

Subject: RE: Public Records Law Request (WI-REP-21-1775)
Date: Tuesday, February 22, 2022 at 12:06:35 PM Eastern Standard Time
From: Redell, Carol
To: AO Records

EXTERNAL SENDER

https://wilegis-my.sharepoint.com/:u:/g/personal/credell_legis_wisconsin_gov/Eb7K1uJWdCZOiAMTr-YGoKUB5lggBJeQUlBvk0TacWVRFg?email=dylan.winters%40americanoversight.org&e=3zjWV1

From: AO Records <records@americanoversight.org>
Sent: Tuesday, February 22, 2022 11:01 AM
To: Redell, Carol <Carol.Redell@legis.wisconsin.gov>
Subject: Re: Public Records Law Request (WI-REP-21-1775)

Good morning,

Do you mind re-sharing this to my email, dylan.winters@americanoversight.org? It looks like the link expired.

Thank you,
Dylan Winters (he/him)
Paralegal
American Oversight
records@americanoversight.org
www.americanoversight.org | @weareoversight

From: Dylan Winters <dylan.winters@americanoversight.org>
Date: Tuesday, February 22, 2022 at 11:18 AM
To: AO Records <records@americanoversight.org>
Subject: FW: Public Records Law Request (WI-REP-21-1775)

From: "Redell, Carol" <Carol.Redell@legis.wisconsin.gov>
Date: Thursday, February 17, 2022 at 3:57 PM
To: Dylan Winters <dylan.winters@americanoversight.org>
Cc: "Rep.Vos" <Rep.Vos@legis.wisconsin.gov>, "Fawcett, Steve" <Steve.Fawcett@legis.wisconsin.gov>, "Blazel, Ted" <Ted.Blazel@legis.wisconsin.gov>
Subject: RE: Public Records Law Request (WI-REP-21-1775)

EXTERNAL SENDER

https://wilegis-my.sharepoint.com/:u:/g/personal/credell_legis_wisconsin_gov/EYRdtsNegUNJuFsVeXupGLwB6brcSwjczUkwQ_XiFKjM_g?email=dylan.winters%40americanoversight.org&e=HpcuEf

Dylan Winters
American Oversight
dylan.winters@americanoversight.org

Dear Mr. Winters:

Open records requests are processed through the Assembly Chief Clerk's office for billing purposes only. You submitted an open records request to Representative Vos. The records are being provided in electronic format and, thus, there is no charge for any location or reproduction costs. Accordingly, all records that are responsive to your request are attached to this email.

Carol Redell
Office of the Assembly Chief Clerk
17 West Main Street, Suite 401
Madison, Wisconsin 53703
608.266.1501
carol.redell@legis.wi.gov

From: Fawcett, Steve <Steve.Fawcett@legis.wisconsin.gov>
Sent: Thursday, February 17, 2022 2:06 PM
To: records@americanoversight.org
Cc: Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>
Subject: FW: Public Records Law Request (WI-REP-21-1775)

Dear Mr. Winters,

This is in response to your public records request dated 12/8. Your request is attached.

Responsive records have been delivered to the Office of the Assembly Chief Clerk. The Assembly Chief Clerk will be in contact with you with instructions on how to retrieve those records. We now consider this matter closed. Thank you.

Sincerely,

Steve Fawcett
General Counsel
Office of Assembly Speaker Robin Vos
608.266.3387

From: Rep.Vos <Rep.Vos@legis.wisconsin.gov>
Sent: Wednesday, December 8, 2021 3:13 PM
To: Fawcett, Steve <Steve.Fawcett@legis.wisconsin.gov>
Subject: FW: Public Records Law Request (WI-REP-21-1775)

From: AO Records <records@americanoversight.org>
Sent: Wednesday, December 8, 2021 2:58 PM
To: Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>; Rep.Vos <Rep.Vos@legis.wisconsin.gov>
Subject: Public Records Law Request (WI-REP-21-1775)

Dear Chief Clerk Blazel and Speaker Vos:

Please find attached a request for records under Wisconsin's public records law.

