

**Subject:** WEC Response to WI-WEC-21-1450  
**Date:** Monday, December 20, 2021 at 1:18:00 PM Eastern Standard Time  
**From:** Elections PIO  
**To:** AO Records  
**Attachments:** Chair Jacobs & LAB communications.pdf

EXTERNAL SENDER

Dear Ms. Colombo,

This email is in response to your October 15th public records request, labeled WI-WEC-21-1450, pertaining to communications between Chair Jacobs and the Legislative Audit Bureau. The records attached to this email fulfill your request. I am new to the Wisconsin Elections Commission and I am addressing a large volume of public records requests. I am working on and hoping to provide responses to other American Oversight requests soon. If you have any questions about this response or any other request please let me know at [Electionspio@wisconsin.gov](mailto:Electionspio@wisconsin.gov).

To the extent that this response denies any part of your public records request, the Commission's determination is subject to review in an action for mandamus under Wis. Stat. § 19.37(1), or by application to a district attorney or the Attorney General.

Sincerely,

Brandon Hunzicker  
Staff Attorney  
Wisconsin Elections Commission  
212 East Washington Avenue, Third Floor  
P.O. Box 7984  
Madison, WI 53707-7984  
[Electionspio@wisconsin.gov](mailto:Electionspio@wisconsin.gov)

## Ann Jacobs

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**From:** Costello, Allyssa G. <Allyssa.Costello@legis.wisconsin.gov>  
**Sent:** April 13, 2021 5:04 PM  
**To:** Ann Jacobs; Jacobs, Ann - ELECTIONS  
**Subject:** LAB Correspondence

Ms. Jacobs:

As you are aware, the Joint Legislative Audit Committee has directed the nonpartisan Legislative Audit Bureau to evaluate elections administration in Wisconsin. A copy of the scope memorandum approved by the Committee is available on our website here:

[https://legis.wisconsin.gov/LAB/media/3188/020821\\_jac\\_scope\\_elections-administration.pdf](https://legis.wisconsin.gov/LAB/media/3188/020821_jac_scope_elections-administration.pdf)

In your role as a member of the Wisconsin Elections Commission, and on behalf of State Auditor Joe Chrisman, I am emailing to invite you to provide us with your perspective.

Please contact me at (608) 266-2818 to schedule a time for a telephone call with the State Auditor and Dean Swenson, Deputy State Auditor.

Thank you.

*Allyssa Costello*

Office Administrator  
Wisconsin Legislative Audit Bureau  
22 East Mifflin Street  
Madison, Wisconsin 53703  
(608) 266-2818

Fraud, Waste, and Mismanagement Hotline 1-877-FRAUD-17

## Ann Jacobs

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**From:** LAB Info <LABInfo@legis.wisconsin.gov>  
**Sent:** April 21, 2021 4:22 PM  
**To:** Ann Jacobs; Jacobs, Ann - ELECTIONS  
**Subject:** LAB Correspondence  
**Attachments:** 042121\_Jacobs\_Elections Administration.pdf

Good afternoon,

Please see the attached correspondence from State Auditor Joe Chrisman.

Thank you,

*Alyssa Costello*

Office Administrator  
Wisconsin Legislative Audit Bureau  
22 East Mifflin Street  
Madison, Wisconsin 53703  
(608) 266-2818

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## Ann Jacobs

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**From:** Ann Jacobs  
**Sent:** May 4, 2021 8:59 AM  
**To:** LAB Info; Jacobs, Ann - ELECTIONS  
**Cc:** Wolfe, Meagan - ELECTIONS  
**Subject:** RE: LAB Correspondence

Administrator Wolfe informed me that I should be expecting Mr. Chrisman to reach out to discuss the audit of the Elections Commission.

I am writing to follow up to see if he still intends to do so.

Thank you,

**Ann S. Jacobs**  
Attorney at Law / Abogada



JACOBS INJURY LAW, S.C.

Jacobs Injury Law, SC  
219 N. Milwaukee St., Suite 5B  
Milwaukee, WI 53202  
Tel 414.306.8999 / Fax 414.306.7999  
[Ann@JacobsInjuryLaw.com](mailto:Ann@JacobsInjuryLaw.com)  
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**To:** Ann Jacobs <ann@jacobsinjurylaw.com>; Jacobs, Ann - ELECTIONS <Ann.Jacobs@wisconsin.gov>  
**Subject:** LAB Correspondence

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Thank you,

*Allyssa Costello*

Office Administrator  
Wisconsin Legislative Audit Bureau  
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Madison, Wisconsin 53703  
(608) 266-2818

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## Ann Jacobs

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**From:** Ann Jacobs  
**Sent:** May 20, 2021 8:35 AM  
**To:** LAB Info; Jacobs, Ann - ELECTIONS  
**Cc:** Wolfe, Meagan - ELECTIONS  
**Subject:** RE: LAB Correspondence

I am following up on my email, below.  
Thank you.

