of the defendant if the action against the defendant is in connection with an obligation described under s. 766.55 (2).

(2) "Property of his or her debtor" and "property of the defendant" include the marital property interest of the spouse or former spouse of the debtor or defendant if the action against the debtor or defendant is in connection with an obligation described under s. 766.55 (2).

History: 1985 a. 37; 1993 a. 486.

811.01 Attachment; municipal corporation. Any creditor may attach the property of his or her debtor, in the cases, upon the conditions, and in the manner prescribed in this chapter. No writ of attachment shall be issued against a municipal corporation, as defined in s. 67.01 or to recover the price or value of intoxicating liquors sold at retail.

History: Sup. Ct. Order, 67 Wis. 2d 585, 758 (1975); Stats. 1975 s. 811.01; 1993 a. 486.

The doctrine of marshaling assets is discussed. *Moser Paper Co. v. North Shore Pub. Co.* 83 Wis. 2d 852, 266 N.W.2d 411 (1978).

811.02 Writ; form and contents. The writ of attachment shall be issued by a judge or other judicial officer on the request of the plaintiff at any time before final judgment and after a summons and a complaint are filed. It shall be directed to the sheriff of some county in which the property of the defendant is supposed to be, and shall require the sheriff to attach all the property of the defendant within the county or so much thereof as may be sufficient to satisfy the plaintiff's demand, together with costs and expenses. It shall be in the name of the court and be sealed with its seal. If the amount of money sought was excluded from the demand for judgment, as required under s. 802.02 (1m), the court shall require the plaintiff to specify the amount of money claimed and provide that information to the court and to the other parties prior to the court issuing the writ.

History: Sup. Ct. Order, 67 Wis. 2d 585, 758 (1975); Stats. 1975 s. 811.02; 1977 c. 412; 1987 a. 256.

Judicial Council Committee Note, 1974: The amendment precludes attachment prior to commencement of action by filing of the summons and complaint. [Re Order effective Jan. 1, 1976]

811.03 Basis for attachment. (1) ON CONTRACT OR JUDGMENT. Before any writ of attachment shall be executed the plaintiff or someone in the plaintiff's behalf shall make and annex thereto an affidavit setting forth specific factual allegations to show that the defendant is indebted, or that property of the defendant is available, to the plaintiff in a sum exceeding \$50 specifying the amount above all setoffs, and that the same is due upon contract or upon a judgment and that the affiant knows or has good reason to believe either:

(a) That the defendant is absent from this state, or is concealed therein so that summons cannot be served on the defendant; or

(b) That the defendant has disposed of or concealed or is about to dispose of or conceal the defendant's property or some part thereof with intent to defraud the defendant's creditors; or

(c) That the defendant has removed or is about to remove property out of this state with intent to defraud the defendant's creditors; or

(d) That the defendant fraudulently incurred the obligation respecting which the action is brought; or

(e) That the defendant is not a resident of this state; or

(f) That the defendant is a foreign corporation; or if domestic that no officer or agent thereof on whom to serve the summons exists or resides in this state or can be found; or

(g) That the action is against a defendant as principal on an official bond to recover money due the state or to some county or other municipality therein, or that the action is against the defendant as principal upon a bond or other instrument given as evidence of debt for or to secure the payment of money embezzled or misappropriated by such defendant as an officer of the state or of a county or municipality therein.

(2) TORT ACTION. Except as provided in ss. 806.30 to 806.44, in tort actions the affidavit shall state that a cause of action in tort exists in favor of the plaintiff and against the defendant, that the damages sustained exceed \$50, specifying the amount claimed and either:

(a) That the defendant is not a resident of this state; or that the defendant's residence is unknown and cannot with due diligence be ascertained; or

(b) That the defendant is a foreign corporation.

(3) ON DEMANDS NOT YET DUE. An action may be maintained and a writ of attachment issued on a demand not yet due in any case mentioned in this section, except the cases mentioned in sub. (1) (e), (f) and (g) and the same proceedings in the action shall be had and the same affidavit shall be required as in actions upon matured demands except that the affidavit shall state that the debt is to become due; but the bond specified in s. 811.06 shall be conditioned in 3 times the amount claimed in the affidavit. In case an attachment is issued before the maturity of the debt and a traverse to such attachment is sustained the court shall render a judgment for damages and costs against the plaintiff.

History: Sup. Ct. Order, 67 Wis. 2d 585, 758, 778 (1975); Stats. 1975 s. 811.03; 1977 c. 412; 1985 a. 37; 1987 a. 256; 1991 a. 236; 1993 a. 486.

A second writ can be issued before the first is dissolved if based on a different ground. The validity of the basis for the writ must be determined as of the date it is issued. *Plan Credit Corp. v. Swinging Singles, Inc.* 54 Wis. 2d 146, 194 N.W.2d 822 (1972).

811.04 Amendment to affidavit. The affidavit required by s. 811.03 may be amended at any time before the trial by the substitution of a new affidavit containing allegations of facts existing at the time of making the former affidavit.

History: Sup. Ct. Order, 67 Wis. 2d 585, 758, 778 (1975); Stats. 1975 s. 811.04.

811.06 ATTACHMENT

Updated 19–20 Wis. Stats. 2

811.06 Bond; justification. Before the writ of attachment is executed, a bond on the part of the plaintiff in a sum set by the judge or the judicial officer issuing the writ of attachment in an amount sufficient to provide adequate security to the defendant for any damages the defendant may sustain by reason of the attachment, shall be filed with the court to the effect that if the defendant recovers judgment the plaintiff shall pay all damages which the defendant may sustain by reason of the attachment. The affidavit of the surety annexed to the bond shall state that the surety is a resident and householder or freeholder within the state and worth double the sum specified in the bond in property therein above his or her debts and exclusive of property exempt from execution. No bond is necessary when this state or any county, town or municipality therein is plaintiff.

History: Sup. Ct. Order, 67 Wis. 2d 585, 758 (1975); Stats. 1975 s. 811.06; 1977 c. 412.

The bond may be executed by the plaintiff's attorney on the plaintiff's behalf. Plan Credit Corp. v. Swinging Singles, Inc. 54 Wis. 2d 146, 194 N.W.2d 822 (1972).

811.07 Additional security. In case the defendant is not satisfied with the amount specified in the bond or with the surety, the defendant may, upon 5 days' notice to the plaintiff, apply to a judge for additional security and the judge may require the plaintiff to give and file another bond, to be approved by the judge, in such sum as the judge shall consider proper, not exceeding the appraised value of the property attached. The surety shall justify as provided in s. 811.06; but if there be more than one surety, the sureties may be accepted if they are jointly responsible for the required sum.

History: Sup. Ct. Order, 67 Wis. 2d 585, 758, 778 (1975); Stats. 1975 s. 811.07; 1993 a. 486.

811.08 Officer's return. The officer executing the writ shall return thereon all of the officer's proceedings and within 10 days from receipt of the bond shall file the writ, affidavit and bond with the clerk of the court.

History: Sup. Ct. Order, 67 Wis. 2d 585, 758 (1975); Stats. 1975 s. 811.08; 1993 a. 486.

Judicial Council Committee Note, 1974: The amendment precludes attachment prior to commencement of action by filing of the summons and complaint. [Re Order effective Jan. 1, 1976]

811.09 Alias writs. Alias writs of attachment may be issued to the sheriffs of different counties at any time before judgment. In such case a copy of the affidavit and bond annexed to the original writ shall be annexed to such alias writ. Such alias writs shall be executed and returned in the same manner as the original.

History: Sup. Ct. Order, 67 Wis. 2d 585, 758 (1975); Stats. 1975 s. 811.09.

811.10 Directions to sheriff; several writs. (1) The sheriff shall without delay seize so much of the property of the defendant, in the sheriff's county, as will satisfy the demand of the plaintiff, with costs and expenses, and make an inventory thereof; the sheriff shall cause all personal property attached by the sheriff to be appraised by 2 disinterested residents of the county, who shall be first sworn by the sheriff to make a true appraisalment thereof, which appraisalment shall be signed by them, and the appraisalment and inventory shall be returned with the writ; the sheriff shall serve copies of the writ, affidavit and bond, and inventory, upon the defendant in the same manner as a summons. In case of a non-resident or a foreign corporation the sheriff shall serve the copies of the writ, affidavit and bond, and inventory, on any agent of such defendant in the county, if any be known to the sheriff.

(2) If 2 or more writs against the same defendant shall be executed on the same property an inventory and appraisalment shall be made in but one of the actions, and the sheriff shall endorse on the copy served upon the defendant in the other action a notice that the property seized is the property seized in the action in which the inventory and appraisalment are made, giving the title of the action; and the officer shall state in his or her return the fact of such endorsement.

History: Sup. Ct. Order, 67 Wis. 2d 585, 758 (1975); Stats. 1975 s. 811.10; 1993 a. 486.

A writ may be served on a nonresident's attorney. Plan Credit Corp. v. Swinging Singles, Inc. 54 Wis. 2d 146, 194 N.W.2d 822 (1972).

811.11 Attachment of real estate. To attach real estate the sheriff shall record in the office of the register of deeds the writ with his or her certificate that by virtue of that writ he or she has attached all the interest of the named defendant in such real estate, describing the same.

History: Sup. Ct. Order, 67 Wis. 2d 585, 758 (1975); Stats. 1975 s. 811.11; 1993 a. 301.

811.12 What may be attached; how attached. All the property of the defendant, not exempt from execution, may be attached. Personal property shall be attached as upon an execution and the provisions respecting the levy of an execution thereon shall be applicable to an attachment.

History: Sup. Ct. Order, 67 Wis. 2d 585, 758 (1975); Stats. 1975 s. 811.12.

811.13 Indemnity to sheriff. If there is reasonable doubt as to the ownership of the property or as to its liability to be attached the sheriff may require sufficient security to indemnify the sheriff for attaching such property.

History: Sup. Ct. Order, 67 Wis. 2d 585, 758 (1975); Stats. 1975 s. 811.13; 1993 a. 486.

811.14 Sale of perishable property attached or garnisheed. When any property taken on a writ of attachment or received by the officer from any garnishee including actions appealed to the court, shall be likely to depreciate in value before the end of the action or the keeping thereof shall be attended with much loss or expense the court or a judge may order it sold in such manner as the best interests of the parties demand, and the money realized shall be held by the officer in lieu of the property sold.

History: Sup. Ct. Order, 67 Wis. 2d 585, 758 (1975); Stats. 1975 s. 811.14; 1993 a. 213.

811.15 Care of property; collection of debts. The officer shall keep the property seized by the officer and the proceeds of such property as shall have been sold to answer any judgment which may be recovered in such action; and shall, subject to the direction of the court or judge, collect and receive into the officer's possession all the debts, credits and effects of the defendant. The officer may also take such legal proceedings, either in the officer's own name or in the name of such defendant, as may be necessary for that purpose and discontinue the same at such times and on such terms as the court or judge may direct.

History: Sup. Ct. Order, 67 Wis. 2d 585, 758 (1975); Stats. 1975 s. 811.15; 1993 a. 486.

811.16 Bond for release of property; estoppel. The defendant may, at any time before judgment, deliver to the officer who attached the defendant's property a bond executed by 2 sureties, to the effect that they will, on demand, pay to the plaintiff the amount of the judgment, with all costs, that may be recovered against the defendant in the action, not exceeding the sum specified in the bond with interest. The bond shall be at least the amount claimed in the plaintiff's affidavit or, at the defendant's option, the value of the property attached, according to the appraisalment; or, if real estate, in a sum fixed by the court or a judge, on notice. The sureties shall justify as provided in s. 811.06, and may be accepted if they are jointly responsible for the required sum.

History: Sup. Ct. Order, 67 Wis. 2d 585, 758 (1975), 778; Stats. 1975 s. 811.16; 1977 c. 412; 1987 a. 256.

811.17 Exception to defendant's sureties; release of property; costs. The officer shall give to the plaintiff a copy of the bond with notice of the time when the bond was delivered to him or her; and the plaintiff shall, within 3 days thereafter, give notice to the officer that he or she excepts to the sureties or waives all objections to them. When plaintiff excepts, the sureties shall justify as provided in s. 810.08. The officer shall be responsible for the sufficiency of such sureties and may retain possession of the attached property until they shall so justify or objection be so waived. Thereafter the officer shall deliver the property attached to such defendant; if real estate is attached, the sheriff shall record

a certificate of the discharge thereof in the office of the register of deeds. If the plaintiff recover, all his or her costs and disbursements on the attachment shall be included in his or her judgment.

History: Sup. Ct. Order, 67 Wis. 2d 585, 758, 778 (1975); Stats. 1975 s. 811.17; 1993 a. 301.

811.18 Vacation or modification of writ. The court or the presiding judge thereof may, at any time vacate or modify the writ of attachment upon motion of the defendant for any sufficient cause. A motion to vacate or modify may be combined with a motion to increase the plaintiff's security under s. 811.07.

History: Sup. Ct. Order, 67 Wis. 2d 585, 758 (1975); 778; Stats. 1975 s. 811.18; 1977 c. 412.

811.19 Hearing on motion to vacate or modify. A motion to vacate or modify shall be heard forthwith by the court. On the motion, the burden of proof shall be upon the plaintiff. If the defendant has made an assignment for the benefit of creditors, the assignees of the defendant may move to vacate or modify the writ of attachment in the same manner as is provided for the defendant.

History: Sup. Ct. Order, 67 Wis. 2d 585, 758 (1975); Stats. 1975 s. 811.19; 1977 c. 412.

811.21 Damages, defendant when to recover. If the defendant prevails in the action or if the action be discontinued the damages sustained by the defendant by reason of the taking and detention or sale of any property attached by reason of any injury thereto shall be assessed and the defendant shall have judgment therefor.

History: Sup. Ct. Order, 67 Wis. 2d 585, 758 (1975); Stats. 1975 s. 811.21; 1993 a. 486.

811.22 Return of property; damages on dismissal; entry in register's office. When the defendant recovers judgment all the money or property held by any writ of attachment shall be delivered to him or her, subject to the plaintiff's rights on appeal, and he or she may maintain an action on the plaintiff's bond for the assessed damages sustained by reason of the writ of attachment. Upon the entry of final judgment in favor of the defendant or on satisfaction of a plaintiff's judgment, the clerk of court shall, if real estate was attached, certify the fact of the judgment or satisfaction, and on recording the certificate with the register of deeds in any county in which attached lands are situated the register shall enter the certificate upon the records of his or her office in discharge of the attachments.

History: Sup. Ct. Order, 67 Wis. 2d 585, 758 (1975); 1993 a. 301.

811.23 Judgment for plaintiff, how satisfied. When the plaintiff shall have recovered judgment in the action the sheriff or officer shall satisfy the same out of the property attached or received from any garnishee or otherwise, if sufficient therefor:

(1) By paying over to such plaintiff all money attached or received upon sales of property, or from any garnishee, or upon any debts or credits, or so much thereof as shall be necessary.

(2) By selling, under such execution as may be issued on such judgment, so much of the attached property, real or personal, as

shall be necessary to satisfy the balance unpaid, according to the provisions regulating sales upon execution; except as provided in sub. (4).

(3) If any of the attached property belonging to the defendant shall have passed out of the hands of the sheriff without having been sold or converted into money, the sheriff shall repossess the attached property, and for that purpose shall have all the authority which the sheriff had to seize the property under the writ of attachment; and any person who shall willfully conceal or withhold the attached property from the sheriff shall be liable to double damages at the suit of the party injured.

(4) Until the judgment against the defendant shall be paid the sheriff may proceed to collect the evidences of debt that may have been seized or attached by virtue of the writ of attachment or that may have been delivered up by any person summoned as garnishee, and to prosecute any bond the sheriff may have taken in the course of the proceedings, and apply the proceeds thereof to the payment of the judgment and costs. When the judgment and all costs of the proceedings shall have been paid, the sheriff, upon reasonable demand, shall deliver over to the defendant the residue of the property attached or that may have been received from any garnishee, or the proceeds thereof.

History: Sup. Ct. Order, 67 Wis. 2d 585, 758 (1975); Stats. 1975 s. 811.23; 1993 a. 486.

811.24 Action by sheriff, who to prosecute. The actions herein authorized to be brought by the sheriff or officer may be prosecuted by the plaintiff or under the plaintiff's direction, upon the delivery by the plaintiff to the sheriff or officer of an undertaking, with 2 sufficient sureties, to the effect that the plaintiff will indemnify the sheriff or officer for all damages, costs and expenses thereon not exceeding \$250 in any one action; such sureties shall, when required by the sheriff or officer, justify by making an affidavit that each is a householder and worth double the amount of the penalty named in the undertaking over and above all debts and exemptions.

History: Sup. Ct. Order, 67 Wis. 2d 585, 758 (1975); Stats. 1975 s. 811.24; 1993 a. 486.

811.25 Execution after defendant's death. If any defendant whose property is attached shall die and the judgment is in favor of the plaintiff, the property attached shall be applied to the payment of the judgment and execution may be issued on such judgment and satisfied out of the property so attached in the same manner as if such defendant were living.

History: Sup. Ct. Order, 67 Wis. 2d 585, 758 (1975); Stats. 1975 s. 811.25.

811.26 Stranger may intervene. Any person not a party to the action, whose property is attached, may, at any time, either before or after judgment, be made a party upon the person's application for the purpose of removing or discharging the attachment. The court may grant such summary relief as shall be just, and may in proper cases award an issue for trial by jury.

History: Sup. Ct. Order, 67 Wis. 2d 585, 758 (1975); Stats. 1975 s. 811.26; 1993 a. 486.

for the county in which the subpoena was to be fulfilled) compelling WEC to comply with the subpoena.

Here is the email chain we've got:

Sent from Mail for Windows

From: Coms

Sent: Wednesday, October 20, 2021 9:05 PM

To: 6

Subject: Fwd: Date for PMK Deposition WEC

Received your drafts at 9:01.

Phone won't let me open.

Attached, please see state of things re Friday with WEC. Sounds like a refusal to me.

Get Outlook for Android

Thank you,

Carol M.

Tel. 262-259-2899

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.

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.

Memorandum

Wisconsin 5 Cities Investigation Into Privately-Funded GOTV

I. Statement of the Case: we are investigating whether the “Wisconsin 5” cities violated federal and state law by accepting and using \$8,800,000 of private money for get-out-the-vote operations.

As to the 2020 federal elections, we are investigating whether the Wisconsin 5 cities (Milwaukee, Madison, Green Bay, Racine and Kenosha) unconstitutionally departed from Wisconsin’s election law scheme, violated the Equal Protection Clause, and violated Wisconsin state law when they accepted \$8,800,000 of Center for Tech and Civic Life money for their get-out-the-vote operations which came from Mark Zuckerberg and Priscilla Chan’s more than \$300,000,000 gift to Center for Tech and Civic Life.

First, the Wisconsin 5 cities have unconstitutionally departed from Wisconsin’s election law scheme. The Wisconsin 5 cities do not have the legal authority to depart from the Wisconsin’s election law scheme which includes federal laws like the U.S. Constitution, and state laws like Wisconsin Statutes, the Commission’s administrative rules and the Commission’s 250-page Election Administration Manual for Wisconsin Municipal Clerks. The U.S. Court of Appeals for the Seventh Circuit, in a recent 2020 Wisconsin case, suggested that the Electors Clause may apply when Wisconsin public officials have engaged in a “departure” from the state’s election law scheme. *Trump v. Wisconsin Elections Commission*, 983 F.3d 919, 927 (7th Cir. 2020), citing *Carson v. Simon*, 978 F.3d 1051, 1059–60 (8th Cir. 2020) (preliminary injunction against Minnesota Secretary of State changing November 2020 absentee ballot receipt deadline).

Specifically, the Wisconsin 5 cities’ unconstitutional departure is characterized (1) by the Wisconsin 5 cities jointly applying and accepting an enormous private grant of \$8.8 million for 2020 election administration, (2) by the violative contract provisions in the Wisconsin Safe Voting Plan (WSVP) picking and choosing among groups of similarly situated voters to get-out-the-vote, typically associated with campaigning, and (3) by the ubiquitous involvement of private corporations in the Wisconsin 5 cities’ election administration prior to, during and after the election.

Second, the Wisconsin 5 cities are not “permitted to pick and choose among groups of similarly situated voters to dole out special voting privileges.” *Obama for America v. Husted*, 697 F.3d 423, 435 (6th Cir. 2012) (affirming preliminary injunction against Ohio statute authorizing three extra days of in-person voting for military personnel residing in Ohio only as an unconstitutional favoring of a demographic group). In *Bush v. Gore*, the U.S. Supreme



Michael Gableman
Special Counsel
WI State Assembly Committee
on Elections and Campaigns

www.WIFraud.com

To report fraud:
262-202-8722

October 7, 2021

Via electronic mail

Milwaukee Journal Sentinel
Attn: Patrick Marley
P.O. Box 371
Milwaukee, WI 53201

Re: Sept. 28, 2021 Public Records Request – Staff and Messages

Dear Mr. Marley:

The Office of Special Counsel (OSC) received your request dated 9.28.2021. We are in the process of reviewing and evaluating the request.

As you are aware, the Wisconsin Assembly created the OSC 37 days ago. As a newly created office, a wide and substantial variety of logistical or other issues needed office attention in a very compressed time.

Accordingly, the OSC will respond more substantively to your request in all prudential speed.

Sincerely,

/s/

Mike Gableman
Special Counsel
Wisconsin State Assembly
Committee on Elections and Campaigns

EXTERNAL : Green Bay Documents - Supplement

Mel Barnes [Redacted]

Mon 10/18/2021 5:01 PM

To: 6 <6@wispecialcounsel.org>; Coms <Coms@wispecialcounsel.org>

Cc: Jeffrey Mandell <jmandell@staffordlaw.com>; Christine Sun <christine@statesuniteddemocracy.org>; Victoria Bassetti <victoria@statesuniteddemocracy.org>; Aaron Scherzer <Aaron@statesuniteddemocracy.org>

Hello Mr. Kloster,

Attached please find copies of the additional requests for records received by Green Bay that we previously noted we would provide as a supplement to Friday's materials. Note these documents are the requests Green Bay responded to, not the responsive materials themselves, which were included in what we shared on Friday. Please let me know if you have any issues opening the PDF.

We are meeting with our client tomorrow and will be in touch after that discussion.

Thanks,
Mel

Mel Barnes (she, hers)

Staff Counsel

[Redacted]

Law Forward, Inc.

P.O. Box 326, Madison, WI, 53703

Lawforward.org



f /lawfwd @lawfwd

Interested in learning more about redistricting in Wisconsin? [Check out our new guide.](#)

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Richard A. Champagne, Chief
Legal 608.504.5801 • Research 608.504.5802



One East Main Street, Suite 200
Madison, WI 53703 • <http://legis.wisconsin.gov/lrb>

TO: Speaker Robin Vos

FROM: Rick Champagne, chief
Michael Gallagher, senior coordinating attorney
Sarah Walkenhorst Barber, senior legislative attorney

DATE: August 5, 2021

SUBJECT: Legislative committee investigation process

On March 23, 2021, the Wisconsin State Assembly directed the Assembly Committee on Campaigns and Elections (Elections Committee) to “investigate the administration of elections in Wisconsin, focusing in particular on elections conducted after January 1, 2019.”¹ On May 21, 2021, the Committee on Assembly Organization adopted a motion authorizing the assembly speaker, on behalf of the assembly, to hire legal counsel and employ investigators to assist the Elections Committee in its investigation. Speaker Robin Vos retained former Supreme Court Justice Michael Gableman to assist the Elections Committee in its investigation, eventually assigning him the role of special counsel.

You have asked us to discuss the process for conducting a legislative committee investigation. It has been more than half a century since the state legislature last employed a full-fledged committee investigation of this kind.² Neither the Wisconsin Statutes nor the assembly rules provide a comprehensive process for conducting a legislative investigation—there is no road map. To be sure, there are constraints on committee investigations that we will discuss in this memorandum. These constraints relate to the issuance and enforcement of subpoenas, the application of Wisconsin’s open meetings law to legislative committee hearings, and the privileges and constitutional rights of witnesses.

However, it is equally important to note that the legislature’s power to conduct investigations is coextensive with its power to legislate, which is plenary. Committee investigations are essential for the lawmaking process and for the legislature to carry out its oversight duties. The power to conduct investigations includes the power to determine the scope and manner of investigations. So long as the legislature acts within the boundaries of the legal constraints on the conduct of

¹ 2021 Wis. AR 15, as shown by ASA 2.

² See *Goldman v. Olson*, 286 F. Supp. 35 (W.D. Wis. 1968).

investigations, the legislature may establish whatever process it considers most efficacious to achieve its legislative goals.

Broad legislative power to conduct investigations

The Wisconsin State Legislature's legislative power is plenary, limited only by the Wisconsin Constitution, the United States Constitution, and, under the supremacy clause, federal law.³ That plenary power includes broad authority to conduct investigations as the legislature sees fit in the furtherance of its legislative functions. Investigations allow the legislature to determine the necessity for new or amended laws, as well as provide for checks and balances over the actions of other branches of state government.

It is well established that the state legislature has inherent and "broad discretionary power to investigate any subject respecting which it may desire information in aid of the proper discharge of its function to make or unmake written laws, or perform any other act delegated to it by the fundamental law, state or national."⁴ Without the ability to investigate or conduct hearings on proposed legislation, the legislature may not have the information necessary to carry out its constitutional obligations. Legislative investigations of one sort or another are the precursor for informed legislation. For that reason, the state legislature has "a constitutional right" to conduct investigations.⁵

Additionally, "the manner of conducting [a legislative] investigation, rests . . . entirely in the sound discretion of the legislature."⁶ As the Wisconsin Supreme Court reasoned in its early years, in 1858: "For if the legislature have the power to investigate at all, it has the power of choosing how the investigation shall be had."⁷ Once the legislature has decided on the necessity of an investigation, it is within its core constitutional powers for the legislature to determine how the investigation would be conducted. As the Wisconsin Supreme Court further noted, a legislative investigation may be carried out "by a joint committee, or by a committee of either or both houses acting independently, or . . . *in any other manner which to [the legislature] might seem most convenient and proper.*"⁸ Finally, the Wisconsin Supreme Court has repeatedly stated—most recently in 2019—that it "will not, under separation of powers concepts and affording the comity and respect due a co-equal branch of state government, interfere with the

³ See *State ex rel. McCormack v. Foley*, 18 Wis. 2d 274, 277 (1962) ("The framers of the Wisconsin Constitution vested the legislative power of the state in a senate and assembly. The exercise of such power is subject only to the limitation and restraints imposed by the Wisconsin Constitution and the Constitution and laws of the United States."); *Libertarian Party v. State*, 199 Wis. 2d 790, 801 (1996) ("Our legislature has plenary power except where forbidden to act by the Wisconsin Constitution."); *Town of Beloit v. County of Rock*, 2003 WI 8, ¶ 23 ("The Legislature has plenary power to act except where forbidden by the Wisconsin Constitution.").

⁴ *Goldman*, 286 F. Supp. at 43 (quoting *State ex rel. Rosenhein v. Frear*, 138 Wis. 173, 176–77 (1909)).

⁵ *In re Falvey*, 7 Wis. 630, 638 (1858).

⁶ *In re Falvey*, 7 Wis. at 638.

⁷ *Id.*

⁸ *Id.* (emphasis added).

conduct of legislative affairs.”⁹ Investigations are essential legislative affairs. For this reason, the court’s noninterference doctrine applies to the manner in which the legislature chooses to conduct its investigations. The legislature determines the process for conducting its investigations.

General process governing legislative committee investigations

2021 Assembly Resolution 15 directs the Elections Committee to investigate the administration of Wisconsin elections, focusing in particular on elections held after January 1, 2019. The resolution does not establish a process or set constraints for the Elections Committee to conduct its investigation. Assembly rules also do not specify how committee investigations are to be conducted, other than that the speaker must issue subpoenas with the countersignature of the assembly chief clerk.¹⁰ Moreover, the Wisconsin Statutes do not lay out a process for committee investigations, except with respect primarily to the issuance and enforcement of subpoenas, as discussed further below.¹¹ For these reasons, the Elections Committee determines the ground rules for the conduct of committee proceedings, including investigations, subject only to applicable law and legislative rules.

The Wisconsin Legislature has a committee system characterized by strong committee chairpersons. Committees typically meet at the call of their chairpersons and conduct committee proceedings as directed by the committee chairperson, who may set committee procedures by directive or may allow the committee by majority vote to set its procedures. If the Elections Committee chairperson establishes the procedures for conducting the committee investigation by directive, the chairperson may decide when the committee will convene, how committee members may participate in the proceedings, and who will be required or invited to testify before the committee.

The Elections Committee chairperson may request special counsel to take actions all necessary for the committee to conduct its investigation, including taking depositions or questioning witnesses before the full committee when it meets. With respect to depositions, it should be noted that it is contempt for a person to refuse “to attend or be examined as a witness, either before the house or a committee, *or before any person authorized to take testimony in legislative proceedings.*”¹² Pursuant to Committee on Assembly Organization action, the special counsel is retained by the speaker on behalf of the entire assembly. Because the speaker must approve all contractual arrangements with the special counsel, which includes issues relating to the scope of representation, the manner in which the special counsel assists the committee is determined entirely by the speaker. The speaker determines the types of legal and investigatory services the

⁹ League of Women Voters of Wis. v. Evers, 2019 WI 75, ¶ 36 (quoting State ex rel. La Follette v. Stitt, 114 Wis. 2d 358, 368 (1983)).

¹⁰ Assembly Rule 3 (1) (o).

¹¹ This is in contrast to some states, such as Maine, whose statutes establish rules and procedures governing a legislative committee’s investigative process and questioning of witnesses. See Me. Rev. Stat. tit. 3, ch. 21.

¹² Wis. Stat. § 13.26 (1) (c) (emphasis added).

special counsel will provide the committee, as well as the powers the special counsel possesses to conduct the investigation. The committee chairperson may determine the role of special counsel at committee proceedings.

Compelling the testimony of witnesses and production of documents

According to *Mason's Manual of Legislative Procedure*, a legislature's investigation power "carries with it the power in proper cases to compel the attendance of witnesses and the production of books and papers by means of legal process."¹³ Without the right to require the participation of witnesses and the production of documents, a legislature would be unable to conduct a proper and complete investigation. In Wisconsin, the process for issuing and enforcing legislative subpoenas is established by statute.¹⁴ A subpoena issued in connection with a legislative investigation must be signed by the presiding officer—in the assembly, the speaker—and countersigned by the chief clerk of the house.¹⁵

A legislative subpoena may be issued to compel the testimony of any witness or the production of documents and other records.¹⁶ A legislative subpoena "may require such attendance forthwith or on a future day," may be served by any person, and must be returned to the chief clerk in the same manner as subpoenas from the circuit court are served and returned.¹⁷ There is no standard form for legislative subpoenas. However, at the very least, a legislative subpoena must state "when and where, and before whom, the witness is required to appear" and may designate the "books, records, documents and papers" that must be produced.¹⁸ In this respect, the subpoena must inform the recipient of the subject of the investigation.

Legislative subpoenas may be enforced in several ways. First, "summary process" may be issued for witnesses refusing to testify or produce documents.¹⁹ The summary process must be signed by the presiding officer and the chief clerk of the house issuing the subpoena and directed to the sergeant at arms, "commanding the sergeant at arms 'in the name of the state of Wisconsin' to take the body of the person so failing to attend, naming that person, and bring the person forthwith before the house whose subpoena the person disobeyed."²⁰ The person may be held in custody until he or she complies with the subpoena.²¹

¹³ *Mason's Manual of Legislative Procedure* (Denver: NCSL, 2020), Sec. 795 (5). See also *In re Falvey*, 7 Wis. at 641–42 (upholding confinement for failure to appear pursuant to a legislative subpoena).

¹⁴ See Wis. Stat. §§ 13.31 to 13.36.

¹⁵ Wis. Stat. § 13.31. Also, see Assembly Rule 3 (1) (o).

¹⁶ *Id.*

¹⁷ *Id.* See also Wis. Stat. § 885.03 ("Any subpoena may be served by any person by exhibiting and reading it to the witness, or by giving the witness a copy thereof, or by leaving such copy at the witness's abode.").

¹⁸ Wis. Stat. § 13.31. Additionally, subpoenaed witnesses receive as compensation "\$2 for each day's attendance and 10 cents per mile, one way, for travel to attend as such witness." Wis. Stat. § 13.36.

¹⁹ Wis. Stat. § 13.32 (1).

²⁰ Wis. Stat. § 13.32 (2). See also Wis. Stat. § 13.33 with respect to enforcing the summary process.

²¹ Wis. Stat. § 13.32 (2).

A person who refuses to testify or produce documents may also be held in contempt. In that case, the committee chairperson certifies the witness's refusal to the house.²² Upon certification, the person refusing to testify or produce documents may be taken by the sergeant at arms or his or her assistant before the house "to be dealt with according to law."²³

Alternatively, and the most likely course of action for enforcing a legislative subpoena, a legislative subpoena may be enforced in state court pursuant to Wis. Stat. § 885.12, which provides:

If any person, without reasonable excuse, fails to attend as a witness, or to testify as lawfully required before any . . . committee, or other officer or person authorized to take testimony, or to produce a book or paper which the person was lawfully directed to bring, or to subscribe the person's deposition when correctly reduced to writing, any judge of a court of record or a circuit court commissioner in the county where the person was obliged to attend may, upon sworn proof of the facts, issue an attachment for the person, and unless the person shall purge the contempt and go and testify or do such other act as required by law, may commit the person to close confinement in the county jail until the person shall so testify or do such act, or be discharged according to law. The sheriff of the county shall execute the commitment.²⁴

It should also be noted that in lieu of or before resorting to the issuance of a legislative subpoena to a person or for the production of documents, special counsel could seek to conduct informal interviews of witnesses or make informal requests for documents. These would be fact finding activities in which special counsel seeks to determine if witness testimony is important for the committee investigation or if documents in possession of witnesses would assist the committee. These interviews need not be conducted under oath. Additionally, Wisconsin's public records law provides another avenue for requesting the production of records pertinent to the Elections Committee's investigation.²⁵

Open meetings

Wisconsin's open meetings law generally applies to meetings of legislative committees, including meetings at which witnesses testify in the course of a committee's investigation. Such meetings must be preceded by public notice and, unless otherwise provided in assembly or joint rules or one of the exemptions in Wis. Stat. § 19.85 (1) applies, must be held in open session.²⁶ The requirements governing the content, timing, and publication of a public meeting notice are

²² Wis. Stat. § 13.34.

²³ *Id.* See also Wis. Stat. §§ 13.26 (1) (c) (contempt for refusal to testify or produce documents) and 13.27 (punishment for contempt).

²⁴ See also 20 Wis. Op Att'y. Gen. 765, a 1931 attorney general opinion in which the attorney general states that Wis. Stat. § 885.12 (then Wis. Stat. § 325.12) provides a means of enforcing a legislative subpoena.

²⁵ See Wis. Stat. §§ 19.31 to 19.39.

²⁶ Wis. Stat. § 19.83 (1). Also, see Wis. Stat. § 19.87 (2).

provided under Wis. Stat. § 19.84. Conducting a meeting in open session means the meeting is “held in a place reasonably accessible to members of the public and open to all citizens at all times.”²⁷ Importantly, the open meetings law would not apply to depositions taken by the special counsel on behalf of the Elections Committee, provided that at least half of the members of the committee are not also present at the deposition.²⁸

Due process and other witness rights

When the legislature conducts an investigation, including subpoenaing witnesses to provide mandatory testimony, those witnesses have been found to be entitled to certain due process and other rights. The United States Supreme Court has recognized the duty of citizens to cooperate with Congress and state legislatures in investigations but noted that, with that obligation, there is an assumption “that the constitutional rights of witnesses will be respected” by the investigating body “as they are in a court of justice.”²⁹

A witness in the context of a legislative investigation is not entitled to all rights due to a criminal defendant. For example, the witness does not have any right to compel attendance of or cross-examine witnesses. However, witnesses do retain individual constitutional rights in the context of legislative investigations³⁰ and courts have expressly upheld certain rights of witnesses in that context: “Witnesses cannot be compelled to give evidence against themselves. They cannot be subjected to unreasonable search and seizure. Nor can the First Amendment freedoms of speech, press, religion, or political belief and association be abridged.”³¹

There is relatively little reported case law on Wisconsin legislative investigations and the rights of witnesses who appear before committees. Federal courts have opined more frequently on this issue, usually involving actions of congressional committees. The principles established in these cases with respect to witness rights in congressional committee investigations are applicable to committee investigations in Wisconsin.

Due Process

Under the Fourteenth Amendment to the United States Constitution, the state may not “deprive any person of life, liberty, or property, without due process of law.” While the legislative investigative authority is broad and includes the authority to hold a party in contempt for failure to comply with a subpoena, there are limitations to the investigative authority and power to compel a witness based on due process. It has been held, for example, that punishing a witness

²⁷ Wis. Stat. § 19.82 (3).

²⁸ Wis. Stat. § 19.82 (2). See also State ex rel. Newspapers, Inc. v. Showers, 135 Wis. 2d 77, 102 (1987) (holding that open meetings requirements apply whenever members of a governmental body gather with the purpose to engage in governmental business and the number of members present is sufficient to determine the governmental body’s course of action).

²⁹ Watkins v. United States, 354 U.S. 178, 187–88 (1957).

³⁰ Trump v. Mazars USA, 140 S. Ct. 2019, 2032 (2020) (“[R]ecipients of legislative subpoenas retain their constitutional rights throughout the course of an investigation”); Quinn v. United States, 349 U.S. 155, 161 (1955) (“[F]urther limitations on the power to investigate are found in the specific individual guarantees of the *Bill of Rights*.”).

³¹ Watkins at 188.

for contempt if the witness declines to cooperate with a request for information that is beyond the scope of the authorized investigation would violate due process.³² In examining a Wisconsin legislative investigation, the United States District Court for the Western District of Wisconsin held that although the Wisconsin Statutes do not contain any express provision “that punishment for contempt may be visited upon a witness only if the question which he refuses to answer is pertinent to the question under inquiry,” such a requirement “must be implied to save the contempt statutes from unconstitutionality” and would otherwise violate due process.³³

Parties seeking information through a legislative investigation must provide some clarity and fair warning to a witness about what is expected or risk that the witness may have a claim for violation of due process.³⁴ Further, while it is clear that a legislature may exercise the power to punish contemptuous conduct, if the legislature seeks to punish a person for contempt, that person must be afforded notice and an opportunity to respond before such punishment is imposed.³⁵

First Amendment

First Amendment freedoms also have been found applicable in the legislative investigation context. In order to invade these freedoms, there must be a substantial connection or “nexus” between the information sought and a subject of “subordinating, overriding, and compelling state interest.”³⁶ Clearly, the administration of state elections would be such an interest. In one United States Supreme Court case, for example, the court found that the applicable committee did not lay an adequate foundation for demanding records of a legitimate organization’s membership and that, as a result, its demands infringed upon the witnesses’ First and Fourteenth Amendments freedoms of association under the Constitution.³⁷ When a governmental entity is compelling disclosure of information, the Supreme Court has imposed “exacting scrutiny” and required that “[t]o withstand this scrutiny, the strength of the governmental interest must reflect the seriousness of the actual burden on First Amendment rights.”³⁸

Fourth Amendment

³² *Goldman*, 286 F. Supp. at 44.

³³ *Id.*

³⁴ *Raley v. Ohio*, 360 U.S. 423, 438 (1959) (“A State may not issue commands to its citizens, under criminal sanctions, in language so vague and undefined as to afford no fair warning of what conduct might transgress them.”).

³⁵ *Groppi v. Leslie*, 404 U.S. 496, 499–500, 507 (1972).

³⁶ *Goldman*, 286 F. Supp. at 46. See also *Gibson v. Florida Legislative Investigation Committee*, 372 U.S. 538, 543–44, 545, 546, 551, 555 (1963) (“[I]t is an essential prerequisite to the validity of an investigation which intrudes into the area of constitutionally protected rights of speech, press, association and petition that the State convincingly show a substantial relation between the information sought and a subject of overriding and compelling state interest.”); see also *Kalkstein v. DiNapoli*, 228 A.D.2d 28, 30–31, 653 N.Y.S.2d 710, 712 (App. Div. 1997) (“When such [a First Amendment] right is implicated, the government’s quest for information is precluded unless it shows ‘that there are governmental interests sufficiently important to outweigh the possibility of infringement [of First Amendment rights].’”)

³⁷ *Gibson*, 372 U.S. at 557–58.

³⁸ *Ams. for Prosperity Found. v. Bonta*, 210 L. Ed. 2d 716, 727, 141 S. Ct. 2373 (2021) (quoting *Doe v. Reed*, 561 U.S. 186, 196 (2010)).

A legislative investigation could affect a witness's Fourth Amendment right against an unreasonable search and seizure if a subpoena is too general or unreasonably broad. The scope of the information sought in a legislative investigation is subject to a balancing of the interests of the legislature versus the interest of the witness in maintaining privacy. For example, in one case examining the compelled disclosure of a United States senator's personal diaries in the context of an ethics investigation, a federal district court found that the court "must . . . balance Senator Packwood's expectation of privacy in his personal diaries against the Ethics Committee's interest in examining them for evidence of misconduct, and the nature of the scrutiny it proposes to give them."³⁹ The court found that the procedural protections offered by the committee were sufficient to alleviate any Fourth Amendment concerns.⁴⁰

For this reason, if a committee issues an overbroad or general subpoena, the Fourth Amendment could be available as a defense if the witness refuses to produce the subpoenaed material.⁴¹ If the subpoena clearly relates to the subject of the committee investigation, Fourth Amendment concerns are less likely to present an obstacle to the investigation.

Fifth Amendment

The Fifth Amendment guarantees a person's right against self-incrimination: "[N]or shall any person . . . be compelled in any criminal case to be a witness against himself."⁴² The invocation of the privilege against self-incrimination has been upheld in the legislative investigation context but is available only to natural persons, not to corporations or unincorporated organizations.⁴³ A witness is not excused from testifying before the committee on the grounds that doing so would incriminate the person. The witness must affirmatively assert the privilege, although there is not "ritualistic formula" necessary for invoking the privilege.⁴⁴ A witness may waive the privilege, including by disclosure of facts or a statement that an admission would not subject the person to criminal prosecution.⁴⁵ A witness may not be held in contempt merely because that witness invokes the privilege against self-incrimination.⁴⁶ In order to compel testimony from a witness pleading Fifth Amendment privileges, the legislative body must provide the witness with immunity.⁴⁷ Wis. Stats. s. 13.35 provides for this immunity.

³⁹ *Senate Select Comm. on Ethics v. Packwood*, 845 F. Supp. 17, 22 (D.D.C.1994).

⁴⁰ *Id.* at 22. Indeed, comparing the required disclosure to disclosures previously required from former President Nixon, the court stated: "It would be presumptuous for this Court to find the Ethics Committee's procedure to represent an 'unreasonable' search when the Supreme Court and its own Circuit Court of Appeals have sustained a more extensive and intrusive examination of similar private papers and recordings of a former president in the vindication of a governmental interest in the 'historical' legacy of the nation, surely no more compelling than that of preserving the probity of the United States Senate in the public's perception and in fact." *Id.*

⁴¹ *The Rights of a Witness Before a Congressional Committee*, 29 Fordham L. Rev. 357, 360 (61 (1960) ("[I]f a committee employs a dragnet seizure of private papers, with the hope that something might turn up, or issues a subpoena duces tecum which lacks particularity, or subpoenas papers without legislative authority, the [Fourth] amendment will be available as a defense.").

⁴² U.S. Const. amend. V.

⁴³ *Rogers v. United States*, 340 U.S. 367, 371-72 (1951); *United States v. Murdock*, 284 U.S. 141, 148 (1931).

⁴⁴ *Quinn*, 349 U.S. at 170.

⁴⁵ *The Rights of a Witness Before a Congressional Committee*, 29 Fordham L. Rev. 357, 364-65 (1960).

⁴⁶ Roberto Iraola, *Self-Incrimination and Congressional Hearings*, 54 Mercer L. Rev. 939, 95556 (2003)

⁴⁷ *Id.*

Privileges and the right to counsel

Finally, witnesses may also retain certain privileges. The United States Supreme Court, for instance, has recently stated that in the context of legislative investigations, “recipients have long been understood to retain common law and constitutional privileges with respect to certain materials, such as attorney-client communications and governmental communications protected by executive privilege.”⁴⁸ In legislative investigations, witnesses may be able to withhold certain communications.

It is important to note that the Sixth Amendment to the United States Constitution provides the right to have the assistance of counsel for defense in all criminal prosecutions.⁴⁹ Because legislative investigations are not criminal prosecutions, that right to counsel does not apply. That said, in practice, witnesses are often allowed to have counsel attend to advise, and some states do provide by statute for a right to counsel in the investigation context.⁵⁰ Wisconsin does not have such a statute.

Conclusion

Committee investigations are an integral part of the legislative process. Legislative committees may conduct investigations at their own initiative or as directed by the full house.⁵¹ The full assembly, through adoption of 2021 Assembly Resolution 15, directed the Elections Committee to investigate the administration of state elections, pursuant to the legislature’s constitutional duty “to make laws and to exercise its oversight and investigative authority.” The Committee on Assembly Organization subsequently authorized the retention of special counsel to assist the Elections Committee in this investigation.

The special counsel’s authority is established and circumscribed by the speaker, acting on behalf of the assembly. The special counsel may investigate any matter covered by 2021 Assembly Resolution 15 and may do so through informal interviews and requests for documents and through the issuance of legislative subpoenas signed by the speaker and the assembly chief clerk. In assisting the Elections Committee in conducting the investigation, the special counsel must provide competent and timely legal services and seek to gather evidence for determining whether state elections, in particular since January 1, 2019, have been conducted in compliance with Wisconsin law.

The Wisconsin Statutes and legislative rules do not prescribe a committee investigative process. How the Elections Committee will proceed and conduct the investigation is a matter within the authority of the committee chairperson. The chairperson will determine when the committee meets, how committee members will participate in the proceedings, and which witnesses will be required or invited to appear before the committee. Throughout the investigation process, the

⁴⁸ *Trump*, 140 S. Ct. at 2032.

⁴⁹ U.S. Const. amend. VI (“In all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defence.”).

⁵⁰ *See, e.g.*, Haw. Rev. Stat. § 21-11.

⁵¹ Joint Rule 84 (s) and Wis. Stat. § 13.31.

chairperson must ensure that the investigation is conducted according to law and that the due process and other constitutional rights of witnesses are protected.

We hope this information is helpful. Please let us know if the LRB can provide any additional assistance.

EXTERNAL : RE: EXTERNAL : RE: Reimbursement documents for WI Special Counsel

Hale, Janine <Janine.Hale@legis.wisconsin.gov>

Wed 11/3/2021 11:39 AM

To: Coms <Coms@wispecialcounsel.org>

Cc: Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>

Thank you Zak. Let's confirm 1:30 p.m. tomorrow, Nov. 4. Please give me a call at that time.

Janine Hale

Janine L. Hale

Fiscal Clerk

Office of the Assembly Chief Clerk

17 W Main St., Suite 401 | Madison, WI 53703

608-237-9616

janine.hale@legis.wi.gov



From: Coms <Coms@wispecialcounsel.org>

Sent: Wednesday, November 3, 2021 11:37 AM

To: Hale, Janine <Janine.Hale@legis.wisconsin.gov>

Subject: Re: EXTERNAL : RE: Reimbursement documents for WI Special Counsel

Good Morning Janine,

Tomorrow, November 4th, at 1:30 works well for me to go over the October documents.

Very Respectfully,

Zakory Niemierowicz

WI Special Counsel

From: Hale, Janine <Janine.Hale@legis.wisconsin.gov>

Sent: Wednesday, November 3, 2021 11:32 AM

To: Coms <Coms@wispecialcounsel.org>

Cc: Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>

Subject: EXTERNAL : RE: Reimbursement documents for WI Special Counsel

Zak,

Thank you for the email. I am in receipt of all the documents.

I would prefer to schedule a time tomorrow to review the reimbursement. 11 a.m. or 1:30 p.m. and any time in the afternoon works best for me.

Janine Hale

Janine L. Hale

Fiscal Clerk

Office of the Assembly Chief Clerk

17 W Main St., Suite 401 | Madison, WI 53703

608-237-9616

janine.hale@legis.wi.gov



From: Coms <Coms@wispecialcounsel.org>

Sent: Wednesday, November 3, 2021 10:50 AM

To: Hale, Janine <Janine.Hale@legis.wisconsin.gov>; Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>

Subject: Reimbursement documents for WI Special Counsel

Good Morning Janine,

There are a few documents attached to this email. The first is the Corrected total spreadsheet for last months reimbursment that we discussed this morning. The second spreadsheet is the reimbursement claims for the month of October. The third document is the PDF of all our supporting documents for the claim. The fourth item is a picture of the 700.00 check we are claiming reimbursement for.

Please respond with a confirmation that you have recieved all these documents. I would like to scedule a time later today or tommorow to review the reimbursement for October. Please let me know your availability.

Very Respectfully,

Zakory Niemierowicz

WI Special Counsel

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EXTERNAL : Re: Gableman Subpoena Testimony

Joseph Santeler [REDACTED]

Fri 10/29/2021 5:15 PM

To: Coms <Coms@wispecialcounsel.org>

To The Office of Special Counsel:

I reiterate my question below, the only change being the date of anticipated testimony, which i would also ask that you provide as it becomes available.

I can best be reached at this email address.

Joe Santeler

On Fri, Oct 29, 2021 at 4:13 PM Fawcett, Steve <Steve.Fawcett@legis.wisconsin.gov> wrote:

Dear Mr. Santeler,

This question is best addressed to the Office of Special Counsel. I have cc'd them on this email and said address is the best way to contact them.

Sincerely,

Steve Fawcett

General Counsel

Office of Assembly Speaker Robin Vos

608.266.3387

From: Joseph Santeler <joesanteler@gmail.com>
Sent: Wednesday, October 6, 2021 9:35 AM
To: Fawcett, Steve <Steve.Fawcett@legis.wisconsin.gov>
Subject: Gableman Subpoena Testimony

Mr. Fawcett:

As you are the designated point of contact with Michael Gableman and Consultare LLC in the June 26, 2021 Agreement concerning election investigations, I write to ask whether you expect the October 15th testimony sought in Mr. Gableman's recent subpoenas to election officials to be open and accessible to members of the public. If you are deferring to anyone else on this question, including but not limited to Mr. Gableman or any of his agents, I would appreciate their contact information to the extent it is available to you or your office.

Thank you,

Joe Santeler

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EXTERNAL : FW: WI County and Municipal Clerks Updated 11-8-2021.xlsx

Witecha, James - ELECTIONS <james.witecha@wisconsin.gov>

Mon 11/8/2021 8:30 AM

To: Coms <Coms@wispecialcounsel.org>

Cc: Wolfe, Meagan - ELECTIONS <Meagan.Wolfe@wisconsin.gov>; Judnic, Nathan - ELECTIONS <Nathan.Judnic@wisconsin.gov>

Good morning,

Please find the updated clerk contact list attached for your consideration.

Regards,

Jim Witecha

Staff Attorney

Wisconsin Elections Commission

212 East Washington Avenue, Third Floor

P.O. Box 7984

Madison, WI 53707-7984

608.266.0136 (direct)

608.712.8683 (cell)

608.267.0500 (fax)

james.witecha@wisconsin.gov

From: Hoeth, John M - ELECTIONS <John.Hoeth@wisconsin.gov>

Sent: Monday, November 8, 2021 7:48 AM

To: EL DL Administration <ELECDLAdministration@wisconsin.gov>

Subject: WI County and Municipal Clerks Updated 11-8-2021.xlsx

Thank you,

John Hoeth

Wisconsin Elections Commission

Elections Division

IS Technical Services Professional

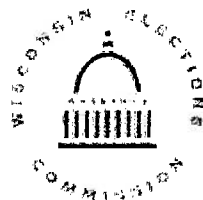
Phone: 608-261-2028

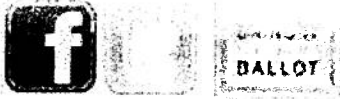
Email: john.hoeth@wisconsin.gov

Helpdesk Email: elections@wi.gov

Follow Elections on Facebook and Twitter!

Voter ID law is in Effect. Let's Bring it to the Ballot!





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EXTERNAL : Fwd: Fw: Special Counsel Office Analysis

Darlene Lathrop [REDACTED]

Wed 11/10/2021 5:36 PM

To: Coms <Coms@wispecialcounsel.org>

Mr. Gableman,

After spending time in the office and with Zak, the following are areas that I feel are in need of upgrading.

I have prioritized them according to what I feel are your most important areas and the areas that will benefit you the most.

- 1. Security - due to the sensitive nature of your business, the front door should automatically lock. Perhaps there could be an intercom in Zak's office in order to answer anyone who might need access or an access code for those who frequent the office.

You can purchase wireless doorbell intercom systems from Amazon for \$54.99

Automatic locks for glass doors are quite pricey. The only ones I found were from Ozone, located in India and are upwards of \$10,000 or more. If you just got the intercom doorbell and kept the door locked at all times, making sure everyone in the office is on board with that protocol and has a key to gain entry, it would be sufficient.

- 2. Organization for files, letters, subpoena's, confidentiality agreements, articles, investigative reports as well as speech's which you may want to refer to at a later date. I showed Zak a few ideas for files for Mr. Gableman's office, I also put links or pictures below for your ease of reference.

Desk top - This can be labeled on the side for easy filing. \$29.97 Amazon



I also believe you should have a credenza, or lateral filing cabinet, this will allow you to have files stored that you may have to refer to but don't necessarily need daily. It also gives you added work space. \$45 Used office Furniture Store.

HERMAN MILLER Lateral Files 2H 36W Soft White

HERMAN MILLER Lateral Files 2H 36W Soft White

HERMAN MILLER Lateral Files 2H 30W Soft White. Great deals on used, new, and refurbished office furniture from A...

You will also need hanging file folders together with manila file folders that can be labeled for content.

Hanging file folders can be purchased through Amazon, and are priced as low as \$9.56 for 25 folders.

Manila file folders can be purchased through Amazon, and are priced as low as \$11.12 for 100 folders.

3. The office for the Investigators and Analysisist, this is pretty clear, you need three desks, three chairs, and three whiteboards. However, I believe that will become a gathering point when something needs to be discussed and I think a table and chairs that can accommodate up to 6 people should be added together with storage for them. The lateral filing cabinets above would be ideal and priced at only \$45 would be financially affordable.

Desks - We discussed renting furniture and I have a few links, but could not get pricing without calling. I am happy to do this on Thursday if needed. I also have a few links to used office furniture that may be useful if renting is too expensive.

[Rent Furniture in Brookfield, WI | CORT Furniture Rental](#)

[Rent Furniture Online | Brook Furniture Rental](#)

[Best 30 Office Furniture Rental in Brookfield, WI | superpages.com](#)

also, you may want to look at the Wauwatosa Habitat for Humanity Restore. They have a lot of inventory to look through. I am not sure if they deliver, but if you find some items there, I have a son with a pickup truck that would be willing to donate his time for a good cause.

4. Communication - A white board calendar would be a helpful tool to know what is happening at a glance. Zak suggested this as an ease of reference. Also, a corkboard for pinning any items as reminders.

A conference call puck. This will ensure a seamless conference call with no dropped calls; no bad reception; volume control better than a cell phone; I highly recommend this! You can purchase one from Amazon for around \$100 but it is money worth spent.

freeconferencecall.com. Zak says he has this. It is important for Mr. Gableman to be aware of the call in number and code for all his conference call needs. if it is helpful, this can be printed and pinned to the corkboard for ease of reference. Also having the number and code stored into your contacts on your phone for the times you are away from the office is handy.

Zoom conference call capabilities. - [Video Conferencing, Cloud Phone, Webinars, Chat, Virtual Events | Zoom](#)

Social Media. It is important to get a twitter account. This can be done anonymously if you prefer but following people who may be of interest in the audit to see what they have to say, as well as colleagues can be a helpful tool.

I would also recommend getting a high functioning printer. You can purchase these from Amazon for under \$300. The difference in quality printing is immeasurable.

5 Reception Area - Zak said the person in the office space that is long term tenant's are going to be putting in a reception area. It would be wise to speak to them to find out how soon they are going to proceed with this plan. Also to determine if they are going to hire a receptionist. Is this receptionist going to answer calls, greet clients or do any type of work for your offices? I believe that area needs to be set up as soon as possible. When this area is set up and functioning, it will make the office flow with ease. There needs to be someone there to do the front office tasks. It will be more professional looking and feel more professional for the office staff.

The closet where the printer currently is - If you are unable to move the printer to the reception area, then a sofa table would be a perfect solution. It is narrow enough to fit in the closet and will allow storage for paper underneath. These are reasonably priced and often can be purchased used.

The cubby space across from Zak's office. Zak indicated he would like a cabinet in that space so he could put office equipment on it. I think it would make a great use of "dead" space and allow for more storage.

Waiting area - I didn't see a place for people to sit and wait. Zak indicated that there are 4 waiting room chairs but they have been taken into the offices for one reason or another. Each office should have two chairs for people to sit and the waiting area should have 4. I also recommend having a table in between each set of two so anyone sitting there could place a cup of coffee or paperwork they may be looking at or holding.

Kitchen - A refrigerator is going to be necessary moving forward. You can get a nice used one from just about any appliance store. I also recommend a table with at least two chairs and Zak suggested some dishes.

Subscriptions - below are a list of useful subscriptions to consider

Wiseye - Zak indicated he has the \$10 monthly subscription to this. Mr. Gableman should have log in information.

Journal Sentinal - It was indicated you have the \$1 online subscription

Wispolitics.com has videos that might be useful to watch.

Office supplies - I have listed below some office supplies you may need.

- pens
- printer paper
- legal pads
- staples
- paper clips
- binder clips
- black markers
- highlighters

sticky notes

toner cartridge for printer (always need 1-2 on hand)

toner drum for printer (always need 1 on hand)

an electric stapler (only if budget allows)

an electric hole punch (I recommend this if you use a hole punch daily)

Business card holder at front reception.

If you have any questions or would like to add additional information, you can reach me at [REDACTED]

Sincerely,

Darlene

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Clinton W. Lancaster

ATTORNEY AT LAW

THE LANCASTER LAW FIRM, PLLC

Core Competencies

- Excellent writing and research skills (WestlawNext)
- In depth understanding of legal concepts.
- Extensive litigation experience.
- Extensive contract drafting and litigation prevention.
- Core ethical theory recognition and application.
- Implement, apply, and advise others on application of rules of ethics for attorneys.
- Quickly process, organize, and use new or developing information.

Notable Cases

Lunden Roberts v. Robert Hunter Biden (32 DR-19-187) (obtained substantial child support award from the President Joe Biden's child for the support of President Biden's grandchild).

Donald Trump, et. al. vs. Joseph Biden, et. al. (2020 WI 91) (represented President Trump at Dane County recount, in Wisconsin state court, and on a petition for *certiorari* to the United States Supreme Court).

People vs. Aguilar (Colo.) (admitted *pro hac vice* as lead counsel and obtained a jury acquittal of Army veteran.)

Bennett v. City of Haskell, Arkansas (Ark.) (obtained federal jury verdict for woman sexually assaulted by on-duty police officer).

Attorney for twenty reported cases from the Arkansas Supreme Court and Arkansas Court of Appeals, including:

Clark v. Clark (2017 Ark. 612) (constitutional due process issue in an adoption case).

Jones v. Jones (2019 Ark. App. 593) (created new case law affecting the best interest of the child standard in child custody cases).

Johnson v. State, (2015 Ark. App. 677) (conviction overturned and client released from department of corrections for violation of Sixth Amendment rights).

Certifications, Admissions, Licenses

- Admitted, Arkansas Bar in 2011
- Admitted, United States District Court for the Eastern and Western Districts of Arkansas, 2011
- Admitted, United States Bankruptcy Courts for the Eastern and Western Districts of Arkansas, 2011

Education

Univ. of Ark. at Little Rock, William H. Bowen School of Law

Juris Doctor, May 2011

- UALR Law Review, *Associate Editor*, Volume Thirty-Three (2010-11)
- UALR Law Review, *Apprentice*, Volume Thirty-Two (2009-10)
- Reasoning, Writing, and Advocacy: Top Paper, Appellate Court Brief (Spring 2009)
- Law and Economics: Top Paper (Spring 2011)

University of Arkansas at Little Rock

B.A., Philosophy, May 2008

Professional Experience

- Aug. 2021—
Present. | **SALINE COUNTY, ARKANSAS, BOARD OF ELECTION COMMISSIONERS**
Commissioner and Board Member, Republican Party Designee
Republican member of county election commission. Currently oversee all elections and election related issues in Saline County, Arkansas. Acts as decision maker and finder of fact for issues during an election dispute. In charge of redistricting of county justice of the peace and school board districts.
- * * * * *
- Sep. 2011—
Present. | **LANCASTER & LANCASTER LAW FIRM, PLLC**
Managing Partner, COO
Founded law firm with spouse's MBA student loan money and no additional outside assistance the next day after passing the bar exam. Serve as the lead attorney for all courtroom litigation and appellate matters. Develop, control, and implements all litigation strategies. Responsible for matters in all State courts and all federal trial courts. Have tried over 1500 cases in a courtroom setting. Courtroom litigation strategies helped to push the firm over the one-million-dollar mark in profits.
- * * * * *
- 2010—2011 | **SOUTHWEST POWER POOL REGIONAL ENTITY** **LITTLE ROCK, ARK.**
Law Clerk/ Attorney
Managed legal claims against electrical generation facilities for violations of NERC Reliability Standards. Settled claims or initiated litigation against registered entities relating to their violations. Drafted the SPP RE proposed changes to the NERC Rules of Procedure.
- * * * * *
- 2010 | **JAMES LAW FIRM, P.A.** **LITTLE ROCK, ARK.**
Law Clerk
Assisted in the defense of major crimes including capital murder, murder, and drug offenses.
- * * * * *
- 2010 | **MITCHELL, WILLIAMS, SELIG, GATES, & WOODYARD, PLLC** **LITTLE ROCK, ARK.**
Law Clerk
Performed legal research on regulatory matters.
- * * * * *
- 2009 | **WRIGHT, LINDSEY, & JENNINGS LLP** **LITTLE ROCK, ARK.**
Law Clerk
Performed legal research on litigation matters.
- * * * * *
- 2009 | **THE HENRY FIRM, P.A.** **LITTLE ROCK, ARK.**
Law Clerk
Completed comprehensive research. Drafted appellate briefs for submission to the Arkansas Court of Appeals.
- * * * * *
- 2001—2006 | **UNIV. OF CENTRAL ARK. POLICE DEPT.** **CONWAY, ARK.**
Senior Officer, Field Training Officer

Sworn and certified law enforcement officer in the patrol division for both UCA and the Faulkner County Sheriff's Department. Responded to calls service. Supervised lower ranking officers. Trained new recruits both pre and post law enforcement academy attendance in patrol tactics, traffic stops, active shooter response, and general patrol.

Personal and Professional Recognitions

2014 Nationally Ranked Top 10 Attorneys Under 40 by the National Association of Family Law Attorneys

2015 Nationally Ranked Top 10 Attorneys Under 40 by the National Association of Family Law Attorneys

2016 Nationally Ranked Top 10 Attorneys Under 40 by the National Association of Family Law Attorneys

Ranked as One of the Ten Best Law Firm's in Client Satisfaction by American Institute of Family Law Attorneys for 2014.

Ranked as One of the Ten Best Law Firm's in Client Satisfaction by American Institute of Family Law Attorneys for 2015.

Ranked as One of the Ten Best Law Firm's in Client Satisfaction by American Institute of Personal Injury Attorneys for 2016.

Named of the "Top Attorneys" by Arkansas Life Magazine (2016 and 2018)

2017 Best of the Best Reader's Choice Award by the Saline Courier (attorney and law firm)

The National Trial Lawyers Top 100 Attorneys in Criminal Defense for 2016

Named a "Rising Star" by Super Lawyer's Magazine for Excellence in Practice for 2016.

America's Top 100 Attorney's Lifetime Achievement Award

National Academy of Jurisprudence Premier 100 Attorneys for 2016

"Superb" Rating by AVVO.

Seen on ABC's 20/20

Completed Great White Shark Dive (Gaansbai, South Africa—Shark Alley), 2011

Finisher, IronMan 70.3 (San Juan, Puerto Rico, 2017).

Finisher, IronMan 70.3 (OSCHNER, New Orleans, 2016).

Founder, The Lancaster Animal Project, Inc. (501(C)(3))

Former United States Marine.

Father of two children (girls)

Former Professional Bull Rider.

Publications

Clinton W. Lancaster, Note, *The Recreational Navigation Doctrine—The Use of the Recreational Navigation Doctrine To Increase Public Access To Waterways and Its Effect On Riparian Owners*, 33 U. ARK. LITTLE ROCK L. REV. 161 (2011).

Clinton W. Lancaster, *Chiodini v. Lock*, 2010 Ark. App. 340, ARK. REAL ESTATE REV. (2010-11).

Clinton W. Lancaster, *Crum v. Craig*, 2010 Ark. App. 531, ARK. REAL ESTATE REV. (2010-11).

Clinton W. Lancaster, *Thought for the Future in VOICE OF THE FUTURE* 13, 13 (Elder & Lemaur, 2007).

EXTERNAL : RE: Draft 2.3

Thomas Ciesielka <tc@tcpr.net>

Tue 11/9/2021 9:34 AM

To: Coms <Coms@wispecialcounsel.org>

Thanks for sending this newer draft.

While I understand the key points the report is working to make, I think it will require some editing to make it more accessible to most readers.

If you were to engage us, the soonest we could be in a position to publicize the interim report would be the middle of next week (November 17). And in order for us to start the prep work this week, we would need a prepayment.

Please let me know what you think.

Tom C.

Thomas Ciesielka

TC Public Relations

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One N. LaSalle Street

Suite 600

Chicago, IL 60602

www.tcpr.net

(o) 312-422-1333

(c) 312-403-1333



From: Coms <Coms@wispecialcounsel.org>

Sent: Sunday, November 7, 2021 12:06 PM

To: Thomas Ciesielka <tc@tcpr.net>

Subject: Fwd: Draft 2.3

We still have more work to do but this should give you an idea of where we're headed.

Get [Outlook for Android](#)

From: 7 <7@wispecialcounsel.org>

Sent: Saturday, November 6, 2021 3:43:46 PM

To: 6 <6@wispecialcounsel.org>; Coms <Coms@wispecialcounsel.org>

Subject: Draft 2.3

Attached is version 2.3. This is the one that Mike wants you to go over. He texted you a photo that has a paragraph with a star. We are not quite clear on what message you are wanting to convey. Can you please clarify that in your next draft.

Thanks.

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EXTERNAL : RE: EXTERNAL : Teleconference between Tom, Mike and Me

Thomas Ciesielka [REDACTED]

Tue 10/26/2021 2:33 PM

To: Erick Kaardal <kaardal@mklaw.com>; Coms <Coms@wispecialcounsel.org>

Thanks for setting this up, Erick.

Thomas Ciesielka

TC Public Relations

Your Experts in Reputation Management

Media Relations • Social Media Strategy • Crisis Communications

One N. LaSalle Street

Suite 600

Chicago, IL 60602

www.tcpr.net

(o) 312-422-1333

(c) [REDACTED]

[REDACTED]



From: Erick Kaardal <kaardal@mklaw.com>

Sent: Tuesday, October 26, 2021 2:11 PM

To: 'Coms' <Coms@wispecialcounsel.org>; Thomas Ciesielka [REDACTED]

Subject: RE: EXTERNAL : Teleconference between Tom, Mike and Me

We're confirmed then for 11 a.m. tomorrow. I will initiate call. Thanks.

From: Coms <Coms@wispecialcounsel.org>

Sent: Tuesday, October 26, 2021 2:07 PM

To: Erick Kaardal <kaardal@mklaw.com>; 'Thomas Ciesielka' <tc@tcpr.net>

Subject: RE: EXTERNAL : Teleconference between Tom, Mike and Me

Sounds good!

Mike

Sent from Mail for Windows

From: Erick Kaardal

Sent: Tuesday, October 26, 2021 12:30 PM

To: 'Thomas Ciesielka'

Cc: Coms

Subject: EXTERNAL : Teleconference between Tom, Mike and Me



Hi Mike:

I just had a great conversation with Thomas Ciesielka. He is ready to discuss a PR role for the Office of Special Counsel. Can you do a teleconference call at 11 a.m. tomorrow? Tom's contact info is below. During the call, we can schedule an in-person meeting in Brookfield if appropriate. Thanks.

egk

TC Public Relations
Your Experts in Reputation Management
Media Relations • Social Media Strategy • Crisis Communications

One N. LaSalle Street
Suite 600
Chicago, IL 60602
www.tcpr.net

(o) 312-422-1333

([REDACTED])

[REDACTED]



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Payment Terms: A deposit of \$10,000 would be required to begin work. Then if the agreement is extended, monthly invoices would be due net 30 days.

If these general details are a fit, I can provide a more detailed proposal. [REDACTED]

Please let me know.

Thanks,

Tom C.

Thomas Ciesielka

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Suite 600

Chicago, IL 60602

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(c) 312-403-1333



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State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2247/1
MPG:skw

2021 ASSEMBLY RESOLUTION 15

March 17, 2021 - Introduced by Representatives SANFELIPPO, BRANDTJEN, MURPHY, ROZAR, THIESFELDT and TUSLER. Referred to Committee on Rules.

1 **Relating to:** directing the Assembly Committee on Campaigns and Elections to
2 investigate the administration of elections in Wisconsin.

3 Whereas, the ability of American citizens to exercise their right to vote is
4 foundational to our representative democracy; and

5 Whereas, the legitimacy of the American form of government depends on the
6 citizens' widespread confidence in the fairness of elections and acceptance of election
7 results; and

8 Whereas, preserving the integrity of the electoral process is one of our
9 government's most important responsibilities; and

10 Whereas, the administration of elections in Wisconsin is governed by an
11 extensive set of duly enacted laws; and

12 Whereas, however, election laws are not self-enforcing but rely on the good
13 faith efforts of election officials to dutifully carry out those laws as written in order
14 to ensure fair elections; and

**REMARKS OF THE HON. MICHAEL J. GABLEMAN BEFORE
THE WISCONSIN ASSEMBLY COMMITTEE ON ELECTIONS
AND CAMPAIGNS, THE HON. JANELLE BRANDTJEN, CHAIR**

Wednesday, December 1, 2021

Chairman Brandtjen and Members of the Committee,

I am delighted to be back before you. I would like to take some time to update you on the latest news relative to my investigation and then take whatever questions you may have, with the understanding that I have been allotted one hour for today's meeting that my schedule today requires me to adhere to that time limit.

I. Subpoenas Issued & Lawsuits Filed

Not long ago, my office drafted a series of subpoenas demanding certain documents and testimony from government officials who helped administer the November 2020 election. The Speaker of the Assembly signed those subpoenas and they were duly served.