Sincerely
Dylan Winters (he/him)
Paralegal
American Oversight
records@americanoversight.org
www.americanoversight.org | @weareoversight

PRR: WI-REP-21-1775

From: Steve.Fawcett@legis.wisconsin.gov

Sent: Monday, November 15, 2021, 4:27 PM

To: "'coms@wispecialcounsel.org'" <coms@wispecialcounsel.org>

Subject: FW: Memo

Attachments: Legislative subpoenas.pdf

From: Gallagher, Michael <Michael.Gallagher@legis.wisconsin.gov>

Sent: Monday, November 15, 2021 4:18 PM

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

Cc: Champagne, Rick <Rick.Champagne@legis.wisconsin.gov>

Subject: Memo

Steve: Here is the memo we provided on legislative subpoenas last summer. Let me know if you need more information.

Thanks.

Mike



Michael P. Gallagher

Assistant Chief Counsel
Wisconsin Legislative Reference Bureau
1 East Main Street, Suite 200
Madison, WI 53703
608.504.5811

<<Legislative subpoenas.pdf>>

From: "Rep.Vos" <Rep.Vos@legis.wisconsin.gov>
Sent: Tuesday, November 2, 2021, 9:13 AM
To: "Vos, Robin" <Robin.Vos@legis.wisconsin.gov>; "michlit99@gmail.com" <michlit99@gmail.com>; "Toftness, Jenny" <Jenny.Toftness@legis.wisconsin.gov>; "Fawcett, Steve" <Steve.Fawcett@legis.wisconsin.gov>; "King, Adam" <Adam.King@legis.wisconsin.gov>; "Joyce, Angela" <Angela.Joyce@legis.wisconsin.gov>; "Smith, Kelly" <Kelly.Smith@legis.wisconsin.gov>; "Thiry, Moriah" <Moriah.Thiry@legis.wisconsin.gov>; "Fabick, Abbey" <Abbey.Fabick@legis.wisconsin.gov>; "Wolf, Jake" <Jake.Wolf@legis.wisconsin.gov>; "Clark, Tyler" <Tyler.Clark@legis.wisconsin.gov>
Subject: FW: TUE AM Update: Invoices show Gableman has billed taxpayers more than \$62K in salaries, rent so far in election probe

From: WisPolitics.com <news@wispolitics.com>
Sent: Tuesday, November 2, 2021 8:14 AM
To: Rep.Vos <Rep.Vos@legis.wisconsin.gov>
Subject: TUE AM Update: Invoices show Gableman has billed taxpayers more than \$62K in salaries, rent so far in election probe



TUE AM Update -- 2 Nov. 2021

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From WisPolitics.com ...

-- Former Justice Michael Gableman has billed taxpayers more than \$62,000 in salaries and office rent for his review of the 2020 election, according to the invoices he's submitted to the Assembly.

But the invoices, obtained through an open records request, don't detail who's getting paid for their work on Gableman's probe.

Officials in the five cities targeted in the probe have detailed interacting with three people besides Gableman: Andrew Kloster, an attorney who served in the Trump administration; Zakory Niemierowicz; and a woman who signs her emails Carol M.

The invoices detailing \$59,750 in salaries list no names. The one for September salaries listed distributions numbered one through four in amounts ranging from \$3,250 to \$5,000. The invoice for October lists distributions numbered one through five with payments in the same range.

The distributions numbered one through four are for the same amounts. If aides are being paid monthly, that suggests there were four on the payroll besides Gableman in September and five last month.

Separate invoices for Gableman's pay list payments of \$11,000 each in September and October, matching the salary laid out in the contract he signed with Assembly Speaker Robin Vos, R-Rochester.

The Assembly chief clerk's office released the invoices just after 5 p.m. yesterday following requests from WisPolitics.com, which had asked for them verbally and in writing since September. A Vos spokeswoman didn't immediately respond to a call seeking comment. Gableman's office also didn't immediately return a message left after hours.

Minority Leader Gordon Hintz, D-Oshkosh, slammed the probe.

