Subject: FW: Public Records Law Request (WI-REP-22-0458)
Date: Friday, May 27, 2022 at 10:39:58 AM Eastern Daylight Time
From: Dylan Winters
To: AO Records
Attachments: image001.png

From: Redell, Carol <Carol.Redell@legis.wisconsin.gov>
Date: Thursday, May 26, 2022 at 12:09 PM
To: Dylan Winters <dylan.winters@americanoversight.org>
Cc: Rep.Brandtjen <Rep.Brandtjen@legis.wisconsin.gov>, Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>
Subject: RE: Public Records Law Request (WI-REP-22-0458)

EXTERNAL SENDER

https://wilegis-my.sharepoint.com/:u:/g/personal/credell_legis_wisconsin_gov/EYRKwtjW_vlEkjKdSekC8_0B3GRClS31E5FDY6iwSPYodQ?email=dylan.winters%40americanoversight.org&e=LVfYba

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 Brandtjen. 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: Rep.Brandtjen <Rep.Brandtjen@legis.wisconsin.gov>
Sent: Thursday, May 26, 2022 11:03 AM
To: Downloads <Downloads@americanoversight.org>
Cc: Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>; Redell, Carol <Carol.Redell@legis.wisconsin.gov>
Subject: RE: Public Records Law Request (WI-REP-22-0458)

American Oversight,

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This is in response to your public records request in the attached document.

Responsive records have been delivered to the Office of the Assembly Chief Clerk and they will contact with you with instructions on how to retrieve those records.

We now consider this matter closed.

Thank you,



Janel Brandtjen
Wisconsin State Representative
22nd Assembly District

cc: Ted Blazel, Assembly Chief Clerk
Carol Redell, Assembly Chief Clerk's Office

From: Downloads <Downloads@americanoversight.org>
Sent: Monday, May 09, 2022 3:52 PM
To: Rep.Brandtjen <Rep.Brandtjen@legis.wisconsin.gov>
Subject: Public Records Law Request (WI-REP-22-0458)

Dear Public Records Custodian:

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-22-0458

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Assembly

INFORMATIONAL HEARING

Committee on Campaigns and Elections

The committee will hold a public hearing on the following items at the time specified below:

Thursday, March 24, 2022
10:00 AM
412 East

Invited Speakers Only

2020 Election Investigation
2020 Election Investigation - Pursuant to AR -15

True the Vote: Catherine Engelbrecht - Gregg Phillips

Attorney James Bopp

03/22/2022: The bottom notes were changed.

_____
Representative Janel Brandtjen
Chair

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TRUE THE VOTE

SPECIAL REPORT [1]

DELIVERY OF ABSENTEE BALLOTS BY INTERMEDIARIES TO MILWAUKEE COUNTY AREA DROP BOXES OCTOBER 20 – NOVEMBER 3, 2020

MARCH 18, 2022

True the Vote is a non-profit organization[2] engaged in public interest research and education. TTV works with analysts who have extensive experience utilizing data to detect patterns in complex commercial and criminal investigations across diverse market segments, including government agencies and healthcare. Among its activities, TTV conducts non-partisan research and analysis of election administration and process integrity.

I. BALLOT HARVESTING INVESTIGATIONS

During the November 2020 election cycle, the Center for Technology and Civil Life ("CTCL") made over $350 million in grants to local governments for election-related activities, including drop-boxes for absentee ballots.[3]

In Wisconsin, CTCL distributed over $10.3 million in grants. About 86% of the funding went to five cities, Milwaukee, Madison, Green Bay, Kenosha, and Racine,[4] which they used to provide drop boxes for receiving absentee ballots and other voter assistance.[5]

In 2021, in response to whistleblower reports, TTV began purchasing and analyzing publicly available drop box surveillance video and commercially available geospatial (mobile device) data generated at CTCL grant-funded drop box locations during the time periods in which drop boxes were in use for the 2020 General Election.[6]

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[1] This Report is sponsored by First Freedoms Foundation, Inc., a non-profit, § 501(c)(3) organization engaged in public interest law and education. http://firstfreedomsfoundation.org

[2] https://www.truethevote.org/

[3] https://www.techandciviclife.org/grant-update-march/

[4] A Review of the 2020 Election, Wisconsin Institute for Law and Liberty (2021). https://will-law.org/wp-content/uploads/2022/01/2021ReviewStudyJanuary.pdf

[5] Election scandal: Roots in Racine – Wisconsin Spotlight; https://www.fox6now.com/news/racine-mobile-elections-vehicle-rolled-out-after-2020-vote

[6] TTV's research is featured in the upcoming documentary, "2000 Mules," scheduled for release in April, 2020. http://2000mules.com/

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TTV's initial investigations were conducted in the six counties that comprise the metro-Atlanta, Georgia area and in Maricopa County, Arizona. Analysis revealed evidence of massive ballot harvesting, with ballots being delivered to drop boxes by intermediaries other than the absentee voters themselves.[7]

In the metro-Atlanta area, analysis of geospatial data confirmed that 242 intermediaries made 5,668 individual stops at drop boxes between October 12, 2020, when early voting began, and January 6, 2021, the date of the United States Senate run-off election. The timestamps in the geospatial data were then used to identify drop box visits in the surveillance video. The video confirms these intermediaries were, in fact, making repeated visits to drop boxes, depositing multiple ballots on each visit. In many instances, the videos show intermediaries attempting to deposit so many ballots that they were unable to fit into the drop box drop slot, and ballots are seen falling to the ground. The same patterns emerged in Maricopa County, where more than 202 intermediaries made 4,282 individual drop box visits during that time period.

Additionally, TTV received testimony from witnesses and informants disclosing that intermediaries were typically paid $10 per ballot for each ballot they collected and delivered.[8] In Arizona, these revelations have already produced multiple criminal indictments.[9]

II. WISCONSIN STUDY

Wisconsin law requires that absentee ballot envelopes be "mailed by the elector, or delivered in person, to the municipal clerk issuing the ballot or ballots."[10] It is illegal for an absentee ballot to be cast by anyone other than the elector, with a witness certifying the vote.

Critically, however, if the elector receives assistance marking the ballot, the "assistant" must certify that the elector requested the assistance, but is *not* required to certify that he or she did not *solicit* the elector's vote.[11]

TTV is currently investigating ballot harvesting patterns in three of the five Wisconsin cities that received CTCL funding. Specifically, TTV is conducting research and analysis to determine whether, during the two-week period prior to the 2020 election (10/20/20 – 11/3/20), there was systematic delivery of absentee ballots to drop boxes by intermediaries other than by the absentee voters themselves.

TTV has concluded its initial analysis of drop box traffic data in Milwaukee County. Its findings are summarized in this report. TTV is continuing its research and analysis of data

[7] *E.g.,* Appendix 1, TTV Administrative Complaint to Georgia Secretary of State, Nov. 30, 2021.

[8] Appendix 1, p. 2.

[9] https://www.azag.gov/press-release/two-individuals-accused-ballot-harvesting-yuma-county

[10] Sec. 6.87(4)(b)1., Wis. Stats.

[11] https://elections.wi.gov/sites/elections/files/2020-08/EL-122%20Standard%20Absentee%20Ballot%20Certificate-portrait%20%28rev.%202020-08%29.pdf

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from other areas where CTCL-funded drop boxes were located, and will be releasing those findings in the near future.

Completion of TTV's Milwaukee County research is especially timely. On February 19, 2022, in an action brought by Wisconsin Institute for Law and Liberty,[12] the Circuit Court for Waukesha County held that use of drop boxes for absentee voting violates § 6.87(4)(b)1., Stats., and enjoined their use statewide.[13] WILL's action, *Teigen v. Wisconsin Elections Commission*,[14] is now before the Wisconsin Supreme Court, which has permitted the injunction to remain in place for the spring general election on April 5.[15]

TTV's research will inform both public discussion and legislative and policy proposals to enhance transparency, uniformity, and equal access for Wisconsin voters in future elections. Further, on March 21, TTV will be filing an *amicus* brief in the *Teigen* case in the Wisconsin Supreme Court, arguing that construing § 6.87(4)(b)1. to prohibit use of drop boxes will ensure greater equality of voting access among all Wisconsin electors regardless of their place of residence, and will also limit the ability of super-wealthy activists to influence Wisconsin elections through massive, tax-exempt spending that escapes reporting under ordinary campaign finance law but is strategically designed and administered to achieve a partisan result.

Finally, while TTV believes that construction of the law will benefit *future* elections, TTV does not opine on the legality of past activity analyzed in this report or suggest that the 2020 election results should be decertified based on its findings.

III. RESEARCH METHODS

TTV uses both video surveillance recordings and geospatial data to track and analyze drop box traffic patterns. Surveillance video is routinely used in a wide range of applications including security, highway traffic and tolls, wildlife tracking, marketing, and facility usage.

It is difficult to imagine a public function more critical than voting. Given the ubiquity of video surveillance and tracking in other applications, 24/7 video surveillance of drop box traffic would seem to be an expected rudimentary requirement of the Wisconsin Elections Commission and responsible local governments utilizing drop boxes. Visual records of box activity would provide accountability and security at least somewhat comparable to the safeguards for traditional same-day and early in person voting, which are conducted in the presence of authorized officials and observers.

For example, Georgia's election rules required drop boxes with 24/7 video surveillance.[16]

[12] https://will-law.org

[13] https://will-law.org/wp-content/uploads/2022/02/142-2022-01-20-Order-granting-Pls-Summary-Judgment-signed-1-19-221.pdf

[14] *Teigen v. Wisconsin Elections Commission*, Appeal Number 2022AP000091; https://wscca.wicourts.gov/appealHistory.xsl?caseNo=2022AP000091&cacheId=E1AD15A7F683EB361365795C64D83964&recordCount=1&offset=0&linkOnlyToForm=false&sortDirection=DESC

[15] https://elections.wi.gov/node/7861

[16] https://www.gpb.org/news/2021/07/12/absentee-drop-box-use-soared-in-democratic-areas-voting-law-change

Such video files are election records mandated for retention under federal law.[17] Through open records requests, TTV obtained over 4 million minutes of drop box surveillance video from Georgia.[18]

TTV also purchased commercially available, anonymized, geospatial mobile device information. Analysis of this cell phone data can pinpoint the specific location of a unique device at a specific time without disclosing private information about the device owner's identity.

This type of data analysis use is highly valued because of its accuracy, and is commonly used in a wide range of mainstream applications including product marketing and targeted messaging in political campaigns. In fact, virtually every cell phone user has received some type of promotional or political text.

Properly conducted, geospatial data aggregation and analysis raises no legal concerns and is routinely conducted by diverse users including government agencies, businesses, marketing firms, transportation services, political campaigns, and health, education, and social science providers and researchers.[19]

For example, in 2019, the New York Times published a widely read expose on cell phone tracking based on data collected in 2016 – 2017 at the New York Stock Exchange, major cities, government facilities (Pentagon and Whitehouse), and private residences.[20]

NYT even included a series of animated graphics, tracking routes traveled by the President along with the hyperlink, "How to Track President Trump," followed by the byline, "Read more about the national security risks found in the data."

In its election integrity work, TTV utilizes geospatial data and analysis to detect and analyze patterns of potentially inappropriate election activities.

The accuracy of the data and methodology is beyond question. As the NYT article states:

> Describing location data as anonymous is "a completely false claim" that has been debunked in multiple studies, Paul Ohm, a law professor and privacy researcher at the Georgetown University Law Center, told us. "Really precise, longitudinal geolocation information is absolutely impossible to anonymize."
>
> "D.N.A.," he added, "is probably the only thing that's harder to anonymize than precise geolocation information."

However, even though a device's "location data" is not "anonymous," as Professor Ohm says, geo-spatial researchers may keep the device owner's *identify* anonymous.

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[17] 52 U.S.C. § 20701 requires election officials to retain "all records and papers" for 22 months following a federal election.

[18] Appendix 1, pp. 1 - 3.

[19] E.g., https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3821057/; https://www.jstor.org/stable/42748309; https://insights.som.yale.edu/insights/what-can-smartphone-location-data-tell-us-about-the-pandemic; http://www.sehinc.com/news/cell-phone-data-makes-traffic-analysis-and-transportation-planning-easier; https://ij-healthgeographics.biomedcentral.com/articles/10.1186/1476-072X-7-22; https://www.jstor.org/stable/44134975; https://www.jstor.org/stable/30036682

[20] https://www.nytimes.com/interactive/2019/12/19/opinion/location-tracking-cell-phone.html

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In contrast to the NYT, which identified President Trump and published routes he traveled, TTV does not "unmask" or "de-anonymize" owner identities of the devices it tracks. Authorized government and legal agents can and do routinely obtain deanonymized information from cell phone companies, but TTV does not publish that kind of deanonymized analysis.

IV. DATA

Surveillance Video. Unlike Georgia, which requires constant video surveillance of ballot drop boxes, Wisconsin law does not require any such surveillance.[21]

TTV made open records requests to multiple Milwaukee County municipalities for drop box surveillance video. In response, only the Village of Brown Deer provided video for one of its two drop boxes located at Village Hall. Despite reported statements by the City of Milwaukee that it had maintained video surveillance,[22] neither the City of Milwaukee nor any other municipality in the County provided video. Each responded that it had failed to record surveillance video, or had failed to maintain the video, or did not respond to the requests at all.[23]

Geospatial Data. Because Milwaukee officials failed or refused to provide surveillance video, TTV focused our analysis on the use of geospatial data to determine whether third-party intermediaries made multiple visits to drop box locations.

TTV purchased 25 terabytes of cell phone signal data emitted by devices in the Milwaukee County area during the two-week period prior to the 2020 election, October 20 - November 3. The data was purchased from standard commercial providers and includes signals from over 27,000 cell phone apps, which data aggregators purchase and resell to public and private buyers for official and commercial uses.

Consistent with TTV policy and methods, the data was never held in any form other than "anonymized." While the data provides exact locations of specific devices at specific times, it does not disclose the identities or other private information about the individuals registered as owners of those devices.[24]

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[21] It should also be noted that Wisconsin election statues do not authorize the use of drop boxes. https://www.ncsl.org/research/elections-and-campaigns/vopp-table-9-ballot-drop-box-definitions-design-features-location-and-number.aspx

[22] https://www.jsonline.com/story/news/politics/elections/2020/10/19/how-milwaukee-ensures-absentee-ballots-voting-machines-secured/5937160002/

[23] Appendix 2, log of TTV open records requests for surveillance video. Requests were sent to Bayside Village, Brown Deer Village, City of Milwaukee, Cudahy, Fox Point Village, Franklin, Glendale, Greendale, Greenfield, Hales Corner, Milwaukee County, Oak Creek, River Hills, Shorewood, South Milwaukee, St. Francis, Wauwatosa, West Allis, West Milwaukee, and Whitefish.

[24] The raw and unedited data purchased by TTV does not include any analysis conducted by TTV or its contractors, nor does it include any list of specific IMEI devices or identifying information regarding any individuals other than commercially available, anonymized, IMEI data in its original form.

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IV. ANALYSIS

To obtain an appropriate study sample, TTV analysts followed a prescribed methodology. First, we correlated the data with the exact longitude and latitude of drop boxes located in the Milwaukee County area, extracting device identifications of only those devices "pinpointed" at drop box locations during the 10/20 - 11/3 window. Each drop box pinpoint is referred to as a visit.

"Pinpointing" is a non-technical term for plotting multiple pings emitted by a specific device within a specific time frame to determine the location of the device at a specific time. For example, plotting 200 pings from 50 different apps emitted from a device within a 10 second interval "pinpoints" exactly where the device was located during that time window. TTV's methodologies for pinpointing device locations are highly accurate, exceeding customary industry standards and those used by NYT for its article.

In municipalities in the Milwaukee County area, 53,291 cell phones were pinpointed at ballot drop boxes three or more times during the 10/20 - 11/3 window

Within that two-week window, 107 unique devices made (1) 20 or more visits to drop boxes (averaging 26 visits each, some as many as 10-15 per day) *and* (2) multiple visits to non-governmental organizations ("NGOs") involved in get-out-the-vote efforts (averaging 5 NGO visits each).

Those 107 "20X" devices together visited drop boxes a total of 2,824 times during the window, with a majority of visits occurring after 8:00 pm, past posted business hours at the government or other locations where the drop boxes were located.

Appendix 3 provides IMEI Device Nos. of all 107 20X devices analyzed. Appendix 4 provides maps of 8 of those devices showing routes they travelled and the drop boxes and NGO locations they visited on October 20, 2020.

The exact chronology of each device can be tracked and pinpointed from 12:00 a.m. to 11:59 p.m. on the date shown. However, to maintain device and NGO anonymity, the IMEI Device Nos. are redacted in Appendix 3, and the locations are removed from the Appendix 4 maps, with device routes intentionally overlayed as composites without time sequencing.[25]

[25] Like "unmasking" or "de-anonymizing" device owners, time sequencing is a routine industry capability. TTV's analysts are capable of producing that kind of information the same as other industry analysts. However, TTV does not produce or publish that information as part of its public interest research work.