Those subpoenas were issued to the Wisconsin Election Commission, the Mayors of Green Bay, Milwaukee, Kenosha, Racine, and Madison—that is, the five cities that together took an aggregate of around \$9 million from the Zuckerberg Foundation in exchange for ceding some of their authority to administer that election. I issued similar subpoenas for the municipal clerks of those five cities.

In response, I received straightforward cooperation from the City of Kenosha and little or no cooperation from Madison, Milwaukee, Racine, and Green Bay. After those subpoenas were served, Josh Kaul, the current attorney general of our state filed a lawsuit against Speaker Vos, Chairman Brandtjen and my office in which he has asked the court to prohibit me from asking any questions of Meghan Wolf, the

administrator of WEC. In response to this lawsuit, Speaker Vos has had to hire attorneys, as has Chairman Brandtjen and me. Like Josh Kaul and his hundreds of lawyers, all of our lawyers are being paid by the taxpayers. Oral argument is set on that matter before the court in Madison on December 23.

On this past Monday, November 29, I filed two Petitions for Writs of Attachment in the Circuit Court for Waukesha County against the mayors of Green Bay and Madison: Eric Genrich and Satya Rhodes-Conway. I did so because of all the clerks and all the mayors, those two simply failed without reason or excuse to appear for their depositions and answer questions about how and to what extent they allowed Mark Zuckerberg's employees to plan and administer their cities' election in November 2020. This is a significant area of inquiry because undisputed news reports tell us that Mr. Zuckerberg and his wife, Priscilla Chan, spent a total of roughly \$500 million to defeat the incumbent President Donald Trump and elect the current President, Joe Biden.

Reasonable minds might wonder whether the millions of dollars each of these mayors received from the Zuckerbergs may have induced them to do something other than treat all candidates fairly and impartially and whether those mayors used the Zuckerberg money to get out the vote for Joe Biden. These questions have been left unasked by a suddenly incurious press. Rather, the state's largest and once-respected but now rapidly failing newspaper has taken up the partisan cause of unlawful electioneering by shielding from accountability potential wrongdoing by government officials.

Eric Genrich and Satya Rhodes-Conway have chosen to ignore the subpoenas issued by the Wisconsin Assembly because they have no intention of answering uncomfortable questions about how they ran their elections and what they did with the millions of dollars of Zuckerberg money they took. The court date for the hearing on my petitions is

missing page?

December 22, 2021. Rather than be held accountable for his partisan efforts, Mayor Genrich has chosen to hire three law firms who-- it is reported—have donated their services. All three law firms who are donating thousands and thousands of dollars worth of free legal services to Eric Genrich share his partisanship. Whatever costs are borne of this cover up will, again, be paid for by the taxpayers.

Let's talk about cover-ups because that is exactly what the Wisconsin Election Commission, its administrator Meaghan Wolf, and Mayors Genrich and Rhodes-Conway are engaging in. They are trying to run and hide from accountability to the citizens they are supposed to serve. Why go through all this legal evasion, maneuvering, and expense unless they do not want the public to know what they have done.

You know, the last time I was here, the only questions I received from Eric Genrich and Satya Rhodes-Conway's advocates on this committee were in regard to the identities of the personnel who work with me. I must note that in keeping my pledge to reach out to all members of this committee, I called Representative Spreitzer (even after he tweeted that in his opinion I am not worth a phone call) to ask to sit down and meet with him. He refused my offer, which tells me everything I need to know about whose side he's on and it isn't the side of the average citizen. At least he was upfront. In contrast to Representative Subeck who accepted my offer to visit but then simply absented not just herself from her office at the appointed hour, but also her entire staff as well. I waited in the hallway for twenty minutes. Representative Emerson said she'd think about my offer and I am still waiting to hear back.

This is worth mentioning because the commonality of Eric Genrich, Satya Rhodes-Conway, Mark Spreitzer, Lisa Subeck, and Jody Emerson is that in November 2020, they all wanted Donald trump to lose and Joe Biden to win. And they have no interest in exposing themselves or each other's wrongdoing to public accountability.

From: 3

Sent: Tuesday, October 19, 2021 10:44 AM

To: Erick Kaardal; arkloster@gmail.com; Nicholas Morgan; RHH; Coms; 6

Subject: Re: EXTERNAL : PA Democratic-leaning counties selectively invited to apply for election grants, emails show

Great article.

On the call, you were going to forward machine/absentee/ballot error rate info, I believe.

Thanks.

From: Erick Kaardal <kaardal@mklaw.com>

Sent: Tuesday, October 19, 2021 6:44 AM

To: 3 <3@wispecialcounsel.org>; arkloster@gmail.com <arkloster@gmail.com>; Nicholas Morgan <morgan@mklaw.com>; RHH <ronheuer@gmail.com>; Coms <Coms@wispecialcounsel.org>; 6 <6@wispecialcounsel.org>

Subject: EXTERNAL : PA Democratic-leaning counties selectively invited to apply for election grants, emails show

<https://broadandliberty.com/2021/10/13/network-of-dark-money-groups-implemented-selective-election-grant-process-favoring-democratic-leaning-counties-emails-show/>

Sent from my iPhone

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.

Teske Interview

3 <3@wispecialcounsel.org>

Thu 11/18/2021 2:48 PM

To: Erick Kaardal <kaardal@mklaw.com>; moparmolly@outlook.com <moparmolly@outlook.com>

Hi:

- I would like to meet up with Tommy after the interview.
- For the interview, I wanted to mention a good area of inquiry would be to ask how she was planning/would have set up the Central Count area, when those plans for 11/3 were finalized, and what participation she had in the planning. Because, as you saw, Tommy, it was a disorganized, complete mess spread over how many acres to count 32,000 ballots? And I don't think an experienced clerk would set that up. She may have some strong thoughts on that.
- Also, ask her opinion of Jamie Fuge, her qualifications to run central count, why she was chosen, how can she be reached to communicate with, etc.

You probably already thought of good stuff, but this would be enlightening, IMHO.

Respectfully,

Carol

From: 3

Sent: Tuesday, October 19, 2021 10:44 AM

To: Erick Kaardal; arkloster@gmail.com; Nicholas Morgan; RHH; Coms; 6

Subject: Re: EXTERNAL : PA Democratic-leaning counties selectively invited to apply for election grants, emails show

Great article.

On the call, you were going to forward machine/absentee/ballot error rate info, I believe.

Thanks.

From: Erick Kaardal <kaardal@mklaw.com>

Sent: Tuesday, October 19, 2021 6:44 AM

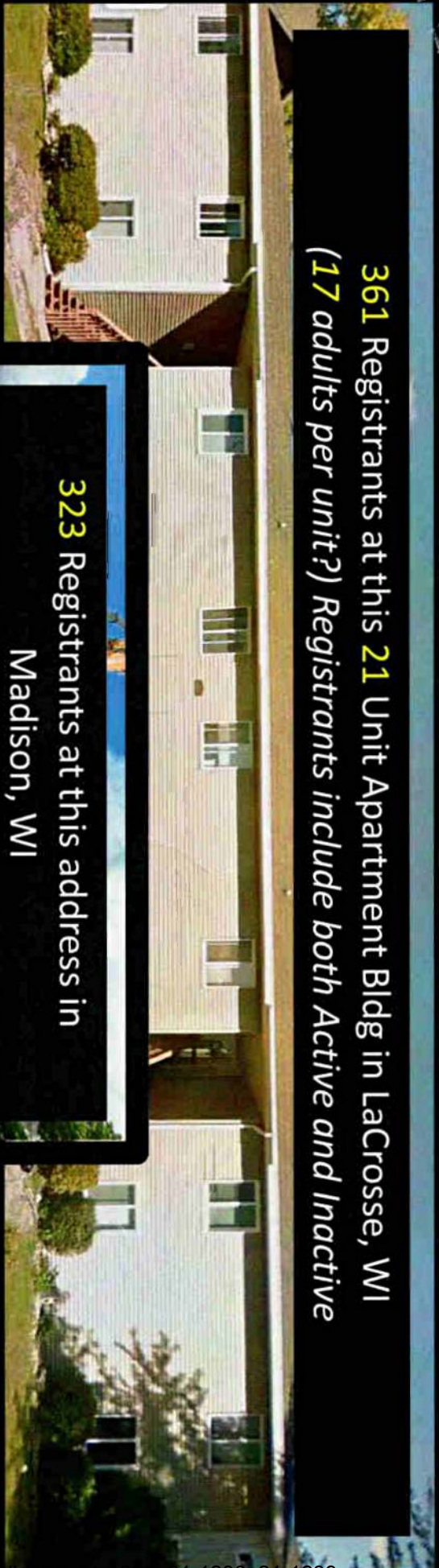
To: 3 <3@wispecialcounsel.org>; arkloster@gmail.com <arkloster@gmail.com>; Nicholas Morgan <morgan@mklaw.com>; RHH <ronheuer@gmail.com>; Coms <Coms@wispecialcounsel.org>; 6 <6@wispecialcounsel.org>

Subject: EXTERNAL : PA Democratic-leaning counties selectively invited to apply for election grants, emails show

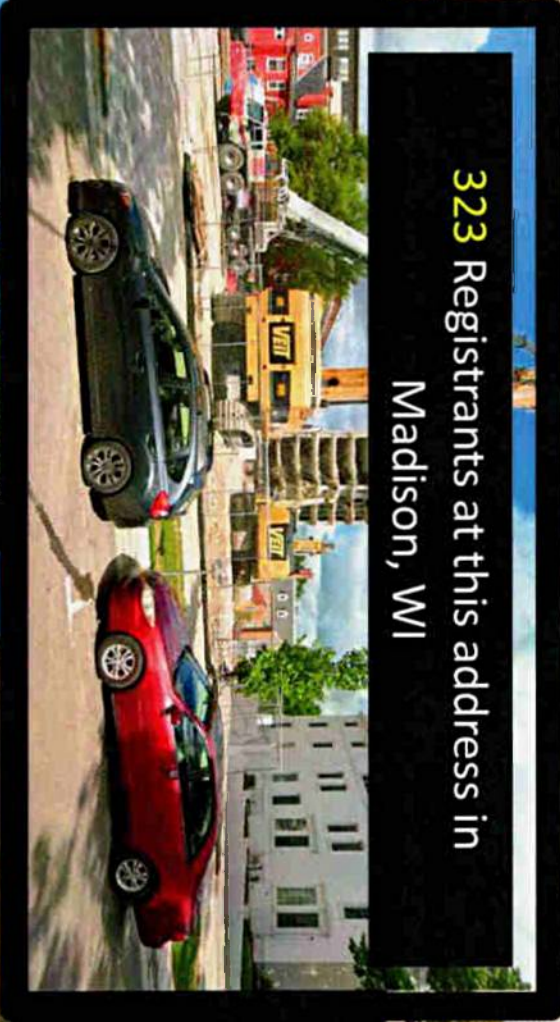
<https://broadandliberty.com/2021/10/13/network-of-dark-money-groups-implemented-selective-election-grant-process-favoring-democratic-leaning-counties-emails-show/>

Sent from my iPhone

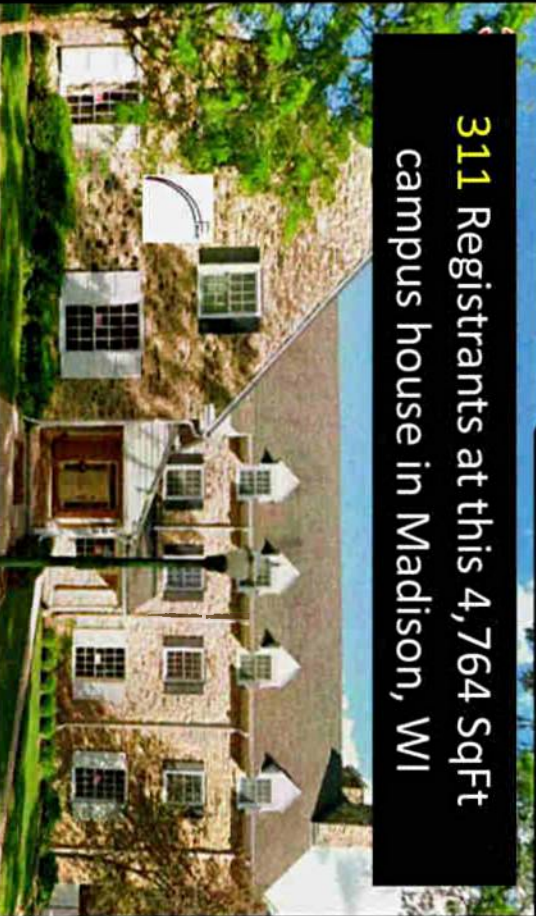
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361 Registrants at this **21** Unit Apartment Bldg in LaCrosse, WI
(17 adults per unit?) Registrants include both Active and Inactive



323 Registrants at this address in
Madison, WI



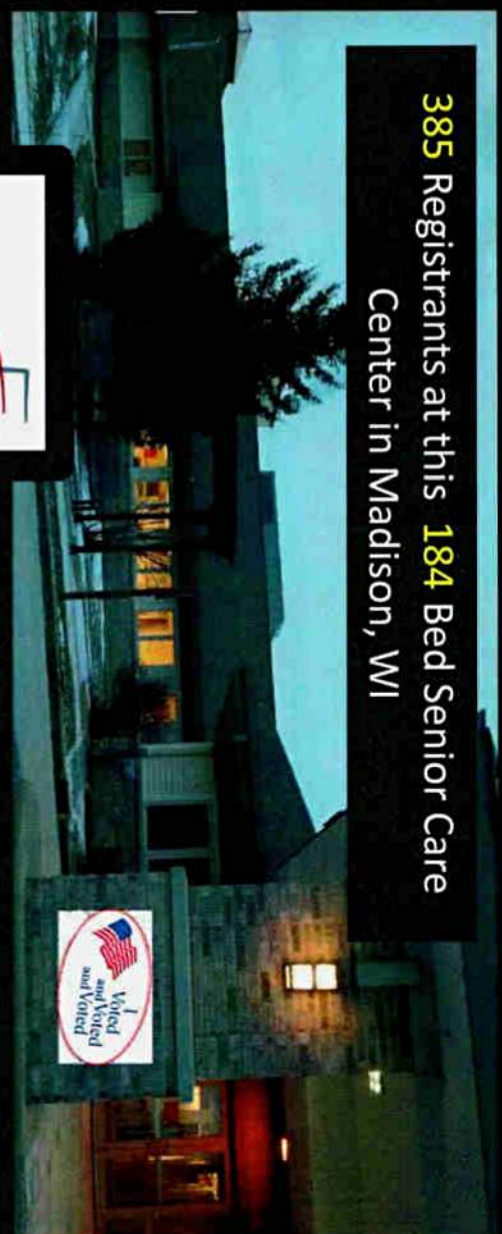
311 Registrants at this 4,764 SqFt
campus house in Madison, WI



356 Registrants at this Short-Term
Rehabilitation Center in Jefferson, WI
Capacity = **54**



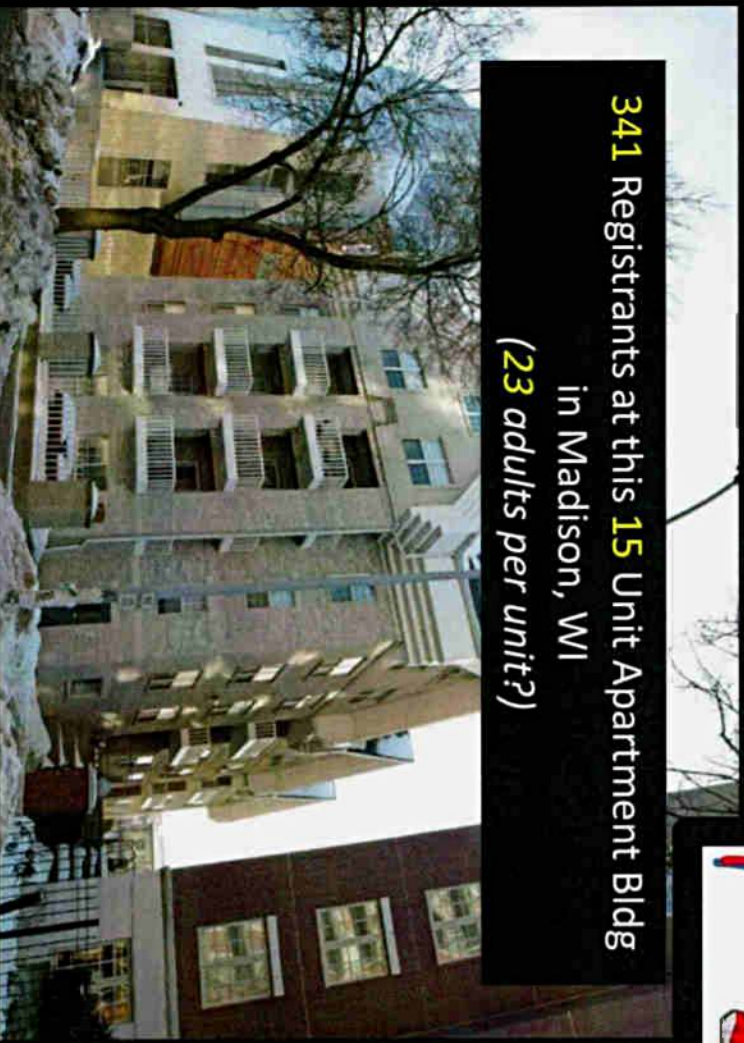
312 Registrants at this
20 Unit Apartment Bldg in
Madison, WI
(**16** adults per unit?)



385 Registrants at this **184** Bed Senior Care
Center in Madison, WI



In Dane County, WI



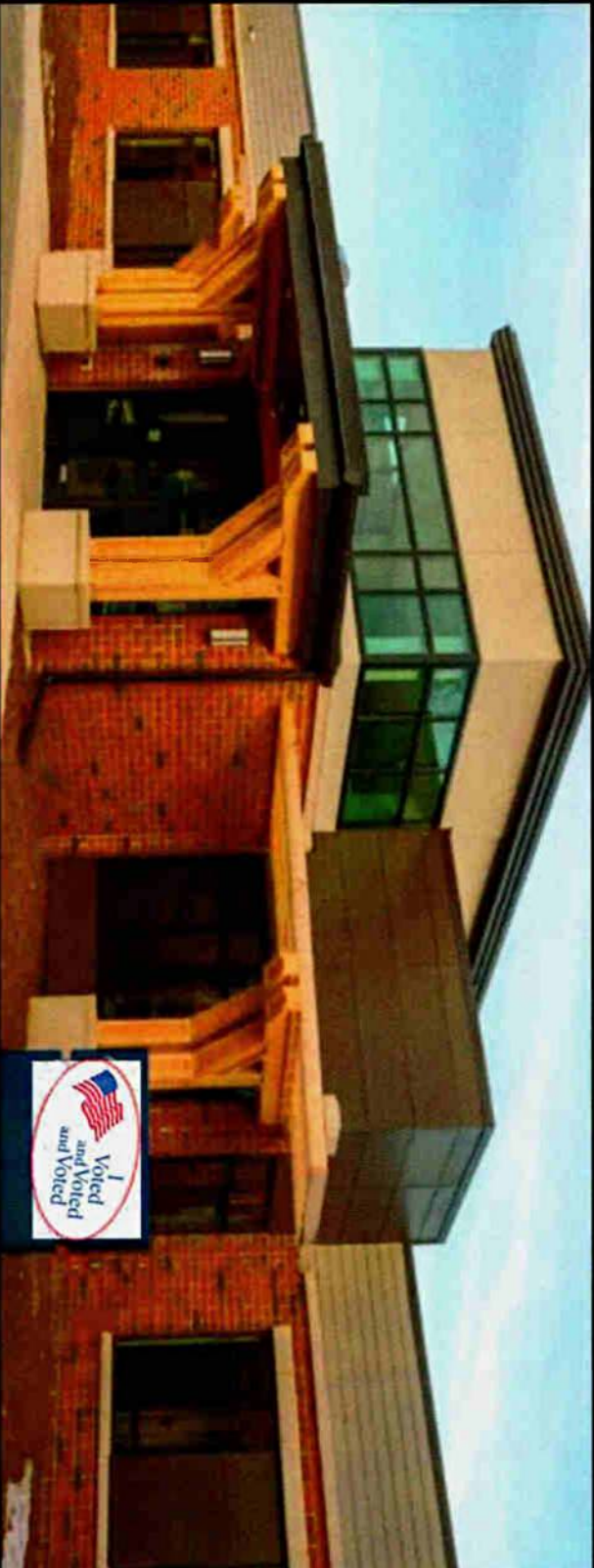
341 Registrants at this **15** Unit Apartment Bldg
in Madison, WI
(**23** adults per unit?)



376 Registrants at this
18 Unit Apartment Bldg in
Madison, WI
(**21** adults per unit?)



In Milwaukee County, WI



367 Registrants at this Memory Care and Assisted Living Facility in Milwaukee, WI
Capacity = **187**



In Milwaukee County, WI



328 Registrants at this Memory Care and Assisted Living Facility in Milwaukee, WI
Capacity = **161**



In Milwaukee County, WI

327 Registrants at
this Temporary
Shelter in
Milwaukee, WI
Capacity = **250**





In Racine County, WI



360 Registrants at this Senior Living and Memory Care Facility in Caledonia, WI
'Residents Reported' = **85**



In Racine County, WI



292 Registrants at this Veterans Home in Union

Grove, WI

40 Residents / 158 Short Term Hospital Beds



In La Crosse County, WI



290 Registrants at this 16 Unit Apartment Bldg in

La Crosse, WI

(18 adults per unit?)



In La Crosse County, WI



344 Registrants at this 21 Unit Apartment Bldg in

La Crosse, WI

(16 adults per unit?)



In La Crosse County, WI



327 Registrants at this Senior Living Facility in La

Crosse, WI

Capacity = **110**



In Dane County, WI



303 Registrants at this 22 Unit Apartment Bldg in

Madison, WI

(14 adults per unit?)



In Pierce County, WI



399 Registrants at this campus hall in

River Falls, WI

Capacity = 240



In Outagamie County, WI



326 Registrants at this Assisted Living Facility in

Appleton, WI

Capacity = **120**



In Monroe County, WI



359 Registrants at this Assisted Living Facility in

Sparta, WI

Capacity = **110**



In Dane County, WI



330 Registrants at this campus hall in

Madison, WI

Capacity = 142



In Dodge County, WI



362 Registrants at this Nursing Home Facility in

Watertown, WI

Capacity = **140**

Slides 1-16 are Detailed below

Place Type	People Live Here?	Number of People/Capacity	Number of Units	Number of Registrants	Full Address	County	Notes Registrants include both Active and Inactive, but it does not matter as we know private individuals were given access to the WisVote Database and made changes.
UNIV	Yes	240		399	750 E CASCADE AVE, RIVER FALLS, WI 54022	PIERCE	UW River Falls - Grimm Hall
ELDER CARE	Yes	184		385	3401 MAPLE GROVE DR, MADISON, WI 53719	DANE	St. Mary's Care Center
APARTMENT	Yes	90	18	376	613 N FRANCES ST, MADISON, WI 53703	DANE	Maggie Francis Furnished Apartment Bldg - 2,3 and 5 BR Apartments
APARTMENT	Yes	187		367	7500 W NORTH AVE, WAUWATOSA, WI 53213	MILWAUKEE	Lutheran Home Senior Apartments - Resident capacity stated on website
ELDER CARE	Yes	140		362	1020 HILL ST, WATERTOWN, WI 53098	DODGE	Marquardt Village Senior Living Center
APARTMENT	Yes	105	21	361	1317 VINE ST, LA CROSSE, WI 54601	LA CROSSE	Vine Street Apartments; 1,2,3,4 BR units; caters to UW LaCrosse students; Est 5 adults per unit
ELDER CARE	Yes	85		360	3920 N GREEN BAY RD, CALEDONIA, WI 53404	RACINE	St. Monica Senior Living; the # residents was reported by the facility on their Q&A blog
ELDER CARE	Yes	110		359	331 S WATER ST, SPARTA, WI 54656	MONROE	Morrow Home Community; 85 Licensed Beds - 73 Private Rooms; 6 Double rooms; Licensed for 110 residents
OTHER	No	54	54	356	1130 COLLINS RD, JEFFERSON, WI 53549	JEFFERSON	Short Term Rehabilitation - Alden Estates of Jefferson Rehabilitation & Health Care Center
APARTMENT	Yes	105	21	344	1414 PINE ST, LA CROSSE, WI 54601	LA CROSSE	The Adler; 5 BR Units; Caters to UW LaCrosse students; Est 5 adults per unit
APARTMENT	Yes	60	15	341	619 LANGDON ST, MADISON, WI 53703	DANE	Langdon Street Apartments - 1BR 2BR 3BR 4BR 5BR; Est Max Adults = 3.5
ELDER CARE	Yes	110		337	3501 PARK LANE DR, LA CROSSE, WI 54601	LA CROSSE	Hillview Health Care Center
UNIV	Yes	142		330	970 UNIVERSITY AVE, MADISON, WI 53706	DANE	UW Madison - Barnard Hall 142 residents per UW housing website
ELDER CARE	Yes	161		328	2330 S 54TH ST, WEST ALLIS, WI 53219	MILWAUKEE	Mitchell Manor Senior Apartments - Published capacity on website
SHELTER	Don't Know	250		327	1820 W WELLS ST, MILWAUKEE, WI 53233	MILWAUKEE	Milwaukee Rescue Mission - No information available; Temporary shelter
ELDER CARE	Yes	120		326	200 W PACKARD ST, APPLETON, WI 54911	OUTAGAMIE	Appleton Retirement Community
OTHER	No	0	0	323	126 LANGDON ST, MADISON, WI 53703	DANE	PARKING LOT - Demolished Building
APARTMENT	Yes	80	20	312	433 W GILMAN ST, MADISON, WI 53703	DANE	Up to 4 beds per unit
UNIV	Yes	40		311	103 LANGDON ST, MADISON, WI 53703	DANE	Delta Gamm Sorority House -
APARTMENT	Yes	132	22	303	221 LANGDON ST, MADISON, WI 53703	DANE	Langdon Hill Apartments; Former University Fraternity house - 4BR Apartments; Est Max Adults = 6
ELDER CARE	Yes	40		292	21425 SPRING ST, DOVER, WI 99999	RACINE	Wisconsin Veterans Home at Union Grove; 40 Residents and 158 short term nursing care facilities ie. Hospital beds
APARTMENT	Yes	74	16	290	1021 VINE ST, LA CROSSE, WI 54601	LA CROSSE	Olsen Apartments, 16 Units, total of 37 BRs; Ave 2 Adults per BR



THE AMISTAD
Journey



**The Legitimacy and Effect
of
Private Funding
in
Federal and State Electoral Processes**

Prepared for:

Phill Kline

Thomas More Society
309 West Washington Street,
Suite 1250
Chicago, IL 60606



"Complex Problems Solved Well"

Principal Author:

J.R. Carlson

Stillwater Technical Solutions
PO Box 93
Garden City, KS 67846
jcarlson@stillwateroffice.net

December 14, 2020

Executive Summary

The 2020 presidential election witnessed an unprecedented and coordinated public-private partnership to improperly influence the 2020 presidential election on behalf of one particular candidate and party.

Funded by hundreds of millions of dollars from Facebook founder Mark Zuckerberg and other high-tech interests, activist organizations created a two-tiered election system that treated voters differently depending on whether they lived in Democrat or Republican strongholds.

Private monies dictated city and county election management contrary to both federal law and state election plans endorsed and developed by state legislatures with authority granted by the United States Constitution.

Moreover, executive officials in swing states facilitated, through unique and novel contracts, the sharing of private and sensitive information about citizens within those states with private interests, some whom actively promote leftist candidates and agendas.

This data sharing allowed direct access to data of unique political value to leftist causes, and created new vulnerabilities for digital manipulation of state electronic poll books and counting systems and machines.

This public-private partnership in these swing states effectively placed government's thumb on the scale to help these private interests achieve their objectives and to benefit the candidates of one political party.

The Amistad Project began monitoring these activities beginning in the spring of 2019, originally focusing on the digital vulnerabilities of state election systems.

Amistad became aware that states and local election officials failed to maintain the legal right to access computer logs on the machines

counting ballots. The first step to engage any computer forensic examination is to gain access to machine logs, yet scores of election officials failed to maintain the right to even review such information, much less establish a method for bipartisan review.

In effect, America purchased a complex ballot box (computer) into which its votes would be deposited, but didn't have the right to open the box and review the count.

As COVID escalated in March of 2020, The Amistad Project began witnessing troubling efforts to undermine the integrity of the 2020 by assaulting laws designed to protect the integrity of the absentee ballot.

The use of absentee ballots is uniquely vulnerable to fraud, as detailed in a special bipartisan congressional report authored by former President Jimmy Carter and James Baker.

In-person voting occurs with trained election officials present. These officials deter voter intimidation and coercion and are trained to educate, not mislead, the voter when completing the ballot. Moreover, in-person voting allows for voter identification. When the ballot leaves government controls, new challenges are present. There are few identity checks and no assurance the ballot was completed without intimidation, coercion, inducement, or by a person other than the voter.

Accordingly, states have basic, common-sense laws protecting the integrity of the absentee, advance, or mailed ballot.

Beginning in the spring of 2020, left-leaning organizations filed a massive number of lawsuits to challenge these integrity laws. Lawsuits sought to set aside witness requirements, identification requirements, deadlines, delivery requirements, ballot deadlines, signature requirements, application requirements, and even argued that the Constitution required all returned ballot envelopes be postage prepaid due to COVID.

Swing state governors also started issuing emergency executive orders shutting down in-person voting while pouring new state resources into encouraging persons to vote in advance.

Polling data revealed this coordinated assault on in-person voting generally favored Democrat Party voters who preferred to vote in advance, while placing Republicans, who preferred to vote in person, at a disadvantage.

These actions represent the beginning of the formation of a two-tier election system favoring one demographic while disadvantaging another demographic.

Also in March 2020, David Plouffe, former campaign manager for President Barak Obama, published his book entitled *A Citizen's Guide to Defeating Donald Trump*. At the time, Plouffe was working for the charitable initiative of Mark Zuckerberg and his wife Priscilla Chan.

On page 81 of his book, Plouffe correctly identifies that the 2020 general election will come down to a “block by block street fight” to turn out the vote in the urban core, a key stronghold of Democrat Party votes. Plouffe specifically highlighted high turnouts in Milwaukee, Detroit, and Philadelphia as the key to a Democrat victory.

Soon after, we witnessed the rumblings of a previously sleepy 501(c)(3) organization entitled the Center for Tech and Civic Life (CTCL) whose previous annual revenues never exceeded \$1.2 million.

CTCL began sending agents into states to recruit certain Democrat strongholds to prepare grants requesting monies from CTCL.

For example, CTCL inked a \$100,000 grant to the Mayor of Racine, WI in May of 2020 directing the Mayor to recruit four other cities (Green Bay, Kenosha, Madison, and Milwaukee) to develop a joint grant request of CTCL. This effort results in these cities submitting a “Wisconsin Safe Election Plan” on June 15, 2020 to CTCL and, in turn,

receiving \$6.3 million to implement the plan. This privatization of elections undermines the Help America Vote Act (HAVA), which requires state election plans to be submitted to federal officials and approved and requires respect for equal protection by making all resources available equally to all voters.

The provision of Zuckerberg-CTCL funds allowed these Democrat strongholds to spend roughly \$47 per voter, compared to \$4 to \$7 per voter in traditionally Republican areas of the state.

Moreover, this recruiting of targeted jurisdictions for specific government action and funding runs contrary to legislative election plans and invites government to play favorites in the election process.

The “Wisconsin Safe Election Plan” was not authored by the state, and considered state election integrity laws as obstacles and nuisances to be ignored or circumvented. Moreover, CTCL retained the right, in the grant document, to, in its sole discretion, order all funds returned if the grantee cities did not conduct the election consistent with CTCL dictates.

Effectively, CTCL managed the election in these five cities. And this plan violated state law in, at least, the following fashion:

- 1) The plan circumvented voter identification requirements for absentee ballots by attempting to classify all voters as “indefinitely confined” due to COVID and later, after Wisconsin Supreme Court criticism, by ordering election clerks to not question such claims.
- 2) The plan initiated the use of drop boxes for ballot collection, significantly breaching the chain of custody of the ballot and failing to maintain proper logs and reviews to ensure all properly cast ballots were counted and all improperly cast ballots were not counted.
- 3) Initiated the consolidation of counting centers, justifying the flow of hundreds of thousands of ballots to one location and the marginalization of Republican poll watchers such that bipartisan

participation in the management, handling, and counting of the ballots was compromised.

These are but examples of radical changes in election processes that opened the door for significant fraud.

The disparate impact of Zuckerberg funding is also present in the analysis of CTCL funding in Pennsylvania. Documents obtained through court order revealed communication between the City of Philadelphia and CTCL emphasizing that CTCL paid election judges in Philadelphia and other election officials. CTCL mandated Philadelphia to increase its polling locations and to use drop boxes and eventually mobile pick-up units. Moreover, Zuckerberg monies allowed Philadelphia to “cure” absentee ballots in a manner not provided for in Republican areas of the state.

In Democrat Delaware County, Pennsylvania, one drop box was placed every four square miles and for every 4,000 voters. In the 59 counties carried by Trump in 2016, there was one drop box for every 1,100 square miles and every 72,000 voters. Government encouraging a targeted demographic to turn out the vote is the opposite side of the same coin as government targeting a demographic to suppress the vote.

This two-tiered election system allowed voters in Democrat strongholds to stroll down the street to vote while voters in Republican strongholds had to go on the equivalent of a “where’s Waldo” hunt.

These irregularities existed wherever Zuckerberg’s money was granted to local election officials. In effect, Mark Zuckerberg was invited into the counting room, and the American people were kicked out.

Additionally, Amistad became alarmed at the new vulnerabilities created in our election system with “data sharing agreements” that gave left-leaning third-party organizations front door access to electronic poll books.

Rock the Vote and other organizations inked agreements with blue state election officials to enter new registrations into state poll books. Such agreements are unprecedented and unwise.

Previously, voter registrations were entered solely by election clerks, who have three important checks on their authority. These checks are: 1) they must be transparent subject to FOIA and open records laws; 2) they are geographically limited rendering audits manageable; and 3) they are politically accountable. No such checks apply to Rock the Vote.

Allowing such access creates new digital vulnerabilities easily allowing nefarious actors to access poll books and alter entries.

The Amistad Project's concerns were amplified by the nature of a contract offered by Michigan's health director to a subsidiary of NGP VAN, a Democrat fundraiser and data services company.

Michigan granted the COVID tracing contract to Michigan VAN as a subsidiary of NGP VAN. The contract allowed this leftist organization to demand sensitive information from Michigan citizens at the threat of arrest. Citizens could be ordered to turn over medical records, travel information, the names of associates and friends, and other information with a significant privacy interest and of significant monetary value to a political fundraiser.

Emails later obtained through FOIA requests demonstrate Governor Whitmer's political director was involved in suggesting to the health department that they not directly contract with NGP VAN because of possible political fallout. Governor Whitmer's staffer recommended NGP VAN create a Michigan subsidiary and that the subsidiary become a subcontractor so as to conceal NGP VAN's involvement. When this information became public, Whitmer claimed she was unaware of the agreement and faced with public pressure, she rescinded the contract.

At this time, The Amistad Project decided to retain the services of Stillwater and Mr. Carlson to develop this report. Stillwater has and will

continue to play a critical role in The Amistad Project's understanding of the privatization of the 2020 election.

Stillwater has engaged in extensive research of law, procedures, city documents, and public documents to reveal the workings of these private interests directing the 2020 election.

This report reveals those relationships and the method in which public officials partnered with private interests to improperly influence the 2020 election.

Managing elections is a core government function that cannot be trusted to private interests. We must not privatize our elections. Such privatization threatens democracy, silences the voice of the electorate, and undermines election integrity. These concerns should transcend party affiliation and this threat requires a bipartisan response. We will continue to expose these issues so our nation may adequately respond to this threat to the election process.

-- Phill Kline, Director of the Amistad Project of the Thomas More Society

AUTHORS PREFACE

Using the COVID-19 flu pandemic as justification and the excuse that local elections lacked funding to facilitate safe elections, a well-funded network of foundations and non-profit organizations gave hundreds of millions of dollars of private funding directly to counties and municipalities across Michigan, Wisconsin, and Pennsylvania for electoral purposes.

The illegitimate infusion of private funding and third-party promotion of training, equipment, security, staffing and reporting programs by a network of private nonprofits at the local level bypassed state administrative processes, violated legislative prerogatives codified in state Help America Vote Plans (HAVA), and resulted in questions about the integrity of the US electoral system.

This report places in context and raises substantive questions about last minute gifting of private funding by five progressive, non-profit foundations and ten non-profit organizations into the local elections of swing states.

We begin by documenting longstanding federal and state authorities through which elections are to be funded and administered, factually demonstrating the adequacy and availability of public funding for the 2020 general election.

Because the availability of adequate public funding severely contrasted the narrative by the Center for Technology and Civic Life (CTCL) that private monies were needed for safe administration of public elections, we explored the background of CTCL and discovered a deep and integrated apparatus of progressive foundations and affiliated non-profits whose mission is to transition the bottom-up, electoral system of the United States to a top down, electronic system that centralizes voter information, interfaces with state registration databases, and promotes advocacy, all of which could, over time, have the capacity to exert strong local influence on the electoral processes of the United States.

It is not difficult for even the most casual of observers to conclude that the presence of private funding in public elections simply is not a good idea. In fact, the use of public/private partnerships for elections is neither wise nor legal, and if allowed to continue unchecked will create a dependency of local governments on funding from a select group of people who can afford to promote their own causes.

Our particular concern lies not with the influence of foundations and their cooperating non-profits, but instead with the elected officials who accessed the funding and Secretaries of State who understood - even enabled - the influence of non-profits to take place within their states.

We leave it to the readers of this report and those in authority to investigate our findings, buttress the existing electoral system, or take the necessary actions to ensure electoral processes are truly safe and secure.

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- ATTACHMENT A: Flowchart: The Relationship of Foundations and Non-profit Organizations Involved in US Electoral Policy
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1.0 BACKGROUND

1.1 Situation Appraisal -

Disruption of the 2020 US general election can be traced to infusion of private funding from non-profit foundations and organizations to local counties and municipalities of swing states. The injection of **hundreds of millions of dollars** in early summer of 2020 violated legislatively adopted regulatory plans, bypassed adequately funded state electoral programs, and resulted in an unbalanced distribution of funding among precincts.

The early infusion of funding and non-profit advisory services, when combined with errant directives from senior state electoral officials, confused and encouraged county officials into appointing untrained personnel, installing unapproved ballot processing equipment, illegitimately relocating precincts or ballot boxes, or otherwise making decisions that had a disparate influence on specific voting blocs of swing states. Ultimately, infusion of private funding brought about a nationwide level of confusion that has resulted in lawsuits that has led to a loss of confidence in the US electoral system.

This report explores the legitimacy, legality, and wisdom of blending the governmental administration of elections with the influence brought about by embracing private/public partnership through grants into elections. Historically, public officials have been skeptical of lowering the bright line distinction between the public and private sectors - and the example of disruption caused by private funding into Michigan, Wisconsin, and Pennsylvania during the 2020 elections demonstrates why.

Having demonstrated the adequacy of existing federal appropriations and the soundness of the existing electoral framework, we then explore the background, structure, and mission of a foundation/non-profit apparatus whose mission is to erode confidence in US electoral processes, blend government and private sector functions, and gain access to state-by-state voter information.

Following a review of the adequacy of public funding and the structure and intent of non-profits and foundations to access state databases and influence elections, we then present data to demonstrate that the infusion of private funding in the 2020 election cycle had a disparate and political end – to increase the total number of votes in select Democrat leaning precincts.

1.2 State Electoral Authority; The Help America Vote Act -

The authority to administer state and federal elections is the sole prerogative of the Michigan, Wisconsin, Pennsylvania, and other state legislatures.¹ These state legislatures maintain authority to enact statutes, make fiscal appropriations, and delegate responsibility to executive electoral commissions - who in turn are responsible for the integrity, security, and administration of elections throughout the state.

¹ U.S. Const. Art. I, § 4

State electoral commissions who receive Help America Vote Act HAVA funding enact policies, support county and municipal officials in their individual precincts, and have a responsibility to administer policy in accordance with the HAVA and Elections Assistance Commission (EAC) mandates and standards. The mechanism for ensuring electoral policy administration at the state and county level is the legislatively appointed state HAVA implementation plan. The states of Michigan,² Wisconsin,³ and Pennsylvania⁴ all have a longstanding regulatory system based upon certified HAVA Plans that govern elections and implement electoral policies. For their part, counties and municipalities who receive HAVA funding are required to maintain HAVA compliance agreements with their respective state.

The state HAVA implementation plans contain specific requirements and protocols for: 1) ensuring the security and integrity of voter information systems; 2) effecting voter communication; 3) recruiting and training poll workers; 4) enacting plans to improve voter access; and 5) auditing and reporting under HAVA funding programs.^{5,6}

Preparation and revision of State HAVA implementation plans are subject to the Administrative Procedure Act (APA) of the individual states. State APA procedures impose public notification, opportunities for public comment, and other protective, procedural constraints on electoral commissions before HAVA implementation plans may legitimately be enacted or substantively modified. Promoting or undertaking activities outside the HAVA system bypasses state APA procedures and violates state APA requirements.

1.3 Supplementary Funding for Administration of 2020 General Election -

On March 27, 2020, the Congress enacted the Coronavirus Aid Relief and Economic Security (CARES) Act^{7,8} which appropriated an additional \$400 million dollars to the EAC for dissemination to the states:

“to prevent, prepare for, and respond to coronavirus, domestically or internationally, for the 2020 Federal election cycle.”

The CARES Act requires state agencies to coordinate with the Pandemic Response Accountability Committee, and funding from the CARES Act was to be disseminated to counties through the HAVA state implementation system. In response to mounting election-related costs from COVID-19, some states appropriated even more funding for administration of county and municipal elections. In Wisconsin, the state legislature

² [Certified Michigan HAVA State Plan of 2003. Terri Lynn Land Secretary. FR Vol. 69 No. 57 March 24 2004](#)

³ [Certified Wisconsin HAVA State Plan of 2003. WI Elections Board. FR Vol. 69 No. 57 March 24 2004](#)

⁴ [Certified Pennsylvania HAVA State Plan of 2003. Edward Rendell Governor, P.A. Cortes Secretary FR Vol. 69 No. 57 March 24 2004](#)

⁵ [41 CFR Part 105-71. Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments](#)

⁶ [OMB Circular A 133 Audits of States, Local Governments and Non Profit Organizations, June, 2003](#)

⁷ [Elections Assistance Commission. Plans for Use of CARES Act Funds. Report to Pandemic Response Committee.](#)

⁸ [Federal Election Assistance Commission. Post Primary CARES Act Expenditure Report. September 22, 2020](#)

funded an aid program called *Wisconsin Routes to Recovery*.⁹ The *Routes to Recovery* program was enacted to reimburse local governments for unbudgeted expenditures due to the COVID-19 pandemic.

In late November 2020, Wisconsin reported that of its 1,850 municipalities, only 1,265 had applied for CARES election funding. After the November general election, Wisconsin reported a CARES funding surplus of \$1,198,511.¹⁰ As of November 23, 2020, Pennsylvania reported surplus CARES funds of \$953,839.¹¹ As of this report, Michigan had not submitted a November report to the EAC as required; however, following the primary election Michigan CARES had a fund surplus of \$4,663,819.¹²

During the same timeframe, the Wisconsin municipalities of Racine, Madison, Milwaukee, Green Bay, and Kenosha actively pursued private grant funding from the Center for Technology and Civic Life (CTCL) for funding of elections expenses that included equipment, salary, training, and even a \$250,000 motor home.¹³ The grant applications, governmental approval documents, and other information was previously reported by STS.¹⁴

Because adequate funding for elections administration was available in Michigan, Wisconsin, and Pennsylvania, the CTCL narrative that it needed to provide funding for safe and secure elections was at best naïve, and at worst, an outright falsehood. The presence of ample sources of public funding rendered the infusion of any private funding unjustified, unnecessary, and disruptive to electoral processes.

1.4 The Structure and Role of Non-profits in Affecting Elections -

Shortly following the inauguration of President Obama in 2009, a network of special-use non-profit organizations was created to collect, aggregate, and analyze information collected from third party users, such as Turbo Vote, who have access to state databases for the purpose of influencing US elections and electoral policy. These well-funded non-profits share leadership, are centrally coordinated, and have the common mission of amassing and analyzing voter information to influence campaigns, promote activism, and affect elections. Attachment A presents an organizational chart of foundations and non-profits involved in US electoral policy.

The multiple layered, special-use non-profit model also provides an outward appearance of strength, assures political cover for donors, and affords a convenient conduit to quickly channel funding to loosely knit street activists. This special-use non-profit apparatus is not unique to elections, as progressive activists have been using similar networks to influence public lands policy, for expansion of the environmental movement, and in influence of administrative government policy.¹⁵

⁹ [Guidance. Wisconsin Routes to Recovery Reimbursement Program. September 25 2020](#)

¹⁰ [Wisconsin Cares Nov 23 Report](#)

¹¹ [Pennsylvania Cares Nov 23 Report](#)

¹² [Michigan Cares Aug 24 Report](#)

¹³ [Wisconsin Safe Voting Plan](#)

¹⁴ [STS Timeline of Electoral Activities FINAL12/14/20](#)

¹⁵ [The Chain of Command. How Billionaires and Foundations Control Environmental Movement. US Senate Report July 30 2014](#)

The multi-level non-profit structure also affords a convenient way to shield donors, because non-profits can shift resources among themselves, making tracing and discovery more difficult and time consuming. Specialization also gives a perception of separation and impartiality, traits which are particularly important for those non-profits who seek to influence electoral policy, promote academic standards, or influence cyber security policy.

2.0 STATEMENT OF ISSUES

2.1 Focus Topics -

- 1) Whether state certified HAVA implementation plans or state legislative prerogatives were compromised through the infusion of private grants from the Center for Technology and Civic Life (CTCL) into local elections;
- 2) If appropriations from federal, state, or local sources were sufficient to completely fund the 2020 general election, rendering funding from public/private partnerships unnecessary;
- 3) Whether the reporting and claw back provisions in private grant agreements between CTCL and local governments presents a future audit, bonding, or pension liability to counties who received the CTCL grants.¹⁶

¹⁶ 41 CFR Part 105-71. Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments

Private Non-profit Associations Involved in Elections - Policy

POLICY	Organization	Function	Key People	Funders
	<p>Electronic Registration Information Center (ERIC)</p>	<ul style="list-style-type: none"> ▪ Governmental Association of State Secretaries ▪ Access to motor vehicle information ▪ Promotes centralized access and sharing of state registration and motor vehicle databases ▪ Funded by states; subject to IRS Instrumentalities rules and FOIA 	<ul style="list-style-type: none"> ▪ David Becker - CEO ▪ Pam Anderson - EO of Colorado County Clerks ▪ Kevin Kennedy - Former Wisconsin Chief Election official 	<ul style="list-style-type: none"> ▪ Democracy Works
	<p>National Vote at Home Institute (NVHI)</p>	<ul style="list-style-type: none"> ▪ Promotes comprehensive at-home voting and mail-in balloting ▪ Bypasses HAVA State Plans and commissions by providing privately generated “ tool kits” and “ calculators” to educate local officials in elections administration 	<ul style="list-style-type: none"> ▪ Co-Chair Jocelyn Benson, Michigan ▪ Tiana Epps-Johnson - CTCL ▪ Carolyn De Witt - Rock the Vote ▪ Dana Chisnel - Center for Civic Design ▪ Jake Matilsky - Center for Secure & Modern Elections ▪ Jennifer Morrell - Democracy Fund ▪ Seth Flaxman - Democracy Works 	<ul style="list-style-type: none"> ▪ Democracy Fund ▪ Center for Civic Design ▪ Rock the Vote
	<p>Center for Technology and Civic Life (CTCL)</p>	<ul style="list-style-type: none"> ▪ Founded by Tianna Epps-Johnson ▪ CTCL promotes national API interface agreements between federal, state, and local systems ▪ Bypasses state HAVA training requirements by providing tool kits and education ▪ Circumvents state appropriations by providing grant funding to local counties ▪ Collects and analyzes voter information from local county clerks ▪ Grants contain future liabilities for counties and present audit issues ▪ Data sharing with Big Tech, Face Book, and Google 	<ul style="list-style-type: none"> ▪ Tiana Epps-Johnson - Executive Director and Founder* ▪ Whitney May - Government Services Department* ▪ Donny Bridges - Civic Data Department* <p>*previously employed by <i>New Organizing Institute</i></p>	<ul style="list-style-type: none"> ▪ Knight Foundation ▪ Skoll Foundation ▪ The Democracy Fund ▪ Rockefeller Brothers Fund ▪ Mark Zuckerberg and Priscilla Chan
	<p>Center for Civic Design</p>	<ul style="list-style-type: none"> ▪ Research arm of electoral non-profits ▪ Drives government policy through white papers, security standards, and science ▪ Promotes intergovernmental data sharing and automatic voter registration 	<ul style="list-style-type: none"> ▪ Dana Chisnel - Director ▪ Whitney Quesenbery - CTCL ▪ Tiana Epps Johnson - CTCL ▪ Katy Peterson - Democracy Works ▪ Jennifer Morrell - Democracy Fund 	<ul style="list-style-type: none"> ▪ Democracy Fund ▪ MacArthur Foundation ▪ Center for Secure and Modern Elections ▪ Mark Zuckerberg and Priscilla Chan
	<p>Center for Secure and Modern Elections</p>	<ul style="list-style-type: none"> ▪ Election policy at state and local level ▪ Promotes voter registration at state and federal government offices and during social program enrollment 	<ul style="list-style-type: none"> ▪ Jake Matilsky - Director 	<ul style="list-style-type: none"> ▪ New Venture Fund

Private Non-profit Associations Involved in Elections -Advocacy

ADVOCACY	Organization	Function	Key People	Funders
	<p>US Vote Foundation</p>	<ul style="list-style-type: none"> ▪ Created in 2005; rebranded in 2012 ▪ Third party aggregation of voter information ▪ Maintains database of public officials for advocacy ▪ Advocates for federal absentee voting ▪ Data aggregator for other non-profits 	<ul style="list-style-type: none"> ▪ Dana Chisnel 	<ul style="list-style-type: none"> ▪ Democracy Fund ▪ Knight Foundation ▪ Pew Trust ▪ Carnegie ▪ JEHI Foundation
	<p>Democracy Works; dba Turbo Vote</p>	<ul style="list-style-type: none"> ▪ Promotes mail in and absentee voting for all 50 states ▪ Targets and recruits college students ▪ Collects and aggregates information from users accessing websites ▪ Model integrated and replicated throughout several states (with name changes) 	<ul style="list-style-type: none"> ▪ Seth Flaxman - Also sits on NVHI Board ▪ Trey Grayson 	
	<p>Rock the Vote (RTV)</p>	<ul style="list-style-type: none"> ▪ “ Rocky” actively recruits college students and inner-city youth for activism ▪ Affiliated with 300 academic institutions and colleges ▪ Collector and aggregator of information ▪ Has third party access to Pennsylvania voter registration system ▪ Promotes “ full integration” of state API registration databases ▪ Remote access for batch loading of voter information 	<ul style="list-style-type: none"> ▪ Carolyn DeWitt - Director ▪ Jeff Ayeroff - Founder <i>Board Members:</i> ▪ Wayne Jordan ▪ Michael Skolnick ▪ DeRay Mckesson - National BLM Leader and Co-Founder of Campaign Zero and Our States.org. ▪ Jesse Moore - Founder Common Thread Strategies 	

3.0 CONFLICT ANALYSIS -

I. Injection of private funding into county and municipal elections circumvents State and Federal appropriations processes, violates protocols in HAVA state implementation plans, and results in inaccurate reporting under HAVA 254(a)(5):

- a. The Help America Vote Act (HAVA) prescribes an intergovernmental administrative process that includes the U.S. Election Assistance Commission (EAC), state legislatures, and delegated state commissions.
- b. The authority for administration of HAVA mandates and for HAVA and CARES Act appropriation funding is prescribed in the Michigan, Wisconsin, and Pennsylvania state certified HAVA plans.
- c. The individual state HAVA implementation plans incorporate detailed requirements for the 13 HAVA categories, including election security protocols; standards for voter systems; equipment procurement requirements; voter and electoral official training procedures; provisional voting and balloting processes; provisions to improve voting access; mail-in voter registration requirements; voter complaint resolution protocols; and appropriations monitoring, auditing and reporting protocols. The state HAVA implementation plans provide measures to upgrade voter systems, standards for database integrity, methods of voter communication, requirements for recruitment and training of poll workers, and many other policies to be implemented by elected officials at the local level.
- d. The claw back and reporting provisions in contracts between CTCL and local counties and municipalities, if exercised, will result in inaccurate recordkeeping and state reporting under *HAVA 254(a)(5)* and the *Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments at 41 CFR Part 105-71*.
- e. The claw back language in the CTCL agreements represents a long-term, contingent liability for counties and municipalities who received the CTCL grants. These liabilities pose long-term audit, bonding, or pension risks to those counties who received CTCL grants.
- f. Scaled up across the 15 states of known CTCL grant funding activity, the inaccuracies in state/federal HAVA Title II reporting and auditing resulting from unreported funding or claw back provisions is substantial.
- g. The appropriate mechanism for charitable donations for electoral purposes is through donations earmarked into the general fund of the individual state legislatures. There is no state or federal statutory authority for counties, municipalities, or other local electoral jurisdictions to solicit, receive, or appropriate private funding outside of state HAVA implementation plans.

II. HAVA, CARES, and state appropriations for local elections in Michigan, Wisconsin and Pennsylvania were sufficient to fund administration of the entire 2020 election cycle, rendering CTCL funding unnecessary:

- a. Public appropriations for federal elections through the U.S. Election Assistance Commission (EAC) and state matching funds are the only legitimate funding sources for administration of U.S. elections. State-level funding formulas provide for proportional and equitable allocation of funds across electoral precincts, ensuring resources are evenly distributed so as not to result in funding disparities.
- b. For the 2020 general election, federal and state appropriations for administration of local elections were substantially augmented to account for the COVID-19 pandemic.
- c. Additional COVID-19 pandemic response funding for election administration was made available through state appropriations and similar allocations of public funding. As example, the State of Wisconsin used CARES Act funding and state matches for its *Routes to Recovery Program*.
- d. The combination of the HAVA and CARES Act funding, along with any state matches, was more than adequate for electoral operations, upgrade of election-specific hardware and software, cybersecurity, training for voter and elections officials, and COVID-19 specific needs. The infusion of private funding was unnecessary. (Tables 1, 2, and 3)
- e. Local electoral officials in Michigan who performed due diligence on CTCL grants observed the sufficiency of CARES Act funding and remarked as to the non-necessity of CTCL grants. As example, Michigan's Oakland County Clerk Lisa Brown decided not to seek CTCL funding stating: "*We already had an opportunity through the CARES Act to get extra equipment and things we would need at the county level. It seemed to me that they were offering up the same sort of thing.*"¹⁷
- f. The December 2019 HAVA Title II 251 Report to the EAC from Michigan Secretary Jocelyn Benson documented an unexpended HAVA surplus for administration of statewide elections of \$1,285,975.¹⁸ The public record also indicates that Secretary Benson was aware of the availability of adequate public funding for dissemination to Ann Arbor, Flint, Lansing, East Lansing, Muskegon, Pontiac, Romulus, Kalamazoo, and Saginaw – jurisdictions that received CTCL grants.
- g. On April 13, 2020 Michigan Secretary Benson corresponded with the EAC and certified the use of \$11,299,561 CARES funding for COVID-19 electoral administration. This stands in stark contrast to Secretary Benson's public advocacy for CTCL and its funding, and ultimately the CARES funding solicited by Secretary Benson was unspent and supplanted by CTCL grants.¹⁹

¹⁷ *Benson accused of letting 'partisan operatives' influence election.* Detroit News. October 6, 2020.

¹⁸ *Michigan HAVA 251 Funds Report. December 2019.*

¹⁹ *Bureau of Elections Audit Report Michigan Auditor*

- h. The 2016 IRS Form 990 for the Southern Law and Poverty Center lists Michigan Secretary Jocelyn Benson as the Director of that non-profit corporation.
- i. Concerns with CTCL funding include lack of public accountability, no state legislative or EAC oversight, and agreements that require reporting of voter information from county clerks back to a non-governmental organization.

	2019 HAVA Carryover	Election Security	Match	CARES	Match	Total
MI	\$6,635,744	\$12,053,705	\$2,410,741	\$11,299,561	\$2,259,912	\$34,689,663
MN	\$6,548,440	\$7,418,672	\$1,483,734	\$6,958,233	\$1,391,647	\$23,800,726
PA	\$3,531,998	\$15,175,567	\$3,035,113	\$14,233,603	\$2,844,721	\$38,821,002
WI	\$4,316,403	\$7,850,124	\$1,570,025	\$7,362,345	\$1,472,469	\$22,531,366

	Amount Appropriated	State Match	Initial Total Available	Estimated Expenditure	Available Funds
MI	\$11,299,561	\$2,249,551	\$13,549,112	\$6,821,392	\$6,727,720 49%
MN	\$6,958,233	\$1,386,122	\$8,344,355	\$363,867	\$7,980,488 92%
PA	\$14,233,603	\$2,831,101	\$17,064,704	\$3,511,525	\$13,553,179 79%
WI	\$7,362,345	\$1,472,469	\$8,834,814	\$3,228,484	\$5,303,330 60%

	2020 HAVA + CARES Funding ²²	2020 CTCL Grants ^{23, 24}
MI	\$28,023,919	\$6,369,753 (22.7%)
MN	\$17,252,286	\$2,297,342 (13.3%)
PA	\$35,289,004	\$15,824,895 (44.8%)
WI	\$18,254,963	\$6,946,767 (38.1%)

²⁰ *Election Assistance Commission—Election Security Grant Funding Chart July 16, 2020 and Election Assistance Commission—CARES Grant Funding Chart July 22, 2020*

²¹ *ESTIMATED CARES Act Expenditures As Reported in 20 Day Post Primary Reports (September 22, 2020 Update)*

²² Includes federal funding + state matching funds; does not include 2019 carryover.

²³ CTCL grant dollar amount accompanied with size as a percentage of total government funding for the state.

²⁴ CTCL grant values must be viewed as approximate because the numbers reported by news sources and local governments vary, and grant awards continue.

III. When evaluated in context of the 2016 presidential election, CTCL grant funding patterns demonstrate clear partisanship in grant funding awards:

- a. A review of data for the 2020 CTCL grant-making actions in Michigan, Wisconsin, and Pennsylvania, along with 2016 presidential election voting records for recipients of CTCL grants reveals a distinct pattern of greater funding to jurisdictions where candidate Hillary Clinton won versus grant-receiving jurisdictions where candidate Donald Trump won. While CTCL maintains that it is a non-partisan organization and its grants are available to all local jurisdictions, the grant pattern is understood to have a distinct color of partisanship. Attachment B contains charts, graphs, and a table supporting this conclusion.
- b. **Michigan** - CTCL awarded eleven grants in Michigan. Recipient cities were Detroit (\$3,512,000); Lansing (\$443,742); East Lansing (\$43,850); Flint (\$475,625); Ann Arbor (\$417,000); Muskegon (\$433,580); Pontiac (\$405,564); Romulus (\$16,645); Kalamazoo (\$218,869); and Saginaw (\$402,878). In the 2016 election, only Saginaw was won by candidate Donald Trump; the remainder were won by candidate Hillary Clinton. In total, **\$5,939,235** was awarded to the ten jurisdictions where candidate Clinton won and only **\$402,878** where candidate Trump won.²⁵
- c. **Pennsylvania** - CTCL awarded seven grants in Pennsylvania. Three of these grants were awarded to the cities of Philadelphia (\$10,016,074); Erie (\$148,729); and Lancaster (\$474,202). Five grants were awarded to counties: Wayne County (\$25,000); Northumberland County (\$44,811); Center County (\$863,828); Delaware County (\$2,200,000); and Allegheny County (\$2,052,251). A total of **\$13,063,828** (94.7%) went to jurisdictions where candidate Hillary Clinton won in the 2016 presidential election; only **\$692,742** (5.3%) went to jurisdictions where candidate Donald Trump won in 2016.²⁶
- d. **Wisconsin** - CTCL awarded multiple grants to five Wisconsin cities: Milwaukee - two for a total of \$2,164,500; Madison - two for a total of \$1,281,788; Green Bay - two for a total of \$1,625,600; Racine - two for a total of \$1,002,100; and Kenosha - two for a total of \$872,779. The \$60,000 grant to Racine is what remained of a \$100,000 CTCL grant to that municipality which included a stipulation that Racine would distribute a \$10,000 sub-grant to each of the other four cities. This placed Racine in the position of being an agent for CTCL with the purpose of distributing grant moneys.^{27,28}

²⁵ [CTCL Grant Charts](#)

²⁶ [CTCL Grant Chart](#)

²⁷ [Wisconsin Safe Voting Plan. June 15, 2020](#)

²⁸ [CTCL Grant Chart](#)

IV. Systemic mismanagement of voter registration databases and verification processes in Michigan and Pennsylvania deprived voters in the 2020 general election of a free and fair election:

- a. Registration is the first essential step in verifying legitimate voters, and protection of the state registration database is necessary to ensure the accuracy of voter rolls. The secretaries of Michigan and Pennsylvania allowed flawed administrative procedures that gave third party access to state voter information in the QVF and SURE systems. The voter registration databases of both Michigan and Pennsylvania fail to fully comply with the Help America Vote Act (HAVA) standards required by National Institutes of Standards (NIST) for certified technologic security.
- b. HAVA established the U.S. Election Assistance Commission (EAC) which provides funding to states, sets requirements for administration of elections, and identifies NIST as the agency charged with setting performance standards for:
 1. Systems maintaining Personally Identifiable Information (PII) in voter registration databases, and;
 2. Voting systems allowing votes to be cast, tabulated, and reported.
 3. Requires states to ensure data exchanges between state drivers' registration and licensing databases and the Social Security Administration databases.
- c. HAVA Section 303, "*Computerized statewide voter registration list requirements and requirements for voters who register by mail*" requires those states receiving HAVA funding to **secure** their statewide voter registration databases.
- d. HAVA Section 303(a)(5)(F) requires states receiving federal funds to **ensure protection of voter Social Security information**. This Section explicitly requires that protection protocols extend to all state employees and state contractors who have access to the Michigan QVF and Pennsylvania SURE systems.
 - 1 Michigan has entered into an API contract with the third-party, non-profit Rock the Vote (RTV) granting RTV remote access to the QVF database. As of 2020, the public record is silent on Michigan's certification that RTV has adhered to Michigan or NIST standards to protect information or assure compliance with Michigan technologic security standards. A review of the RTV contract indicates the last RTV audit was conducted in 2018. The absence a certification of compliance for RTVs access to QVF could pose a security risk to the state voter information system. There is no assurance that the voter rolls are only populated with legal, Michigan voters nor is there assurance that voter data has not been exfiltrated or misused.

2. A comprehensive review of Michigan's use of third-party contractors accessing the registration databases is needed, along with an Organizational Conflict of Interest (OCI) risk review of Michigan election staff who have access to the registration database. The OCI review is a central component of NIST standards.
3. In 2005, the Pennsylvania Legislature certified a state HAVA plan that enabled access to federal funds. Pennsylvania then used federal funding to establish its Statewide Uniform Registry of Electors (SURE) system, the repository for sensitive voter information. The Pennsylvania state HAVA plan is silent regarding whether their SURE system is secure and correctly manages Social Security Administration (SSA) information as required by HAVA. In a press release dated September 2016, the non-profit Rock the Vote is documented to have an application linked to 25,000 "partners." The public record is silent as to how the Pennsylvania Secretary ensures certification of its registration system for RTV's 25,000 partners. Without public review, it is not possible to ascertain the security of the Pennsylvania SURE system under HAVA and NIST.
4. In an audit cover letter of the Pennsylvania SURE system performed between January 2016 and April, 2019 Pennsylvania Auditor General Eugene DePasquale issued a **scathing** letter to Governor Wolf of noncompliance of the SURE system with HAVA and federal auditing standards, excessive redactions by Pennsylvania Secretary of State, and impediments to the auditing process by the Pennsylvania Department of Transportation. The public record is silent as to whether in 2020 Secretary Boockvar remedied any of noncompliance issues prior to the 2020 election. Pennsylvania Secretary of State Boockvar has deep affiliations with far left voting related advocacy groups.²⁹

V. Michigan's 2020 electoral administration and tabulation of election results is fatally flawed and involves potentially fraudulent use of federal funds to implement and maintain their HAVA state Plan:³⁰

- a. The Help America Vote Act (HAVA) prescribes an intergovernmental administrative process that includes the US election assistance Commission (EAC), state legislators and delegated state commissions. HAVA establishes the EAC, provides funding to states, sets requirements for election administration, and identifies the National Institute of Standards (NIST) as the agency charged with setting performance standards for voting systems.

²⁹ [Performance Audit Report Pennsylvania Auditor General 121919](#)

³⁰ FR Vol. 69, No 57. Wednesday, March 24, 2004; HAVA 101 (d), 301, 302, and 303.

- b. Based on the Michigan HAVA implementation plan the state obtained an excess of \$71 million in federal funding for fiscal years 2004 - 2006 to establish voter training, voting systems, and a statewide voter registration database.
- c. Section 101 (d) of HAVA specifies that funds are to be used to train election officials and poll workers. In section 905 (a) **HAVA describes criminal penalties for individuals who conspire to deprive voters of a fair election.** HAVA also cites the 42 USC 1973i (c), which defines coercion, blocking of poll locations, and other forms of **voter intimidation or denial of access or voting monitoring as being potential criminal violations.** Based on observed behavior captured on video and news reporting, Michigan poll workers, election officials, and election staff demonstrated a lack of training in conflict with the HAVA law and the 1965 Voting Rights Act of 1965.
- d. Registration is the first critical step in determining who in this state can vote in an election. Protecting the registration rolls of voters is the first critical step in assuring a legal, accurate, election result. HAVA section 303 (a)(3) requires a state to provide technological security of state-wide Social Security information of voters. **This section specifically requires these protections extend to all state employees and state contractors** who work with voter data. The State of Michigan, in its HAVA plan, states that the Department of Technology, Management, and Budget (DTMB) governs technology contracts in Michigan. **Michigan has entered into a state contract with Rock the Vote (RTV) granting that third party non-profit organization access to the QVF database.**³¹ As of mid-2020, there is no record that RTV has adhered to Michigan standards to protect voter information in the QVF, complied with Michigan technological security standards, or other standards that assures HAVA compliance. A comprehensive review of Michigan's use of third-party contractors assessing the registration is needed to assess the risk.

VI. Infusion of private funding into electoral processes has altered the times, manner and places established by HAVA Plans and longstanding electoral practices in which elections were conducted.

- a. In Wisconsin, an elector who is Indefinitely Confined due to age, physical illness, or infirmity - or is disabled for an indefinite period - may by signing a statement to that effect that an absentee ballot be sent to the elector automatically for every election. The application form and instructions are prescribed by the Wisconsin Elections Commission and must furnished upon request to any elector by each municipality.³²

³¹ [Michigan RTV Contract](#)

³² [Indefinitely Confined Report](#)

- b. High Speed Tabulators, Scanners, High Speed Industrial Printers, and Electronic Poll Books funded by CTCL raise questions of certification, training, or disparate access due to their installment of some but not other locations.³³
- c. Election regulations in Michigan and the state HAVA implementation Plan detail training requirements for officers overseeing elections. Despite adequate funding from multiple public sources, poll workers in Detroit lacked adequate training, became frustrated, and walked off in response to training problems.³⁴
- d. In Michigan, the process used for acquisition of electoral equipment on a statewide basis violated state funding, procurement, and legislative budget committee approval processes, as legislators were left out of the process.³⁵
- e. CTCL funded **mobile** precincts used by election officials to collect ballots and register people to vote, resulted in a disparate, statewide access from precinct to precinct, favoring specific demographics.³⁶
- f. The establishment of satellite polling places on several college campus using CTCL funding occurred at multiple locations. These offices were not mapped, favored a specific age and demographic group of citizens, and were established outside of HAVA plans and protocols.
- g. CTCL funds created and funded an official position of election workers called “**Voter Navigators.**” The Voter Navigators were not approved positions according to the state electoral process.³⁷
- h. Unlike the HAVA Title I (303) requirement to maintain an electronic voter database in Michigan, **not one of the CTCL contracts - including those reviewed from swing and other states - included provisions for updating or purging of voter rolls.** A December 2019 Bureau of Elections report indicated more control was needed over the Qualified Voter File (QVF) system.
- i. In Detroit, poll watchers were instructed not to compare signatures on ballots, to back date the ballots, and to not require ID for people who were voting in person.³⁸
- j. A 2019 Michigan lawsuit filed by Pacific Interest Legal foundation found noncompliance with the National Voter Registration Act of 1993. Detroit had 2,503 dead people on its voter rolls, and 4,788 voters that were flagged for duplicate or triplicate concern. Detroit had 511,786 registered voters but only 479,267 adults designated as eligible to vote.³⁹ None of these items was addressed by Secretary Benson in a December 2019 Audit by the State of Michigan Auditors office.⁴⁰

³³ [Wisconsin Safe Voting Plan](#)

³⁴ [Detroit Training Issues](#)

³⁵ [Michigan Law Election Supplies](#)

³⁶ [Wisconsin Safe Voting Plan](#)

³⁷ [Wisconsin Safe Voting Plan](#)

³⁸ [Detroit Workers Did not Check Signatures](#)

³⁹ [Dead People on Voter Files](#)

⁴⁰ [Office of the Auditor General State of Michigan December 2019](#)

- k. Wisconsin, Green Bay, Kenosha, Madison, Milwaukee, and Racine **all added ballot drop boxes to facilitate the return of absentee ballots throughout their cities.**⁴¹ The locations and placement of ballot drop boxes raises questions of disparate access from precinct to precinct and across the state.
- l. In Detroit, Michigan, poll workers were restrained in their ability to verify signatures or handle ballots. The Michigan Election Law outlines the rules which were not adhered to in this process.^{42,43}

⁴¹ Wisconsin Safe Voting Plan

⁴² Poll Watchers Denied Access

⁴³ Poll Watchers in Detroit Kicked Out

4.0 CONCLUDING REMARKS -

The confusion and negative effect from illegitimate infusion of private funding in Michigan, Wisconsin, Pennsylvania, and several other states during the 2020 election can be shown to have had a disparate and inequitable impact on the electorate.

Although history is replete with examples of elite groups attempting to gain influence, the current incidence of CTCL and other private donors purposefully injecting hundreds of millions of dollars into swing states is troubling because county officials who should know better actually **accepted the grants, to the exclusion of abundantly available public funding**. Even the most casual of observers can understand that acceptance of *any* private funding for administration of public elections creates inequity, dependency, and the potential for collusion, or even fraud.