"Well, now we know Speaker Vos has flushed \$62,000 taxpayer dollars down the drain chasing lies and conspiracy theories. But we still have no idea who 'Carol M.' is," Hintz said. "Nothing about this effort by Speaker Vos and Gableman has been by the book, and seeing invoices for unnamed staff being paid weeks after the fact only reinforces their lack of credibility."

Gableman originally signed a contract with Vos in June that paid him \$11,000 a month for his work starting July 1.

They then signed an amended deal that gave Gableman a \$676,000 budget for the probe through the end of December.

The budget included \$125,000 for five investigators, \$16,000 for an administrative assistant and \$15,000 for communications. The bulk of the budget -- \$325,000 -- was earmarked for a data analysis contractor.

The invoices WisPolitics.com obtained also included one listing payments of \$2,567 for rent between July and October. Gableman's operation has been working out of a private office in a Brookfield strip mall. The documents show the monthly rate is \$704.

See the invoices:

- <https://www.wispolitics.com/wp-content/uploads/2021/11/211101Invoice1.pdf>
- <https://www.wispolitics.com/wp-content/uploads/2021/11/211101Invoice2.pdf>
- <https://www.wispolitics.com/wp-content/uploads/2021/11/211101Invoice3.pdf>
- <https://www.wispolitics.com/wp-content/uploads/2021/11/211101Invoice4.pdf>
- <https://www.wispolitics.com/wp-content/uploads/2021/11/211101Invoice5.pdf>

-- The parties in a redistricting suit before the Wisconsin Supreme Court differ on whether the justices should consider the political composition of districts if they draw the new maps as expected.

The parties filed a round of reply briefs yesterday after originally weighing in on four questions justices posed to them. That includes whether the partisan makeup of districts should be considered.

GOP lawmakers argue there is nothing in state or federal law that requires partisan balance to be one of the criteria used in drawing new lines. They noted it "is not only 'permissible' for legislatures to act with partisan intent in redistricting; it is also expected."

The court is expected to set the lines for legislative and congressional districts if -- as expected -- Dem Gov. Tony Evers vetoes the maps that GOP lawmakers are poised to pass next week.

"The remedy must comply with a list of state and federal law requirements. 'Fair' and 'balanced' maps are not on that list," the attorneys for GOP lawmakers wrote in their brief.

Evers' attorneys argued "it not only is permissible to consider partisan makeup for judicial redistricting, but it is an established practice."

"The Legislature's attempt to disavow fairness should give pause," the Department of Justice wrote in its brief filed on behalf of Evers. "There is no basis for this Court closing its eyes to partisanship when redistricting -- the principles of judicial mapmaking require it."

Read the briefs:

<https://www.wicourts.gov/courts/supreme/origact/2021ap1450.htm>

Nov. 18: WisPolitics Luncheon: Panel Discussion on WI Redistricting

Join us for an in-person luncheon at The Madison Club on Thursday, Nov. 18 for a

discussion about the once-a-decade redrawing of congressional and legislative boundaries in Wisconsin.

The event features a panel discussion with three former legislators who have deep experience in legislative map-making -- Republicans Scott Jensen and Joe Handrick plus Democrat Chuck Chvala -- along with Elizabeth Treviño, Wisconsin state director of allontheline.org.

See additional details and register here: <https://www.eventbrite.com/e/wispolitics-luncheon-panel-discussion-on-wi-redistricting-tickets-186304851827>

This luncheon is sponsored by Husch Blackwell, American Family Insurance, Xcel Energy, Walmart, AARP Wisconsin and the Wisconsin Hospital Association.

WisPolitics.com subscribers and members, as well as Madison Club members and their guests, receive discounted pricing for WisPolitics luncheons.

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[Wisconsin REALTORS Association](http://www.wisconsinrealtors.org)

TOP HEADLINES

Tom Barrett faces U.S. Senate committee [9 AM] today for nomination hearing needs approval to become next ambassador to Luxembourg ... Barrett could also face opposition from some Republican senators, including Wisconsin Senator Ron Johnson and Senator Ted Cruz from Texas. ... If the committee decides to vote in favor of Barrett Tuesday, his nomination will then advance to the full U.S. Senate for final approval. DC correspondent St. George, MU Law prof. Scoville comment.