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APPENDIX 1

Administrative Complaint to
Georgia Secretary of State
Brad Raffensperger

Complainant:	Tue the Vote, PO Box 3109 #19128 Houston, TX 77253-3109
Complaint:	Ballot trafficking General Election November 2020 and Runoff Election January 2021 periods
Counties:	Atlanta metro area
Potential Violations	O.C.G.A. § 21-2-385 (a) Procedure for voting by absentee ballot; advance voting

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TRUE THE VOTE

November 30, 2021

Brad Raffensperger
Secretary of State
Georgia Capitol
206 Washington St SW
Atlanta, GA 30334

Complainant: True the Vote, PO Box 3109 #19128 Houston, TX 77253-3109
Complaint: Ballot trafficking General Election November 2020 and Runoff Election January 2021 periods Counties: Atlanta metro area
Potential Violations: O.C.G.A. § 21-2-385 (a) Procedure for voting by absentee ballot; advance voting

INFORMATION IN SUPPORT OF COMPLAINT

As part of True the Vote's ongoing nonpartisan election integrity research and in response to reports of ballot trafficking in Georgia and other states across the country, we undertook certain efforts to examine this issue more closely. Following a detailed account of coordinated efforts to collect and deposit ballots in drop boxes across metro Atlanta, True the Vote obtained publicly available surveillance video as well as commercially available cell phone data which revealed concerning patterns of behavior consistent with the reports made to our organization. True the Vote hereby submits this Complaint to the Georgia Secretary of State detailing the potentially improper election efforts which took place during the General Election of November 2020 and Runoff Election of January 2021.

Acting upon information provided to us, True the Vote's contracted team of researchers and investigators spoke with several individuals regarding personal knowledge, methods, and organizations involved in ballot trafficking in Georgia. One such individual, hereinafter referred to as John Doe, admitted to personally participating and provided specific information about the ballot trafficking process. This information was provided under agreement of anonymity.[1]

[1] It is imperative that True the Vote maintain confidentiality agreements made with persons willing to speak openly with the organization. First and foremost, True the Vote is primarily concerned for the safety of individuals willing to come forward to speak about such sensitive topics. True the Vote is not a law enforcement agency, we do not have the resources of the State, and we are unable to provide any safety guarantees to those individuals willing to provide information other than to keep our word that their identity will not be disclosed. Furthermore, for the same reason law enforcement agencies do not disclose the identities of their confidential informants, True the Vote must also maintain such confidences. To do otherwise would greatly inhibit future efforts of the organization as individuals would no longer be willing to speak openly about such matters. Finally, to the extent an individual admits to conduct constituting a crime, True the Vote is unable to offer immunity from prosecution. Informants would not be honest in their discussions if they lacked confidence that any admissions made would be held in the strictest of confidences and would not subject them to criminal prosecution in the future.

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John Doe described a network of non-governmental organizations ("NGO"s) that worked together to facilitate a ballot trafficking scheme in Georgia. John Doe claimed to have been one of many individuals paid to collect and deliver absentee ballots during the early voting periods of the November 2020 General Election and the January 2021 Runoff Election. While acknowledging that others might view his actions as inappropriate, John Doe did not seem to understand the unlawful nature of this conduct nor that it might constitute organized criminal activity. John Doe's perception was that he had been hired to do a job and it was appropriate to be paid for the services rendered.

John Doe's assignment included collecting ballots, both from voters in targeted neighborhoods and from NGOs that had their own ballot collection processes, delivering those ballots to other NGOs, picking up designated ballot bundles from the same group of NGOs, and depositing ballots into drop boxes spanning six counties in the metro Atlanta area. Each drop box delivery would typically include between 5 to 20 ballots. John Doe described a payment validation process which involved taking cell phone pictures of the drop box where ballots were deposited. Participants were compensated, typically at a rate of $10 per ballot. John Doe stated he had been paid directly by one of these NGOs.[2]

Following this report, True the Vote submitted open records requests to obtain the surveillance video of various drop boxes across Georgia during the General Election of November 2020 and Runoff Election of January 2021. Despite a legal mandate to maintain this video, county officials were only able to produce an estimated 20% of the surveillance video requested in the counties of Fulton, DeKalb, Cobb, and Gwinnett.[3] Nonetheless, in our initial review of the available 3 million minutes of surveillance video, we found compelling evidence to support the reports of absentee ballot trafficking conducted during the November 3, 2020, General Election and January 5, 2021, Runoff Election periods.

In addition to ordering surveillance video, True the Vote also purchased commercially available, anonymized, geospatial mobile device information. This cell phone data establishes what devices were at a particular location at a particular time but does not disclose any private information about a person's identity. There are a variety of uses for this type of data including product marketing and targeted messaging in political campaigns. This type of unique device identification data is highly desirable because of its accuracy and its use is becoming more mainstream as of

---

While True the Vote will not directly identify the individual who made the admission, the organization is able to provide the publicly available data we used in our research. As an office possessing investigative powers and the resources of the State, the identity of any individual who may have information pertinent to your efforts is discoverable in the data set now available to you. Working in conjunction with law enforcement, the State, in their discretion, can provide the necessary and appropriate safety guarantees and immunity protections for cooperating witnesses should that become necessary.

[2] John Doe stated the NGOs made the payments, but it was not entirely clear from his description whether participants were paid directly by the NGOs or through an intermediary.

[3] In separately filed complaints, we detail the missing video footage, including explanations afforded us by county election officials, to support further investigations and develop standards regarding critical aspects of surveillance video capture.

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late. In fact, virtually every cell phone user has received some type promotional or political text. Law enforcement, defense, and intelligence agencies have been using geospatial mobile device data to generate information on possible suspects or witnesses in investigations for several years. For the purposes of our research, True the Vote purchased such data and used it to identify patterns of potentially inappropriate election activities. After reviewing this data, True the Vote was able to confirm certain patterns of activity around absentee ballot drop boxes, as initially reported by John Doe.

During the Runoff Election period, in six counties in and around Atlanta, 552,987 cell phones came within a narrowly defined distance of ballot drop boxes during our study period. However, 242 unique devices made repeat trips to drop boxes averaging 23 trips each. These same 242 devices also went repeatedly, averaging eight trips each, to specific NGOs.

These 242 individual devices went to drop boxes a total of 5,668 times with approximately 40% of the visits occurring between the unusual hours of 12:00 a.m. and 5:00 a.m.

The review of surveillance video was queued according to our geospatial data analyses and focused on the device patterns that emerged from our research. The video, though often grainy and sometimes distant, revealed numerous unusual behaviors.

Individuals were observed attempting to deposit multiple ballots into the drop box. Sometimes, the person was attempting to deposit so many ballots that they were unable to fit them all in and the video shows ballots falling to the ground.

Additionally, in our cursory review of surveillance video it was confirmed that individuals made repeat visits to drop boxes.

Cars were observed with out-of-state license plates, including rental cars identifiable because of the sticker seal rental car companies affix to the driver's side door. This in itself is not necessarily problematic; however it is notable because these out of state and rental cars were driven by individuals who were also in our targeted study group of 242 devices.

Consistent with John Doe's report regarding the proof necessary to receive payment, individuals were observed taking cell phone photos, not of themselves, but of their ballot deposits or of the drop box after the ballots had been deposited.

Curiously, a change in behavior seemed to occur on or around December 23, 2020, the day after Arizona authorities announced that fingerprints on absentee ballot envelopes helped uncover an illegal ballot harvesting scheme in that state. After that announcement, individuals depositing ballots into drop boxes in Georgia are seen wearing blue surgical gloves. They often put them on just before picking up their stack of ballots and remove them as they exit the drop box area.

In conclusion, following John Doe's personal admission to participation in a large-scale ballot harvesting effort in Georgia, True the Vote obtained publicly available video footage and

commercially available cell phone data which supports his account of these efforts. In the data we reviewed, the 242 mobile devices which repeatedly visited drop boxes also repeatedly visited locations associated with a select group of NGOs. Not only did these devices make repeat visits but a significant number of these visits, approximately 40%, were made during extremely unusual hours in the middle of the night. Additionally, surveillance footage shows numerous instances in which individuals deposited multiple ballots at a time – a practice which is prohibited under Georgia law except under very limited circumstances.[4] Finally, consistent with John Doe's description of how participants were paid, individuals were seen taking photos of drop boxes or of ballots as they were deposited into a drop box.

True the Vote files this Complaint and provides this information to the Secretary of State as the arbiter of election integrity for the State of Georgia.[5] In conjunction with an investigation and formal request by the Secretary of State's office, True the Vote will provide all publicly or commercially available information including the geospatial data and surveillance video to assist with any efforts undertaken by your office.[6]

[4] O.C.G.A. § 21-2-385 (a) reads in pertinent part: Such envelope shall then be securely sealed and the elector shall then personally mail or personally deliver same to the board of registrars or absentee ballot clerk, provided that mailing or delivery may be made by the elector's mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, or an individual residing in the household of such elector. The absentee ballot of a disabled elector may be mailed or delivered by the caregiver of such disabled elector, regardless of whether such caregiver resides in such disabled elector's household. The absentee ballot of an elector who is in custody in a jail or other detention facility may be mailed or delivered by any employee of such jail or facility having custody of such elector. An elector who is confined to a hospital on a primary or election day to whom an absentee ballot is delivered by the registrar or absentee ballot clerk shall then and there vote the ballot, seal it properly, and return it to the registrar or absentee ballot clerk.

[5] In filing this Complaint, True the Vote makes no assessment of the legality of any activity seen in the data or surveillance video but merely provides this information for official State use as deemed appropriate by your agency.

[6] This raw and unedited data purchased by True the Vote does not include any analysis conducted by True the Vote or its contractors nor does it include any list of specific IMEI devices of interest. Furthermore, this data does not include any identifying information about any individuals other than commercially available, anonymized, IMEI data in its original form.

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APPENDIX 2

Log of True the Vote
Open Records Requests to
Milwaukee Urban Area Municipalities

For

Dropbox Video Surveillance Records
October 20 – November 3, 2020

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TRUE THE VOTE

MILWAUKEE COUNTY AREA COMMUNITIES
OPEN RECORDS REQUESTS FOR DROPBOX VIDEO SURVEILLANCE FILES
NOVEMBER 2020 ELECTION

Municipality	ORR	Submit Date	Response Date	Point of Contact	Action	Reason/Comments
Milwaukee	Dropbox Video	4/12/2021	4/21/2021	cwooda@milwaukee.gov	Undelivered	No custodian for video.
Fox Point	Dropbox Video	4/12/2021	6/30/2021	KMeyer@villageoffoxpoint.com	No Responsive Records	Did not provide.
Brown Deer	Dropbox Video	4/12/2021	4/13/2021	metzel@browndeerwi.org	Delivered Video	
Shorewood	Dropbox Video	4/12/2021	4/13/2021	sbruckman@villageofshorewood.org	No Responsive Records	ORR req. "Milwaukee."
West Milwaukee	Dropbox Video	4/12/2021	4/16/2021	susan.schupp@westmilwaukee.org	No Responsive Records	No security camera, 1 dropbox.
Wauwatosa	Dropbox Video	4/12/2021	4/16/2021	cdulaney@wauwatosa.net	No Responsive Records	No cameras directed at ballot boxes.
Bayside	Dropbox Video	4/12/2021	4/13/2021	lgalyardt@baysidewi.gov	No Responsive Records	"We do not have copies of the video recordings."
Whitefish Bay	Dropbox Video	4/12/2021	4/13/2021	J.Krueger@wfbvillage.org	No Responsive Records	No such records exist.
Greendale	Dropbox Video	4/12/2021	4/13/2021	melanie@greendale.org	No Responsive Records	Does not have the records requested.
Hales Corners	Dropbox Video	4/12/2021	4/12/2021	skulik@halescorners.org	No Responsive Records	Video only retained for 90 days.
River Hills	Dropbox Video	4/12/2021	4/12/2021	tlaborde@vil.river-hills.wi.us	No Responsive Records	Did not utilize dropboxes.
South Milwaukee	Dropbox Video	4/12/2021	4/12/2021	Kkastenson@smwi.org	No Responsive Records	Oldest content on server is 44 days old.
Glendale	Dropbox Video	4/12/2021	4/12/2021	R.Safstrom@glendalewi.gov	No Responsive Records	No video from requested time frame.
Oak Creek	Dropbox Video	4/12/2021	4/12/2021	croeske@oakcreekwi.org	No Responsive Records	No video from requested time frame.
Greenfield	Dropbox Video	4/12/2021	4/12/2021	Jennifer.Goergen@greenfieldwi.us	No Responsive Records	"Do not have the records you requested."
St Francis	Dropbox Video	4/12/2021	4/12/2021	anne.uecker@stfranwi.org	No Responsive Records	"No records exist for your request."
Franklin	Dropbox Video	4/12/2021	4/28/2021		No Responsive Records	Off-premises drop boxes were used for AB.

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APPENDIX 3

Redacted IMEI Device Nos. of
107 Cell Phone Devices Making 20+ Visit to
Milwaukee Urban Area Drop-boxes

October 20 – November 3, 2020

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IMEI DEVICE ID NOS.

Device Identification	Drop Box Visits
6631960f-5bb8-4d77-9468-xxxxxxxxxxxx	35
407d9517-f1ad-4656-bc12-xxxxxxxxxxxx	35
94dc1108-5658-40ac-b0a1-xxxxxxxxxxxx	34
ea2bd83f-7cc2-46cf-b19e-xxxxxxxxxxxx	34
dd78342b-9734-465f-b18a-xxxxxxxxxxxx	34
398959d3-9975-4072-b01e-xxxxxxxxxxxx	33
6e4068d3-6037-4382-9c30-xxxxxxxxxxxx	32
e1c4de08-e616-4e14-989c-xxxxxxxxxxxx	32
cc7dff4b-32cc-4a77-9c68-xxxxxxxxxxxx	32
7e24a489-3578-4982-82d2-xxxxxxxxxxxx	32
26c078c0-ddc0-42d2-a9b2-xxxxxxxxxxxx	32
b19161fc-6682-41f4-b536-xxxxxxxxxxxx	32
a4681626-135a-4a62-8d1a-xxxxxxxxxxxx	32
edf17761-044c-4b66-b280-xxxxxxxxxxxx	31
891dfbb0-75e1-4294-9fbc-xxxxxxxxxxxx	31
b27d629d-fca1-45d6-9c47-xxxxxxxxxxxx	31
f0e40fe1-abcc-4b68-aae2-xxxxxxxxxxxx	31
bf9522dd-5224-44a0-bef4-xxxxxxxxxxxx	30
34611e70-d89c-4d56-a261-xxxxxxxxxxxx	30
8f4c882c-7632-4f28-b4fb-xxxxxxxxxxxx	29
32b169bb-e335-4b55-9ec5-xxxxxxxxxxxx	29
22dd4789-7af4-4cfc-b4eb-xxxxxxxxxxxx	29
6954ec0e-8113-43b2-82fe-xxxxxxxxxxxx	29
7f28dd25-26dc-4a93-ba28-xxxxxxxxxxxx	29
f6e53a37-265c-4f57-976a-xxxxxxxxxxxx	29
3f5c7b90-f98f-4049-a66a-xxxxxxxxxxxx	28
e10d2a2e-0c06-409e-82b9-xxxxxxxxxxxx	28
0351dd99-0241-4cc6-95c3-xxxxxxxxxxxx	28
ce86e18f-e17e-4532-bc5f-xxxxxxxxxxxx	28
ec13d068-794b-4e96-9bb3-xxxxxxxxxxxx	28
a84faea3-e833-47cc-b154-xxxxxxxxxxxx	28
38568e17-cf3e-48b7-ae14-xxxxxxxxxxxx	28
176d880d-3c5e-4a99-a8ed-xxxxxxxxxxxx	28
d4ad7849-3997-481f-8632-xxxxxxxxxxxx	28
3a88ec3c-5bfb-4d2e-9fe0-xxxxxxxxxxxx	28