It seems odd that while CTCL promotes having nationwide expertise in elections and electoral policy, its funding of local counties and municipalities in the 2020 general election blatantly circumvented well-funded and legislatively adopted state and federal HAVA plans.

Perhaps even more troubling is the collaboration of the Michigan and Pennsylvania Secretaries of State and representatives who sit on the election commission of Wisconsin in promoting CTCL grants, granting access to databases, or otherwise promoting non-profit activities while subordinating CARES funding and HAVA state implementation plans. Several of these officials have longstanding affiliations with progressive non-profits and foundations who actively endeavor to collect voting information for purposes of affecting elections or altering electoral policies.

The presence of vast quantities of public funds for administration of the 2020 elections in Michigan, Wisconsin, and Pennsylvania raises questions as to whether CTCL and its supporting foundations understood that there **was no resource deficit** for administration of elections, including extra expenses due to COVID-19.

This warrants investigation.

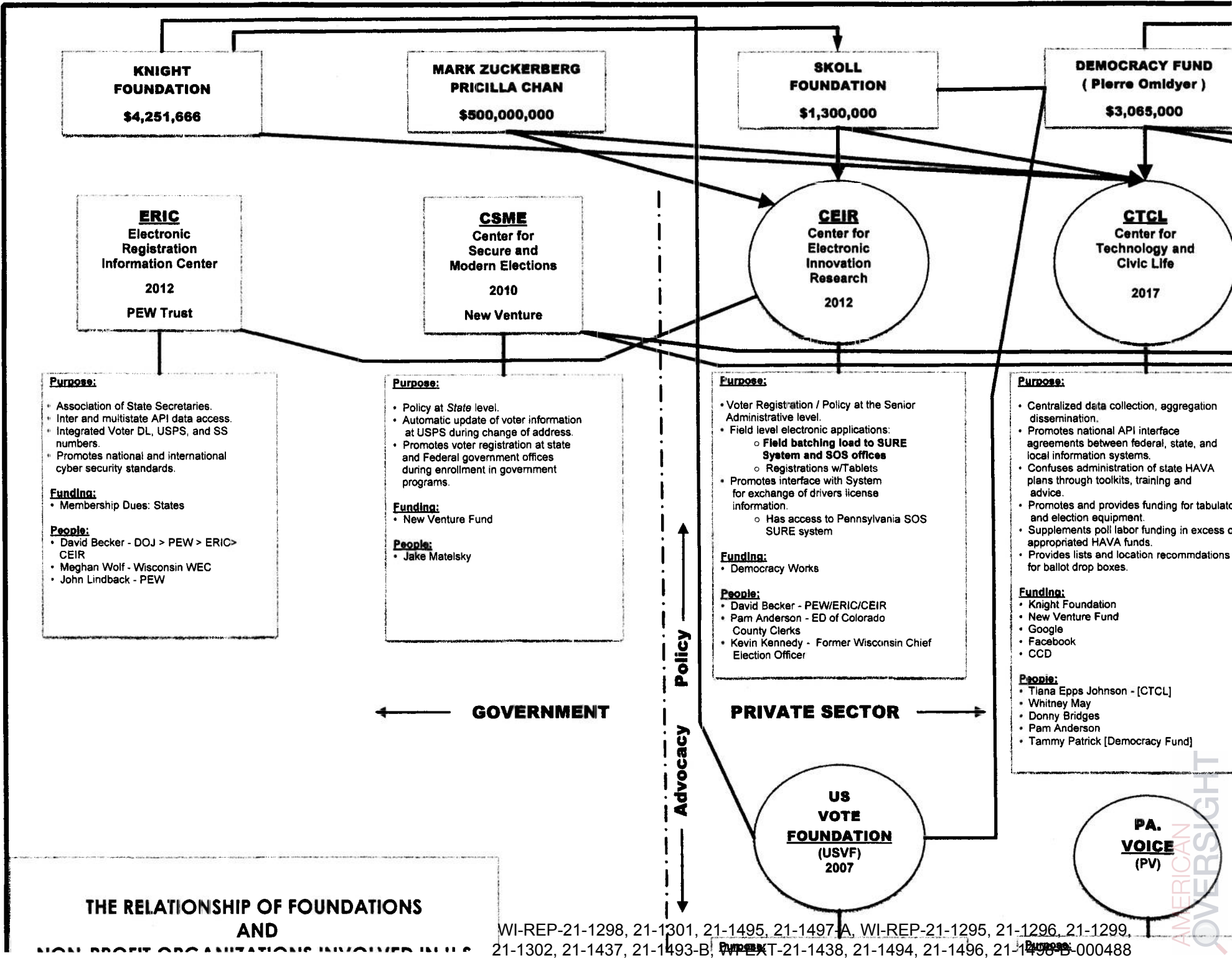
Based upon the information in this report and related research, STS offers the following actions and activities for consideration:

1. The secretaries, attorneys general, and/or legislatures of states whose county governments received CTCL funds should commission a comprehensive, third-party audit of the consistency of private/public transactions with the HAVA implementation plans of their state. This should include compliance with NIST standards, and state procurement requirements.
2. State secretaries, attorneys general and/or legislatures who have membership in the non-profit **Electronic Registration Information Center (ERIC)** should audit the information access, collection, storage, security and/or potential voter information sharing practices of ERIC with other states or third-party non-profit associations.

3. In the fall of 2020, the Center for Election Innovation (CEIR) issued grants to state secretaries, local governments, and non-profit associations for election-related purposes. Secretaries, attorneys general, and/or legislators of states receiving CEIR grants should request and evaluate CEIR contracts for HAVA compliance and the fiscal and procurement requirements of their individual states.
4. CTCL is a non-profit organization chartered in Illinois but who has negotiated grant contracts with county and municipal governments in multiple jurisdictions across many states. The public record is silent as to whether CTCL is licensed in all the states in which it continues to conduct contractual business.
5. The claw back language in CTCL agreements with counties and municipalities who received grants represents a long-term, contingent liability and is subject to federal audit, bonding, or pension risks. County commissioners should coordinate with their respective attorneys general or legislatures to understand and mitigate potential future liabilities.

Attachment A

**Flowchart:
The Relationship of Foundations
and
Non-profit Organizations Involved in US Electoral Policy**



THE RELATIONSHIP OF FOUNDATIONS AND NON-PROFIT ORGANIZATIONS INVOLVED IN US



Attachment B

Charts, Graphs and Tables

Note: Variations in grant amounts were reported by editors, the press and in meeting minutes from local governments. These variations might result in perceived inaccuracies in the dollar amounts of some CTCL grants. Because CTCL continues to make grants, source information in these calculations will outdate. The data presented is sufficient and reliable to conclude clear political trends in CTCL grant awarding patterns.

Center for Tech and Civic Life's Grants to Democratic Strongholds in Battleground States

State of Wisconsin

City	CTCL Grant	Dem. Vote	Rep. Vote	Trump's 2016 WI Win	Trump's 2016 WI Win in Votes
Milwaukee	\$2,164,500	85%	14%	0.77%	22,748
Madison	\$1,281,788	70%	23%	0.77%	22,748
Green Bay	\$1,625,600	58%	42%	0.77%	22,748
Racine	\$1,002,100	72%	28%	0.77%	22,748
Kenosha	\$872,779	69%	31%	0.77%	22,748
Total CTCL WI Grant	\$6,946,767				

The five Wisconsin cities above accounted for 82% of Hillary Clinton's vote in 2016. CTCL's \$6.32 million grant to increase voter participation in only five of Wisconsin's 190 cities will produce a lopsided vote for Joe Biden in Wisconsin's five largest Democrat strongholds. If CTCL's \$6.3 million Wisconsin voter participation grant increases the Biden vote in just the five Democratic strongholds by 2%, then Democrat Joe Biden will win Wisconsin. CTCL's \$6.3 million Wisconsin grant deliberately increases Joe Biden's chances of winning Wisconsin's popular vote and 10 electoral votes.

State of Pennsylvania

City/County	CTCL Grant	Clinton	Trump	Trump's 2016 Pa Win	Trump's 2016 PA Win in Votes
Delaware County	\$2,200,000	65%	35%	0.72%	44,292
Philadelphia	\$10,000,000	92.1%	7.9%	0.72%	44,292
Centre County	\$863,828	48.71%	46.32%		
Wayne County	\$25,000	67.63%	29.18%		
Erie	\$148,729	48.57%	46.99%		
Total CTCL PA Grant	\$13,237,557				

CTCL's \$10 million grant to Philadelphia is three times higher than CTCL's second largest grant. CTCL granted Philadelphia more money than anywhere else because President Trump can't win his reelection if he doesn't win Pennsylvania's electoral votes. If CTCL's \$10 million voter participation grant increases just the Philadelphia Democratic voter turnout by 7.5%, then CTCL has flipped Pennsylvania for Democrat Joe Biden.

Hillary Clinton had her second largest winning percentage in Delaware County behind the City of Philadelphia. CTCL's Pennsylvania grants to Democratic strongholds in Philadelphia and Delaware County will play a significant role in determining whether Biden or Trump wins Pennsylvania.

State of Michigan

City County	CTCL Grant	Clinton Vote	Trump Vote	+ Clinton Votes	+ Trump Votes
Detroit	\$3,512,000	234,871	7,682	227,189	0
Lansing	\$443,742	65,272	22,390	42,882	0

City County	CTCL Grant	Clinton Vote	Trump Vote	+ Clinton Votes	+ Trump Votes
East Lansing	\$43,850	26,146	8,294	17,852	0
Flint	\$475,625	16,163	4,677	11,486	0
Ann Arbor	\$417,000	128,025	50,335	77,690	0
Muskegon	\$433,580	8,933	3,372	5,561	0
Saginaw		10,263	11,077	0	814
Pontiac	\$405,564	14,351	2,735	11,616	0
Romulus	\$16,645	7,573	3,078	4,495	0
Kalamazoo	\$218,869	18,644	5,456	13,188	0
Total CTCL MI	\$5,966,875	530,241	119,096	411,959	814

If CTCL's \$3.5 million Detroit grant increases Democrat Joe Biden's vote by 4.5% in just Detroit, CTCL's grant will have flipped Michigan from Red to Blue. CTCL's \$3.96 million in Michigan grants to Democratic strongholds in Detroit, Flint, Lansing and East Lansing increase Democrat Joe Biden's chance of winning Michigan's statewide and 16 electoral votes.

State of South Carolina

County	CTCL Grant	Clinton Vote	Trump Vote	Trump's 2016 SC Win	Trump's 2016 SC Win in Votes
Richland County	\$730,000	108,000	52,469	14.1%	300,016
Charleston County	\$695,000	89,299	75,443	14.1%	300,016

County	CTCL Grant	Clinton Vote	Trump Vote	Trump's 2016 SC Win	Trump's 2016 SC Win in Votes
Clarendon County	\$102,373	7,732	7,386		
Greenville	\$660,000	74,483	127,832		
Total CTCL SC Grant	\$2,187,373				

Republican Senator Lindsey Graham represents South Carolina and is on the November 3, 2020 ballot. CTCL's grants to South Carolina Democratic strongholds improperly increases Democratic votes in Richland and Charleston counties and makes President Trump and Senator Graham's reelection more difficult. State of Georgia

Georgia

County	CTCL Grant	Clinton Vote	Trump Vote
Fulton	\$6,000,000	297,051	117,783
Cobb	\$5,600,000	160,121	152,912
Dougherty	\$295,235	23,311	10,232
Dekalb	\$4,800,000	251,370	51,468
Total GA Grant	\$16,695,235	731,853	332,395

Fulton County is one of the most reliable Democratic Counties in the country. Since 1876 Fulton County has voted Democratic in every presidential election, except in 1928 and 1973. Of the State of Georgia's 159 counties, Hillary Clinton received more votes in Fulton County than any other Georgia county. Clinton beat Donald Trump by 180,000 votes in Fulton County.

Iowa

County	CTCL Grant	Clinton	Trump
Black Hawk	\$267,500	50.6%	43.3%
Scott County	\$286,870	47.5%	46%
Woodbury	\$156,000	57.4%	37.5%
Cerro Gordo	\$20,325	43.5%	51.2%
Floyd	\$7,302	39.8%	54.7%
Louisa	\$6,324	32.91%	61.28%
Total IA Grant	\$744,321		

Minnesota

City	CTCL Grant		
Minneapolis	\$3,000,000		
Total MN Grant	\$3,000,000		

New Jersey

County	CTCL Grant		
Atlantic County	\$150,000		
Total NJ Grant	\$150,000		

New York

County	CTCL Grant	Clinton Vote	Trump Vote
Onondaga County	\$286,960	53.89%	40.13%
Warren County	\$31,000	41.68%	50.15%
Tompkins County	\$69,000	67.69%	24.3%
Total NY Grant	\$386,960		

Warren County which voted for Trump in 2016 received the smallest CTCL grant.

Texas

County	CTCL Grant	Clinton Vote	Trump Vote
Dallas County	\$15,130,433	461,080	262,945
Bowie County	\$62,095	8,838	24,924
Hays County	\$289,000	33,224	33,826
Hopkins County	\$19,952	2,510	10,707
Cameroon County	\$1,800,000	59,402	29,472
Colorado	\$14,990	1,987	6,325
Bexar	\$1,900,000	319,550	240,333
Ellis	\$86,424	16,253	44,941
Williamson	\$263,644	84,468	104,175
Total Texas Grant	\$19,566,538	987,312	757,648

In 2016 Clinton won Dallas County by 137,284 votes. In 2016 Bowie County only had 33,4470 votes. Trump won Bowie County by 16,082 votes over Clinton. Trump won Hays County by 602 votes over Clinton. Trump won Hopkins County by 5,412 votes over Clinton.

Maine

Town	CTCL Grant		
Town of Union	\$5,000		
Total Maine Grant	\$5,000		

Maryland

County	CTCL Grant	Clinton	Trump
Washington	\$90,512		
Total Maryland Grant	\$90,512		

Arkansas

County	CTCL Grant	Clinton	Trump
Craighead	\$59,856		
Total Arkansas Grant	\$59,856		

Mississippi

County	CTCL Grant	Clinton	Trump
Hinds	\$1,500,000	71.39%	26.69%
Total MS Grant	\$1,500,000		

Ohio

County	CTCL Grant	Clinton	Trump
Lucas	\$544,624	56.10%	38.32%
Lorain	\$435,248	47.63%	47.54%
Franklin	\$975,188	60.43%	34.30%
Ashtabula	\$65,000	23,318	15,577
Total Ohio Grant	\$2,020,060		

Kansas

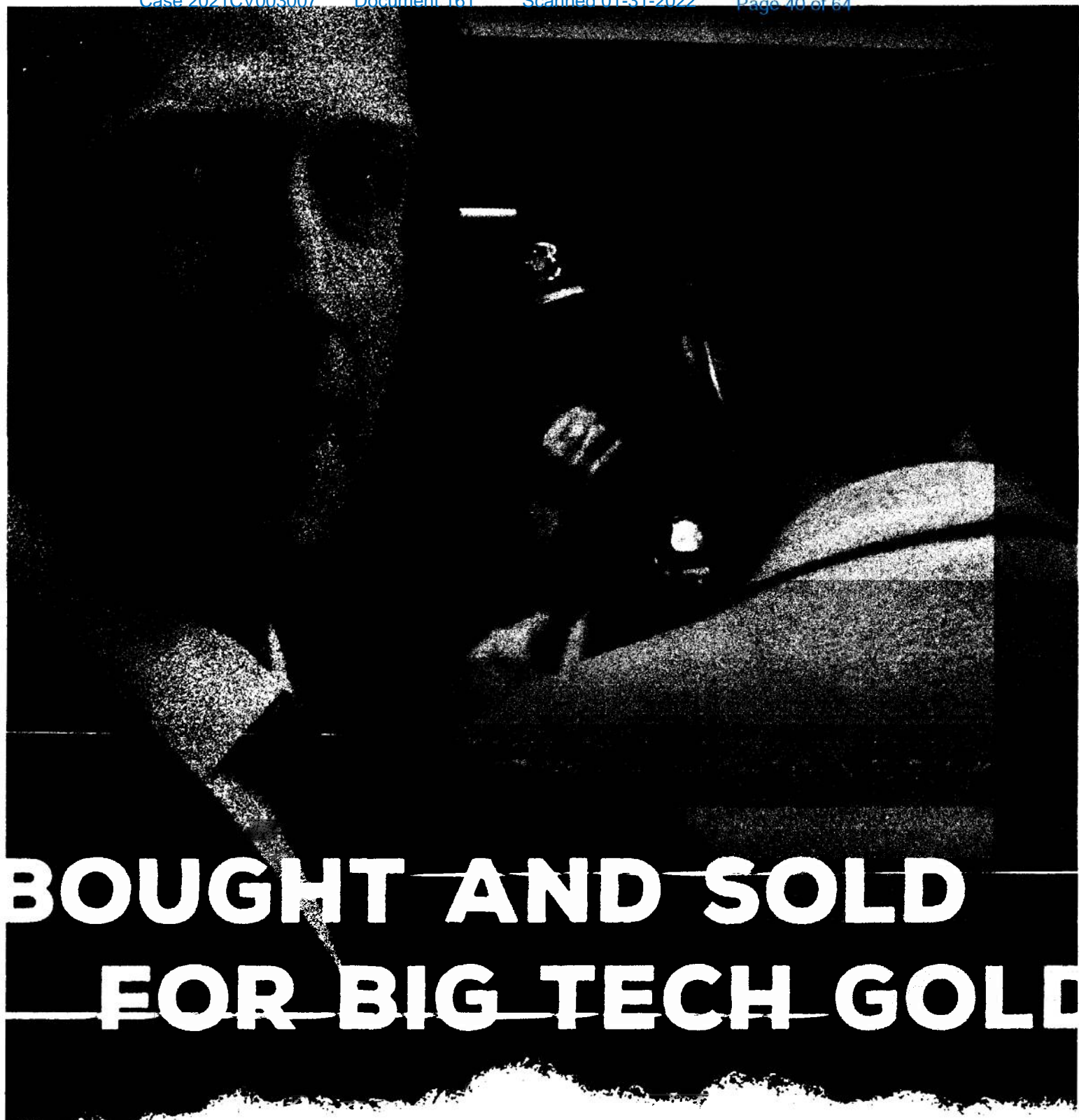
County	CTCL Grant	Clinton	Trump
Sedgwick	\$816,458	36.88%	55.28%
Total KS Grant	\$816,458		

Total CTCL Grants

State	Number of Grants	CTCL Grant Amount
Wisconsin	6	\$7,324,567

State	Number of Grants	CTCL Grant Amount
Pennsylvania	5	\$13,237,557
Michigan	8	\$6,106,599
South Carolina	3	\$1,527,373
Georgia	2	\$11,600,000
Iowa	6	\$744,321
Minnesota	1	\$3,000,000
New Jersey	1	\$150,000
Texas	7	\$19,216,470
New York	3	\$386,960
Maine	1	\$5,000
Maryland	1	\$90,512
Arkansas	1	\$59,856
Mississippi	1	\$1,500,000
Ohio	1	\$544,624
Total CTCL Grants	47	\$65,493,839

The first 26 CTCL grants went only to Democratic strongholds in swing states. CTCL claim that its grants are for the purpose of protecting voters from the COVID-19 pandemic is a blatant lie. CTCL hidden COVID-19 grant agenda is to increase the votes for Democratic presidential candidate Joe Biden, Democratic U.S. Senate candidates and Democratic House of Representative candidates.



BOUGHT AND SOLD FOR BIG TECH GOLD

How an Unprecedented Private-Public Partnership Subverted the 2020 Election

By Phill Kline, Director, The Amistad Project of the Thomas More Society

AMERICAN
OVERSIGHT

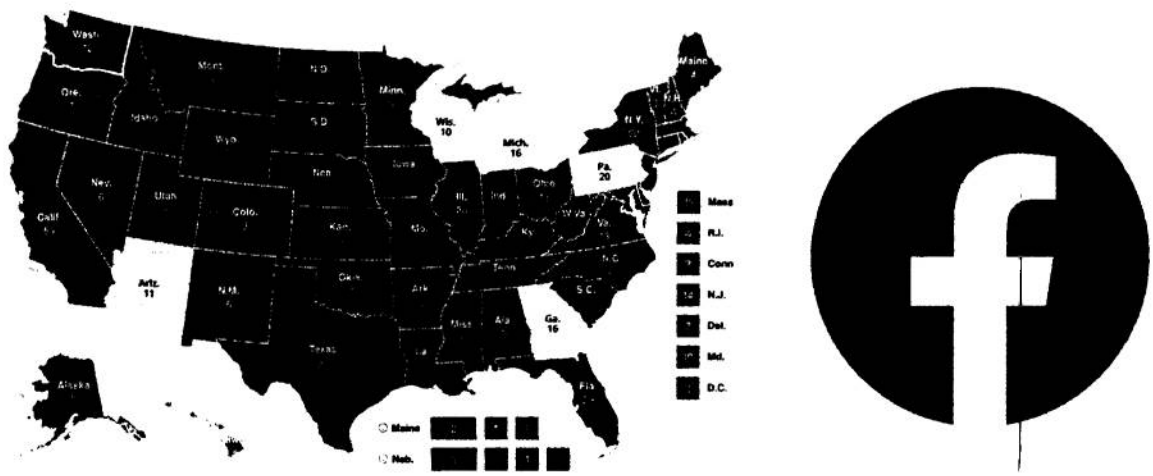
WI-REP-21-1298, 21-1301, 21-1493, 21-1497, WI-REP-21-1295, 21-1296, 21-1299, 21-1302, 21-1437, 21-1493-B, WI-REP-21-1438, 21-1494, 21-1496, 21-1498-B-000499

THE AMISTAD PROJECT

Private Information of Citizens Traded by Government for Private Monies

The 2020 presidential election witnessed an unprecedented, coordinated public-private partnership to improperly influence the election results on behalf of one particular candidate and party.

Funded by hundreds of millions of dollars from Facebook founder Mark Zuckerberg and other interests, activist organizations created a two-tiered election system that treated voters differently depending on whether they lived in Democrat or Republican strongholds.



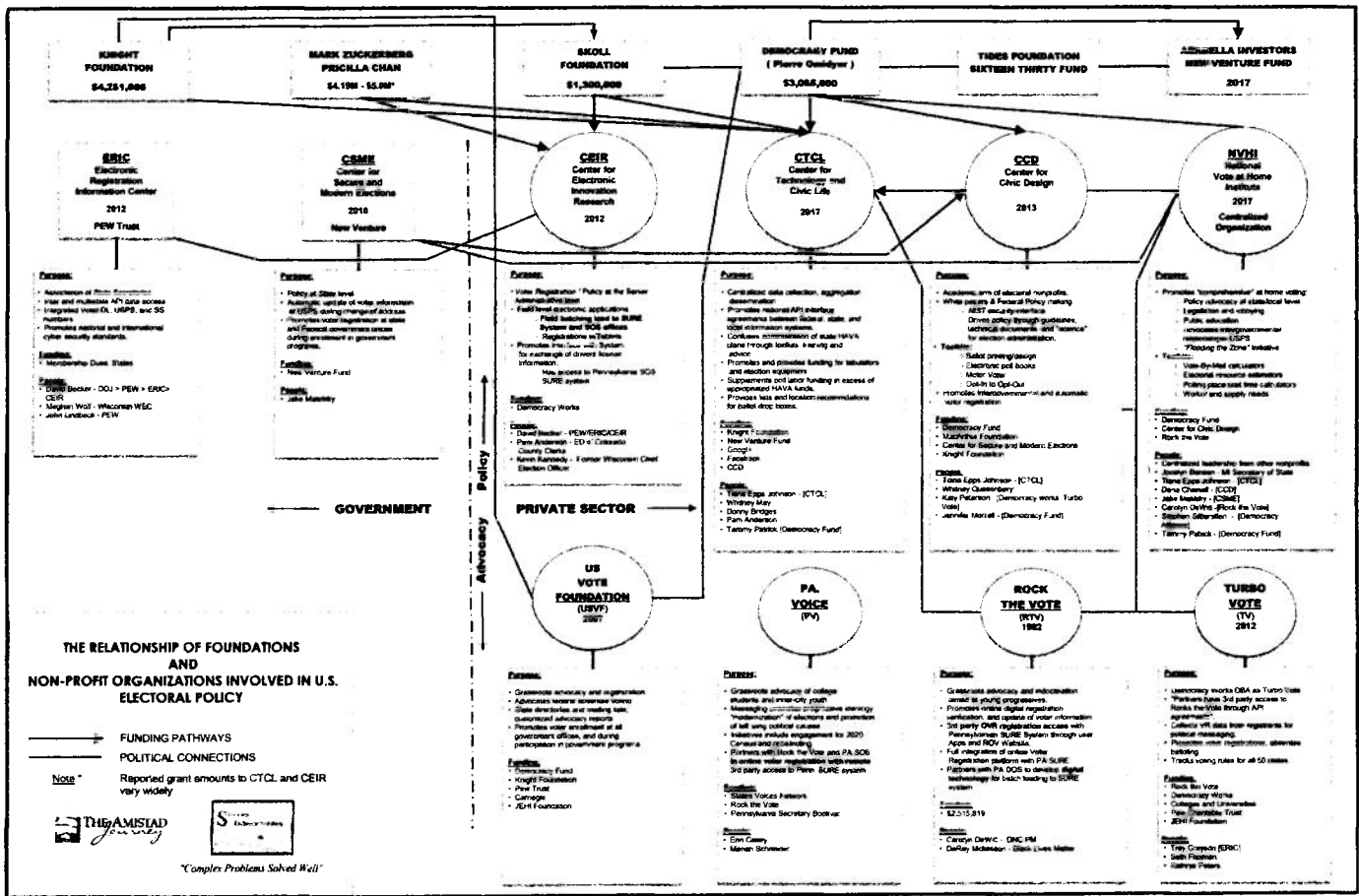
Private monies dictated that city and county election officials manage the election in ways contrary to both federal law and state election plans endorsed and developed by state legislatures with authority granted by the United States Constitution¹

Moreover, executive officials in swing states facilitated, through unique and novel contracts, the sharing of private and sensitive information about citizens within those states with private interests, some of whom actively promote leftist candidates and agendas.²

This data sharing allowed direct access to data of unique political value to leftist causes, and created new vulnerabilities for digital manipulation of state electronic poll books and counting systems and machines.

This public-private partnership in these swing states effectively placed the government's thumb on the scale to help these private interests achieve their objectives and do so benefit

Public-Private Partnership Operates Shadow Government Undermining Election Integrity



The Amistad Project began monitoring these activities beginning in the spring of 2019, initially focusing on the digital vulnerabilities of state election systems.

Amistad became aware that states and local election officials failed to maintain the legal right to access the computer logs from the machines counting ballots. The first step to engage any computer forensic examination is to gain access to machine logs, yet scores of election officials failed to maintain the right to even review such information, much less establish a method for bipartisan review.



In effect, America purchased a complex ballot box (computer) into which its votes would be deposited, but didn't have the right to open the box and review the count. A secret ballot helps secure free and fair elections — a secret ballot box fundamentally undermines them.

As COVID escalated in March of 2020, The Amistad Project also began witnessing troubling efforts to undermine the integrity of the 2020 election by assaulting laws designed to protect the integrity of the absentee ballot.

The use of absentee ballots is uniquely vulnerable to fraud, as detailed in a special bipartisan congressional report authored by former President Jimmy Carter and former Secretary of State James Baker.³

In-person voting occurs with trained election officials present. These officials deter voter intimidation and coercion and are trained to educate, not mislead, the voter when completing the ballot. Moreover, in-person voting allows for voter identification. When the ballot leaves government controls, new challenges are present. There are few identity checks and no assurance the ballot was completed without intimidation, coercion, inducement, or by a person other than the voter.

Accordingly, states have basic, common-sense laws protecting the integrity of the absentee, advance, or mailed ballot.

The Assault was Coordinated and Planned

Beginning in the spring of 2020, left-leaning organizations filed a massive number of lawsuits to challenge these integrity laws. Lawsuits sought to set aside witness requirements, identification requirements, deadlines, delivery requirements, ballot deadlines, signature requirements, application requirements, and even argued that the Constitution required all returned ballot envelopes be postage prepaid due to COVID.⁴

Swing state governors also started issuing emergency executive orders shutting down in-person voting while pouring new state resources into encouraging persons to vote in advance.⁵

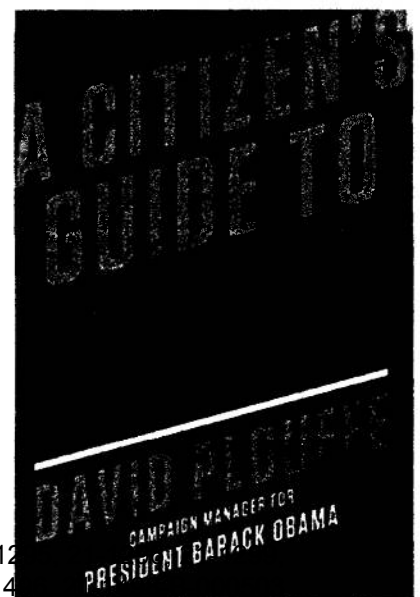
Polling data revealed this coordinated assault on in-person voting generally favored Democrat Party voters who preferred to vote in advance, while placing Republicans, who preferred to vote in person, at a disadvantage.⁶

These actions represent the beginning of the formation of a two-tier election system favoring one demographic while disadvantaging another demographic.

Also, in March 2020, David Plouffe, former campaign manager for President Barack Obama, published his book entitled *A Citizen's Guide to Defeating Donald Trump*. At the time, Plouffe was working for the charitable initiative of Mark Zuckerberg and his wife Priscilla Chan.

Plouffe correctly identifies that the 2020 general election will come down to a “block by block street fight” to turn out the vote in the urban core, a key stronghold of Democrat Party votes. Plouffe specifically highlighted high turn-outs in Milwaukee, Detroit, and Philadelphia as the key to a Democrat victory.⁷

Soon after, we witnessed the rumblings of a previously sleepy 501(c)(3) organization called the Center for Tech and Civic Life (CTCL), whose previous annual revenues never exceeded \$1.2 million.⁸



America: A Facebook Company

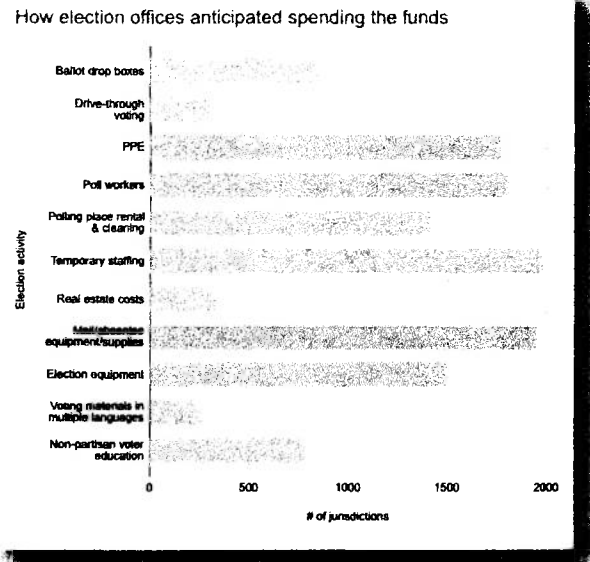
CTCL began sending agents into states to recruit certain Democrat strongholds to take grants from the organization — and to recruit other Democrat strongholds to do the same. These grants provided funds for election staff and resources in return for administering the election in a manner dictated by CTCL.

For example, CTCL inked a \$100,000 grant to the Mayor of Racine, WI in May of 2020 directing the Mayor to recruit four other cities (Green Bay, Kenosha, Madison, and Milwaukee) to develop a joint grant request of

CTCL.⁹ This effort results in these cities submitting a “Wisconsin Safe Election Plan” on June 15, 2020 to CTCL and, in turn, receiving \$6.3 million to implement the plan.¹⁰ This privatization of elections undermined the Help America Vote Act (HAVA), which requires state election plans to be submitted to federal officials and approved, and requires respect for equal protection by making all resources available equally to all voters.¹¹

The provision of Zuckerberg-CTCL funds allowed these Democrat strongholds to spend roughly \$47 per voter, compared to \$4 to \$7 per voter in traditionally Republican areas of the state.¹²

The chart below represents early CTCL grants to swing states. Early money is of much greater value than money late in an election cycle because it can be purposed consistent with a plan. CTCL funded and dictated election planning in Democratic Party strongholds through the summer of 2020 and only later, in response to criticism, began moving smaller amounts of monies to Republican areas.



STATE	# CTCL GRANTS	TOTAL CTCL GRANT AMOUNT
Michigan	8	\$6,106,599
Wisconsin	6	\$7,324,567
Pennsylvania	5	\$13,237,557
Georgia	2	\$11,600,000



Zuckerberg's indirect manner of dictating county and city election policy presented difficulty in learning the full scope of his activities. Government action is subject to laws ensuring transparency such as open records acts and the requirement for public meetings and audits. Such is not the case with private entities.

Neither Mr. Zuckerberg nor CTCL are subject to such requirements, nor should they be. Government should not be able to require such private information from private organizations. But allowing a private organization to effectively manage a government function gifted a cloak of secrecy over government action allowing these local officials with CTCL and a compliant and/or overworked or lazy media to control the narrative.

CTCL grants were reported as providing a safe election environment when, in reality, the focus was on increasing turnout in Democratic strongholds through inducements and eliminating integrity measures on absentee ballots.

This chart reflects all grants we were able to track and constitute early monies to democrat strongholds. Facing criticism, CTCL attempted to explain away this compelling evidence of partisanship by, for example, stating that in Pennsylvania CTCL gave more grants to counties carried by Donald Trump in 2016 (13 counties) than counties carried by Hillary Clinton (8 counties). This is technically true, however, these grants only represent 22% of the 59 Pennsylvania counties carried by Trump and 100% of the eight counties carried by Clinton. Moreover, the grants to the Clinton counties involved substantially more funds. Our difficulty in tracking and obtaining the truth about this effort is compounded by CTCL's refusal to be transparent and the fact that CTCL remains beyond the reach of public transparency laws.

Jurisdiction	CTCL Grant	Total Votes	Clinton	Trump	Clinton Win	Trump Win	Clinton %	Trump %	Difference %
Dallas County, TX	\$15,130,433	724,025	461,080	262,945	198,135	-	60.22%	34.34%	25.88%
City of Philadelphia, PA	\$10,016,074	692,773	584,025	108,748	475,277	-	82.30%	15.32%	66.98%
Harris County, TX	\$9,600,000	1,253,869	707,914	545,955	161,959	-	55.04%	42.39%	12.65%
Fulton County, GA	\$6,000,000	414,834	297,051	117,783	179,268	-	67.70%	26.85%	40.85%
Cobb County, GA	\$5,600,000	313,033	160,121	152,912	7,209	-	47.93%	45.77%	2.16%
DeKalb County, GA	\$4,800,000	302,838	251,370	51,468	199,902	-	79.08%	16.19%	62.89%
City of Detroit, MI	\$3,512,000	242,553	234,871	7,682	227,189	-	94.95%	3.11%	91.84%
Burlington County, NJ	\$2,900,000	210,997	121,725	89,272	32,453	-	55.60%	40.77%	14.83%
Camden County, NJ	\$2,900,000	219,348	146,717	72,631	74,086	-	64.06%	31.71%	32.35%
City of Minneapolis, MN	\$2,297,342	200,278	174,585	25,693	148,892	-	79.42%	11.69%	67.73%
Delaware County, PA	\$2,200,000	288,069	177,402	110,667	66,735	-	59.27%	36.97%	22.30%
City of Milwaukee, WI	\$2,164,500	233,820	188,653	45,167	143,486	-	76.55%	18.43%	58.12%
Alleghany County, PA	\$2,052,251	626,059	366,934	259,125	107,809	-	55.93%	39.50%	16.43%
St. Louis County, MO	\$2,048,474	489,138	286,704	202,434	84,270	-	55.80%	39.50%	16.30%
Bexar County, TX	\$1,900,000	559,883	319,550	240,333	79,217	-	53.74%	40.42%	13.32%
Cameron County, TX	\$1,800,000	88,874	59,402	29,472	29,930	-	64.10%	31.80%	32.30%
City of Green Bay, WI	\$1,625,600	41,112	21,291	19,821	1,470	-	48.01%	44.70%	3.31%
Hinds County, MS	\$1,500,000	92,869	67,594	25,275	42,319	-	71.39%	26.69%	44.70%
City of Madison, WI	\$1,281,788	143,131	120,078	23,053	97,025	-	79.51%	15.26%	64.25%
City of St. Louis, MO	\$1,034,200	129,125	104,235	20,832	83,402	-	79.70%	35.90%	63.80%
City of Racine, WI	\$1,002,490	143,774	103,028	8,934	10,995	-	64.26%	30.17%	34.09%

In documents received by The Amistad Project pursuant to court order, CTCL demands Philadelphia increase the number of polling places from 190 in the primary election to 800 in the general election.¹³

The August 21, 2020 CTCL-Philadelphia grant agreement states “[t]he City and the Commissioners shall work to secure 800 or more in-person polling places on Election Day [and] to (sic) extent the goals...are not met, the City shall communicate to grantor the number of polling places, rationale for opening fewer than 800 polling places, the approximate and average and maximum distance between a registered voter’s residence and their assigned polling place, a description of all courses of action or plans undertaken to open 800 or more polling places, and why each such course of action was not successful.”¹⁴

Philadelphia failing to meet any of CTCL’s demands was not an option as the grant agreement, as all CTCL grants, contained a “claw-back” provision. “CTCL may discontinue, withhold part of, or request the return all or part of any unspent grant funds if it determines, that any of the above conditions have not been met.”¹⁵

This dramatic increase in “in-person” polling locations in Democrat strongholds such as Philadelphia, Detroit and Milwaukee, as outlined in Plouffe’s book occurred at the same time blue state Governors were shutting down in-person voting in other areas of the state. For example, in Michigan, Governor Whitmer issued Executive Order 2020-27 pertaining to the Michigan primary in which she reduced the number of “in-person” polling places required by each jurisdiction to one¹⁶, stating “[t]o mitigate the spread of COVID-19, to protect public health...it is crucial that all Michiganders take steps to limit in-person contact. To that end, it is reasonable and necessary to temporarily suspend rules and procedures relating to the May 5, 2020 elections....”¹⁷

COVID Fear and the Litigation Strategy of the Left and Zuckerboxes Open the Door to Fraud

Accordingly, as blue state executive officials warned of in-person voting and the left launched a massive litigation strategy to remove ballot integrity provisions relating to absentee ballots¹⁸ including arguing that the presence of COVID requires the government to pay for return postage of all ballots.

In *Stringer v. North Carolina*, filed by the Right to Vote Foundation and the National Redistricting Foundation, 23-year-old Harvard graduate Sarah Fellman demanded that the state pay the postage on her absentee ballot as she “is admittedly confused about how much postage her ballot requires, given that absentee ballot envelopes are large and might weigh more than one ounce.” In the Complaint, Ms. Fellman explained “[i]n the past, she had had to ask friends for postage or try to fit a trip to her local post office into her busy schedule” and that in light of COVID-19 she “expects that the Postage Requirement will become even more burdensome than it has been for her in the past.”¹⁹

The Fellman suit also sought to suspend absentee ballot receipt deadlines, witness requirements, signature comparisons, and rejections of absentee ballots based on such comparisons unless curing is provided.²⁰ “Taken together,” the suit reads, “these restrictions on mail ballots are at best unduly burdensome and pose significant risks to voters’ health and safety, and, at worst, impossible to comply with during a global pandemic...”²¹

Yet, all such protections on the integrity of the absentee ballot previously received bipartisan support and were viewed as common sense requirements due to the potential fraud present when a ballot leaves the hands of election officials and is cast outside of an in-person polling place.

In 2005, former President Jimmy Carter and Republican James Baker authored a report from the bipartisan Commission on Federal Election Reform²² concluding, “[t]o improve ballot integrity...[and] to deter or prosecute systemic efforts to deceive or intimidate voters [s]tates...need to do more to prevent registration and absentee ballot fraud.”²³ Fraud occurs in several ways. Absentee ballots remain the largest source of potential voter fraud.”²⁴

The report specifically warned that mail voting is “likely to increase the risks of fraud...where safeguards for ballot integrity are weaker” and that such “absentee balloting...has been one of the major sources of fraud.”²⁵ The report also warns that allowing voting far in advance of Election Day results in voters not having comparable information about the candidates or the issues at the time they vote.²⁶ This, of course, diminishes the potential for an informed electorate and informed vote.

These concerns are logical. Once the ballot leaves the hands of government officials and is cast away from the polling place, there is not anyone present to ensure the voter is not misled, intimidated, or coerced to vote a specific way, or to ensure it was the voter who actually completed the ballot. It is for this reason that states enacted common sense integrity measures.

Yet the left’s litigation strategy sought to weaken all such provisions. Much of this occurred through “friendly” litigation. In Virginia, the League of Women Voters sued the Commonwealth seeking a court order removing the witness requirement for the absentee ballot. Paragraph 1 of the Complaint in *League of Women Voters, et. al. v. Virginia State Board of Elections*, quotes Virginia Attorney General Mark Herring stating that such witness requirements are dangerous during a pandemic. It is Herring’s office that is tasked with defending the state law requiring absentee ballot witnesses and Herring almost immediately announced he would settle the suit by granting the League what it sought, the removal of the witness requirement.

“We are thrilled that today’s agreement means voters will not bear the burden of finding a witness for their absentee ballots during a global pandemic...so that Virginia voters do not have to choose between their health and their vote,” harped Deb Wake, president of the League of Women Voters of Virginia.²⁷

A similar lawsuit resulted in Georgia’s Secretary of State Brad Raffensperger agreeing to settle with the Democratic Party of Georgia to alter Georgia’s signature comparison requirement.²⁸ Raffensperger entered the agreement without legislative approval.

Funding the Willful Violation of State Election Integrity Laws

Moreover, this recruiting of targeted jurisdictions for specific government action and funding runs contrary to legislative election plans and invites the government to play favorites in the election process.

The “Wisconsin Safe Election Plan” was not authored by the state and considered state election integrity laws as obstacles and nuisances to be ignored or circumvented. CTCL retained the right, in the grant document, to, in its sole discretion, order all funds returned if the grantee cities did not conduct the election consistent with CTCL dictates.²

Effectively, CTCL managed the election in these five cities. And this plan violated state law in, at least, the following ways:

- 1. The plan circumvented voter identification requirements for absentee ballots by attempting to classify voters as “indefinitely confined” due to COVID and later, after Wisconsin Supreme Court criticism, by ordering election clerks to not question such claims.*
- 2. The plan initiated the use of drop boxes for ballot collection, significantly breaching the chain of custody of the ballot and failing to maintain proper logs and reviews to ensure all properly cast ballots were counted and all improperly cast ballots were not counted.*
- 3. Initiated the consolidation of counting centers, justifying the flow of hundreds of thousands of ballots to one location and the marginalization of Republican poll watchers such that bipartisan participation in the management, handling, and counting of the ballots was compromised.*

These are but examples of radical changes in election processes that opened the door for significant fraud.

The disparate impact of Zuckerberg funding is also present in the analysis of CTCL funding in Pennsylvania. Documents obtained through court order revealed communication between the City of Philadelphia and CTCL emphasizing that CTCL paid election judges in Philadelphia and other election officials. CTCL mandated Philadelphia to increase its polling locations and to use drop boxes and eventually mobile pick-up units.³⁰ Moreover, Zuckerberg monies allowed Philadelphia to “cure” absentee
WI-REP-21-1298, 21-1801, 21-1495, 21-1497-A, WI-REP-21-1295, 21-1296, 21-1299, 21-1302, 21-1437, 21-1493-B, WI-EXT-21-1438, 21-1494, 21-1496, 21-1498-B-000509

In Democrat Delaware County, Pennsylvania, one drop box was placed every four square miles and for every 4,000 voters. In the 59 counties carried by Trump in 2016, there was one drop box for every 1,100 square miles and every 72,000 voters.³¹ Government encouraging a targeted demographic to turn out the vote is the opposite side of the same coin as government targeting a demographic to suppress the vote.

This two-tiered election system allowed voters in Democrat strongholds to stroll down the street to vote while voters in Republican strongholds had to go on the equivalent of a “Where’s Waldo?” hunt in order to find a ballot box.

These irregularities existed wherever Zuckerberg’s money was granted to local election officials. In effect, Mark Zuckerberg was invited into the counting room, and the American people were kicked out.



August 21, 2020

City of Philadelphia
Office of the Director of Finance
1401 John F. Kennedy Blvd. Ste 1330
Philadelphia, Pennsylvania 19102

To whom it may concern:

I am pleased to inform you that the Center for Tech and Civic Life (“CTCL”) has awarded the City of Philadelphia (“City”) a grant to support its work in connection with the safe administration of elections in 2020 (the “Grant”).

The following is a description of the Grant:

AMOUNT OF GRANT: Ten million, sixteen thousand and seventy-four US dollars (USD \$10,016,074).

PURPOSE: The Grant funds must be used exclusively for the public purpose of planning and operationalizing safe and secure election administration in the City of Philadelphia in accordance with the attached Philadelphia Safe Voting Plan 2020.

Before we transmit these funds, we ask that you sign this agreement promising to use the Grant funds in compliance with United States tax laws. Specifically, by signing this letter on behalf of the City you confirm and agree to the following:

Your acceptance of these agreements should be indicated below. Please have an authorized representative of The City of Philadelphia sign below, and return a scanned copy of this letter to us by email at grants@techandcivicle.org.

On behalf of CTCL, I extend my best wishes in your work.

Sincerely,

Tiana Epps Johnson

Tiana Epps Johnson
Executive Director
Center for Tech and Civic Life

CITY OF PHILADELPHIA

By: *Ashley Del Bianco*

Title: Ashley Del Bianco, Chief Grants Officer

Date: 8/21/20

CENTER FOR TECH AND CIVIC LIFE
HELLO@TECHANDCIVICLE.ORG
PAGE 1

The Hack from Within

Additionally, Amistad became alarmed at the new vulnerabilities created in our election system with “data sharing agreements” that gave left-leaning third-party organizations front door access to electronic poll books.³²

Rock the Vote and other organizations inked agreements with blue state election officials to enter new registrations into state poll books. Such agreements are unprecedented and unwise.

The threat of unofficial voter registration drives was acknowledged in the Carter-Baker 2005 report which called for “legislation to minimize fraud in voter registration, particularly to prevent abuse by third-party organizations [by] direct[ing] offices to check the identify of individuals registered through third-party registration drives and to track voter registration forms.”³³

These concerns were articulated at a time when such third-party voter registration drives required private interests to complete voter registration applications on paper and turn the applications into the local election clerk.

In the 2020 election all of this changed in a manner opening the door to a front-end hack of our election poll books. Previously, voter registrations were entered solely by election clerks, who have three important checks on their authority. These checks are: 1) they must be transparent subject to FOIA and open records laws; 2) they are geographically limited rendering audits manageable; and 3) they are politically accountable. No such checks apply to Rock the Vote.

Allowing such access creates new digital vulnerabilities, easily allowing nefarious actors to access poll books and alter entries.

Sufficient data is available from private vendors to create identifies to populate poll books. Vendors sell the changes of address, legal name changes, divorce, marriage, death, and other databases which combined allow for the creation of fictitious voters. As an example, a colleague of mine checked the Michigan voter registration records after concerns arose about voter fraud in Michigan to see if she was registered in her birth state. She now lives in Virginia. To her astonishment, she found she was registered under her birth name – a name under which she never registered in any state as she legally changed her first name upon reaching the age of majority, later married and had not lived in Michigan for decades.

The Amistad Project's concerns were amplified by the nature of a contract offered by Michigan's health director to a subsidiary of NGP VAN, a Democrat fundraiser and data services company.

Michigan granted the COVID tracing contract to EveryAction VAN, a subsidiary of NGP VAN which Governor Whitmer, AG Dana Nessel and Secretary of State Jocelyn Benson as a fundraising consultant for their campaigns.³⁴

The contract allowed this leftist organization to demand sensitive information from Michigan citizens at the threat of arrest. Citizens could be ordered to turn over medical records, travel information, the names of associates and friends, and other information with a significant privacy interest and of significant monetary value to a political fundraiser.

Emails later obtained through FOIA requests demonstrate Ed Duggan, a Whitmer advisor and the Michigan Director for the Biden campaign, helped arrange the contract.³⁵ Duggan suggested that health department officials not directly contract with NGP VAN because of possible political fallout.³⁶ When this information became public, Whitmer claimed she was unaware of the agreement and faced with public pressure, she rescinded the contract.³⁷

Consolidated County Centers Combine with Dropboxes to Open the Door to Hundreds of Thousands of Fraudulent Ballots

CTCL and swing state urban election officials justified consolidating counting centers due to COVID. Previously, ballots on Election Day were generally managed in smaller locations with easy bipartisan access.

It is doubtful consolidation of the counting centers, drawing crowds of poll watchers and workers, is at all helpful in preventing the spread of COVID. But the centers did allow for two things to happen: 1) the delivery of hundreds of thousands of ballots to one location; and 2) preventing members of one political party from observing the receipt, handling, management, curing, casting, and counting of ballots.

Transparency in elections is a hallmark of a fair election. Transparency is achieved through inclusion. The United States Agency for International Development explains that “[t]he most fundamental principle defining credible elections is that they must reflect the free expression of the will of the people. To achieve this, elections should be transparent, inclusive, and accountable....”³⁸

The agency implements strategies which involve the presence of independent observers, audits, and inclusion of all political factions in witnessing election management.³⁹

Transparency is so significant that the Carter-Baker report devoted a section to “Election Observation” and recommended election observers should be allowed to “visit any polling station in any state and to view all parts of the election process, including the testing of voting equipment, the processing of absentee ballots, and the vote count.”⁴⁰

Yet, this did not happen in 2020. Rather, Democrat officials in the cities identified as critical to defeating President Trump used the consolidation of the counting facilities to exclude Republican poll watchers from the ability to observe the election process while claiming technical compliance with the law.

In Wayne County, Michigan (Detroit), centralized counting was hosted in the TCF Center which had 134 tables of election inspectors in one giant room. State law requires an official from both major political parties be present in the “place” of the counting. This is necessary because the election inspectors complete and cast ballots third parties who are not present.

Such action for third parties occurs if ballots are damaged or for some reason are not able to be read by the optical scanners that tabulate the votes. In such circumstances, inspectors take pristine ballots and fill out the blank ballots consistent with the voter’s intent on the damaged or faulty ballot. Having representatives of both parties present ensures the completion of the replacement ballot is accomplished with fidelity to the voter’s intent.

At TCF, Republican poll watchers were kept at great distances away from the inspector tables such that they were unable to verify the proper treatment of the ballots. Democrat officials, however, argued their treatment of Republican poll watchers was consistent with state law as a Republican was in the “place” of the counting. Similar arguments were made in all Democrat strongholds with CTCL funding and consolidated counting centers.

Moreover, the egregious breach in ballot chain of custody created by the presence of drop boxes and consolidated counting centers and the exclusion of the representatives of one political party opened the door to the sudden infusion of hundreds of thousands of ballots in these various centers in the early morning hours of November 4.

On October 21, USPS subcontractor and whistleblower Jesse Morgan picked up between 140,000-280,000 completed absentee ballots at a postal facility in Bethpage, New York and was directed to deliver these ballots into Pennsylvania. After experiencing several anomalies on postal procedure, Morgan was ordered to drive his trailer containing the ballots to Lancaster, Pennsylvania and unhook and leave the trailer. When Jesse returned the next day, his trailer and the ballots had disappeared.⁴¹

Mr. Morgan’s account has been corroborated by a dock worker at the Bethpage facility who stated that after filing a complaint that “multiple times” ballots were being shipped from the facility, she was ordered to simply do her job and “get the ballots” to her location.

The dock worker complained because the Bethpage postal facility in question is not able to process or receive such mail. Moreover, there is no logical reason for completed ballots in bulk to be shipped across state lines.

In the early morning hours of November 4, poll watcher Greg Stenstrom was watching from a distance when he observed tens of thousands of ballots entering the counting facility stacked vertically in bulk mail trays, packaged in the same manner as Mr. Morgan described the ballots were packaged in Bethpage.

Mr. Morgan, Mr. Stenstrom, and the Bethpage dock worker join numerous others who have highlighted questionable conduct at postal facilities in New York, Pennsylvania, Wisconsin, and Michigan.

These late-night and early morning ballot dumps in the Plouffe-identified and CT-CL-funded consolidated counting centers, many after work stoppages, created several statistical anomalies.⁴²

Later, data analysis by Rep. Frank Ryan (R-PA) and a team of data analysts revealed that the Pennsylvania election data shows 202,377 more ballots were counted than voters who voted in the 2020 election, a number remarkably similar to the number of ballots on Jesse Morgan's trailer.⁴³

Conclusion

Managing elections is a core government function that cannot be trusted to private interests. We must not privatize our elections. Such privatization threatens democracy, silences the voice of the electorate, and undermines election integrity. These concerns should transcend party affiliation and this threat requires a bipartisan response.

Yet the left's shadow government of private interests managing the election in the urban core controlled the following election systems:

- **Poll book software and encryption services**
(Center for Election Innovation and Research (received \$50 million from CTCL))
- **Electronic voter registration**
- **Funding election judges, poll workers and facilities**
- **Purchase of tabulation machines and equipment**
- **Purchase, provision, and location of ballot dropboxes**
- **Funding of consolidated counting centers**
- **Ballot design, barcode technology, and distribution.**

These private interests were funded by and managed by persons with demonstrated hostility to President Trump. The combined efforts, justified by COVID and utilizing blue state official executive orders, friendly and hostile litigation, willful and intentional defiance of state law by local elected officials, and dominantly funded by Mark Zuckerberg opened the door for nefarious players to commit election fraud.

The evidence is overwhelming and available publicly from numerous sources, including www.got-freedom.org/evidence.

The irregularities and radical alteration of election procedures is undeniable. The similarity of these alterations in the urban core of the swing states, all receiving CTCL-Zuckerberg funding, provides strong evidence of coordination and planning. Yet, some of the most compelling evidence remains the defiant statements and conduct of election officials who refuse audits, have ordered destruction of information, and defied legislative subpoenas.

Such defiance underscores the weakness of our election laws, which do not provide for a meaningful review of election official conduct nor the results. In most instances, state election laws place an undue burden on candidates, restrict third-party and independent involvement, and do not apply scientific principles to election recounts or audits. In fact, such election contests and reviews merely validate any fraud, rather than reveal the presence of fraud.

These legal loopholes joined with open defiance of law to create serious doubts the 2020 election reflects the will of the electorate.

Phill Kline, Director of the Amistad Project of the Thomas More Society

Footnotes

- ¹ The Legitimacy and Effect of Private Funding in Federal and State Electoral Processes, pp. 7-10
- ² The Legitimacy and Effect of Private Funding in Federal and State Electoral Processes, p. 6
- ³ Building Confidence in U.S. Elections, 2005
- ⁴ Timeline of Electoral Policy Activities, Issues, and Litigation, pp. 4-19
- ⁵ Timeline of Electoral Policy Activities, Issues, and Litigation, pp. 3-19
- ⁶ Declaration of John McLaughlin: <https://got-freedom.org/wp-content/uploads/2020/12/5-3-Appx3.pdf>
Plouffe, David, A Citizen's Guide to Defeating Donald Trump [New York: Viking, 2020], p. 81
[https://ballotpedia.org/Center_for_Tech_and_Civic_Life_\(CTCL\)](https://ballotpedia.org/Center_for_Tech_and_Civic_Life_(CTCL))
- ⁷ Plouffe, David, A Citizen's Guide to Defeating Donald Trump [New York: Viking, 2020], p. 81
- ⁸ [https://ballotpedia.org/Center_for_Tech_and_Civic_Life_\(CTCL\)](https://ballotpedia.org/Center_for_Tech_and_Civic_Life_(CTCL))
- ⁹ Racine CTCL grant approval letter <https://got-freedom.org/wp-content/uploads/2020/12/5-3-Appx3.pdf>
- ¹⁰ The Legitimacy and Effect of Private Funding in Federal and State Electoral Processes, Appendix B:
<https://got-freedom.org/wp-content/uploads/2020/12/The-Legitimacy-and-Effect-of-Private-Funding-in-Federal-and-State-Electoral-Processes-1.pdf>
- ¹¹ The Legitimacy and Effect of Private Funding in Federal and State Electoral Processes, pp. 7-15: <https://got-freedom.org/wp-content/uploads/2020/12/The-Legitimacy-and-Effect-of-Private-Funding-in-Federal-and-State-Electoral-Processes-1.pdf>
- ¹² The Legitimacy and Effect of Private Funding in Federal and State Electoral Processes, p. 4 <https://got-freedom.org/wp-content/uploads/2020/12/The-Legitimacy-and-Effect-of-Private-Funding-in-Federal-and-State-Electoral-Processes-1.pdf>
- ¹³ Racine CTCL grant approval letter <https://got-freedom.org/wp-content/uploads/2020/12/5-3-Appx3.pdf>
- ¹⁴ Philadelphia CTCL grant approval letter https://www.philadelphiavotes.com/images/stories/execution_copy_philadelphia_ctcl_grant_ad_signed-082120.pdf
- ¹⁵ The Legitimacy and Effect of Private Funding in Federal and State Electoral Processes, p. 5 <https://got-freedom.org/wp-content/uploads/2020/12/The-Legitimacy-and-Effect-of-Private-Funding-in-Federal-and-State-Electoral-Processes-1.pdf>
- ¹⁶ The Legitimacy and Effect of Private Funding in Federal and State Electoral Processes, p. 11 <https://got-freedom.org/wp-content/uploads/2020/12/The-Legitimacy-and-Effect-of-Private-Funding-in-Federal-and-State-Electoral-Processes-1.pdf>
- ¹⁷ The Legitimacy and Effect of Private Funding in Federal and State Electoral Processes, p. 6 <https://got-freedom.org/wp-content/uploads/2020/12/The-Legitimacy-and-Effect-of-Private-Funding-in-Federal-and-State-Electoral-Processes-1.pdf>
- ¹⁸ By early June Ballotpedia reported 97 lawsuits filed challenging various election law provisions in a COVID environment. These lawsuits challenged signature comparison requirements, witness requirements and dates pertaining to absentee ballots
WI-REP-21-1298, 21-1301, 21-1495, 21-1497-A, WI-REP-21-1295, 21-1296, 21-1299, 21-1302, 21-1437, 21-1493-B, WI-EXT-21-1438, 21-1494, 21-1496, 21-1498-B-000518

19 Stringer et. al. v. North Carolina, at 5-6, paragraph 11; <https://static1.squarespace.com/static/5e909f4422f7a40a188de597/t/5eb03c4bd76904418cc97cd7/1588608076074/Stringer%2C+et+al.+v.+North+Carolina+-+AS+FILED+Complaint.pdf>.

20Id., at 2-3, paragraph 3.

21Id., at 3, paragraph 4.22

22 Building Confidence in U.S. Elections: Report of the Commission on Federal Election Reform; https://web.archive.org/web/20070609115256/http://www.american.edu/ia/cfer/report/full_report.pdf.

23 Id., at v.

24 Id., at 46.

25 Id., at 35.

26 Id., at 36.

27 Pending Judge's Decision, Voters Will Not Need a Witness for Their Absentee Ballot, April 28, 2020; <https://www.lwv.org/newsroom/press-releases/agreement-lwv-virginia-lawsuit-will-eliminate-signature-witness-requirement>. See also After Lawsuits, Minnesota Secretary of State Waives Absentee Ballot Witness Signature Mandate, June 17, 2020 (quoting Mark Elias representing the plaintiff who announced the settlement); <https://minnesota.cbslocal.com/2020/06/17/after-lawsuits-minnesota-secretary-of-state-waives-absentee-ballot-witness-signature-mandate/>. The article reveals similar cases were pending in Florida, New Jersey, Pennsylvania, South Carolina, Texas, Virginia and Wisconsin. Id.

28 Compromise Settlement Agreement and Release; <https://demdoc2.perkinscoieblogs.com/wp-content/uploads/sites/45/2020/07/GA-Settlement-1.pdf>.

29 Racine CTCL grant approval letter

30 Philadelphia CTCL grant approval letter

31 The Legitimacy and Effect of Private Funding in Federal and State Electoral Processes, p. 5

32 The Legitimacy and Effect of Private Funding in Federal and State Electoral Processes, p. 11

33 Carter-Baker Report, at 46; https://web.archive.org/web/20070609115256/http://www.american.edu/ia/cfer/report/full_report.pdf.

34Whitmer Shares Private Health Data with Democrat Allies; <https://www.commissionerwes.com/index.php/media-release/41-whitmer-shares-private-heath-data-with-democrat-allies>.

35 Democratic Firm to Help State Trace Covid-19, Kalamazoo News (July 2, 2020); <https://www.mt.com/news/state/emails-show-ed-duggan-recommended-democratic-firm-to-help-state-trace-covid-19>.

36<https://www.bridgemi.com/michigan-government/whitmer-team-gave-green-light-contact-tracing-firm-dem-ties>

37 See infra. note 34

38 Supporting Free and Fair Elections, USAID, <https://www.usaid.gov/what-we-do/democracy-human-rights-and-governance/supporting-free-and-fair-elections>.

39 Id., and see <https://www.usaid.gov/elections-0>.

40 Carter-Baker report, at 65; https://web.archive.org/web/20070609115256/http://www.american.edu/ia/cfer/report/full_report.pdf.

41 I interviewed Jesse Morgan in his home in late November. The forensic interview was videotaped, and Jesse's statements were later reduced to a sworn affidavit which he signed under oath and is available on request.

42 See, e.g., 2020 Presidential Election Startling Vote Spikes (rev. 1-3-21), Eric Quinzel, Stan Young, Tony Cox, Tom Davis, Ray Blehar and John Drox.

43 See, e.g., PA Lawmakers: Numbers Don't Add Up Certification of Presidential Results Premature and In Error; <http://www.repfrankryan.com/News/18754/Latest-News/PA-Lawmakers-Numbers-Don%E2%80%99t-Add-Up,-Certification-of-Presidential-Results-Premature-and-In-Error>.



THE AMISTAD *Journey*

CENTER *for* EXCELLENCE *in*
POLLING 

A project of the Foundation for Government Accountability

2021 WISCONSIN

Racine Investigation Poll

	ALL VOTERS	GOP	DEM	IND
<p>1. Wisconsin requires specially appointed voting deputies to be sent into long-term health care facilities, such as nursing homes, to help patients vote. During the 2020 election, the Wisconsin Election Commission suspended the use of these legally-required voting deputies. Would you support or oppose the criminal prosecution of the Wisconsin Election Commissioners who suspended the use of legally-required voting deputies?</p>				
Support	52%	72%	27%	55%
Oppose	32%	22%	51%	26%
Unsure	15%	6%	22%	19%
<p>2. Would you be more or less likely to support prosecuting the election commissioners who suspended the use of voting deputies if you knew that the Racine County Sheriff's Office has investigated the situation and recommended three misdemeanor and two felony charges for five out of the six commissioners involved?</p>				
More Likely	64%	84%	44%	62%
Less Likely	23%	9%	37%	24%
Unsure	13%	7%	19%	14%
<p>3. Would you be more or less likely to support prosecuting the election commissioners who suspended the use of voting deputies if you knew that the Wisconsin Elections Commission circumvented the state legislature's authority over election procedures?</p>				
More Likely	61%	84%	30%	66%
Less Likely	26%	9%	51%	20%
Unsure	13%	7%	20%	14%

	ALL VOTERS	GOP	DEM	IND
4. Would you be more or less likely to support prosecuting the election commissioners who suspended the use of voting deputies if you knew that the commissioners directed municipal clerks and municipal board of election commissioners to mail absentee ballots to residents of retirement homes and care facilities without dispatching the special voting deputies as required by law?				

More Likely	64%	85%	37%	69%
Less Likely	25%	10%	45%	20%
Unsure	11%	4%	18%	11%

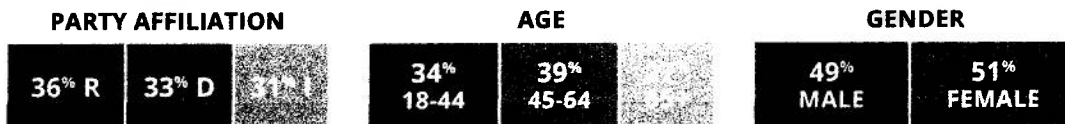
5. Would you support or oppose having the Wisconsin Attorney General initiate a statewide investigation to determine whether the alleged election violations that resulted from the suspension of voting deputies extended beyond Racine County?				
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Support	64%	87%	38%	63%
Oppose	26%	8%	49%	22%
Unsure	11%	4%	14%	15%

6. The Wisconsin General Assembly has appointed a special counsel to investigate election issues like the election commission's suspension of the voting deputies in Racine County nursing homes. Would you support or oppose having this special counsel expand the investigation to include the rest of the state?				
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Support	62%	84%	39%	61%
Oppose	27%	7%	51%	25%
Unsure	11%	9%	9%	14%

DEMOGRAPHICS



Results for this poll are based on automated telephone interviews conducted among a nationwide sample of 503 likely voters. Data for this survey research was collected by Cor Services, Inc.

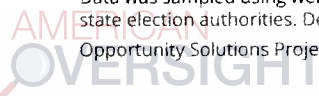
Interviews were conducted via a computer-assisted telephone interviewing system utilizing techniques designed to achieve the highest possible respondent cooperation.

The surveys were conducted November 17-21, 2021. The margin of sampling error is plus or minus 4.37 percentage points. The margin of sampling error may be higher for certain subgroups. Results presented may not always appear to total 100 percent due to rounding.

Data was sampled using weighted demographic information from the U.S. Census Bureau's Current Population Survey Voting and Registration Supplement and the state election authorities. Demographic information for actual voters in past elections were used to construct sample target weights.

Opportunity Solutions Project paid for all costs associated with this survey.

WI-REP-21-1298, 21-1301, 21-1495, 21-1497-A, WI-REP-21-1295, 21-1296, 21-1299, 21-1302, 21-1437, 21-1493-B, WI-EXT-21-1438, 21-1494, 21-1496, 21-1498-B-000523



DECEMBER 2021

REPORT SUMMARY: A REVIEW OF THE 2020 ELECTION

BY WILL FLANDERS, KYLE KOENEN, RICK ESENBERG,
NOAH DIEKEMPER & MIRANDA SPINDT





REPORT SUMMARY:

A REVIEW OF THE 2020 ELECTION



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Acknowledgments

WILL would like to acknowledge the hard work of everyone who contributed to this report including:

Brian McGrath, Brian Kind, Anthony LoCoco, Elisha Doerr, Ameillia Wedward, Chris Aderhold, Cori Petersen, Collin Roth, Jessica Holmberg, Mike Fischer and Ashley Koenen.

Introduction

The aftermath of the Wisconsin 2020 election has been marked by allegations that it was subject to widespread voter fraud. Concerns have been raised about middle of the night vote dumps, the conduct of election officials in various communities, the widespread adoption of vote-by-mail and absentee drop boxes, as well as allegations of votes being changed by voting machines.

In a Marquette University Law Poll conducted in August 2021, nearly a year after the election, more than 70% of Republicans and 26% of Independents reported a lack of confidence that “the votes for president were accurately cast and counted in last year’s election.”

When large numbers of voters question the authenticity of an election, their concerns, whether valid or not, need to be addressed. A group of researchers and attorneys at the Wisconsin Institute for Law & Liberty (WILL) engaged in an in-depth examination of the 2020 election in Wisconsin.

For more information visit wielectionintegrity.com or use the code below to access the full report and our analysis on private funding of elections in Wisconsin.



FULL REPORT
A Review of the 2020 Election



FULL REPORT
Finger on the Scale: Examining Private Funding of Elections in Wisconsin

WILL ELECTION REVIEW

10 month
in-depth examination

20,000
ballots reviewed

29,000
absentee ballots reviewed

460
open records requests

65,000+
pages of documents reviewed

Surveys and polling

Summary of Conclusions

It is almost certain that in Wisconsin's 2020 election the number of votes that did not comply with existing legal requirements exceeded Joe Biden's margin of victory. This does not necessarily mean that Biden did not win a majority of the votes of those eligible to vote, but the questions of fraud and unlawful processes are related.

There was no evidence of widespread voter fraud. In all likelihood, more eligible voters cast ballots for Joe Biden than Donald Trump. We found little direct evidence of fraud, and for the most part, an analysis of the results and voting patterns does not give rise to an inference of fraud.

Widespread abandonment of proper procedures raises questions regarding the fairness of the process and the possibility for voter fraud that might not otherwise be detected.

We found areas in which processes are not secure, and that reasonable reforms might make such exploitation less likely without unduly burdening the right to vote. Although there may be little evidence that these vulnerabilities were exploited in 2020, reform is no less imperative.

We also found that private funding of election operations had a partisan bias and impact.

Summary of Findings

WE FOUND LIMITED INSTANCES IN WHICH INELIGIBLE PERSONS VOTED OR ATTEMPTED TO CAST BALLOTS

This review uncovered nearly 300 instances where ineligible voters cast ballots or attempted to cast ballots. This is not particularly unusual. But any ineligible votes should be taken seriously and investigated by law enforcement.

We identified 130 voters across the state of Wisconsin who were flagged by Registration List Alerts for being a felon, but nonetheless cast a ballot in the November election.

We identified 42 ballots cast, statewide, by deceased voters. Nearly all were properly rejected by local clerks. There are two instances where a possibly deceased voter had their ballot counted.

We found no evidence of more than one vote being cast in the name of the same voter. However,

we should note our review was limited to the state of Wisconsin, meaning that someone could, theoretically, have voted in another state.

This review identified 129 instances of individuals voting from commercial addresses. All of these addresses were post offices or mailing centers. Using a PO Box to register to vote is unlawful under Wisconsin law.

THERE IS NO EVIDENCE OF SIGNIFICANT PROBLEMS WITH VOTING MACHINES

Donald Trump won communities that used Dominion voting machines with 57.2%, an increase from 2016. WILL could not access voting machines as a part of this review, but we did model the various machines to evaluate their effect on the outcome of the election. Just 14.7% of Wisconsin jurisdictions employ the Dominion voting machines, maligned by many as a culprit in changing votes for Joe Biden.

WILL's review found that jurisdictions that used Dominion voting machines had no effect on the expected vote total. Our analysis found Democrats actually did worse than expected in areas that used Dominion machines.

THERE WERE A SIGNIFICANT NUMBER OF BALLOTS CAST IN THE 2020 ELECTION THROUGH METHODS THAT DO NOT MEET STATUTORY REQUIREMENTS OR STATUTORY INTENT

As recently confirmed by the Legislative Audit Bureau, the widespread adoption of absentee ballot drop boxes, encouraged by the Wisconsin Elections Commission (WEC), runs afoul of state law requirements for the collection of absentee ballots.