<https://www.tmj4.com/news/local-news/tom-barrett-faces-u-s-senate-committee-tuesday-for-nomination-hearing-needs-approval-to-become-next-luxembourg-ambassador>

Arguments in case seeking to block GOP from hiring private redistricting attorneys

WI Supreme Court Justices have yet to rule, but already blocked a lower court ruling tossing legal contracts ... signed by Vos and LeMahieu in late December 2020 and early January 2021. ... Consovoy McCarthy PLLC contract calls for paying the firm

\$30K/month for "pre-litigation counseling" starting in January and up to \$965K this year. ... contract with Bell Giftos St. John LLC calls for ... hourly rate of \$375/hr. ... firm includes Kevin St. John [AG Van Hollen's deputy] ... [leaders' atty.] Tseytlin ... argued Judge Ehlke's April decision blocking the contracts was "an unprecedented intrusion into the Legislature's basic functioning" [urged overturn, guidance to appeal court, which had denied injunction,] "We suffered weeks and weeks of irreparable harm under a decision that should have been stayed from the outset." Plaintiff atty. Pines argued lame duck law allows hiring private attorneys only when a lawsuit is pending, upholding contracts sets precedent allowing leader to hire lawyers anytime for anything, setting up "a shadow attorney general's office." Swing Justice Hagedorn understood Pines' thrust but extant subject, redistricting, is destined for court, "If there is a more certain litigation that exists, I'm unaware of it." Reviews Dem, WILL remap suits.
<https://www.wpr.org/oral-arguments-held-case-seeking-block-gop-lawmakers-hiring-private-edistricting-attorneys>

AG Kaul outlines \$115M plan for 'safer communities'

... would utilize funds from the state's budget surplus ... projected to be as much as \$1.7B come June 2023 -- and make a wide range of investments including: * \$20M DOJ grants for community policing and prosecutor efforts * \$10M grants for local violence prevention services * \$10M grants for "victim services programs" * \$14M+ for improving mental health crisis response * \$10M for officer recruitment, retention and wellness * \$1.2M to create statewide hate crime hotline * \$1M for 2 new Asst. AGs and 2 new investigative special agents for violent crime * \$522K for a treatment program for non-violent offenders, among other things * \$91M for higher ed, special ed aid to WI schools [to satisfy ARP req] ... Kaul has put forth several similar proposals in the past, but they have failed to gain traction among members of the Republican-controlled Legislature. Kaul: "By fighting gun violence and other violent crime, bolstering our efforts to address the opioid epidemic and investing in our communities rather than starving them of resources, we can make all of Wisconsin safer." Evers office did not respond.
<https://captimes.com/aac044a7-d8c8-596e-8019-86ab42df6439.html>

'Partisan politics at its worst': WEC chief Wolfe refuses to step down

State GOP leaders have issued sharp criticism in wake of audit, Racine County allegations ... "I think in some ways that they think I'm an easy target -- I'm not," she said. "I think that anybody that's looked at the integrity of the work that I've done, the dedication that I've given to this position, the support I've provided to our heroic local election officials ... I don't think that the claims have any basis." ... has "an obligation as the state's nonpartisan chief election official to rise above" the criticism. ... [job requires Senate confirmation] term set to end in 2023. She wouldn't say Monday if she would seek an additional term in the job. Lists 5 WEC transgressions in 2020 election, according to LAB, which made 30 recommendations, which ... "The commission is very anxious and staff is very anxious to start working ... because I think we'll be able to show that we're able to make a very immediate, very good faith effort to make sure we're addressing those concerns. And I think we're all thankful to the audit bureau for providing us with a roadmap, in some senses, of some things we are able to take care of right away," WEC memo coming to address inaccuracies in LAB audit. Rehash

ongoing GOP doubts, election probes, despite court rulings, routine audits and recounts finding no wrongdoing in Biden's 21K win.