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e78364fe-d4d7-456b-a27f-xxxxxxxxxxxx	28
5795034a-5dd0-48a6-b82d-xxxxxxxxxxxx	28
c988e594-0195-4c08-9ab0-xxxxxxxxxxxx	27
0f625e6a-5030-43f2-80b8-xxxxxxxxxxxx	27
9e08bd1c-ccdc-4dc6-a3fc-xxxxxxxxxxxx	27
a23a31dc-c1f8-405f-86c2-xxxxxxxxxxxx	27
097fe4b6-8ac2-4c0c-8cca-xxxxxxxxxxxx	27
fba2a97f-8be1-449e-8cd4-xxxxxxxxxxxx	27
2955c0b6-7fb0-4f64-bbb2-xxxxxxxxxxxx	27
8c8a76df-ee37-42bb-ae0a-xxxxxxxxxxxx	27
fe95c706-6d4a-4adc-8386-xxxxxxxxxxxx	27
54eee3c9-7323-4515-9e67-xxxxxxxxxxxx	27
2d2eea05-a5f9-4738-909e-xxxxxxxxxxxx	27
46ef251e-f643-4b73-8a13-xxxxxxxxxxxx	27
072a376a-ff4f-4a40-abf2-xxxxxxxxxxxx	27
d1fd58fd-1e1c-423b-80f6-xxxxxxxxxxxx	27
f295d761-6234-4ba2-9be2-xxxxxxxxxxxx	27
31d26aad-3707-4ae9-8341-xxxxxxxxxxxx	27
104cdf97-d67d-4274-aacb-xxxxxxxxxxxx	27
d4d24230-5126-4d73-afe5-xxxxxxxxxxxx	26
f0f406f8-c024-47be-831a-xxxxxxxxxxxx	26
140ab1e1-0f0a-4a90-a23e-xxxxxxxxxxxx	26
926661e1-93a8-4be2-8fd1-xxxxxxxxxxxx	26
2ce31602-3215-4791-987b-xxxxxxxxxxxx	26
3cf31532-9a52-4dd9-a553-xxxxxxxxxxxx	26
c3e0e03a-e967-4484-a221-xxxxxxxxxxxx	26
cf526ac0-be18-4470-9d6b-xxxxxxxxxxxx	26
036a45dc-393e-47d3-b7a8-xxxxxxxxxxxx	26
811316da-f515-4f3c-9532-xxxxxxxxxxxx	26
1713c0e8-93e9-4150-92ed-xxxxxxxxxxxx	26
d8432105-a1bb-4244-902e-xxxxxxxxxxxx	26
115d1544-aef0-482b-a70d-xxxxxxxxxxxx	26
dd99176e-b558-42c4-9746-xxxxxxxxxxxx	26
3acbd782-fbbd-460a-8ee7-xxxxxxxxxxxx	26
c3a7faa4-0641-468f-bb6e-xxxxxxxxxxxx	26
e1176ca6-0027-4ff0-8a3c-xxxxxxxxxxxx	26
df68ace7-64d9-4fb1-9715-xxxxxxxxxxxx	26

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ecca97f4-4c30-4f42-aaf3-xxxxxxxxxxxx	26
079a7f03-d83a-4bab-8147-xxxxxxxxxxxx	26
054eb41e-6698-4b02-b945-xxxxxxxxxxxx	26
13df1019-ee7e-4083-8da8-xxxxxxxxxxxx	25
77bf30a3-2688-4795-9ad0-xxxxxxxxxxxx	25
6be907fa-43a6-407f-8620-xxxxxxxxxxxx	25
3a963af4-c018-4f65-89e0-xxxxxxxxxxxx	25
8ccac60b-4c25-4168-9e8c-xxxxxxxxxxxx	25
f560338f-03e5-4a10-bc80-xxxxxxxxxxxx	25
91409260-0099-409d-ba77-xxxxxxxxxxxx	25
56e392f6-fac4-4f24-8168-xxxxxxxxxxxx	25
78af836c-f442-4387-8346-xxxxxxxxxxxx	25
8a836201-d75c-4756-9009-xxxxxxxxxxxx	25
eb329879-ca7a-45ff-aad9-xxxxxxxxxxxx	24
78771be0-120b-4db7-b997-xxxxxxxxxxxx	22
5f38176a-90a3-4bcc-9c0f-xxxxxxxxxxxx	22
0a04bf87-4c03-4fb2-ac2-xxxxxxxxxxxx	21
84ba77ce-10cf-4bb2-b8d8-xxxxxxxxxxxx	21
f83952f6-44b5-400e-a134-xxxxxxxxxxxx	21
63798a95-42da-4916-a0dd-xxxxxxxxxxxx	20
949150bb-c388-4e3e-97f5-xxxxxxxxxxxx	20
722efd84-a94f-4742-8891-xxxxxxxxxxxx	20
138fe120-31af-4752-adc7-xxxxxxxxxxxx	20
75c75ec8-6a29-439a-b441-xxxxxxxxxxxx	20
ce9856bd-a3c4-45ce-973f-xxxxxxxxxxxx	20
04f53134-96d9-4a5e-94c6-xxxxxxxxxxxx	20
699afaf0-b11a-4e0e-bb6c-xxxxxxxxxxxx	20
b1a890e3-8eec-46c6-a864-xxxxxxxxxxxx	20
4bdb8419-20dc-4068-b892-xxxxxxxxxxxx	20
201a1342-1375-452d-9267-xxxxxxxxxxxx	20
49048958-47d3-402c-8b6d-xxxxxxxxxxxx	19
ccab4515-40da-4c50-90d3-xxxxxxxxxxxx	19
dc987e64-05a8-428f-a501-xxxxxxxxxxxx	19
c8ab3f3a-544c-459b-a838-xxxxxxxxxxxx	19
341893e1-f8e6-433e-ad22-xxxxxxxxxxxx	19
TOTAL VISITS	**2824**

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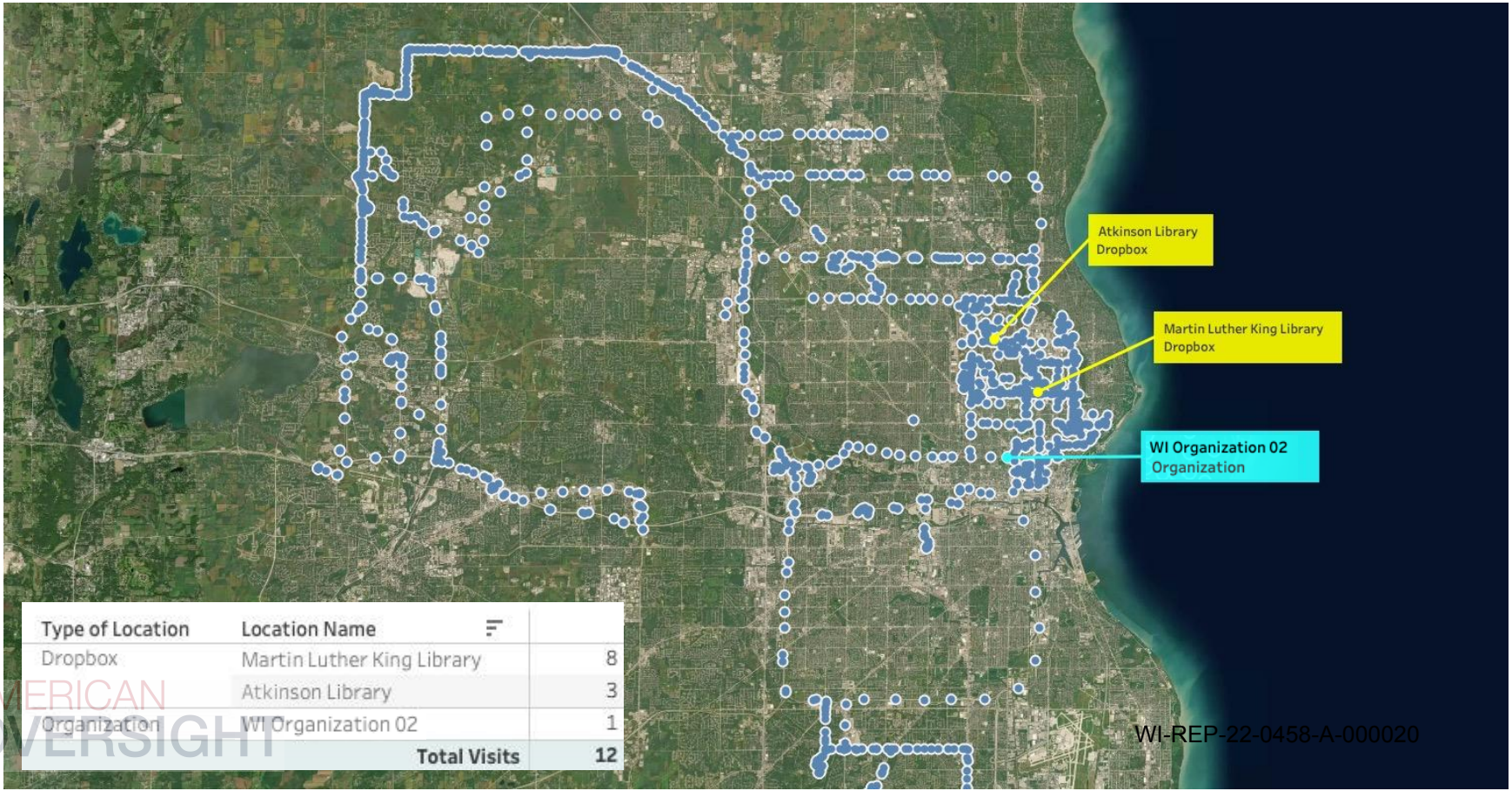
APPENDIX 4

Composite Maps of
8 Cell Phone Devices Making 20+ Visits to
Milwaukee Urban Area Drop-boxes

Maps of Routes Travelled on
October 20, 2020

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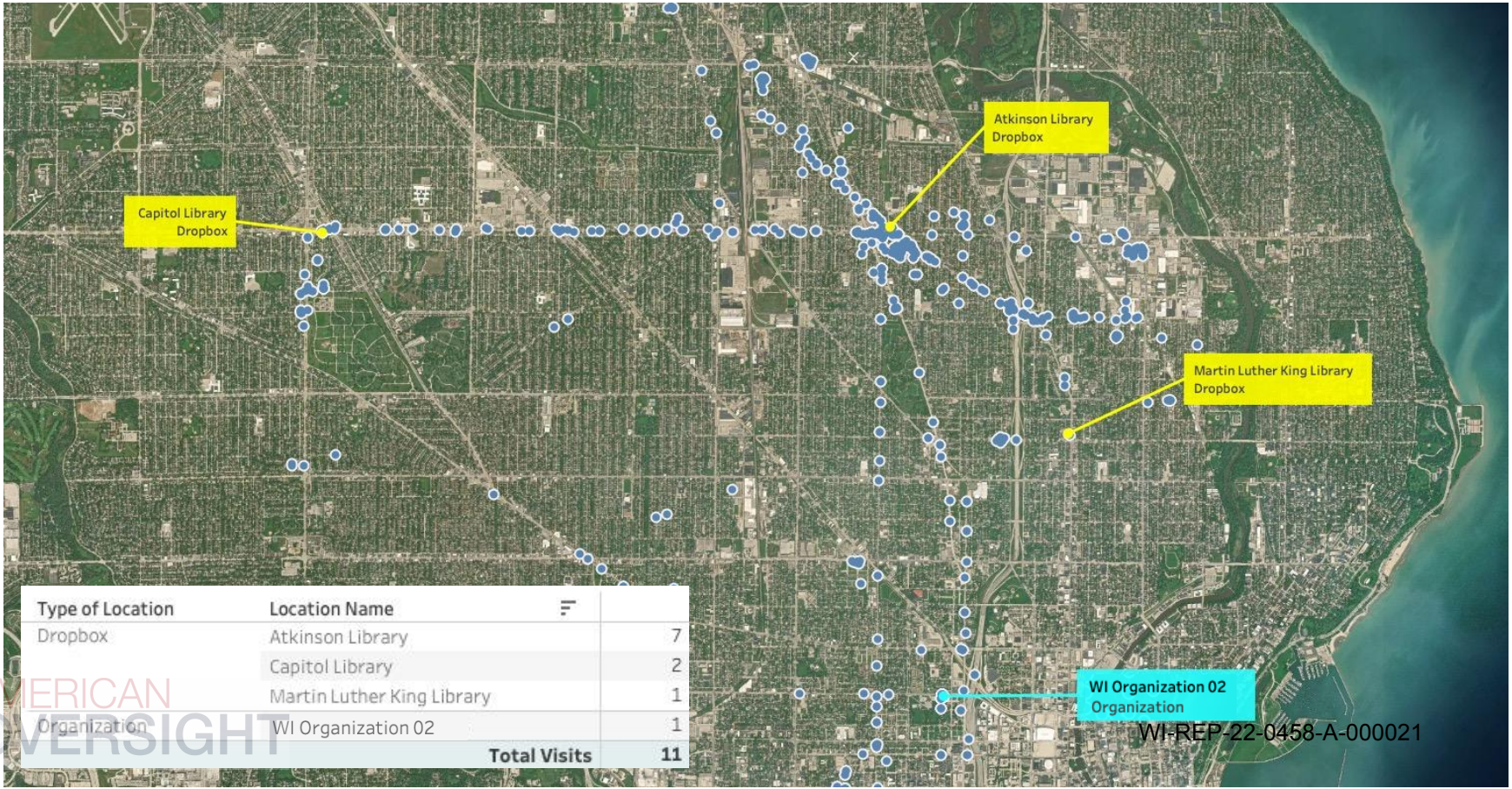
True the Vote – Milwaukee Project: Device #1 October 20, 2020



Type of Location	Location Name	
Dropbox	Martin Luther King Library	8
	Atkinson Library	3
Organization	WI Organization 02	1
	Total Visits	**12**

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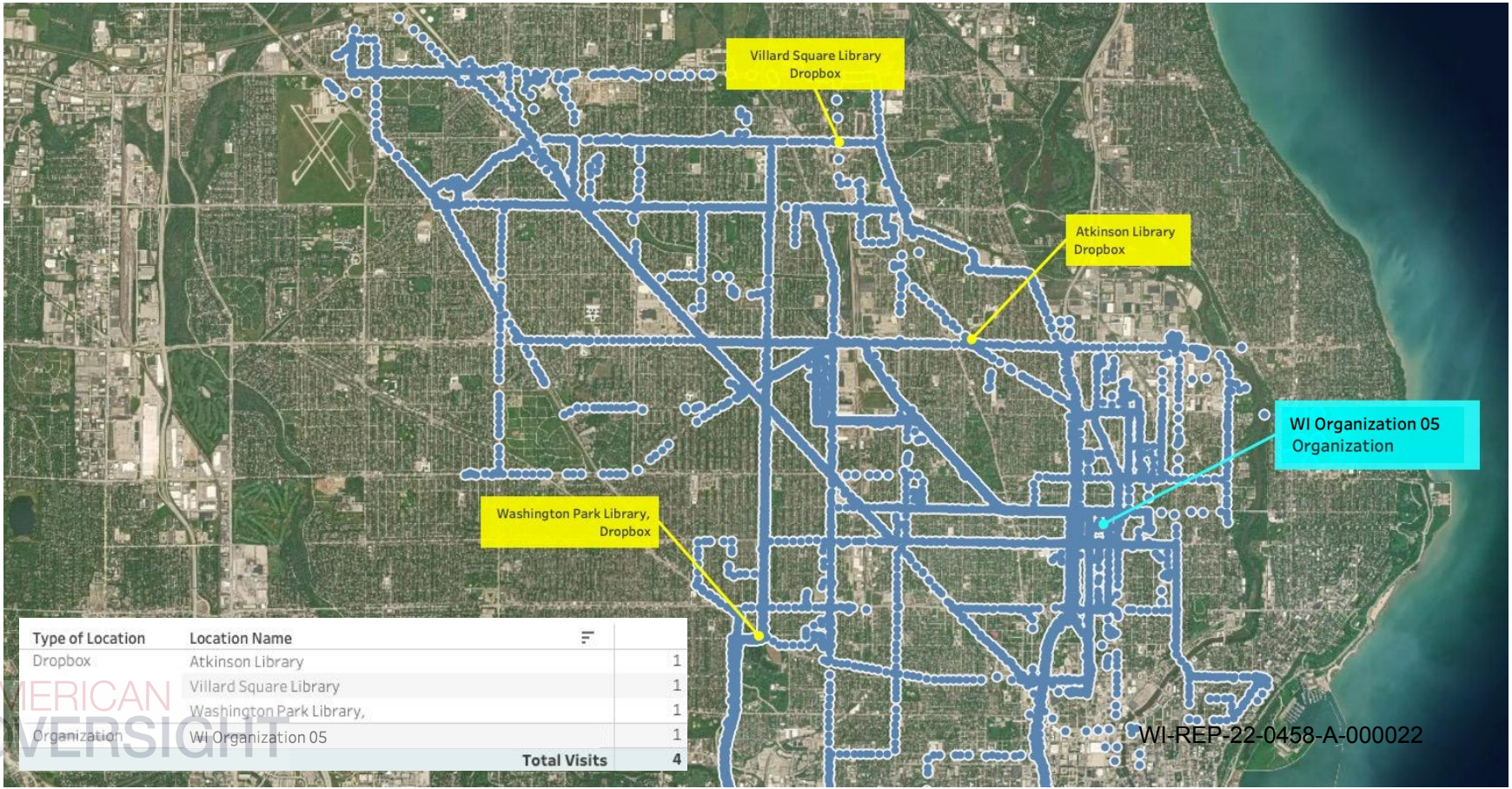
True the Vote – Milwaukee Project: Device #2 October 20, 2020



Type of Location	Location Name	
Dropbox	Atkinson Library	7
	Capitol Library	2
	Martin Luther King Library	1
Organization	WI Organization 02	1
	Total Visits	**11**