This widespread adoption of absentee ballot drop boxes, not provided for under Wisconsin law, was correlated with an increase of about 20,000 votes for Joe Biden, while having no significant effect on the vote for Trump. WILL does not claim that the voters who used drop boxes were ineligible voters or should have had their votes rejected. But the ad hoc adoption of absentee ballot drop boxes without established rules, parameters, or security presents an election vulnerability and a challenge to state law.

More than 265,000 Wisconsin voters adopted the 'indefinitely confined' status, meaning they received an absentee ballot and were exempt from the statewide photo ID requirements. The number of indefinitely confined voters increased from 66,611 in 2016 to 265,979 in 2020. Given the substantial increase in the number of such voters, it is almost certain that many voters improperly claimed "indefinitely confined status."

Many of these votes were cast unlawfully. Additionally, clerks in Dane and Milwaukee counties used the presence of the pandemic to encourage voters to adopt an uncommon status called “indefinitely confined.” The Wisconsin Supreme Court unanimously rebuked the Dane County clerk for encouraging voters to adopt this status in March 2020. In November, it confirmed that a person who did not wish to leave home due to the pandemic was not “indefinitely confined.”

The votes cast by indefinitely confined voters raise a number of red flags. While we cannot infer any malignant intent on the part of these voters, this means that many votes were cast without the requirement of photo identification. 54,259 ballots were cast by individuals who have never shown a voter ID in any election. 3,718 were cast from addresses that were on the 2019 Mover’s List. 7,747 failed their DMV check when they registered.

VOTER ROLLS WERE NOT PROPERLY MAINTAINED

State and federal law requires Wisconsin to maintain accurate voter rolls. But the Wisconsin Elections Commission and local clerks refused to take the required steps in 2020 to remove outdated and inaccurate voter registrations—resulting in tens of thousands of active voter registrations tied to old addresses.

Thousands of votes were cast by individuals remaining on the active Mover’s List. 5,329 voters voted in the election from their old address, and 13,757 voted from a new address while in active mover status. Once again, while not every one of these votes may be illegal, it is vital for election security that we know who voters are and where they live.

We found that 23,361 Wisconsin voters in 2020 cast ballots despite failing their DMV check this year, meaning their name, address, and/or birthdate doesn’t match what is on file with the Department of Motor Vehicles (DMV). 4,885 voters cast ballots with a driver’s license number that does not exist in the DMV system. 16,595 had names or date of birth did not match the DMV system. Democratic-leaning counties were disproportionately represented among DMV checks.

We found that 31,664 Wisconsin voters were in the National Change of Address Database. Among the subset where a new address was known, 7,151 moved to an address in a different state.

It is still not possible to infer fraud solely from these unlawfully cast votes or failure to maintain voter rolls. There isn’t much, if any, evidence that these voters did anything intentionally wrong (in many instances, they seem to have relied on the advice of election officials) and one might conclude—whether as a matter of law, fairness, or political survival—that it would be unreasonable to throw out their ballots.

It is unclear whether, had these ballots been disqualified, the results of the election would have changed.

LOCAL PRACTICES WERE NOT UNIFORM AND, IN SOME CASES, MAY NOT HAVE FOLLOWED THE LAW

This review identified several practices by local election officials that are not uniform, and raises concerns about fair and equal treatment. While elections are largely decentralized in Wisconsin, every effort should be made to provide voters with equal access and treatment. But in-person absentee voting hours can differ from municipality to municipality, and election officials seem to be rejecting ballots or fixing them (curing) without much consistency. Legislative efforts should be made to ensure these practices are the same in every corner of the state.

Absentee ballot rejection rates were substantially lower in 2020 than in previous presidential elections. When voters cast absentee ballots, some percentage are expected to be rejected as a result of mistakes or missing information. But rejection rates for the 2020 presidential election were substantially lower than previous years. Either voters improved their capacity to avoid mistakes, or, more likely, election officials deliberately made efforts to ensure ballots were not rejected.

Due to the partisan split in absentee voting, WILL estimates that if absentee ballot rejection rates were similar to the rates in 2016, the final election margin would have narrowed by 6,000 votes - making a very close election even closer. While it should be noted that absentee ballot rejection rates do not appear to vary based on community partisanship, this outcome flows from the partisan skew in the use of absentee ballots.

State law provides no legal authority for local election officials to fix, or “cure,” defects, mistakes, or missing information on absentee ballots. But the Wisconsin Elections Commission (WEC) said they could—resulting in some municipalities curing ballots while others did not. As a result of WEC’s lawless advice to local officials, no standard practices were employed to cure ballots.

While there is a pre-determined allowable number of days available for in-person absentee voting applied statewide, there is no uniform standard of hours available for in-person absentee voting. Although this did not result in a greater percentage of votes coming from urban areas, it does reveal an imbalance in the opportunity to vote and may have skewed the vote totals.

The Wisconsin Elections Commission unlawfully suspended the use of Special Voting Deputies for nursing homes and assisted living facilities in 2020—shrugging off standards in state law for the distribution and collection of absentee ballots in those settings. WILL surveyed 35 Wisconsin communities and found just two could provide records for use of Special Voting Deputies in 2020.

PRIVATE FUNDING DISPROPORTIONATELY BENEFITTED DEMOCRATS

Private grants for election administration from the Center for Technical and Civic Life (CTCL), a non-profit largely funded by Facebook founder Mark Zuckerberg and his wife, resulted in an increase in turnout in five Wisconsin cities—all voting heavily for Democrat Joe Biden.

A statistical analysis finds significant increases in turnout for Democrats, approximately 8,000 votes statewide, as a result of the distribution of CTCL grants. Specifically, Biden's vote increased by about 41 votes per municipality in cities that received CTCL grants relative to those that did not over 2016. No statistically significant effect was found for Trump.

THE RESULTS WERE NOT ANOMALOUS

We began assessing the 2020 election by asking whether there were external signs of irregular activity. We looked for any inconsistencies that suggested fraud, or failure to fully and accurately tabulate the results. Our conclusion is that there is no indication the results are anomalous.

The high 2020 statewide turnout in Wisconsin (72.3%) was not abnormal. It was the turnout in 2016 that was unusually low. The 2016 presidential election in Wisconsin had the lowest statewide turnout since 2000 with just 67.34%. The increased turnout between 2016 and 2020, for both candidates, made the election feel like an abnormal swing. But it falls short of 2004 when turnout hit 72.9 %. Even in 2012, turnout exceeded 70%.

In general, the 2020 election in Wisconsin aligned with long-term statewide and national trends of Democratic gains in the cities and suburbs, coupled with increased Republican margins in rural areas. A high-level review of the election results finds consistent demographic patterns and trends.

Joe Biden overperformed Democratic congressional candidates, while Trump underperformed Republican congressional candidates. Biden received 64,434 more votes than Democratic congressional candidates in the state. On the flip side, Trump underperformed Republican congressional candidates in the state by 51,215 votes. Trump also underperformed in 2016 but by more votes. Biden reversed Hillary Clinton's 2016 underperformance. While some believe the "Biden only" votes are a sign of fraud, we found no evidence to support this.

2020 was a return to more conventional levels of write-in and third-party voting. In 2016, Wisconsin voters cast 186,000 write-in and third-party votes — an unusually high number. Some regard the absence of such votes in 2020 as suspicious. While it is possible that keeping the Green Party candidate off the ballot benefited Joe Biden, the 2020 election returned to relatively normal levels of write-in and third-party voting.

The number of registered voters in Wisconsin exceeded November 2020 turnout in every month of 2020. In the aftermath of the election, some alleged that there more votes cast in Wisconsin than registered voters. This is not accurate for any month in 2020. *There were not more votes than registered voters.*

A WILL poll of 2,000 absentee voters revealed a strong partisan split in absentee voting preference. Among those expressing a preference for one of the two major parties, only 27.4% of the sample identified as Republican, while 72.6% of the sample that identified as Democrats.

Our poll found a surprisingly high percentage of respondents who say they did not request absentee ballots. A higher percentage of Republicans than Democrats claim they did not request an absentee ballot than of Democrats. Most of those who said they did not request absentee ballots appear to have voted. **We could not conclude that this is evidence of fraud, but neither can we exclude it.**

The number of absentee ballots counted on election night in Milwaukee is consistent with what was reported to be outstanding. Despite frustration and suspicion about Milwaukee “ballot dumps,” the existence of the votes and the percentage that went for Joe Biden (about 85.7%) appear to be plausible. **Put simply, there was no unexplained “ballot dump.”**

Just 199 federal-only ballots, available to individuals who have lived in Wisconsin less than 28 days, were cast in the 2020 election. Some speculated that an uptick in federal-only ballots could indicate fraudulent or ineligible votes. But the number of federal-only ballots was relatively small and showed no pattern in the partisanship of the communities they where they were cast.

AN EXAMINATION OF A SAMPLING OF BALLOTS REVEALED FEW PROBLEMS

A close review, including a hand count of roughly 20,000 ballots from 20 wards, uncovered no evidence of fraudulent ballots or widespread voter fraud. While it was not possible to examine over three million ballots, we did closely investigate specific wards. The wards selected had results that stood out in some way from previous elections. After determining which wards to review, we physically viewed and recounted selected ballots.

Three statistical models identified three Wisconsin wards with unusual vote totals. Additionally, WILL selected 17 wards for review due to their large vote shifts between 2016 and 2020.

Our hand review found that the counts closely matched those reported by the Wisconsin Elections Commission (WEC). The review found no evidence of fraudulent ballots. The wards WILL reviewed came from: Milwaukee, Madison, Green Bay, Fox Crossing, Mequon, Waukesha, and West Bend.

In many of the wards examined, WILL found a significant number of voters who voted for Biden and a Republican for Congress, while far fewer voters split the other way. This is consistent with the

explanation that a key driver of Trump's loss was a segment of traditional Republican voters choosing not to support him.

A review of 5,800 pages of election inspector statements, a formal procedure for poll workers to document key election statistics and incidents, revealed few issues. WILL specifically reviewed selected wards in Green Bay because of a high number of damaged ballots that were recreated. We examined both original and recreated ballots to ensure they matched, and found limited instances of unmatched ballots.

Recommendations

WEC REFORMS

1. Bi-Partisan Legal Counsel and Staff

WILL proposes that the legislature create a bipartisan staff and two legal counsel positions within WEC that would be appointed by Republican and Democrat commissioners respectively. The New York State Board of Elections follows a similar model, but instead has bi-partisan Co-Executive Directors that run the agency. By creating these bipartisan positions, commissioners from each party will have the opportunity to receive staff support and opinions, thus allowing for a more balanced perspective.

2. Require Guidance and Communications to Clerks to Be Sent to JCRAR

WILL proposes that any statewide guidance or communications sent to clerks should be forwarded to the Joint Committee for Review of Administrative Rules (JCRAR), who may then decide whether the guidance should be promulgated through the Emergency Rules process. If JCRAR decides that particular guidance should be promulgated, WEC would then have 30 days to submit an emergency rule. At that point, JCRAR could decide whether to suspend said rule (in theory indefinitely).

3. Require Joint Responsibility Between WEC and Municipalities for Voter Registration List Maintenance

In April 2021, the Wisconsin Supreme Court (in a case brought by WILL) ruled that it falls to municipal election officials, not WEC, to deactivate the registration status of electors who leave their municipality. Wis. Stat. § 6.50(3) should be amended to require WEC to do so.

The state's membership agreement with ERIC also specifies that states should periodically request data from ERIC and are "strongly encouraged" to do so at least once per year. The statute should be amended

to specify that this request should at minimum, be made annually, and that data from ERIC should be deemed a “reliable” source of information that would trigger a postcard being sent.

4. Use HAVA Checks to Update Voter Rolls

WILL proposes updated procedures that would regularly update voter registration lists for failed HAVA checks. With easily accessible online and same-day in-person registration, this reform would be a prudent move towards ensuring accurate voter rolls.

5. Changes to WEC Complaint Process

The legislature should adopt language that requires WEC to dispose of a complaint within 60 days. For cases that need more time for investigation, the commission could extend this timeline for an additional 60 days with a majority vote, and only if there is good cause that can be explained in writing by the commission.

While the chair position rotates between Democrats and Republicans, allowing staff to dismiss complaints while only consulting a commissioner of one party seems unfair. Moving forward, WEC should consult with a commissioner of each party before complaints are dismissed, preferably the Chair and Vice-Chair.

Sometimes, WEC is the ultimate defendant in these cases, so there is little incentive for an expedited disposition. In cases where the complaint is against WEC, there should be an option to appeal directly to circuit court.

DROP BOXES

As an organization, WILL has taken the position that the use of drop boxes is not legally permissible under Wisconsin law, even though their use around the state was widespread. If the use of drop boxes continues moving forward, the legislature should explicitly authorize their usage and adopt uniform standards.

1. Drop Box Security and 24-Hour Video Surveillance

To prevent the potential for stolen or damaged absentee ballots, the legislature should set minimum security standards for drop boxes. Boxes should be made of a material that is secure and both tamper and moisture resistant. Boxes should also be equipped with a lock, bolted to the ground, and be under 24-hour video surveillance. As stated earlier, WEC’s drop box guidance encouraged municipalities to partner with libraries to use their book and media drops for ballot collection. This practice should not be allowed moving forward. Giving anyone other than the clerk’s office access to absentee ballots presents an opportunity for impropriety.

2. Require Two Employees to Pick Up Drop Box Ballots

To limit opportunities for impropriety when collecting absentee ballots, and to ensure accurate counts, the state should require that each municipality have two employees present for drop box ballot collections. Many of the communities reviewed here already employ this practice, including Madison, Milwaukee, and New Berlin.

3. Institute Standardized Chain of Custody Logs

The state should require that all municipalities that use drop boxes maintain a chain of custody log. These logs should contain all the pertinent information to ensure that the ballots were handled properly, including, but not limited to, the location of the drop box, the names of employees collecting ballots, security bag seal serial numbers, and the date and time of collection and delivery. Also, the number of ballots collected should be noted at the time of collection, and then verified by the clerk's office when delivered.

The City of Milwaukee included a step-by-step checklist on drop box collection responsibilities on their forms, presumably to ensure that no steps were missed. The City of Madison included a statement that employees would sign acknowledging that no absentee ballots were altered, added, or removed from the carrier bag, and that falsifying this statement could lead to civil or criminal legal penalties. Adding these to chain of custody logs would be prudent best practice.

4. Use Security Bags

In conjunction with chain of custody logs, employees collecting ballots from drop box locations should use tamper-free security bags specifically designed for ballot storage and collection. These bags include security seals with unique serial numbers and security features that can alert a clerk if the seal was tampered with. Upon delivery to the clerk's office, the used seal should be applied to the chain of custody log for record keeping purposes. This requirement could be waived for any drop boxes connected to or located within the building in which the clerk's office is located.

PRIVATE FUNDING OF ELECTION ADMINISTRATION

Two proposals—an outright ban on private funding of elections, or a requirement that state elections administrators distribute any private funds received by municipalities directly—would be a reasonable solution here. The latter was sent to Governor Evers along with other election reforms, but was vetoed.

BALLOT HARVESTING

Currently WEC has opined and informed clerks that ballot harvesting is legal under Wisconsin law. WILL disagrees with this conclusion and is challenging ballot harvesting in the same case in which it is challenging drop boxes. Wis. Stat. 6.87 (4) (b) provides that an individual's absentee ballot "be mailed by the elector, or delivered in person," making no exceptions for someone else to deliver the ballot. WILL recommends that the legislature clarify that ballot harvesting is illegal.

That said, WILL recognizes that there may be some circumstances in which another individual delivering another's ballot is appropriate, such as for one's spouse or immediate family. Senate Bill 203, one of the election reform bills passed by the legislature and vetoed by Governor Evers, represents a well-reasoned approach to the issue. The bill clarifies the individuals who can drop off a ballot for another person, including children, grandchildren, and spouses.

ABSENTEE BALLOT CERTIFICATE CURING

While it is WILL's opinion that absentee ballot curing is currently illegal under state law, it was still widely used in the 2020 and prior elections. If the legislature decides to allow this practice to continue, they should adopt the following policies:

- 1. Determine and set a standard of ballot curing**
- 2. Standardize Absentee Ballot Envelopes**
- 3. Require Any Marks by Clerk's Office to Be Marked in Red Ink and Initialed**
- 4. Require All Cured Absentee Envelopes to Be Logged into Absentee Ballot Log**

TRANSPARENCY

At minimum, WILL recommends that the following information be preserved for future election reviews:

- 1. Monthly Snapshots of Voter File and Election Day Snapshot**

Currently, one can only acquire the voter file in its current, real time state. A voter's name, on-file address, and voter status (Active, Inactive, Indefinitely Confined, etc.) should be available on a monthly basis, if not more frequently.

2. Voter File Should Be Available to Public at No Cost

Despite being a public record, it costs \$12,500 to acquire a copy of the voter file in Wisconsin. State law should be changed to make this file available to citizens who request it.

3. All Data Should be Available at the Ward Level

Some municipalities in the state combine several wards in their reporting of election results. Full transparency requires that investigators be able to isolate votes from each ward in the state.

4. Create Municipal-Level Election Statistics Reports

To increase transparency for the public, municipal clerks should prepare a report of pertinent election statistics that would be publicly accessible on their website and WEC's website. To vouch for their accuracy, the municipal To see a full list of suggested reporting categories, please see our full report.

5. Cast Vote Record Transparency

When ballots are deposited into modern optical scan tabulators, an image file of a cast vote record is created. The legislature should require counties that have electronic cast vote records to post these documents on their website.

INDEFINITELY CONFINED LIST

To ensure greater security, Wisconsin should develop a tightened indefinitely confined standard, while still giving voters options in accessing this process.

The solution to this problem is to require medical documentation in order to apply for such status. At least seven states, including Connecticut, Nevada, and Louisiana, require some form of medical documentation to obtain permanent absentee status. Legislation introduced in Wisconsin would create a similar requirement, albeit only for voters under the age of 65.

Further, the law should specify that voters must show ID if they possess one, or explain why they cannot physically obtain a valid ID. The legislature should also create a statutory timeline for removing non-voters from the indefinitely confined list. Under current law, if an indefinitely confined voter fails to cast and return a spring, general, or special election ballot, the clerk must send a first-class letter or postcard informing the voter that they will be removed from the indefinitely confined list unless they apply for renewal within 30-days. We propose amending Wisconsin law to require clerks to send the letter within 30-days after the election.

UNIFORM IN-PERSON ABSENTEE HOURS

The legislature should establish uniform statewide hours for in-person absentee voting that apply to each municipality throughout the state. One possibility would be to use the average amount of hours currently offered from every municipality to set the uniform statewide requirement. This could mean an increase in hours in some locations and a decrease in hours for others—resulting in equal access to in-person absentee voting statewide.

ALLOW “MONDAY PROCESSING” OF ABSENTEE BALLOTS

Wisconsin should adopt a law that allows clerks to begin processing absentee ballots on the Monday before the election.

To limit the potential for “leaked results”, this process should be limited to steps taken up until a ballot is actually fed into a tabulator. Legislators could consider making it mandatory for communities that use central counts, as they are often the most delayed in reporting results.

REDUCE APPEARANCE OF LATE-NIGHT BALLOT DROPS IN CENTRAL COUNT COMMUNITIES

While the appearance of late-night ballot dumps could be largely solved by allowing a “Monday Count,” another way to fix this issue is to require communities that use central count to report results as they are completed.

Additionally, communities using central count should be required to create separate reporting precincts for the in-person and absentee counts.



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WISCONSIN AS
AN ALLURING
TARGET for
POLITICAL
MALFEASANCE

THE PURPLE STATE:



2018 Race for WI Governor



NOV 2018:

TOTAL VOTES: 2,619,387

EVERS'S MARGIN: 29,227

April 2019:
Wisconsin Supreme Court statewide
election; Hagedorn (running as a

- ▶ Total votes: 1,206,847
- ▶ Hagedorn's Margin: 5,981

- ▶ Novemeber 3, 2020
- ▶ President of the United States
- ▶ Total votes: 3,239,920
- ▶ Reported margin of Biden's WI victory:
20,600

1,410⁴,1284
 1,382,536

 22,752

2,976,150

The Left's Support in WI

The Media:

The Milwaukee Journal Sentinel- the only statewide paper in Wisconsin- is an unapologetic and undisguised politically-active partisan entity which touts progressive causes and so consequently their reporters and editors are frequently in alignment with the Wisconsin Democratic Party

The Wisconsin Election Commission (WEC)

WEC Photo or Headline

- ▶ Public Perception that it Actively Supports Democrats & Actively Works Against Conservatives

Created by the Republican legislature in 2015 to replace the disgraced Government Accountability Board in the wake of their illegal John Doe investigation into Walker

WEC Duties & Organization

Meet WEC:

▶ A Regulatory Agency to:

"Administer and enforce Wisconsin elections law." (WEC website)

Both the Wisconsin Constitution and statutes enacted by the Legislature assign this obligation to the 1,852 municipal clerks in Wisconsin & WEC's actions to weaken ballot integrity may be unconstitutional and violative of statutes

- ▶ Staffed by some lawyers who had previously worked at disgraced GAB
- ▶ Presided over by six commissioners (3 Democrats and 3 Republicans)
- ▶ Deadlocks- and rules governing Wisconsin elections- are unlawfully decided by WEC staff [must find record support]
- ▶ Commissioners hire an Administrator of WEC (currently Meagan Wolfe) who is a conduit between Commissioners and staff

WEC Duties & Org, cont.

Clerks/Rep Photo

- ▶ Although both the WI Constitution and the legislature gave the 1,852 municipal clerks, there is a wide perception (fostered by many in WEC) that WEC is running the show.

It is far easier for political partisans to influence 3 votes on the commission than to seek changes in the voting laws in the legislature

Ground Zero Wisconsin

[Nat'l Headline re WI importance]- "Ground Zero WI"

► These factors-

Purple nature of the state resulting in the need for the Left to obtain a relatively few number of votes to control the outcome;

The constant flow of publicly-funded Leftist political activism and media support, and;

The receptive commission members and **partisan** staff at **WEC**-

[Headline Re WI Elections]

► Combine to make Wisconsin the top target for the Left in the country.

Rules for Radicals: a Political Playbook for Personal Destruction & Why Wisconsin is Vulnerable to the Chaos it

- ▶ Outline of the Rules for Radicals:

Basically, select an effective opponent, single him out for targeting, find some infraction or personal failing and coordinate with other Leftists in academia/ media to destroy them personally by publicly branding them as stupid, corrupt, etc.

- ▶ The Left has been especially effective w/ this playbook bc of friendly media and academic promotion along w/ help community activists

WEC Conduct During the November 2020 Presidential Election

WEC: Publicly Perceived as the Controllers of WI Elections

- ▶ The Significance of the Effect of the 3-3 Partisan Commission, the Power of the "Staff Memo," and the Consequences for Voters

The decisions of WEC staff frequently carry the force of law

The WEC "Guidance Memos" are a "safe harbor" for often-times uncertain municipal clerks

Usually, WEC would have to follow the three stages of administrative rulemaking:

1. Publication of the Proposed Rule (tell the world),
2. Submission to the Legislative Reference Bureau for an opinion on the legality of the proposed Rule
3. Opportunity for public comment on the proposed Rule.



In practice, **WEC staff attorneys make changes to the laws** governing elections without input from anybody:

- ▶ The only recourse for a concerned citizen is to either go to the Legislature (good luck) or the courts (ditto):

Must Find:

Reasonably-priced, competent and motivated **lawyer(s)**:

Plaintiff(s) willing to risk the scrutiny of the media, the ire of ANTIFA, BLM, & other groups with violent tendencies;

Funding for court costs and attorneys as most plaintiffs willing to come forward will not have any money; and,

A narrow band of **issues** that are clear-cut under the law and explainable to the general public in one sentence or less.

One Example of What it Takes: Veteran's Liberty Law Lawsuit Against WEC

- ▶ Photo of Complaint Cover
- ▶ Designed to ask the Wisconsin Supreme Court to order WEC to follow the 3 requirements for administrative rulemaking:
 1. **Tell people** what you want to do;
 2. **Ask** the Legislature's lawyers if the proposed action is legal; and,
 3. Give the **public opportunity for comment**.

Another lawsuit regarding Zuckerberg influence in 5 Wisconsin counties

Movers List

1. WEC: Perceived as Laying the Groundwork for Fraud, 2019: "the Mover's List"

- ▶ 234,000 Phantom Voters (that we **know** about)
- ▶ Begins in October 2019

"Movers List" received by WEC

WEC refused to deactivate 234,000 voters who had self-reported moving from the ward in which they were registered to vote

In 2017, WEC had **followed this law** by deactivating around **250,000** voters under the procedure they subsequently refused to follow in October 2019.

This inconsistency may be widely perceived as motivated by a desire to assist the Biden campaign

The Mover's List, cont.

1. At some point **in the intervening 18 months, WEC strategized** with unknown individuals and/or groups (they don't have to tell anyone and the strategy meetings are held in secret) **to refuse to follow the law**
2. **The Media falsely and repeatedly** referred to this as a "**Purge**" of voters in order to:
Generate public support for WEC and
Instill fear in any elected official who wanted to follow the law.
3. Circuit Court Court Judge Malloy in Ozaukee County determined that WEC was in contempt of court for failing to follow the law

The WI media using the Saul Alinsky "Rules for Radicals" to discredit Malloy and put him in a negative light because he did not assist WEC

Mover's List, cont.

Important Distinction:

While **WEC could simply decide for itself** what rules they were going to follow, the complaining **citizens had to go through the expense, stress, and effort** to try to get WEC to follow the same law WEC had followed 18 months earlier.

- To many, this illustrates the need for WEC to follow administrative rulemaking procedures

If WEC were subject to the ordinary rulemaking process,

WEC would have had to:

1. Obtain **public input** on the question: "Do you think that voters with self-reported incorrect addresses should stay on the voting roles?"
And;
2. Receive an **opinion from** lawyers at **LRB** regarding legality of proposed rule.

2. WEC Perceived as Promoting the Illegal Avoidance of Voter I.D. by Misuse of “Indefinite Confinement”

In 2011, the Wisconsin legislature established a requirement that voters present photo I.D. in order to cast a ballot. It is undisputed that this law had the effect of reducing opportunities for voter fraud.

An exception to the voter I.D. requirement was made for anyone “indefinitely confined” due to illness, handicap, injury, etc.

In June 2020, the Democrat partisan clerks in Dane and Milwaukee Counties (with the support of WEC) said that EVERYONE in Wisconsin was “indefinitely confined” due to Gov. Evers’s COVID lockdown order.

-Remember that during the “lockdown,” such essential business as liquor stores, adult bookstores, and smoke shops remained open for business. But voting? We have to draw the line somewhere!

-**AFTER** the election, the Wisconsin Supreme Court found this action **illegal but imposed no consequences**.

-This **highlights the need** for all of us to be **PROACTIVE** by looking for trends promoted by the Left in academic articles, conferences, and media appearances and then moving rapidly to put these fires out while they are small.

The new rule had its intended effect:

in 2019, 72,000 Wisconsin voters had claimed indefinitely confined status:

2020: 249,769.

Indefinite Confinement 2020, cont.

Milwaukee County:

2019: 42,359;

2020: **53,494** [+ 11,135]

Dane County:

2019: 19,406

2020: **24,446** [+ 5,040]

-Recall that Biden's declared margin was: **20,600** so that a gain of **an additional 16,175** unverified votes has the potential for great impact on the results.

NOTE: the ONLY state agency to try to correct WEC on this issue was **LRB** in the form of a press release which was ignored.

-**Highly unusual** for LRB to publicly comment on another state agency's interpretation of the law

3. WEC Perceived as Denying the Green Party Candidates Placement on the November 2020 Ballot for Partisan Purposes

► Why it's Important

In 2016, Democrats blamed the Green Party candidates for HRC's defeat in Wisconsin.

The GP candidates for President & Vice President received **33,000** votes that otherwise would most likely have gone to HRC.

In 2016, President Trump's margin in WI was **22,748** / 2,787,820

In August 2020, GP candidates filed their nomination papers and **two days later** a lawyer active in the Democrat party claimed the papers were defective because they had the incorrect address for the VP candidate

Significantly, **the lawyer had no evidence for his claim.**

In the absence of evidence to the contrary, a candidate is entitled to the presumption of correctness and is **legally entitled to a place on the ballot.**

WEC held a "hearing" at which the GP attorney was not allowed to say anything (prompting Chief Justice Ziegler to later refer to WEC as a "**kangaroo commission**") in her published dissent.

Green Party, cont.

- ▶ When the Wisconsin Supreme Court heard the case in September 2020, 4 of its members concluded that since WEC had already sent out some (unknown number of) ballots to some (unknown) clerks, it was **simply too late** to change them because absentee voting had already started.
- ▶ Then-Chief Justice Roggensack, along with then-Justice Ziegler and Justice Rebecca Bradley pointed out that the other **4 justices had applied no law, enforced no rule, and simply took WEC's argument** about the ballots going out at face value.
- ▶ The motives of Justices Ann Bradley, Rebecca Dallet, and Jill Karafosky are both unsurprising and easily discernable given their past public partisan statements. However, given the absence of law from his opinion, Justice Hagedorn's decision (he wrote the opinion) to allow WEC to block the GP from the ballot is simply inexplicable.
- ▶ This action by WEC alone may have been a fatal blow to President Trump's re-election campaign in light of the 2016 numbers: a fact readily known by both WEC and the 4 justices in the majority at WSC

4. "Democracy in the Park"

► The Rules:

Wisconsin does not permit advance voting, nor does it permit voting in any other location than the one designated by the municipal clerk. ~~X~~

A municipal clerk may have only 1 location where ballots are counted, which is typically the clerk's office.

A municipal clerk may designate an alternate site for the collection of ballots, BUT:

- A. The alternate site must be established by the "governing body" of the municipality" (e.g., city council, town board, etc.);
- B. If one is established, it must be the one potential site that is geographically closest to the clerk's office; and,
- C. After establishment of an alternate site, there may be no more voting at the clerk's office. **See**, Section 6.855(1), Wis. Stats.

“Democracy in the Park,” cont.

► What happened?

On September 26, 2020 & October 3, 2020, the Madison City Clerk- with WEC's support- ordered poll workers to organize and run “Democracy in the Park” events in 206 City of Madison parks.

The poll workers were given bright green vests to wear which identified them as such & anyone who wanted to was allowed to give their ballot to a poll worker.

Obviously, none of the 206 City parks were the Clerk's office and the dates of these events occurred outside the time limits for in-person absentee voting.

Furthermore, the City council had not established any of the parks as alternate voting locations and voting subsequently took place at the Clerk's office.

In short, the “Democracy in the Park” events were unlawful and the votes harvested collected therein should have been excluded.

When RPW requested that the Clerk segregate the votes collected in this scheme because RPW was going to challenge the legality of these events and seek the exclusion of the ballots from the vote, the Madison City Clerk immediately went to her office and comingled the illegal votes in with the votes properly received through absentee balloting so that no one could ever separate them.

NOTE: If a “regular” citizen ever did anything similar, they'd probably be in jail.

Democracy in 206 Madison Parks, cont.

► Why it Matters:

During the illegal events on September 26 and October 3, 2020, the Madison City Clerk and her employees collected 17,271 ballots.

While the Clerk said these events were non-partisan, the Biden campaign certainly saw it differently:

In the time running up to these events, the Biden campaign ran ads promoting them as being "hosted" by the Biden campaign and part of the Biden Victory 2020 program.

NOTE: ~~27,600~~ (reported Biden margin of victory) - 17,271 = 5,329.

WSC issued an opinion on Dec. 14, 2020 denying review of this issue but did not address the question: 4/3 split (same)

$$\begin{array}{r}
 29,590 \\
 - 17,271 \\
 \hline
 12,319
 \end{array}
 \qquad
 \begin{array}{r}
 2,329 \\
 \hline
 2,337
 \end{array}$$

(Handwritten note: An arrow points from the result 2,337 to the number 5,329 in the note above.)

5. City of Milwaukee Waiting to Release its Vote Totals

- ▶ In the early morning hours of November 4, 2020, the City of Milwaukee Clerk waited until every other municipality in the state had reported their vote totals before it would release its mail-in vote count.
 - ▶ Prior to this release, the President had been in the lead.
 - ▶ This is not improper by itself, but suspicions were heightened because in November 2018, the City did the same thing which resulted in Scott Walker losing his wide lead and seeing it replaced with a 1.1% margin for Tony Evers.

6. WEC Included Incomplete Ballots in the Election Totals: the "Red Ink" Issue

- ▶ Sec. 6.87(2) Wis. Stats. Requires that when a person votes by absentee ballot, that ballot must be witnessed as having come from the person who is sending it to the clerk. Many absentee voters ask the postal clerk at the Florida/ Arizona post office to do this.
- ▶ The law specifically requires that when the voter signs the certification attesting that the envelope contains his or her vote, the voter must do so in front of a witness.
- ▶ The witness must then fill in their name, address, and signature and ANY BALLOT THAT DOES NOT CONTAIN THIS MUST BE EXCLUDED.
- ▶ If any of these required items is missing from the ballot, Sec. 6.87(9) provides a remedy:
 - ▶ "If a municipal clerk receives an absentee ballot with an improperly completed certificate or with no certificate, the clerk 'may' **return the ballot to the elector** [] whenever time permits the elector to correct the defect and return the ballot."
- ▶ WEC ignored this law and instead instructed the 1,852 clerks that they may just fill in (with red ink) any missing information
 - ▶ The WEC "guidance" ignores the fact that a ballot "may not be counted" if it is missing the witness's information UNLESS the clerk chooses to send it back to the voter for correction.
 - ▶ -Much is left to chance:
 - ▶ Does the clerk "feel like" correcting the ballot?
 - ▶ Does the clerk know the correct "Jane Doe" who witnessed the ballot?

7. WEC Permitting Illegal Conduct in Nursing Homes

- ▶ June 2020: WEC begins unlawfully allowing nursing home & assisted living facility staff to "help" residents fill out their absentee ballots
- ▶ January 2021: WEC renews its approval. NOTE: Commissioner Bob Spindell votes against
- ▶ Under this new scheme, ballots will be mailed to nursing home residents who had previously claimed indefinite confinement status, REGARDLESS of whether the resident requested one or not
 - ▶ Sec. 6.875 of the WI Stats instructs that: "the municipal clerk or board of election commissioners of the municipality in which the home or facility is located shall dispatch **2 special voting deputies** to visit the home or facility for the purpose of supervising absentee voting procedure by occupants of the home or facility." Further:
 - ▶ "**No individual who is employed or retained** or within the past 2 years preceding appointment has been employed or retained **at a qualified retirement home or residential care facility** in the municipality, [OR]
 - ▶ any **member of the individual's immediate family**... may be approved to serve as a deputy."

The effect of this law is that **only the 2 deputies nominated by each of the 2 political parties** and authorized by the municipal clerk or elections board are allowed to supervise voting in these facilities.

At their meeting in January, one Democratic commissioner said that allowing employees to assist residents "saved lives" and that "there have been no credible allegations of voting fraud in nursing homes."

7. A: Allegations of Voting Fraud in Wisconsin Nursing Homes

- ▶ From Milwaukee's Dan O'Donnell radio program:
 - ▶ One disability service coordinator said EVERY SINGLE ONE of her 20 clients told her that a staff member either pressured them to vote for Joe Biden or had a Biden ballot already filled out in their name.
 - ▶ The adult daughter of a dementia patient related that her mother voted even though "there is no way she could have voted herself or even with help."
 - ▶ Another family said that their dementia-patient family member had voted even though "she had regressed to only speaking German the last 6 months. There's no way she could have voted. This is fraud, pure and simple."

These and other similar accounts were described to WEC, local officials, and/or law enforcement agencies.

Despite this, WEC continues its program to this day.

7. WEC's Unlawful Nursing Home Voting Procedures, cont.

- ▶ WEC knowingly voted to permit illegal conduct:
- ▶ Republican Commissioner Dean Knudson (the former legislator who is credited as the "architect" behind WEC) said at the January 2021 meeting that if WEC voted in favor of the new procedure, "we will essentially be telling the clerks to break the law."

Mr. Knudson then voted to tell the clerks to break the law.

8. WEC Unlawfully Allows Private Interest Groups to Administer Public Elections

- ▶ Mark Zuckerberg spent \$500 million to defeat Donald Trump in 2020
 - ▶ \$350 million spent on "assisting" municipalities around the country in the administration of their voting process
 - ▶ \$6.3 million in WI to 5 cities: Milwaukee (\$2.1 million), Madison, Green Bay (\$1.6 million), Racine & Kenosha

Strings Attached:

Staff supplied by Zuckerberg became administrators of the elections:

They worked with the clerks to develop voting and vote-counting procedures,

They were present at vote-counting centers on Election Day where they:

Told clerks' staff what to do &

Aggressively (close physical proximity and shouting, with threats of expulsion) intimidated Republican volunteers.

\$8 million?
\$10 million?
How much + where?

Private Interest Group Administration of the November 2020 Election, cont.

- ▶ Wisconsin statutes give authority to administer elections to precisely 1 group:
 - ▶ “each municipal clerk has charge and supervision of elections and registration in the municipality.”

In May 2020, Cory Mason- the Democratic Mayor of Racine  — emailed his fellow mayors in Milwaukee, Madison, Green Bay, and Kenosha to work out an election plan that would implement the Zuckerberg procedures.

Under the agreement Milwaukee signed with Zuckerberg staff, Milwaukee was not allowed to “reduce or otherwise modify planned municipal spending on the 2020 elections,” OR

“use any part of the [Zuckerberg grant money (\$2.1 million)] unless Zuckerberg agrees to the specific sub-receipient in advance, in writing.”

Private Interest Group Elections Administration, cont.

Article 1, sec. 4, clause 1 of the United States Constitution requires that: "the Times, Places and Manner of holding Elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof."

While the Wisconsin Legislature delegated some of this power to the municipal clerks, it gave the clerks NO AUTHORITY to delegate their responsibilities to private interest groups such as the Zuckerberg groups.

-In late July 2020, just after the grant to the 5 cities was announced, Josh Goldman emailed Milwaukee Elections Commission executive director Claire Woodall-Vog to offer her "an experienced elections staffer that could potentially embed with your staff in Milwaukee in a matter of days."

-A month later, Zuckerberg staffer Michael Spitzer-Rubenstein met with Claire Woodall-Vog and then followed up in an email: "Claire, great talking to you yesterday. Just a few notes on the follow-ups: Can you connect me to [WEC lawyer] Reid Magney and anyone else at WEC? Would you also be able to make the connection with the Milwaukee County clerk?"

Same w/ MOST of

WEC's defense will be: "but it doesn't SAY WE CAN'T."

The other issues - Renew by adopt requiring WEC to adopt non-binding pattern

JR Rule-making.

As stated in...

Zuckerberg, cont.

- ▶ She could. And later that same day (August 28) WEC administrator Meagan Wolfe emailed the municipal clerks in Madison, Green Bay, Kenosha, and Racine to let them know about all about the good things Michael Spitzer-Rubenstein and his Zuckerberg-funded "Vote from Home Institute" could do for them "in case you thought this might be a group you are interested in **working with** or learning about."
- ▶ Green Bay's Mayor Eric Genrich worked so closely with Michael Spitzer-Rubenstein that the Green Bay Clerk, Kris Teske, reportedly quit her job in disgust.
- ▶ Back in Milwaukee during this time, Claire Woodall-Vog was awaiting instructions from Michael Spitzer-Rubenstein in the form of edits he was making to the City of Milwaukee Absentee Voting Instructions Manual and
- ▶ Woodall-Vogg was providing MS-R with **daily updates** on absentee ballots returned and those still outstanding. **THIS MUST HAVE INCLUDED PERSONALLY IDENTIFYING INFORMATION OF VOTERS WHO HAD NOT YET RETURNED THEIR BALLOT OR IT MAKES NO SENSE. The clear implication is that MS-R was directing others to go pick up Biden votes at from the people that W-V had so kindly identified for him.**
- ▶ MS-R only went too far when he asked Wodall-Vog for access to her computer

Zuckerberg, cont.

- ▶ But why wouldn't he expect that level of service? After all, in Green Bay, he was literally given the keys to the place:
- ▶ The contract between Zuckerberg and Green Bay required that Spitzer-Rubenstein be given 4 of the 5 keys to the ballroom where ballots were stored and counted, AND
- ▶ A reported email from the acting clerk says that no one may enter that space without prior authorization from MS-R



Ballot Drop Boxes

The placement of unmonitored ballot "drop boxes" would be a perfect compliment to a scheme in which a few people go to hundreds of households after being directed there by CW-V and MS-R in order to drop off hundreds of Biden votes.

→ I don't know ANYTHING about THIS.

→ D. Machines....

<https://www.thedailybeast.com/judge-seals-report-on-voting-machine-vulnerability?ref=scroll>

DAILY BEAST

ALL

NATIONAL SECURITY

Judge Seals Report on Voting Machine Vulnerability

'ATTORNEYS' EYES ONLY'

A judge in a Georgia election security lawsuit is working to tamp down voting machine conspiracy theories. But sealing a court file could stoke the controversy even more.

Jose Pagliery

Political Investigations Reporter

Shannon Vavra

National Security Reporter

Published Aug. 13, 2021 4:28AM ET

It's the kind of report that could be weaponized by those looking to cast doubt on U.S. election results: a cybersecurity analysis that found flaws

in Georgia's voting machines and warns about the potential for future attacks. But a federal judge has sealed the report, and her attempt to shield the public from bad faith efforts to undermine the 2020 election could instead fuel the conspiracy theory dumpster fires—and keep the voting machine maker from figuring out how to fix it.

The 25,000-word report, commissioned by election integrity groups, does not touch on the 2020 results at all. But the report—authored by a University of Michigan computer science professor who has testified numerous times on Capitol Hill about U.S. election security, J. Alex Halderman—claims that Georgia's ballot marking devices (BMDs) “suffer from specific, highly exploitable vulnerabilities that allow attackers to change votes despite the state's purported defenses,” all by using malware.

In a public court document, Halderman urged that his report be shared with Georgia election officials and the voting machine manufacturer to “address the vulnerabilities it describes before attackers exploit them.”

Halderman wrote his report after he was given 12 weeks of access to an unused Dominion ICX voting machine, according to court documents. Several sources who spoke on the condition of anonymity told The Daily Beast that the secret report makes two points: **hacking these specific ballot marking devices is easier than previously believed, and Georgia does not have a process in place to catch it if it ever happens.**

“Georgia voters face an extreme risk that [ballot marking device]-based attacks could manipulate their individual votes and alter election outcomes,” Halderman wrote in a signed declaration on Aug. 2.

While Halderman's claims are unverified, don't address the 2020 election, and provide no evidence that anyone has taken advantage of the alleged vulnerabilities, their mere existence will likely be enough for many "Stop the Steal" advocates who believe the 2020 results were illegitimate despite no evidence of widespread voter fraud.

Which is perhaps why U.S. District Court Judge Amy Totenberg made the report a "confidential document."

At a recent hearing, Totenberg sealed the report, citing a strong reluctance to draw any public scrutiny to the sensitive details in the case. Totenberg would not even allow an election integrity group to openly advocate for disclosure of the report, according to a transcript of a July 26 court hearing obtained by The Daily Beast. Instead, the judge asked that any such argument be filed in secret under seal.

"There are so many other ways to educate the public besides trying to use this case," Totenberg warned on the call. "I'm at the end of my rope about that."

The worry appears to be that this report could fuel baseless accusations by Trumpists, who are locked in court battles with Dominion. Federal judges in other states have tossed out multiple instances of the so-called "Kraken" lawsuits, alleging Dominion conspired with foreign countries to rig the election. Meanwhile, Dominion has filed defamation lawsuits against Fox News, Newsmax, One America News Network, and the former chief executive of Overstock.com.

Totenberg decided to limit circulation of the report, opting to keep it to "attorneys' eyes only"—and away from engineers at Dominion itself—

out of a concern that exposing it to company employees would make it “subject to disclosure in other litigation.”

“I’m concerned enough about the information contained in it... I have seen how this can blow up,” Totenberg said, according to the transcript.

That decision could stoke conspiracy theorists, but experts in the right-wing media ecosystem were also concerned that any information about potential issues with voting machines might be exploited.

Sam Jackson, an assistant professor who teaches about online extremism at the University at Albany, told The Daily Beast that the mere existence of this story could fuel conspiracy theories.

“I would not be surprised to see some far-right media outlets run very inflammatory headlines that are deliberate misreadings of this piece,” he said.

Matt Gertz, a senior fellow at Media Matters for America, which scrutinizes right-leaning media, expects the “very well-developed conspiracy theory network” built in recent years on social media and alternative TV stations like Newsmax and One America News Network to wrongfully use the existence of the report to “undermine the validity of elections in the minds of conservatives.”

“They will use anything they can to fan the flames of these conspiracy theories,” Gertz said.

But those efforts to poke holes in the 2020 election haven’t played out quite yet. Just this week, the lead information technology consultant for MyPillow CEO Mike Lindell—who has alleged in a much-touted

conspiracy theory that China hacked the 2020 election—admitted they don't actually have any proof of election fraud, debunking their own claims.

The important distinction others might miss in the Georgia case is that the cybersecurity analysis discovered vulnerabilities that *could* be used, not evidence that an actual hack ever occurred.

In order to successfully launch the malware, attackers would need a number of things to go their way. They'd have to gain “temporary physical access” to individual Dominion ICX machines, or infect them before they are placed at polling locations by tapping into them while they're being programmed “remotely from election management systems,” Halderman said in court filings.

The document detailing the vulnerabilities remains sealed, so the specific workings of the flaws—and how easy it would be for a would-be attacker to take advantage—are not clear. Halderman notes in a court filing that the Dominion ICX devices in question “can be hacked, including by a voter in a voting booth in mere minutes.”

Although The Daily Beast was briefed on the report by two people who had read it, The Daily Beast has not obtained the report and cannot independently verify Halderman's claims. Halderman declined an interview for this story.

As laid out in court documents, one of Halderman's main concerns is that the Dominion ICX machines used in Georgia print out QR codes meant to represent the voters' intended choice—but the voters can't read the QR codes to verify that their votes have been recorded as they

intended. This is already a problem for voters interested in verifying their votes are accurately recorded.

Halderman's hypothetical attack would not touch the person's choices at the outset, but secretly alter the QR code that actually is used to record the vote, further muddying the waters, according to court filings.

Halderman notes that the election integrity activists' lawyers who hired him to conduct the study have repeatedly tried to broker a meeting between him and Dominion to confidentially share details about the flaws, which could prevent any accidental disclosures through discovery.

"However, Dominion has yet to agree to meet," Halderman writes in his July 12 signed declaration. "It would be dangerous to provide Dominion with the complete report if it were then disclosed through discovery in the company's various ongoing defamation suits to anyone who might misuse it."

A Dominion spokesperson told The Daily Beast it generally welcomes feedback, declining to answer questions about Halderman's requests and whether it wants to know the specific details of the report.

"Despite continued defamatory attacks against our company and its systems, Dominion has emerged from the 2020 election cycle with arguably the most tested, most scrutinized, and most proven voting technology in recent history. Our company welcomes feedback that is provided in good faith by researchers," the spokesperson said. "We don't have further comment at this time related to the ongoing litigation in question."

Halderman has also offered to submit a redacted or modified version of this report so that hackers can't take advantage, arguing in that July 12 filing that disclosing flaws helps law enforcement spot future attacks, guides local election officials who are buying new voting machines, and gives manufacturers time to fix similar problems.

He noted that past cybersecurity reviews in California and Ohio in 2007 struck the right balance, making just enough information public to address flaws without providing hackers a blueprint.

While the document remains sealed, the flaws can't be fixed—an oversight that ought to be remedied swiftly, security experts tell The Daily Beast.

Even so, Matt Bernhard, an election security advocate, cautioned that the existence of the flaws isn't all that earth-shattering, given the often-uneven track record of voting technology vendors with security; researchers have been finding flaws in various companies' voting machines for years.

"It's pretty obvious that there are going to be flaws in their system," said Bernhard, a research engineer at VotingWorks, adding that all kinds of voting technology from a multitude of vendors have flaws. "I have no doubt in my mind that Dominion has serious flaws in their voting system," he said. "It's not shocking."

Election security expert Eddie Perez, the global director of technology development and open standards at the Open Source Election Technology Institute said he wasn't sure the technical findings are that

outlandish. But based on the court filings he has seen, he said it sounded like the vendor needed to take a look.

“Having read a lot of technical reports, I want to be clear: I don’t know if I would classify this as a bombshell or not,” Perez said. “But it is certainly a concern.”

Still, Perez argued it was “within the public interest” to expose these vulnerabilities. “This demands action from the appropriate authorities,” he said.

Richard DeMillo, an election security expert and former chief technology officer at Hewlett-Packard, told The Daily Beast he is concerned that keeping the report under lock and key may unnecessarily raise suspicions among conspiracy theorists and warned that “legitimate scientific results will be misquoted.”

“The ‘Stop the Steal’ people don’t need much excuse to have their conspiracy theories fanned,” DeMillo said. “So keeping [it] secret probably plays into their hand, too. They can say, ‘They know secrets and they’re not telling us and that’s cause for not trusting the whole system.’”

In the meantime, the solution is incredibly simple, Halderman says: switch to hand-marked paper ballot systems, in which experts say technology can’t alter the choices voters mark down.

“Georgia can eliminate or greatly mitigate these risks by adopting the same approach to voting that is practiced in most of the country: using hand-marked paper ballots and reserving BMDs for voters who need or

request them,” Halderman writes in a court filing. In this case, “these vulnerabilities would have little potential to change election outcomes.”

Georgia’s Secretary of State’s office did not return repeated requests for comment.

However, the agency’s chief operating officer, Gabriel Sterling, told a group of attendees at a professional luncheon in Sandy Springs, Georgia on Tuesday that he thinks “Halderman’s report is a load of crap,” according to an audio recording that was leaked to The Daily Beast.

Sterling and the Secretary of State’s office did not return a request for comment to elaborate on his understanding of the report.

There is now growing concern that distrusted entities conducting partisan reviews of the 2020 election—like the so-called Cyber Ninjas in Arizona (whose effort has been riddled with security errors and mismanagement from the get-go) and MyPillow’s Lindell elsewhere—have gained access to Dominion software and could discover these flaws as well.

It’s unclear whether any of these groups have acquired the software that runs on ICX machines, but Lindell supporters who joined him for a conspiracy-fueled lovefest this week in South Dakota revealed they copied the contents of a Dominion computer server, according to reports from the conference.

The worry about these people gaining privileged access is heightened because conspiracy theorists may be incentivized to cheat in future elections, egged on by former President Trump, who continues to falsely

accuse Democrats of cheating in the previous election. As Trump said last month during a conspiracy-laden speech in Phoenix: “When they steal it from you and rig it, that’s not easy. We have to fight. We have no choice.”

It’s a particular concern for Philip Stark, a statistician at University of California Berkeley who created a well-known type of election audit and is one of the few who has seen the secret report.

“Given that they’ve had unfettered access and in principle could discover the same vulnerabilities, any pretext of security through obscurity ought to be considered lost,” he told The Daily Beast.

“If a single professor in Ann Arbor, Michigan over the course of a couple of months can figure it out,” DeMillo added, “certainly [others] can figure it out, too.”

The Center for Technology and Civic Life
Public/Private Partnership Grant Awards
Administrative History, Chronology, and Issues



"Complex Problems Solved Well"

Revision 1

Date	Summary & Location	Description	Comments	References
October 31, 2019	Legislation - Pennsylvania - Act 77 2019	Pennsylvania Act 77 is a collection of omnibus amendments to the act of June 3, 1937 (P.L. 1333, No. 320, Pennsylvania Election Code). Act 77 requires that if the Commonwealth wishes to decertify voting apparatuses in 50% or more counties, the Department of State must submit a written plan to the General Assembly at least 180 days prior to the effective date of replacement. Act 77 also provides a \$90 million bond and cost share to counties for upgrading voting apparatuses to ensure a verifiable paper trail, and a fixed compensation range between \$75 and \$200 for District Election Officers.	The verifiable paper trail and fixed compensation provisions in 2019 Act 77 may be compromised by the disparate and indiscriminate injection of private funding into Pennsylvania counties and local precincts.	<u>Pennsylvania Election Reform Act 77, ACLU Summary</u> <u>Pennsylvania Election Reform Act of October 31, 2019, P.L. 552, No. 77</u> <u>Pennsylvania Consolidated Statutes Title 25 Elections (2020 Edition)</u>
November 27, 2019	Legislation - Pennsylvania - Act 94 2019	Pennsylvania Act 94 is a collection of omnibus amendments to the Act of June 3, 1937 (P.L. 1333, No. 320, Pennsylvania Election Code) in addition to those found in Act 77. Two articles in Act 94 are amendments to Act 77.	Amendments in Act 94 are codified in Title 25 of the Pennsylvania Elections Consolidated Statutes (2020 Edition).	<u>Pennsylvania Election Code - Omnibus Amendments, Act of Nov. 27, 2019, P.L. 673, No. 94 Cl. 25</u> <u>Pennsylvania Consolidated Statutes Title 25 Elections (2020 Edition)</u>
March 16, 2020	Common Council Action - Granting Authority to Relocate Polling Places - Wisconsin - Kenosha	Resolution 48-20, introduced by Mayor Antaramian of Kenosha, grants authority to Kenosha City Clerk to relocate polling places due to COVID-19.		<u>City of Kenosha Resolution 48-20</u> <u>Kenosha Resolutions 48-20 031620</u>
March 27, 2020	Legislation - Pennsylvania - 2020 Act 12	Pennsylvania Act 12 is a collection of omnibus amendments to the act of June 3, 1937 (P.L. 1333, No. 320, Pennsylvania Election Code). Many of the amendment provisions are found in Pennsylvania Act 77 2019.		<u>Pennsylvania Election Code - Omnibus Amendments, Act of Mar. 27, 2020, P.L. 41, No. 12 Cl. 25</u> <u>Pennsylvania Consolidated Statutes Title 25 Elections (2020 Edition)</u>
March 27, 2020	Litigation - Wisconsin - Green Bay	Using COVID-19 as justification, Green Bay County Clerk Teske files a lawsuit against the Wisconsin Election Commission, the Wisconsin Governor, and Wisconsin Health Department requesting cancellation of April 7 election, procedural modifications, and transition to mail in balloting. Lawsuit dismissed by Federal District Judge William Greisbach for lack of federal Jurisdiction.	Judge Greisach noted: "the City and its mayor are not the proper parties to bring such a claim in federal court."	<u>City of Green Bay, Kris Teske and Eric Genrich v. Marge Bostelmann, et al., Case No. 20-C-479</u>

Date	Summary & Location	Description	Comments	References
April 2020	Executive Order 74 Postponing of Elections - Wisconsin - State	Using COVID 19 as justification, Wisconsin Governor Evers issues EO 74 suspending in person voting	Citing health statistics, a court order delaying absentee ballots, and the spread of COVID from voting, Governor Evers suspends in person voting until June 9	<i>Wisconsin Executive Order 74 Relating to suspending in-person voting on April 7, 2020, due to the COVID-19 Pandemic</i>
April 7, 2020	Polling Place Closures - Wisconsin - Green Bay	Using a reduction of poll workers and COVID 19 as justification, Mayor Erin Genrich declines assistance from Wisconsin National Guard, and closes 29 of the 31 primary electoral polling stations in Green Bay.	Four-hour lines were recorded at the two open polling stations located at Green Bay East and Green Bay West High Schools. Questions about the scope of Mayor Genrich's Executive authority to close polls exist.	https://fox11online.com/news/election/green-bay-among-areas-declining-national-guard-help-despite-poll-worker-shortage
April 16, 2020	Voter Disenfranchisement from Executive Actions - Wisconsin - Madison	Resolution 60266 and the public record demonstrate hundreds of instances of voters having difficulty with online voting systems, problems with uploading of voter identification, and systemic absentee ballot problems. 4,828 individuals used curbside and in-office early in-person absentee voting. Of the 87,890 absentee ballots issued by the Madison clerk's office, 69,437 were returned.	Madison Voters were affected by State and local Executive actions brought about by closure of 26 polling stations.	<i>Madison City Council Resolution 60266</i> https://madison.legistar.com/LegislationDetail.aspx?ID=4422477&GUID=29F59925-6B36-465E-A643-4690167F4C39
May 28, 2020	CTCL Grant Transmittal Letter to Mayor Mason - Wisconsin - Racine	Transmittal of a \$100,000 grant to Racine for "election planning and administration," and redistribution of \$10,000 each to the cities of Green Bay, Kenosha, Madison, and Milwaukee. Grant was conditioned upon development of June 15, 2020 Wisconsin Safe Voting Plan which occurred two weeks later.	Grant was issued to Racine Mayor prior to CTCL receiving an application or the CTCL stipulated plan. Transmittal letter explicitly conditions [Shall] the transfer \$10,000 from Racine to four other Wisconsin municipalities for election administration.	<i>CTCL Grant Transmittal to Racine Mayor 052820</i>
May 5, 2020	Common Council Action Approving Mailing of Absentee Ballots to All Registered Racine voters Wisconsin - Racine	Consent agenda communication by Mayor Mason to the Racine Common Council requesting the council to direct the Clerk to mail absentee ballot applications with postage-paid envelopes to all registered Racine voters in time for the August 11, 2020 election.	Postage paid return envelopes were mailed to all registered voters with an absentee ballot.	<i>Racine CTCL Grant Acceptance and Ballot Actions File 0242-20</i>
May 21, 2020	Common Council Action - Changing Polling Places for August and November Elections Wisconsin - Kenosha	Using COVID-19 and Governors' Executive Order 74 as justification, Resolution 82-20 makes polling place changes to 54 wards throughout Kenosha for the August 11 primary and November 3 general elections.	Resolution 82-20 was introduced and signed by Kenosha Mayor John Antaramian.	<i>City of Kenosha Resolution 82-20 to Relocate Polling Places</i>

Date	Summary & Location	Description	Comments	References
June 02, 2020	Common Council Action - Approving Application for CTLC Grant and Redistribution to other Cities Wisconsin - Racine	Racine Common Council action applying for and accepting a \$100,000 CTLC grant. Fiscal note explicitly notes redistribution to Green Bay, Kenosha, Madison, and Milwaukee for "coordinated election planning."	"Fiscal Note: \$60,000.00 of these grant funds will be retained by the City of Racine and \$10,000.00 will be distributed to each of the cities of Green Bay, Kenosha, Madison, and Milwaukee for this coordinated planning."	Racine City Council Resolution 0318-20
June 15, 2020	Wisconsin Safe Voting Plan; Appointment of "Voter Navigators"- Wisconsin - Racine, Madison, Milwaukee, Kenosha, Green Bay	The Wisconsin Safe Voting Plan 2020 (WSVP) was submitted to CTLC by five Wisconsin cities as part of the private grant-funding process. The public record indicates that in some cases the WSVP was submitted to CTLC after the grants were made. WSVP presents a detailed, specific election funding plan on per-city basis, and adds positions that conflict and confuse the duties of elected officials already responsible to oversee and certify electoral processes.	The WSVP details collaboration by public officials to solicit private funding for public electoral processes. The public record points to Racine Mayor as being the coordinator of the grants and WSVP process. Page 9 of the WSVP documents an extralegal appointment of bilingual "Voter Navigators" to assist as "election inspectors," for completion of ballots, and in witnessing of voter signature process.	Wisconsin Safe Voting Plan
July 14, 2020	Common Council Action - Authorizing Acceptance of CTLC Funding from Racine, and Delegating Authority to Accept Private Funding for Electoral Administration Wisconsin - Madison	Madison Common Council Action authorizing the Clerk to accept a \$10,000 CTCL grant from Racine for election administration and granting broad authority to Mayor Conway to execute future CTCL grant agreements absent council oversight. Resolution 61255 authorizes the Madison City Clerk to apply for and accept a private \$1,271,788 CTLC grant, and amends the Clerk's 2020 budget by \$1,271,788 to reflect a salary increase of \$683,788.	Resolution 61255 explicitly coalesces private and public funding in the City Clerks 2020 budget for election administration, including salaries. Resolution 60266 (04/16/2020) accepting the \$10,000 CTLC grant predates the June 15, 2020 Wisconsin Safe Voting Plan.	City of Madison Meeting Minutes for July 14, 2020 (Legislative File 61124, Page 7)
July 21, 2020	Common Council Action Approving Acceptance of CTLC Funding Wisconsin - Milwaukee	Common Council action approving recommendations by the City Finance and Personnel Committee to place a redistricting referendum procedure request on November 3, 2020 ballot.		Racine City Council Resolution 0453-20 Redistricting Ballot Initiative
July 21, 2020	Common Council Action - Approving acceptance of \$1,093,400 CTLC grant Wisconsin - Green Bay	Green Bay Elections Committee Funding Transcript, and Election Tracking Forms documenting intent to use CTLC funds for the following purposes: <ul style="list-style-type: none"> Elections outreach and education; Poll worker database & scheduling equipment from US Digital Response; Dropbox "team" with undisclosed dropbox locations; \$50,000 for cameras, boxes, and installations; 	The Voter Navigator duties are vague and appear not sanctioned by the WEC or state elections law. The Voter Navigator Position and CTLC funding was questioned by others in the meeting. Following an email directive from the WEC citing 1 dropbox per 15,000 to 20,000 population, the 15 dropbox proposal appears	Green Bay Common Council Agenda Packet Item for CTLC Grant Green Bay Common Council Minutes Approving CTLC Grant (Item R, Page 12 and Pages 148-152)

Date	Summary & Location	Description	Comments	References
July 21, 2020	Common Council Action - Approving acceptance of \$1,093,400 CTCL grant Wisconsin - Green Bay	<ul style="list-style-type: none"> \$150,000 RFP for outside services to focus on unregistered voter contact. Poll worker funding increases that raise the state appropriations amount from \$140 to \$350 per worker \$45,000 for the addition of "Voter Navigators" with no position description or outline. 	to have been reduced to only 5 to 6, based upon their population. The dropbox correction by WEC appears to demonstrate how the Wisconsin Safe Voting Plan has neglected WEC standards and protocol.	<u>Green Bay Elections Committee Cares Act Funds 072120</u>
July 24, 2020	Common Council Action - Approving \$942,100 in CTCL grants and Authorizing Mayor Mason to Receive Funding Wisconsin - Racine	Racine Common Council action authorizing Mayor Mason and City Clerk to accept \$942,100 CTCL grant for administration of Wisconsin Safe Voting Plan.	Common Council action was sponsored by Mayor Mason who appears to be the central coordinator of CTCL grants, authorship of the Wisconsin Safe Voting Plan, and funding dissemination to other Wisconsin cities. Council action <i>precedes</i> release of the Wisconsin Safe Voting Plan.	<u>Racine Consent Agenda File Number 491-20</u>
July 28, 2020	Common Council Action - Accepting a CTCL grant of a \$2,154,500 for Election Administration Wisconsin - Milwaukee	Milwaukee Common Council Resolution 200448 accepting a private, \$2,154,500 CTCL grant under the city's Special Revenue Fund. CTCL grant is to be administered consistent with the Wisconsin Safe Voting Plan 2020 and Milwaukee Code of Ordinances Section 304-81.	Resolution 200448 recognizes the CTCL grant as revenue to be administered for electoral purposes, raising material questions of how private funding, when coalesced with state appropriations, may affect electoral processes.	<u>Milwaukee City Council Acceptance of CTCL Grant</u>
August 19, 2020	Delaware County Council Action - Acceptance of a \$2,172,858 CTCL grant for Election Administration Pennsylvania - Delaware County	<p>A CTCL grant of \$2,172,858.00, ratified by Delaware County Council on August 19, must still be approved by the Pennsylvania Board of Elections and Solicitor.</p> <p>Private CTCL funds if approved, will be used to:</p> <ul style="list-style-type: none"> Install walk-in satellite voting centers with mobile "pop up" voting centers Provide poll worker hazard pay Place and monitor 50 drop boxes for vote-by-mail ballots Purchase equipment Hire staff to process mail in ballot applications and ballots <p>The CTCL agreement and implementing city plan contain specific stipulations holding the Philadelphia to its plan. The City plan includes drop boxes, poll operating hours, the addition of 800 polling places, and many other specific requirements.</p>	The CTCL and city plan is a significant example of how elite private funding sources	<p><u>https://delcopa.gov/publicrelations/releases/2020/safeelectionsgrant.html</u></p> <p><u>Delaware City Council Minutes CTCL Grant Approval (Minutes page 2)</u></p>

Date	Summary & Location	Description	Comments	References
August 21, 2020	CTLC Grant Agreement Transmittal to Philadelphia Grants Officer Del Bianco - \$10,016,074 Pennsylvania - Philadelphia	Grant allocations are to be used for: <ul style="list-style-type: none"> • Mail-in and Absentee and Processing Equipment: \$5,500,554; • Satellite Election Offices for in-person and mail-in voting: \$2,272,220; • In-person Voting at Polling Places on Election Day: \$1,321,300; • Secure Drop boxes and related needs: \$552,000; • Printing and Postage: \$370,000. 	may impose non-statutory requirements upon public officials. Neither the CTLC Agreement or city plan discuss approvals from the Pennsylvania Board of Elections office or solicitor that may be required under 2019 Pennsylvania Act 77.	<u>Philadelphia Grant Agreement CTLC Signed August 21, 2020</u>
August 30, 2020	Jay Stone FEC Complaint Wisconsin - Pleasant Prairie	Pleasant Prairie, Wisconsin voter Jay Stone files a 39 page, 247 exhibit sworn complaint against CTLC with the Federal Elections Commission. Complaint alleges Executive Director Tiana Epps-Johnson, CTCL Government Services Director Whitney May, Center for Election Innovation and Research Executive Director David Becker, Mark Zuckerberg, and Priscilla Chan have no medical authority or legal right to participate in elections or electoral process.		<u>Jay Stone FEC Complaint 083020</u>
September 1, 2020	Common Council Action - Authorizing Mayor to Accept \$657,000 for Ballot Collection and Coordination Wisconsin - Racine	Racine Common Council action authorizing Mayor Mason and City Clerk to accept \$657,000 in private CTCL funding for "absentee ballot coordination, collection and processing associated with the November 3 Presidential Election."	Council action sponsored by Racine Mayor Mason.	<u>Racine City Council Actions File No. 0571-20 090120</u>
September 2, 2020	Detroit City Council Action - CTLC Grant Approval and Collaboration of State Secretary in Elections Michigan \$3,512,000	The CTLC grant and associated Detroit City Safe Voting Plan were approved during a recess session of the Formal City of Detroit Agenda. According to Detroit personnel, the grant was approved during recess, no notes were taken and the CRLC grant and Plan have been filed. Detroit City Clerk Janice Winfrey and Michigan Secretary of State Jocelyn Benson announce a collaboration to: <ul style="list-style-type: none"> • To recruit and train additional staff and election workers • Open 14 new satellite clerk offices, for a total of 21 where voters can register and return absentee ballots; • Provide additional "support" for absentee ballot tabulation; • Install 30 drop boxes; 	As of December Secretary Benson was aware of surplus CARES act funding	<u>Email Correspondance Detroit City Louise Jones to Belinda Groner 092820</u> https://www.michigan.gov/som/0,4669,7-192-47796-538528--,00.html <u>Press Release Detroit Clerk Winfrey and Secretary Benson Elections Collaboration 090220.pdf</u>
September 2, 2020				

Date	Summary & Location	Description	Comments	References
September 4, 2020	<p>Press Release - City Clerk CTLC Award</p> <p>Michigan - Lansing \$443,742</p>	<ul style="list-style-type: none"> Recruit and train 6,000 election workers for 182 polling locations and 134 absentee counting boards; Hire additional staff to support the City clerk's office; Revise ballot counting and sorting protocols to make more effective use of high-speed scanners. <p>Press release from Lansing City Clerk Chris Swope announcing award of a \$443,742 CTLC grant for administration during the November 3rd Election.</p> <p>The private CTLC funding will specifically be used for:</p> <ul style="list-style-type: none"> Mailing of absentee ballot applications to every remaining Lansing City voter (over 60,000) who have not requested a ballot; Purchase and installation of 12 drop-boxes at six fire stations, four community centers, a CATA CTC station, and the Lansing City Cemetery; Hazard bonus pay of \$100 for 500 election, precinct and absentee ballot counters and \$50 for shorter shifts. Expanded in-person early voting opportunities. Additional staff and extended poll hours at the South Washington Election Unit at 2500 S. Washington Ave beginning in October A third satellite location at the Alfreda Schmidt Southside Community Center from October 19 – October 30. Expanding voter education and outreach efforts 	<p>The Press Release was removed from the Lansing Website on September 25, 2020.</p>	<p>Michigan Secretary Benson HAVA 251 Funds Report. December 2019.pdf</p> <p>City of Lansing Press Release CTLC Grant Announcement 090420</p>
September 8, 2020	<p>Council Action -Scanning System Equipment - Michigan - East Lansing</p>	<p>Council Action (Item 3.13) approving an Agenda Item Report to use \$35,350 in CTLC funding for the purchase of an Image Cast high-speed scanning system from Dominion Voting for counting of absentee ballots and authorizing the City Manager to sign for future CTCL grant funding.</p>		<p>East Lansing MI Council Minutes Scanner Purchase 090820.pdfCity of East Lansing Minutes</p>

Date	Summary & Location	Description	Comments	References
September 10, 2020	Council Action and Approval - CTLC Grant Transmittal Letter to Inez Brown \$475,625 Michigan-Flint	Flint Resolution 200391 accepting a private, \$475,625 CTCL grant and initiating a revenue and expense account under the city's' 296 fund. CTCL grant is to be administered consistent with the Flint Safe Voting Plan 2020 and authorizing the "appropriate City Officials to do all things necessary to accept the Center for Tech and Civic Life grant award for the City of Flint Safe Voting Plan 2020."	CTLC grant letter contains language that the city shall not reduce the budget of the City Clerk or fail to appropriate or provide previously budgeted funds to the clerk for the term of this grant.	<u>CTLC Grant Transmittal to Flint City Clerk 091020</u> <u>City of Flint MI Resolution 200391 Accept CTLC Funding 091420.pdf</u>
September 14, 2020	CTLC Supplementary Grant Transmittal Letter; Draft CTLC Approval Letter - \$522,200 Wisconsin - Green Bay	Personal email correspondence from CTCL Executive Director Tiana Epps-Johnson to Kris Teske, City of Green Bay Clerk, approving a \$522,200 private funding package for COVID 19 related expenditures, cleaning and to hire election personnel. Draft CTLC approval letter with budget breakdown.	Grant approval precedes receipt of agreement. CTLC breakout budget includes carts, lift trucks, computers, ballot processing equipment, and a labor budget, potentially conflicting with State purchasing and appropriations policies for election related capital equipment.	<u>CTCL Grant Approval Epps-Johnson Email With Green Bay Clerk Teske 091420</u> <u>Green Bay CTLC Application Supplement 091420</u>
September 16, 2020	CTLC Grant Agreement Transmittal - Michigan - Muskegon \$433,580	The executed CTLC agreement with Muskegon contains specific stipulations that hold the City to its plan, including drive through voting, election department real estate costs, satellite election department costs, overtime and hazard pay, and other costs.	Stipulations accompanying private funds into public elections set up policy conflicts, create a dangerous precedent for future, and disenfranchise local populations who themselves may be unable to contribute goods or funds to electoral processes.	<u>CTLC Grant Transmittal to Muskegon Clerk Meisch Signed 091620.pdf</u>
September 21, 2020	City Council Action - Approving Expansion of Voter Registration Plan Using CTLC Grant \$56,626 Michigan-Kalamazoo	Kalamazoo Resolution H.3. approves a \$56,626 CTCL grant to implement a 2019 plan backgrounded by the advocacy groups Voters Not Politicians, Kalamazoo NAACP, and the League of Women Voters. Funding will cover the costs of additional office hours, the branch office location at WMU, and the ballot drop boxes.	Kalamazoo Resolution H.3 ties a 2019 plan from advocacy groups to expand voter registration on a college campus with CTLC funding.	<u>Kalamazoo MI Commission Resolution CTLC Grant Approval 092120.pdf</u>
September 22, 2020	City Council Action - Authorizing Approval of CTLC Funding for Electoral Administration \$405,564 Michigan-Pontiac	City Council Resolution 20-428 to approve a \$405,564.00 grant agreement between the City and CTCL.		<u>City of Pontiac MI Resolution 20428 Accept CTLC Funding 092220.pdf</u>

Date	Summary & Location	Description	Comments	References
September 22, 2020	County Elections Council Action - Pennsylvania - Centre County	The Centre County Elections Board voted unanimously to approve a CTLC application for COVID 19 response grant funding. Grant is proposed to be used to fund Election Systems equipment software. Formal approval from commissioners in October.	Commissioner Dershem requested Solicitor Betsy Dupuis to review the CTLC grant application and agreement. Procedurally, it appears that the funding has not been formally requested and that Solicitor Dupuis could determine additional approvals are required from Pennsylvania election officials.	<u>Centre County PA Board of Elections Minutes CTLC Grant Approval 090820.pdf</u>
September 24, 2020	City Council Action - Authorizing Approval of CTLC Funding for Electoral Administration \$405,564 Michigan-Saginaw	The Saginaw City Council Resolution, as recommended by City Manager Timothy Morales in Council Communication CC-28, accepts \$405,564 in CTCL grant funding and incorporates an offset amount of \$402,878.00 into the City General Revenue and Expense Account No. 101-0000-674.000. CTCL grant is to be administered consistent with the Saginaw Safe Voting Plan 2020	Through its official action, the Saginaw City Council has coalesced private CTLC funding into a public, general revenue-and-expense account to be used for elections purposes. The public record is silent as to whether a consistency assessment with Michigan elections law or state appropriations policy was performed by the Saginaw City Council prior to incorporation of private funding into public revenue accounts.	<u>Saginaw MI Council Resolution CC-28 CTCL Grant Approval 091420.pdf</u>
September 26, 2020	Minneapolis Policy Action Committee - Action Authorizing \$2,297,342 for Ballot Collection and Coordination Minnesota-Minneapolis	Unanimous action by Minneapolis Policy and Government Oversight Committee on item 2020A-0703 accepting \$2,297,342 to implement the Safe Voting Plan during the 2020 presidential election.	Presented on September 15, 2020; approved on September 26, 2020	<u>Minneapolis Common Council Approval of Private CTCL Grant Funding Application for 2020 Presidential Elections 092620</u>
September 22, 2020	CARES Act Financial Reports from EAC	The 20 day, post primary CARES Act expenditure report by the Federal EAC indicates as of September 22, 2020 only 34% of the total funds appropriated under CARES for COVID elections purposes have been used. All CARES funding has to be used by December 31, 2020,	Private, CTLC funding for COVID response and related elections equipment continues to not be necessary, as federal appropriations for elections remains unspent.	<u>EAC Cares Act Expenditure Report September 22 2020.</u>

EXTERNAL : Fwd: Complaint_Stone v. Barrett.pdf

RHH <ronheuer@gmail.com>

Fri 10/15/2021 6:00 PM

To: Coms <Coms@wispecialcounsel.org>; 6 <6@wispecialcounsel.org>; 3 <3@wispecialcounsel.org>

📎 1 attachments (4 MB)

Complaint_Stone v. Barrett.pdf;

Mike,

If didn't have this...Here is a copy of the 97 page complaint filed by Jay Stone in August against the WI-5 players.