<https://www.wpr.org/partisan-politics-its-worst-wisconsin-elections-head-meagan-wolfe-refuses-step-down>

Most Americans trust elections are fair, but sharp divides exist

... new NPR/PBS NewsHour/Marist poll finds. [most voters feel Trump is alleging fraud because he lost] But those results are largely because of Dems and independents. Many Republicans appear to have bought into Trump's lies ... almost 9 in 10 Democrats and 60% of independents ... just a third of Republicans ... trust elections in the country either a great deal or a good amount ... Seventy-two percent of whites with degrees said they had trust in elections, while less than half of non-college-educated whites said they did. ... Seventy percent [including 60% of GOP] said they are either confident or very confident in their state and local governments to conduct elections fairly and accurately in 2022. More details, demographics, analysis, no commentary.

<https://www.wpr.org/most-americans-trust-elections-are-fair-sharp-divides-exist-new-poll-finds>

Mandela Barnes tops 100 endorsements in Wisconsin Senate primary

... weeks after campaign finance reports showed Barnes as the third-quarter fundraising leader in the crowded field ... Barnes said he is especially proud to have the support of local leaders ... "folks who are doing the hard work of governing where the rubber meets the road ... [including Exec. Parisi, Clerk McDonell, Madison Council Pres. Abbas, Fitchburg Mayor Huntley-Cooper, MMSD Board chair Muldrow, other alders, county and school boarders, Rep. Anderson, Sens. Johnson, Carpenter and Larson, U.S. Rep. Moore and U.S. Sen. Warren.] Barnes, 2-term Assembly rep, failed Senate primary and Lt. gov, is considered a frontrunner with Godlewski, Lasry and Nelson. Barnes: "I'm proud of the statewide coalition we've built, and I'm grateful to have the support of so many leaders from across Wisconsin. As I've gone around the state, I've heard from leaders and voters who are tired of representatives in D.C. that put corporate special interests ahead of our communities, and that's why folks have been so excited about our campaign."

<https://captimes.com/d67cb16c-f138-51af-9188-05d37017159b.html>

Dane County mask mandate extended to Nov. 27

... includes everyone over the age of 2, covering school settings ... [except when] eating or drinking, when playing a wind instrument with a fabric bell or other cover and spaced at least six feet apart, and when presenting or performing for an audience -- as long as everyone at the event is fully vaccinated ... an average of 147 people were testing positive per day on Oct. 4, but by Oct. 28 that dropped to an average of 88. ... 74.6% of all Dane County residents are at least partially vaccinated, including 85% of those currently eligible [age 11 and over] ... Deaths and hospitalization numbers in the county, however, have remained at or near the peak of this wave, though still below the height of the pandemic last winter. ... [Exec.] Parisi said in the release the "main goal" of masking requirements "continues to be protecting those most vulnerable to the virus, including unvaccinated children." ... Mayor Satya Rhodes-Conway encouraged ... "Get

your booster dose if you can, get your children vaccinated if you can, and we can continue moving this city and this county forward." PHMD encouraged schools to continue masks beyond Nov. 27.

<https://captimes.com/08b9d4e0-f6ce-563c-9b53-8abac99b597f.html>

Jury seated in Kyle Rittenhouse case

... court summoned 300 prospective jurors, expecting about 150 people to turn up ... Some of those prospective jurors were held in a separate building Monday while about 80 prospective jurors -- each identified only by number -- were brought into the courtroom. ... Twenty people were selected [for] juror pool, 19 are white and 11 are women. ... "You are in the command seat," Schroeder told the jurors. "You are going to know more about this case than anyone in the world." ... trial is scheduled to get underway at 9 a.m. Tuesday with opening arguments. ... to run as long as 3 weeks. Details on jury selection, charges, shootings.