Ann Jacobs

**Ann S. Jacobs**  
Attorney at Law / Abogada



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Attorney at Law / Abogada



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**To:** Ann Jacobs <[ann@jacobsinjurylaw.com](mailto:ann@jacobsinjurylaw.com)>; Jacobs, Ann - ELECTIONS <[Ann.Jacobs@wisconsin.gov](mailto:Ann.Jacobs@wisconsin.gov)>  
**Subject:** LAB Correspondence

Good afternoon,

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Thank you,

*Alyssa Costello*

Office Administrator  
Wisconsin Legislative Audit Bureau  
22 East Mifflin Street  
Madison, Wisconsin 53703  
(608) 266-2818

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# Wisconsin Elections Commission

212 East Washington Avenue | Third Floor | P.O. Box 7984 | Madison, WI 53707-7984  
(608) 266-800 | elections@wi.gov | elections.wi.gov

April 13, 2021

Joe Chrisman, State Auditor  
Legislative Audit Bureau  
22 East Mifflin Street, Suite 500  
Madison, WI 53703

Dear Mr. Chrisman:

I write to you as Chair of the Wisconsin Elections Commission (WEC).

I am very interested in monitoring the WEC staff's activity in responding to Legislative Audit Bureau's performance audit of the agency. When I asked Administrator Meagan Wolfe for an update, she informed me that during your intake meeting with WEC staff, you indicated that information about the audit is confidential until a final audit report is released. You indicated that this confidentiality requirement covers everything from what documents and records LAB has requested from the agency, to draft audit reports LAB will provide for comment prior to release of the final audit report. By confidential, you further indicated that the Wisconsin Election Commission (WEC) staff was prohibited from discussing with the Commissioners anything relating to the audit, potentially including the work being completed by the WEC staff in order to answer your requests, the documents produced, any reports generated, and so on.

By this letter I am formally requesting that you provide any statutes, rules or other authority by which you are making such a demand of confidentiality of the WEC staff. While an agency may certainly make a request of another agency with regard to keeping certain matters confidential, or have a policy of making such requests, a demand that they do so must be accompanied by legal support for such a demand. I understand Administrator Wolfe has requested such legal support and you have not provided any to her. I further understand that she has specifically requested that you speak with the Commissioners regarding this issue.

It is our role as Commissioners to oversee the work of the WEC. This includes ensuring that their work is completed and completed correctly and timely. To the extent an audit is interrupting or interfering with their work, it is essential that we know that and be able to consider solutions. To do so, we need to know what it is they are doing. Therefore, a demand that we refrain from conducting our oversight duty is a substantial limitation on our statutory obligations and one that cannot be undertaken without legal justification.

In addition to knowing what our staff are doing in response to requests from the LAB, it is also essential that my fellow Commissioners and I know the initial findings of the LAB's audit and be able to review the proposed response prepared on behalf of the WEC. Commissioners share the ultimate responsibility for the performance of the agency and require the opportunity to direct management's response on its behalf. Prohibiting the Commissioners from reviewing the initial findings places the Commissioners in an untenable position of being responsible for the WEC's policies and statements but being unable to direct the agency response when it is delivered to the Legislature.

*Wisconsin Elections Commission*

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

Administrator  
Meagan Wolfe

Administrator Wolfe informs me that she has specifically requested your analysis of the legal authority for withholding such information from the commissioners, but has received no response. If you are unable to provide Administrator Wolfe and me with the requested legal authority, I will direct her to begin sharing updates on the audit process with the Commissioners, as she would any other matter relating to her work. Additionally, without a specific exemption in state law, I will direct her to share with the Commission any draft audit reports and offer them the opportunity to be involved in approving the agency's response to the audit report.

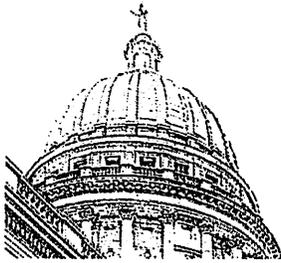
I understand that there may be logistical and security concerns about permitting Commission members to review a draft document. The Commission is aware of its obligations and of the importance of maintaining various matters as confidential. I am confident we can protect the confidentiality of the audit process while facilitating a full response on behalf of the agency to the draft report.

I look forward to your prompt response. Please contact me at 414-736-5001.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ann S. Jacobs". The signature is fluid and cursive, with a large, stylized initial "A" and "J".

Ann S. Jacobs  
Chairperson  
Wisconsin Elections Commission



STATE OF WISCONSIN

# Legislative Audit Bureau

Joe Chrisman  
State Auditor

22 East Mifflin Street, Suite 500  
Madison, Wisconsin 53703

Main: (608) 266-2818  
Hotline: 1-877-FRAUD-17

[www.legis.wisconsin.gov/lab](http://www.legis.wisconsin.gov/lab)  
[AskLAB@legis.wisconsin.gov](mailto:AskLAB@legis.wisconsin.gov)

April 21, 2021

Ms. Ann Jacobs, Chairperson  
Wisconsin Elections Commission  
219 North Milwaukee St., Suite 5B  
Milwaukee, Wisconsin 53202

Dear Ms. Jacobs:

Thank you for your April 13, 2021 letter, which staff of the Wisconsin Elections Commission emailed to me on April 14, 2021, related to our ongoing audit of elections administration in Wisconsin.

Pursuant to your inquiry, s. 13.94, Wis. Stats., states:

"The bureau shall be strictly nonpartisan and shall at all times observe the confidential nature of any audit currently being performed."

On April 13, 2021, we contacted you by email to invite you to schedule a telephone call during which you can offer us your perspective on elections administration issues. I again invite you to contact our office at (608) 266-2818 to schedule this call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joe Chrisman', written over a horizontal line.

Joe Chrisman  
State Auditor