Ron Heuer

Sent from my iPhone

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.

Jay Stone
September 10, 2020
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cc: Members, Wisconsin Elections Commission

Enclosure

Wisconsin Elections Commission

212 East Washington Avenue | Third Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

September 11, 2020

Jay Stone
10501 82nd St.
Pleasant Prairie, WI 53138

Re: Complaint Filed with Wisconsin Elections Commission

Dear Mr. Stone:

I am in receipt of the complaint filed with the Wisconsin Elections Commission (“WEC” or “Commission”) on August 28, 2020 and the amendments to your complaint filed on September 6, 2020 against Green Bay Mayor, Eric Genrich, Kenosha Mayor, John M. Antaramian, Madison Mayor, Satya Rhodes-Conway, Milwaukee Mayor, Tom Barrett, Racine Mayor, Cory Mason, Green Bay Clerk, Kris Teske, Kenosha Acting City Clerk, Madison Clerk Maribeth Witzel-Behl, Milwaukee Election Commissioners, Stephanie D. Findley, Chair, Carmen C. Cabrera, Jess Ripp and Racine Clerk Tara Coolidge. The administrative rules governing the WEC’s processing of complaints require that I review the complaint and determine within 10 business days whether the complaint is timely, is sufficient as to form and states probable cause. Wis. Admin. Code § EL 20.04(1). I am writing to inform you that I have determined that the complaint is not in proper form and it does not state probable cause that a violation of an election law that the Commission has jurisdiction over has been violated. Complaints filed under Section 5.06 are filed by individuals that are served by local election officials, but you do not reside in any of the municipalities cited in the complaint. Your complaint is related to the acceptance of grant funds by municipalities, but the complaint does not allege any violations of election law that the Commission has authority over to enforce or investigate. Therefore, I am returning the complaint to you without prejudice pursuant to Wis. Stat. § 5.06 and Wis. Admin. Code § EL 20.04(1) and (2).

Sufficiency as to Form and Complaint States Probable Cause

Wis. Stat. § 5.06(1) states:

Whenever any elector of a jurisdiction or district served by an election official believes that a decision or action of the official or the failure of the official to act with respect to any matter concerning nominations, qualifications of candidates, voting qualifications, including residence, ward division and numbering, recall, ballot preparation, election administration or conduct of elections is contrary to law, or the official has abused the discretion vested in him or her by law with respect to any such matter, the elector may file a written sworn complaint with the commission requesting that the official be required to conform his or her conduct to the law, be restrained from taking any action inconsistent with the law or be required to correct any action or decision inconsistent with

Wisconsin Elections Commissioners

Ann S. Jacobs, chair | Marge Bostelmann | Julie M. Glancey | Dean Knudson | Robert Spindell | Mark L. Thomsen

Jay Stone
September 10, 2020
Page 2

the law or any abuse of the discretion vested in him or her by law. The complaint shall set forth such facts as are within the knowledge of the complainant to show probable cause to believe that a violation of law or abuse of discretion has occurred or will occur. The complaint may be accompanied by relevant supporting documents. The commission may conduct a hearing on the matter in the manner prescribed for treatment of contested cases under ch. 227 if it believes such action to be appropriate.

(Emphasis added)

Your complaint states that you are not a resident of any of the municipalities referenced in the complaint and therefore you are not served by any of the officials you have named. Your complaint is not proper to form, as you are not a proper complainant under Wis. Stat. § 5.06. Your complaint also fails to state what election law or laws under the jurisdiction of the Wisconsin Elections Commission (Chapters 5-10 and 12, Wis. Stats.) that the named local officials have violated or have abused their discretion in administering. Your complaint alleges that the acceptance of grant funds from a third-party group “artificially inflates” one of the Presidential Candidate’s statewide vote total and “enhances” that candidate’s chances of winning Wisconsin’s 10 electoral votes. Notably, while you state that the acceptance of grant funds are contrary to law and/or an abuse of power or discretion regarding election administration and conduct of the November 3, 2020 election, there is not a citation to an election law that you alleged has been violated or will be violated by these officials.

Conclusion

I am returning your complaint as it is not sufficient to form and fails to state probable cause that a violation of law under the jurisdiction of the Commission has been violated, without prejudice pursuant to Wis. Admin. Code § EL 20.04(3). As required by that provision, I have specified the defects in the complaint (form and failure to state probable cause). As to the information which would be appropriate to cure the defect, only individuals that reside in a municipality served by the individuals named may file a complaint under Wis. Stat. § 5.06. As to probable cause, if you are aware of election laws that have been or may be violated by the individuals named, your complaint could be amended to state those violations of law. Since your complaint and amendments to the complaint are improper as to form and fails to state probable cause, your complaint has not been accepted as proper by the Commission under its administrative rules.

The Commission now considers this matter closed.

Sincerely,

Meagan Wolfe
Administrator
Wisconsin Elections Commission

**State of Wisconsin
Before the Wisconsin Elections Commission**

The Verified Complaint of

1. Jay Stone
10501 82nd St.
Pleasant Prairie, WI 53158

Against Complaint Respondent

1. Meagan Wolfe
Wisconsin Elections Commission
212 East Washington Avenue, Third Floor
P.O. Box 7984
Madison, Wisconsin 53707-7984

This complaint is made under Wisconsin Statutes § 5.06.

Administrator Meagan Wolfe's False Claims About Wisconsin Statute § 5.06(1)

Complainant filed a WEC complaint on August 28, 2020 (click [here](#) and see Stone v. Genrich, et al). Administrator Wolfe denied Complainant's August 28, 2020 complaint in part because according to Wolfe, Complainant did "not reside in any of the municipalities cited in the complaint" (click [here](#)).

Since Complainant expected a challenge to his August 28, 2020 WEC filing, he included a section on standing in his complaint (Click [here](#) and see "Jay Stone's Good Standing in this Sworn Complaint," page 4). Administrator Wolfe's September 11, 2020 denial letter to the Complainant failed to state why the Complainant's position that he had proper standing to file his complaint was incorrect (click [here](#)). Complainant's maintains it was Wolfe, not the Complainant, who misunderstood Wisconsin Statute § 5.06(1).

In Wolfe's denial of Complainant's August 28, 2020 complaint, Wolfe twice stated that she could not accept Complainant's complaint because the Complainant did not reside in the officials'

municipalities with whom his complaint was lodge against. In Wolfe's first paragraph she wrote, "Complaints filed under Section 5.06 are filed by individuals that are served by local election officials, but you do not reside in any of the municipalities cited in the complaint."

Wolfe other reference to municipalities is, "Your complaint states that you are not a resident of any of the municipalities referenced in the complaint and therefore you are not served by any of the officials you have named."

Wisconsin Statute § 5.06(1) does not include the word "municipalities" as Wolfe stated twice in her letter. Wis. Statute § 5.06(1) does not restrict a complaint to an elector's municipality as Wolfe falsely claimed.

Instead of using the word municipality, Wis. Statute § 5.06(1) uses the words, "jurisdiction" and "district." The word jurisdiction may apply to the whole state of Wisconsin, such as the governor and attorney general of Wisconsin have jurisdiction over the entire State of Wisconsin. The word district may apply to a congressional district, school district, state senate district, or state representative district. Jurisdiction and district are often significantly larger in area and population than a municipality that Wolfe stated in her September 11, 2020 letter.

The elected offices on the November 3, 2020 ballot when the Complainant filed his WEC complaint were the president of the United States and representatives for eight Wisconsin congressional districts. Complainant was an elector for both president and Wisconsin's first congressional district congressman. As an elector, Complainant's jurisdiction for the president of the United States was the entire State of Wisconsin. There are currently eight Wisconsin congressional districts, and each congressional jurisdiction is approximately one-eighth of Wisconsin's population. Since the Complainant was only an elector in Wisconsin's first congressional district, Complainant may only file a complaint against a congressional election official in the first congressional district where he is an elector.

Wis. Statute § 5.06(1) starts with the words, “Whenever any elector of a jurisdiction or district served by an election official ...” Elector means a right to vote in an election. Wisconsin legislators and Wis. Statute § 5.06(1) gave electors the right to file a WEC complaint against an election official in any election that the electors vote in. As an elector for Wisconsin’s 10 presidential electoral votes, election officials across the entire state served as election officials for the Complainant.

Because the Complainant was an elector for the office of president and the president’s jurisdiction is the entire State of Wisconsin, according to Wis. Statute § 5.06(1), Complainant had a right to file a WEC complaint against any Wisconsin election official who served the November 3, 2020 presidential election, regardless of the Complainant or election official’s principle municipality. Because Complainant was an elector for the first congressional district, he had a right file a WEC complaint against a Wisconsin first congressional district election official even if the election official was not in the Complainant’s Pleasant Prairie municipality.

Wolfe wrote to the Complainant, ““Complaints filed under Section 5.06 are filed by individuals that are served by local election officials” The word “local” and the term “local election officials” do not appear in Wis. Statute § 5.06(1). Because Wolfe added the words “local” and “local election officials,” she arbitrarily and incorrectly changed the provisions for an elector to file a complaint.

Wis. Statute § 5.06(1) has no restriction that limits complaints to local election officials only as Wolfe falsely claimed. Wis. Statute § 5.06(1)’s only restrictions are that the election officials must serve in the elector’s jurisdiction or district. This is why Complainant may file a WEC complaint against any election who serves his Wisconsin first congressional district, but he cannot file a WEC complaint against an election official who serves Wisconsin’s seven other congressional districts. According to Wis. Statute § 5.06(1), Complainant had a right to file a complaint against any election official as long as the election official served in the jurisdiction or district where the elector had a right to vote.

Complainant filed his August 28, 2020 Complaint against Green Bay Clerk Kris Teske, Kenosha Acting City Clerk who was unknown at the time, Madison Clerk Maribeth Witzel-Behl, and Racine Clerk Tara Coolidge. Complainant also filed a Complaint against Milwaukee Election Commissioners Stephanie D. Findley, Chair, Carmen C. Cabrera and Jess Ripp. The WI 5 clerks and election commissioners all served the November 3, 2020 presidential election in which their election jurisdiction was the entire State of Wisconsin. Because the WI 5 clerks and the Milwaukee election commissioners were election officials who served the presidential election jurisdiction in which the Complainant was an elector, Complainant had the lawful right to file his WEC election complaint against them.

Complainant's interpretation of Wis. § 5.06(1) makes sense, Wolfe's does not. The legislative intent of Wis. § 5.06(1) is to allow electors to file a complaint against any election official who served as an election official in which the elector has a right to vote. Legislators intended to provide electors with a complaint process against any election official who served in their elections. According to Complainant's interpretation of Wis. § 5.06(1), electors can seek accountability and corrective action if electors perceive an election official in their jurisdiction or district acting in violation of Wis. § 5.06(1).

According to Wolfe's interpretation of Wis. § 5.06(1), an elector may only file a complaint against his or her *local* municipal election officials. Because state rep, state senate, congressional and county elections exceed the boundaries of local municipalities, according to how Wolfe defines Wis. § 5.06(1), electors cannot file a complaint or seek a cure against the majority of election officials who are officiating their elections. Wolfe's interpretation of Wis. § 5.06(1) is ridiculous and unAmerican. According to Wolfe's view, electors can't hold election officials accountable outside their municipality although the election officials are determining the outcome of the elections in which the electors voted.

Administrator Wolfe's False Claims About Complainant's August 28, 2020 Complaint

Administrator Wolfe wrote the following: “Your complaint is related to the acceptance of grant funds by municipalities, but the complaint does not allege any violations of election law that the Commission has authority over to enforce or investigate” (click [here](#)).

Wolfe also said, “Your complaint also fails to state what election law or laws under the jurisdiction of the Wisconsin Elections Commission (Chapters 5-10 and 12, Wis. Stats.) that the named local officials have violated or have abused their discretion in administering.” ...

“Notably, while you state that the acceptance of grant funds are contrary to law and/or an abuse of power or discretion regarding election administration and conduct of the November 3, 2020 election, there is not a citation to an election law that you alleged has been violated or will be violated by these officials” (click [here](#)).

Wolfe’s statements that the Complainant did not state a potential violation of law is a blatant lie. Complainant stated that the WI 5 Respondents allegedly violated Wis. statute § 5.06(1) three times in his complaint (click [here](#)). Furthermore, Wolfe’s above statements implies that the Complainant must submit a violation of another law besides Wis. statute § 5.06(1). As stated in the following paragraph, the WEC accepted five complaints for Compliance Review that cited Wis. statute § 5.06 like the Complainant’s as the reason for the complaints.

Since Complainant filed his WEC complaint, the WEC accepted five complaints under the same Wis. Statutes § 5.06 as the Complainant cited in his August 28, 2020 complaint. The first line of these five complaints is, “This complaint is made under Wisconsin Statutes § 5.06.” (to view complaints, click on [Liu et al v. Wolfe et al](#), [Werner et al. v. Wolfe et al.](#), [Thomas et al. v. Wolfe et al.](#), [Prujansky et al. v. Wolfe et al.](#), and [Carlstedt et al. v. Wolfe et al](#)).

Besides the Complainant alleging Respondents violated Wis. statute § 5.06(1) in his August 28, 2020 complaint, Complainant alleged Respondents violated the U.S. Constitution’s First and Fourteenth Amendments. Complainant wrote this in his WEC complaint: “CTCL’s \$6.3 million

grant offer and the five Wisconsin cities acceptance of CTCL's grant violates the First Amendment rights of candidates and voters as well as their equal protection rights that the 14th Amendment guarantees. The voters in Wisconsin's 185 other cities won't have the same level of protection against COVID-19 and voting resources as the five largest Wisconsin cities who received CTCL's grant money. CTCL's \$6.3 million grant to Wisconsin's five largest cities places its hand on the scale to tip the election in favor of Democrat Joe Biden" (click [here](#)).

WEC Administrator Wolfe announced WEC's Subgrant Program on June 17, 2020 (to view announcement, click [here](#)). Wolfe wrote, "The Elections Commission authorized a \$4.1 million WEC CARES subgrant program for municipalities to offset pandemic-related elections costs. The approved WEC CARES Subgrant program provides a \$200 base amount plus an additional \$1.10/per registered voter."

WEC Administrator Wolfe made sure all Wisconsin municipalities, counties, and election commissions received a fair or equal share of the WEC's \$4.1 million subgrant. Wolfe made sure the WEC's \$4.1 million grant distribution met the Fourteenth Amendment equal distribution clause.

Administrator Wolfe offered and distributed *equal* shares of a \$4.1 election grant to all Wisconsin municipalities, counties, and election commissions, yet two months later Wolfe showed no concern when Complainant alleged CTCL offered and awarded a \$6.3 million grant to only five Wisconsin cities which Complainant claimed was *unequal* protection in violation of the U.S. Constitution's First and Fourteenth amendments. Furthermore, Wolfe's equal distribution of the \$4.1 million Cares subgrant demonstrates Wolfe's knowledge of her constitutional duty to distribute grant money equally to all Wisconsin municipalities and counties who administer Wisconsin elections. When it came to equal distribution of CTCL's grant money, Wolfe ceded her constitutional duty.

As with the Complainant's August 28, 2020 complaint alleging U.S. Constitution violations, the five WEC complaints of Liu et al v. Wolfe et al, Werner et al. v. Wolfe et al., Thomas et al. v. Wolfe et al., Prujansky et al. v. Wolfe et al., and Carlstedt et al. v. Wolfe et al also claimed possible violations of the U.S. Constitution. Since the Complainant and the five other WEC complaints alleged violations of Wis. statute § 5.06 and the U.S. Constitution, why did WEC Administrator Wolfe only reject the Complainant's August 28, 2020 complaint? Could it be Wolfe denied Complainant's use of Wis. statute § 5.06 because the complaint was filed before the election, and the Commission accepted the five other Wis. statute § 5.06 complaints because the complaints were filed after the election?

Administrator Wolfe wrote, "Notably, while you state that the acceptance of grant funds are contrary to law and/or an abuse of power or discretion regarding election administration and conduct of the November 3, 2020 election, there is not a citation to an election law that you alleged has been violated or will be violated by these officials." Again, Administrator Wolfe lied about Complainant not citing alleged violations of law. Complainant stated possible violations of Wis. statute § 5.06 three times and violations of the U.S. Constitution's First and Fourteenth Amendments which all Wisconsin election laws and elections must abide by.

Administrator Wolfe Failed to Identify the Complaint's Most Obvious Defect

EL 20.04(2) states, "If the complaint does not meet the standards under sub. (1), the administrator shall promptly return the complaint to the complainant, without prejudice unless otherwise provided by law, specifying both the defect in the complaint and the information appropriate to cure the defect."

Administrator Wolfe had the duty to specify the defects in the Complainant's complaint and provide specific information to cure the defects. Wolfe omitted the most obvious defect. Complainant filed his complaint against the WI 5 mayors of Green Bay Mayor Eric Genrich,

Kenosha Mayor John M. Antaramian, Madison Mayor Satya Rhodes-Conway, Milwaukee Mayor Tom Barrett, and Racine Mayor Cory Mason.

Wis. statute § 5.06(1) states, “Whenever any elector of a jurisdiction or district served by an election official”

According to Wis. statute § 5.02(4e) “‘Election official’ means an individual who is charged with any duties relating to the conduct of an election.”

Wisconsin Statute § 7.15 - Municipal Clerks (1) states, “Supervise Registration and Elections: Each municipal clerk has charge and supervision of elections and registration in the municipality.”

Wisconsin Statute 62.09 (8) provides Wisconsin mayors with their power and duties. Wisconsin statute 62.09 (8) does *not* provide Wisconsin mayors with the power or duty to supervise voter registration and elections in their cities.

Admittedly Complainant made a mistake when he used Wis. statute § 5.06(1) against the WI 5 mayors of Antaramian, Barrett, Rhodes-Conway, Genrich, and Mason in his August 28, 2020 complaint because the WI 5 mayors are not election officials according to Wis. statute § 5.02(4e).

Administrator Wolfe deliberately failed to include the WI 5 mayors are not election officials as one of the Complainant’s defects. Only recently did Complainant learn the WI 5 mayors have no charge to supervise elections. Since learning the WI 5 mayors do not supervise elections, Complainant filed two WEC complaints, Stone v. Obama et al. and Stone v. Barrett et al., against the WI 5 mayors for performing election administration duties without statutory authority. Wolfe’s failure to inform Complainant about the defect that WI 5 mayors are not election officials delayed Complainant’s complaints for nearly a year.

Administrator Wolfe Did Not Provide a Specific Cure for the Complaint

As with identifying the defects of the Complainant's complaint, EL 20.04(2) required Administrator Wolfe to provide Complainant with appropriate and specific information to cure the defects in his complaint. Wolfe used vague and general language as a way to avoid specifying a cure to Complainant. EL 20.04(2) states, "specifying both the defect in the complaint and the information appropriate to cure the defect." Specifying means identifying clearly and definitely. Wolfe failed to clearly and definitely identify the cures for the Complainant's complaint.

No thanks to Wolfe, Complainant on his own discovered a specific cure to his complaint.

Wisconsin statutes 5.68 (1) and (2) state the following for the costs of elections: "The cost of acquisition of ballot boxes and voting booths, voting machines or electronic voting systems and regular maintenance thereof shall be borne by the municipalities in which the boxes, booths, machines or systems are used. (2) Except as otherwise expressly provided, all costs for ballots, supplies, notices and any other materials necessary in preparing or conducting any election shall be paid for by the county or municipality whose clerk or board of election commissioners is responsible for providing them." Because Center for Tech and Civic Life paid the WI 5 election expenses in alleged violation of Wisconsin statutes 5.68 (1) and (2), Complainant filed a WEC complaint against CTCL that is still pending.

Without Wolfe's help Complainant discovered another specific cure for his complaint. Wisconsin statute 12.09 (2) states, "No person may personally or through an agent, by abduction, duress, or any fraudulent device or contrivance, impede or prevent the free exercise of the franchise at an election." Complainant applied Wisconsin statute 12.09 (2) in his pending WEC complaint against the WI 5 mayors, CTCL, and CTCL's directors Tiana Epps Johnson and Whitney May (Stone v. Barrett et al.).

Wolfe's failure to identify specific cures to Complainant's complaint caused Complainant unnecessary delays in filing additional complaints. Complainant alleges that Wolfe's failure to identify specific cures was deliberate, not accidental.

Administrator Wolfe Deliberately Ignored Complainant's Probable Cause

After Administrator Wolfe rejected Complainant's August 28, 2020 complaint, Complainant filed a Federal Election Commission complaint alleging a similar set of facts and allegations as he did in his WEC complaint (Exhibit 1). Complainant's FEC complaint named CTCL, CTCL's directors Tiana Epps Johnson and Whitney May as Respondents. Complainant's FEC complaint did not name the WI 5 clerks or mayors as Respondents.

The FEC's initial response to complaints is similar to the WEC's: "The Office of General Counsel (OGC) reviews each complaint to determine whether it states a violation within the FEC's jurisdiction and satisfies the criteria for a proper complaint. If the complaint does not meet these requirements, OGC notifies the complainant of the deficiencies. Once a complaint is deemed sufficient, OGC assigns it a Matter Under Review (MUR) number, acknowledges receipt of the complaint and informs the complainant that the Commission will notify him or her when the entire case is resolved" (Click [here](#) and scroll down to "Early stages of the complaint process").

Since the FEC sent Complainant a MUR letter in November, 2020, the FEC is already reviewing the Complainant's FEC complaint (Exhibit 2). Whereas Complainant's WEC complaint focused on the WI 5 clerks and mayors receiving CTCL's election administration grant money, Complainant's FEC complaint concentrated on Mark Zuckerberg, Priscilla Chan (Mark Zuckerberg's wife), and CTCL who provided the grant money to the WI 5 cities.

If Complainant's FEC complaint with nearly the same facts and allegations as his WEC complaint met the FEC's requirement for review, why wasn't Complainant's WEC complaint good enough for the Administrator Wolfe to review?

The probable cause for a WEC Compliance Review that was in the Complainant's August 28, 2020 complaint or Complainant's exhibits that Administrator Wolfe rejected are as follows:

- CTCL's unequal distribution of its \$6.3 million election administration grants to only the WI 5 cities were alleged violations of the Constitution's First and Fourteen Amendments
- The WI 5 mayors admitted their election administration involvement in their Wisconsin Safe Voting Plan and press release though the WI 5 mayors have no statutory authority for election administration (Stone v. Genrich et al, Exhibit 1)
- CTCL chose the WI 5 cities over the Wisconsin counties to receive grants because more Democrats live and vote in the WI 5 cities than the counties
- CTCL Executive Director Tiana Epps Johnson completed her Obama Foundation Fellowship less than one month before she contacted Racine Mayor Cory Mason to start the WI 5 grant process.
- Democratic President Barrack and Michelle Obama provided contacts and money to CTCL and its Executive Director Johnson
- CTCL granted \$6.3 million to cities that only had Democratic mayors
- CTCL Directors Johnson and May were biased Democrats and anti-Republican as evidenced by Johnson and May's 125 social media posts that the Complainant submitted as exhibits with his complaint
- CTCL election administration grants deviated from the mission CTCL stated on its IRS tax forms
- CTCL had no employee, board or advisory member who was medical doctor or infectious disease expert at the time CTCL awarded its WI 5 election administration grants to protect against COVID 19
- CTCL used COVID 19 as a ruse to distribute partisan political grants to the WI 5 cities

- CTCL's grant process was allegedly fraudulent and deviated from the norm
- CTCL also awarded its election administration grants to only heavily Democratic cities and counties outside the state of Wisconsin at the time Complainant filed his complaint
- The WI 5 mayors failed to perform their due diligence before they applied and accepted CTCL's \$6.3 million grant
- The WI 5 mayors held their WI 5 mayors meetings to plan their CTCL grant application in secret (compare the WI 5's secret grant application to Administrator Wolfe's grant announcement that she sent to all Wisconsin election commissioners, municipal, and county clerks)
- The WI 5 mayors submitted one election administration plan for all the WI 5 cities though the first line of the Wisconsin Election Administration Manual states, "Elections in Wisconsin are conducted at a local level"

Conclusion: Wolfe Abused Her Discretion in Violation of Wis. Statute § 5.06

The stated purpose of Wis. statute § 5.06 is a "Compliance Review." At most the result of Complainant's complaint was Administrator Wolfe would have conducted a Compliance review of the WI 5 Respondents' election administration. Administrator Wolfe set an unreasonable and unreachable probable cause standard for Complainant's Compliance Review request. Wolfe expected Complainant to provide probable cause that the law requires for an arrest warrant, search warrant, or bail hearing. Having election officials and election jurisdictions transitioning from noncompliance to compliance would have been WEC's severest penalty had Wolfe accepted Complainant's August 28, 2020 Compliance Review request.

History proves Wolfe's failure to conduct a Compliance Review when Complainant initially requested one was cowardly and unprofessional. Since Wolfe denied Complainant's request for a Compliance Review, the WEC has received six more and separate on-going complaints (click on Liu et al v. Wolfe et al, Werner et al. v. Wolfe et al., Thomas et al. v. Wolfe et al., Prujansky et al. v. Wolfe et al., Carlstedt et al. v. Wolfe et al, and Stone v. Barrett et al.). Wolfe is named as a

Respondent in five of the six aforementioned complaints. This complaint makes the sixth complaint that Wolfe is a Respondent. Had Wolfe started a Compliance Review in August 2020 when Complainant asked for one, the WEC would not be in the position to adjudicate these six pending WEC complaints against Wolfe.

When Complainant filed his initial August 28, 2020 complaint, Complainant had no WI 5 emails or internal documents; nevertheless, there was already enough probable cause for a Compliance Review. Given that two months earlier Wolfe offered an equal amount of grant money to every Wisconsin election jurisdiction, CTCL's unequal grant distribution to only the WI 5 cities should have met the probable cause standard by itself for a Compliance review. Furthermore, Wis. statute § 5.06(4) provides the WEC the authority and power to investigate any election administration matter. Because the private funding of public elections had never occurred before in the history of Wisconsin and the United States, the WEC should have reviewed CTCL's grants even if a complaint did *not* request one.

Complainant estimates that the WI 5 have released only 40% of their CTCL election administration grant related emails, correspondences, and documents to the public. The more the WI 5 election administration documents become available, the more it appears there was election administration misconduct. So far WI 5 emails revealed the following: The WI 5 mayors held four secret meetings that were most likely in violation of Wisconsin's open meeting law; WI 5 mayors without legal authority took over election administration duties from the municipal clerks; The WI 5 mayors signed agreements with CTCL that allowed CTCL to impose its election agenda and will upon the WI 5 cities; The WI 5 cities allowed organizations and people from outside the State of Wisconsin to influence and participate in the election administration of the WI 5 cities because the WI 5 benefactor, CTCL requested it.

The 12 reasons below explain how Administrator Wolfe abused her discretion in violation of Wis. statute § 5.06 when she rejected the complaint that the Complainant submitted on August 28, 2020. In addition, Wolfe's failure to investigate Complainant's Complaint led to Wisconsin

candidates and voters having their First and Fourteenth Amendment rights violated because of CTCL's biased election grant process and unequal distribution of Wisconsin election administration grants.

1. Administrator Wolfe added her own words of "local election officials" to Wis. statute § 5.06 and then used her fictitious statute that she created to deny Complainant's standing in his complaint.
2. Wolfe incorrectly stated the Complainant did not alleged any violation of law although the Complainant alleged violations of Wis. statute § 5.06 three times in his complaint, and he also alleged violations of candidates and voters First and Fourteenth Amendment rights.
3. The WEC has subsequently accepted five other complaints with the same citation of Wis. statute § 5.06 that the Complainant stated in his August 28, 2020 complaint.
4. The FEC is reviewing a complaint from the Complainant that is similar in facts and allegations as the complaint he filed with the WEC.
5. Administrator Wolfe distributed *equal* shares of a \$4.1 million election grant to all Wisconsin municipalities, counties, and election commissions, yet two months later Wolfe showed no concern when Complainant alleged CTCL's \$6.3 million grant going to only five Wisconsin cities was *unequal* protection in violation of the U.S. Constitution's First and Fourteenth amendments.
6. Administrator Wolfe wrote Complainant submitted no probable cause for a Compliance Review while Complainant claims he submitted more than 10 probable causes.
7. Administrator Wolfe failed to include the WI 5 mayors' election administration as a defect in her September 10, 2020 letter to the Complainant.
8. Administrator Wolfe used vague and general language to recommend her cure though Wis. statute § 5.06 requires the Administrator to provide specific cures.
9. Administrator Wolfe failed to recommend the most obvious cure of Wisconsin statutes 5.68 (1) and (2), Costs of Elections since the WI 5 publicized CTCL's \$6.3 million grant money paid for the WI 5's election costs.

10. Administrator Wolfe ignored the significant political bias of CTCL directors Johnson and May.
11. Administrator Wolfe disregarded Complainant's argument that CTCL employed no medical experts though CTCL claimed the purpose of its grants was to protect election workers and voters from COVID 19.
12. Administrator Wolfe's failure to use Wis. statute § 5.06(4) to initiate a WI 5 Compliance Review of her own shows Wolfe deliberately sought to avoid any scrutiny of the WI 5-CTCL election administration grants.

Prayer for Relief

1. The Commission shall prevent Administer Meagan Wolfe from participating in the adjudication of Complainant's pending WEC complaints of Stone v. Obama et al., Stone v Jarrett et al., Stone v. Barrett et al. and Stone v. Wolfe because Wolfe as a WEC Administrator investigating these complaints and Wolfe as a Respondent in this complaint are conflicts of interest.
2. The Commission shall investigate if Administrator Wolfe abused her discretion in violation of Wis. statute § 5.06 when she returned Complainant's August 28, 2020 complaint without conducting a Compliance Review.
3. The Commission shall determine if Wis. statute § 5.06 applies only to "local election officials" who serve electors as Administrator Wolfe claimed, or if Wis. statute § 5.06 applies to electors' election officials who serve in the jurisdiction or district in which the electors vote as Complainant claimed.
4. The Commission shall investigate why Administrator Wolfe failed to acknowledge Complainant's allegations of Wis. statute § 5.06 violations.
5. The Commission shall investigate why the WEC accepted five separate complaints with alleged Wis. statute § 5.06 violations though Administrator Wolfe would not recognize Complainant's citing violations of the same statute (Wis. statute § 5.06).

6. The Commission shall determine a probable cause standard and provide examples for a Compliance Review when electors alleged violations of Wis. statute § 5.06.
7. The Commission shall determine if a complaint asking for a Compliance Review under Wis. statute § 5.06 can stand on its merit, or must a complainant cite Wis. statute § 5.06 and at least one other violation of law.
8. The Commission shall determine if a complaint may cite U.S. Constitution violations as probable cause for a WEC complaint.
9. The Commission shall investigate if Complainant submitted probable cause for a Compliance Review in his August 28, 2020 WEC complaint.
10. The Commission shall investigate why Administrator Wolfe distributed *equal* shares of a \$4.1 million election grant to all Wisconsin municipalities, counties, and election commissions, yet two months later Wolfe showed no concern when Complainant alleged CTCL's \$6.3 million grant going to only five Wisconsin cities was *unequal* and in violation of the First and Fourteenth Amendments.
11. The Commission shall investigate if CTCL's unequal distribution of election administration grants provided probable cause for violations of Wis. statute § 5.06.
12. The Commission shall investigate if the defects and cures that Administrator Wolfe provided in her September 11, 2020 letter were adequate and specific enough according to statute EL 20.04(2).
13. The Commission shall investigate if Complainant adequately showed that CTCL directors Tiana Epps Johnson and Whitney Mays' political bias were grounds for Administrator Wolfe to use as probable cause.
14. The Commission shall investigate if CTCL's failure to have any employees with medical expertise though CTCL claimed the purpose of its grants was to protect election workers and voters from COVID 19 were grounds for Administrator Wolfe to use as probable cause.
15. The Commission shall investigate if Administrator Wolfe's failure to use Wis. statute § 5.06(4) to initiate a WI 5 Compliance Review of her own shows Wolfe deliberately sought to avoid her WEC oversight authority of the \$6.3 Million WI 5-CTCL election administration grants.

Exhibits

1. FEC complaint of Stone v. Center for Tech and Civic Life et al.
2. FEC Matter Under Review (MUR) letter to Complainant

Jay Stone's Sworn Complaint

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Jay Stone
10501 82nd St.
Pleasant Prairie, WI 53158
773-665-4623
JayJoelStone@gmail.com

**Jay Stone's Notarized 39 Page Sworn
Complaint with 247 Exhibits**

Jay Stone's Sworn Complaint

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Overview

Complainant Jay Stone is lodging FEC complaints against seven respondents:

1. Center for Tech and Civic Life (CTCL)
2. CTCL Executive Director Tiana Epps-Johnson
3. CTCL Director of Government Services Whitney May
4. Center for Election Innovation and Research (CEIR)
5. CEIR Executive Director David Becker
6. Mark Zuckerberg
7. Priscilla Chan (Mark Zuckerberg's wife)

The Center for Tech and Civic Life (CTCL) is a 501(C)(3) nonprofit. CTCL granted \$30.66 million to only Democratic strongholds in battleground and swing states. For example, CTCL provided Philadelphia with a \$10 million COVID-19 grant. Philadelphia votes 92% Democratic in the battleground state of Pennsylvania. CTCL supplied Detroit with a \$3.5 million COVID-19 grant. Detroit votes 98% Democratic in the battleground state of Michigan. CTCL provided Milwaukee with a \$2.15 million COVID-19 grant. Milwaukee votes 85% Democratic in the battleground state of Wisconsin.

CTCL used COVID-19 as a ruse or pretense for its voting grants. None of CTCL's advisory committee members, board members, or employees have a medical education or medical experience. CTCL had no legal right or medical authority to associate CTCL's COVID-19 grants with protecting election workers and voters from the pandemic.

CTCL started with \$6.3 million in grants to Democratic strongholds in Wisconsin, then \$12.2 million in grants to Pennsylvania, and \$4.4 million grants to Michigan. After CTCL completed its grants to the all important Midwest battleground states, CTCL granted \$7.4 million to Democratic strongholds in Iowa, Georgia, and South Carolina. In all,

Jay Stone's Sworn Complaint

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CTCL has payed out \$30.66 million for COVID-19 voting grants. 15 of 15 of CTCL's grants went to Democratic strongholds.

CTCL's hidden motive is to increase Joe Biden's statewide vote with grants to the state's Democratic stronghold so that Joe Biden wins the state's electoral votes. For example, there are 190 cities in Wisconsin, but CTCL only granted money to the five Wisconsin's cities that produce the highest number of Democratic votes. The five cities that received CTCL's \$6.3 million grant accounted for 82% of Hillary Clinton's vote in the 2016 presidential election.

Since CTCL has only granted money to Democratic strongholds, CTCL is not advocating for an issue, rather CTCL is using its COVID-19 grants to campaign for Democratic presidential candidate Joe Biden. CTCL Executive Director Tiana Epps-Johnson and Director of Government Services Whitney May sent out numerous Anti-Trump, Anti-Republican, and Pro-Democrat social media posts. Epps-Johnson and May posted such social media comments as "Trump is a fucking sociopath," "President Trump Accused of Rape," Go after Trump's lies," and "Don't vote for Trump."

Epps-Johnson and May are using their CTCL positions to oust Donald Trump and elect Joe Biden. CTCL disguised \$30.66 million in Joe Biden campaign contributions as COVID-19 voting grants. FEC campaign contribution laws prohibit CTCL as a 501(C)(3) from contributing \$30.66 million to Joe Biden's campaign.

CEIR received a \$50 million donation from Mark Zuckerberg and Priscilla Chan. CEIR's Executive Director David Becker posted 41 Anti-Trump tweets. Mr. Becker said such things as "President Trump sows chaos," "President Trump's false claims," and "The things President Trump says are flatly wrong" Thanks to Zuckerberg-Chan's \$50 million donation, Mr. Becker has the means to achieve his goal of defeating President Trump.

Jay Stone's Sworn Complaint

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CEIR created a Sample-Project-Budget that focuses on getting voters to cast ballots via automated calls, postcards, radio, and TV buys. Instead of purchasing cleaning supplies and PPE's to protect election workers and voters from COVID-19, CEIR is concentrating \$50 million on increasing voter turnout in Democratic states. The Help American Vote Act disallows media buys to increase voter participation. CEIR will disburse \$50 million to help Democratic candidate Joe Biden win the November 3, 2020 election. As a 501(C)(3) nonprofit organization, federal campaign contribution laws prohibit CEIR from donating \$50 million to Joe Biden's campaign.

Mark Zuckerberg and Priscilla Chan deliberately granted \$250 million to CTCL and another \$50 million to CEIR because CTCL and CEIR are doing Zuckerberg-Chan's political bidding—increase Democratic votes for Joe Biden through CTCL and CEIR's ruse of COVID-19 grants. CTCL and CEIR offered the perfect cover for Zuckerberg-Chan to help Democratic Joe Biden become president. CTCL and CEIR have no transparency, no oversight, and no accountability.

CTCL and CEIR are known for their left political leanings. When Zuckerberg-Chan donated to CTCL and CEIR, Zuckerberg-Chan knew their \$300 million donation would help Democrat Joe Biden win his 2020 presidential election. FEC's individual campaign contribution limit is \$2,800 per person. Zuckerberg-Chan disguised their \$300 million Joe Biden campaign contribution as a \$300 million donation to CTCL and CEIR. Zuckerberg-Chan used their CTCL and CEIR donation as a means to avoid their combined \$5,600 contribution limit. Zuckerberg-Chan's \$300 million contribution to Joe Biden's campaign is 5,400 times more than FEC's \$2,800 individual contribution limit.

Complainant Jay Stone filed a Wisconsin Election complaint on August 28, 2020. The Wisconsin Election Commission notified Mr. Stone on September 11, 2020 that he was ineligible to file a complaint because he did not live in one of the five Wisconsin cities that received a CTCL grant. No commission, board, or court has adjudicated the merits of Mr. Stone's complaint.

Jay Stone's Sworn Complaint**5**

In 2005 Federal Court Judge Wayne A. Andersen awarded Complainant Stone \$75,000 because the City of Chicago violated his civil rights when he ran for a Chicago City Council seat in 2003. Since then Complainant Stone has been vigilant about seeking fair and honest elections regardless of a candidate's political party. Complainant Stone researched and wrote his complaint by himself. He is not coordinating or working with any political candidate or political party.

FEC Complaint against Center for Tech and Civic Life, Tiana Epps-Johnson, and Whitney May starts on the next page.

Jay Stone's Sworn Complaint

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FEC Complaint against Center for Tech and Civic Life, Tiana Epps-Johnson, and Whitney May

The Center for Tech and Civic Life (CTCL) started giving \$23 million in Safe Voting and COVID-19 grants to only Democratic strongholds in the battleground states of Michigan, Pennsylvania and Wisconsin. CTCL's provided Safe Voting and COVID-19 grants to 1 county and 10 cities that vote between 58% and 98% Democratic (see tables below). CTCL deliberately initiated its Democratically targeted grants and limited its funding to only local Democratic election authorities in Democratic strongholds. CTCL's intent of granting \$23 million to only Democratic strongholds is to increase the chances of Democrat Joe Biden winning the statewide and electoral votes in the battleground states of Michigan, Pennsylvania and Wisconsin.

Center for Tech and Civic Life's Grants to Democratic Strongholds in Three Battleground States

State of Wisconsin

City	CTCL Grant	Dem. Vote	Rep. Vote	Trump's 2016 WI Win	Trump's 2016 WI Win in Votes
Milwaukee	\$2,154,500	85%	14%	0.77%	22,748
Madison	\$1,271,788	70%	23%	0.77%	22,748
Green Bay	\$1,093,400	58%	42%	0.77%	22,748
Racine	\$942,100	72%	28%	0.77%	22,748
Kenosha	\$862,779	69%	31%	0.77%	22,748

Jay Stone's Sworn Complaint

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City	CTCL Grant	Dem. Vote	Rep. Vote	Trump's 2016 WI Win	Trump's 2016 WI Win in Votes
Total CTCL WI Grant	\$6.32 Million				

The five Wisconsin cities above accounted for 82% of Hillary Clinton's vote in 2016. CTCL's \$6.32 million grant to increase voter participation in only five of Wisconsin's 190 cities will produce a lopsided vote for Joe Biden in Wisconsin's five largest Democrat strongholds. If CTCL's \$6.3 million Wisconsin voter participation grant increases the Biden vote in just the five Democratic strongholds by 2%, then Democrat Joe Biden will win Wisconsin. CTCL's \$6.3 million Wisconsin grant deliberately increases Joe Biden's chances of winning Wisconsin's popular vote and 10 electoral votes.

State of Pennsylvania

City/County	CTCL Grant	Dem. Vote	Rep. Vote	Trump's 2016 Pa Win	Trump's 2016 PA Win in Votes
Delaware County	\$2,200,000	65%	35%	0.72%	44,292
Philadelphia	\$10,000,000	92.1%	7.9%	0.72%	44,292
Total CTCL PA Grant	\$12.2 Million				

CTCL granted Philadelphia more money than anywhere else because President Trump can't win his reelection if he doesn't win Pennsylvania's electoral votes. If CTCL's \$10 million voter participation grant increases just the Philadelphia Democratic voter turnout by 7.5%, then CTCL has flipped Pennsylvania for Democrat Joe Biden.

Hillary Clinton had her second largest winning percentage in Delaware County behind the City of Philadelphia. CTCL's Pennsylvania grants to Democratic strongholds in Philadelphia and Delaware County will play a significant role in determining whether Biden or Trump wins Pennsylvania.

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State of Michigan

City	CTCL Grant	Dem. Vote	Rep. Vote	Trump's 2016 MI Win	Trump's 2016 MI Win in votes
Detroit	\$3,512,000	98%	2%	0.23%	10,704
Lansing	\$440,000	81%	19%	0.23%	10,704
East Lansing	\$8,500			0.23%	10,704
Flint	\$475,625	74.5%	25.4%	0.23%	10,704
Total CTCL MI Grant	\$4,436,125				

If CTCL's \$3.5 million Detroit grant increases Democrat Joe Biden's vote by 4.5% in just Detroit, CTCL's grant will have flipped Michigan from Red to Blue. CTCL's \$4.43 million in Michigan grants to Democratic strongholds in Detroit, Flint, Lansing and East Lansing increase Democrat Joe Biden's chance of winning Michigan's statewide and 16 electoral votes.

If CTCL was honest about its motive of granting money to keep voters safe during the COVID-19 pandemic, then CTCL would have first distributed its grant money to the cities and states that had most COVID-19 cases and deaths. Based on the 5 counties and 10 cities that already received CTCL grants, CTCL did not use the statistics for the highest rates of confirmed COVID 19 cases and the highest rate of confirmed deaths to determine its grant recipients. Instead CTCL used election data to determine where CTCL's grants will help Democratic candidate Joe Biden the most.

CTCL's failure to cite COVID-19 statistics as the primary determining factor of its grants proves CTCL's motivation was pure partisan politics. For example, New York City has the highest rate of confirmed COVID-19 deaths and the second highest rate of confirmed cases. Why didn't New York City receive the first CTCL grant? New York City and State are solidly for Democratic presidential candidate Joe Biden. CTCL won't

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waste any of its COVID-19 grant money on New York since Joe Biden will win New York's electoral votes without its grant. CTCL only awards its COVID-19 grants to cities and counties that increase Joe Biden's chances of winning swing state electoral votes and the presidency.

Because CTCL's voter participation grants are partisan contributions to Democratic presidential candidate Joe Biden, CTCL's \$23 million in grants are prohibited. CTCL applied and received a nonprofit status from the IRS. Both the IRS and Federal Election Campaign Act disallow CTCL's partisan \$23 million campaign contribution to Democrat Joe Biden.

CTCL's Donations to Other Democratic Strongholds

The order of CTCL safe voting and COVID-19 grants reveal CTCL's strategy for helping Democrat Joe Biden win the all-important midwestern states. CTCL first granted \$6.3 million to five Wisconsin Democratic strongholds. Next CTCL granted \$12.2 million to two, large Democratic strongholds in Pennsylvania. CTCL finished its midwestern grants with \$4.44 million in grants to four Democratic strongholds in Michigan. Once CTCL finished improperly influencing Wisconsin, Pennsylvania, and Michigan, it moved on to South Carolina, Georgia, and Iowa with the same strategy—grant money to increase voter participation and turnout in only Democratic strongholds.

State of South Carolina

County	CTCL Grant	Dem. Vote	Rep. Vote	Trump's 2016 SC Win	Trump's 2016 SC Win in Votes
Richland	\$730,000	64%	31.1%	14.1%	300,016
Charleston	\$695,000	50.6%	42.8%	14.1%	300,016
Total CTCL SC Grant	\$1,425,000				

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Republican Senator Lindsey Graham represents South Carolina and is on the November 3, 2020 ballot. CTCL's grants to South Carolina Democratic strongholds improperly increases Democratic votes in Richland and Charleston counties and makes President Trump and Senator Graham's reelection more difficult.

State of Georgia

County	CTCL Grant	Dem. Vote	Rep. Vote	Trump's 2016 Georgia Win	Trump's 2016 GA Win in Votes
Fulton	\$6,000,000	69.2%	27.1%	4.09%	211,141
Total GA Grant	\$6,000,000				

Fulton County is one of the most reliable Democratic Counties in the country. Since 1876 Fulton County has voted Democratic in every presidential election, except in 1928 and 1972. Of the State of Georgia's 159 counties, Hillary Clinton received more votes in Fulton County than any other Georgia county. In 2016 Clinton beat Donald Trump by 180,000 votes in Fulton County.

State of Iowa

County	CTCL Grant	Dem. Vote	Rep. Vote	Trump's 2016 Iowa Win	Trump's 2016 IA Win in Votes
Black Hawk	\$267,500	Caucus	Caucus	9.41%	147,314
Total IA Grant	\$267,500				

In 2016 Hillary Clinton won only six of Iowa's 99 counties. In Black Hawk County Clinton beat Trump 50.05% to 42.66%. Black Hawk County election commissioner

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Grant Veeder said he was "surprised" at the amount of CTCL's grant. He added, "I didn't expect that large of an award."

Total CTCL Grants

State	CTCL Grant Amount
Wisconsin	\$6.32 Million
Pennsylvania	\$12.20 Million
Michigan	\$4.44 Million
South Carolina	\$1.43 Million
Georgia	\$6.00 Million
Iowa	0.27 Million
Total CTCL Swing State Grants	\$30.66 Million

CTCL granted \$30.66 million to 5 counties and 10 cities. The common denominator of all 15 CTCL grants is that CTCL awarded grants to only cities and counties who vote heavily Democratic. Because CTCL is 15 for 15 when it comes to financially supporting Democratic strongholds. CTCL's grant amounts and grant locations are not random or based upon an unbiased funding formula.

CTCL's Partisan Grant Process

How CTCL awarded its monetary grants to Democratic strongholds is proof that CTCL grants were campaign donations to Democratic candidate Joe Biden. CTCL did not follow the proper protocols before it awarded grants. The standard practice to award grants is to start with a grant announcement that has the grant open date, grant close date, amount of the grant, eligibility for the grant, and description of the grant.

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Without an open call for applications, CTCL did not receive grant applications from which CTCL could pick the election commissions who submitted the most deserving or best applications. Instead CTCL preselected or targeted its grants to heavily Democratic voting commissions in three battleground and three swing states.

The City of Lansing Clerk Chris Swope admitted that CTCL first approached Lansing to see if the City of Lansing wanted CTCL's grant money (Exhibit 179). In an internal City of Green Bay Grant Tracking Form, the City of Green Bay acknowledged that Green Bay received \$1,103,400 from CTCL "through the City of Racine's efforts (Exhibit 166)." Because there is no evidence or trail that CTCL had an open call for its election grants, CTCL targeted its grants to 5 counties and 10 cities because these municipalities are Democratic strongholds. CTCL approached these Democratic strongholds first to start CTCL's process of distributing the organization's grants to municipalities that have the highest concentration of Democratic voters.

If CTCL followed the proper protocols for its safe voting and COVID-19 grants, then CTCL will be able to provide the following information.

1. CTCL can provide information of how it publicized its grants and solicited applicants for the \$30.66 million in grants that eventually went to only Democratic strongholds.
2. CTCL can provide the names of other cities and counties who also applied for grants at the same time as the Democratic strongholds that received CTCL grants.
3. CTCL can provide the applications of all the cities and counties who also applied for CTCL's grants that eventually went to only Democratic strongholds.

For CTCL to avoid its grants from being labeled partisan grants, CTCL must prove its grants protected voters in the cities and counties who received grants because they had the highest COVID-19 risk. If CTCL's grants were truly nonpartisan, then CTCL will

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provide the names and application of grant applicants who didn't receive a portion of the \$30.66 million that eventually went to only to Democratic strongholds.

CTCL Executive Director Epps-Johnson Social Media Posts

CTCL Executive Director Epps-Johnson tweeted or retweeted 61 political tweets. Epps-Johnson mentioned Republicans in 36 of her tweets and retweets. All 36 of Epps-Johnson's Republican tweets and retweets were derogatory and negative (Exhibits 12 through 47). Epps-Johnson mentioned Democrats in 25 of her tweets and retweets. All 25 of Epps-Johnson's Democratic tweets and retweets were flattering and positive (Exhibits 48 through 72). Epps-Johnson should not have been making derogatory statements about President Trump at the same CTCL was granting money that may determine the outcome of President Trump's election.

CTCL Executive Director Epps-Johnson tweets and retweets clearly show her political bias in favor of Democrats and opposition against Republicans. On issues of abortion, Black Lives Matter, Defund the Police, immigration, kneeling during the National Anthem, policing, gun control and voting rights, CTCL Executive Director Epps-Johnson is clearly pro-Democrat and Anti-Republican. Epps-Johnson's outspoken and strong pro-Democrat public support makes her unqualified to provide nonpartisan grants.

In Epps-Johnson's first entry of her Twitter bio, she said she was CTCL's founder and executive director (Exhibit 48). By naming herself CTCL's founder and executive director first and foremost, Epps-Johnson made sure her Twitter followers knew she was in charge of CTCL when she tweeted or retweeted. Many of Epps-Johnson's tweets and retweets involved political issues that had nothing to do with voting or the election process. Epps-Johnson posted negative social media comments about President Trump at the same CTCL distributed grant money to Democratic strongholds. Epps-Johnson social media posts reveal CTCL's hidden agenda of partisan grants that were meant to stop Donald Trump from being reelected president.

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Exhibit	Description	Date
	CTCL Director Epps-Johnson's Derogatory and Negative Tweets about President Trump, the Trump Administration, and Republican Party	
12	President Trump's Election Disinformation	6/22/2020
13	President Trump Defying 1997 Court Agreement	9/6/2018
14	Criticism of President Trump Immigration Policy	7/9/2018
15	Criticism of President Trump's election fraud commission	1/3/2018
16	Criticism of President Trump's Tweets	11/28/2017
17	President Trump can't cancel or postpone the election	5/8/2020
18	President Trump Accused of Rape	6/21/2019
19	Criticism of President Trump's Haitian Immigration Policy	11/22/2017
20	Criticism of President Trump's Immigration Policy	8/3/2018
21	Complaint that the White House is attacking Dem. Senate Candidate	6/4/2018
22	President Obama's Attorney General Sally Yates says President Trump is embracing Putin	11/11/2017
23	Dem. Senator Durbin criticizes President Trump	7/31/2018
24	Dem. Congressman Adam Schiff's criticizes the Trump Administration	6/21/2018
25	Dem. Sen. Richard Blumenthal criticizes President Trump's Immigration Policies	7/6/2018
26	President Trump Doesn't Have the Authority to change election date	7/30/2020
27	Neg. Post about the diversity of President Trump's staff	8/13/2018
28	Vice President Pence wants to kill gay people	10/18/2017
29	Criticism of Republican Party	12/7/2017
30	Criticism of the Republican Party #2	12/3/2017

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Exhibit	Description	Date
31	Criticism of Trump Campaign Manager	6/19/2018
32	Criticism of Republican Senate Candidate	12/10/17
33	Dem. Sen. Durbin calls GOP Tax Scam	12/1/2017
34	Gloating over Gen. Flynn's Guilty Plea	12/1/2017
35	Neg. Comments about Michael Cohen and Paul Manafort	8/21/2018
36	Republican Senator Flake Harassed during Kavanaugh confirmation hearing	9/28/2018
37	Nicki Haley Criticism and Defund the Police	12/6/2019
38	Criticism of Kavanaugh SCOTUS Appointment	10/6/2018
39	Dem. Rep. Speier criticism of Immigration	7/13/2019
40	Trump Administration handled Immigration Poorly	2/3/2020
41	Derogatory Comments about Justices Thomas and Kavanaugh	9/27/2018
42	Accusations Against Federal Law Enforcement	7/17/2020
43	Dem. Rep Elijah Cummings Immigration Criticism	7/6/2018
44	Negative comments about St. Louis Couple who pointed guns at BLM trespassers	7/11/2020
45	Wrong for NFL team's kneeling for national anthem to discipline players	7/19/2018
46	Democratic Congressman Bass' Immigration Comments	7/24/2018
47	Democratic Congresswoman Madeleine Dean Immigration Comments	7/1/2019
CTCL Director Epps-Johnson's Flattering and Positive Tweets about Democrats and the Democratic Party		
48	Tiana Epps-Johnson bio with her as CTCL's founder and Executive Director	
49	Black Women Save Democratic Party	11/7/2017
50	Every Democrat's Black Agenda Ranked	2/28/2020

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Exhibit	Description	Date
51	Democratic Primaries are about Delegate Math	2/11/2020
52	Ranking of Localities that best represent CTCL	8/26/2019
53	Goal is to reach all election offices in the country	6/24/2020
54	Dem. Senator Kamala Harris Health Care Comments	12/3/2017
55	Dem. Rep Alexandria Ocasio-Cortez Message on Voting	6/28/2018
56	Dem. Rep Alexandria Ocasio-Cortez Speech	7/23/2020
57	Dem. Rep John Lewis get out the vote tweet	7/3/2018
58	Dem. Rep John Lewis get out the vote tweet 2	6/30/2018
59	Democratic Presidential Debate Discussion	10/15/2019
60	Dem. Senator Durbin and Dem Governor Pritzker Messages	3/19/2020
61	Dem. Rep. Elijah Cummings Praised	10/27/2019
62	Dem. Sec. of State Hillary Clinton retweet	11/8/2017
63	First Lady Michelle Obama Praised	4/18/2019
64	Democrat Presidential Candidate Elizabeth Warren Praised	3/5/2020
65	Obama Foundation Praise of Tiana Epps-Johnson	4/2/2020
66	Obama Foundation Statement	9/24/2019
67	Support for Dem. Governor Candidate Stacy Abrams	7/26/2019
68	Support for Democratic Congressional Candidate	8/7/2018
69	Support for Florida Democratic Governor Candidate	8/30/2018
70	Support for Dem. Senate Candidate Doug Jones	11/9/2017
71	Dem. Senator Doug Jones Elected	12/12/2017
72	Kamala Harris VP Picked Praised	8/11/2020

Director of Government Services May's Anti-Republican and Pro-Democratic Social Media Posts

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CTCL Director of Government Services Whitney May tweeted or retweeted 61 political tweets. May mentioned Republicans in 50 of her tweets and retweets. All 50 of May's Republican tweets and retweets were derogatory and negative (Exhibits 77 through 126). May mentioned Democrats in 11 of her tweets and retweets. All 11 of May's Democratic tweets and retweets were flattering and positive (Exhibits 127 through 137).

CTCL Director of Government Services Whitney May posted political Facebook posts 22 times. Eleven of May's posts were about the Trump Family, President Trump, and Republicans. All eleven of May's Republican related posts were derogatory, demeaning and negative (Exhibits 138 through 148). May posted eleven Facebook posts about Democrats and Democratic issues. All eleven of May's Democratic related posts were flattering and positive (Exhibits 149 through 159).

Exhibit	Description	Date
CTCL Director of Government Services May's Negative Tweets about President Trump, the Trump Family and Administration		
77	Trump is a Fucking Sociopath 1	2/16/2017
78	Trump is a Fucking Sociopath 2	2/16/2017
79	Trump's "Bogus Election Panel"	9/12/2017
80	Trump's Appearance Mocked	2/13/2017
81	Trump is "gas lighting America"	12/10/2016
82	Go After Trump's Lies	2/16/17
83	Derogatory Image of President Trump	2/7/2017
84	Accuses Trump of Plagiarism	1/20/2017
85	Criticism of Trump's Fund Raising	1/12/2017
86	Complaint about Trump pardoning Sheriff Joe Arpaio	9/5/2017
87	Mocking President Trump with Photo	5/30/2018

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Exhibit	Description	Date
88	Whitney May says. "Trump ego is the most fragile"	1/11/2017
89	Trump Family called out of touch Hollywood Elitest	1/5/2017
90	President Trump accused of targeting Nordstrom's	2/8/2017
91	Whitney May mocks President Trump	1/11/2017
92	Whitney May Attacks Trump U	1/18/2017
93	Democrat Attorney General Eric Holder's Criticisms of Trump's DOJ's Criminal Justice Policies	5/12/2017
94	Cheap Shot at Ivanka Trump	2/13/2017
95	Cheap Shot at Jared Kushner	9/27/2017
96	Harsh Criticism of President Trump	1/14/2017
97	Nancy Pelosi criticizes President Trump	1/17/2019
98	Protests over President Trump's Travel Ban	1/28/2017
99	Excuses/lies from Trump administration and other Republicans	1/21/2017
100	Maxine Waters calls Trump a "bum" and a "disgrace"	9/23/2017
101	Congressional Black Caucus Complaints about Trump	2/16/2017
102	Criticism of Trump's Muslim Travel Ban	2/24/2017
103	Congressional Black Caucus Complaints about President Trump's Vote Fraud Panel	6/30/2017
104	Dem. Rep. Maxine Waters desire to impeach President Trump	2/3/2017
105	Doubts about President Trump's Kobach Commission Report	1/29/2017
106	Whitney May calls VP Pence "Sad"	1/20/2017
107	White House Advisor Kellyanne Conway Attacked	2/9/2017
108	Senate Republicans Mistreated President Obama's SCOTUS Nominee Merrick Garland	1/31/2017
109	GOP Criticized for people with disabilities treatment	11/2/2018
110	White House Interview with Sean Spicer denigrated	2/9/2017

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Exhibit	Description	Date
111	Criticism of Montana GOP Party Chairman	2/22/2017
112	Dem. Rep Luis Gutierrez Complains about ICE meeting	2/16/2017
113	Dem. Sen. Dick Durbin says Republicans Can't Listen	2/7/2017
114	Dem. Senator Kamala Harris calls for investigation of Trump-Russian Collusion	2/14/2017
115	Whitney May says "GOP campaign office firebombed because it was weak"	1/11/2017
116	Dem. Congressman John Dingell's disbelief Trump was elected	1/26/2017
117	WH Press Sec. Sean Spicer is lying	1/31/2017
118	Dem. Senator Tim Kaine says he is appalled by President Trump's Administration's Cruelty	1/28/2017
119	Swipe at Republican Senate Candidate Roy Moore	11/13/2017
120	Republican Rep Dana Rohrabacher is a "fool"	6/3/2017
121	Republican Media Pundit Ann Coulter is a racist	6/3/2017
122	Dem. Sen. Elizabeth Warren Impugns Jeff Sessions	2/8/2017
123	Mocking Republican Rep. Jason Chaffetz	3/7/2017
124	Dem. Rep. Maxine Waters says FBI has no credibility regarding Trump Investigation	1/13/2017
125	President Trump White House Press Secretary Lies about Crowd Turnout	1/21/2017
126	Chicago Reacts to President Trump's EPA Announcement	5/9/2017
CTCL Director of Government Services May's Positive Tweets about Democrats and the Democratic Party		
127	Obama Foundation announces Tiana Johnson Epps as Original Fellow	4/16/2018
128	Whitney May's Praise for President Obama	1/11/2017
129	Whitney May's Praise for Michelle Obama	1/6/2017

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Exhibit	Description	Date
130	Praise for President Obama's ACA	1/14/2017
131	President Obama sets record with 1,715 commutations	1/19/2017
132	Praise for Hillary Clinton	1/13/2017
133	President Obama Retweet	8/29/2018
134	Support for Chicago Dem. candidate for mayor	10/16/2018
135	Whitney May's Fax Receipt to Mitch McConnell	2/8/2017
136	Democratic Candidate for IL Governor Highlighted	4/5/2017
137	Run for City and County Clerks	2/21/2019

Exhibit	Description	Date
CTCL Director of Government Services May's Derogatory and Negative Facebook posts about President Trump, the Trump Family and Republicans		
138	May says, "Don't Vote for Trump	9/16/2016
139	May again says, "Don't vote for Trump"	9/21/2016
140	May says, "Hillary is superior to Trump. I'm voting for her."	7/25/2016
141	Trump family embodies a very old sexist hypocrisy	7/21/2016
142	May's Criticizes How Trump is seeking a fair election	10/4/2016
143	May's easy decision to support Democrats over Republicans	8/4/2016
144	Donald Trump Calls for extreme vetting of immigrants	8/19/2016
145	Trump Criticizes Flint, Michigan Pastor	9/15/2016
146	May is against Republican Senate Candidate Roy Moore	9/28/2016
147	May celebrates Ohio Trump Chair's Resignation	9/23/2016
148	Melania Trump plagiarized Michelle Obama	7/19/2016

CTCL Director of Government Services May's Flattering and Positive Facebook Posts about Hillary Clinton and support for the Democratic Party Platform

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Exhibit	Description	Date
149	May's support of Hillary Clinton	9/29/2016
150	May Encourages people to vote for Hillary Clinton	9/29/2016
151	May's Push for Clinton	9/8/2016
152	May support for Clinton-Kaine Ticket	9/17/2016
153	Hillary Clinton has presidential look	10/20/2016
154	Another May Endorsement for Clinton	9/26/2016
155	"endorsement of Clinton and rejection of Trump"	10/5/2016
156	May says, "I'm Voting for Elizabeth Warren"	3/1/2020
157	Michelle Obama was right as Clinton accepts the Democratic nomination for president	7/26/2016
158	May wants to ban assault rifles	6/12/2016
159	May supports gun control	6/22/2016

CTCL's Executive Director Epps-Johnson's Democratic History and Ties

CTCL Director Epps-Johnson strong Democratic ties extend from her youth to the present. Epps-Johnson interned at the Young Democrats of America (Exhibit 3). CTCL Executive Director Epps-Johnson was an original Obama Foundation fellow from April, 2018 until April, 2020. Epps-Johnson was also a director at a Democratic grass roots organization named New Organizing Institute (NOI) for three years before she started CTCL. The NOI executive director and Epps-Johnson's NOI boss was Barack Obama's digital director for the Obama 2008 and 2012 campaigns.

Epps-Johnson wrote CTCL's Action Plan while she was an Obama Foundation fellow because the Obama Foundation required her to do so (Exhibit 4). CTCL's \$30.66 million grant to 5 counties and 10 cities in the battleground and swing states are directly related to Epps-Johnson's training and work that she did at the Obama Foundation.

Because of President Barack and First Lady Michelle Obama's very public support for

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Democrat Joe Biden, election officials in the battleground states should have rejected the \$30.66 million in voting grants from someone who had just finished training at the Obama Foundation a few months earlier.

A picture captured the close relationship between CTCL Director Epps-Johnson and President Obama (Exhibit 5). Ms. Epps-Johnson and President Obama's photo appeared on the front page of the May 17, 2018 of the Chicago Tribune.

Ms. Epps-Johnson and her other 19 Obama Foundation fellows had a round table with President Obama first and then had a second round table with the former First Lady Michelle Obama. President Obama said, "These folks don't need inspiration, they need money. They need contacts, they need space to develop their ideas (Exhibit 6)." Shortly after Obama may his statement about needing space, CTCL moved its offices into the same building at 233 N. Michigan, Chicago, IL 60601 that Barack Obama used when he launched his run for president in 2008. Several other nonprofits and/or businesses use the same mailing address and suite number as CTCL.

President Obama made good on his promise to provide Epps-Johnson with contacts and money. In 2018 CTCL listed its total revenue on its Form 990 as \$1.4 million (Exhibit 7). Based on CTCL's grants and operating budget, CTCL's 2020 revenue increased 215 fold or more in the same year Epps-Johnson completed her Obama Foundation fellowship. President Barack and First Lady Michelle provided contacts and funding for CTCL's \$30.66 million in grants to the five counties and 10 cities in six swing states. Since the Obama's are constantly working to defeat President Trump, the Obamas help in funding CTCL's COVID-19 grants creates doubts about CTCL's nonpartisanship.

On April 17, 2015 CTCL Director Epps-Johnson was invited to the first White House Tech Meetup (Exhibit 8). President Obama sponsored the Tech event. In the same year President Obama was accused of exploiting the use of technology in his 2012 presidential campaign. President Obama successfully used tech and voter data

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research to win his 2008 and 2012 presidential elections; consequently, Obama knows the value of tech, voter data, and political-technical savvy leaders like CTCL Director Epps-Johnson.

In 2015 the Government Accountability Institute lodged a Federal Election Commission complaint against the Obama Campaign. The lawsuit stated, "Moreover, the Obama Campaign assembled the most talented team of data and technology specialists ever employed by a presidential campaign. This team of specialists produced and used extensive information gathering software and multiple data basis and cross-referencing systems to ensure the Obama Campaign knew as much about every potential voter or donor as possible including substantial information about the potential voter's network of friends, relatives and co-workers" (Exhibit 9).

The Obama Campaign cross-referenced data from its website with information collected from Facebook and Google to determine precisely the identity of each Obama website visitor, the visitor's political biases, and issues important to the individual voter. CTCL lists both Facebook and Google as corporate sponsors (Exhibit 10). CTCL is free to sell the data it collects about candidates, voters and elections to Facebook, Google and other the tech companies who in turn provide the information to political campaigns for the purpose of tailoring a message to each specific voter.

For the last five years President Obama groomed CTCL Executive Director Epps-Johnson to work for him, and the Democratic Party. President Obama recruited, trained, connected and funded CTCL's Executive Director Epps-Johnson. Epps-Johnson is not a nonpartisan executive director of a nonprofit organization. CTCL Director Epps-Johnson is a Democratic partisan and loyal to her greatest benefactor President Obama and Obama's choice for president—Joe Biden.

CTCL's Changed How the Organization Awards Grants

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CTCL announced on September 1, 2020 that it received \$250 million from Facebook founder Mark Zuckerberg and his wife Priscilla Chan. CTCL intends to redistribute the Zuckerberg-Chan \$250 million donation to election commissions throughout the U.S. However, the manner in which CTCL is distributing the \$250 million grant money is quite different than how it previously awarded its initial grants to battleground states. Though CTCL's grant process is slightly better, CTCL voting grants still lack transparency and are ripe for CTCL continuing to award its voting grants to only Democratic strongholds.