<https://www.kenoshanews.com/4eced353-42cf-5624-b9c0-6f2145153d2c.html>

Potential jurors express fear, anxiety at idea of serving on Rittenhouse panel

... some of the responses to questions Monday during jury selection ... which ended around 7 p.m. ... man described a growing anxiety. A woman feared what her husband would say if she voted [against his expected] verdict ... Some people talked of moving their cars to backyards, boarding up windows, leaving town, or getting guns [expecting repeat] violence ... [woman] swapped out the blue porch light -- normally lit to show support for police -- as protests spread and grew violent. Others expressed fear of [vandals and looters] ... "Nobody wants to be in this seat," said one woman. ... Several more potential jurors said they hold strong opinions about how the case should go. ... Schroeder entertained them with Jeopardy-style questions for the first several minutes, then gave some historical lectures about jury trials. ... excused several [including woman opposed to private ownership of assault rifles] ... [6 reporters won lottery to be in courtroom] Most of the large media contingent watched a video feed ... from the basement. Jurors were never shown, and their responses were often hard to hear. ... [some questions from defender Chirafisi, Asst. DA Binger] ... Schroeder tried to assure worried panelists the degree of risk to them is probably far less than they think, and that security measures he couldn't reveal will substantially address those fears. "Maybe the country would calm down if they saw a verdict from a fair trial," Schroeder said. ... Outside, on the courthouse steps, rawer emotion was on display ... Justin Blake [carrying large red-black-green Pan-African Flag, said] first day of the Rittenhouse trial meant "there can be some type of justice in this town that seems to be from the world's view, racist. It means we can be involved with something positive." ... called Rittenhouse "a cold-blooded killer. He crossed state lines with the intention to do harm." ... at least one Rittenhouse supporter on the courthouse steps, a woman who gave her name as Emily ... from Chicagoland. ... had a small American flag ... sign that read, "Antifa and BLM are here to intimidate." ... called for the arrest of Gov. Tony Evers, Jacob Blake and Gaige Grosskreutz, who was wounded by Rittenhouse. ... "Kyle ... has been through a lot. There are people standing against him. He needs some support."

<https://www.jsonline.com/story/news/local/wisconsin/2021/11/01/rittenhouse-trial-begins-emotions-ring-out-courthouse-steps/6234286001/>

Kenosha man in Rittenhouse shooting video says case is personal to him

... Alberto Speed ... was only yards away when Huber was killed and Grosskreutz was shot. ... the man seen with his hands up after the Kyle Rittenhouse shootings ... said he was among those who tried to stop Rittenhouse after the first shooting ... said he never spoke to police [because] has a previous criminal conviction ... Police have never identified the man. ... "If you want my opinion I absolutely 100 percent think he murdered those people," Speed said. "The hero part (of public opinion) kind of makes me sick." ... [only went out on] third night after widespread fires in Uptown. ... to help protect his town ... said he was not armed. ... [chased Rittenhouse after first shooting] hoped to disarm him. "I definitely had no intention of hurting the kid," Speed said. ... "there were others on the street who were armed. "If they wanted (Rittenhouse) dead he would have been dead." ... Since the shooting, Speed said, he is nervous ... worried ... has trouble sleeping. ... fearful ... [trial fills him] with anxiety. "Someone wanted to play superhero, and they shouldn't have," Speed said.

<https://www.kenoshanews.com/a39df35d-4934-573d-8dfe-01b5434f6f85.html>

Rep. Steffen proposes transferring Lambeau Field's ownership to city of Green Bay

... would decommission the district in September. ... redistribute the district's assets. ... each Brown County homeowner receive a \$600 refund check -- totaling about \$45M [of \$81M district tax revenue]. ... would simplify the [city/team] financial relationship ... eliminate administrative costs ... has been working on the plan for years ... spoken to city, county and team leaders ... "There's no bigger fan of the Green Bay Packers than me," Steffen said. "I grew up six blocks from Lambeau Field. I worked for the Green Bay Packers. I'm a season ticket holder, and there's nothing in this legislation that will negatively impact them financially. ... what I'm presenting is a draft. It is something that I want the public to review, even before my colleagues down in Madison." ... asked Brown County residents to take a short survey on the proposal. ... [city would assume district debt, maintain/manage property] would see \$200M in new revenue over the remainder of the Packers' lease. ... Last week, the Packers announced the NFL approved a potential stock sale that would help the team finance stadium renovations. The team plans to upgrade concourses and add new video boards. The projects could cost \$250M with none of the funds coming from taxpayers.