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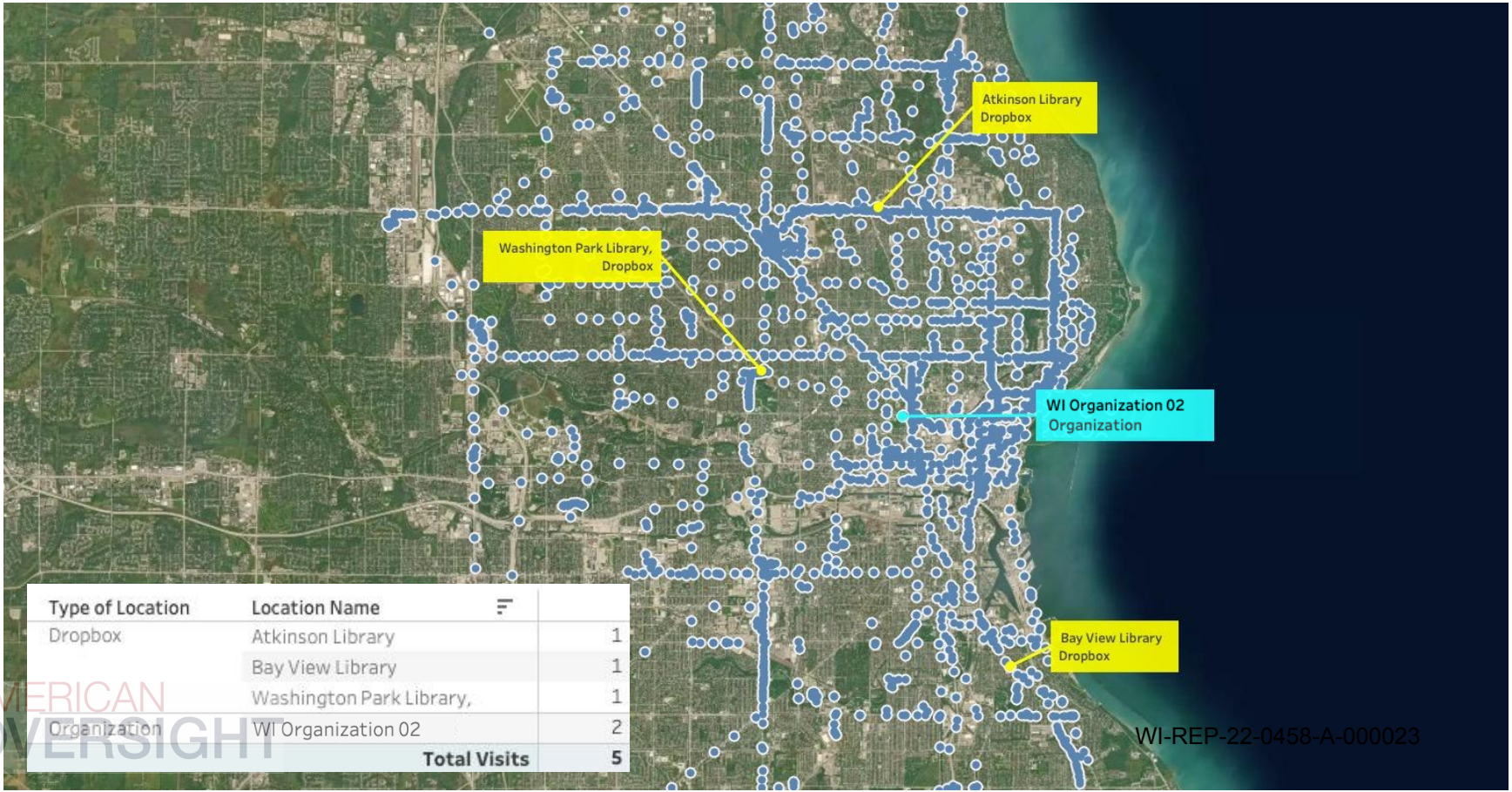
True the Vote – Milwaukee Project: Device #3 October 20, 2020



Type of Location	Location Name	
Dropbox	Atkinson Library	1
	Villard Square Library	1
	Washington Park Library,	1
Organization	WI Organization 05	1
	Total Visits	**4**

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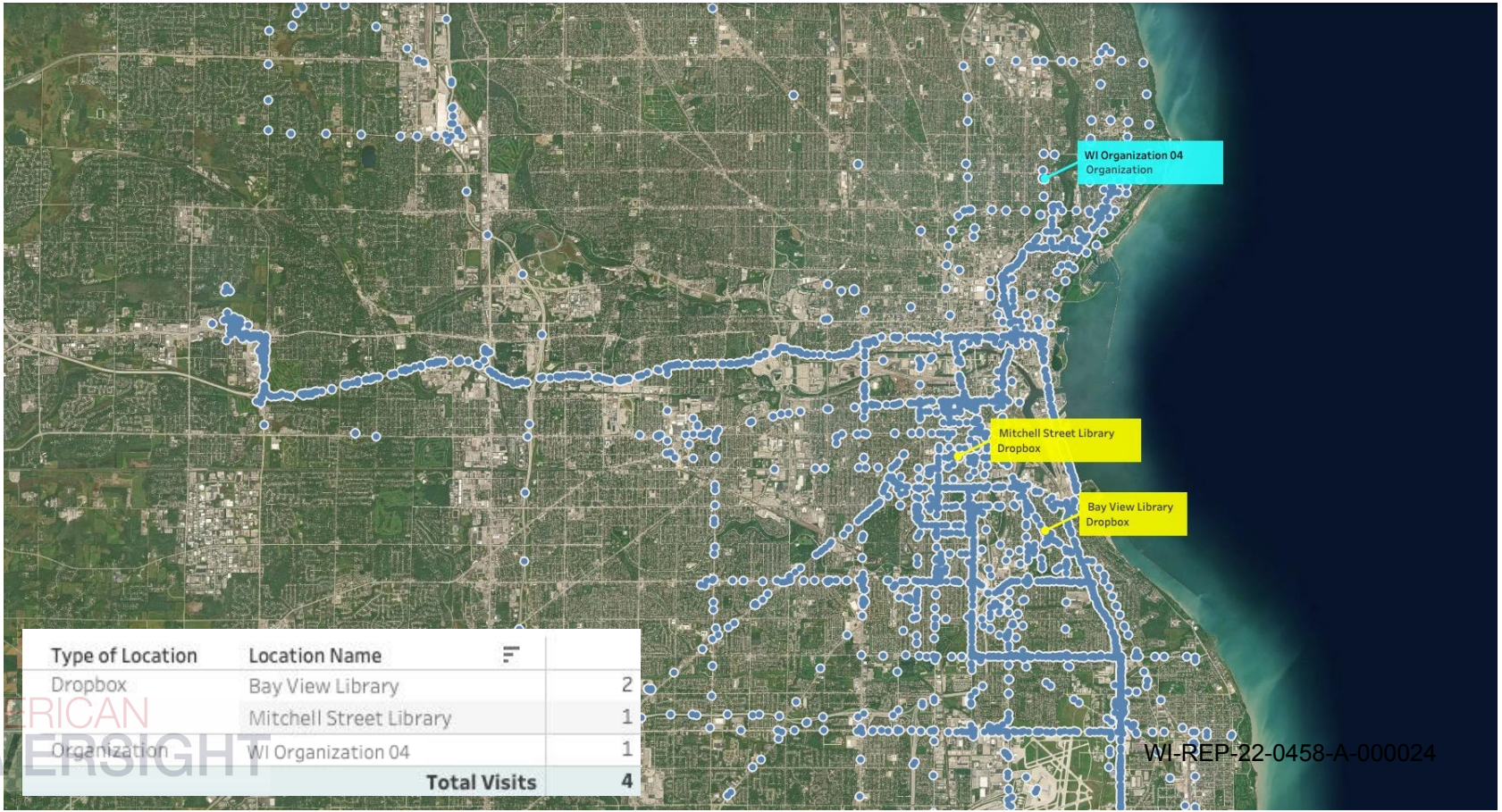
True the Vote – Milwaukee Project: Device #4 - October 20, 2020



Type of Location	Location Name	
Dropbox	Atkinson Library	1
	Bay View Library	1
	Washington Park Library,	1
Organization	WI Organization 02	2
	Total Visits	**5**

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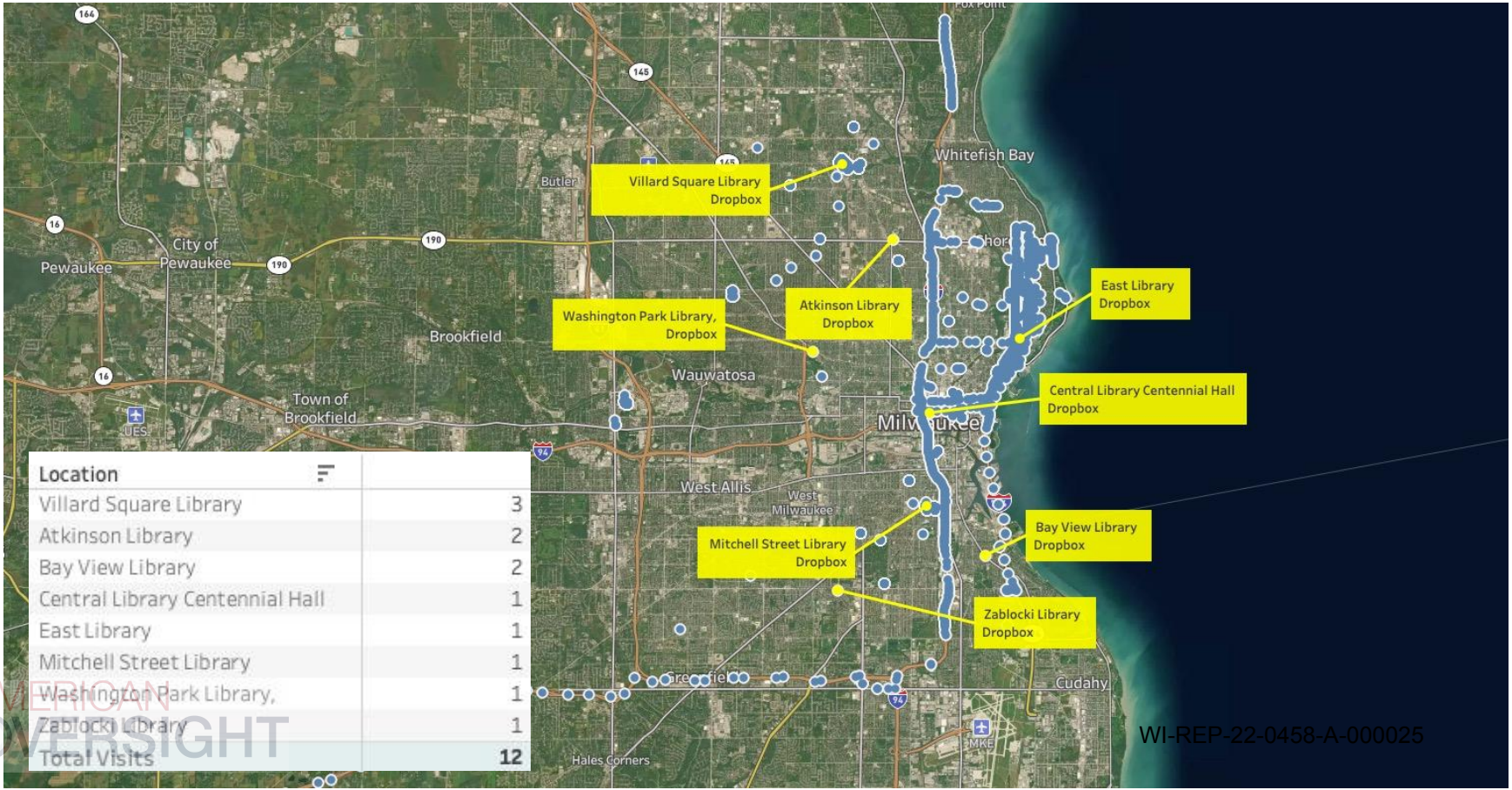
True the Vote – Milwaukee Project: Device #5 - October 20, 2020



Type of Location	Location Name	
Dropbox	Bay View Library	2
	Mitchell Street Library	1
Organization	WI Organization 04	1
	Total Visits	**4**

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True the Vote – Milwaukee Project: Device #6 - October 20, 2020

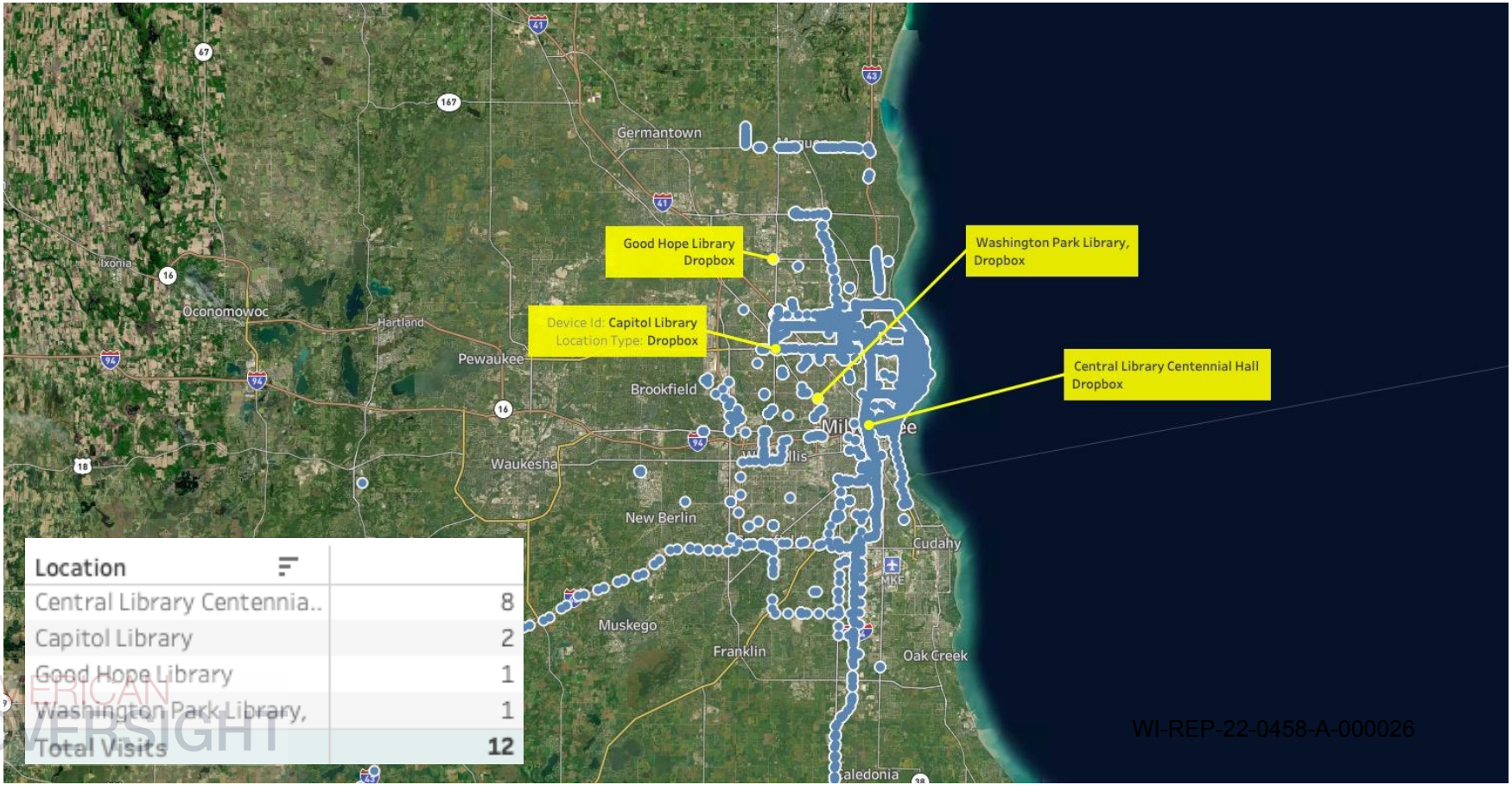


Location	
Villard Square Library	3
Atkinson Library	2
Bay View Library	2
Central Library Centennial Hall	1
East Library	1
Mitchell Street Library	1
Washington Park Library,	1
Zablocki Library	1
Total Visits	12