Previously when CTCL announced the organization's Rural Grants, it said, "Stay tuned to learn more about the grants, recipients, and how the funds have been utilized by local election officials (Exhibit 2). Several days after Complainant posted his Wisconsin Election Commission complaint online and criticized CTCL for unprofessional and biased grants, CTCL changed how the organization distributed its COVID-19 voting grants. On September 1, 2020 CTCL published and called for potential grant recipients to fill out CTCL grant applications (Exhibits 171 and 172). CTCL did not publicize and attract grant recipients before the organization awarded \$30.66 million in COVID-19 to five counties and ten cities in battleground and swing states. The change in CTCL's grant procedures is CTCL's admission that CTCL did not follow proper grant protocols before awarding its \$30.66 million in grant money to municipalities in battleground and swing states.

On CTCL's FAQ grant page, CTCL partially explained how it will determine the amount of funding for a city or county. "Your election office will be eligible to apply for a grant amount based on a formula that considers the citizen voting age population and other demographic data of your jurisdiction. (Exhibit 173)." Please note CTCL deliberately failed to release its complete funding formula because CTCL wants to continue to grant funds to Democratic strongholds in states where the outcome of the presidential election is still in question. CTCL's funding formula also failed to include the rate of COVID 19 confirmed cases and deaths.

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CTCL has No Employee, Board Member, or Adviser with Medical Expertise

CTCL's 2020 grants are either called "Safe Voting Grants" or "COVID-19 Response Grants." Based on CTCL grant monikers of "Safe Voting" or "COVID-19 Response," CTCL is using the pretense of protecting voters' from COVID-19 as a means to grant money to cities and counties that vote heavily Democratic in battleground states. In a **CTCL webinar training video** on "Implementing public health guidelines for voting locations," CTCL's Training Associate Dylan Lynch said, "We don't want to provide any incorrect advice or guidelines. We are not really in public health. We are really relying on experts to help us" (Mr. Lynch made his comments 4 min and 10 sec into the **video**). The COVID-19 expert advice CTCL is disseminating is only from a limited number of public health articles, brochures and studies.

CTCL is granting nearly \$300 million to U.S. election commissions for the medical purpose of protecting voters from COVID-19. Yet, CTCL is an organization that doesn't have one medical expert on its staff, board, or advisory committee. Not one CTCL employee, board member, or advisory committee member has an infectious disease degree, medical degree, or public health degree. The staff of CTCL consists of 21 employees. Not one CTCL employee has any kind of a medical degree (Exhibit 176). There are five members on CTCL's Board of Directors. Not one CTCL board member works in the field of medicine (Exhibit 177). CTCL has 10 members on its Advisory Committee. Not one CTCL Advisory Committee member is employed in the field of public health (Exhibit 178). Because none of CTCL's 21 employees, 5 board members and 10 Advisory Committee members has a medical degree or is an expert in infectious diseases, CTCL had no legal right or medical authority to associate CTCL's Safe Voting and COVID-19 grants with the current pandemic.

The basis of CTCL's \$30.66 million grant to 5 counties and 10 cities in battleground states is public health; however, CTCL has no prior public health experience and no public health expert on its staff in which the CTCL could have properly concluded its \$30.66 million grants were a public health necessity for the 5 counties and 10 cities

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that received its battleground and swing state grants. Without CTCL's association of its grants with COVID-19, CTCL has no justifiable reason for its highly selective grants. CTCL employees have neither the medical credentials nor the medical expertise to decide what is best for the public health of voters in Iowa, Georgia, Michigan, Pennsylvania, South Carolina and Wisconsin.

CTCL Executive Director Tiana Epps-Johnson is the mastermind behind CTCL's COVID-19 scam of redistributing \$300 million from liberal donors as COVID-19 Response grants. Epps-Johnson stands to personally profit from CTCL's grants. CTCL's 2018 Form 990 lists Epps-Johnson yearly salary at \$102,000 (Exhibit 7). Nonprofit executive directors are compensated between 1% to 2.5% of its budget. Given that CTCL's budget increased to \$300 million in 2020, Epps-Johnson's yearly salary will most likely jump from \$102,000 to between \$300,000 and \$750,000. CTCL's other paid employees will also reap financial rewards from CTCL's 2020 election interference. CTCL employees stand to profit handsomely for helping Democrat Joe Biden win key swing states.

Iowa, Georgia, Michigan, Pennsylvania, South Carolina and Wisconsin, voters are victims of CTCL's fraud in two ways: 1. CTCL's \$30.66 million COVID-19 grants to cities and counties in these six states weren't based on the organization's medical experience or medical expertise. CTCL provided its \$30.66 million in grants to Iowa, Georgia, Michigan, Pennsylvania, South Carolina and Wisconsin because CTCL sought to increase Democrat Joe Biden's chances of winning these states. CTCL's \$30.66 million in grants for voter safety was merely a ruse for increasing Democrat Joe Biden's chances of winning the six states' electoral votes. 2. CTCL is not nonpartisan as five Wisconsin mayors claimed three times in their July 6, 2020 Press Release (Exhibit 1). CTCL Executive Director Epps-Johnson and Director May committed fraud because they claim CTCL's motives and actions are nonpartisan.

Because CTCL's \$30.66 million is for voting grants, CTCL Executive Director Epps-Johnson and Director of Government Services May are *quasi-election officials*. It would

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be inappropriate for local, state, or federal election commissioners to make partisan social media comments like CTCL's Epps-Johnson and May did (Exhibits 12 through Exhibit 159). If local, state or federal election commissioners put 150 anti-Republican or pro-Democrat posts on social media like Epps-Johnson and May, they would be removed or forced to resign from their election commission positions.

CTCL Violating Help America Vote Act

The Help America Vote Act (HAVA), granted \$425 million for safe voting during the COVID-19 pandemic. **Allowable HAVA costs** include cleaning supplies, protective masks for staff and poll workers, resources to meet an unanticipated increased demand for mail ballots due to self-isolation and quarantine in response to COVID-19, and temporary staff to process the increased absentee ballot demand.

A substantial portion of CTCL grants are going to pay for increased voter participation and voter registration which HAVA doesn't allow. CTCL required its grant recipients to use its money in Democratic strongholds to register new Democratic voters and to remind registered Democratic voters to cast their ballots. For example, \$1.06 million of CTCL's \$6.3 million grant that went to Wisconsin's five Democratic strongholds was used for voter outreach and voter registration programs (Exhibit 1). CTCL only sought to register new Wisconsin voters or remind voters of the November 3, 2020 election in the five Democratic strongholds that accounted for 82% of Hillary Clinton's Wisconsin vote in 2016.

The City of Green Bay received a CTCL grant of \$1,093,400. The City of Green Bay posted this on Twitter. "COVO is one of the volunteer organizations working with the City of Green Bay on increasing voter participation. The Wisconsin Safe Voting Plan, funded by the Center for Tech and Civic Life, guides these partnerships" (Exhibit 245). The Twitter post also stated that registering to vote, requesting an absentee ballot or obtaining a Voter ID was available thru October 11, 2020. Registering to vote or obtaining a Voter ID have nothing to do with keeping voters safe during the COVID-19

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pandemic. CTCL's grant money to register voters and obtain voter IDs are not HAVA compliant. Furthermore, the City of Green Bay's post does not say one word about protecting voters from COVID-19.

In the heavily Democratic cities of Lansing and East Lansing, Michigan, the city clerks used CTCL's grants to mail absentee ballots to voters who did not request them. "Lansing's mailing list targeted more than 60,000 people who hadn't yet asked for applications. The capital city first began mailing the applications to all registered voters prior to August 2020 primary. Lansing and East Lansing received \$15,600 and \$8,500 respectively from the Center for Tech and Civic Life, a center-left nonprofit focused on increasing voter participation, for the mailings" (Exhibit 246)." Lansing and East Lansing Michigan's use of CTCL's grants for mailing applications is not HAVA compliant.

Richland County, South Carolina received a \$730,000 COVID-19 grant from CTCL (Exhibit 247). Please note that in the Richland County expense list in Exhibit 247, not one dollar of CTCL's \$730,000 grant went to purchase cleaning supplies or PPE's to protect voters and election workers. However, CTCL's grant did pay \$100,000 for advertising to promote absentee voting. CTCL's grant for advertising is not HAVA compliant.

FEC Complaint Against Center for Innovation and Research and David Becker starts on the next page.

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FEC Complaint Against Center for Innovation and Research and David Becker

On September 1, 2020 Center for Election Innovation and Research (CEIR) announced that Facebook founder Mark Zuckerberg and his wife Priscilla Chan donated \$50 million to CEIR and another \$250 million to CTCL (Exhibit 239). The \$300 million Zuckerberg-Chan donation was to "Promote Safe and Reliable Voting During the COVID-19 Pandemic (Exhibit 239). CEIR and CTCL's Press Release for the Zuckerberg-Chan \$300 million grant does not quote any medical expert or medical information to explain how the Zuckerberg-Chan grant keeps voters safe from COVID-19 during the pandemic (Exhibit 239). As with CTCL, CEIR is using COVID-19 as ruse to spend Zuckerberg-Chan's \$50 million on Democratic strongholds.

CEIR has No Medical Credentials or Medical Expertise to Claim Its Grants will Keep Voters Safe from COVID-19

CEIR is granting \$50 million to Secretaries of State for the medical purpose of keeping voters safe from COVID-19 (Exhibit 242). Yet, CEIR is an organization that doesn't have one medical expert on its staff or board. Not one CEIR employee or board member has an infectious disease degree, medical degree, or public health degree. The staff of CEIR consists of 6 employees. Not one of CEIR's six employee has any kind of a medical degree or medical experience (Exhibit 240). There are six members on CEIR's Board of Directors. Not one of CEIR's six board member works in the field of medicine (Exhibit 241). Because none of CEIR's 6 employees, and 5 board members have a medical degree or public health experience, CEIR had no legal right or medical authority to claim CEIR's \$50 million in COVID-19 voting grants will keep voters safe during the pandemic.

CEIR has No Prior Grant Distribution Experience

CEIR has no prior history or experience in distributing voting grants. With a staff of only six employees during an extremely busy election season, CEIR doesn't have enough

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employees to adequately review grant applications, distribute grants, and oversee the compliance of its \$50 million grants.

CEIR has no experience managing millions of dollars. CEIR was formed in 2016. CEIR's total expenses in 2017 was \$53,700, and CEIR's total expenses in 2018 was \$321,939. Zuckerberg-Chan's donation of \$50 million is 155 times the amount of cash from CEIR's 2018 budget. CEIR must redistribute \$50 million of Zuckerberg-Chan's money for the presidential election that was two months away when Zuckerberg-Chan made their CEIR donation.

CEIR's Executive Director David Becker's Anti-Trump Social Media Posts

Mr. Becker posted on his Twitter bio that he was CEIR's executive director (Exhibit 180). Mr. Becker posted 41 tweets and retweets about President Donald Trump on his Twitter account. Mr. Becker said such things as "President Trump sows chaos," "President Trump's false claims," and "The things President Trump says are flatly wrong" All 41 of Mr. Becker's comments about President Trump were negative or critical (Exhibits 180 through 237). Mr. Becker's social media comments about President Trump show Mr. Becker is a Democratic partisan.

Mr. Becker tweeted or retweeted about Attorney General Bill Barr four times. Mr. Becker said, "AG Barr's baffling and false claims," "A chilling ignorant statement from our nation's chief law enforcement officer," "AG Barr debunked" and "AG Barr's absentee ballot fraud concerns are impossible." All four of Mr. Becker's tweets about Attorney General Barr were extremely negative or critical. Mr. Becker's social media comments about Attorney General Barr put his Democratic partisanship on full display.

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Exhibit**Becker's Anti-Trump Social Media Posts**

- 180 David Becker's CEIR's Executive Director Twitter Bio
- 181 Will Democrats get the message to their voters?
- 182 President Trump sows chaos
- 183 Criticism of Trump for not warning of vote fraud in 2016
- 184 Becker on MSNBC two days in a row
- 185 President Trump's False Claims
- 186 Michelle Obama's positive comments
- 187 Negative Insinuation stemming from Trump tweet
- 188 Fact checking Trump's claims on mail in vote fraud
- 189 COVID Policy Failures
- 190 Image promoting the Democratic National Convention
- 191 Criticism of Trump using mail in voting
- 192 Criticism of Trump supporting the use of ballot drop boxes
- 193 Trump faux distinction between mail and absentee
- 194 Criticism of White House Chief of Staff Mark Meadows
- 195 Criticism of Trump not understanding absentee and vote by mail are the same
- 196 There is no evidence of supporting Trump's mail ballot warnings
- 197 Becker on CNN
- 198 Becker claims Trump is supporting the voting process in GA, PA, VA, OH, MI, WI and most other states
- 199 Trump hates mail in voting
- 200 Trump's stunning admission
- 201 Trump's claims about mail in voting are completely wrong
- 202 Becker applies what Trump said to 5 other states
- 203 Becker on CNN
- 204 The things President Trump says are flatly wrong
- 205 Criticism of President Trump's opinion of election result

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Exhibit**Becker's Anti-Trump Social Media Posts**

- 206 President Trump defies the law and Constitution
- 207 AG Barr's baffling and false claims
- 208 A chilling ignorant statement from our nation's chief law enforcement officer
- 209 President Trump is again spreading misinformation
- 210 President is fine with mail in votes when he wins
- 211 The impact of the President's false claims
- 212 Donald J. Trump for President Inc.
- 213 President Trump should complain to Utah Republican Lt. Gov.
- 214 POTUS and his allies spreading a false distinction
- 215 AG Barr debunked
- 216 Trump spreads new lies about foreign-backed vote fraud
- 217 Trump wrong about mail in voting
- 218 Trump should stop complaining about mail in voting because he won 15 states that voted 10% by mail in 2016.
- 219 Newt Gingrich spread unsubstantiated voter fraud conspiracy
- 220 AG Barr's absentee ballot fraud concerns are impossible
- 221 President's fear mongering
- 222 President's comment is disturbing and predictable
- 223 Becker on MSNBC
- 224 President should leave the vote by mail debate
- 225 President ramps up his mail in voting attacks
- 226 President Trump's voters are far more likely to believe his false statements
- 227 Trump rants about fraud
- 228 Twitter gives Trump a new enemy in the mail voting fight
- 229 Didn't expect the Kentucky Republican Party to pursue absentee voting
- 230 Twitter fact checked Trump's mail in ballot tweets
- 231 Cannot let misinformation come from the White House

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Exhibit	Becker's Anti-Trump Social Media Posts
232	Trump is 100% wrong
233	President threatens Nevada Republican Sec. of State
234	Trump's unprecedented federal election interference
235	President Trump in the vast minority of his own party
236	Becker on MSNBC
237	Trump's tweet is absolutely ridiculous
238	Becker on MSNBC Morning Joe

CEIR Sample-Project-Budget is about getting voters to cast ballots via automated calls, postcards, radio, and TV buys (Exhibit 243). The Help America Vote Act (HAVA), granted \$425 million for safe voting during the COVID-19 pandemic. Allowable HAVA costs include cleaning supplies, protective masks for staff and poll workers, resources to meet an unanticipated increased demand for mail ballots due to self-isolation and quarantine in response to COVID-19, and temporary staff to process the increased absentee ballot demand.

None of costs in CEIR's sample grant budget included costs for cleaning supplies, protective masks, or resources to meet the increased demand of mail-in ballots. Rather CEIR is concentrating its \$50 million on increasing voter turnout in Democratic states. CEIR's grants does nothing to protect voters and election workers from COVID-19. Since CEIR first publicized its grants with, "Promote Safe and Reliable Voting During the COVID-19 Pandemic," one would expect CEIR to first distribute grant money for cleaning supplies and PPEs. Because CEIR wants election commissions to use its grant money to increase voter participation in select Democratic leaning states, CEIR's \$50 million in grants is a campaign contribution to presidential candidate Joe Biden.

CEIR has yet to announce the recipients of CEIR's grants. We already know from CTCL's grants is that who receives the COVID-19 grants may determine the outcome several important battleground states. Mr. Becker should not have made derogatory

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comments about Attorney General Barr and President Trump at the same time he was determining grants that may influence the outcome President Trump's election. Given that CEIR has no prior grant experience, no medical expertise, and CEIR Executive Director Becker wants President Trump out of office, CEIR is in the process of spending \$50 million in partisan grants to advertise for Democrat Joe Biden.

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FEC Complaint Against Mark Zuckerberg and Priscilla Chan

Mark Zuckerberg and Priscilla Chan announced that they were donating \$300 million to "Promote Safe and Reliable Voting During the COVID-19 Pandemic" (Exhibit 239). The Zuckerberg-Chan donation apportioned \$250 million to CTCL and \$50 million to CEIR. Zuckerberg-Chan's \$300 million COVID-19 safe voting donation is a \$300 million Joe Biden campaign contribution since CTCL and CEIR are redistributing the money to directly aid presidential candidate Joe Biden. FEC limits campaign contributions to \$2,800 per person. Zuckerberg-Chan's \$300 million partisan donation to CTCL and CEIR for candidate Joe Biden's benefit is 5,400 times more than FEC's contribution limit.

In 16 years Facebook founder Mark Zuckerberg created his \$572 billion social media empire that currently employs 52,000 workers. Zuckerberg built an infrastructure that has attracted 3 billion Facebook users who send more than 1 billion messages a day. In 2018 CEO Mark Zuckerberg, COO Sheryl Sandberg and CFO David Wehner received compensation of \$105.4 million. Financial experts estimate Zuckerberg's net worth between \$80 billion and \$100 billion. Based on all standards, Mark Zuckerberg is a social media genius and a brilliant, accomplished businessman.

As brilliant as Mr. Zuckerberg has been expanding his Facebook business, he has been equally bad with his \$300 million COVID-19 grants. Zuckerberg-Chan donated \$50 million to CEIR who will redistribute Zuckerberg-Chan's donation to secretary of states who apply for grants. At the time CEIR received Zuckerberg-Chan's donation, CEIR had no prior grant distribution experience. Mr. Zuckerberg would not hire top Facebook executives and pay them handsomely if they had no experience. Zuckerberg-Chan purposely donated \$50 million to CEIR because of CEIR's known left political leanings. When Zuckerberg-Chan donated to CEIR, Zuckerberg-Chan knew their \$50 million CEIR grant would help Democrat Joe Biden win the 2020 presidential race.

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CTCL had two months of grant distribution experience when Zuckerberg-Chan donated \$250 million to CTCL. Mr. Zuckerberg would not hire a Facebook executive who had only two months experience to manage a division that has substantial influence on the lives of 330 million people. Zuckerberg-Chan deliberately donated \$250 million to CTCL because of CTCL's known left political leanings. When Zuckerberg-Chan donated to CTCL, Zuckerberg-Chan knew their \$250 million grant would help Democrat Joe Biden win his 2020 presidential election.

Zuckerberg-Chan should have had other concerns besides CTCL and CEIR's lack of grant distribution experience. A lack of time to properly redistribute \$300 million should have been a bigger concern for Zuckerberg-Chan. CTCL and CEIR announced that they were receiving Zuckerberg-Chan's \$300 million grant on September 1, 2020. The deadline to apply for CEIR grants was September 18, 2020 (Exhibit 242). Since CEIR had never awarded a grant before, CEIR had to develop grant criteria, grant applications, grant award process, and hire employees to oversee CEIR grants in 18 days. By the time CEIR grants reached election workers and voters, voting had already started.

CTCL opened its grant application process on September 8, 2020 (Exhibit 172). CTCL had one week from September 1, 2020 to September 8, 2020 to develop its grant criteria, grant application, grant award process and hire employees to oversee CTCL's \$250 million grant distribution. Facebook CEO Mark Zuckerberg would never allow Facebook to hastily proceed to market with unproven employees and unproven service in two months time. Because of Zuckerberg-Chan's last minute donation, CTCL's \$250 million COVID-19 grants won't reach election workers and voters until after voting has begun.

If Zuckerberg-Chan minimally vetted CTCL and CEIR before their \$300 million donation, Zuckerberg-Chan would have discovered that there were serious questions and complaints about CTCL's previous grants. Zuckerberg-Chan would have also learned about CTCL and CEIR's having no advisory committee members, board

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members, or employees with medical experience to insure voters and election workers are protected from COVID-19. CTCL and CEIR's lack of medical expertise and medical experience should have concerned Zuckerberg-Chan since they were claiming their \$300 million donation would protect election workers and voters from COVID 19.

CTCL lists Zuckerberg's Facebook company as a CTCL supporter and partner. CEIR Executive Director David Becker said he developed a partnership with Facebook when he was at Pew Charitable Trusts (Exhibit 240).

Before Facebook hires an executive, the company does a thorough background check. One would have expected that a businessman of Zuckerberg's stature would have performed background checks on CTCL and CEiR and their executives before handing them \$300 million to inject into a close and bitter presidential election. Because Zuckerberg-Chan already knew about CTCL and CEIR's left leaning political activism, they omitted background checks and donated \$300 million to CTCL and CEIR with the intention of helping Democrat Joe Biden win his election.

Timeline of CTCL's Grants to Democratic Strongholds in Battleground and Swing States

City or County	CTCL Grant	Date of CTCL Grant
Milwaukee, WI	\$2,154,500	July 6, 2020
Madison, WI	\$1,271,788	July 6, 2020
Green Bay, WI	\$1,093,400	July 6, 2020
Racine, WI	\$942,100	July 6, 2020
Kenosha, WI	\$862,779	July 6, 2020
Delaware County, PA	\$2.2 million	August 21, 2020
Detroit, MI	\$3.5 million	August 25, 2020
Philadelphia, PA	\$10 million	August 26, 2020

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City or County	CTCL Grant	Date of CTCL Grant
FEC Complainant Jay Stone	Files a Wisconsin Election Complaint	August 28, 2020
Mark Zuckerberg and	Priscilla Chan Donate \$250 million to CTCL	September 1, 2020
Lansing Michigan	\$440,000	September 4, 2020
Fulton County, GA	\$6 million	September 8, 2020
A Second Wisconsin resident	Files a Wisconsin Election Complaint	September 10, 2020
Charleston County, SC	\$695,000	September 10, 2020
Richland County, SC	\$730,000	September 11, 2020
East Lansing, MI	\$8,500	September 11, 2020
Black Hawk County, IA	\$267,000	September 16, 2020
Flint, MI	\$475,625	September 17, 2020

CTCL's four largest grants are \$10 million to Detroit, Michigan; \$6 million to Fulton County, Georgia; \$3.5 million to Detroit, Michigan; and \$2.2 million to Delaware County, Pennsylvania. CTCL's four largest grants occurred shortly before or after Zuckerberg-Chan donated \$250 million to CTCL.

CTCL's largest grant of \$10 million went to Philadelphia, Pennsylvania five days before Zuckerberg-Chan publicly announced their \$250 million donation to CTCL. CTCL's fourth largest grant of \$2.2 million went to Delaware County, Pennsylvania 10 days before Zuckerberg-Chan's \$250 million donation. CTCL knew the Zuckerberg-Chan's \$250 million donation was coming as early as August 7, 2020 when CTCL announced

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its COVID 19 Rural Response grant (Exhibit 2). Thus, it was \$12.2 million of Zuckerberg-Chan's money that CTCL poured into heavily Democratic Philadelphia and Delaware County, Pennsylvania to increase the Pennsylvania Democratic voter turnout. \$12.2 million from Zuckerberg-Chan's \$250 million donation significantly increased the odds of Joe Biden winning Pennsylvania's 20 electoral votes.

Six days before the Zuckerberg-Chan \$250 million donation, CTCL granted Detroit, Michigan \$3.5 million. CTCL granted Lansing, Michigan \$440,000 three days after the Zuckerberg-Chan \$250 million donation. \$4 million of Zuckerberg-Chan's \$250 million donation went to increase Democratic voter turnout in the Democratic strongholds of Detroit and Lansing, Michigan. \$4 million of Zuckerberg-Chan's \$250 million donation significantly enhances Joe Biden's chances of winning the state of Michigan's 16 electoral votes.

CTCL's second largest grant of \$6 million went to Fulton County, Georgia one week after Zuckerberg-Chan's \$250 million donation to CTCL. More Democratic votes will come from Fulton County than any other Georgia county. Currently Real Clear Politics average of polls has President Trump at plus 1.5% and within the polls margin of error. it was \$6 million of Zuckerberg-Chan's money that CTCL poured into heavily Democratic Fulton County, Georgia to reap more Fulton County Democratic votes for Joe Biden. \$6 million of Zuckerberg-Chan's \$250 million donation improves Joe Biden's chances of winning Georgia's 16 electoral votes.

Before CTCL announced Zuckerberg-Chan's \$250 million donation, CTCL was 8 for 8 in granting money to Democratic strongholds in the battleground states of Michigan, Pennsylvania, and Wisconsin. When Zuckerberg-Chan donated to CTCL, it was Zuckerberg-Chan's intent to have CTCL use their \$250 million to continue CTCL's trend of granting money to only Democratic strongholds to help Joe Biden win key political states. *After* CTCL received Zuckerberg-Chan's \$250 million donation, CTCL granted 7 out of 7 grants to Democratic strongholds in swing states.

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CTCL only sought to grant money to Democratic strongholds in states whose presidential outcome was in doubt. So far CTCL's \$30.66 million in grants have been arbitrary and in partisan favor for Democrats. Suppose CTCL did not make another COVID-19 voting grant. CTCL's grants to 15 Democratic strongholds were so strategically placed to help candidate Joe Biden, the effects of CTCL's 15 grants on the presidential race are most likely irreversible.

Mark Zuckerberg was previously criticized for Facebook allowing Russian political ads during the 2016 election. More recently Facebook has been accused of having employees and policies that favor Democrats. "A Facebook employee told Project Veritas that 75% of the posts he sees selected by Facebook's algorithm for review are in support of President Trump and other conservative pages (Exhibit 244). One Facebook content moderator said, "If someone is wearing a MAGA Hat, I am going to delete them" (Exhibit 244).

Zuckerberg-Chan deliberately granted \$300 million to CTCL and CEIR because CTCL and CEIR are doing Zuckerberg-Chan's political bidding—increase Democratic votes for Joe Biden through CTCL and CEIR's ruse of COVID-19 voting grants. CTCL and CEIR offered the perfect cover for Zuckerberg-Chan to help Democratic Joe Biden become president. CTCL has no transparency, no oversight, and no accountability.

If Zuckerberg-Chan wanted to truly donate money to keep American voters and election workers safe during the COVID-19 pandemic, then Zuckerberg-Chan would have followed the Help American Vote Act model. The federal government gave each secretary of state a proportionate grant. After receiving the federal grant, each secretary of state gave a proportionate sub-grant to election commissions within its state. Unlike Zuckerberg-Chan's \$300 million donation for COVID-19 grants, every election commission received a fair share from the HAVA grant. Zuckerberg-Chan intentionally chose CTCL and CEIR to distribute their \$300 million donation because Zuckerberg-Chan knew CTCL and CEIR will continue to distribute their \$300 million disproportionately to Democratic strongholds.

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Complaint Summary

Arnold Schwarzenegger is the USC Governor Downey Professor of State and Global Policy and Chairman of the USC Schwarzenegger Institute. Schwarzenegger has had a divisive public feud and policy differences with President Donald J. Trump. Schwarzenegger's hatred for President Trump led him to donate \$2.5 million to the USC Institute that bears his name. As Chairman of the USC Schwarzenegger Institute, Schwarzenegger remained in control of his \$2.5 million USC donation at all times. Schwarzenegger abused his USC power and authority when he transformed his \$2.5 million USC gift into partisan election grants to settle his personal and political scores with Donald Trump.

Schwarzenegger's \$2.5 million in election grants were meant to hide his campaign contributions to Joe Biden and two Georgia Democratic senate candidates. Schwarzenegger's election grants

of \$2.5 million went almost 900 times over the \$2,800 federal election campaign contribution limit. Schwarzenegger provided more than \$1.6 million dollars in election grants to 10 Democratic Georgia counties. The probability of winning the lottery is three times more likely than the Schwarzenegger Institute randomly selecting the 10 Democratic Georgia counties for grants as it claimed.

The Schwarzenegger Institute bragged that its Georgia election grants increased voter participation by 6.3%, which provided presidential candidate Joe Biden with a 13,830 Georgia net vote gain. Since Schwarzenegger's claimed his election grants increased Biden's vote count by 13,830, and Biden won Georgia by 12,670 votes, it is very conceivable that Schwarzenegger's election grants provided Biden with his Georgia victory margin.

Christian Grose is a USC Associate Professor and USC Schwarzenegger Institute's Academic Director. Grose, Schwarzenegger, and Conyers Davis formed a USC committee to determine election grant winners and amounts (Exhibit 7: Democracy Grants for Election Administration). Grose directed 11 of Schwarzenegger's 33 grants to his home state of North Carolina, although 6 of the 11 North Carolina grants failed to meet the grant's criteria.

Conyers Davis is the USC Schwarzenegger Institute's Global Director. Davis used his experience of launching and managing large scale political campaigns to direct Schwarzenegger's election grants to help candidate Joe Biden win the states of Georgia and Arizona.

Schwarzenegger and Grose told at least five lies about the Schwarzenegger election grants. Schwarzenegger and Grose purposely lied to coverup the election grants partisan distribution.

1. Schwarzenegger lied when he said he sent a letter to 6,000 election officials and county commissioners to solicit election grant recipients (Exhibit 11).
2. Grose lied when he said the Institute called 300 election administrators to solicit Schwarzenegger election grant recipients (Exhibit 10).

3. Grose lied when he said the Institute used a *random* method to select 300 election administrators to offer Schwarzenegger election grants over the phone (Exhibit 10).
4. Schwarzenegger lied when he said his grants went only to counties previously covered by the Voting Rights Act, Section 5 (Exhibit 11). The North Carolina counties of Graham, Haywood, McDowell, Surry and Swain received Schwarzenegger election grants though the counties were *not* previously covered by the Voting Rights Act, Section 5.
5. USC Schwarzenegger Institute lied when the organization claimed the Schwarzenegger grants increased voter turnout by 6.3% (Exhibit 9). Grose lied when he said Schwarzenegger's grants increased voter turnout by 6.5% points (Exhibit 15).

Carol L. Folt is the current USC President. Dana Goldman is the Interim Dean of the USC Sol Price School of Public Policy. Both Folt and Goldman were responsible for supervising Schwarzenegger, Grose, Conyers, and the USC Schwarzenegger Institute. Both Folt and Goldman failed in their duties to make sure Schwarzenegger's \$2.5 million gift to USC followed USC's gift giving policies, a means USC uses to reject improper gifts like Schwarzenegger's. Because USC is ultimately accountable for the USC Schwarzenegger Institute election grants, Folt and Goldman are responsible for USC, Schwarzenegger, and USC Schwarzenegger Institute's election grants that exceeded federal election campaign contribution limits.

Arnold Schwarzenegger Used "Election Grants" to Settle a Score with President Donald Trump

Arnold Schwarzenegger's thinly veiled political donations was just another chapter in his bitter feud with President Trump. Schwarzenegger exploited the University of Southern California and the USC Schwarzenegger Institute to conceal his Joe Biden campaign contributions.

The Schwarzenegger-Trump feud started when Schwarzenegger replaced Trump as host of "Celebrity Apprentice." Trump jabbed at Schwarzenegger because the Celebrity Apprentice's ratings plummeted after Schwarzenegger took over the show's hosting duties. (Exhibit 1: Arnold

Schwarzenegger Breaks Down His Beef with Donald Trump). On the other hand, Schwarzenegger blamed Trump for Celebrity Apprentice's decline since Trump was listed as the show's executive producer. (Exhibit 2: "Arnold Schwarzenegger Claps Back After Donald Trump Digs at Him").

On October 8, 2016 Schwarzenegger said, "For the first time since I became a citizen in 1983, I will not vote for the Republican candidate for President" (Exhibit 3: Arnold Schwarzenegger Blasts Donald Trump Over His Bizarre Claim That He 'Died'). After announcing he wasn't supporting Republican Donald Trump before the 2016 presidential election, Schwarzenegger continued as a constant critic and nemesis during President Trump's entire four year term. After Trump lost his reelection bid, Schwarzenegger called Trump "the worst president ever" (Exhibit 4: Arnold Schwarzenegger calls Trump 'worst president ever').

Schwarzenegger and Trump also clashed over environmental policy. In an editorial, Schwarzenegger wrote, "Trump can't erase a decade of clean air progress with a sharpie" (Exhibit 5: Schwarzenegger Tackles Clean Air and Minority Rule in the Washington Post). Schwarzenegger called President Trump "un-American" because Trump eased environmental restrictions (Exhibit 6: Arnold Schwarzenegger slams Trump for 'un-American' rollback of environmental protections). "I'm sure the [Environmental Protection Agency] and the White House will continue to say this dumb policy decision is all about stopping regulations that 'cripple the economy'," Schwarzenegger added.

The Schwarzenegger-Trump feud and environmental policy differences provided Schwarzenegger with the *motives* to donate \$2.5 million to defeat Donald Trump, and USC Schwarzenegger Institute's election grants provided Schwarzenegger with the *means* to help elect Joe Biden.

Schwarzenegger Says He is Personally Paying for the Election Grants

The USC Schwarzenegger Institute started in 2012 when Schwarzenegger donated \$20 million to the university. On September 23, 2020 Schwarzenegger invited public officials to apply for his election grants on USC Schwarzenegger Institute stationary (Exhibit 7: Democracy Grants for Election Administration); however, Schwarzenegger made it clear that he was the one who will pay for the election grants. “If you have a budget problem that keeps you from reopening polling stations, I want to help. I made millions because of this country, and spending money to help my fellow Americans vote is the least I can do. I am making grants available for local and state elections officials who want to reopen polling stations because of a lack of funding.” In Schwarzenegger’s aforementioned statement, Schwarzenegger clearly said he is solely responsible for paying for the election funding. Schwarzenegger statement made no claim that the USC Schwarzenegger Institute will underwrite the costs of his election grants.

In the USC Sol Price School of Public Policy announcement of Schwarzenegger’s grants, the press release said, “Governor Arnold Schwarzenegger is paying these grants out of his own pocket up to several million dollars in response to the closure of thousands of polling locations across the county due to a lack of funding” (Exhibit 12: USC Schwarzenegger Institute Initiates Democracy Grants for Voting Access and Election Administration).

The USC Schwarzenegger Institute’s Conyers Davis sent a congratulatory letter to Douglas County Election Director Milton Kidd. The letter stated, “On behalf of Governor Arnold Schwarzenegger, I am pleased to notify you that the USC Schwarzenegger Institute for State and Global Policy will provide a grant of \$99,600 to Douglas County, Georgia ...” (Exhibit 8: USC Schwarzenegger Institute’s Letter to Milton Kidd). Contrary to what was said in Schwarzenegger’s grant announcement, Conyers’ letter plainly states that it is USC Schwarzenegger Institute who is providing a \$99,600 grant to Douglas County, Georgia, not Arnold Schwarzenegger. Conyers wrote nearly an identical letter for Schwarzenegger’s \$41,857 election grant to Maricopa County, Arizona (Exhibit 21: Maricopa County and USC Schwarzenegger Signed Agreement).

During his election grant announcement Schwarzenegger purposely hid the fact that the USC Schwarzenegger Institute wrote the checks for the grants. Here are four reasons for Schwarzenegger's concealment:

1. Schwarzenegger stands to reap tax benefits by first giving money for his election grants to the nonprofit USC Schwarzenegger Institute before the Institute at his direction redistributed his money to local counties. Had Schwarzenegger contributed directly to Joe Biden and the other Democratic candidates his election grants supported, Schwarzenegger could not have claimed his USC donation as a tax deduction.
2. Schwarzenegger used his USC Schwarzenegger Institute to provide election grants as a means to launder or sanitize his illicit campaign contributions to Joe Biden. Having USC Schwarzenegger Institute distribute the money for Schwarzenegger's election grants provided an appearance of propriety or legitimacy to Schwarzenegger's election grants.
3. USC Schwarzenegger Institute distributing Schwarzenegger's \$2.5 million enabled Schwarzenegger to go 8,900 times over the federal election individual campaign contribution limit of \$2,800. Schwarzenegger purposely used the USC Schwarzenegger Institute to conceal his unlawful Joe Biden campaign contribution.
4. Schwarzenegger gave \$2.5 million to his namesake institute so the USC Schwarzenegger Institute could distribute the grant money that was used to defeat President Trump. Since Schwarzenegger is the Chairman of the USC Schwarzenegger Institute, he remained in control of his USC Schwarzenegger Institute's \$2.5 million grant money as if the money was still his.

USC's Failure to Supervise Schwarzenegger and the USC Schwarzenegger Institute

The ultimate responsibility of USC Schwarzenegger Institute's election grants falls upon USC. USC President Carol Folt, and Interim Dean Dana Goldman. USC has many gift giving policies,

procedures, and administrators involved in the acceptance of gifts and how the university distributes them.

Schwarzenegger's numerous election grant media appearances also show how Schwarzenegger manipulated USC for his own self-promotion. The USC Schwarzenegger Institute's "Democracy Grants for Election Administrators" contains 30 media stories. All 30 stories featured Schwarzenegger as the centerpiece of their articles (Exhibit 7: Democracy Grants for Election Administration, "In the News," pages 4-7). The beginning of this press release (Exhibit 7) starts in large, bold letters with, "Arnold Schwarzenegger's Letter to Election Officials." On the letters to inform grant applicants that they are receiving a grant, the letter states, "On behalf of Governor Arnold Schwarzenegger, I am pleased to notify you ..." (Exhibits 8 and 21).

Schwarzenegger made sure the public knew that he paid for and distributed USC Schwarzenegger Institute election grants. When Schwarzenegger hosted USC Schwarzenegger Institute's Democracy Heroes Awards Ceremony it was Schwarzenegger, not USC, who received top billing (Exhibit 9: Click [here](#) or see Exhibit 9: The Democracy Action Hero Awards Ceremony with Arnold Schwarzenegger).

USC had one committee, at least three departments, numerous policies, and several administrators that could have reviewed and denied the USC Schwarzenegger Institute's election grants.

1. USC has a gift acceptance policy that includes following the Council for Advancement and Support of Education (CASE) standards. CASE requires the university's chief financial officer, two members of the Board of Trustees, and the vice president for development to form a Gift Acceptance Committee. Since the Gift Acceptance Committee is supposed to review all gifts over \$300,000, USC's Gift Committee should have reviewed and denied Schwarzenegger's \$2.5 million political donation to the USC Schwarzenegger Institute.

2. USC's Office of General Counsel is involved with "donor gift restrictions, designation of use of funds and conditions on use of funds." Since Schwarzenegger specifically designated that his \$2.5 million donation to USC were only for grants that went to states that were previously covered by the Voters Rights Act, Section 5, USC's Office of General Council should have reviewed and denied Schwarzenegger's \$2.5 million gift to the USC Schwarzenegger Institute.
3. USC's Office of Government and Civic Engagement oversees USC's political activity policies. Any political statement by employees or agents may *not* be attributed to USC; however, Schwarzenegger published his political statements on USC's website and on USC stationary. USC cannot differentiate between the personal statements on social and main stream media that are attributed to Schwarzenegger the political gadfly and the political comments Schwarzenegger makes as a USC professor and Chairman of USC's Schwarzenegger Institute. Schwarzenegger making political statements on behalf of USC Schwarzenegger's Institute violates USC's political activity policies.
4. USC's Office of Culture, Ethics and Compliance deals with conflicts of interest, endorsements and personal use of University Assets. Schwarzenegger had a significant conflict of interest because he was feuding with Trump at the same time he supervised the distribution of his election grants that influenced the outcome of the Biden-Trump election, especially in Arizona and Georgia (see below). Schwarzenegger's \$2.5 million USC donation was also a conflict of interest because Schwarzenegger was both a USC gift giver and as Chairman of the USC Schwarzenegger Institute, Schwarzenegger controlled the distribution of the money that he originally donated to USC.

Schwarzenegger's Georgia Political Contributions Disguised as Election Grants

Schwarzenegger's election grants went to 33 counties in eight states. Nearly one-third or 10 grants went to Georgia counties (Exhibit 9: The Democracy Action Hero Awards Ceremony with Arnold Schwarzenegger). There are 159 counties throughout the State of Georgia. Of the 159 Georgia counties, in the last presidential election 30 counties voted for Joe Biden and 129 voted

for Donald Trump. All 10 of Schwarzenegger's Georgia election grants went to Democratic counties that Joe Biden won. Schwarzenegger's Georgia election grants were highly disguised Joe Biden campaign contributions. The biggest Schwarzenegger election grant beneficiaries were Joe Biden and two Georgia senate Democrats on the ticket with him.

Table 1 below lists the vote totals of the Georgia counties that received Schwarzenegger's political donations disguised as election grants.

The Vote Totals of 10 Georgia Counties that Received Schwarzenegger's Election Grants

<u>County</u>	<u>Biden Vote</u>	<u>Trump Vote</u>
<u>Chatham County</u>	78,254	53,237
<u>Clayton County</u>	95,466	15,811
<u>Douglas County</u>	42,653	25,323
<u>Early County</u>	2,722	2,437
<u>Gwinnett County</u>	241,827	166,413
<u>Lamar County</u>	6,330	2,615
<u>Lee County</u>	12,007	4,558
<u>Muscogee County</u>	49,529	30,049
<u>Randolph County</u>	1,671	1,391
<u>Taliferro County</u>	561	360
Total Vote	531,020	302,194

Table 1

Click on the counties hyperlink in the first column above to view the presidential vote source.

Table 2 below lists the amount of money Schwarzenegger granted to each of the 10 Georgia counties. The dollar amount of five counties who received Schwarzenegger's grants remain

unknown. The total amount of Schwarzenegger's grants to the five known Georgia counties is \$1,377,219.

The Amount of Schwarzenegger's Grants to 10 Georgia Counties

<u>County</u>	<u>Schwarzenegger Grant</u>
<u>Chatham County</u>	<u>\$100,000</u>
<u>Clayton County</u>	<u>\$866,944</u>
<u>Douglas County</u>	<u>\$99,600</u>
<u>Early County</u>	??
<u>Gwinnett County</u>	<u>\$100,000</u>
<u>Lamar County</u>	??
<u>Lee County</u>	??
<u>Muscogee County</u>	<u>\$210,675</u>
<u>Randolph County</u>	??
<u>Taliferro County</u>	??
Total Schwarzenegger Grants	\$1,377,219

Table 2

Click on the hyperlink in the right hand column in Table 2 above to see the source of Schwarzenegger's grants to a county.

Schwarzenegger claimed that his grants resulted in a 6.3% increase in voter turnout (Exhibit 9: The Democracy Action Hero Awards Ceremony with Arnold Schwarzenegger). Complainant applied Schwarzenegger's 6.3% increase in voter turnout to each Georgia county that received a Schwarzenegger election grant in Table 3 below.

Total Increase in Biden-Trump Votes in Georgia Counties Receiving Schwarzenegger Grants

<u>County</u>	<u>Biden Vote Increase</u>	<u>Trump Vote Increase</u>
<u>Chatham County</u>	4,638	3,155
<u>Clayton County</u>	5,658	937
<u>Douglas County</u>	2,528	1501
<u>Early County</u>	2,722	2,437
<u>Gwinnett County</u>	14,332	9863
<u>Lamar County</u>	375	154
<u>Lee County</u>	711	270
<u>Muscogee County</u>	2,935	1781
<u>Randolph County</u>	99	82
<u>Taliferro County</u>	33	21
Total Vote	34,031	20201

Table 3

Biden received 531,020 votes and Trump garnered 301,194 votes in the 10 Georgia counties that collected USC Schwarzenegger election grants (See Total Vote in Table 1). Because more voters voted for Biden than Trump in the 10 Georgia counties, Schwarzenegger's grants increased Biden's vote by 16% more than it did the Trump vote. USC Schwarzenegger Institute's claim that its election grants increased voter turnout by 6.3% led to Biden receiving 34,031 and Trump receiving 20,201 more votes in the 10 Georgia counties who received Schwarzenegger grant money.

Analysis of USC Schwarzenegger Institute's Georgia Election Grants

One of the more compelling facts that Schwarzenegger meddled in the Georgia election is that all 10 of USC Schwarzenegger Institute's Georgia Election Grants went to counties that Biden won though Biden won only 30 counties or 19% of Georgia's 159 counties.

Christian Grose a USC associate professor who administered Schwarzenegger's grants said, "The Institute *randomly* (Italics added) called 300 election administrators in the targeted states to tell them about the grants (Exhibit 10: "Dollars from Wealthy Donors, Including Schwarzenegger, Add Muscle to Voting Access"). The odds of the Institute granting to only Democratic counties in Georgia are astronomical if Grose actually used a random method or random generator to select the 300 election administrators for the Institute to call.

In a September 23, 2020 tweet, Schwarzenegger said, "Today I sent a letter to nearly 6,000 elections officials and county commissioners in states formerly covered by Voting Rights Act Section 5 inviting them to apply for grants, funded by me, to reopen polling centers and improve voting access" (Exhibit 11: "Schwarzenegger sends letter to 6,000 election officials").

The formula to determine the random probability of USC Schwarzenegger Institute selecting one Georgia county to receive a grant is $1/6,000 = .00017$. The random probability of USC Schwarzenegger Institute selecting a second Georgia county to receive a grant is $1/5,999 = .00017$. The formula to determine the probability of USC Schwarzenegger Institute providing two Georgia grants is $.00017 \times .00017 = 0.000000028$. The formula to determine the probability of USC Schwarzenegger Institute providing three Georgia grants is $.00017 \times .00017 \times .00017 = 0.000000000049$.

One statistician calculated the the probability of winning the UK National Lottery as 0.0000000221938762. The 0.0000000221938762 probability of winning the UK National Lottery is significantly higher than the 0.000000000049 probability of USC Schwarzenegger Institute randomly selecting three Georgia counties to receive its grants. So far Complainant calculated only the probability of USC Schwarzenegger Institute selecting three Georgia counties to receive its grants. Imagine the probability of USC Schwarzenegger Institute selecting ten Georgia counties to receive its grants? We would have to put another 15-20 zeros in front the

probability of USC Schwarzenegger Institute randomly selecting all ten Democratic Georgia counties.

The USC Schwarzenegger Institute granted \$1,377,219 to five Georgia counties. USC Schwarzenegger Institute grants to the five other Georgia counties are unknown because the Institute has not released those figures. The USC Schwarzenegger Institute granted a total of \$2,500,000 to 33 counties in eight states, so more than 55% of Schwarzenegger's election grants went to five Georgia counties.

Below are five reasons why the FEC should consider USC Schwarzenegger Institute's Georgia grants as political donations.

1. The probability that USC Schwarzenegger Institute randomly selected 10 Democratic Georgia counties to receive the Institute's grants is almost nil.
2. The USC Schwarzenegger Institute targeted more than half (\$1,377,219) of its overall grant money (\$2,500,000) to increase the Democratic vote in five Georgia counties that voted for Biden on the November 3, 2020. The USC Schwarzenegger Institute's Georgia grants of \$1,377,219 will increase more once the grant amounts of the other five Georgia counties become public.
3. \$75,758 is the average grant amount if all 33 USC Schwarzenegger Institute's grant recipients received the same amount ($\$2,500,000/33=\$75,758$). \$275,444 is the average amount of the five Georgia counties who received a Schwarzenegger grant ($\$1,377,219/5=\$275,444$). The USC Schwarzenegger Institute's average Georgia grant is 3.5 times more the average of USC Schwarzenegger Institute's average for all 33 grants. USC Schwarzenegger Institute much higher average Georgia county grant proves Schwarzenegger's grants sought to reach Biden's voters in the Georgia Democratic counties.
4. The USC Schwarzenegger Institute provided Clayton County, Georgia with a grant of \$866,944, which is significantly more money than any other USC Schwarzenegger Institute grant. At 88.49% Clayton County had the highest percentage of votes in a Georgia county for

Biden. It was Schwarzenegger's deliberate intent that his largest grant went to the Georgia county with the highest percentage of Biden voters.

5. The USC Schwarzenegger Institute grant goal was to increase voter turnout. After the election the Institute calculated its election grants increased voter turnout by 6.3%. There was 34,031 increase in Biden votes and a 20,201 increase in Trump votes in the 10 Georgia counties that received USC Schwarzenegger grants (See Table 3 above). Joe Biden received a 13,830 net vote gain (34,031 Biden vote gain- 20,201 Trump net gain = 13,830 Biden net vote gain). Biden won Georgia by 12,670 votes. Since Schwarzenegger's grants increased Biden's vote count by 13,830, it is very conceivable that Schwarzenegger's grants help put Biden over the top and win Georgia's 16 electoral votes.

The USC Schwarzenegger Institute also took some credit for the Rev. Raphael Warnock and Jon Ossoff winning their Georgia senate runoff elections on January 5, 2021. "Funding delivered to areas such as Muscogee and Randolph Counties from non-profit USC Schwarzenegger Institute for State and Global Policy showed higher voter turnout, according to data from Christian Grose, the institute's academic director. "Early data from Grose shows that there were 1.5 more early voting locations in the January runoff compared to other, unfunded, counties in Georgia.

For example, in Muscogee County, Nancy Boren was able to keep early voting locations open that she had initially opened in November, according to Grose. Grose's early data says that 79 early voting or dropbox locations opened for the runoff in Georgia counties that received funding from Schwarzenegger. The funding in November helped local election administrators stretch budgets to handle the runoff, making voter access more available" (Exhibit 20: 'You're terminated. Hasta la vista, baby.' Schwarzenegger criticizes Trump, reacts to Georgia elections).

USC Schwarzenegger Institute's Improper Influence in the Arizona Presidential Race

More than 60% of the Arizona votes cast in the Biden-Trump election were in Maricopa County. The USC Schwarzenegger Institute grant of \$41,857 to Maricopa County provided "funding to support the opening 14 new drive-through ballot drop-box centers at sports stadiums and other

large venues the weekend before election day” (Exhibit 7: Democracy Grants for Election Administration).

Biden won Maricopa County by 45,109 votes. Biden won the entire State of Arizona by 10,457. Outside of Maricopa County Biden lost by 34,652 votes to Trump. The USC Schwarzenegger Institute grant to Maricopa County was for the purpose of increasing the Maricopa County vote so that Biden had enough statewide votes to win Arizona’s 11 electoral votes. Without such a wide margin of Maricopa County votes thanks in part to the USC Schwarzenegger Institute’s grant, Biden winning Arizona was much less likely.

USC Schwarzenegger Institute’s North Carolina Grants

As with Georgia, the probability of USC Schwarzenegger randomly selecting the 11 North Carolina counties that the Institute picked for its grants is close to nil. When the USC Schwarzenegger Institute listed its grants, most likely the Institute listed its grants in chronological order (Exhibit 7). Page 4 of Exhibit 7 lists the USC Schwarzenegger Institute’s last 11 grants. Seven of USC Schwarzenegger Institute’s last 11 grants went to North Carolina counties.

The USC Schwarzenegger Institute purposely targeted North Carolina counties for its grants for two reasons. 1. There was a top USC Schwarzenegger Institute administrator from North Carolina who deliberately directed 11 of the Institute’s 31 grants to his home state of North Carolina. 2. The USC Schwarzenegger Institute used North Carolina to cover-up its biased Georgia grants by showing nine North Carolina grants to counties that Donald Trump won.

Christian Grose is the USC Schwarzenegger Institute administrator who helped select the Institute’s grants. (Exhibit 10). According to his social media post, Grose grew up North Carolina (Exhibit 13. Christian Grose Grew Up in North Carolina). North Carolina received the highest

number of USC Institute's grants because of Grose's North Carolina roots and because Grose's influence in the selection and administration USC Schwarzenegger Institute's grants.

Trump beat Biden by 66,423 votes in the North Carolina counties that received Schwarzenegger election grants (Table 4). By comparison, in the Georgia counties that received Schwarzenegger grants, Biden beat Trump by 228,826. Though Georgia has only one more electoral vote than North Carolina, Schwarzenegger's primary goal was to increase Biden's Georgia vote total more than Trump's. More importantly, Schwarzenegger wanted more of his grant money to go to Democratic Georgia counties because Georgia was a swing state and in play, whereas North Carolina was not.

County	Biden Votes	Trump Votes
<u>Graham</u>	905	3,710
<u>Greene</u>	3,832	4,874
<u>Haywood</u>	13,144	22,834
<u>Hertford</u>	7,097	3,479
<u>Jackson</u>	9,591	11,356
<u>Lee</u>	12,143	16,469
<u>McDowell</u>	5,832	16,883
<u>Onslow</u>	24,266	46,078
<u>Surry</u>	8,721	27,538
<u>Swain</u>	2,780	4,161
Warren	6,400	3,752
	94,711	161,134

Table 4

The USC Schwarzenegger Institute stated its goal was to offer election grants to 6,000 election jurisdictions in 10 different states. The USC Schwarzenegger Institute ended up with North

Carolina (11) and Georgia (10) receiving 21 of the Institute's 31 grants. The odds are astronomical that the USC Schwarzenegger Institute randomly selected 21 of 31 grants for two of 11 states

Comparing the USC Schwarzenegger Institute's North Carolina and Georgia grants is one way to determine the Institute's support of Joe Biden. Georgia is allotted 16 electoral votes and North Carolina, 15 electoral votes. Unfortunately the USC Schwarzenegger Institute has not made the amount of all of the Institute's grants public. If the Schwarzenegger's grants were public, the total amount of North Carolina grants could be compared to the total amount of Georgia's grants. One would expect the USC Schwarzenegger Institute would dole out similar amounts of grant money to Georgia and North Carolina because the two states are similar in size.

The USC Schwarzenegger Institute granted Warren County, North Carolina \$17,824 and Haywood County North Carolina \$8,681. Schwarzenegger's North Carolina grants are a paltry some compared to the \$275,444 average amount of the five known Georgia grants. Since we already know 55% of the USC Schwarzenegger Institute's grant money went to five Georgia counties, we can deduce North Carolina received significantly less Schwarzenegger election grant money than Georgia.

Similarities Between CTCL and USC Schwarzenegger Institute Election Grants

The similarities between Center for Tech and Civic Life (CTCL) and the USC Schwarzenegger Institute's election grants are striking. Both CTCL and USC Schwarzenegger Institute are nonprofits that received donations from wealthy benefactors to support election grants. Facebook CEO Mark Zuckerberg and his wife Pricilla Chan donated \$400 million to CTCL who in turn redistributed Zuckerberg-Chan's money as election grants. Arnold Schwarzenegger donated \$2.5 million to the USC Schwarzenegger Institute who promptly distributed election grants to 31 counties.

Both the CTCL and the USC Schwarzenegger Institute used dubious reasons to justify their election grants. CTCL said its grants were necessary because of the COVID virus, though no one on CTCL's staff, Board of Directors, or Advisory Staff had any medical expertise or experience to make sure CTCL's grants were used for medical purposes. Increasing voter turnout in Democratic cities and counties was the real motive for CTCL's grants. The USC Schwarzenegger Institute said it distributed grants to election officials who were formerly covered by Voting Rights Act Section 5. The USC Schwarzenegger Institute presented no research or current legal cases that demonstrated discrimination against voters in the election jurisdictions that received the Institute's grants. As with CTCL, the USC Schwarzenegger Institute mainly targeted election jurisdictions with Democratic majorities to help Biden win the states of Arizona and Georgia.

Both CTCL and the USC Schwarzenegger Institute were led by "Never Trumpers." CTCL Executive Director Tiana Epps-Johnson wrote several disparaging remarks about President Trump at the same time she was directing CTCL to distribute grants that influenced the outcome of his presidential election. Epps-Johnson praised candidate Joe Biden when he picked Kamala Harris as his vice presidential running mate.

CTCL Director Whitney May twice wrote, "Don't vote for Trump" on social media. May viciously attacked the First Lady Melania Trump, President Trump's son Baron, daughter Ivanka, and son-in-law Jared Kushner. To view Complainant's video about Epps-Johnson and May's inappropriate Trump comments, click [here](#).

Arnold Schwarzenegger became a Never Trumper after he and Donald Trump publicly feuded over who was responsible for the decline of the Celebrity Apprentice ratings. The feud between the two men was so bad, in 2016 Schwarzenegger told his four million Twitter followers that he wasn't voting Republican for the first time in his life. During a 2016 CNN interview Schwarzenegger said he did not vote for Trump and encouraged others not to vote for him (Click [here](#) and start to watch a 45 seconds). Schwarzenegger also called Trump "un-American" and "the worst president ever."

Christian Grose who administered Schwarzenegger's election grants called President Trump "a fascist dictator" in one of his tweets (Exhibit 14: Grose calls President Trump "a fascist dictator").

CTCL and USC Schwarzenegger Institute Grants Went to the Same 23 Counties

Table 5, Column 3 below lists the 33 counties that received election grants from the USC Schwarzenegger Institute. The dollar amount of USC Schwarzenegger Institute's election grants for 21 counties are presently unknown. The amount of 12 CTCL election's grants are currently unknown. The unknown dollar amounts of CTCL and USC Schwarzenegger Institute's election grants demonstrate the need for election funding transparency.

If CTCL did not award an election grant to the same county as USC Schwarzenegger Institute, then "No CTCL Grant" was inserted in Table 5, Column 2. Twenty-three (23) of the 33 counties that received USC Schwarzenegger Institute elections grants also received election grants from CTCL. The overlap of CTCL and USC Schwarzenegger Institute's grants show a need for centralized funding of elections.

Of the known election grants the USC Schwarzenegger Institute awarded \$1,745,636 in election grants; CTCL, \$16,306,827. CTCL granted nearly 10 times more money to the same counties that received USC Schwarzenegger Institute election grants. The USC Schwarzenegger Institute claimed that its election grants reached 3,513,787 voters, opened 200 plus voting sites, and increased voter participation by 6.5% (Exhibit 15 Christian Grose Grant Summary). Given that CTCL granted nearly 10 times the amount to the same counties as the USC Schwarzenegger Institute, Grose's claims are dubious and exaggerated at best.

County	CTCL Grant	USC Schwarzenegger Institute Grant
Cameroon, Texas	<u>\$1,853,729</u>	<u>\$250,973</u>
Douglas, Georgia	<u>\$1,662,490</u>	<u>\$99,600</u>
Surry, North Carolina	Grant Amount Unknown	Grant Amount Unknown
Warren, North Carolina	<u>\$37,980</u>	<u>\$17,824</u>
Barnwell, South Carolina	Grant Amount Unknown	Grant Amount Unknown
Muscogee, Georgia	<u>\$414,245</u>	<u>\$210,675</u>
Nelson, Virginia	No CTCL Grant	Grant Amount Unknown
Young, Texas	Grant Amount Unknown	Grant Amount Unknown
Hertford, North Carolina	No CTCL Grant	Grant Amount Unknown
Chatham, Georgia	<u>\$572,264</u>	<u>\$100,000</u>
Craig, Virginia	<u>\$5,000</u>	<u>\$4,032</u>
Gwinnett, Georgia	<u>\$4,200,000</u>	<u>\$100,000</u>
Hinds, Mississippi	<u>\$1,500,000</u>	<u>\$25,000</u>
Lamar, Georgia	No CTCL Grant	Grant Amount Unknown
Richmond, Virginia	No CTCL Grant	Grant Amount Unknown
Buchanan, Virginia	<u>\$5,000</u>	Grant Amount Unknown
Colleton, South Carolina	Grant Amount Unknown	Grant Amount Unknown
James City, Virginia	No CTCL Grant	<u>\$20,000</u>
Perry, Alabama	No CTCL Grant	Grant Amount Unknown
Taliaferro, Georgia	No CTCL Grant	Grant Amount Unknown
Wythe, Virginia	Grant Amount Unknown	Grant Amount Unknown
Clayton, Georgia	<u>\$3,060,197</u>	<u>\$866,994</u>
Early, Georgia	Grant Amount Unknown	Grant Amount Unknown
Greene, North Carolina	No CTCL Grant	Grant Amount Unknown
Lee, Georgia	Grant Amount Unknown	Grant Amount Unknown
Onslow, North Carolina	No CTCL Grant	Grant Amount Unknown

County	CTCL Grant	USC Schwarzenegger Institute Grant
Haywood, North Carolina	No CTCL Grant	<u>\$8,681</u>
Swain, North Carolina	Grant Amount Unknown	Grant Amount Unknown
Graham, North Carolina	Grant Amount Unknown	Grant Amount Unknown
Jackson, North Carolina	Grant Amount Unknown	Grant Amount Unknown
Maricopa, Arizona	\$2,995,922	\$41,857
McDowell, North Carolina	Grant Amount Unknown	Grant Amount Unknown
Randolph, Georgia	Grant Amount Unknown	Grant Amount Unknown
	\$16,308,827	\$1,745,636

Table 5

Schwarzenegger's Unjustified Reasons for His Institute's Election Grants

There are 4,648 private colleges and universities in the United States, but only USC distributed 2020 election grants.

The full name of Schwarzenegger's Institute is the "USC Schwarzenegger Institute for State and Global Policy." The USC Schwarzenegger Institute should have followed its own principle of "Advancing Policy, not Politics" (Exhibit 16. Institute, Advancing Policy Not Politics). Indeed USC and the Schwarzenegger Institute's grants created bad public policy and bad examples for other private schools by being the first private university to offer grants for public elections. USC distribution of election grants opens the door for all other private schools to award election grants in the future.

The reason why the USC Schwarzenegger Institute election grants is bad policy because private election grants have no transparency, no accountability and no oversight. As with USC, every other private university may influence elections by targeting election grants to increase voter turnout for its candidate or cause. Moreover, universities' election grants may help or hinder any given local, state or federal candidate or election.

Schwarzenegger said he was making his election grants only available to states that were formerly covered by the Voting Rights Act, Section 5 (Exhibit 11). Voting Rights Act, Section 5 required states and local governments with a history of racial discrimination to get permission from the federal government before changing their voting laws. In 2013 the US Supreme Court ruled the coverage formula in the Voters Rights Act, Section 4(b) to determine the pre-clearance requirement in the Voting Rights Act, Section 5 was unconstitutional (Shelby County v. Holder). The U.S. Supreme Court decision eliminated the pre-clearance requirement, but it did not eliminate the rights of voters and organizations to file lawsuits to remedy discrimination if they perceived unconstitutional impediments to voting.

The USC Schwarzenegger Institute has crusaded for a variety of policy issues, but the Institute had never previously undertaken research or policy positions related to voters who were previously covered by Voting Rights Act, Section 5.

Schwarzenegger did not give a specific reason of why he chose to provide election grants to jurisdictions previously covered by the Voting Rights Act, Section 5, so one must speculate. Schwarzenegger chose to give money to jurisdictions with a high percentage of minorities because Schwarzenegger assumed no one would object if minorities received additional money to increase their voter turnout. However, there is another way to expose Schwarzenegger's hidden agenda and hidden motives. A New York Times exit poll determined that 87% of Black Voters; 65% of Hispanic/Latino Voters; 61% of Asian Voters; and 55% of Other Non-White Voters voted for Democratic presidential candidate Joe Biden. Schwarzenegger concentrated his grants in minority jurisdictions because he knew that most of the additional minorities his

election grants brought to the polls would not vote for Trump, the man he called “UnAmerican” and “the worst president ever.”

The lack of diversity at the USC Schwarzenegger Institute is more proof that Schwarzenegger was feigning support for minorities. Of the 21 USC Schwarzenegger Institute team members listed on its website, not one is African American (Exhibit 18: USC Schwarzenegger Institute’s Team Members or [Click here](#)). Of the 20 USC Schwarzenegger Institute Advisory Board members, not one board member is an African American (Exhibit 19: USC Schwarzenegger Institute’s Board of Advisors or [click here](#)).

Packing Money into Election Jurisdictions to Gerrymander an Entire State

Cracking and packing are the two main types of gerrymandering. Cracking involves one political party remapping congressional boundaries for the purpose of removing voters from the other party. Packing entails one political party packing a disproportionate number of its voters in a congressional district. Gerrymandering is one of USC Schwarzenegger Institute’s primary policy issues the Institute is working on. Ironically, the results of Schwarzenegger’s election grants did something very similar to gerrymandering that the Institute is fighting against.

Schwarzenegger’s election grants to only Arizona and Georgia Democratic counties that Joe Biden won is a form of packing. Schwarzenegger deliberately packed money into Democratic counties because he wanted to increase Biden’s statewide votes. Schwarzenegger acknowledged his goal was to increase voter turnout. Complainant used Schwarzenegger’s Institute figure of 6.3% increase in voter turnout to show that Schwarzenegger’s Georgia election grants could have conceivably provided Joe Biden with his Georgia margin of victory. By packing money into 10 Georgia counties to increase Democratic turnout, Schwarzenegger’s election grants gerrymandered the whole State of Georgia to win 16 electoral votes for Biden.

Schwarzenegger's election Maricopa County grant helped Joe Biden win Arizona's 11 electoral votes. In 2020 Maricopa County accounted for slightly more than 60% of Arizona's vote. Schwarzenegger's funding of 14 new drive through ballot-box centers at sports stadiums and other large venues helped Biden win Maricopa County by 45,109 votes. Biden won Arizona by the smallest number of votes in one state, 10,457. Indeed, Schwarzenegger packing money into a key Democratic Arizona county was instrumental in Biden's victory.

Schwarzenegger and His Team's 5 Lies and Deceptions

1. Schwarzenegger lied when said his election grants were only for jurisdictions previously covered by Voting Rights Act, Section 5 (Exhibit 11). Six (6) of Schwarzenegger's 33 election grants or 18% of Schwarzenegger's grants went to jurisdictions that were *not* previously covered by the Voting Rights Act, Section 5 (see Table 6). To view the names of the states that the Voting Rights Act, Section 5 previously covered, click [here](#).

North Carolina County Schwarzenegger Grant Recipients who weren't covered by the Voting Rights Act, Section 5

Graham

Haywood

McDowell

Surry

Swain

Warren

Table 6

It is not a coincidence that all six (6) jurisdictions who weren't weren't covered by the Voting Rights Act, Section 5 but received Schwarzenegger election grants were in North Carolina. As previously mentioned, Christian Grose who administered Schwarzenegger's grants and served on

the grant selection committee is from North Carolina. Grose made sure his home state received 11 of the 33 Schwarzenegger grants although more than half of the North Carolina grant recipients did not meet Schwarzenegger's standard of previously Voting Rights Act, Section 5 coverage.

2. The distribution of Schwarzenegger grants to the states shows the Schwarzenegger Institute did not randomly select jurisdictions for its grants as it claims. Table 7 lists the distribution of the Schwarzenegger grants. Besides North Carolina, the Voting Rights Act, Section 5 partially covered the states of California, Florida, Michigan New York and South Dakota. Because the USC Schwarzenegger Institute bestowed 11 grants to the partially covered State of North Carolina, the five other states that had partial coverage of the Voting Rights Act, Section 5 were also included in Table 7.

State	Number of Schwarzenegger Grants
Alabama	1
Alaska	0
Arizona	1
California	0
Michigan	0
Georgia	10
Louisiana	0
Mississippi	1
New York	0
North Carolina	11
South Carolina	2
South Dakota	0
Texas	2
Virgina	5
	33

Table 7

Look at the distribution of Schwarzenegger's grants in Table 7, Column 2. Does that look like random distribution to you?

In Table 7, 6 states received 0 Schwarzenegger grants; 3 states received 1 grant; 2 states received 2 grants; one state received 5 grants; one state received 10 grants; and one state received 11 grants. Supposedly the USC Schwarzenegger Institute randomly called and offered 300 election administrators grants in election jurisdictions that the Voting Rights Act, Section 5 previously covered (Exhibit 10). If the USC Schwarzenegger Institute randomly selected its 33 election grantees as it claims, then the distribution would *not* have yielded nine states with 0 or 1 grants, and two states with 10 or 11 grants.

The USC Schwarzenegger Institute lied about randomly selecting grant recipients because it sought to cover-up its partisan political grants to Georgia. The USC Schwarzenegger Institute chose North Carolina to receive the most grants because Schwarzenegger grant administrator Christian Grose was from North Carolina. But the USC Schwarzenegger Institute had a more sinister reason for its 11 North Carolina. The USC Schwarzenegger Institute deliberately bestowed 11 grants to North Carolina as a means to draw suspicion away from the Institute's 10 Georgia grants that went only to counties Biden won.

3. Schwarzenegger lied when said that he sent out nearly 6,000 letters and invited election officials and county commissioners to apply for his grant (Exhibit 11). If Schwarzenegger actually sent out 6,000 letters, the response rate for the free grant money is one-half of one percent (33 grants / 6000 letters is .0055). Since Schwarzenegger election grants offered 6,000 counties free money, it is absurd to believe only one-half of one percent of the election officials and commissioners responded to Schwarzenegger's letter offering election grants.

4. Grose said that the USC Schwarzenegger Institute randomly called 300 election administrators in the targeted states to tell them about the grants (Exhibit 10). The response rate for the

Institute's 300 phone calls is 11% (33 Schwarzenegger grants / 300 phone calls = 11%). The Institute offered free money to the election administrators whom they spoke with on the phone. The administrators could ask the Institute's representative any question they wanted during the phone call. The 300 election administrators who supposedly talked with an Institute employee had no reason to refuse the Institute's monetary offer. Because it is absurd to believe that only 11% of the the 300 election administrators accepted the Institute's verbal grant offer, Grose lied about the Institute making 300 random phone calls to award Schwarzenegger's election grants.

5. The USC Schwarzenegger Institute lied about the Schwarzenegger election grants increasing voter turnout by 6.3% (Exhibit 9). Christian Grose lied when he claimed the Schwarzenegger election grants increased voter turnout by 6.5% (Exhibit 15). Claimant strongly supports the conclusion of election grants increased voter turnout in the last presidential election, but claimant disagrees who is more responsible for the increase in voter turnout.

Since CTCL granted \$16.3 million in election grants compared to Schwarzenegger's Institute grants of \$1.7 million in the same counties, most of voter turnout increase is attributed to CTCL grants, not Schwarzenegger grants. CTCL's grants dwarfed Schwarzenegger's. For example in Maricopa, Arizona CTCL's grant was \$2,995,922 versus Schwarzenegger's, \$41,857; CTCL granted Gwinnett County, Georgia \$4,200,000 which is fraction of Schwarzeneggers' \$100,000 grant; and in Cameroon County, Texas CTCL granted \$1,853,729 compared to Schwarzenegger's \$250,000 (see Table 5). Grose and the USC Schwarzenegger Institute lied about the extent of the increase in voter turnout from Schwarzenegger's election grants because they desired the full credit for the increase in voter turnout that resulted from both Schwarzenegger and CTCL election grants.

Final Comments

Complainant Stone has no axe to grind with Arnold Schwarzenegger, USC, or any of the other respondents. After Schwarzenegger announced his first election grant, namely Cameroon

County, Texas, he called the USC Schwarzenegger Institute and spoke with Allison Kay, the Institute's Special Projects and Office Coordinator. Complainant told Kay about his previous FEC complaint and two federal election lawsuits that involved private funding of public elections.