<https://www.wpr.org/state-legislator-proposes-transferring-lambeau-fields-ownership-city-green-bay>

Get video and audio from the 2021 WisPolitics.com Polling Summit and 2022 Election Preview

Couldn't make it to WisPolitics.com's Polling Summit and 2022 Election Preview?

Catch up when you have the time by watching video or listening to audio from the event,

which featured the major two state party chairs and a pollster-pundit panel.

You can watch the full video and hear the full audio for \$9, gaining insight that will pay off for the entire election year.

Click here to make a payment, putting "summitvideoaudio" in the purpose of payment line: <https://www.wispolitics.com/make-payments/>

And then we'll send you links to the video AND audio files.

Questions? Contact: schmies@wispolitics.com

TODAY'S CALENDAR

<https://www.wispolitics.com/category/events/>

- 8 a.m. - 9 a.m.: WEDC: Export coffee break on how WEDC grants can help your company grow international sales.

<https://join.inwisconsin.com/ereg/newreg.php?eventid=637740>

- 8 a.m. - 9 a.m.: Milwaukee Rotary Club. Guest speaker is Leon Todd, executive director of the Milwaukee Fire and Police Commission. Rotary meetings are open to members, invited guests and media.

<https://www.wispolitics.com/2021/milwaukee-rotary-club-146/>

- 8:30 a.m. - 10 a.m.: WisPolitics.com DC breakfast: "How Federal Dollars Can Supercharge Research and Metro Areas." Featuring U.S. Rep. Mike Gallagher, a Green Bay-area Republican and House co-sponsor of the Endless Frontier Act. Event also includes a panel discussion with Mark Muro, a senior fellow and policy director at the Brookings Metropolitan Policy Program; Steve Ackerman, a climate scientist and vice chancellor for research and graduate education at UW-Madison; and Brooke Mayer, an associate professor of civil, construction and environmental engineering at Marquette University. Registration closed.

- 8:30 a.m. - 4:30 p.m.: UW Madison Diversity Forum 2021: "Rising Above and Reshaping our World in the Image of Justice."

<https://mediasiteconnect.com/site/uw-diversity-forum/registration>

- 10 a.m.: U.S. Senate Foreign Relations Committee hearing on Milwaukee Mayor Tom Barrett's appointment as ambassador to Luxembourg.

<https://www.foreign.senate.gov/hearings/nominations110221>

- 10 a.m.: PSC hearing.

<https://apps.psc.wi.gov/APPS/eventscalendar/Content/hearing.aspx?id=101524>

- 12 p.m. - 1 p.m.: Milwaukee Press Club: Newsmaker Lunch Hour with Medical College President and CEO John Raymond.

<https://milwaukeepressclub.org/events/medical-college-president-and-ceo-john-raymond-to-headline-newsmaker-lunch-hour/>

- 12 p.m.: Assembly Committee on Forestry, Parks and Outdoor Recreation public hearing on AB 682, relating to grant related to the Verso Paper Mill in the city of Wisconsin Rapids, loan guarantee related to the Park Falls Pulp and Paper Mill in the city of Park Falls and substance abuse prevention on certain public projects.

<https://docs.legis.wisconsin.gov/raw/cid/1643979>

- 7 p.m. - 8:30 p.m.: WARF: "Crossroads of Ideas: COVID-19 and a Deluge of Data." Features Caroline Chen, health care reporter for ProPublica and UW-Madison's fall 2021 Science Writer in Residence and panelists Jordan Ellenberg, mathematics, Wisconsin Institute for Discovery; Ajay Sethi, population health sciences; and Dominique Brossard, life sciences communication, Morgridge Institute for Research.

<https://www.warf.org/event/crossroads-of-ideas-covid-19-and-a-deluge-of-data/>

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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.

What we are doing:

- To augment the elections administration audit being conducted by the independent and non-partisan Legislative Audit Bureau, the State Assembly is retaining independent and professional investigators to dive deeper into irregularities connected to the 2020 election.