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WI-REP-22-0458-A-000025

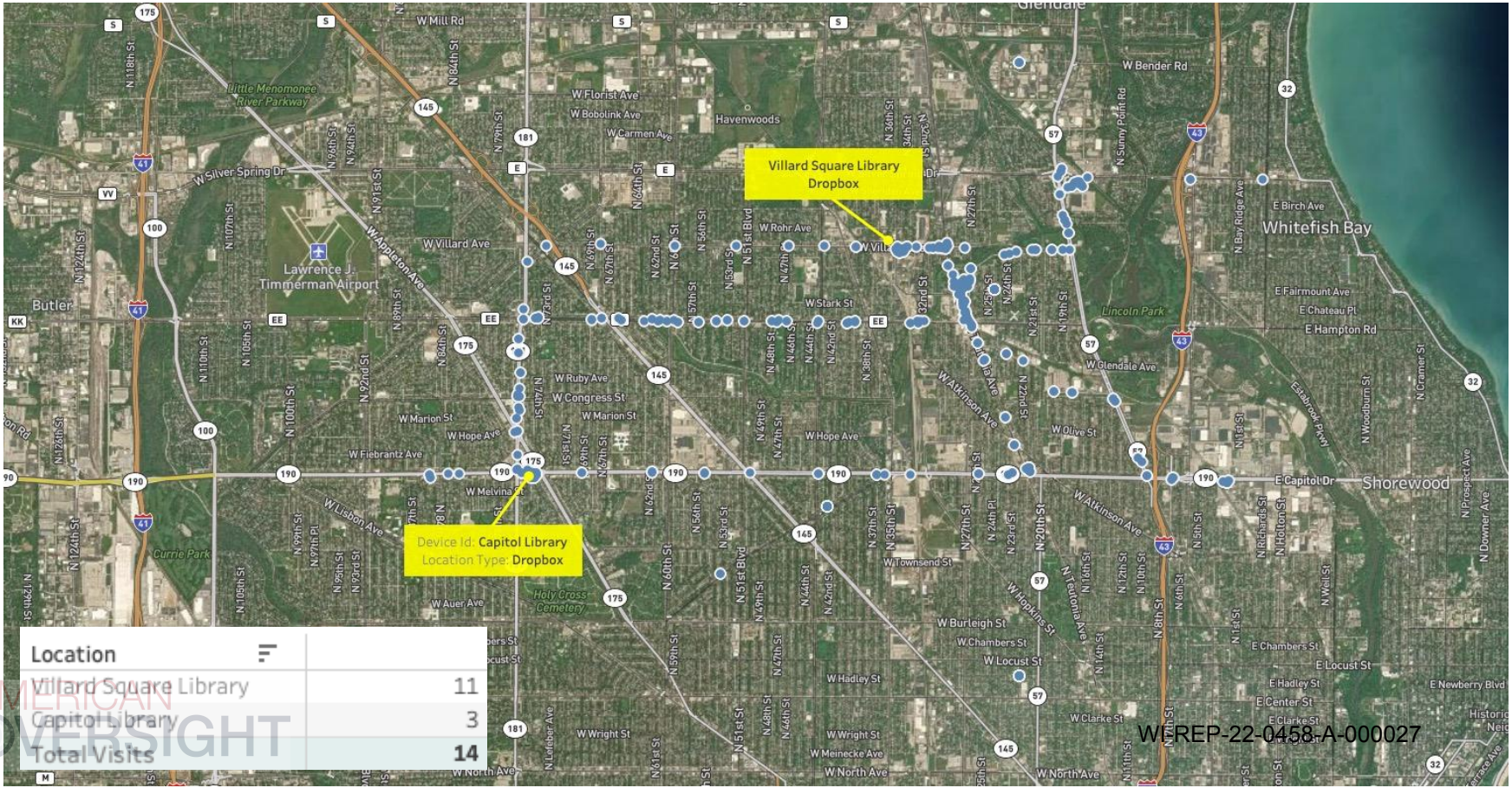
True the Vote – Milwaukee Project: Device #7 - October 20, 2020



Location	
Central Library Centennia..	8
Capitol Library	2
Good Hope Library	1
Washington Park Library,	1
Total Visits	12

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True the Vote – Milwaukee Project: Device #8 - October 20, 2020



AMERICAN OVERSIGHT

How the Zuckerberg 5 Obtained Possible Illegal Private Funding of Elections, Engaged in Partisan Election Activity, Established Illegal Drop Boxes for Absentee Ballots and Facilitated Unlawful Ballot-Harvesting During the 2020 General Election in Wisconsin

Testimony of James Bopp, Jr.

Before the Wisconsin Assembly Committee on Campaigns and Elections March 24, 2022

I am James Bopp, Jr., attorney at law with The Bopp Law Firm, PC, and I thank you for the opportunity to testify before this Committee.

A substantial part of my law practice involves defending clients from governmental incursions against their constitutionally-protected First Amendment freedoms of speech, association, and expression. I have defended the rights of citizens to participate in the electoral process in administrative investigations and through litigation, *amicus curiae* briefs, scholarly publications, and testimony before legislative and administrative bodies. In this regard, I have represented numerous plaintiffs in successful lawsuits challenging federal and state campaign finance laws and regulations in order to vindicate First Amendment rights that are integral to the successful continuation of our representative democracy.[1]

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[1]I have won 9 of my 14 cases decided on the merits in the United States Supreme Court, including the landmark United State Supreme Court cases of *Republican Party of Minnesota v. White*, 536 U.S. 765 (2002), which struck down restrictions on the speech of candidates for elected judicial office on First Amendment grounds; *Wisconsin Right to Life v. Federal Election Commission*, 546 U.S. 410 (2006), which held that McCain-Feingold's "electioneering communication" corporate prohibition could be subject to as-applied challenges for genuine issue ads; *Randall v. Sorrell*, 548 U.S. 230 (2006), which struck down Vermont's mandatory candidate expenditure limits and candidate contribution limits; *Federal Election Comm'n v. Wisconsin Right to Life*, 551 U.S. 449 (2007), which held that McCain-Feingold's "electioneering communication" prohibition is unconstitutional as applied to grass roots lobbying ads; *Citizens*

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Furthermore, I have an extensive compliance practice where I provide legal advice to numerous non-profit advocacy groups regarding Internal Revenue Code regulation of non-profits, especially organizations exempt under Sections 501(c)(3), 501(c)(4) and 527. In connection with this representation, I have brought suit against the Internal Revenue Service challenging their statutes and regulations for infringing on the free speech of non-profits under the First Amendment.

And while I am General Counsel of True the Vote, Inc., I testify today as a practitioner of First Amendment law and not as a representative of any client.

Introduction

While I am a zealous advocate for the First Amendment right of individual and groups, the First Amendment does have limits. The story here does not involve any First Amendment speech but, rather, private money going to municipal governments to fund certain election-related activities, such as ballot drop boxes, where no free expression is involved. And it involves activity illegal under legitimate Wisconsin state election laws, which also do not violate the First Amendment. Thus, this testimony is about the integrity of our elections and the People's faith that elections will be administered fairly and lawfully. The future of Our Republic depends on this faith.

Most of this story has already been told as a result of the investigation of Special Counsel

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United v. Federal Election Commission, 558 U. S. 310 (2010), which struck down McCain-Feingold's electioneering communication provision and prohibitions on corporations advocating the election or defeat of candidates; and *McCutcheon v Federal Election Commission*,572 U.S. 185 (2014), which struck aggregate limits on the total amount that an individual may contribute to all political parties, PACs and federal candidates in an election cycle. *See* www.bopplaw.com.

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Mike Gableman through his Interim Reports. A billionaire with a partisan agenda funded and ultimately controlled the administration of elections in the five largest cities in Wisconsin to a partisan end, which resulted in numerous potentially illegal activities. The TTV Special Report, presented here today, adds the final chapter to the story: how the illegal drop boxes, set up by the cities and funded by the billionaire, and the unlawful advice of the Wisconsin Election Board related to them, was ruthlessly exploited by a large-scale, organized and illegal ballot-harvesting effort that may have affected the results of the 2020 general election in Wisconsin.

However, this story is not about *changing* the outcome of the 2020 general election; Joe Biden was duly elected in 2020 and is President of the United States. Only his resignation, impeachment, death, or disability under the 25th Amendment can change that. Instead, this is about discovering how the administration of Wisconsin state elections was conducted in 2020, leading to whatever reforms the Wisconsin Legislature deems warranted.

I. Center for Technology and Civil Life Funded Partisan and Illegal Election Activity by Certain Democrat-Controlled Wisconsin Cities.

My testimony concerns the private funding of the administration of Wisconsin's 2020 general election, funding and facilitating illegal activities, such as ballot drop boxes and ballot-harvesting, and its partisan intent and effect.

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A. Facts: Center for Technology and Civil Life Funding of the Zuckerberg 5.

During the November 2020 election cycle, the Center for Technology and Civil Life ("**CTCL**") made over $350 million in grants to local governments, primarily to urban areas in 6 swing states.[2] In Wisconsin, CTCL distributed over $10.3 million in grants. About 86% of the funding went to five cities, Milwaukee, Madison, Green Bay, Kenosha, and Racine,[3] which they used in part to provide drop boxes for receiving absentee ballots and other voter assistance.

Milwaukee is one of "the Zuckerberg Five,"[4] overwhelmingly Democratic cities, that funded drop boxes, voter registration, and turnout efforts using grants from the tax-exempt CTCL funded by Mark Zuckerburg.[5] Of the over $10.2 million CTCL distributed in Wisconsin, about $9.2 million (90%) went to 15 reliably Democratic cities in only 11 of Wisconsin's 72 counties. $8.8 million (85%) went to the Zuckerberg Five, $4.79 million (46.5%) to Dane and Milwaukee Counties alone, which have less than 26% of the state's population.[6]

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[2] Election Offices that Received CTCL COVID-19 Response Grants, Center for Tech and Civic Life (March 12, 2021), https://www.techandciviclife.org/grant-update-march/.

[3] A Review of the 2020 Election, Wisconsin Institute for Law and Liberty ("WILL Report") (Dec. 2021), https://will-law.org/wp-content/uploads/2022/01/2021ReviewStudyJanuary.pdf

[4] Ironically, both CTCL and the cities involved identified themselves as the "Zuckerberg 5," including on a letterhead with the five cities' seals. OSC Second Interim Report at 20.

[5] "The Zuckerberg Five" were Milwaukee, Green Bay, Racine, Kenosha, and Madison. See https://empowerwisconsin.org/wp-content/uploads/2021/03/Green-Bay-email-WI-5.pdf

[6] David M. Drucker, Zuckerberg-funded elections group awarded more grants to GOP counties (Dec. 15, 2021), https://www.washingtonexaminer.com/news/campaigns/zuckerberg-funded-elections-group-awarded-more-grants-to-gop-counties; William Doyle, How a Mark Zuckerberg-Funded Nonprofit Turned Wisconsin Blue (Jan. 10, 2022), https://amgreatness.com/2022/01/10/how-a-mark-zuckerberg-funded-nonprofit-turned-

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The Wisconsin Office of Special Counsel's Second Interim Investigative Report ("OSC Second Interim Report") provides extensive factual information on how these grants were obtained, the terms of the agreements that were entered into, how the grants were administered, the amount of the grants, and how the funds were spent.[7] But the critically important element of this project was the purpose of the grants and the specific activities that the grants funded.

1. The Purpose of CTCL Grants to the Zuckerberg 5.

As the OSC has explained in his Second Interim Report, the actual purpose of the grants to the Zuckerberg 5 requires some digging.

The agreement with CTCL provides that the grant money will be used for a "safe and secure election administration" in each city, which was to be "in accordance with the Wisconsin Safe Voting Plan 2020" ("**WSVP**").[8] The WSVP required the Zuckerberg 5 to "be intentional and strategic in reaching our historically disenfranchised residents and communities; and, above all, ensure the right to vote in our dense and diverse communities," including provisions to "increase . . . in-person" and "absentee voting by mail and early" voting, in targeted areas and by targeted groups.[9] The WSVP required that "[t]hese groups met particular demographic criteria, which, not-coincidentally, matched that of the Biden-voter profile."[10]

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wisconsin-blue/; CTCL Annual Tax Filings, CTCL 2020 tax return, Form 990, https://www.techandciviclife.org/key-funders-and-partners/990s/.

[7] OSC Second Interim Report at 20-27.

[8] *Id*. at 25.

[9] *Id*. at 33.

[10] *Id*. at 32

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2. The Specific Activities Funded by CTCL.

In order to increase in-person, absentee voting by mail and early voting, the Zuckerberg 5 engaged in numerous grant-funded activities. First, the WSVP plan required extensive get out the vote activity by the cities targeting preferred areas and groups.[11] Second, the WSVP plan required specific action to be taken to expand absentee voting by mail, early voting, and in-person voting.[12]

Most pertinent here, absentee voting by mail was to be facilitated by "utiliz(ing) secure drop-boxes to facilitate return of absentee ballots."[13] Specific grants were made to each of the Zuckerberg 5 "to purchase and place absentee drop boxes in targeted neighborhoods."[14] Each city did so, providing critical infrastructure for the ballot-harvesting that followed.

Drop boxes, however, if unattended by a municipal clerk or in an unauthorized location, are illegal under Wisconsin state law. Wis. Stat. § 6.87(4(b)1 provides that an absentee ballot envelope, in which the cast absentee ballot is placed, must be "mailed by the elector, or delivered in person, to the municipal clerk issuing the ballot or ballots." The Circuit Court for Waukesha County, in *Teigen v. Wisconsin Elections Commission,* has agreed, holding that use of drop boxes for absentee voting violates Wisconsin law.[15]

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[11] *Id*. at 33-37.

[12] *Id*. at 37-40.

[13] *Id*. at 38-39.

[14] *Id*. at 27-28

[15] This case is now before the Wisconsin Supreme Court and TTV has filed an amicus brief there setting forth its findings in the True the Vote, Special Report: Delivery of Absentee

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The Wisconsin Election Commission ("**WEC**") also played a critical role in laying the groundwork for illegal ballot-harvesting. In a memorandum to municipal clerks, WEC said that, contrary to Wisconsin state law, a voter need not deliver the absentee ballot to the municipal clerk, "but instead could be dropped into a drop box and that the ballot drop boxes could be unstaffed, temporary, or permanently."[16] The Circuit Court of Waukesha County declared that "WEC's interpretation of state statutes in the Memos is inconsistent with state law, to the extent [that] . . . the use of drop boxes, as described in the Memos, is not permitted under Wisconsin law unless the drop box is staffed by the clerk and located at the office of the clerk or a properly designated alternate site under Wis. Stat. § 6.855."[17]

3. The Illegal Drop Boxes Were Exploited by Illegal Ballot-Harvesters.

TTV conducted a "geo-spatial" tracking analysis of cell phone data collected in Milwaukee during the two weeks prior to the 2020 general election, finding overwhelming evidence of highly organized ballot trafficking coordinated among collectors and non-governmental organizations ("NGOs") using CTCL-funded drop-boxes.[18]

TTV identified 53,291 individual phone devices that visited a drop-box *three or more times* during that period, but focused specifically on 107 devices that (1) made *20 or more*

Ballots by Intermediaries to Milwaukee County Area Drop Boxes, March 18, 2022 ("**TTV Special Report**").

[16]*Tiegen v. Wisconsin Elections Commission*, Case No. 21-CV-958 (Wis. Cir. Ct. For Waukesha Cnty, June 28, 2021) (Complaint).

[17]*Id*. (Order Granting Summary Judgment for Plaintiffs (Jan. 20, 2022)).

[18]TTV Special Report at 5-6

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separate visits to drop boxes (averaging *26* visits each) *and* (2) visited NGOs involved in get-out-the-vote efforts (averaging 5 *visits* each).[19] Several of those "20X" devices made as many as 10–15 drop box visits in a single day, with a majority of visits occurring after 8:00 p.m., long past business hours of facilities where the drop boxes were located.[20] Just these 107 devices visited drop boxes *2,824 times*. If they delivered just 8 ballots each time, that is 22,592 illegally cast, and maybe fraudulent, ballots, well in excess of the 20,682 vote margin of victory for President Biden.

B. The Grant Scheme was Partisan.

Every aspect of the CTCL scheme reveals its partisan nature.

First, over 85% of grant funds went to the most heavily Democratic cities in the state.

Second, CTCL's $8.8 million grant was selectively spent in each city to target voters by area and group that were most likely to vote Democrat, i.e. "voters of color, low-income voters without reliable access to internet, voters with disabilities, and voters whose primary language is not English,"[21] and did not include voters who did not live in low-income neighborhoods or who were not members of preferred groups.[22]

Third, the Zuckerberg 5 partnered with NGOs, i.e., community organizations, churches and other organizations, in preferred areas and that represented preferred groups to increase their

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[19] *Id.* at 6.

[20] *Id*.

[21] OSC Second Interim Report at 34.

[22] *Id.* at 35.

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voter participation.[23] And, as TTV's Special Report revealed, the ballot harvesters made numerous visits to NGOs involved in get-out-the-vote efforts as part of their trips to numerous drop boxes.[24]

Fourth, the result of these grants was a partisan advantage for the Democrats. "Areas of the state that received grants saw statistically significant increases in turnout for Democrats. Increases in turnout were not seen for Donald Trump."[25]

C. CTCL is Prohibited by the Internal Revenue Code from Intervening in Political Campaigns.

CTCL is a tax-exempt 501(c)(3) organization that is specifically prohibited from intervening in political campaigns. 26 U.S.C. § 501(c)(3). "Political intervention" is expending tax-exempt funds for a partisan effect: "voter education or registration activities conducted in a biased manner that favors (or opposes) one or more candidates is [sic] prohibited." Rev. Rul. 2007-41, 2007-1 C.B. 1421 (2007).[26] Such activities "will constitute prohibited participation or intervention," if they are conducted with evidence of bias that they "(a) would favor one candidate over another; (b) oppose a candidate in some manner; or (c) have the effect of favoring

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[23] *Id*. at 35-37

[24] TTV Special Report at 6

[25] WILL Report at 3.