Complainant also emailed Kay 30 minutes after they finished their phone conversation (Exhibit 17: Complainant's September 30, 2020 email to the USC Schwarzenegger Institute). The Complainant's email said, "Since the 1970s I have followed Arnold's career with great admiration and respect from a body builder, to a movie star and to the Governor of California. I attached a Federal Election Commission complaint that I filed. I also attached Wisconsin and Minnesota federal court lawsuits. I would hate to have to go up against one of my longtime idols, namely the Terminator. I truly hope the Schwarzenegger Institute refrains from making any more grants to election commissions."

Sixteen months before the September 11, 2001 terrorist attack, Complainant found a knife while he was disembarking an airplane at the Chicago O'Hare International Airport. Complainant passed the knife he found on the airplane and a letter to his Congressman, Rod Blagojevich. In his letter the Complainant said, "Airplane passengers are given a false sense of security because they believe no weapons are allowed beyond the metal detectors. Congressman Blagojevich, please lobby your colleagues in Congress and the FAA to stop allowing weapons on airplanes."

Two days after the 9/11 terrorists' attacks, Congressman Blagojevich called the Complainant. The congressman twice said to this Complainant, "We should have listened to you and made airplane travel safer."

The events of 9/11 inspired the Complainant to run for a seat on the Chicago City Council. Three years after the election, Federal Court Judge Wayne A. Andersen awarded Complainant \$75,000 because up to 225 members of the infamous Chicago Political Machine violated Complainant's civil rights when her ran for public office.

Complainant testified in-person at one of the Illinois Reform Commission's public hearings. Two campaign financing reforms that the Complainant proposed to the Reform Commission eventually passed the Illinois General Assembly and became part of Illinois election law.

Complainant filed a pro se federal court lawsuit against the City of Chicago and Alderman Edward M. Burke because Burke was using Chicago workers' compensation money as a personal slush fund. Complainant withdrew his lawsuit after the City of Chicago agreed to move the administration of workers' compensation from Burke's legislative committee to Chicago's executive branch of government and perform an independent audit of the City of Chicago's workers' compensation program. Burke is currently awaiting trial on federal corruption charges.

Complainant filed a pro se circuit court lawsuit to remove Langdon Neal as Chairman of the Chicago Board of Elections. Chairman Neal received over \$110 million in no-bid government contracts from the very same elected officials whose elections he conducted and certified. Chairman Neal retired from his election commissioner position shortly after the Complainant's lawsuit against him.

Complainant's political history explains his patriotic and democratic motives for his FEC complaint. Complainant sees the private funding of public elections as a significant threat to democracy. In addition to a lack of accountability and oversight, private funding of elections does not have adequate transparency. Currently, the dollar amount for 21 of 33 or 64% of the Schwarzenegger election grants are not public at this time.

Unlike the Schwarzenegger election grants, the amount of Help America Vote Act funds and Cares election funds for every state are available on the Internet (For HAVA grants, click [here](#) and for Cares Act grants, click [here](#)). Each state in turn publishes how it redistributes HAVA and Cares Act money to the local counties, cities, towns and villages. The Schwarzenegger election grants amount to "dark money" contributed directly to the county clerk offices who conduct and

certify elections. *Private election grants inherently possess the potential of being partisan donations that unduly influence the outcome of elections.*

The Schwarzenegger election grants were arbitrary and inconsistent. For example, the Schwarzenegger election grant to Clayton County, Georgia averaged \$7.79 per Clayton County voter. By comparison the Schwarzenegger election grant to Gwinnett County, Georgia averaged \$0.25 per Gwinnett County voter. The USC Schwarzenegger Institute provided no explanation or reason why one Georgia county received significantly more money per voter than another Georgia county. Complainant alleges the Schwarzenegger election grant provided the highest dollar amount per voter to Clayton County because Clayton County had the highest percentage of Georgia voters who cast their ballots for Democrat Joe Biden.

Instead of the Schwarzenegger election grants being distributed on the percentage of preferred Democratic voters, HAVA and CARES Act election grants distributed money based on the number of registered voters. All counties, cities, towns and villages received the same dollar amount per registered voter. The HAVA and CARES Act election grant distribution method puts an end to election grant riches and rags, such as the one that occurred between Clayton County's \$7.79 per Clayton County voter and \$0.25 for a Gwinnett County voter. The per registered-voter method of distributing HAVA and Care grants insures each election jurisdiction receives its proportioned and even share of election grant money.

Georgia, Louisiana, and Pennsylvania state legislators are currently trying to pass legislation that will outlaw private funding of future public elections in their states. The "Election Clause" in Article I, Section 4, Clause 1 of the U.S. Constitution provides Congress with the power to regulate or make election law at any time. There is no federal law that expressly prohibited the private USC Schwarzenegger Institute from providing grants for public elections, but it doesn't mean Schwarzenegger and the USC Schwarzenegger Institute is innocent of any wrongdoing. Arnold Schwarzenegger and the USC Schwarzenegger Institute violated the federal campaign contribution limit law when the Institute distributed partisan election grants for the expressed

purpose of helping candidate Joe Biden win the states of Arizona and Georgia, and candidates Warnock and Ossoff win their Georgia senate elections.

Schwarzenegger's hatred for President Donald Trump led him to commit the most egregious political acts. Schwarzenegger donated \$2.5 million to the USC Institute that bears his name. As Chairman of the USC Schwarzenegger Institute, Schwarzenegger remained in control of his \$2.5 million donation at all times. Schwarzenegger used his authority to distribute partisan grants as a means to settle personal and political scores with his nemesis, Donald Trump. Schwarzenegger's election grants of \$2.5 million exceeded the \$2,800 federal election campaign contribution limit by nearly 900 times.

Epilogue

Complainant acknowledges Joe Biden is the winner of the November 3, 2020 election.

Complainant also acknowledges that the allegations in his FEC complaint will not alter the outcome of the presidential and Georgia senate elections in any manner whatsoever.

Complainant plans to pursue local and federal election laws that ban the private funding of public elections in the future.

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Complainant

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2. Valerie Jarrett
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3. Kyle Lierman
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4. Erin Hannigan
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5. Tina Tchen
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12. Selena Gomez

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Overview of Complaint

When Michelle Obama started the When We All Vote (WWAV) nonprofit organization in 2018, she recruited eight former Obama-Biden White House staffers as its leaders. Obama has said herself that she started WWAV (Exhibit 119). WWAV has referred to the organization as “Michelle Obama’s WWAV (Exhibits 12 and 13). Whenever WWAV made a important announcement, Michelle Obama announced the all-important WWAV news. In spite of Michelle Obama’s critical role in founding and promoting WWAV news and events, Michelle Obama’s name does not appear on WWAV’s IRS Form 990 tax documents as a WWAV officer or key employee (Exhibit 2).

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Though WWAV claims it is a nonpartisan organization, WWAV did more to help Joe Biden win the 2020 presidential election than the Democratic National Committee (DNC). WWAV stated that 512,000 people started or completed its voter registration process (Exhibit 132). WWAV also reached over 100 million eligible voters (Exhibit 132). WWAV focused its in-person voter registration drives and get out the vote drives in heavily Democratic cities in the swing states of Arizona, Georgia, Michigan, Pennsylvania, and Wisconsin to help Joe Biden win these crucial states and the presidential election. WWAV also held in-person events in heavily Democratic cities in Florida, Minnesota, Nevada, and North Carolina to either keep the state blue or flip the state from red to blue.

By WWAV falsely designating itself as a nonprofit organization, WWAV avoided contribution limits that the **Federal Election Campaign Act** imposes on Political Action Committees. WWAV's false nonpartisan designation enabled WWAV to illicitly collect and spend its charitable donations on partisan political activities, such as WWAV voter registration drives and get out the vote campaigns in only heavily Democratic cities.

WWAV failed to register the organization as a Political Action Committee as it should have. Below are seven advantages for WWAV to use its improper self-designation of a nonprofit and nonpartisan organization.

- As a nonprofit organization with a 501(C)(3) status, WWAV accepted contributions without individual and corporate limits
- As a nonprofit organization with a 501(C)(3) status, WWAV's individual and corporate donors were able to use their WWAV contributions as "tax deductions" (Exhibit 1)
- WWAV tax deductible contributions incentivized WWAV's individual and corporate donors to donate or contribute more money to WWAV
- WWAV's nonpartisan designation allowed WWAV to establish formal relationships with 100 WWAV Civic City mayors

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- WWAV's nonpartisan designation allowed WWAV to partner with the WWAV Civic City mayors to track voter registration and voters.
- WWAV's nonpartisan designation allowed WWAV to exchange voter registration and get out the vote strategies with WWAV's Civic City mayors
- WWAV's nonpartisan designation allowed WWAV to hold a Prom-athon contest to register thousands of high school students in heavily Democratic cities in swing states

Michelle Obama and WWAV set up a national political organization that is modeled after the Chicago political machine. For over 100 years the mayor of Chicago was considered the **“boss of the city's political machine.”** Instead of having one political machine boss, WWAV combined the bosses of 100 cities for its Civic City Mayors program. Rather than having *precinct captains* like the Chicago machine, WWAV chose *“voting squad captains”* who became responsible for their squads' voter registration and voting.

WWAV was the boss of the bosses because of the vital voting information that it sent and received between WWAV Civic City mayors and voting squad captains. Since Michelle Obama is WWAV's de facto leader, Michelle Obama was truly the boss of the bosses in the political machine that she and WWAV created.

Complainant previously filed FEC complaints against Tiana Epps-Johnson and her Center for Tech and Civic Life organization and Arnold Schwarzenegger and his USC Schwarzenegger Institute. Complainant alleges that shortly after Michelle Obama met with Tiana Epps-Johnson and Arnold Schwarzenegger, both Epps-Johnson's Center for Tech and Civic Life (CTCL) and Schwarzenegger's USC Schwarzenegger Institute began distributing their nonprofits' funds to help Joe Biden win the 2020 presidential election. As with CTCL and USC Schwarzenegger Institute, Michelle Obama's WWAV funneled a significant portion of its resources to Democratic strongholds.

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There are two simple keys to winning elections. 1. Candidates and campaigns want to register as many voters as possible that will most likely vote for them. 2. Candidates and campaigns want to get as many of their supporters to vote as they can. WWAV's Civic City mayors and voting squad captains were instrumental in registering likely Democratic voters and getting them to vote.

In 40 or more WWAV voter registration and get out the vote events, WWAV offered people something of value to register or vote. Complainant alleges WWAV violated election law by doling out money, food, meals, clothes, sports memorabilia, raffle prizes, and entertainment for citizens to register to vote in cities where Democrats held vast majorities. Complainant alleges WWAV also violated election law by providing food, meals, and entertainment for citizens to vote early and on election day in heavily Democratic cities.

WWAV most egregious offer of something of value to register to vote was made to high school students. WWAV identified 4 million high school students who became eligible to vote before the November 3, 2020 presidential election (Exhibit 121). WWAV provided 20 high schools with up to \$5,000 to host their prom in exchange for registering high school students (Exhibit 108). Most of WWAV's 20 high school winners were in heavily Democratic cities in the key swing states of Arizona, Georgia, Michigan, Nevada, Pennsylvania, and Wisconsin (109).

WWAV said its mission is "to close the age and race voting gap" (Exhibit 2). Complainant alleges that WWAV's mission to reduce the age and race voting gaps of some ages and races in predominate Democratic cities in swing states violated the civil and voting rights of people of different ages, races, and locations. Complainant alleges that WWAV's mission to close the age and race voting gap was merely a smoke screen for WWAV to achieve its goal of helping Democrat Joe Biden win the 2020 presidential election.

WWAV held all 40 or more of its in-person events in 12 heavily Democratic cities in toss up states while WWAV failed to sponsor in-person events in the remainder of country. WWAV's geopolitical concentration of its resources in heavily Democratic cities indicate WWAV was

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more interested in electing a Democrat president than it was in closing the age and race voting gaps.

When We All Vote Officers and Key Employees**Valerie Jarrett**

Valerie Jarrett is the President of When We All Vote, a longtime personal friend, and former boss of Michelle Obama (Exhibit 1). Ms. Jarrett served eight years as a Senior Advisor to President Barack Obama, and was an Obama-Biden Transition Project co-chair. Ms. Jarrett is currently the Obama Foundation's acting president until the Foundation selects a permanent president. In 1991 Ms. Jarrett was Chicago Democratic Mayor Richard M. Daley's deputy chief of staff when she hired Michelle Robinson who was engaged to Barack Obama at the time. Ms. Jarrett is also Chair of Civic Nation's Board of Directors.

Kyle Lierman

Kyle Lierman is the CEO of Civic Nation and the CEO of WWAV (Exhibit 1). Mr. Lierman worked in the Obama White House Office of Public Engagement as a Senior Associate Director and Senior Policy Advisor for over six years. Mr. Lierman was a field organizer during Barack Obama's successful 2008 presidential campaign. Mr. Lierman met his wife Amanda when she was working as Assistant to the Director of the White House Office of Political Affairs. After leaving her job at the Obama White House, Mrs. Lierman was the Political and Organizing Director for the Democratic National Committee.

Peter Rouse

Peter Rouse is the Director of WWAV and also a Civic Nation board member (Exhibit 1). Mr. Rouse served as an advisor to the 2020 Biden presidential campaign (Exhibit 2). Mr. Rouse was

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a Senior Advisor to the President, Counselor to the President, and interim White House Chief of Staff for President Obama. Mr. Rouse was Barack Obama's Chief of Staff when Obama was a U.S. senator. For several years Mr. Rouse was Chief of Staff for Democratic senate majority leader Tom Daschle.

Tina Tchen

Tina Tchen is WWAV's treasurer and a Civic Nation board member (Exhibit 1). In 2008 Ms. Tchen was one of Barack Obama's top fundraisers. Ms. Tchen held four, influential positions during her eight years in the Obama White House. Ms. Tchen worked as the White House Director of Public Engagement, Assistant to the President, Chief of Staff for First Lady Michelle Obama, and Executive Director of the White House Council on Women and Girls.

Erin Hannigan

Erin Hannigan was Managing Director for WWAV from January 2019 to January 2021 (Exhibits 1 and 3). Ms. Hannigan oversaw WWAV's fundraising, \$15 million budget, 60 staff members and outside consultants. According to Ms. Hannigan, she "developed and implemented strategy to engage, register, and turn out voters in the 2019 and 2020 elections, which included digital advertising and online engagement, grassroots organizing, and partnerships with organizations, companies, and schools." Ms. Hannigan had several jobs in the Obama White House, Obama campaigns and inaugurals, as well as interning in Barack Obama's U.S senator's office (Exhibit 3).

Laura Miller

Laura Miller was WWAV's digital director until March 2021 when she was promoted to WWAV's managing director of campaigns and advocacy. Miller spent two years working in the Obama White House as Director of Online Engagement and as an intern. Ms. Miller was the U.S.

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Department of Labor's Director of Digital Strategy for two years during the Obama-Biden Administration. Ms. Miller was Michelle Obama's traveling digital director when Mrs. Obama promoted her "Becoming" book. Prior to joining the Obama-Biden administration, Ms. Miller was Barack Obama's 2012 digital campaign manager (Exhibit 4).

Stephanie L. Young

Stephanie L. Young became the executive director at WWAV in February, 2020. Previously Ms. Young was WWAV's Chief Officer of Culture, Communications & Media Partnerships. She is also a senior advisor to the Civic Nation. During Ms. Young's two years, seven months in the Obama White House, her job titles were senior public engagement advisor and associate communications director. During Barack Obama's reelection campaign, Ms. Young was a director of regional press. Ms. Young previously worked as a national press secretary for Democratic Whip Rep. Steny Hoyer, and as deputy press secretary for the Democratic Congressional Campaign Committee (Exhibit 5).

Andrew Amore

Andrew Amore position at WWAV is Senior Director of My School Votes. During the Obama-Biden Administration, Mr. Amore worked in the U.S. Department of Education. His job titles were Special Assistant to the Secretary, Special Assistant for Civil Rights, and Confidential Assistant for Civil Rights. Mr. Amore was a field organizer for Barack Obama's 2008 presidential campaign (Exhibit 6).

When We All Vote and Civic Nations Partisan Employees and Partisan Activities

The officers of When We All Vote (WWAV) and Civic Nation are intertwined and co-mingled. Kyle Lierman is both the CEO of WWAV and Civic Nation. Valerie Jarrett who is the president of WWVA is also the chair of Civic Nation's Board of Directors. Peter Rouse is the director of

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WWAV and also a Civic Nation board member. Tina Tchen is WWAV's treasurer and also a Civic Nation board member. Stephanie L. Young is the executive director at WWAV and a senior advisor to the Civic Nation.

When We All Vote is a subsidiary or an "initiative" of Civic Nation. On WWAV's **Donation webpage**, it states, "When We All Vote is an initiative of Civic Nation, a 501(c)(3) nonprofit organization, and donations are tax-deductible to the full extent provided by law. Tax ID Number: 47-3576918 (Exhibit 7)."

The eight WWAV officers and key employees combined to work more than 35 years in the Obama-Biden White House. All eight WWAV officers are lifelong Democrats and altogether they have supported Democratic causes and candidates for hundreds of years. These hardcore Democrats would not have done anything to jeopardize their fellow Democrat and candidate Joe Biden's chances of winning the 2020 presidential election. To elect Joe Biden and other Democratic allies, the leaders of WWAV and Civic Nation took great care to only hire other likeminded Democrats who registered over a half-million likely Democratic voters. WWAV also contacted voters over 100 million times in their effort to get out the Democratic vote (Exhibit 132).

The eight aforementioned WWAV and Civic Nation officers hired pro-Democrat and Anti-Trump employees who engaged in the following partisan campaigning.

- Selected 13 famous When We All Vote Co-Chairs who used their celebrity status and expansive digital reach to denounce President Trump and support Joe Biden's presidential campaign. 11 of the 13 WWAV co-chairs endorsed Joe Biden for president. Several WWAV co-chairs raised funds for Joe Biden and campaigned with him. (Listed below in the Summary of the 13 WWAV CO-Chairs Partisan Political Activity)
- WWAV partnered with **31 Founding Mayors**. 26 of WWAV Founding Mayors were Democrats, 3 Founding Mayors were Republicans, and 2 Founding Mayor were Independent.

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- 27 Mayors or 100% of WWAV Founding Mayors who Endorsed a Candidate for President Endorsed Joe Biden (Table 2)
- None of the WWAV Founding Mayors endorsed Donald Trump
- WWAV partnered with **69 Civic Cities Mayors**. 51 of WWAV Civic Cities Mayors were Democrats, 16 had unknown party affiliations, and 2 were Republicans
- 29 Mayors or 100% of WWAV of the Civic Cities Mayors who Endorsed a Candidate for President Endorsed Joe Biden (Table 3)
- None of the WWAV Civic Cities Mayors endorsed Donald Trump
- WWAV exploited its relationships with the Democratic Civic City mayors to register Democrats and get out the Democratic vote for Joe Biden and other Democratic candidates.
- WWAV held at least 40 in-person voter registration and get out the vote events (Table 3) in 12 heavily Democratic cities in critical swing states (Table 4)
- It is alleged that WWAV violated election law by doling out food, meals, clothes, sports memorabilia, raffle prizes, and entertainment as incentives for citizens to *register* to vote for at least 20 WWAV sponsored events (Table 3).
- It is alleged that WWAV violated election law by doling out food, meals, and entertainment as incentives for citizens to vote early or on election day in heavily Democratic cities for at least 20 WWAV sponsored events (Table 3).

When We All Vote's 13 Co-Chairs (Exhibits 22 and 23)**Michelle Obama**

Numerous articles claimed Michelle Obama founded WWAV in 2018; even WWAV used the phrase, "Michelle Obama's WWAV" (Exhibits 12 and 13). However, Mrs. Obama name does *not* appear as an officer, director, trustee, or key employee on WWAV's IRS Form 990 that WWAV submitted to the IRS in **2018 and 2019** (Exhibit 1). In a promotional video for a WWAV, Mrs. Obama said, "I started the nonpartisan organization WWAV" (Exhibit 119 and to view video, click [here](#)).

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Mrs. Obama is WWAV's face and spokeswoman. A photo of Mrs. Obama covers WWAV's homepage (Exhibit 8). The WWAV homepage links to a letter that is signed first by Michelle Obama (Exhibit 9).

Whenever WWAV made an important announcement, Michelle Obama announced the news. Michelle Obama released a video to publicize the seven new co-chairs joining WWAV (Exhibit 10). Michelle Obama was featured in a WWAV PSA (Exhibit 11). Michelle Obama was on a United States Conference of Mayors call asking mayors to join WWAV's Civic Cities program (Exhibit 12). Michelle Obama's WWAV and MTV partnered to honor the top 20 high schools for voter registration (Exhibit 13). WWAV Co-Chair Michelle Obama announced a new initiative for educators (Exhibit 14).

Michelle Obama declared she and WWAV were nonpartisan, but her words and actions belie her claim. On July 17, 2019 "The former first lady also said she and her husband would not be endorsing any candidate from the crowded field, saying they would support whomever wins the [Democratic] primary (Exhibit 15)." In same article, Obama said she could never forgive Donald Trump for the birther controversy that Trump perpetuated against her husband Barack (Exhibit 15). Given that Michelle Obama said in July, 2019 that she will only support the Democratic nominee for president, it means the entire time she was using WWAV to register new voters and encourage electors to vote in the 2020 presidential election, her intentions were to support Democratic presidential candidate Joe Biden.

Michelle Obama and her husband headlined numerous Biden fundraisers and rallies. The Obamas raised \$11 million dollars for Joe Biden in one June fundraiser (Exhibit 16). According to The Hill, "Obama is expected to lend her name to an email fundraiser, potentially as early as next week. She may also lend her image to a direct mail campaign, while continuing the voter registration efforts she has spearheaded as the founder of a nonpartisan nonprofit group."

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“The campaign would also like Michelle Obama to pop in from time to time on virtual fundraisers, and Democrats expect she will work the phones behind the scenes, encouraging her celebrity friends and fundraisers who may have backed other candidates in the primary to rally behind Biden (Exhibit 17).”

Because Michelle Obama’s favorable ratings are higher than her husband’s, the Biden campaign asked Michelle Obama to give the keynote address on the first day of the Democratic National Convention. Obama’s convention speech was filled with platitudes for Joe Biden and vitriol for President Trump. Obama said, “Vote for Joe Biden like our lives depend on it. If you take one thing from my words tonight, it is this: if you think things cannot possibly get worse, trust me, they can, and they will if we don’t make a change in this election (Exhibit 18).”

Obama’s bitter convention comments about Trump continued. “So let me be as honest and clear as I possibly can. Donald Trump is the wrong president for our country. He has had more than enough time to prove that he can do the job, but he is clearly in over his head. (Exhibit 18).”

One month before the November 3, 2020 presidential election, Mrs. Obama and the Biden campaign released a 25 minute video entitled “Closing Argument” for Joe Biden. To view the video, click [here](#). Presidential candidate Joe Biden featured Michelle Obama’s “Closing Argument” on his campaign website (Exhibit 19). In her video Obama said Trump is a “racist” who spreads lies to “distract from his breathtaking failures (Exhibit 20).” Mrs. Obama also accused Trump of causing “a constant drumbeat of fear, division, and chaos that’s threatening to spiral out of control (Exhibit 21).”

Given Mrs. Obama’s 2020 pro-Democratic political activities, harsh words for President Trump, and raving endorsements of Joe Biden, it is absurd to consider Michelle Obama spearheaded “nonpartisan” voter registration and “nonpartisan” get out the vote campaigns. In 2019 Mrs. Obama said she was supporting the Democratic candidate for president regardless of who it is. She helped Joe Biden raise millions of dollars in campaign contributions. Mrs. Obama appeared

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in Joe Biden campaign ads, emails, and mailings. She spoke highly of Biden and harshly of President Trump when she gave the keynote speech on the first night of the Democratic National Convention. To top it all off, the Biden campaign chose Obama to give Biden's "Closing Argument" of why he should be president.

Selena Gomez

It is easy to understand why Michelle Obama recruited Selena Gomez for WWAV's covert campaign for Joe Biden. With Ms. Gomez's 151.8 million Instagram followers, she is considered the "Queen of Instagram." Ms. Gomez averages 3.6 million likes per post (Exhibit 24). Ms. Gomez's Instagram interview with Vice Presidential candidate Kamala Harris received 4.96 million views (Exhibit 25). To view the Gomez-Harris interview, click [here](#). The Gomez-Harris interview ends with the Biden-Harris campaign logo and "Paid for by the Biden for President (Exhibit 25)"

Gomez who never voted before the 2020 presidential campaign made it known in 2018 that she was anti-Trump (Exhibit 26). Gomez was vehemently against President Trump's effort to end DACA. Gomez posted an image of her wearing a T-Shirt, "WE ARE ALL DREAMERS," a clever dig at President Trump's anti-DACA, anti-dreamer position. A previous pro-DACA Gomez post received 1.2 million likes.

Gomez was an early supporter of Joe Biden. Gomez donated \$2,800 to Biden's primary campaign and \$5,600 to Biden's general election campaign (source, [FEC.gov](#)). As a WWAV co-chair, Gomez used her notoriety to register Biden-Harris supporters and get them to vote for Biden-Harris in the presidential election. Gomez also **turned over Instagram account** with 151 million followers to Democratic Political activist Stacy Abrams for 2 Weeks.

Tom Hanks

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Mr. Tom Hanks was a frequent critic of President of Trump. In Tom Hank's interview with Grahm Bensiger, Mr. Hanks said he did not believe President Trump took his oath to preserve, protect, and defend the Constitution of the United States very seriously (Exhibit 27). In the same interview, Mr. Hanks acknowledged that he was supporting the Biden campaign (Click [here](#) to view Hanks' interview). Mr. Hanks said he would not visit the Trump White House for a private screening of his film. Mr. Hanks wore a red "Make America Great Again" Trump hat and mocked President Trump and his supporters during a Saturday Night Live skit (Exhibit 29)

Mr. Hanks criticism of President Trump started before Trump beat Hillary Clinton. In 2016, Mr. Hanks said, "I'm voting for Hillary Clinton. I'm not making any secret about that because I have absolutely no faith in a self-serving gas bag like the other guy who's running for President" (Exhibit 30). In another 2016 interview Mr. Hanks said it would be a "Dark Day" if President Trump was elected" (Exhibit 31).

Tom Hanks used his celebrity to raise money for the Biden campaign. In a virtual fundraiser presidential candidate Biden and Mr. Hanks raised \$750,000 (Exhibit 32). Biden and Hanks also appeared in what was dubbed the "Grassroots Fest," an event that targeted "low-dollar donors" (Exhibit 33).

Besides Hanks appearing in Biden fundraisers, Hanks also campaigned side by side with Joe Biden. Candidate Biden sought to use Hanks's fame to get out the Biden vote (Exhibit 34). Mr. Hanks joined WWAV Co-Chair Lin-Manuel Miranda and Biden on the campaign trail (Exhibit 35).

Hanks also contributed \$1,400 to Biden on May 16, 2019 before Hanks started using his WWAV co-chair position to register likely Biden voters and get the Biden voters to cast their ballots. Mr. Hanks' support of Biden from the primary to the general election was on full display when he hosted the primetime "Celebrating America" TV special that culminated the Biden-Harris January 20, 2021 inauguration (Exhibit 36).

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Faith Hill

Faith Hill has supported Democratic candidates and causes since 2004. Hill contributed \$7,500 to the Democratic National Committee in 2004 and another \$5,000 to Barack Obama's 2008 presidential campaign (Exhibit 37). Hill held a Nashville fundraiser for Hillary Clinton's 2016 presidential run (Exhibit 38); Hill also endorsed her (Exhibit 39).

Hill's biggest political issue is gun control. Hill's desire for gun control is the same as the Democrats and opposite of the Republicans. Hill also contributed \$2,800 to Joe Biden's campaign (Source [FEC.gov](https://www.fec.gov)) at the same time she supported WWAV's supposed nonpartisan push for voter registration and voting.

Lin-Manuel Miranda

Lin-Manuel Miranda said some of the most hateful comments about President Trump. In Miranda's Tweet he said, "You're going straight to hell, @realDonaldTrump. No long lines for you. Someone will say, 'Right this way, Sir.'" They'll clear a path" (Exhibit 40). In another Miranda Tweet, he said, "Your occasional reminder that our current president lies as easy as you and I breathe air," the "Hamilton" creator and star wrote Sunday on Twitter. "Every day, all day, reflexively" (Exhibit 41).

Manuel and his famed "Hamilton" cast hosted a Joe Biden fundraiser 18 days before the 2020 presidential election (Exhibit 42). Miranda appeared with Biden in a Zoom campaign event in an effort to reach Latino voters. Biden said that "The path to victory in November is going to rely on Latino voters" (Exhibit 43). Miranda also appeared in a campaign ad that targeted Florida Puerto Rico voters (Exhibit 44).

Manuel publicly endorsed Biden during a conversation with Randi Weingarten of the American

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Federation of Teachers. “I am voting for Joe because our democracy is at stake, and I think we have had four years of the perils of someone with no experience at the wheel ... It’s so much worse than everyone feared” (Exhibit 45). In exchange for Miranda’s campaign ads, campaign appearances, fundraising, endorsement, etc., Biden picked Miranda to appear in his inauguration day TV Special (Exhibit 46).

Janelle Monae

Janelle Monae did not mince any words or gestures for President Trump or his supporters. In a Monae tweet she is standing in front of mirror with her middle finger raised. Monae’s caption read, “F*uck Donald Trump and every American citizen, celebrity, white woman, black man, ETC who supported him, burnnnnnnnnnn” (Exhibit 47). In another Monae rant, “One of us has class, loves other races, and good energy,” Janelle said in an Instagram post comparing President Barack Obama to Trump in photos. “The other of us is full of negative energy unclassy racist and ghetto as f**k. You be the judge.” (Exhibit 48).

Monae publicly gave her blessings to Biden presidential bid. “Make me Feel” singer Monae said she’ll also cast a ballot for Biden, writing, “I’m excited to hold [them] accountable” (Exhibit 49).

Monae and Kamala Harris hosted a “Get out To Vote Georgia” event (Exhibit 50). Harris uploaded the a video of the event to youtube. To view the Monae-Harris video, click [here](#). Monae and Harris spoke for 14 minutes in a video chat that mainly targeted African American voters (Exhibit 51).

Liza Koshy

According to *Time*, Liza Koshy is considered one of the 25 most influential people on the Internet (Exhibit 52). As with President Obama in 2016, Koshy interviewed Joe Biden in the presidential election’s waning moments. The Koshy-Biden video received more than 2.5 million

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views (Exhibit 53 or to view interview, click [here](#)). Koshy co-hosted a Biden fundraiser (Exhibit 54) and after the DNC convention ended, Koshy co-hosted a “virtual after party” (Exhibit 55). On election day Koshy wrote that she and Biden talked about “securing the future of America with the power of Millennials and Gen Z” (Exhibit 56). Koshy also endorsed Biden.

Chris Paul

NBA star Chris Paul questioned Trump’s manhood. Paul wrote, “And I doubt he's man enough to call any of those players a son of a bitch to their face...” (Exhibit 57). Paul also wrote this about President Trump: “With everything that's going on in our country, why are YOU focused on who's kneeling and visiting the White House??? #StayInYoLane” (Exhibit 57).

Paul who was born in North Carolina endorsed Biden at a Biden North Carolina campaign event (Exhibit 58). One week later Paul encouraged his Twitter followers to vote for Biden (Exhibit 59). Biden and Paul appeared together in a Biden campaign video (Exhibit 60). In the presidential candidate’s tweet, Biden said, “I’m teaming up with Paul and Steph Curry” (Exhibit 61). Paul was team Biden all the way, not a nonpartisan as WWAV would lead you to believe.

Megan Rapinoe

The soccer superstar Megan Rapinoe interviewed Joe and Jill Biden for 44 minutes in April, 2020. Rapinoe’s Instagram post received close to a half-million views (Exhibit 62 or to view video, click [here](#)). Next to the video, Rapinoe wrote, “Talked to Vice President @joebiden and @drbiden about all things Covid, campaigning during these times, bringing the Democrats together and how understanding we are all together will win the Presidency in November (Exhibit 62).

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During the interview Rapinoe repeatedly criticized Trump and praised Joe Biden. Rapinoe made it clear she endorsed Biden. At the 43:12 mark of the video, Rapinoe said, "I'm certainly team Biden."

In 2019 "Rapinoe, a frequent critic of Trump's, said that she was "not going to the f--ing White House" if the U.S. Women's National Team (USWNT) won the World Cup, which the team later did (Exhibit 63). During Rapinoe's visit to the Biden White House, Rapinoe said she was a "Total kid in the candy store." (Exhibit 63).

Rapinoe interviewed frontline healthcare workers and families of patients on the first day of the Democratic National Convention. Rapinoe let a woman pin her father's COVID 19 death on President Trump. "'Dad had faith in Donald Trump -- he listened to him, he voted for him ... he believed him that it was OK to end social distancing rules before it was safe." Urquiza said that because of that, her father decided to go to a karaoke bar with some friends. "His only preexisting condition was trusting Donald Trump, and for that he paid with his life'" (Exhibit 65)

Shonda Rhimes

Shonda Rhimes used her four year old daughter to denigrate President Trump to her 2 million Instagram followers: "And he does realize everyone can tell when he's lying, right? I mean, EVERYONE? My 4 yr old points at the TV and says "ooh, he's lying again. Forcing me to once again explain why he never gets in trouble for it like she does" (Exhibit 65). Besides a liar, Rhimes also called President Trump "unAmerican" and a "hypocrite" (Exhibit 66).

Shortly after Biden selected Kamala Harris to be his running mate, Rhimes co-chaired the VP presidential candidate's first fundraiser (Exhibit 67). All 208 of Rhimes' political contributions either went to Democratic candidates or Democratic organizations, including \$100,000 to the Biden Victory Fund and \$46,100 to the Nancy Pelosi Victory Fund (Source, [FEC.gov](https://www.fec.gov)). Rhimes political contributions include the Arizona, Colorado, Minnesota, Michigan, Nevada, New

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Hampshire, North Carolina, Ohio, Pennsylvania, Texas, Virginia, and the Wisconsin Democratic Parties. None of Rhimes' 2018 political contributions went to a Republican candidate or Republican organization.

Rhimes also featured a lengthy 20 question interview with Joe Biden on her popular [Shondaland website](#) (Exhibit 68). Rhimes interview provided positive and widespread exposure for Joe Biden with Rhimes' adoring and loyal fans.

Tracee Ellis Ross

Tracee Ellis Ross "has been vocal about her support for the Black Lives Matter movement and Democratic presidential nominee Joe Biden, 77, on and off social media" (Exhibit 69). During a Trevor Noah interview, Noah asked Ross, "Would you rather win another Emmy or would you rather see Joe Biden win?" Ross replied, "I would take not winning an Emmy" (Click [here](#) and go to 2 minutes and 15 seconds).

Ross was one of the headliners for WWAV's "Registered and Ready Instagram Live Takeover" (Exhibit 70). Ross was the emcee for the second day of the Democratic National Convention (Exhibit 71).

Kerry Washington

Kerry Washington campaigned for Joe Biden in North Carolina and in the key swing states of Arizona and Michigan (Exhibits 72 and 73). It was quite obvious who Washington supported for president. During a photo op Washington wore a Biden-Harris hat and a Biden-Harris campaign button on her lapel while she stood in front of Biden-Harris campaign signs (Exhibit 72).

On the "Bill Maher Show," Washington said, "Voting for Trump is voting against our best interests" (Exhibit 74). "We've gone from a White House lit in all the colors of pride to a White

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House that literally preaches division and discrimination,” Washington said (Exhibit 75). Kerry Washington was one of the producers of a documentary film called, “The Fight.” The film is about the legal battles that the American Civil Liberties Union (ACLU) lawyers faced during the Trump administration (Exhibit 76).

Washington was the emcee for the third day of the Democratic National Convention. Washington opened the convention with, ““We’re fighting for the soul of this country and for our lives” (Exhibit 77) Washington also said, “Donald Trump is destroying our country” (Exhibit 77). Washington was also featured in the Biden-Harris inauguration festivities (Exhibit 78).

Rita Wilson

Rita Wilson and her husband Tom Hanks both endorsed Joe Biden and Kamala Harris (Exhibit 79). Wilson contributed to Kamala Harris’ 2019 presidential run before Harris dropped out. Wilson also made a political donation separate from her husband to Joe Biden. Wilson promoted and participated in WWAV events (Exhibits 80 and 81).

Summary of the 13 WWAV CO-Chairs Partisan Political Activity

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WWAV Co-Chair Name	Partisan Political Activity
Michelle Obama	<ul style="list-style-type: none"> • Endorsed Joe Biden • Raised Millions of Dollars for the Biden-Harris Campaign • Gave Keynote Speech in Support of Joe Biden on 1st Day of DNC Convention • Gave “Closing Argument” of Why Electors Should Vote for Joe Biden One Month Before Election • Recruited Celebrity Friends and Fund Raisers to Support Joe Biden • Repeatedly Denounced President Trump • Donated \$2,800 to Biden’s Primary Campaign • Donated \$5,600 to Biden’s General Election Campaign
Selena Gomez	<ul style="list-style-type: none"> • Instagram Interview with Vice Presidential Candidate Kamala Harris Attracted 4.9 million Viewers • Turned Over Instagram Account with 151 Million Followers to Democratic Political Activist Stacy Abrams for 2 Weeks
Tom Hanks	<ul style="list-style-type: none"> • Endorsed Joe Biden • Contributed \$1,400 to the Biden Campaign • Raised Hundreds of Thousands of Dollars for Joe Biden’s Campaign • Campaigned With and For Joe Biden • Hosted Joe Biden’s Inauguration Day TV Special on Jan. 20, 2021 • Harshly Criticized President Trump
Faith Hill	<ul style="list-style-type: none"> • Consistently Contributed Money to Democrats since 2004 • Contributed \$2,800 to Joe Biden’s Campaign

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WWAV Co-Chair Name	Partisan Political Activity
Lin-Manuel Miranda	<ul style="list-style-type: none"> • Endorsed Joe Biden • Raised Campaign Funds for Joe Biden • Campaigned With and For Joe Biden • Featured in Joe Biden’s Inauguration Day TV Special on Jan. 20, 2021 • Directed Hateful Comments at President Trump
Janelle Monae	<ul style="list-style-type: none"> • Endorsed Joe Biden • Campaigned with Vice Presidential Candidate Kamala Harris in Georgia • Appeared in a Video with Kamala Harris that Mainly Targeted African American Voters • Verbally Attacked President Trump and His Supporters
Liza Koshy	<ul style="list-style-type: none"> • Endorsed Joe Biden • Co-Hosted a Joe Biden Fund Raiser • Interviewed Joe Biden that was Viewed More Than 2.5 Million Times • Co-Hosted a “Virtual After Party” As Soon As the DNC Convention Ended
Chris Paul	<ul style="list-style-type: none"> • Endorsed Joe Biden • Campaigned Multiple Times with Joe Biden • Appeared in a Campaign Video with Joe Biden • Denounced President Trump Multiple Times
Megan Rapinoe	<ul style="list-style-type: none"> • Endorsed Joe Biden • Political Contribution to Kamala Harris • Interviewed Joe and Jill Biden for 44 Minutes • Rapinoe-Biden Interview was viewed 500,000 times • Rapinoe Presented on the First Day of the DNC Convention • Repeatedly Criticized President Trump

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WWAV Co-Chair Name	Partisan Political Activity
Shonda Rhimes	<ul style="list-style-type: none"> • Endorsed Joe Biden • Hosted Vice Presidential Candidate Kamala Harris' First Fund Raiser • Contributed \$5,600 to Joe Biden's Campaign • Interviewed Joe Biden and Posted His 20 Q and A's on Shondaland Website • Contributed \$100,000 to the Biden Victory Fund • Contributed \$35,500 to the DCCC • 208 Political Contributions to Only Democratic Candidates and Organizations
Tracee Ellis Ross	<ul style="list-style-type: none"> • Endorsed Joe Biden • Emceed the second day of the DNC Convention
Kerry Washington	<ul style="list-style-type: none"> • Endorsed Joe Biden • Campaigned for Joe Biden in Three Swing States • Emceed the Third Day of the DNC Convention • Featured in Joe Biden's Inauguration Day TV Special on Jan. 20, 2021 • Frequent Critic of President Trump
Rita Wilson	<ul style="list-style-type: none"> • Endorsed Joe Biden • Political Contribution to Kamala Harris • Political Contribution to Joe Biden

WWAV Co-Chairs Partisan Group Summary

- 11 of 13 WWAV Co-Chairs Endorsed Joe Biden
- 6 of 13 WWAV Co-Chairs Contributed to Kamala Harris or Joe Biden's Political Fund
- 6 of 13 WWAV Co-Chairs Campaigned with Joe Biden, Kamala Harris, or Both
- 5 of 13 WWAV Co-Chairs Helped Joe Biden Raise Campaign Funds
- 4 of 13 WWAV Co-Chairs were Featured at the DNC Convention
- 4 of 13 WWAV Co-Chairs Interviewed Joe Biden or Kamala Harris

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- 0 of 13 WWAV Co-Chairs Provided Any Kind of Support to President Trump

WWAV's 13 co-chairs were partisan Democrats and Joe Biden's supporters before, during, and after the presidential campaign and 2020 election. The WWAV celebrity co-chairs informed their 500 million social media followers that they were voting for Joe Biden. The celebrity co-chairs used their notoriety to increase voter registration for Biden voters and then have new and previously registered voters cast their ballots for the Biden-Harris ticket.

WWAV co-chairs sent two very distinct messages: One, "I'm a 'nonpartisan' WWAV co-chair." Two. "I'm a partisan Democrat and Joe Biden supporter." The 13 WWAV co-chairs would have been free to campaign, endorse, contribute, criticize President Trump and publicly support Joe Biden and other Democrats had they *not* chosen to be a co-chair of a nonpartisan organization. The WWAV co-chairs should have either supported Joe Biden and other Democrats in any way they saw fit, or the WWAV co-chairs should have remained true nonpartisans as expected of election officials.

WWAV Founding Civic City Mayors

Table 1, Column 1 below lists the names of WWAV's Founding Civic City Mayors. The D, R, or I in Table 1, Column 3 stands for the mayors' Democrat, Republican, or Independent political affiliation. Click on the link in Column 3 to view the source of each mayor's political party. In Table 1, Column 4 Biden or Trump represents a mayor's presidential endorsement. "No Endorsement" in Column 4 means the mayor did not support either candidate. To view the source of each mayor's endorsement, click on the link in Column 4.

WWAV Founding Civic Mayors

Mayor's Name	City, State	D, I or R	Biden or Trump
Keisha Lance Bottoms	Atlanta, GA	<u>D</u>	<u>Biden</u>

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Mayor's Name	City, State	D, I or R	Biden or Trump
Hardie Davis	Augusta, GA	<u>D</u>	<u>Biden</u>
Steve Adler	Austin, TX	<u>D</u>	<u>Biden</u>
Marty Walsh	Boston, MA	<u>D</u>	<u>Biden</u>
James Brainard	Carmel, IN	<u>R</u>	Biden
Andy Berke	Chattanooga, TN	<u>D</u>	<u>Biden</u>
Lori Lightfoot	Chicago, IL	<u>D</u>	<u>Biden</u>
Nan Whaley	Dayton, OH	<u>D</u>	<u>Biden</u>
Michael Hancock	Denver, CO	<u>D</u>	<u>Biden</u>
Mike Duggan	Detroit, MI	<u>D</u>	<u>Biden</u>
Steve Schewel	Durham, NC	<u>D</u>	No Endorsement
Betsy Price	Ft. Worth, TX	<u>R</u>	No Endorsement
Rosalynn Bliss	Grand Rapids, MI	<u>D</u>	<u>Biden</u>
Sylvester Turner	Houston, TX	<u>D</u>	<u>Biden</u>
Andy Schor	Lansing, MI	<u>D</u>	<u>Biden</u>
Eric Garcetti	Los Angeles, CA	<u>D</u>	<u>Biden</u>
Greg Fischer	Louisville, KY	<u>D</u>	<u>Biden</u>
Satya Rhodes-Conway	Madison, WI	<u>D</u>	<u>Biden</u>
John Giles	Mesa, AZ	<u>R</u>	No Endorsement
Tom Barrett	Milwaukee, WI	<u>D</u>	<u>Biden</u>
Jacob Frey	Minneapolis, MN	<u>D</u>	<u>Biden</u>
Buddy Dyer	Orlando, FL	<u>D</u>	<u>Biden</u>
Christine Hunschofsky	Parkland, FL	<u>D</u>	<u>Biden</u>
James Kenney	Philadelphia, PA	<u>D</u>	<u>Biden</u>
Kate Gallego	Phoenix, AZ	<u>D</u>	<u>Biden</u>
Hillary Schieve	Reno, NV	<u>I</u>	No Endorsement
Pauline Russo Cutter	San Leandro, CA	<u>D</u>	<u>Biden</u>
Paige Cognetti	Scranton, PA	<u>I</u>	<u>Biden</u>

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Mayor's Name	City, State	D, I or R	Biden or Trump
Victoria Woodards	Tacoma, WA	<u>D</u>	<u>Biden</u>
Muriel Bowser	Washington, DC	<u>D</u>	<u>Biden</u>
Christopher Cabaldon	West Sacramento, CA	<u>D</u>	<u>Biden</u>

Table 1

31 Founding WWAV Civic Cities Mayors' Political Party

- 26 Mayors or 84% of WWAV Founding Mayors are Democrats
- 3 Mayors or 10% of WWAV Founding Mayors are Republicans
- 2 Mayors or 6% of WWAV Founding Mayors are Independent

WWAV Founding Civic Cities Mayors' Endorsements

27 Mayors or 100% of WWAV Founding Mayors who Endorsed a Candidate for President

Endorsed Joe Biden

0 Mayors or 0% of WWAV Founding Mayors who Endorsed a Candidate for President Endorsed Donald Trump for President

Joe Biden had eight campaign co-chairs for his presidential campaign. Two of Biden's eight co-chairs were also WWAV Founding Mayors. Atlanta Mayor Keisha Lance Bottoms and Los Angeles Mayor Eric Garcetti were Biden presidential campaign co-chairs (Exhibits 115 and 116). Bottoms and Garcetti were both serving as partisan co-chairs for the Biden campaign at the same time they were serving as WWAV "nonpartisan" co-chairs. Let's not forget that WWAV Director Peter Rouse was also an advisor to the Biden campaign.

Boston Mayor Marty Walsh was a WWAV Founding Mayor. After the election, President Joe Biden appointed Walsh to his cabinet as Secretary of Labor.

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WWAV's Civic Cities Mayors

WWAV Civic City Mayors partnered with WWAV after WWAV recruited its Founding Civic Cities Mayors. Table 2, Column 1 below lists the names of the WWAV's 69 Civic Cities Mayors. The D, or R in Table 2, Column 3 stands for the mayors' Democrat or Republican political party affiliation. "Unknown" appears in Column 3 when no record of the mayor's political affiliation was discovered. Click on the link in Column 3 to view the source of each mayor's political affiliation. In Table 2, Column 4 Biden or Trump represents the presidential endorsement of each mayor. "No endorsement" in Column 4 means the mayor did not support either candidate. To view the source of each mayor's endorsement, click on the link in Column 4.

WWAV Civic Cities Mayors

Mayor	City, State	D or R	Biden or Trump
Tim Keller	Albuquerque, NM	<u>D</u>	No Endorsement
Sharon Weston Broome	Baton Rouge, LA	<u>D</u>	<u>Biden</u>
Jesse Arreguin	Berkeley, CA	<u>D</u>	No Endorsement
Lauren McLean	Boise, ID	<u>D</u>	No Endorsement
Joseph Ganim	Bridgeport, CT	<u>D</u>	No Endorsement
Mark Barbee	Bridgeport, PA	Unknown	No Endorsement
Ryan Arndorfer	Britt, IA	Unknown	No Endorsement
Juan Trey Mendez II	Brownsville, TX	<u>D</u>	<u>Biden</u>
Ian Baltutis	Burlington, NC	<u>D</u>	No Endorsement
Elizabeth B. Kautz	Burnsville, MN	<u>R</u>	No Endorsement
Lydia Lavelle	Carrboro, NC	<u>D</u>	<u>Biden</u>
Elise Partin	Cayce, SC	Unknown	No Endorsement
Patrick L. Wojahn	College Park, MD	Unknown	No Endorsement
Stephen K. Benjamin	Columbia, SC	<u>D</u>	<u>Biden</u>

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Mayor	City, State	D or R	Biden or Trump
Aja Brown	Compton, CA	<u>D</u>	<u>Biden</u>
Lynn Deutsch	Dunwoody, GA	<u>D</u>	No Endorsement
Monique Owens	Eastpointe, MI	Unknown	No Endorsement
James Hovland	Edina, MN	<u>D</u>	No Endorsement
Lillie Thompson-Martin	Fairmount Heights, MD	Unknown	No Endorsement
Mitch Colvin	Fayetteville, NC	<u>D</u>	No Endorsement
Hunter T. George	Fircrest, WA	Unknown	No Endorsement
Lily Mei	Fremont, CA	<u>D</u>	<u>Biden</u>
Keith Hedrick	Groton, CT	<u>D</u>	No Endorsement
Jeff Martin	Hamilton, NJ	<u>D</u>	No Endorsement
Luke Bronin	Hartford, CT	<u>D</u>	<u>Biden</u>
Nancy Rotering	Highland Park, IL	<u>D</u>	<u>Biden</u>
Candace B. Hollingsworth	Hyattsville, MD	Unknown	No Endorsement
Dontario D. Hardy	Kinston, NC	<u>D</u>	No Endorsement
Ken Miyagishima	Las Cruces, NM	<u>D</u>	<u>Biden</u>
Jack Bradley	Lorain, OH	<u>D</u>	No Endorsement
Thomas M. McGee	Lynn, MA	<u>D</u>	<u>Biden</u>
Dr. Larry Wallace Jr.	Manor, TX	Unknown	No Endorsement
Dan Gelber	Miami Beach, FL	<u>D</u>	<u>Biden</u>
Oliver G. Gilbert III	Miami Gardens, FL	<u>D</u>	No Endorsement
Brian Goodell	Mission Viejo, CA	Unknown	No Endorsement
Matt Shorraw	Monessen, PA	<u>D</u>	No Endorsement
Steven Reed	Montgomery, AL	<u>D</u>	No Endorsement
Jim Donchess	Nashua, NH	<u>D</u>	<u>Biden</u>
Noam Bramson	New Rochelle, NY	<u>D</u>	<u>Biden</u>
Bill de Blasio	New York, NY	<u>D</u>	<u>Biden</u>

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Mayor	City, State	D or R	Biden or Trump
Brea Clark	Norman, OK	Unknown	No Endorsement
Ana M. Ziade	North Lauderdale, FL	Unknown	No Endorsement
Harry Rilling	Norwalk, CT	<u>D</u>	No Endorsement
Mathew Sparkes	Oakland Park, FL	<u>D</u>	<u>Biden</u>
David Holt	Oklahoma City, OK	<u>R</u>	No Endorsement
Brandi Harless	Paducah, KY	<u>D</u>	No Endorsement
Bill Peduto	Pittsburgh, PA	<u>D</u>	<u>Biden</u>
Deirdre Waterman	Pontiac, MI	<u>D</u>	<u>Biden</u>
Jorge Elorza	Providence, RI	<u>D</u>	No Endorsement
Nick Gradisar	Pueblo, CO	<u>D</u>	<u>Biden</u>
Mary-Ann Baldwin	Raleigh, NC	<u>D</u>	No Endorsement
Lovely Warren	Rochester, NY	<u>D</u>	<u>Biden</u>
Mike Kelly	Roeland Park, KS	Unknown	No Endorsement
Darrell Steinberg	Sacramento, CA	<u>D</u>	<u>Biden</u>
Jacob Day	Salisbury, MD	<u>D</u>	No Endorsement
Erin Mendenhall	Salt Lake City, UT	<u>D</u>	<u>Biden</u>
Van R. Johnson II	Savannah, GA	<u>D</u>	<u>Biden</u>
Jeffrey Slavin	Somerset, MD	Unknown	No Endorsement
Joseph Curtatone	Somerville, MA	<u>D</u>	No Endorsement
Rick Kriseman	St. Petersburg, FL	<u>D</u>	<u>Biden</u>
David Martin	Stamford, CT	<u>D</u>	No Endorsement
Michael Tubbs	Stockton, CA	<u>D</u>	<u>Biden</u>
Lori Wilson	Suisun City, CA	<u>D</u>	No Endorsement
John Dailey	Tallahassee, FL	<u>D</u>	<u>Biden</u>
Jane Castor	Tampa, FL	<u>D</u>	<u>Biden</u>
Wade Kapszukiewicz	Toledo, OH	<u>D</u>	<u>Biden</u>
Jim Carruthers	Traverse City, MI	Unknown	No Endorsement

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Mayor	City, State	D or R	Biden or Trump
Regina Romero	Tucson, AZ	<u>D</u>	<u>Biden</u>
Dan Devine	West Allis, WI	Unknown	<u>Biden</u>

Table 2**WWAV Civic Cities Mayors' Political Affiliation**

- WWAV Civic Cities Mayors in Table 2 Consisted of 51 Democrats, 2 Republicans, and 16 Mayors with Unknown Party Affiliation
- 51 Mayors or 96% of WWAV Civic Cities Mayors with Party Affiliation were Democrats
- 2 Mayors or 4% of WWAV Civic Cities Mayors with Party Affiliation were Republicans

WWAV Civic Cities Mayors' Endorsements

- 29 Mayors or 100% of WWAV of the Civic Cities Mayors who Endorsed a Candidate for President Endorsed Joe Biden
- 0 Mayors or 0% of WWAV of the Civic Cities Mayors who Endorsed a Candidate for President Endorsed Donald J. Trump for President

Below are the statistics for the WWAV Founding Mayors in Table 1 combined with the statistics of the Civic Cities Mayors in Table 2.

WWAV Founding and Civic Cities Mayors Combined Statistics

- 77 Mayors or 92% of WWAV Founding and Civic Cities Mayors with Party Affiliation were Democrats
- 5 Mayors or 6% of WWAV Founding and Civic Cities Mayors with Party Affiliation were Republicans
- 2 Mayors or 2% of WWAV Founding and Civic Cities Mayors with Party Affiliation were Independents

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- 56 Mayors or 100% of WWAV Founding and Civic City Mayors who Endorsed a Candidate for President Endorsed Joe Biden
- 0 Mayors or 0% of WWAV Founding and Civic City Mayors who Endorsed a Candidate for President Endorsed Donald J. Trump for President

WWAV Partnered with Democratic Mayors to Increase Joe Biden's Chances of Winning

WWAV deliberately sought to align themselves with mostly Democratic mayors, especially in swing states, for the purpose of increasing the vote in heavily Democratic cities. In many states the votes in metropolitan Democratic cities is high enough to carry a statewide Democratic candidate. WWAV focused the organization's in-person events in the cities of Atlanta, Detroit, Milwaukee, Philadelphia, Pittsburgh and Phoenix because these cities have the highest density of Democratic votes that helped Joe Biden win the swing states of Arizona, Georgia, Michigan, Pennsylvania, and Wisconsin

WWAV's website explains the Civic Cities' purpose: "Civic Cities encourages and supports mayors to take a leading role in closing the voting race and age gap and fundamentally shift the culture around voting in every election, from school board races to federal elections" (Exhibit 84).

WWAV's described the benefits to becoming one of its Civic Cities Mayors (Exhibit 84):

By Connecting with Civic Cities, you:

- Join a national network of mayors to learn from and share best practices;
- Receive regular voter registration data to set a city-wide goal and track progress;
- Access resources, regular webinars, monthly actions, and ongoing support; and
- Have an opportunity to be promoted on WWAV's national platform through media, press releases, and social media channels.

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WWAV used its dubious “nonpartisan” designation to gain access to the mayors and exploit their political influence with election officials. Once WWAV established relationships with the mayors, WWAV was in a position to utilize the mayors for the purpose of increasing Democratic voter registration and the number of Democratic votes in the mayors’ heavily Democratic cities. In fact, WWAV’s second benefit for Civic Cities above clearly offered setting city-wide voter registration goal and tracking. WWAV also pushed Civic Cities to encourage and track early voting. WWAV also offered “monthly actions” and “ongoing support” as benefits of being a WWAV Civic City so WWAV could get the mayors of Democratic cities to do what WWAV wanted them to do.

WWAV relationships with its Civic Cities Mayors enabled Michelle Obama and WWAV to form their own National Democratic Political Organization. WWAV’s Civic Cities program established two way channels of communication between WWAV and the mayors in Democratic cities; thus, WWAV achieved its ultimate goal of registering more Democrats and making sure the voters in heavily Democratic cities came out to vote for Democrats like Joe Biden.

WWAV’s Improper Inducements to Register and Vote

“In any election in which a federal candidate is on the ballot, federal law prohibits any individual or entity, including 501(c)(3) nonprofits, from knowingly and willfully paying, offering to pay, or accepting payment either for registering to vote or voting” (Exhibit 85)

“A payment includes anything having monetary value (e.g. cash, lottery chances, the promise of government benefits such as supplemental nutrition assistance, or even a glass of beer or slice of pizza). Therefore, in elections in which federal candidates are on the ballot, it would be illegal for a nonprofit organization to raffle off prizes in exchange for an individual’s promise to vote or for registering to vote during a voter registration drive. Similarly, handing out free cupcakes to

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individuals to register to vote or offering a service at a discounted rate to individuals who provide proof that they voted would be prohibited” (Exhibit 85)

Before voting for the presidential election started, Complainant alleges WWAV violated election law by doling out money, food, meals, clothes, sports memorabilia, raffle prizes, and entertainment to entice citizens to register to vote in cities where Democrats hold vast majorities. During early voting and on election day, Complainant alleges WWAV violated election law by doling out food, meals, and entertainment to entice citizens to vote early and on election day in heavily Democratic cities. Table 3 contains 40 times that WWAV either held a voter registration or Get Out the Vote (GOTV) event in which WWAV was offering something of value to attend the voter registration or GOTV event. Table 3, Column 4 provides an exhibit number for each event.

WWAV Inducements to Register or Vote

Date	Location	Event	Inducements to Register and Vote
Feb. 27, 2020	Online	Video Message	Entertainer Common Performs. Common and Mrs. Obama Encourage Black Voter Registration (Exhibit 86)
March 25, 2020	Online	Couch Party	Entertainment by DJ D-Nice’s Club Quarantine live stream to Encourage Voter Registration (Exhibit 87).
March 27, 2020	Detroit	Kick Off Rally	Voter Participation and Initiative Contests for tickets to two people and their guests to meet Michelle Obama backstage at the event. Value is \$2,000 (Exhibit 88)

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Date	Location	Event	Inducements to Register and Vote
April 20, 2020	Online	Couch Party 2.0	Entertainment by DJ D-Nice's Club Quarantine live stream. Also included were actresses Kelly Rowland, Michelle Williams, Alyssa Milano, Kelly McCreary and Erica Campbell. "Reach, Educate, Inform, and Register Eligible Voters" (Exhibit 89).
May 21, 2020	Pennsylvania	Pennsylvania Couch Party	Music by Questlove and DJ D-Nice. Entertainment by actors Tom Hanks and Rita Wilson. "Statewide Couch Party to Text 250,000 Pennsylvania Voters about Registering to Vote." (Exhibit 90).
May 22, 2020	MTV	Prom-athon	WWAV and MTV gave 20 High Schools Up to \$5,000 for Registering High School Students to vote. (Exhibit 108)
June 27, 2020	Online	The Roots Picnic Partnered with Michelle Obama's When We All Vote for a Virtual Music Festival	Performances by The Roots, H.E.R., Lil Baby, Roddy Ricch, SZA, Kirk Franklin, Snoh Aalegra, Earthgang, G Herbo, Polo G, D Nice and Musiqsoulchild (backed by The Roots) and appearances by Michelle Obama, Lin-Manuel Miranda, Chris Paul, Tom Hanks, Liza Koshy, Kerry Washington, Tracee Ellis Ross, Janelle Monáe, and Elaine Welteroth. "Call To Action For Fans & Viewers to Register to Vote" (Exhibit 91).

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Date	Location	Event	Inducements to Register and Vote
July 3, 2020	Online	Party in Place	Music sets from deadmau5, Disclosure, Major Lazer, ODESZA, RÜFÜS DU SOL, Toro y Moi, Flume, Rezz, and Porter Robinson. "Remind Everyone to Get Registered to Vote" (Exhibit 92).
July 4, 2020	Online	Summer Bash	Musical performances by Marshmello, Black Eyed Peas, Dillon Francis, Diplo, Kygo, Lil Jon, and Steve Aoki. "Remind Everyone to Get Registered to Vote" (Exhibit 92).
Aug. 29, 2020	Durham, NC	Research Triangle Foundation Headquarters	WWAV Host Food and Voter Registration Drive. Music by a live DJ and food and prepackaged meals distribution. (Exhibit 93)
Sept. 19, 2020	Detroit, MI	East Side of Detroit	WWAV Sponsors Drive-Thru Food Distribution and Voter Registration. Live DJ and free food distribution (Exhibit 94)
Sept. 19, 2020	Detroit, MI	West Side of Detroit	WWAV Sponsors Drive-Thru Food Distribution and Voter Registration. Live DJ and free food distribution (Exhibit 94)
Sept. 26, 2020	Atlanta, GA	Home Depot	WWAV Hosts Food and Voter Registration Drive. Atlanta Falcons merchandise, sandwiches and boxes of food (Exhibit 95)

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Date	Location	Event	Inducements to Register and Vote
Sept. 26, 2020	Charlotte, NC	Sifford Golf Course	WWAV Hosts Food, Groceries, and Voter Registration Drive. Live entertainment and free food and groceries, plus DJ (Exhibit 96)
Sept. 26, 2020	Philadelphia, PA	2450 Hunting Park Ave.	WWAV Hosts Food, Groceries, and Voter Registration Drive. Free lunch, groceries, snacks, hand sanitizer, and t-shirts, and live entertainment (Exhibit 97)
Sept. 27, 2020	Miami, FL	Joe Celestin Center	WWAV Host Food, Groceries, and Voter Registration Drive. Free Food and Groceries and DJ (Exhibit 98)
Sept. 27, 2020	Phoenix, AZ	Phoenix College	WWAV Drive-Thru Event Combines Voter Registration with Handing Out Food Boxes and Supplies. Inducements included 2,000 food boxes and about 1,000 sets with sippy cups; baby bottles and diapers; and women's, men's and kid's clothing (Exhibit 99)
Sept. 29, 2020	Pittsburgh, PA	Heinz Field Stage AE Lot	WWAV Sponsors Drive-Thru Food Distribution and Voter Registration. Free Food and Meals (Exhibit 100)
Oct. 3, 2020	Milwaukee, WI	FISERV Forum	WWAV Sponsors Drive-Thru Food Distribution and Voter Registration. Free Food and Groceries (Exhibit 101)
Oct. 3, 2020	Minneapolis, MN	Willard Hay Parking Lot	WWAV Sponsors Drive-Thru Food Distribution and Voter Registration. Free Food and Groceries. (Exhibit 102)

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Date	Location	Event	Inducements to Register and Vote
Oct. 3, 2020	St. Paul, MN	Mount Olivet Baptist Church	WWAV Sponsors Drive-Thru Food Distribution and Voter Registration. Free Food and Groceries (Exhibit 102)
Oct. 15, 2020	Philadelphia, PA	Seven (7) Satellite Election Offices	Restaurants who Partnered with WWAV's Fuel the Vote provided free food and meals to voters in line at 7 satellite election offices (Exhibit 103)
Oct. 23, 2020	Online	Couch Party	WWAV is connecting with some of our favorite celebrities to encourage everyone to vote early. Entertainment by Common, DJ D-Nice, the City Girls, and Elaine Welteroth (Exhibit 104)
Oct. 24, 2020	Atlanta, GA	WWAV Early Voting Celebration Sites	"WWAV will meet you near early voting sites with food, music, & more." Food, Music, PPE and Voter Protection Support (Exhibit 105)
Oct. 24, 2020	Detroit, MI	WWAV Early Voting Celebration Sites	"WWAV will meet you near early voting sites with food, music, & more." Food, Music, PPE and Voter Protection Support (Exhibit 105)
Oct. 24, 2020	Las Vegas, NV	WWAV Early Voting Celebration Sites	Early Voting celebration with "free food, live music, and more!" (Exhibit 122)
Oct. 24, 2020	Los Angeles, CA	WWAV Early Voting Celebration Sites	"WWAV will meet you near early voting sites with food, music, & more." Food, Music, PPE and Voter Protection Support (Exhibit 105)

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Date	Location	Event	Inducements to Register and Vote
Oct. 24, 2020	Miami, FL	WWAV Early Voting Celebration Sites	Early Voting celebration with “free food, live music, and more!” (Exhibit 123)
Oct. 24, 2020	Milwaukee, WI	WWAV Early Voting Celebration Sites	“WWAV will meet you near early voting sites with food, music, & more.” Food, Music, PPE and Voter Protection Support (Exhibit 105)
Oct. 24, 2020	Minneapolis, MN	WWAV Early Voting Celebration Sites	Early Voting celebration with “free food, live music, and more!” (Exhibit 124)
Oct. 24, 2020	Orlando, FL	WWAV Early Voting Celebration Sites	“WWAV will meet you near early voting sites with food, music, & more.” Food, Music, PPE and Voter Protection Support (Exhibit 105)
Oct. 24, 2020	Philadelphia, PA	WWAV Early Voting Celebration Sites	“WWAV will meet you near early voting sites with food, music, & more.” Food, Music, PPE and Voter Protection Support (Exhibit 105)
Oct. 24, 2020	St. Paul, MN	WWAV Early Voting Celebration Sites	Early Voting celebration with “free food, live music, and more!” (Exhibit 124)
Oct. 24, 2020	Charlotte, NC	WWAV Early Voting Celebration Sites	“WWAV will meet you near early voting sites with food, music, & more.” Food, Music, PPE and Voter Protection Support (Exhibit 105)

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Date	Location	Event	Inducements to Register and Vote
Jan. 3, 2021	Atlanta, GA	Celebrate Georgia Concert	WWAV Get Out the Georgia Vote and Concert. Musical Performances by Monica, Rick Ross, DJ Drama, Jack Harlow, and Pastor Troy. WWAV co-chairs Michelle Obama, Janelle Monáe, Tracee Ellis Ross, Kerry Washington and Chris Paul also Featured. (Exhibit 107)

Table 3

Here are a few samples of WWAV offering something of value to register to vote or vote. From The March 27, 2020 Kick Off Rally announcement said, “When We All Vote will hold a contest to give away tickets to two people and their guests to meet Michelle Obama backstage at the event. The winners will also receive travel accommodations to Detroit. ... Approx. prize value is \$2,000. Subject to Official Rules” (Exhibit 88).

This is from the WWAV Raleigh-Durham, North Carolina Food and Voter Registration Drive press release. “When We All Vote will host “Fuel the Vote,” a food and voter registration drive to support North Carolinians impacted by the coronavirus pandemic and to ensure they are registered and ready to vote ahead of the November election” (Exhibit 93).

A reporter described the Atlanta WWAV Food and Voter Registration Drive as “a steady stream of cars that drove through the area as music pumped from speakers. Volunteers gave away children’s books, swag bags filled with Atlanta Falcons merchandise and sandwiches to people who drove through. Volunteer Michael Yancey beamed as he handed out boxes of food that included milk, butter, chicken and fresh fruit and vegetables” (Exhibit 95).

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This is from WWAV's Milwaukee Food and Voter Registration Drive press release: "Michelle Obama's When We All Vote (<https://www.whenweallvote.org/>) and the Milwaukee Bucks are teaming up to host Fuel the Vote (<https://www.whenweallvote.org/fuelthevote/>), a drive-up food distribution and voter registration drive, on Saturday, October 3, to support those impacted by the COVID-19 pandemic and ensure they are registered to vote ahead of the general election on November 3" (Exhibit 101).

What's interesting is that when WWAV described itself in its October 1, 2020 press release, the organization said nothing about feeding people, yet WWAV used food, groceries, and meals to attract people to its voter registration and GOTV drives in Atlanta, Detroit, Milwaukee, Phoenix, etc. "When We All Vote is a national, nonpartisan nonprofit that brings together citizens, institutions, brands, and organizations to increase participation in every election. Launched by Michelle Obama, the organization is committed to closing the race and age voting gap and empowering all eligible voters to cast their ballot by harnessing grassroots energy, establishing strategic partnerships, and implementing digital organizing strategies, with the ultimate goal of changing the culture around voting" (Exhibit 101).

WWAV exploited actors, entertainers, and musicians celebrity status as a means to attract people to their registration and GOTV events. The actors, entertainers, and musicians are professionals who are paid for the services. Some of the actors and entertainers WWAV employed to draw crowds are paid tens of thousands of dollars or more to make appearances at events. When people attended WWAV voter registration and GOTV events that was headlined with DJs, musicians, and entertainers, the professional entertainment was something of value attendees received for being present at WWAV's registration or GOTV events.

WWAV's strategy to attract audiences is similar to how PBS stations use famous musicians/bands, celebrity authors, and made for PBS specials to attract viewers and raise funds. Instead of drawing viewers to watch and donate to PBS stations, WWAV used actors, entertainers, and musicians to attract audiences to the organization's voter registration and GOTV events. For

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many of the WWAV events, the “entertainment value” that WWAV used to attract audiences to its registration and GOTV events had more value than the food, groceries, and sports gear that WWAV doled out at other voter registration and GOTV events.

Every single WWAV voter registration or GOTV event provided attendees with something of value. WWAV deliberately skirted the law by offering its guests something of value to attend its voter registration and GOTV events. WWAV deliberately offered inducements to draw a bigger crowd to every WWAV event.

WWAV’s Prize Money Corrupted High School Students

WWAV’s bribing high school students to register to vote is WWAV’s most disgusting and corrupt act. The high school students WWAV registered through its Prom Challenge were registering for an election for the first time. Thanks to WWAV’s bribe of up to \$5,000 to 20 high schools, WWAV initiated the high schoolers into the the voting process unlawfully. The students whom WWAV registered will have to live the rest of their lives knowing their initial voter registration was built on WWAV’s illicit contest.

WWAV’s Prom-athon advertisement to the high school students is as follows: “Your senior prom’s a big deal. So is voting for the first time. Prom Challenge is a new program created in partnership between When We All Vote and MTV’s +1thevote campaign, with support from Rent the Runway and other brands, to celebrate and recognize 20 high schools across the country for integrating voter registration into their schools in the most creative and impactful ways. The winners of the competition will receive up to \$5,000 to make their school’s prom dreams come true” (Exhibit 108).

WWAV primarily focused its high school voter registration drive in Democratic strongholds in the swing states of Arizona, Georgia, Michigan Pennsylvania, and Wisconsin. WWAV enlisted the help of local and state Democratic leaders to execute its plan of registering high schoolers in

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heavily Democratic cities. WWAV's "Honorary Prom-athon Chaperones" included the likes of Michigan's Democratic Governor Gretchen Whitmer, Phoenix, Arizona's Democratic Mayor Kate Gallego, Milwaukee, WI's Democratic Mayor Tom Barrett, and Philadelphia, PA's Democratic Mayor Jim Kenney (Exhibit 109).