Why:

- One thing all Wisconsinites agree on is that voting should be accessible to all eligible voters, conducted according to the laws of the United States and State of Wisconsin, and that all votes count equally.
- To that end, three things are essential:
 1. Election laws are uniform throughout the state and administration of those laws is uniform whether you are a voter in Superior or South Milwaukee.
 2. The administration of the elections is carried out in a manner that does not lend favor to any political party or movement over another.
 3. Voters have faith that their vote is counted as cast and their vote is not cancelled by an illegal ballot (e.g. out of state voter or a dead voter).

These professional, independent investigators will:

- Look deeper into legitimate and credible accusations of potential irregularities and/or illegalities connected to the 2020 November election in Wisconsin.
- Collect data and evidence, interview witnesses, and document findings related to those irregularities.
- Prepare a final report to be submitted to the Speaker of the Assembly

The subject areas the investigators will delve into include:

- Follow-up on past WEC fraud reports (The WEC issues an annual fraud report to the Legislature containing referrals made to District Attorney's across the state. No one has ever looked, however, at what became of those fraud referrals).
- The improper interference with election administration by private, outside donors.
- Potential violations of the voting rights of persons living in skilled nursing or other long-term care facilities.
- Instances where rogue elections officials or the WEC either willfully or unintentionally violated state elections laws.

From: Joseph Santeler <joesanteler@gmail.com>
Sent: Friday, October 29, 2021, 5:13 PM
To: "Fawcett, Steve" <Steve.Fawcett@legis.wisconsin.gov>
Subject: Re: Gableman Subpoena Testimony

Thank you.

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

From: "Fawcett, Steve" <Steve.Fawcett@legis.wisconsin.gov>
Sent: Friday, October 29, 2021, 4:09 PM
To: "Marley, Patrick" <patrick.marley@jrn.com>
Cc: "Blazel, Ted" <Ted.Blazel@legis.wisconsin.gov>
Subject: RE: scope statement request
Attachments: points on hiring of independent team.pdf

Dear Mr. Marley,

This is in response to your public records request dated 9/1. Your request was for the following documents:

- copy of the scope statement for Justice Gableman's investigation

I have attached all relevant documents. We now consider this matter closed. Thank you.

Sincerely,

Steve Fawcett
General Counsel
Office of Assembly Speaker Robin Vos
608.266.3387

From: Marley, Patrick <patrick.marley@jrn.com>
Sent: Tuesday, October 5, 2021 7:21 PM
To: Fawcett, Steve <Steve.Fawcett@legis.wisconsin.gov>
Cc: Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>
Subject: Re: scope statement request

I am checking back on this request, which I made more than a month ago.
Thank you.

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

From: Marley, Patrick <patrick.marley@jrn.com>
Sent: Monday, September 27, 2021 5:14 PM
To: Fawcett, Steve <Steve.Fawcett@legis.wisconsin.gov>
Cc: Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>
Subject: Re: scope statement request

Hi Steve. I am checking back with you on this request from Sept. 1 for the scope statement for Justice Gableman's investigation. Do you know if you have any responsive records and, if so, how long it will take to produce them? Thank you.

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

From: Fawcett, Steve <Steve.Fawcett@legis.wisconsin.gov>
Sent: Monday, September 13, 2021 2:53 PM
To: Marley, Patrick <patrick.marley@jrn.com>
Cc: Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>
Subject: RE: scope statement request

Dear Mr. Marley,

This email confirms receipt of your public records request on 9/1/2021. You have requested:

- copy of the scope statement for Justice Gableman's investigation

Your request is being processed pursuant to Wisconsin law and the procedures of the Wisconsin State Assembly and a response will be prepared.

If you have any questions regarding your request, please contact our office.

Sincerely,

Steve Fawcett
General Counsel
Office of Assembly Speaker Robin Vos
608.266.3387

From: Marley, Patrick <patrick.marley@jrn.com>
Sent: Wednesday, September 1, 2021 10:16 AM
To: Joyce, Angela <Angela.Joyce@legis.wisconsin.gov>; Fawcett, Steve <Steve.Fawcett@legis.wisconsin.gov>
Cc: Beck, Molly <MABeck@gannett.com>
Subject: scope statement request

Hi Angela and Steve --

Under the state's open records law, I am requesting a copy of the scope statement for Justice Gableman's investigation. Thank you.

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