[26] *See generally* Frequently Asked Questions About the Ban on Political Campaign Intervention by 501(c)(3) Organizations: Get-Out-the-Vote Activities, IRS, https://www.irs.gov/charities-non-profits/charitable-organizations/frequently-asked-questions-about-the-ban-on-political-campaign-intervention-by-501c3-organizations-get-out-the-vote-activities.

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a candidate or group of candidates."[27]

Particularly *apropos* here, Alliance for Justice, which is made up of numerous liberal and progressive advocacy groups, states that "501(c)(3) organizations may not … [t]arget election-protection efforts to a precinct *based on the political party or candidate the precinct is likely to support."* Alliance for Justice, *Rules of the Game,* § 63.17 (emphasis added).[28]

The Internal Revenue Service uses a vague and ex post facto "facts and circumstances test" to determine if "political intervention" occurred. I have been highly critical of the IRS's "facts and circumstances" test, particularly when it is applied to speech protected by the First Amendment. However, as I have explained, there are many aspects of the CTCL- funded activities by the Zuckerberg 5, for instance establishing drop boxes, which did not involve constitutionally protected speech, and while I would always prefer bright-lines when we are talking about government regulation, those bright-lines do not exist here.

So looking at the totality of the circumstances, as the IRS would, it is my opinion that the IRS would view many of the CTCL-funded activities to be political intervention. After all, CTCL gamed the system with grant money and essentially took over major parts of the election administration in the five largest cities in Wisconsin, thereby creating a partisan advantage among local jurisdictions by selectively funding drop-boxes, voter registration, and other activities almost entirely in those cities, and parts of cities, to ensure that far more Democratic

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[27]The Restriction of Political Campaign Intervention by Section 501(c)(3) Tax-Exempt Organizations, IRS, https://www.irs.gov/charities-non-profits/charitable-organizations/the-restriction-of-political-campaign-intervention-by-section-501c3-tax-exempt-organizations

[28]Available at https://www.bolderadvocacy.org/wp-content/uploads/2012/ 01/Rules-of-the-Game.pdf

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voters voted than Republicans.

D. The CTCL Grants Were Funded by "Dark Money."

Federal and state campaign finance laws require detailed disclosure of political expenditures to protect "important governmental interests by providing the public with information about … the sources of funding for campaign-related ads." *Wisconsin Right To Life, Inc. v. Barland,* 751 F.3d 804, 841 (7th Cir. 2014). In contrast, CTCL's partisan allocation of over $10 million in unreported "dark money" dwarfs in influence the $20,000 and $2,900 contribution limits to candidates for state and federal offices. Wis. Stat. § 11.11001; 52 U.S.C. § 30116(a)(1)(A).

While I strongly support the rights of § 501(c)(3) organizations to engage in activities protected by the First Amendment, this involves conduct, not speech, where mega-wealthy partisans gamed the system using exempt and undisclosed money to enlist, and provide the funds for, local governments to engage in partisan election activities targeting preferred groups and preferred neighborhoods and designed to turn out Democrat voters. These activities were facilitated by the use of illegal drop boxes and were exploited by unlawful ballot harvesting operations. This is funding and activities that are not protected by the First Amendment.

E. The CTCL Agreement is Alleged to Have Constituted Election Bribery.

Furthermore, the Office of The Special Counsel has found that the CTCL agreement, that the Zuckerberg 5 were required to sign, "facially violates the election bribery prohibition of Wis. Stat. § 12.11, because the participating cities and public officials received private money to

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facilitate in-person or absentee voting within such city."[29] Wis. Stat. § 12.11, in relevant part, prohibits a city from receiving "anything of value . . . in order to induce any elector to go to . . . the polls [or] vote. . ." The OSC argues that all these elements are met.[30]

Conclusion

I urge the Wisconsin Legislature to take appropriate action to prevent future maladministration of your state elections and to deter illegal activities that plagued the 2020 general election.

[29]OSC Second Interim Report at 18.

[30]*Id.* at 17-40.

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SUPREME COURT OF THE
STATE OF WSCONSIN
Appeal No. 22AP91

RICHARD TEIGEN and RICHARD THOM,

Plaintiffs-Respondents-Petitioners,

vs.

WISCONSIN ELECTIONS COMMISSION,

Defendant-Co-Appellant,

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE,

Intervenor-Defendant-Co-Appellant, and

DISABILITY RIGHTS WISCONSIN, WISCONSIN FAITH VOICES FOR JUSTICE and LEAGUE OF WOMEN VOTERS OF WISCONSIN,

Intervenors-Defendants-Appellants.

On Appeal from the Circuit Court for Waukesha County
The Honorable Michael O. Bohren, Presiding
Circuit Court Case No. 2021CV958

NOTICE AND MOTION OF TRUE THE VOTE, INC. FOR LEAVE TO FILE BRIEF *AMICUS CURIAE* SUPPORTING APPEAL OF PLAINTIFFS-RESPONDENTS-PETITIONERS RICHARD TEIGEN AND RICHARD THOM

Pursuant to § 809.19(7), Wis. Stats., True the Vote, Inc., by its attorneys Madison Center for Free Speech, Inc., by General Counsel James Bopp, Jr., and First Freedoms Foundation, Inc., by General Counsel Michael D. Dean, moves the Court for leave to file its Brief of *Amicus Curiae* accompanying this Motion on or before

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March 21, 2022, in support of Plaintiffs-Respondents-Petitioners Richard Teigen and Richard Thom.

In support, Movant shows the interest of *Amicus* and benefits of considering its Brief as follows.

FUNDAMENTAL ISSUE

1. The *real* substance of this appeal is not an arcane exercise in statutory construction.

2. Rather, the "elephant in the room" is whether § 6.87(4)(b)1., § 6.855, and companion provisions of Ch. 6, Subch. IV, Stats., governing absentee voting will be construed to permit massive unreported tax-exempt funding of drop-boxes and other election activity by mega-wealthy outside interests in a limited number of Wisconsin municipalities strategically selected by those interests to achieve a partisan result.

3. Those "issues are larger than their impact on the particular litigants." Judge Neal Nettesheim & Clare Ryan, *Friend of the Court Briefs: What the Curiae Wants in an Amicus*, Wis. Law., May 2007, at 11.

4. It matters profoundly what actually happened on the ground in 2020 and will happen again, and proposed *Amicus* is uniquely qualified to "offer economic, social science, or political [and technical] data vital to an informed decision." *Id.*

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TRUE THE VOTE, INC.

5. True the Vote, Inc. ("TTV") is a non-profit public interest research and education organization founded in 2009. https://www.truethevote.org/

6. TTV's mission is to protect all voters' rights and restore public confidence in free and fair elections.

7. Among its activities, TTV promotes election integrity and transparency, provides citizen engagement and training in election processes, and works to ensure that the voting rolls utilized by states are updated and accurate.

8. Of particular significant in this case, TTV also conducts non-partisan research and analysis of election administration and processes.

9. TTV's resources include experts with extensive experience analyzing "geo-spatial" data emitted by cell phones to detect patterns and develop information in complex commercial and criminal investigations across diverse market segments, including government agencies and healthcare.

2020 ELECTION CYCLE AND CTCL

10. During the November 2020 election cycle, the Center for Technology and Civil Life ("CTCL") made over $350 Million in election-related grants to local governments across the country.

11. In response to informants' reports of systematic ballot-harvesting (including cash payments for votes), TTV began conducting investigative research and analysis

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of the use and impact of drop-boxes in CTCL-funded jurisdictions including Atlanta, Phoenix, and Detroit.

12. Analyzing geo-spatial data emitted in those areas in the weeks surrounding the elections, TTV identified hundreds of mobile devices that collectively made thousands of repeat trips to drop-boxes in regular routes from government and non-governmental organizations ("NGOs").

13. In Atlanta, for example, the "collectors" making those trips ran regular daily routes commencing at various NGO offices, stopping at as many as 15 – 20 separate boxes around the metro area in regular sequences. Collectors typically commenced their routes after business hours, visiting the final boxes in their routes past midnight.

14. Video surveillance obtained and synchronized by TTV confirmed that collectors were depositing large batches of ballots in the boxes – the purpose of the multiple stops obviously being to avoid questions that would arise from a single collector leaving an NGO and dropping hundreds or thousands of ballots in the single closest box.

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15. In Wisconsin, CTCL distributed over $10.3 million in grants. About 86% of the funding went to five cities - Milwaukee, Madison, Green Bay, Kenosha, and Racine – which those cities used to fund drop boxes for collecting absentee ballots and other voter assistance.

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16. Because CTCL funding and drop-box operations in Wisconsin were similar to those elsewhere, TTV conducted similar research and analysis of cell phone signal data emitted in metropolitan Milwaukee areas during the two weeks period prior to the election.

17. TTV has now completed and published its study of ballot harvesting in those metropolitan areas, which disclosed the same collector and drop box patterns as in Atlanta, Phoenix and Detroit.

18. During the two week period studied, 107 unique devices (1) made at least 20 or more visits to drop boxes in regular patterns seen elsewhere (averaging 26 visits each, some as many as 10-15 per day) and (2) also made multiple visits to non-governmental organizations ("NGOs") involved in get-out-the-vote efforts (averaging 5 NGO visits each).

19. Further, it is extremely concerning that, unlike Atlanta, Phoenix and Detroit, which made at least *some* effort to provide video surveillance of drop boxes and retain the files, when TTV submitted open records requests to the City of Milwaukee and 16 other metropolitan municipalities for surveillance video of the boxes they maintained, Milwaukee and every other municipality except the Village of Brown Deer denied that they had recorded or kept video surveillance of their boxes.

20. In the coming weeks, TTV will also complete and publish additional studies of geo-spatial data emitted in Green Bay and Racine during the same two week pre-election period.

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CONTRIBUTION TO CASE

21. TTV is uniquely qualified and experienced, and has conducted technical geo-spatial research and analysis of drop box usage in urban Milwaukee that no party or other *amicus* can provide.

22. TTV therefore moves to submit a "data-intensive" "Brandeis brief" to inform the Court of the actual circumstances and consequences of construing § 6.878(4)(b)1. and Subch. IV to approve unknown actors collecting and delivering ballots to drop-boxes unregulated and unsurveilled. Nettesheim at 11, 12.

CONCLUSION

23. TTV can provide real-world perspective and factual verification of the Supreme Court's warning in *Brnovich v. Democratic Nat'l Comm.*, 141 S.Ct. 2321 (2021): "Absentee balloting is vulnerable to abuse," and "States therefore should reduce the risks of fraud and abuse in absentee voting by prohibiting 'third-party' organizations, candidates, and political party activists from handling absentee ballots." *Id.* at 2347–48 (quoting *Building Confident in U.S. Elections, Report of the Commission on Federal Election Reform* (Sept. 2005) at 46, published by the bi-partisan Commission on Federal Election Reform chaired by past-President Jimmy Carter and past-Secretary of State James Baker).

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WHEREFORE, True the Vote, Inc. respectfully requests permission to file its Brief *Amicus Curiae* accompanying this Motion in support of Plaintiffs-Respondents-Petitioners Richard Teigen and Richard Thom on or before March 21, 2022.

Dated March 21 2022.

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AMERICAN OVERSIGHT

SUPREME COURT OF THE
STATE OF WSCONSIN
Appeal No. 22AP91

RICHARD TEIGEN and RICHARD THOM,

Plaintiffs-Respondents-Petitioners,

vs.

WISCONSIN ELECTIONS COMMISSION,

Defendant-Co-Appellant,

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE,

Intervenor-Defendant-Co-Appellant, and

DISABILITY RIGHTS WISCONSIN,
WISCONSIN FAITH VOICES FOR JUSTICE and
LEAGUE OF WOMEN VOTERS OF WISCONSIN,

Intervenors-Defendants-Appellants.

On Appeal from the Circuit Court for Waukesha County

The Honorable Michael O. Bohren, Presiding
Circuit Court Case No. 2021CV958

BRIEF OF *AMICUS CURIAE* TRUE THE VOTE, INC. SUPPORTING APPEAL OF PLAINTIFFS-RESPONDENTS-PETITIONERS RICHARD TEIGEN AND RICHARD THOM

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STATEMENT OF THE CASE [1]

Plaintiffs allege that on March 31 and August 19, 2020, the Wisconsin Elections Commission ("WEC") issued guidance to municipal clerks approving absentee ballot "collectors" and drop-boxes, that municipal clerks placed over 500 boxes across the state in reliance, and that following the WEC guidance violates the "in-person-delivery" and "location" requirements under §§ 6.87(4)(b)(1) and § 6.855.[2]

Intervenors-Defendants Disability Rights Wisconsin *et al* ("DRW") argue the now-reflexive partisan talking point that Plaintiffs present no evidence. DRW complains:

> Teigen has made no effort to substantiate anything similar as an actual practice in present-day elections; he rails against so-called "ballot harvesting" but provides rhetorical heat rather than clarifying light.

DRW Br. 48.

Intervenor-Defendant Democratic Senatorial Campaign Committee ("DCSS") likewise argues that Plaintiffs lack "evidence of specific problems" and "have offered no evidence that municipal clerks are allowing people other than 'election officials' or 'election inspectors' to collect sealed ballots…." DSCC Br. 20, 34-35.

Amicus True the Vote ("TTV") has developed evidence of massive ballot-harvesting in Milwaukee that DRW and DSCC complain is missing, and will present its Special Report ("Report")[3] and testimony on March 24 before the Assembly

[1] Links in this brief were last checked March 18, 2022.

[2] Pl.Br. 3, R.215, 218-19.

[3] App. 1. TTV is also completing research in Green Bay and Racine and will publish that data as well.

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Committee on Campaigns and Elections.[4]

Having complained that Plaintiffs do *not* provide evidence, Intervenors will no doubt argue that this Court should disregard TTV's Report which *does* provide evidence. But whether or not this Court considers the Report, it is nevertheless appropriate to consider the "effect of [Defendants'] interpretation on other situations" such as danger of systematic ballot harvesting that TTV investigated. *Lord v. Hubbell, Inc.*, 210 Wis. 2d 150, 168, 563 N.W.2d 913, 920 (Ct. App. 1997) (effect of construing statute of limitations in other circumstances).[5]

BACKGROUND

Milwaukee is one of "the Five" overwhelmingly Democratic cities that funded drop-boxes, voter registration, and turnout efforts using grants from the tax-exempt Center for Technology and Civil Life ("CTCL") funded by Mark Zuckerburg.[6]

Of over $10.2 million CTCL distributed in Wisconsin, about $9.2 million (90 %) went to 15 reliably Democratic cities in only 11 of Wisconsin's 72 counties. $8.8 million (85%) went to "the Five," $4.79 million (46.5%) to Dane and Milwaukee Counties alone, which have less than 26% of the state's population.[7]

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[4] https://docs.legis.wisconsin.gov/raw/cid/1667957

[5] *See also, e.g., State v. Johnson*, 2007 WI 107, ¶ 68, 304 Wis. 2d 318, 348, 735 N.W.2d 505, 519 (comparing construction of statutory phrase "under other facts and circumstances").

[6] "The Five" were Milwaukee, Green Bay, Racine, Kenosha, and Madison. https://empowerwisconsin.org/wp-content/uploads/2021/03/Green-Bay-email-WI-5.pdf

[7] https://www.techandciviclife.org/key-funders-and-partners/990s/ (CTCL 2020 tax return); https://www.washingtonexaminer.com/news/campaigns/zuckerberg-funded-elections-group-awarded-more-grants-to-gop-counties; https://amgreatness.com/2022/01/10/how-a-mark-zuckerberg-funded-nonprofit-turned-wisconsin-blue/.

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TTV conducted "geo-spatial" tracking analysis of cell phone data collected in Milwaukee during the two weeks prior to the 2020 election, finding overwhelming evidence of highly organized ballot trafficking coordinated among collectors and non-governmental organizations ("NGOs") using CTCL-funded drop-boxes.[8]

TTV identified 53,291 individual phone devices that visited a drop-box three or more times during that period, but focused specifically on 107 devices that (1) made *20* or more separate visits to drop-boxes (averaging 26 visits each) *and* (2) visited NGOs involved in get-out-the-vote efforts (averaging 5 visits each).[9] Several of those "20X" devices made as many as 10–15 visits in a single day, with a majority of visits occurring after 8:00 p.m., long past business hours of facilities where the boxes were located.[10]

Despite WEC's direction that municipalities should collect video surveillance of drop-boxes and Milwaukee's claim that it did so,[11] Milwaukee and 15 other area municipalities responded to TTV's open records requests for video recordings that they had none.[12]

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[8] Report 5-6.

[9] Report 6.

[10] *Id.*

[11] https://www.jsonline.com/story/news/politics/elections/2020/10/19/how-milwaukee-ensures-absentee-ballots-voting-machines-secured/5937160002/

[12] Report, App. 2.

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ARGUMENT

SUMMARY

Although CTCL's $8.8 million tax-exempt expenditures were not reported under federal and state campaign finance law, their selective allocation supporting absentee ballot-harvesting in heavily Democratic cities was strategically designed for partisan effect in violation of federal law governing tax-exempt organizations.