According to WWAV, "More than four million young people will turn 18 before the 2020 general election" (Exhibit 121). WWAV's specifically targeted the voter registration of high schoolers, especially those students in Democratic cities in swing states. WWAV awarded its Prom-athon prize money to the high schools who registered the most voters. Here are some reasons WWAV declared these high schools Prom-athon winners. "Cass Technical High School (Detroit, MI) registered more than 400 students through pep rallies and other events." "Communication and Media Arts High School (Detroit, MI) created a Voting Squad and hosted two days of action that resulted in 99% of eligible students registering." "Valley High School (Las Vegas, NV) hosted events during lunch around voting, and about 250 students registered to vote." (Exhibit 121)

Most of WWAV's Prom-athon winners were in Democratic strongholds in swing states. Three Pennsylvania high schools received up to \$5,000 each for being a WWAV Prom-athon winner; Arizona and Michigan each had two WWAV Prom-athon winners; and Las Vegas, Nevada, Houston, Texas and Milwaukee, Wisconsin all had one WWAV Prom-athon winner in their heavily Democratic cities. Meadowcreek High school in Norcross, Georgia was also a Prom-athon winner (Exhibit 109). Norcross is in Gwinnett County where Biden soundly beat Trump.

WWAV paid for high school students proms prior to the presidential election. WWAV collected the names and contact information of the new high school voter registrants. When the November election occurred, WWAV reminded the high schoolers whose proms WWAV paid for to make sure that they voted. WWAV's newly minted voters voted Biden because the new voters lived in heavily Democratic cities.

WWAV Targeted Democratic Strongholds in Swing States For Its Events

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Table 4 list the names of 12 cities that WWAV held voter registration or GOTV events. WWAV held both voter registration drives and GOTV events in the cities of Atlanta, Charolette, Detroit, Miami, Milwaukee, Orlando, and Philadelphia. Columns 2 and 3 list the number of votes Joe Biden and Donald Trump received. Column 4 and 5 list Biden and Trump's percentage of the vote.

To view the source of each city's vote totals, click on the link in Column 1. When a city's vote total could not be found separate from the county that the city is in, the county vote total was used. One thing is clear from Table 4, Joe Biden won all 12 cities or counties where WWAV held voter registration and GOTV events.

Voting Results Where WWAV Held Events

City	Biden Votes	Trump Votes	Biden	Trump
Atlanta	381,144	137,240	72.64%	26.15%
Detroit	240,936	12,889	93.93%	5.02%
Charlotte	378,107	179,211	66.68%	31.60
Durham	144,688	32,459	80.42%	18.04%
Miami	617,864	532,833	53.31%	45.98%
Milwaukee	194,661	48,414	78.83%	19.60%
Minneapolis	532,623	205,973	70.46%	27.25%
Orlando	395,014	245,398	60.85%	37.80%
Philadelphia	604,175	132,870	81.21%	17.85%
Pittsburgh	430,759	282,913	59.43%	39.02%
Phoenix	1,040,774	995,665	49.81%	47.65%
St. Paul	211,620	77,376	71.50%	26.14%

Table 4

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All of the cities that Biden won in Table 4 over performed the statewide Biden vote. For example, Biden won the City of Detroit with 93.93% of the vote. Biden won the entire state of Michigan with 50.6% of the vote. Thanks to the support of WWAV, the City of Detroit over performed the Biden Michigan state vote by 43.33% (Detroit Biden vote of 93.93% - Biden State of Michigan vote of 50.6% = 43.33%). Biden received 81.21% of the vote in the City of Philadelphia and Biden garnered 50.1% of the vote in the entire state of Pennsylvania. Biden's Philadelphia vote over performed the Biden's Pennsylvania state vote by 31.11%. Biden won the City of Milwaukee with 78.33% of the vote and the entire state of Wisconsin with 49.4% of the vote. Biden's Milwaukee vote over performed the Biden State of Wisconsin vote by 29.93%.

WWAV concentrated its voter registration and GOTV activities in the cities listed in Table 4 because WWAV's geopolitical experts identified these 12 cities as the best cities to increase Biden votes in critical states like Georgia, Michigan, Pennsylvania, and Wisconsin.

The Number of Counts Against WWAV

There are two distinct ways to look at the number of times WWAV provided something of value for registering to vote and voting. One way to determine the number of WWAV counts is to view each WWAV *event* as a separate count. Another way to establish the number of WWAV counts is to count each time WWAV registered a person at a WWAV event in which WWAV provided each attendee with something of value. For example, WWAV hosted a Pennsylvania Couch Party on May 21, 2020. WWAV's goal for this event was to reach 250,000 Pennsylvania voters and have them register (Exhibit 90). Since WWAV offered its Pennsylvania Couch Party attendees something of value for its May 21, 2020 event, should WWAV be charged with one count for hosting the event or 250,000 counts for the number of people that the WWAV event drew and registered by providing a free concert from top-notch entertainers?

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Violators of 52 U.S.C. § 10307(c) may receive up to a \$10,000 fine and five years in prison for offering something of value for voter registration or voting. Michelle Obama, WWAV's founder and Co-Chair, received her juris doctorate degree from the Harvard Law School; Valerie Jarrett, WWAV's President, from the University of Michigan's Law School; and Tina Tchen, WWAV's Treasurer, from Northwestern University's Law School. Besides WWAV having three lawyers from America's top law schools, WWAV officers and key employees combine for hundreds of years of political campaign experience. Given WWAV's vast political experience and knowledge of campaign law, WWAV should have known better than to offer money, food, meals, clothes, sports memorabilia, raffle prizes, and entertainment at 40 WWAV events to entice citizens to register and to vote.

Politicians who are elected to office are taught to keep the offer of providing government service separate from soliciting campaign donations. For example, if a business person goes to the local politician's office seeking a zoning change, the politician will make sure the subject of campaign contributions is not discussed during the zoning change meeting. Keeping the zoning change separate from campaign donations avoids the appearance of impropriety. Similarly, WWAV should have kept the advertisements for its food drive separate from the advertisement for its voter registration drive. The same is true for WWAV's actual events. To avoid the appearance of WWAV offering something of value for registering to vote, WWAV should have held its food drives as separate events from WWAV's voter registration drives.

WWAV's Massive and Unprecedented Digital Campaign

In 2014 the Government Accountability Institute filed a **FEC complaint** against Obama for America, Obama Victory Fund, etc. The FEC complaint stated, "The Obama Campaign created the most complex and innovative system for voter and donor identification ever devised in the history of presidential campaigns. ... [Obama's] team of specialists produced and used extensive data gathering software and multiple databases and cross-referencing systems to ensure the Obama Campaign knew as much about every potential voter or donor as possible including

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substantial information about every potential voter's network of friends, relatives and co-workers" (Click [here](#) and see pages 6-7).

WWAV's ability to identify voters and communicate with them dwarfs what Michelle Obama's husband Barack's campaign did in 2012. Because of the explosion of social media and the improvement in personal and political information gathering, WWAV's digital reach far exceeded anything the Obama presidential campaign could have done 9 years ago. To understand the magnitude of WWAV's social media power, look no further than WWAV's co-chairs' social media presence. Table 5 below lists WWAV's co-chairs and their 500 million Twitter and Instagram followers.

WWAV Co-Chair	Instagram Followers (In Millions)	Twitter Followers (In Millions)
Michelle Obama	46.3	15.1
Selena Gomez	238.2	64.9
Tom Hanks	9.5	16.4
Faith Hill	1.3	1.1
Lin-Manuel Miranda	1.7	3.5
Janelle Monae	3.9	3.8
Liza Koshy	19.2	2.9
Chris Paul	10.3	8.3
Megan Repinoe	2.2	0.92
Shonda Rhimes	2.0	1.9
Tracee Ellis Ross	10.3	1.3
Kerry Washington	6.4	5.5
Rita Wilson	1.0	0.46
Total WWAV Co-Chair Followers	352.3	126.08

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Table 5

Within seconds, WWAV co-chairs posted a comment or advertisement for one of its events and the WWAV message or ad was seen by millions. To reach wider audiences, a WWAV co-chair posted or retweeted other WWAV co-chairs' Instagram and Twitter messages on their accounts. No wonder why Joe Biden sought Michelle Obama's help in enlisting celebrities to aid the Biden campaign (Exhibit 17).

Because of WWAV Co-Chair Selena Gomez's huge social media following, 4.96 million people viewed her interview with Kamala Harris (Exhibit 25); 2.5 million people watched WWAV Co-Chair's Liza Koshy interview Joe Biden (Exhibit 53), and one-half million people viewed WWAV's Co-Chair Megan Ripinoe's interview with Jill and Joe Biden (Exhibit 62). Tom Hanks Instagram post promoting voter registration received over 1.44 million views (Exhibit 110). On the other hand, Tom Hanks' other Instagram posts told his followers to vote for Joe Biden.

WWAV bragged about its digital prowess on its website (Exhibit 111). Here is WWAV explaining its digital tactics. "This meant not only using every digital tool for both organizing and information sharing — TikTok, Snapchat, Twitter, Instagram, Facebook, digital ads, email, broadcast SMS, and peer-to-peer texting — but investing in digital from the top and developing a strategy that used these tools in a targeted and culturally relevant way. This included:"

- "Building massive volunteer texting teams on Slack
- Engaging both big-name celebrities and hundreds of lifestyle micro-influencers
- Plugging into the latest TikTok and meme trends and Gen Z focused platforms
- Using the digital reach from big brand and community partnerships
- Building out livestream parties on Zoom and IG Live that mixed special guests, music, and volunteer trainings together to keep the momentum going

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- Plugging into big cultural moments (online of course!) including music festivals like Roots Picnic and Lollapalooza, and the biggest trends on IG like joining in on DJ D-Nice's 'Club Quarantine' and even dropping into the Verzuz battles" (Exhibit 111).

WWAV's comprehensive and sophisticated digital strategy above has all the earmarks of a political campaign that nonpartisan, nonprofit organization's are prohibited from engaging in. Taking into account all of WWAV's social media messages combined with offers of meal, groceries, entertainment etc., WWAV far exceeded voter registration and GOTV campaigns that nonprofits, political candidates and organizations had ever previously waged.

WWAV Co-Chair and Founder Michelle Obama was the main WWAV celebrity who recruited other celebrities to increase voter registration and voting in predominately Democratic communities. "Former first lady Michelle Obama hosted a call Thursday between When We All Vote, the voter registration group she co-chairs, and influencers including Myrick, YouTuber Patrick Starr, former Team USA gymnast Josh Dixon, model and YouTuber Taylor Phillips and activist Nadya Okamoto. The call encouraged the influencers to use their platforms to reach people who are not registered to vote and to ensure that everyone has a plan to vote, according to the group (Exhibit 112)." Obama chose to partner with Myrick, Starr, Dixon, Phillips, and Okamoto because followers of these influencers are far more likely to be Democratic and Biden supporters.

Laura Miller was director of Online Engagement in the Obama White House. Michelle Obama recruited her for the all-important job of WWAV's digital director. "'A lot of what we do is online,' says Miller. 'We're building online communities, but we're also partnering with local organizations on the ground.' It is this seamless connection of offline and online activity that allows volunteers to act local but feel connected to the larger movement" (Exhibit 117).

WWAV's 12 food and voter registration drives between August 29 and October 3 were also WWAV data collection events. Before WWAV attendees received their WWAV food handouts,

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they had to provide their personal information of name, address, phone number, and email address. WWAV voter registration deliberately occurred before WWAV's food distribution because the order of voter registration, then food distribution insured WWAV gathered the personal information of its attendees. Once WWAV acquired attendees's personal information at its food and voter registration drives, WWAV sent them texts and emails with information of other WWAV events and reminders to voter early or vote on election day.

By requiring people to register for its online and other in-person events, WWAV acquired personal information from the attendees at all of its events. For example, people who wanted to attend the WWAV's May 21, 2020 Pennsylvania Couch Party had to register with WWAV before joining the event (Exhibit 90). WWAV's Prom-athon required registrants to provide WWAV with their email address and zip code to start the WWAV Prom-athon registration process (Exhibit 109). The WWAV Celebrate Georgia Concert required tickets to attend the event. Before concert goers showed their tickets to enter the WWAV concert, they provided WWAV with their personal information to receive concert tickets. Furthermore, when one person signed up for a WWAV event, WWAV tried to have the one person signing up recruit three more other people.

WWAV Unlawful Early Voting Celebrations

Michelle Obama who is a second generation Chicago Political Machine politician had WWAV employ Chicago Political Machine methods. Milton Rakove's book "**We Don't Want Nobody Nobody Sent**" described how the Chicago Machine successfully operated for so many years. Every person who entered Chicago politics was required to have a political sponsor that he or she was beholden too. As with the Chicago machine, WWAV asked its followers to recruit additional WWAV followers; WWAV referral method fueled the organization's exponential growth. Instead of using the Chicago Machine terms of assistant precinct captains or precinct captains, WWAV used "voting squad captains" (Exhibit 114).

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WWAV required voting squad captains to fill out applications and recruit at least three people for the captains' voting squads. WWAV provided voting squad captains with training and access to WWAV's nationwide network and "highly motivated organizers" (Exhibit 114).

WWAV's voting squad captains also provided WWAV with the personal information of its voting squad members. WWAV's voting squads created a very reliable source for gathering personal and political information.

On October 24, 2020 WWAV began hosting early voting celebrations in eight predominantly Democratic cities (Exhibits 105 and 106). Please note in Exhibit 105, WWAV's ad for seven of the eight cities reads, *Grab Your #VotingSquad. Vote Safely Together.*"

WWAV early voting celebrations included "Free Food, Music, and More." WWAV deliberately omitted the location of the early voting celebrations on WWAV ads because WWAV wanted to identify and have a means to communicate with the early voters WWAV recruited. WWAV purposely held its early voting celebrations in heavily Democratic precincts and zip codes in heavily Democratic cities to increase the Democrat vote. Furthermore, when WWAV invited early voters to its vote early celebrations, WWAV knew the Democratic voting preferences of its invitees.

There are eight reasons why WWAV's early voting celebrations were illegal.

1. The invitation to attend the WWAV early voting celebrations were screened, exclusive to WWAV devotees, and not available to the general public.
2. In order to learn the location and attend the WWAV early voting celebrations, attendees first had to register and provide their information to WWAV.
3. Only those voters who went through WWAV's registration process could attend WWAV's early voting celebrations.
4. WWAV used its voting squads and digital media to solicit and offer exclusive invitations to WWAV early voting celebrations.

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5. WWAV made sure voters attending its early voting celebrations either voted or intended to vote before WWAV extended invitations to them.
6. WWAV early voting celebration ads do *not* include the number of events that WWAV held at each specific early voting celebration location.
7. WWAV early voting ads do *not* include the number of WWAV early voting locations in the cities where WWAV sponsored early voting celebration events.
8. WWAV offered something of value, namely entertainment, food, and music to the voters who attended the WWAV early voting celebrations.

WWAV ads for its early voting celebrations state that WWAV used multiple WWAV voting celebration locations in the cities of Atlanta, Charlotte, Detroit, Las Vegas, Miami, Milwaukee, Minneapolis, Orlando, Philadelphia, and St. Paul (Exhibits 122 thru 130). WWAV only invited the voters who registered on its website to WWAV early voting celebrations (Exhibit 125). Because WWAV only disclosed the early voting celebration locations to the voters who registered on WWAV's website, the exact locations WWAV early voting celebrations are unknown. Nonetheless, WWAV's ads reveal that WWAV held early voting celebrations at multiple locations in the 10 heavily Democratic cities where WWAV sponsored its early voting events.

Michelle Obama Conspired with Two other Nonprofits to Support Joe Biden

Tianna Epps-Johnson, the Executive Director for the Center for Tech and Civic Life (CTCL), completed her two year Obama Foundation fellowship a few short weeks before Epps-Johnson initiated CTCL's first election grants to the state of Wisconsin's five largest cities. During her Obama Fellowship, Epps-Johnson described what she saw as the problems with voting in America: "Nonvoters are younger, more racially diverse, lower-income, and less educated than their voting counterparts, and their absence at the polls keeps government from representing the whole nation." (Exhibit 118). When Epps-Johnson and CTCL distributed \$350 million in

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election grants, Epps-Johnson hid her true motives of closing the age and race voting gaps behind the ploy of CTCL providing election grants to combat COVID-19.

As with CTCL, WWAV gave the identical reasons of closing the age and race voting gaps for the organization's mission on its IRS form 990: WWAV is a "nonpartisan organization that is on a mission to increase participation in every election to close the age and race gap" (Exhibit 2). WWAV closing the age and race gap was also behind WWAV's creation of WWAV's Civic Cities: "Civic Cities encourages and supports mayors to take a leading role in closing the voting race and age gap and fundamentally shift the culture around voting in every election, from school board races to federal elections" (Exhibit 84). Based on the geographical locations of WWAV's in-person events, WWAV was only interested in closing the age and race gaps in Democratic cities.

Both CTCL and Michelle Obama relied heavily on social media to close the voting age and race gaps. CTCL encouraged and trained its grant recipients in the use of social media to register voters and GOTV. Epps-Johnson wrote in her Obama Foundation "Approach" that social media is one of the solutions to resolving voter age and race gaps (Exhibit 118). Michelle Obama deliberately recruited 12 famous people with huge social media followings as WWAV co-chairs. The WWAV celebrity co-chairs provided WWAV instant access to their 500 million Instagram and Twitter followers.

Michelle Obama was one of the decision makers who selected Epps-Johnson as a Obama Foundation fellow. For two years the Obama Foundation trained Epps-Johnson to incorporate what she was taught at the Obama Foundation in with her work at CTCL. Michelle Obama met with Epps-Johnson during the Obama Foundation round table discussions. Because of Epps-Johnson two year Obama Foundation Fellowship, it is not surprising that both Epps-Johnson's CTCL and Michelle Obama's WWAV were on the same mission of closing the age and race voting gaps.

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Michelle Obama and Arnold Schwarzenegger worked together for a “**Vote or Miss Out**” ABC TV special on September 14, 2020. Previously Obama and Schwarzenegger appeared in a **promotional video**. A few weeks later Schwarzenegger donated \$2.5 million to the USC Schwarzenegger Institute for the purpose of redistributing Schwarzenegger’s \$2.5 million donation as election grants. Schwarzenegger said he was making his election grants only available to counties with a history of racial discrimination, namely those counties that were formerly covered by the Voting Rights Act, Section 5. Schwarzenegger said, “These grants are completely non-partisan and will be offered to those who demonstrate the greatest need and ability to close gaps in voting access” (Exhibit 119). As with Epp-Johnson and CTCL, Schwarzenegger used his USC Schwarzenegger Institute’s nonprofit financial resources to close the voting race gap shortly after working with Michelle Obama.

There are 159 counties in the State of Georgia. In the 2020 presidential election, 30 counties voted for Joe Biden and 129 voted for Donald Trump. All 10 of Schwarzenegger’s Georgia election grants went to Democratic counties that Joe Biden won. Given the incredible odds against Schwarzenegger’s 10 Georgia election grants only going to Democratic counties that Joe Biden won, Schwarzenegger’s Georgia election grants were not randomly selected as he claimed. Complainant alleges that Michelle Obama or one of Michelle Obama’s designees directed Schwarzenegger to award his election grants to the 10 specific Georgia Democratic counties that received them.

Complainant had previously filed FEC complaints against CTCL, the USC Schwarzenegger Institute and both organizations’ principle officers. The USC Schwarzenegger Institute, CTCL, and WWAV mainly focused their resources in heavily Democratic cities and counties to help Joe Biden win the 2020 presidential election. Michelle Obama is the common link between the three organizations. Because of the common bond of Michelle Obama and the similarity of the USC Schwarzenegger Institute, CTCL, and WWAV’s mission and methods, the FEC should consider the collective relationship of the three nonprofit organizations in the determination of whether or not these organizations committed any violations.

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Complainant acknowledges the horrors of American slavery and the ensuing racial discrimination that went on for decades once slavery ended. Complainant admits racial discrimination continues to a lesser degree today, and he is strongly opposed to any form of discrimination. However, past and present racial discrimination doesn't give the USC Schwarzenegger Institute, CTCL, or WWAV the right to violate federal election laws and infringe upon voters' civil rights in their quest for racial justice.

Michelle Obama's Failure to Fight Chicago Election Fraud and Police Torture

Michelle Obama's father was a Chicago Democratic machine precinct captain (Exhibit 120). She campaigned door to door with her father who had to win his precinct for Democratic candidates or risk losing his City of Chicago political job. As an adult, Michelle Obama worked directly underneath the boss of the Chicago political machine. Obama was a mayoral aide to Mayor Richard M. Daley. Obama left the mayor's office after Daley appointed her assistant commissioner of the Chicago Department of Planning and Development.

In 1969 **Attorney Michael Shakman filed a federal court** lawsuit against a number of Chicago and Cook County Democrats. Elected Democrats were using a patronage system in which government employees had to campaign for Democratic candidates to first obtain their political jobs, and after they were hired, they had to continue performing political work to retain their political jobs. Shakman reached agreements to end patronage with several local government bodies. Because Chicago and Cook County Democrats repeatedly violated their federal court agreements, federal court judges appointed monitors to oversee the personnel policies and practices of eight Chicago area governmental bodies. The job of the federal court monitor was to stop patronage and protect the civil rights of government job applicants, government employees, political candidates, and voters.

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Federal court judges installed monitors to watch over nearly every government body in the Chicagoland area (see list below). Each time a judge assigned a federal court monitor, a Democrat was in charge of the governmental body. More than 50 years after Shakman filed his original case, in April 2020 United States Magistrate **Judge Sidney I. Schenkier appointed a monitor** to oversee the Cook County Clerk's office because the Clerk's office violated the original and supplemental federal court agreements.

1. **City of Chicago**
2. **Chicago Park District**
3. **Cook County Government**
4. **Clerk of the Circuit Court of Cook County**
5. **Cook County Sheriff**
6. **Cook County Clerk**
7. **Cook County Assessor**
8. **Forest Preserve of Cook County**

The greatest number of Shakman violations was committed by Michelle Obama's old boss, Richard M. Daley. From 1988 until 2004 the Daley administration hired thousands of city employees in exchange for their commitment to campaign for political candidates backed by Daley. The covert and unlawful patronage system ended when FBI agents raided city hall and uncovered evidence that led to the convictions of 60 people. During federal court criminal trials, testimony revealed that Daley's patronage workers campaigned for Democratic candidates for president, Illinois governor, U.S. Senator, U.S. congress, state senator, state representative, Chicago mayor and aldermen. Federal Court Judge Wayne A. Andersen awarded Complainant \$75,000 because the Chicago Machine violated his civil rights when he was a candidate for alderman.

In 2003 Federal Court Judge Wayne A. Andersen selected Noelle Brennan to monitor the City of Chicago for patronage abuses. The cost to rid Chicago of illicit patronage was over \$200 million

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and *nine years* of federal court supervision. By the way, Michelle Obama worked for Mayor Daley when the Daley administration violated the civil rights of hundreds of thousands of voters multiple times.

America's worst police abuse scandal (**1972 to 1991**) occurred in the City of Chicago. Jon Burge was a detective commander on the South Side of Chicago. Burge's unit was assigned mainly to African American neighborhoods. To obtain confessions, Burge and his crew used several methods of torture until African Americans admitted to crimes regardless of whether or not they were guilty. For Burge to achieve his goal of a confession, some suspects experienced torture that lasted for days.

Burge's Methods of Police Torture

- Beatings
- Suffocation by Sealing Suspects Heads in Plastic Bags
- Cigarettes and Scalding Hot Radiators to Burn Suspects
- Sleep Deprivation to Inflict Physical and Psychological Torture
- Cattle Prods to Administer Electrical Shocks
- Guns and Shotguns Placed in Suspects Mouths

The Better Government Association and Northwestern University, determined that taxpayers spent \$214 million for wrongful convictions. According to their study if we add together the number of years these wrongfully convicted men spent in prison, they will have lost a combined 926 years. While 85 innocent men languished in prison, the real criminals committed 14 murders, 11 sexual assaults, 10 kidnappings and at least 59 other felonies. Before Daley became mayor of Chicago, Daley was the Cook County State's Attorney who was in charge of the wrongful convictions of many suspects whom Burge tortured.

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In 2002 Edward Egan was appointed special prosecutor to investigate the allegations of police torture. After four years of investigating Burge and his men, the investigation concluded that in three of the cases, Daley's state's attorney's office could have proved police torture beyond a reasonable doubt. Although there was ample evidence to convict, the special prosecutor determined that they could not charge the officers for torturing suspects because Daley had let the statute of limitations run out.

The Chicago area election rigging and the Burge torture scandals are relevant to this FEC complaint because it reveals Michelle Obama's political leanings and motivations. Michelle Obama has neither publicly criticized her old boss for fixing elections for 16 years, nor has she publicly condemned former state's attorney Daley for his role in Burge's torture of 200 or more mainly African American police suspects. Obama's silence on these matters reveal her true political nature far more than anything she can say. Obama has failed to speak out on countless cases of Chicago civil rights abuses and 200 police torture cases because it requires her to take her Democratic political allies and cronies to task. On the other hand, Obama is quick to judge and criticize Republicans, especially Donald J. Trump.

As Michelle Obama has consistently done in her hometown of Chicago since she was child, Obama founded WWAV for the purpose of helping Democrats like Joe Biden win nationwide political offices. Instead of employing illegal patronage like her old political boss Richard M. Daley, Obama is using the guise of a nonprofit, nonpartisan organization to establish her own dominant Democratic political machine.

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MEMORANDUM

TO: Speaker Robin Vos
FROM: Michael Gallagher, senior coordinating attorney
DATE: July 7, 2021
SUBJECT: Legislative subpoenas

On March 23, 2021, the Wisconsin Assembly directed the Assembly Committee on Campaigns and Elections (Elections Committee) to investigate the administration of recent elections in this state.¹ Then, on May 21, 2021, the Committee on Assembly Organization passed a motion authorizing the speaker to hire legal counsel and employ investigators to assist the Elections Committee in its investigation.

You have asked for a summary of how legislative subpoenas compelling witness testimony or the production of documents may be issued in connection with the Election Committee's investigation and how immunity from liability is obtained for witnesses compelled to testify or produce documents in the course of the investigation.

Inherent legislative authority to conduct investigations and issue subpoenas

The legislature has inherent and "broad discretionary power to investigate any subject respecting which it may desire information in aid of the proper discharge of its function to make or unmake written laws, or perform any other act delegated to it by the fundamental law, state or national."² Such an investigation may be carried out "by a joint committee, or by a committee of either or both houses acting independently, or . . . in any other manner which to [the legislature] might seem most convenient and proper."³

¹ See 2021 Wis. AR 15, as shown by 2021 Wis. ASA 2.

² *Goldman v. Olson*, 286 F. Supp. 35, 43 (W.D. Wis. 1968) (quoting *State ex rel. Rosenhein v. Frear*, 138 Wis. 173, 176-77, 119 N.W. 894, 895 (1909)). See also *In re Falvey*, 7 Wis. 630, 638 (1858) ("I have no doubt of the [constitutional] power of the legislature to investigate the matters named in the joint resolutions."); *Mason's Manual of Legislative Procedure* (Denver, CO: NCSL, 2020), Sec. 795 (1) ("[The] right of a legislative body to make investigations in order to assist it in the preparation of wise and timely laws must exist as an indispensable incident and auxiliary to the proper exercise of legislative power.") *Mason's Manual* is the primary authority on legislative parliamentary procedures in the states.

³ *In re Falvey*, 7 Wis. at 638.

The legislature's inherent investigative power "carries with it the power in proper cases to compel the attendance of witnesses and the production of books and papers by means of legal process."⁴

Rules governing the issuance of legislative subpoenas in Wisconsin

In Wisconsin, the rules governing legislative subpoenas are largely established by statute.⁵ Any subpoena issued in connection with a legislative investigation must be signed by the presiding officer and the chief clerk of the house, in this case, the assembly.⁶ The "presiding officer" is the representative who opens and presides over the daily sessions of the assembly.⁷ The presiding officer in the assembly is almost always the speaker or the speaker pro tempore, but the presiding officer may also be the majority leader or his or her designee, for example, if the speaker and speaker pro tempore are temporarily absent.⁸

A legislative subpoena may be issued to compel the testimony of any witness or the production of documents and other records.⁹ Additionally, a legislative subpoena "may require such attendance forthwith or on a future day," may be served by any person, and must be returned to the chief clerk in the same manner as subpoenas from the circuit court are served and returned.¹⁰

The subpoena itself must state "when and where, and before whom, the witness is required to appear" and may designate the "books, records, documents and papers" that must be produced. Finally, subpoenaed witnesses appearing before a committee receive as compensation "\$2 for each day's attendance and 10 cents per mile, one way, for travel to attend as such witness."¹¹

Witness immunity

Wis. Stat. § 13.35 provides use immunity to any person compelled to testify or produce documents before a house or committee of the legislature. Specifically, no testimony the person gives nor document or other record the person produces "shall be competent testimony or be used in any trial or criminal proceeding against such person in any court."¹² Wis. Stat. § 13.35 also on its face provides immunity from prosecution "for any fact or act touching which the person is required to testify,"¹³ but Wis. Stat. § 972.085 limits immunity from liability under

⁴ *Mason's Manual*, *supra* note 2, Sec. 795 (5). See also *In re Falvey*, 7 Wis. at 641–42 (upholding confinement for failure to appear pursuant to a legislative subpoena). With respect to the enforcement of legislative subpoenas, see Wis. Stat. §§ 13.32 to 13.34, as well as Wis. Stat. §§ 13.26 (1) (c) (contempt for refusal to testify or produce documents) and 13.27 (punishment for contempt).

⁵ See Wis. Stat. §§ 13.31 to 13.36.

⁶ Wis. Stat. § 13.31.

⁷ Assembly Rules 3m (1) (a) and 95 (57m).

⁸ Assembly Rule 4. Assembly Rule 4 provides a complete line of succession in the event of temporary absences of officers and certain members.

⁹ Wis. Stat. § 13.31.

¹⁰ *Id.* See also Wis. Stat. § 885.03 ("Any subpoena may be served by any person by exhibiting and reading it to the witness, or by giving the witness a copy thereof, or by leaving such copy at the witness's abode.").

¹¹ Wis. Stat. § 13.36.

¹² Wis. Stat. § 13.35 (1).

¹³ *Id.*

Wis. Stat. § 13.35, as well as under numerous other statutes, to “immunity only from the use of the compelled testimony or evidence in subsequent criminal or forfeiture proceedings, as well as immunity from the use of evidence derived from that compelled testimony or evidence.”

Nevertheless, a person compelled to testify before a house or committee of the legislature may be prosecuted for committing perjury in giving such testimony and may not refuse to testify or produce subpoenaed documents on the grounds that the testimony or documents “may tend to disgrace the person or otherwise render the person infamous.”¹⁴

Conclusion

The legislature has inherent power to conduct investigations in connection with its lawmaking function and to undertake certain actions in carrying out those investigations, including issuing subpoenas to compel testimony and the production of documents. Additionally, the Wisconsin Statutes establish rules governing legislative subpoenas in Wisconsin and provide use immunity to witnesses who are compelled to testify or produce documents in a legislative investigation, such as the Election Committee’s investigation into the conduct of recent elections in this state.

I hope this information is helpful. Please let me know if the LRB can provide any additional assistance.

¹⁴ In the absence of immunity from prosecution, the Fifth Amendment right against self-incrimination very likely still applies to witnesses subpoenaed to testify before a committee or house of the legislature.

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TO: Speaker Robin Vos

FROM: Rick Champagne, chief
Michael Gallagher, senior coordinating attorney
Sarah Walkenhorst Barber, senior legislative attorney

DATE: August 5, 2021

SUBJECT: Legislative committee investigation process

On March 23, 2021, the Wisconsin State Assembly directed the Assembly Committee on Campaigns and Elections (Elections Committee) to “investigate the administration of elections in Wisconsin, focusing in particular on elections conducted after January 1, 2019.”¹ On May 21, 2021, the Committee on Assembly Organization adopted a motion authorizing the assembly speaker, on behalf of the assembly, to hire legal counsel and employ investigators to assist the Elections Committee in its investigation. Speaker Robin Vos retained former Supreme Court Justice Michael Gableman to assist the Elections Committee in its investigation, eventually assigning him the role of special counsel.

You have asked us to discuss the process for conducting a legislative committee investigation. It has been more than half a century since the state legislature last employed a full-fledged committee investigation of this kind.² Neither the Wisconsin Statutes nor the assembly rules provide a comprehensive process for conducting a legislative investigation—there is no road map. To be sure, there are constraints on committee investigations that we will discuss in this memorandum. These constraints relate to the issuance and enforcement of subpoenas, the application of Wisconsin’s open meetings law to legislative committee hearings, and the privileges and constitutional rights of witnesses.

However, it is equally important to note that the legislature’s power to conduct investigations is coextensive with its power to legislate, which is plenary. Committee investigations are essential for the lawmaking process and for the legislature to carry out its oversight duties. The power to conduct investigations includes the power to determine the scope and manner of investigations. So long as the legislature acts within the boundaries of the legal constraints on the conduct of

¹ 2021 Wis. AR 15, as shown by [ASA 2](#).

² See [Goldman v. Olson](#), 286 F. Supp. 35 (W.D. Wis. 1968).

investigations, the legislature may establish whatever process it considers most efficacious to achieve its legislative goals.

Broad legislative power to conduct investigations

The Wisconsin State Legislature's legislative power is plenary, limited only by the Wisconsin Constitution, the United States Constitution, and, under the supremacy clause, federal law.³ That plenary power includes broad authority to conduct investigations as the legislature sees fit in the furtherance of its legislative functions. Investigations allow the legislature to determine the necessity for new or amended laws, as well as provide for checks and balances over the actions of other branches of state government.

It is well established that the state legislature has inherent and “broad discretionary power to investigate any subject respecting which it may desire information in aid of the proper discharge of its function to make or unmake written laws, or perform any other act delegated to it by the fundamental law, state or national.”⁴ Without the ability to investigate or conduct hearings on proposed legislation, the legislature may not have the information necessary to carry out its constitutional obligations. Legislative investigations of one sort or another are the precursor for informed legislation. For that reason, the state legislature has “a constitutional right” to conduct investigations.⁵

Additionally, “the manner of conducting [a legislative] investigation, rests . . . entirely in the sound discretion of the legislature.”⁶ As the Wisconsin Supreme Court reasoned in its early years, in 1858: “For if the legislature have the power to investigate at all, it has the power of choosing how the investigation shall be had.”⁷ Once the legislature has decided on the necessity of an investigation, it is within its core constitutional powers for the legislature to determine how the investigation would be conducted. As the Wisconsin Supreme Court further noted, a legislative investigation may be carried out “by a joint committee, or by a committee of either or both houses acting independently, or . . . *in any other manner which to [the legislature] might seem most convenient and proper.*”⁸ Finally, the Wisconsin Supreme Court has repeatedly stated—most recently in 2019—that it “will not, under separation of powers concepts and affording the comity and respect due a co-equal branch of state government, interfere with the

³ See *State ex rel. McCormack v. Foley*, 18 Wis. 2d 274, 277 (1962) (“The framers of the Wisconsin Constitution vested the legislative power of the state in a senate and assembly. The exercise of such power is subject only to the limitation and restraints imposed by the Wisconsin Constitution and the Constitution and laws of the United States.”); *Libertarian Party v. State*, 199 Wis. 2d 790, 801 (1996) (“Our legislature has plenary power except where forbidden to act by the Wisconsin Constitution.”); *Town of Beloit v. County of Rock*, 2003 WI 8, ¶ 23 (“The Legislature has plenary power to act except where forbidden by the Wisconsin Constitution.”).

⁴ *Goldman*, 286 F. Supp. at 43 (quoting *State ex rel. Rosenhein v. Frear*, 138 Wis. 173, 176–77 (1909)).

⁵ *In re Falvey*, 7 Wis. 630, 638 (1858).

⁶ *In re Falvey*, 7 Wis. at 638.

⁷ *Id.*

⁸ *Id.* (emphasis added).

conduct of legislative affairs.”⁹ Investigations are essential legislative affairs. For this reason, the court’s noninterference doctrine applies to the manner in which the legislature chooses to conduct its investigations. The legislature determines the process for conducting its investigations.

General process governing legislative committee investigations

2021 Assembly Resolution 15 directs the Elections Committee to investigate the administration of Wisconsin elections, focusing in particular on elections held after January 1, 2019. The resolution does not establish a process or set constraints for the Elections Committee to conduct its investigation. Assembly rules also do not specify how committee investigations are to be conducted, other than that the speaker must issue subpoenas with the countersignature of the assembly chief clerk.¹⁰ Moreover, the Wisconsin Statutes do not lay out a process for committee investigations, except with respect primarily to the issuance and enforcement of subpoenas, as discussed further below.¹¹ For these reasons, the Elections Committee determines the ground rules for the conduct of committee proceedings, including investigations, subject only to applicable law and legislative rules.

The Wisconsin Legislature has a committee system characterized by strong committee chairpersons. Committees typically meet at the call of their chairpersons and conduct committee proceedings as directed by the committee chairperson, who may set committee procedures by directive or may allow the committee by majority vote to set its procedures. If the Elections Committee chairperson establishes the procedures for conducting the committee investigation by directive, the chairperson may decide when the committee will convene, how committee members may participate in the proceedings, and who will be required or invited to testify before the committee.

The Elections Committee chairperson may request special counsel to take actions all necessary for the committee to conduct its investigation, including taking depositions or questioning witnesses before the full committee when it meets. With respect to depositions, it should be noted that it is contempt for a person to refuse “to attend or be examined as a witness, either before the house or a committee, *or before any person authorized to take testimony in legislative proceedings.*”¹² Pursuant to Committee on Assembly Organization action, the special counsel is retained by the speaker on behalf of the entire assembly. Because the speaker must approve all contractual arrangements with the special counsel, which includes issues relating to the scope of representation, the manner in which the special counsel assists the committee is determined entirely by the speaker. The speaker determines the types of legal and investigatory services the

⁹ League of Women Voters of Wis. v. Evers, 2019 WI 75, ¶ 36 (quoting State ex rel. La Follette v. Stiitt, 114 Wis. 2d 358, 368 (1983)).

¹⁰ Assembly Rule 3 (1) (o).

¹¹ This is in contrast to some states, such as Maine, whose statutes establish rules and procedures governing a legislative committee’s investigative process and questioning of witnesses. See Me. Rev. Stat. tit. 3, ch. 21.

¹² Wis. Stat. § 13.26 (1) (c) (emphasis added).

special counsel will provide the committee, as well as the powers the special counsel possesses to conduct the investigation. The committee chairperson may determine the role of special counsel at committee proceedings.

Compelling the testimony of witnesses and production of documents

According to *Mason's Manual of Legislative Procedure*, a legislature's investigation power "carries with it the power in proper cases to compel the attendance of witnesses and the production of books and papers by means of legal process."¹³ Without the right to require the participation of witnesses and the production of documents, a legislature would be unable to conduct a proper and complete investigation. In Wisconsin, the process for issuing and enforcing legislative subpoenas is established by statute.¹⁴ A subpoena issued in connection with a legislative investigation must be signed by the presiding officer—in the assembly, the speaker—and countersigned by the chief clerk of the house.¹⁵

A legislative subpoena may be issued to compel the testimony of any witness or the production of documents and other records.¹⁶ A legislative subpoena "may require such attendance forthwith or on a future day," may be served by any person, and must be returned to the chief clerk in the same manner as subpoenas from the circuit court are served and returned.¹⁷ There is no standard form for legislative subpoenas. However, at the very least, a legislative subpoena must state "when and where, and before whom, the witness is required to appear" and may designate the "books, records, documents and papers" that must be produced.¹⁸ In this respect, the subpoena must inform the recipient of the subject of the investigation.

Legislative subpoenas may be enforced in several ways. First, "summary process" may be issued for witnesses refusing to testify or produce documents.¹⁹ The summary process must be signed by the presiding officer and the chief clerk of the house issuing the subpoena and directed to the sergeant at arms, "commanding the sergeant at arms 'in the name of the state of Wisconsin' to take the body of the person so failing to attend, naming that person, and bring the person forthwith before the house whose subpoena the person disobeyed."²⁰ The person may be held in custody until he or she complies with the subpoena.²¹

¹³ *Mason's Manual of Legislative Procedure* (Denver: NCSL, 2020), Sec. 795 (5). See also *In re Falvey*, 7 Wis. at 641–42 (upholding confinement for failure to appear pursuant to a legislative subpoena).

¹⁴ See Wis. Stat. §§ 13.31 to 13.36.

¹⁵ Wis. Stat. § 13.31. Also, see Assembly Rule 3 (1) (o).

¹⁶ *Id.*

¹⁷ *Id.* See also Wis. Stat. § 885.03 ("Any subpoena may be served by any person by exhibiting and reading it to the witness, or by giving the witness a copy thereof, or by leaving such copy at the witness's abode.").

¹⁸ Wis. Stat. § 13.31. Additionally, subpoenaed witnesses receive as compensation "\$2 for each day's attendance and 10 cents per mile, one way, for travel to attend as such witness." Wis. Stat. § 13.36.

¹⁹ Wis. Stat. § 13.32 (1).

²⁰ Wis. Stat. § 13.32 (2). See also Wis. Stat. § 13.33 with respect to enforcing the summary process.

²¹ Wis. Stat. § 13.32 (2).

A person who refuses to testify or produce documents may also be held in contempt. In that case, the committee chairperson certifies the witness's refusal to the house.²² Upon certification, the person refusing to testify or produce documents may be taken by the sergeant at arms or his or her assistant before the house "to be dealt with according to law."²³

Alternatively, and the most likely course of action for enforcing a legislative subpoena, a legislative subpoena may be enforced in state court pursuant to Wis. Stat. § 885.12, which provides:

If any person, without reasonable excuse, fails to attend as a witness, or to testify as lawfully required before any . . . committee, or other officer or person authorized to take testimony, or to produce a book or paper which the person was lawfully directed to bring, or to subscribe the person's deposition when correctly reduced to writing, any judge of a court of record or a circuit court commissioner in the county where the person was obliged to attend may, upon sworn proof of the facts, issue an attachment for the person, and unless the person shall purge the contempt and go and testify or do such other act as required by law, may commit the person to close confinement in the county jail until the person shall so testify or do such act, or be discharged according to law. The sheriff of the county shall execute the commitment.²⁴

It should also be noted that in lieu of or before resorting to the issuance of a legislative subpoena to a person or for the production of documents, special counsel could seek to conduct informal interviews of witnesses or make informal requests for documents. These would be fact finding activities in which special counsel seeks to determine if witness testimony is important for the committee investigation or if documents in possession of witnesses would assist the committee. These interviews need not be conducted under oath. Additionally, Wisconsin's public records law provides another avenue for requesting the production of records pertinent to the Elections Committee's investigation.²⁵

Open meetings

Wisconsin's open meetings law generally applies to meetings of legislative committees, including meetings at which witnesses testify in the course of a committee's investigation. Such meetings must be preceded by public notice and, unless otherwise provided in assembly or joint rules or one of the exemptions in Wis. Stat. § 19.85 (1) applies, must be held in open session.²⁶ The requirements governing the content, timing, and publication of a public meeting notice are

²² Wis. Stat. § 13.34.

²³ *Id.* See also Wis. Stat. §§ 13.26 (1) (c) (contempt for refusal to testify or produce documents) and 13.27 (punishment for contempt).

²⁴ See also 20 Wis. Op Att'y. Gen. 765, a 1931 attorney general opinion in which the attorney general states that Wis. Stat. § 885.12 (then Wis. Stat. § 325.12) provides a means of enforcing a legislative subpoena.

²⁵ See Wis. Stat. §§ 19.31 to 19.39.

²⁶ Wis. Stat. § 19.83 (1). Also, see Wis. Stat. § 19.87 (2).

provided under Wis. Stat. § 19.84. Conducting a meeting in open session means the meeting is “held in a place reasonably accessible to members of the public and open to all citizens at all times.”²⁷ Importantly, the open meetings law would not apply to depositions taken by the special counsel on behalf of the Elections Committee, provided that at least half of the members of the committee are not also present at the deposition.²⁸

Due process and other witness rights

When the legislature conducts an investigation, including subpoenaing witnesses to provide mandatory testimony, those witnesses have been found to be entitled to certain due process and other rights. The United States Supreme Court has recognized the duty of citizens to cooperate with Congress and state legislatures in investigations but noted that, with that obligation, there is an assumption “that the constitutional rights of witnesses will be respected” by the investigating body “as they are in a court of justice.”²⁹

A witness in the context of a legislative investigation is not entitled to all rights due to a criminal defendant. For example, the witness does not have any right to compel attendance of or cross-examine witnesses. However, witnesses do retain individual constitutional rights in the context of legislative investigations³⁰ and courts have expressly upheld certain rights of witnesses in that context: “Witnesses cannot be compelled to give evidence against themselves. They cannot be subjected to unreasonable search and seizure. Nor can the First Amendment freedoms of speech, press, religion, or political belief and association be abridged.”³¹

There is relatively little reported case law on Wisconsin legislative investigations and the rights of witnesses who appear before committees. Federal courts have opined more frequently on this issue, usually involving actions of congressional committees. The principles established in these cases with respect to witness rights in congressional committee investigations are applicable to committee investigations in Wisconsin.

Due Process

Under the Fourteenth Amendment to the United States Constitution, the state may not “deprive any person of life, liberty, or property, without due process of law.” While the legislative investigative authority is broad and includes the authority to hold a party in contempt for failure to comply with a subpoena, there are limitations to the investigative authority and power to compel a witness based on due process. It has been held, for example, that punishing a witness

²⁷ Wis. Stat. § 19.82 (3).

²⁸ Wis. Stat. § 19.82 (2). See also State ex rel. Newspapers, Inc. v. Showers, 135 Wis. 2d 77, 102 (1987) (holding that open meetings requirements apply whenever members of a governmental body gather with the purpose to engage in governmental business and the number of members present is sufficient to determine the governmental body’s course of action).

²⁹ Watkins v. United States, 354 U.S. 178, 187–88 (1957).

³⁰ Trump v. Mazars USA, 140 S. Ct. 2019, 2032 (2020) (“[R]ecipients of legislative subpoenas retain their constitutional rights throughout the course of an investigation”); Quinn v. United States, 349 U.S. 155, 161 (1955) (“[F]urther limitations on the power to investigate are found in the specific individual guarantees of the *Bill of Rights*.”).

³¹ Watkins at 188.

for contempt if the witness declines to cooperate with a request for information that is beyond the scope of the authorized investigation would violate due process.³² In examining a Wisconsin legislative investigation, the United States District Court for the Western District of Wisconsin held that although the Wisconsin Statutes do not contain any express provision “that punishment for contempt may be visited upon a witness only if the question which he refuses to answer is pertinent to the question under inquiry,” such a requirement “must be implied to save the contempt statutes from unconstitutionality” and would otherwise violate due process.³³

Parties seeking information through a legislative investigation must provide some clarity and fair warning to a witness about what is expected or risk that the witness may have a claim for violation of due process.³⁴ Further, while it is clear that a legislature may exercise the power to punish contemptuous conduct, if the legislature seeks to punish a person for contempt, that person must be afforded notice and an opportunity to respond before such punishment is imposed.³⁵

First Amendment

First Amendment freedoms also have been found applicable in the legislative investigation context. In order to invade these freedoms, there must be a substantial connection or “nexus” between the information sought and a subject of “subordinating, overriding, and compelling state interest.”³⁶ Clearly, the administration of state elections would be such an interest. In one United States Supreme Court case, for example, the court found that the applicable committee did not lay an adequate foundation for demanding records of a legitimate organization’s membership and that, as a result, its demands infringed upon the witnesses’ First and Fourteenth Amendments freedoms of association under the Constitution.³⁷ When a governmental entity is compelling disclosure of information, the Supreme Court has imposed “exacting scrutiny” and required that “[t]o withstand this scrutiny, the strength of the governmental interest must reflect the seriousness of the actual burden on First Amendment rights.”³⁸

Fourth Amendment

³² *Goldman*, 286 F. Supp. at 44.

³³ *Id.*

³⁴ *Raley v. Ohio*, 360 U.S. 423, 438 (1959) (“A State may not issue commands to its citizens, under criminal sanctions, in language so vague and undefined as to afford no fair warning of what conduct might transgress them.”).

³⁵ *Groppi v. Leslie*, 404 U.S. 496, 499–500, 507 (1972).

³⁶ *Goldman*, 286 F. Supp. at 46. See also *Gibson v. Florida Legislative Investigation Committee*, 372 U.S. 538, 543–44, 545, 546, 551, 555 (1963) (“[I]t is an essential prerequisite to the validity of an investigation which intrudes into the area of constitutionally protected rights of speech, press, association and petition that the State convincingly show a substantial relation between the information sought and a subject of overriding and compelling state interest.”); see also *Kalkstein v. DiNapoli*, 228 A.D.2d 28, 30–31, 653 N.Y.S.2d 710, 712 (App. Div. 1997) (“When such [a First Amendment] right is implicated, the government’s quest for information is precluded unless it shows ‘that there are governmental interests sufficiently important to outweigh the possibility of infringement [of First Amendment rights].’”)

³⁷ *Gibson*, 372 U.S. at 557–58.

³⁸ *Ams. for Prosperity Found. v. Bonta*, 210 L. Ed. 2d 716, 727, 141 S. Ct. 2373 (2021) (quoting *Doe v. Reed*, 561 U. S. 186, 196 (2010)).

A legislative investigation could affect a witness's Fourth Amendment right against an unreasonable search and seizure if a subpoena is too general or unreasonably broad. The scope of the information sought in a legislative investigation is subject to a balancing of the interests of the legislature versus the interest of the witness in maintaining privacy. For example, in one case examining the compelled disclosure of a United States senator's personal diaries in the context of an ethics investigation, a federal district court found that the court "must . . . balance Senator Packwood's expectation of privacy in his personal diaries against the Ethics Committee's interest in examining them for evidence of misconduct, and the nature of the scrutiny it proposes to give them."³⁹ The court found that the procedural protections offered by the committee were sufficient to alleviate any Fourth Amendment concerns.⁴⁰

For this reason, if a committee issues an overbroad or general subpoena, the Fourth Amendment could be available as a defense if the witness refuses to produce the subpoenaed material.⁴¹ If the subpoena clearly relates to the subject of the committee investigation, Fourth Amendment concerns are less likely to present an obstacle to the investigation.

Fifth Amendment

The Fifth Amendment guarantees a person's right against self-incrimination: "[N]or shall any person . . . be compelled in any criminal case to be a witness against himself."⁴² The invocation of the privilege against self-incrimination has been upheld in the legislative investigation context but is available only to natural persons, not to corporations or unincorporated organizations.⁴³ A witness is not excused from testifying before the committee on the grounds that doing so would incriminate the person. The witness must affirmatively assert the privilege, although there is not "ritualistic formula" necessary for invoking the privilege.⁴⁴ A witness may waive the privilege, including by disclosure of facts or a statement that an admission would not subject the person to criminal prosecution.⁴⁵ A witness may not be held in contempt merely because that witness invokes the privilege against self-incrimination.⁴⁶ In order to compel testimony from a witness pleading Fifth Amendment privileges, the legislative body must provide the witness with immunity.⁴⁷ Wis. Stats. s. 13.35 provides for this immunity.

³⁹ *Senate Select Comm. on Ethics v. Packwood*, 845 F. Supp. 17, 22 (D.D.C.1994).

⁴⁰ *Id.* at 22. Indeed, comparing the required disclosure to disclosures previously required from former President Nixon, the court stated: "It would be presumptuous for this Court to find the Ethics Committee's procedure to represent an 'unreasonable' search when the Supreme Court and its own Circuit Court of Appeals have sustained a more extensive and intrusive examination of similar private papers and recordings of a former president in the vindication of a governmental interest in the 'historical' legacy of the nation, surely no more compelling than that of preserving the probity of the United States Senate in the public's perception and in fact." *Id.*

⁴¹ *The Rights of a Witness Before a Congressional Committee*, 29 Fordham L. Rev. 357, 360 (61 (1960) ("[I]f a committee employs a dragnet seizure of private papers, with the hope that something might turn up, or issues a subpoena duces tecum which lacks particularity, or subpoenas papers without legislative authority, the [Fourth] amendment will be available as a defense.").

⁴² U.S. Const. amend. V.

⁴³ *Rogers v. United States*, 340 U.S. 367, 371-72 (1951); *United States v. Murdock*, 284 U.S. 141, 148 (1931).

⁴⁴ *Quinn*, 349 U.S. at 170.

⁴⁵ *The Rights of a Witness Before a Congressional Committee*, 29 Fordham L. Rev. 357, 364-65 (1960).

⁴⁶ Roberto Iraola, *Self-Incrimination and Congressional Hearings*, 54 Mercer L. Rev. 939, 95556 (2003)

⁴⁷ *Id.*

Privileges and the right to counsel

Finally, witnesses may also retain certain privileges. The United States Supreme Court, for instance, has recently stated that in the context of legislative investigations, “recipients have long been understood to retain common law and constitutional privileges with respect to certain materials, such as attorney-client communications and governmental communications protected by executive privilege.”⁴⁸ In legislative investigations, witnesses may be able to withhold certain communications.

It is important to note that the Sixth Amendment to the United States Constitution provides the right to have the assistance of counsel for defense in all criminal prosecutions.⁴⁹ Because legislative investigations are not criminal prosecutions, that right to counsel does not apply. That said, in practice, witnesses are often allowed to have counsel attend to advise, and some states do provide by statute for a right to counsel in the investigation context.⁵⁰ Wisconsin does not have such a statute.

Conclusion

Committee investigations are an integral part of the legislative process. Legislative committees may conduct investigations at their own initiative or as directed by the full house.⁵¹ The full assembly, through adoption of 2021 Assembly Resolution 15, directed the Elections Committee to investigate the administration of state elections, pursuant to the legislature’s constitutional duty “to make laws and to exercise its oversight and investigative authority.” The Committee on Assembly Organization subsequently authorized the retention of special counsel to assist the Elections Committee in this investigation.

The special counsel’s authority is established and circumscribed by the speaker, acting on behalf of the assembly. The special counsel may investigate any matter covered by 2021 Assembly Resolution 15 and may do so through informal interviews and requests for documents and through the issuance of legislative subpoenas signed by the speaker and the assembly chief clerk. In assisting the Elections Committee in conducting the investigation, the special counsel must provide competent and timely legal services and seek to gather evidence for determining whether state elections, in particular since January 1, 2019, have been conducted in compliance with Wisconsin law.

The Wisconsin Statutes and legislative rules do not prescribe a committee investigative process. How the Elections Committee will proceed and conduct the investigation is a matter within the authority of the committee chairperson. The chairperson will determine when the committee meets, how committee members will participate in the proceedings, and which witnesses will be required or invited to appear before the committee. Throughout the investigation process, the

⁴⁸ *Trump*, 140 S. Ct. at 2032.

⁴⁹ U.S. Const. amend. VI (“In all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defence.”).

⁵⁰ See, e.g., Haw. Rev. Stat. § 21-11.

⁵¹ Joint Rule 84 (s) and Wis. Stat. § 13.31.

chairperson must ensure that the investigation is conducted according to law and that the due process and other constitutional rights of witnesses are protected.

We hope this information is helpful. Please let us know if the LRB can provide any additional assistance.

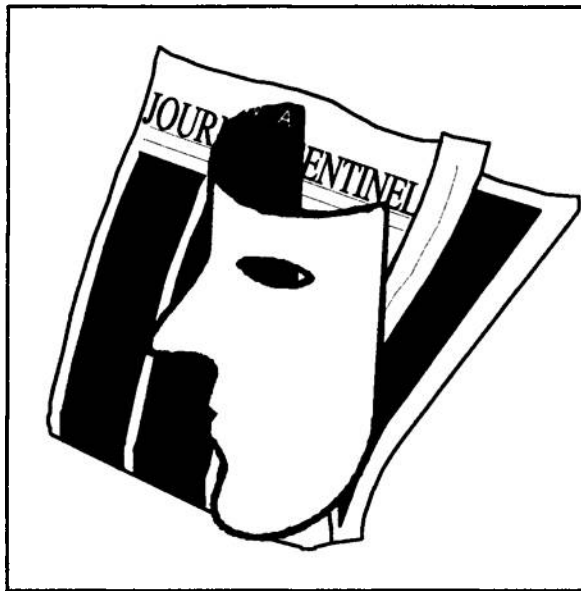
HAS THE *MILWAUKEE JOURNAL SENTINEL* BECOME IRRELEVANT?

M. SCOTT NIEDERJOHN

The *Milwaukee Journal Sentinel* has a long history of both informing and influencing the people of Milwaukee and Wisconsin. It is, without a doubt, Wisconsin's largest and most influential newspaper. But does it have the same influence it had in the past? Does it continue to dominate public policy debates or has its influence diminished in step with its declines in circulation? Has the editorial board staff remained true to its independent roots, or is deference given to one political party over the other? In order to shed light on these considerable issues, the paper's political endorsement records are examined, including a close look at the Milwaukee County recall elections of 2002.

Data and Method

Political endorsements made by the eleven-member *Milwaukee Journal Sentinel* editorial board staff were obtained from 1998 to the present.¹ General election endorsements are considered in the quantitative analysis. The races analyzed include all state-wide races, state and federal offices in which citizens of Milwaukee County participate, and local Milwaukee County elections.² The endorse-



ment success rate was determined by taking a look at the paper's candidate selection versus the actual election results. Vote totals and election winners for the Milwaukee County races were determined from the "blue book" of election results for each year compiled by the Milwaukee County Board of Election Commissioners. All state and federal government races were analyzed using

election data available on the state of Wisconsin Elections Board web page.³ It should be noted that this study only analyzes the writing and endorsements of the editorial board and not the *Journal Sentinel* news staff. It is assumed that these are two distinct groups with the opinions and endorsements provided on the editorial page representing those of the eleven-member staff and not necessarily the newsroom, entire paper, or Journal Communications.

Politically Independent?

The *Milwaukee Journal Sentinel* editorial staff verbalizes their mission and policy through a document entitled, "Where we stand

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at the *Journal Sentinel*.”⁴ The first tenet submitted in this document is centered upon their independence in the spirit of the *Journal* founder Lucius Nieman. The actual statement reads as follows: “We are independent, beholden to no special interest or political party. The roots of this pledge extend far back into Milwaukee’s history.” Subsequent parts of this document lend details and specifics to this proclamation. A sampling of the way the editorial board describes their philosophy include the following statements:

- We are conservative on fiscal issues. . .
- We believe in the American free enterprise system and minimal government interference. . .
- We believe that a just society must have compassion for the unfortunate. . .
- We believe diversity unites us all. . .
- We believe in a strong national defense

At initial glance, these statements afford credibility to the paper’s stated primary mission of independence. Aspects of both conservative and liberal political philosophies are prevalent in these sentiments. They also appear to be in line with the typical moderate Milwaukee-area voter and newspaper subscriber. The paper professes to be conservative on fiscal issues, clearly a mantra of Republicans. They temper this with a declaration to fight for the less fortunate, a traditionally Democratic stance. The views on national defense and diversity also illustrate this dichotomy. With these assertions in mind, it would be expected that the paper’s endorsements would reflect this independence and be split relatively evenly between the political parties.

The empirical evidence does not bear this out, however. In fact, from 1998 to the present, nearly 76% of the *Journal Sentinel* endorsements have gone to Democrats. In reality, this ratio is tilted further to the left considering that one of their Republican endorsements came in a race where no Democratic candidate ran,⁵ and the majority of other Republican endorsements were made in conservative districts in which the non-Republican had little or no chance of winning the seat. To further this point, one must consider that the average margin of victory for *Journal Sentinel* endorsed Republican candidates is nearly 33%⁶, and not one of these endorsed candidates lost their race. Table 1 shows the percentage of *Journal Sentinel* endorsements by political party and year. These data show that not only does this paper primarily endorse Democrats, but the percentage is progressively increasing. In 1998, 75% of the partisan races studied yielded Democratic endorsements. In 2000 and 2002 this percentage rose to 77%. This year, the few partisan races that have been conducted have all elicited Democratic endorsements. The statement that this paper’s editorial board is independent and not beholden to a particular party appears to differ from the empirical evidence. The data suggests that the paper exerts their influence in favor of Democratic candidates at a greater than three-to-one ratio.

Fiscally Conservative?

Another section of the *Milwaukee Journal Sentinel* editorial policy states, “We are conservative on fiscal issues.” They expound upon this facet of their code by stating, “We believe that the power to tax must be vigilantly checked. The government that governs best is frugal and levies taxes reluctantly.” The actions of the board,

TABLE 1 MILWAUKEE JOURNAL SENTINEL POLITICAL ENDORSEMENTS BY PARTY AFFILIATION⁷

Year	% Democrat Endorse	% Republican Endorse
1998	75%	25%
2000	77%	23%
2002	77%	23%
2003	100%	0%

once again, suggest some deviation between the stated mission of the *Journal Sentinel* editorial page and their actual record.

The data presented in the previous section raises the first indication that fiscal conservatism may no longer be at the heart of the editorial staff's beliefs. While some Democrats are undoubtedly money-wise, and some Republicans free-spending, it seems that the endorsements would be more evenly divided between parties if fiscal conservatism was truly an overriding concern.

A reasonable place to continue the discussion of fiscal conservatism is via a study of spending referenda. Since 1998, the *Milwaukee Journal Sentinel* editorial board has taken a position on eight school district spending proposals that have shown up on general election ballots. Each of these referenda sought approval from voters to exceed state mandated revenue caps in K12 education for new construction, renovation or a litany of other purposes.⁸ Likely some of these requests were warranted, while others may have been excessive. It would be expected that the *Journal Sentinel* editorial board, with the resources to determine which fall into each category, would make appropriate advisements for their readers.⁹ In the end, however; this board chose to recommend every single spending measure, while voters struck down five of the eight spending referenda. Again, an obvious discrepancy appears between the assertions of the editorial board and the opinions of Milwaukee-area voters.

Endorsement Accuracy

Just how much weight does an endorsement by the *Milwaukee Journal Sentinel* editorial board carry today? To answer this question, we first turn to the results of partisan elections

since 1998. These results are used to measure the accuracy of the newspaper's endorsements. It should be noted that the role of the editorial board at the *Journal Sentinel*, or any other credible newspaper, is not to simply endorse the winner of elections. Newspaper editorial staffs are obviously not in the business of forecasting election results, but the real goal is to deliver opinions in an effort to influence and guide readers on their selection of future government leaders. The *Journal Sentinel* does this based on their core beliefs as documented in the aforementioned "Where we stand at the *Journal Sentinel*" manuscript. Quoting from this document, "In passing our opinions on to our readers,

we are carrying out a historic mission first assumed by the founders of the earliest newspapers in our original thirteen colonies, and today recognized as a primary function of a free press."

With this said, the primary purpose of conveying these endorsements is to influence elections and, therefore, public policy. To be truly relevant, the candidates endorsed by a major newspaper must have some degree of success.

To be truly relevant, the candidates endorsed by a major newspaper must have some degree of success.

Given that the *Journal Sentinel* is the only major newspaper in Milwaukee, and the largest paper in the largest city in Wisconsin, it would be expected that their endorsements would carry much potency. This hypothesis is proven to be correct in the partisan elections studied in this paper. Table 2 shows the percentage of partisan *Journal Sentinel* endorsements that actually won their elections for 1998, 2000, 2002 and 2003.¹⁰ Moreover, in 1998 and 2000 all of the candidates endorsed by the newspaper in partisan elections won their races. This percentage dipped to 92% in 2002, and plummeted further to 50% for the few partisan elections held in 2003. While the winning percentage of candidates endorsed by the

paper has decreased over time, it continues to be imposing. To truly understand the impact of the *Milwaukee Journal Sentinel* in local politics, one must explore its influence in local non-partisan contests.

**TABLE 2 MILWAUKEE JOURNAL SENTINEL
PARTISAN POLITICAL ENDORSEMENTS
WON BY YEAR**

Year	% of Partisan Endorsements Won
1998	100%
2000	100%
2002	92%
2003	50%

2002 – A Changing Political Environment

At first glance the percentage of candidates endorsed by the *Milwaukee Journal Sentinel* that won their respective races continued to be strong in 2002. While down from previous years, a 92 percent win ratio in partisan elections is impressive and suggests that the paper continued to wield great influence. However,

once non-partisan elections are introduced a very different picture is painted.

As a starting point for analyzing the influence the *Journal Sentinel* has had in non-partisan Milwaukee County races, we begin with a dissection of election results for 2000. Table 3 shows that in 2000 there were elections for Milwaukee County Executive and twelve Milwaukee County Board of Supervisor positions. In the County Executive race, the paper endorsed the now disgraced F. Thomas Ament, who won handily. Moreover, the candidates that the newspaper endorsed in eleven of the twelve supervisor races were also successful. The only loss being in the 13th district where Willie Johnson beat the *Journal Sentinel's* pick, Lennie Mosely.

The proficiency of *Journal Sentinel* endorsements in the 2000 county ballots provides a fascinating foil to their dismal record in the 2002 races. The well-documented Milwaukee County pension scandal led to a flurry of election activity throughout the year. The first recall election was held in April of 2002 to replace the newspaper's advocated candidate

TABLE 3 2000 MILWAUKEE COUNTY ELECTIONS

Office	Endorsed Candidate	Journal Sentinel Candidate Won?
County Executive	Ament	YES
County Board	White	YES
County Board	Davis, Sr.	YES
County Board	Podell	YES
County Board	Holloway	YES
County Board	Mayo	YES
County Board	Zielinski	YES
County Board	Mosley	NO
County Board	Launstein	YES
County Board	Weishan	YES
County Board	Arciszewski	YES
County Board	Ryan	YES
County Board	Lutzka	YES

for Milwaukee County Executive from the 2000 election, F. Thomas Ament. In this election, the paper chose to endorse Jim Ryan, who was subsequently defeated by then Republican state assemblyman Scott Walker. As can be seen in Table 4, this was just the beginning of the paper's atrophy. Following the election for Milwaukee County

Executive, a whirlwind of County Board of Supervisor recall elections were held. The candidate endorsed by the newspaper turned out to be the loser in four of these five recalls. It is also interesting to note that the paper chose to endorse all three of the original supervisors responsible for the pension scandal that survived the primary and participated in the general election. The only race that the paper did get right, in the aftermath of the pension scandal fallout, was the endorsement of Paul Cersarz. Even in this race it would be a stretch to suggest that their nomination carried much influence, considering the opposition candidate, Kathleen Arciszewski, had been badly damaged by the pension scandal and lost by over 60 percent.

Milwaukee County recall elections was simply an anomaly, the special election held in April 2003 to replace Jeff Plale in the 21st state assembly district on the south side of Milwaukee is a good place to start. The evidence presented in an earlier section of this article documents that this race is typical of one in which the paper's endorsed candidate has almost always won in the past.

The race for the 21st assembly seat was waged between Democrat Al Foeckler and Republican Mark Honadel. The district had been under Democratic representation for the last seventy-five years and was considered a Democratic stronghold. The key issue in this election was a tax freeze plan, floated by state assembly Republicans, in which property taxes

would be locked in order to protect local taxpayers. Honadel voiced support for the plan while Foeckler opposed it.

Per their endorsement history, the *Journal Sentinel* chose to back

the Democrat in this race. Interestingly, the paper made no mention of the key issue in the contest — the property tax freeze — in their endorsement column. In a continuation of the trend that began in the 2002 Milwaukee County recall elections, the *Journal Sentinel's* candidate was trounced. In an election with a mere ten thousand votes cast, Honadel won with over 63 percent of the total vote. In the recent past, the endorsement of the paper in a local election such as this would have been the key to victory; of late, it appears to be more of an encumbrance.

Conclusion

There is evidence that the power base in Milwaukee may be shifting. Once a powerful player in local-area politics, the current

TABLE 4 2002 MILWAUKEE COUNTY ELECTIONS

Office	Endorsed Candidate	Journal Sentinel Candidate Won?
County Executive	Ryan	NO
County Board	Ordinans	NO
County Board	Goff	NO
County Board	McGuigan	NO
County Board	Cesarz	YES
County Board	Ryan	NO

Following the Milwaukee County recall elections of 2002, the year continued to be challenging for the *Journal Sentinel*. While eventually getting the race for Wisconsin governor correct, by endorsing Jim Doyle, the newspaper's preferred candidate, Tom Barrett, did not survive the Democratic primary. The results of the elections documented here call into question the amount of influence the *Milwaukee Journal Sentinel* retains in Milwaukee politics today. The limited evidence from 2003 may provide help in determining whether 2002 was an outlier, or the beginning of a long-term trend.

The Foeckler vs. Honadel Case Study

To decipher whether the *Journal Sentinel's* poor endorsement record in the 2002

Milwaukee Journal Sentinel editorial board appears to have lost some influence. Beginning with the 2002 Milwaukee County recall elections and continuing into 2003, the newspaper's record of endorsements in local elections has become abysmal. Why has the paper fallen so far, so fast? While the newspaper circulation has swooned in recent years, with daily circulation falling almost eleven percent, and Sunday circulation down five percent since 1998,¹¹ this explanation seems a bit weak. Recent election data suggests that the *Journal Sentinel's* divergence from their stated mission, in particular their digression from the self-proclaimed ideals of independence and fiscal conservatism, is a more likely cause. It appears of late that readers have been less inclined to take the *Milwaukee Journal Sentinel's* suggestions to the polls as they have in the past.

Notes

1. These endorsements were provided by a *Milwaukee Journal Sentinel* editorial department staff member. These were corroborated using www.jsonline.com.
2. City of Milwaukee elections are not considered because of their non-partisan nature, small sample size and frequency with an unopposed candidate.
3. See: <http://elections.state.wi.us/>
4. See "Where we stand at the Journal Sentinel" at: www.jsonline.com/news/editorials/editpolicy.asp&
5. Fall 2002 election for 14th district state assembly seat. Leah Vukmir, the Republican was endorsed. Her opponent was a Libertarian with no credibility. The *Journal Sentinel* actually endorsed a different candidate in the primary election.
6. Margin of victory is calculated by taking the winning candidates total vote percentage less the second place finishers total vote percentage.
7. There were no partisan elections, in the categories considered, in 1999 or 2001.
8. Approval of school district referenda obligates the State of Wisconsin to pay for two thirds of the building project cost.
9. In fact, the editorial board makes this point themselves in the "Where we stand at the Journal Sentinel" document when they write, "We recognize that editors and editorial writers are neither wiser nor more moral than other citizens. But editorial writers are in a better position than most people to dedicate time to digging out the facts and evaluating them before issuing judgements."
10. There were no partisan elections, in the categories considered, in 1999 or 2001.
11. Data obtained from the *Milwaukee Journal Sentinel* marketing department. Daily circulation fell from 290,565 in 1998 to 257,599 in 2003. Sunday circulation fell from 456,354 in 1998 to 434,668 in 2003.