Sec. 6.87(4)(b)1. and the statutory scheme in Ch. 6, Subch. IV, Stats. (§§ 6.84-.89) provide a defense perimeter against such abuse of absentee voting, which the legislature and courts have found to be uniquely susceptible to fraud and undue influence. But the collectors and drop-boxes and the WEC memos giving them cover created a massive breach.

To close that breach, Subch. IV should be construed consistent with the common-sense conclusions of the Commission on Federal Election Reform chaired by past-President Jimmy Carter and past-Secretary of State James Baker. Its *Report of the Commission on Federal Election Reform – Building Confident in U.S. Elections* (Sept. 2005) ("Comm. Report")[13] was quoted with approval by the Supreme Court in *Brnovich v. Democratic Nat'l Comm.*, 141 S.Ct. 2321, 2347–48 (2021):

> Absentee balloting is vulnerable to abuse in several ways: ... Citizens who vote at home, at nursing homes, at the workplace, or in church are more susceptible to pressure, overt and subtle, or to intimidation.

Id. at 2347–48 (quoting Comm. Report, 46).

[13] https://www.legislationline.org/download/id/1472/file/3b50795b2d0374cbef5c29766256.pdf

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The Court also adopted the Commission's warning that "[v]ote buying schemes are far more difficult to detect when citizens vote by mail" and its recommendation that "States therefore should reduce the risks of fraud and abuse in absentee voting *by prohibiting 'third-party' organizations, candidates, and political party activists from handling absentee ballots*." *Id.* (emphasis added).

Thus, this case is not about theoretical statutory construction of Subch. IV. Rather, it presents the real-world decision whether mega-wealthy interests may continue exploiting exempt organizations, collectors and drop-boxes to evade Wisconsin's defenses against absentee ballot abuse with decisive partisan effect.

I. WISCONSIN'S STATUTORY SCHEME SHOULD BE CONSTRUED TO PRESERVE THE DEFENSE PERIMETER AGAINST ABSENTEE BALLOT ABUSE.

A statute plain on its face needs no construction. If ambiguity exists, courts resort to "extrinsic evidence of legislative intent - such as the statute's scope, context, history, and purpose - to resolve the ambiguity." *State v. Fisher*, 2005 WI App 175, ¶ 9, 285 Wis. 2d 433, 441–42, 702 N.W.2d 56, 60.

Sec. 6.84 governs construction of Subch. IV. In subsec. (1), the legislature finds conclusively that absentee ballots are "wholly outside the traditional safeguards of the polling place" and are therefore particularly susceptible to "fraud or abuse," "overzealous solicitation of absent voters," and "undue influence." Accordingly, subsec. (2) provides that various provisions of Subch. IV are mandatory and that ballots cast in violation shall not be counted. *Accord, Griffin v. Roupas*, 385 F.3d 1128, 1130–31 (7th Cir. 2004) ("Voting fraud is a serious problem in U.S. elections"

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and "absentee voting is to voting in person as a take-home exam is to a proctored one").

Thus, Subch. IV's governing purpose includes reducing risk of undue influence, overzealous solicitation, and systematic abuse endemic in unreported CTCL-style grants designed by super-wealthy interests to skew Wisconsin elections through partisan deployment of massive, unreported expenditures.

II. SUBCH. IV SHOULD BE CONSTRUED TO PROHIBIT GAMING WISCONSIN'S DEFENSES AGAINST ABSENTEE BALLOT ABUSE WITH UNREPORTED TAX-EXEMPT "SOFT" MONEY ALLOCATED ON A PARTISAN BASIS.

Where CTCL directed over 85% of grant funds to the most heavily Democratic cities in the state, it requires singular naivete to believe CTCL had no partisan intent and that the drop-boxes it funded had no partisan effect.

26 U.S.C. § 501(c)(3) and accompanying regulations are explicit that expending tax-exempt funds with such partisan effect is illegal: "voter education or registration activities *conducted in a biased manner that favors (or opposes) one or more candidates* is [sic] prohibited." Rev. Rul. 2007-41, 2007-1 C.B. 1421 (2007) (emphasis added)."[14]

Such activities "will constitute prohibited participation or intervention" if they are conducted "with evidence of bias that (a) would favor one candidate over another; (b) oppose a candidate in some manner; or (c) have the effect of favoring a

[14] *See generally* https://www.irs.gov/charities-non-profits/charitable-organizations/frequently-asked-questions-about-the-ban-on-political-campaign-intervention-by-501c3-organizations-get-out-the-vote-activities

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candidate or group of candidates."[15]

Particularly *apropos* here, Alliance for Justice states that "501(c)(3) organizations may not … [t]arget election-protection efforts to a precinct *based on the political party or candidate the precinct is likely to support*." *Rules of the Game*, 63.[16]

Similarly, § 6.855 prohibits "alternative" sites that create partisan advantage *within* local jurisdictions - "no site may be designated that affords an advantage to any political party."

But CTCL gamed the system, creating partisan advantage *among* local jurisdictions by selectively funding drop-boxes, voter registration, and other activities almost entirely in locations that ensured access and assistance to far more Democratic voters than to Republican.

Federal and state campaign finance laws[17] require detailed disclosure of political expenditures to protect "important governmental interests by providing the public with information about … the sources of funding for campaign-related ads." *Wisconsin Right To Life, Inc. v. Barland*, 751 F.3d 804, 841 (7th Cir. 2014).

In contrast, CTCL's partisan allocation of over $10 million in unreported "soft" money dwarfs in influence the $20,000 and $2,900 contribution limits to candidates

[15] https://www.irs.gov/charities-non-profits/charitable-organizations/the-restriction-of-political-campaign-intervention-by-section-501c3-tax-exempt-organizations

[16] https://www.bolderadvocacy.org/wp-content/uploads/2012/01/Rules-of-the-Game.pdf

[17] *E.g.*, § 11.0100 is construed "consistent with the right of the public to have a full, complete, and readily understandable accounting" of election activities.

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for state and federal offices. Sec., § 11.11001, Stats.; 52 U.S.C. § 30116(a)(1)(A).

While TTV strongly supports the rights of legitimate § 501(c)(3) organizations to engage in non-partisan activities consistent with federal law, §§ 6.87(4)(b)1. and 6.855 must be construed to prevent mega-wealthy partisans from gaming the system using "exempt" money to breach the Subch. IV perimeter defending Wisconsin from absentee ballot abuse.

III. SUBCH. IV PROHIBITS UNCERTIFIED INTERMEDIARIES FROM COLLECTING ABSENTEE BALLOTS.

In *Brnovich*, the Supreme Court strongly endorsed statutory schemes like Wisconsin's that prevent influence of mega-wealthy partisans. Approving the Commission's Report, the Court noted that "[r]estrictions on ballot collection are also common in other States." 141 S. Ct. at 2348 (citing Bybee, J., dissenting below, *Democratic Nat. Committee v. Hobbs*, 948 F.3d 989, 1068–1069, 1088–1143 (9th Cir., 2020)).

The personal delivery and location requirements in §§ 6.87(4)(b)1. and 6.855 should be construed exactly as the Commission recommended:

> 5.2.1 State and local jurisdictions should prohibit a person from handling absentee ballots *other than the voter, an acknowledged family member, the U.S. Postal Service or other legitimate shipper, or election officials*. The practice in some states of allowing candidates or party workers to pick up and deliver absentee ballots *should be eliminated*.

Comm. Report, 47 (emphases added).

DRW relies heavily on *Sommerfeld v. Bd. of Canvassers of City of St. Francis*, 269 Wis. 299, 69 N.W.2d 235 (1955), where a third party collected 18 absentee

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ballots (apparently at the Sisters of St. Francis of Assisi convent[18]) and filed them with the clerk. Sec. 11.59 of the 1953 statute[19] at issue provided that an absentee ballot "envelope shall be mailed by such voter, or if more convenient it may be delivered in person."

Sommerfeld is inapt. First, the anti-fraud protections in the 1953 statute were extra-ordinarily strict.[20] They required absentee voters to execute notarized affidavits, required notaries to include non-solicitation representations in their recitals, and subjected both voters and notaries to severe criminal penalties for violation.

Thus, under the *Sommerfeld* statute, absentee voters had already marked secret ballots and both voters and notaries had already sworn non-solicitation *before* "collectors" ever picked up the ballots. It was illegal for the collectors to solicit or influence absentee voters or know how they voted, and the voters, notaries and collectors were all subject to severe penalties if collectors did so.

Further, while a non-solicitation oath and criminal penalties similar to the 1953 law remain in current § 6.87(2), § 6.87(5) adopted in response to the 1965 Voting Rights Act[21] allows an "individual" or "assistant" to actually mark an absentee ballot for a disabled voter. Critically, the 1953 non-solicitation oath, notary requirements,

[18] https://www.lakeosfs.org/who-we-are/convent-grounds/

[19] App. 2.

[20] Notarial requirements are themselves exceptionally restrictive, including detailed identification and verification protocols. Ch. 140, Stats.

[21] 52 U.S.C. § 10301 *et seq.*

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and criminal penalties are *absent* from § 6.87(5), which does *not* prohibit an "individual" or "assistant" from soliciting a voter or impose criminal penalties for doing so.

Thus, in contrast to the strict anti-fraud protections under the *Sommerfeld* statute, the WEC memos, collectors and drop-boxes created a perfect partisan storm in 2020, giving "individuals" and "assistants" cover to *solicit* electors' votes, *vote* those electors' ballots, *collect* the ballots, then *deliver* the ballots to unmanned drop-boxes with no video or other surveillance – all *en masse* without certification or threat of prosecution.[22]

Consequently, even if this Court were to accept Defendants' invitation to write *Sommerfeld* "collector" language into §§ 6.87(4)(b)1., it would be duty bound to write *Sommerfeld's* strict anti-fraud protections into § 6.87(5) as well.[23]

Intervenors argue that where § 6.87(5) provides assistants for disabled persons unable to mark a ballot, § 6.87(4)(b)1. can not be read to prohibit collectors because those same disabled persons are also unable to mail or deliver the ballot in person. DRW Br. 44-45.

---

[22] https://elections.wi.gov/forms/EL-121-english; https://elections.wi.gov/forms/el-122. Absentee ballot request and certification forms do *not* require "assistants" to certify or swear they have not solicited the elector's vote and do *not* threaten criminal penalties for doing so.

[23] Conceivably, § 6.87(5) might be construed with § 6.87(4)(b)1.to imply the *assistant* has authority to mail or deliver the marked ballot. They can *not* be read to imply blanket authorization for tax-exempt organizations expending millions of unreported dollars to fund partisan-designed operations where complete strangers collect and deposit absentee ballots in drop-boxes *en masse* unregulated and unsurveilled.

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DRW misses the point for two reasons. First, in virtually all instances, disabled persons competent to vote request trusted caregivers to "assist" marking their ballots. The issue therefore is not whether caregivers commit incidental *de minimis* violations when they mail or deliver ballots to clerks for those disabled persons.[24] Rather, it is whether CTCL and other partisan interests who leveraged WEC's COVID-guidance to create industrial-scale ballot harvesting operations will be allowed to continue them. (Overlooking Grandma exceeding the speed limit by 5 m.p.h. does not require ignoring an organized mass street-race exceeding it by 50 or 60 or 100 m.p.h.)

Second, if §§ 6.87(4)(b)1. does, in fact, impose isolated hardships, the remedy is not amending the statute by *post hoc* judicial construction. Despite ample notice prior to the 2020 election,[25] WEC and Intervenors did not pursue legislative amendment, commence administrative rule-making, seek an injunction, or even obtain a majority vote of the WEC commissioners whose authority the WEC memos purportedly invoke. WEC and Defendants have now had well over two years to remedy statutory defects through those proper channels, but still refuse to pursue them,[26] asking instead that this Court re-write the law.

---

[24] Ignoring incidental *de minimis* violations by trusted caregivers is a commendable exercise of common sense. *See e.g., Kittelson v. Dettinger*, 174 Wis. 71, 182 N.W. 340, 341 (1921) (construing notice requirements in school district vote: "we are not inclined to construe them so strictly that unimportant mistakes ... will defeat ... the purpose for which the statutes were enacted") (citations omitted).

[25] The COVID virus was known as early as December, 2019. Gov. Evers issued his first Emergency Executive Order on March 12, 2020. https://evers.wi.gov/Documents/EO/EO072-DeclaringHealthEmergencyCOVID-19.pdf

[26] *E.g., Priorities USA v. Nessel*, 860 F. App'x 419, 422 (6th Cir. 2021) ("whatever amount of

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This Court should not countenance such gamesmanship. It should construe the statutes as written and require WEC, Intervenors, and any other parties seeking relief to pursue it by proper means.

IV. SUBCH. IV PROHIBITS DROP-BOXES.

Secs. 6.84–.89 (Subch. IV) "must be construed together, because they all appear in the same statutory scheme." *State v. Reyes Fuerte*, 2017 WI 104, ¶ 28, 378 Wis. 2d 504, 521, 904 N.W.2d 773, 781.

Sec. § 6.87(4)(b)1. requires that absentee ballots "shall be mailed by the elector, or delivered in person, to the municipal clerk issuing the ballot or ballots." Legislative intent that "delivered in person to the municipal clerk" refers to the *elector* and not a third party is clearly indicated in § 6.86(6) (Methods for obtaining an absentee ballot): "if an *elector* mails or personally delivers an absentee ballot to the municipal clerk…." (Emphasis added.)

Further, polling places, clerks' offices, and alternate walk-in sites provided in §§ 5.25, 6.87(4)(b)1. and 6.855 are the *only* locations expressly authorized to receive ballots, either in person or absentee, and *all three* require on-site, authorized personnel – one of the "traditional safeguards of the polling place." Sec. 6.84(1).

DRW argues that "Wisconsin law ... does not prohibit municipal clerks from using secure drop-boxes." DRW Br. 52. But DRW's "nothing says we can't" argument tellingly concedes that there is *no* language in *any* statute authorizing

surprise befell the advocacy groups in the 2020 elections, they now are keenly aware of the voter-transportation law and can organize their future activities in compliance with it").

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drop-boxes. Further, DRW calling them "secure" is pure fantasy – there was no video surveillance or other security protocols documenting who deposited ballots in the boxes, how many ballots they deposited, how many times they deposited ballots, who voted the ballots they deposited, how they solicited or "collected" them, or whether the electors voting the ballots authorized them to do so.

Even if this Court were to imply "collector" authority from the "assistant" language in § 6.87(5) as Defendants urge, that language implies *only* authority for the *assistant* to mail or deliver the ballot – it does *not* imply authority for hundreds of complete strangers to engage in massive ballot harvesting in conjunction with strategically allocated grants from non-profits funded by super-wealthy partisans.

CONCLUSION

In the 2020 election, mega-wealthy interests evaded Wisconsin's defenses against absentee ballot abuse, allocating $10.2 million in unreported soft money with patently partisan design and decisive effect, funding drop-boxes used thousands of times by partisan collectors without accountability or surveillance.

Those facts more than validate the Commission on Federal Election Reform's *Brnovich* warning that "the practice … of allowing candidates or party workers to pick up and deliver absentee ballots should be eliminated."

Secs. 6.87(4)(b)1. and 6.855 and the circuit court order enjoining use of drop-boxes should be so construed and affirmed.

AMERICAN OVERSIGHT

Respectfully submitted March 21, 2022.

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WI-REP-22-0458-A-000064

CERTIFICATION OF FORM AND LENGTH

I hereby certify that this brief conforms to the rules contained in Wis. Stats. § 809.19(8)(b), (bm) and (c) for a brief. The length of this brief is 2,972 words, calculated using the word count function of Microsoft Word 2016.

March 21, 2022

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CERTIFICATION OF COMPLIANCE
WITH RULE 809.19 (12)

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WI-REP-22-0458-A-000066

SUPREME COURT OF THE
STATE OF WSCONSIN
Appeal No. 22AP91

RICHARD TEIGEN and RICHARD THOM,
Plaintiffs-Respondents-Petitioners,

vs.

WISCONSIN ELECTIONS COMMISSION,
Defendant-Co-Appellant,

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE,
Intervenor-Defendant-Co-Appellant, and

DISABILITY RIGHTS WISCONSIN,
WISCONSIN FAITH VOICES FOR JUSTICE and
LEAGUE OF WOMEN VOTERS OF WISCONSIN,
Intervenors-Defendants-Appellants.

On Appeal from the Circuit Court for Waukesha County

The Honorable Michael O. Bohren, Presiding
Circuit Court Case No. 2021CV958

APPENDIX OF *AMICUS CURIAE* TRUE THE VOTE, INC. SUPPORTING APPEAL OF PLAINTIFFS-RESPONDENTS-PETITIONERS RICHARD TEIGEN AND RICHARD THOM

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I further certify that:

This electronic appendix is identical in content to the printed form of the appendix filed as of this date.

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March 21, 2022.

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SPECIAL REPORT [1]

DELIVERY OF ABSENTEE BALLOTS BY INTERMEDIARIES TO MILWAUKEE COUNTY AREA DROP BOXES OCTOBER 20 – NOVEMBER 3, 2020

MARCH 18, 2022

True the Vote is a non-profit organization[2] engaged in public interest research and education. TTV works with analysts who have extensive experience utilizing data to detect patterns in complex commercial and criminal investigations across diverse market segments, including government agencies and healthcare. Among its activities, TTV conducts non-partisan research and analysis of election administration and process integrity.

I. BALLOT HARVESTING INVESTIGATIONS

During the November 2020 election cycle, the Center for Technology and Civil Life ("CTCL") made over $350 million in grants to local governments for election-related activities, including drop-boxes for absentee ballots.[3]

In Wisconsin, CTCL distributed over $10.3 million in grants. About 86% of the funding went to five cities, Milwaukee, Madison, Green Bay, Kenosha, and Racine,[4] which they used to provide drop boxes for receiving absentee ballots and other voter assistance.[5]

In 2021, in response to whistleblower reports, TTV began purchasing and analyzing publicly available drop box surveillance video and commercially available geospatial (mobile device) data generated at CTCL grant-funded drop box locations during the time periods in which drop boxes were in use for the 2020 General Election.[6]

---

[1] This Report is sponsored by First Freedoms Foundation, Inc., a non-profit, § 501(c)(3) organization engaged in public interest law and education. http://firstfreedomsfoundation.org

[2] https://www.truethevote.org/

[3] https://www.techandciviclife.org/grant-update-march/

[4] A Review of the 2020 Election, Wisconsin Institute for Law and Liberty (2021). https://will-law.org/wp-content/uploads/2022/01/2021ReviewStudyJanuary.pdf

[5] Election scandal: Roots in Racine – Wisconsin Spotlight; https://www.fox6now.com/news/racine-mobile-elections-vehicle-rolled-out-after-2020-vote

[6] TTV's research is featured in the upcoming documentary, "2000 Mules," scheduled for release in April, 2020. http://2000mules.com/

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TTV's initial investigations were conducted in the six counties that comprise the metro-Atlanta, Georgia area and in Maricopa County, Arizona. Analysis revealed evidence of massive ballot harvesting, with ballots being delivered to drop boxes by intermediaries other than the absentee voters themselves.[7]

In the metro-Atlanta area, analysis of geospatial data confirmed that 242 intermediaries made 5,668 individual stops at drop boxes between October 12, 2020, when early voting began, and January 6, 2021, the date of the United States Senate run-off election. The timestamps in the geospatial data were then used to identify drop box visits in the surveillance video. The video confirms these intermediaries were, in fact, making repeated visits to drop boxes, depositing multiple ballots on each visit. In many instances, the videos show intermediaries attempting to deposit so many ballots that they were unable to fit into the drop box drop slot, and ballots are seen falling to the ground. The same patterns emerged in Maricopa County, where more than 202 intermediaries made 4,282 individual drop box visits during that time period.

Additionally, TTV received testimony from witnesses and informants disclosing that intermediaries were typically paid $10 per ballot for each ballot they collected and delivered.[8] In Arizona, these revelations have already produced multiple criminal indictments.[9]

II. WISCONSIN STUDY

Wisconsin law requires that absentee ballot envelopes be "mailed by the elector, or delivered in person, to the municipal clerk issuing the ballot or ballots."[10] It is illegal for an absentee ballot to be cast by anyone other than the elector, with a witness certifying the vote.

Critically, however, if the elector receives assistance marking the ballot, the "assistant" must certify that the elector requested the assistance, but is *not* required to certify that he or she did not *solicit* the elector's vote.[11]

TTV is currently investigating ballot harvesting patterns in three of the five Wisconsin cities that received CTCL funding. Specifically, TTV is conducting research and analysis to determine whether, during the two-week period prior to the 2020 election (10/20/20 – 11/3/20), there was systematic delivery of absentee ballots to drop boxes by intermediaries other than by the absentee voters themselves.

TTV has concluded its initial analysis of drop box traffic data in Milwaukee County. Its findings are summarized in this report. TTV is continuing its research and analysis of data

[7] *E.g.,* Appendix 1, TTV Administrative Complaint to Georgia Secretary of State, Nov. 30, 2021.

[8] Appendix 1, p. 2.

[9] https://www.azag.gov/press-release/two-individuals-accused-ballot-harvesting-yuma-county

[10] Sec. 6.87(4)(b)1., Wis. Stats.

[11] https://elections.wi.gov/sites/elections/files/2020-08/EL-122%20Standard%20Absentee%20Ballot%20Certificate-portrait%20%28rev.%202020-08%29.pdf

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from other areas where CTCL-funded drop boxes were located, and will be releasing those findings in the near future.

Completion of TTV's Milwaukee County research is especially timely. On February 19, 2022, in an action brought by Wisconsin Institute for Law and Liberty,[12] the Circuit Court for Waukesha County held that use of drop boxes for absentee voting violates § 6.87(4)(b)1., Stats., and enjoined their use statewide.[13] WILL's action, *Teigen v. Wisconsin Elections Commission*,[14] is now before the Wisconsin Supreme Court, which has permitted the injunction to remain in place for the spring general election on April 5.[15]

TTV's research will inform both public discussion and legislative and policy proposals to enhance transparency, uniformity, and equal access for Wisconsin voters in future elections. Further, on March 21, TTV will be filing an *amicus* brief in the *Teigen* case in the Wisconsin Supreme Court, arguing that construing § 6.87(4)(b)1. to prohibit use of drop boxes will ensure greater equality of voting access among all Wisconsin electors regardless of their place of residence, and will also limit the ability of super-wealthy activists to influence Wisconsin elections through massive, tax-exempt spending that escapes reporting under ordinary campaign finance law but is strategically designed and administered to achieve a partisan result.

Finally, while TTV believes that construction of the law will benefit *future* elections, TTV does not opine on the legality of past activity analyzed in this report or suggest that the 2020 election results should be decertified based on its findings.

III. RESEARCH METHODS

TTV uses both video surveillance recordings and geospatial data to track and analyze drop box traffic patterns. Surveillance video is routinely used in a wide range of applications including security, highway traffic and tolls, wildlife tracking, marketing, and facility usage.

It is difficult to imagine a public function more critical than voting. Given the ubiquity of video surveillance and tracking in other applications, 24/7 video surveillance of drop box traffic would seem to be an expected rudimentary requirement of the Wisconsin Elections Commission and responsible local governments utilizing drop boxes. Visual records of box activity would provide accountability and security at least somewhat comparable to the safeguards for traditional same-day and early in person voting, which are conducted in the presence of authorized officials and observers.

For example, Georgia's election rules required drop boxes with 24/7 video surveillance.[16]

[12] https://will-law.org

[13] https://will-law.org/wp-content/uploads/2022/02/142-2022-01-20-Order-granting-Pls-Summary-Judgment-signed-1-19-221.pdf

[14] *Teigen v. Wisconsin Elections Commission*, Appeal Number 2022AP000091; https://wscca.wicourts.gov/appealHistory.xsl?caseNo=2022AP000091&cacheId=E1AD15A7F683EB361365795C64D83964&recordCount=1&offset=0&linkOnlyToForm=false&sortDirection=DESC

[15] https://elections.wi.gov/node/7861

[16] https://www.gpb.org/news/2021/07/12/absentee-drop-box-use-soared-in-democratic-areas-voting-law-change

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Such video files are election records mandated for retention under federal law.[17] Through open records requests, TTV obtained over 4 million minutes of drop box surveillance video from Georgia.[18]

TTV also purchased commercially available, anonymized, geospatial mobile device information. Analysis of this cell phone data can pinpoint the specific location of a unique device at a specific time without disclosing private information about the device owner's identity.

This type of data analysis use is highly valued because of its accuracy, and is commonly used in a wide range of mainstream applications including product marketing and targeted messaging in political campaigns. In fact, virtually every cell phone user has received some type of promotional or political text.

Properly conducted, geospatial data aggregation and analysis raises no legal concerns and is routinely conducted by diverse users including government agencies, businesses, marketing firms, transportation services, political campaigns, and health, education, and social science providers and researchers.[19]

For example, in 2019, the New York Times published a widely read expose on cell phone tracking based on data collected in 2016 – 2017 at the New York Stock Exchange, major cities, government facilities (Pentagon and Whitehouse), and private residences.[20]

NYT even included a series of animated graphics, tracking routes traveled by the President along with the hyperlink, "How to Track President Trump," followed by the byline, "Read more about the national security risks found in the data."

In its election integrity work, TTV utilizes geospatial data and analysis to detect and analyze patterns of potentially inappropriate election activities.

The accuracy of the data and methodology is beyond question. As the NYT article states:

> Describing location data as anonymous is "a completely false claim" that has been debunked in multiple studies, Paul Ohm, a law professor and privacy researcher at the Georgetown University Law Center, told us. "Really precise, longitudinal geolocation information is absolutely impossible to anonymize."
>
> "D.N.A.," he added, "is probably the only thing that's harder to anonymize than precise geolocation information."

However, even though a device's "location data" is not "anonymous," as Professor Ohm says, geo-spatial researchers may keep the device owner's *identify* anonymous.

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[17] 52 U.S.C. § 20701 requires election officials to retain "all records and papers" for 22 months following a federal election.

[18] Appendix 1, pp. 1 - 3.

[19] E.g., https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3821057/; https://www.jstor.org/stable/42748309; https://insights.som.yale.edu/insights/what-can-smartphone-location-data-tell-us-about-the-pandemic; http://www.sehinc.com/news/cell-phone-data-makes-traffic-analysis-and-transportation-planning-easier; https://ij-healthgeographics.biomedcentral.com/articles/10.1186/1476-072X-7-22; https://www.jstor.org/stable/44134975; https://www.jstor.org/stable/30036682

[20] https://www.nytimes.com/interactive/2019/12/19/opinion/location-tracking-cell-phone.html

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In contrast to the NYT, which identified President Trump and published routes he traveled, TTV does not "unmask" or "de-anonymize" owner identities of the devices it tracks. Authorized government and legal agents can and do routinely obtain deanonymized information from cell phone companies, but TTV does not publish that kind of deanonymized analysis.

IV. DATA

Surveillance Video. Unlike Georgia, which requires constant video surveillance of ballot drop boxes, Wisconsin law does not require any such surveillance.[21]

TTV made open records requests to multiple Milwaukee County municipalities for drop box surveillance video. In response, only the Village of Brown Deer provided video for one of its two drop boxes located at Village Hall. Despite reported statements by the City of Milwaukee that it had maintained video surveillance,[22] neither the City of Milwaukee nor any other municipality in the County provided video. Each responded that it had failed to record surveillance video, or had failed to maintain the video, or did not respond to the requests at all.[23]

Geospatial Data. Because Milwaukee officials failed or refused to provide surveillance video, TTV focused our analysis on the use of geospatial data to determine whether third-party intermediaries made multiple visits to drop box locations.

TTV purchased 25 terabytes of cell phone signal data emitted by devices in the Milwaukee County area during the two-week period prior to the 2020 election, October 20 - November 3. The data was purchased from standard commercial providers and includes signals from over 27,000 cell phone apps, which data aggregators purchase and resell to public and private buyers for official and commercial uses.

Consistent with TTV policy and methods, the data was never held in any form other than "anonymized." While the data provides exact locations of specific devices at specific times, it does not disclose the identities or other private information about the individuals registered as owners of those devices.[24]

---

[21] It should also be noted that Wisconsin election statues do not authorize the use of drop boxes. https://www.ncsl.org/research/elections-and-campaigns/vopp-table-9-ballot-drop-box-definitions-design-features-location-and-number.aspx

[22] https://www.jsonline.com/story/news/politics/elections/2020/10/19/how-milwaukee-ensures-absentee-ballots-voting-machines-secured/5937160002/

[23] Appendix 2, log of TTV open records requests for surveillance video. Requests were sent to Bayside Village, Brown Deer Village, City of Milwaukee, Cudahy, Fox Point Village, Franklin, Glendale, Greendale, Greenfield, Hales Corner, Milwaukee County, Oak Creek, River Hills, Shorewood, South Milwaukee, St. Francis, Wauwatosa, West Allis, West Milwaukee, and Whitefish.

[24] The raw and unedited data purchased by TTV does not include any analysis conducted by TTV or its contractors, nor does it include any list of specific IMEI devices or identifying information regarding any individuals other than commercially available, anonymized, IMEI data in its original form.

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IV. ANALYSIS

To obtain an appropriate study sample, TTV analysts followed a prescribed methodology. First, we correlated the data with the exact longitude and latitude of drop boxes located in the Milwaukee County area, extracting device identifications of only those devices "pinpointed" at drop box locations during the 10/20 - 11/3 window. Each drop box pinpoint is referred to as a visit.

"Pinpointing" is a non-technical term for plotting multiple pings emitted by a specific device within a specific time frame to determine the location of the device at a specific time. For example, plotting 200 pings from 50 different apps emitted from a device within a 10 second interval "pinpoints" exactly where the device was located during that time window. TTV's methodologies for pinpointing device locations are highly accurate, exceeding customary industry standards and those used by NYT for its article.

In municipalities in the Milwaukee County area, 53,291 cell phones were pinpointed at ballot drop boxes three or more times during the 10/20 - 11/3 window

Within that two-week window, 107 unique devices made (1) 20 or more visits to drop boxes (averaging 26 visits each, some as many as 10-15 per day) *and* (2) multiple visits to non-governmental organizations ("NGOs") involved in get-out-the-vote efforts (averaging 5 NGO visits each).

Those 107 "20X" devices together visited drop boxes a total of 2,824 times during the window, with a majority of visits occurring after 8:00 pm, past posted business hours at the government or other locations where the drop boxes were located.

Appendix 3 provides IMEI Device Nos. of all 107 20X devices analyzed. Appendix 4 provides maps of 8 of those devices showing routes they travelled and the drop boxes and NGO locations they visited on October 20, 2020.

The exact chronology of each device can be tracked and pinpointed from 12:00 a.m. to 11:59 p.m. on the date shown. However, to maintain device and NGO anonymity, the IMEI Device Nos. are redacted in Appendix 3, and the locations are removed from the Appendix 4 maps, with device routes intentionally overlayed as composites without time sequencing.[25]

[25] Like "unmasking" or "de-anonymizing" device owners, time sequencing is a routine industry capability. TTV's analysts are capable of producing that kind of information the same as other industry analysts. However, TTV does not produce or publish that information as part of its public interest research work.

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APPENDIX 1

Administrative Complaint to Georgia Secretary of State Brad Raffensperger

Complainant:	Tue the Vote, PO Box 3109 #19128 Houston, TX 77253-3109
Complaint:	Ballot trafficking General Election November 2020 and Runoff Election January 2021 periods
Counties:	Atlanta metro area
Potential Violations	O.C.G.A. § 21-2-385 (a) Procedure for voting by absentee ballot; advance voting

AMERICAN OVERSIGHT

TRUE THE VOTE

November 30, 2021

Brad Raffensperger
Secretary of State
Georgia Capitol
206 Washington St SW
Atlanta, GA 30334

Complainant: True the Vote, PO Box 3109 #19128 Houston, TX 77253-3109
Complaint: Ballot trafficking General Election November 2020 and Runoff Election January 2021 periods Counties: Atlanta metro area
Potential Violations: O.C.G.A. § 21-2-385 (a) Procedure for voting by absentee ballot; advance voting

INFORMATION IN SUPPORT OF COMPLAINT

As part of True the Vote's ongoing nonpartisan election integrity research and in response to reports of ballot trafficking in Georgia and other states across the country, we undertook certain efforts to examine this issue more closely. Following a detailed account of coordinated efforts to collect and deposit ballots in drop boxes across metro Atlanta, True the Vote obtained publicly available surveillance video as well as commercially available cell phone data which revealed concerning patterns of behavior consistent with the reports made to our organization. True the Vote hereby submits this Complaint to the Georgia Secretary of State detailing the potentially improper election efforts which took place during the General Election of November 2020 and Runoff Election of January 2021.

Acting upon information provided to us, True the Vote's contracted team of researchers and investigators spoke with several individuals regarding personal knowledge, methods, and organizations involved in ballot trafficking in Georgia. One such individual, hereinafter referred to as John Doe, admitted to personally participating and provided specific information about the ballot trafficking process. This information was provided under agreement of anonymity.[1]

[1] It is imperative that True the Vote maintain confidentiality agreements made with persons willing to speak openly with the organization. First and foremost, True the Vote is primarily concerned for the safety of individuals willing to come forward to speak about such sensitive topics. True the Vote is not a law enforcement agency, we do not have the resources of the State, and we are unable to provide any safety guarantees to those individuals willing to provide information other than to keep our word that their identity will not be disclosed. Furthermore, for the same reason law enforcement agencies do not disclose the identities of their confidential informants, True the Vote must also maintain such confidences. To do otherwise would greatly inhibit future efforts of the organization as individuals would no longer be willing to speak openly about such matters. Finally, to the extent an individual admits to conduct constituting a crime, True the Vote is unable to offer immunity from prosecution. Informants would not be honest in their discussions if they lacked confidence that any admissions made would be held in the strictest of confidences and would not subject them to criminal prosecution in the future.

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John Doe described a network of non-governmental organizations ("NGO"s) that worked together to facilitate a ballot trafficking scheme in Georgia. John Doe claimed to have been one of many individuals paid to collect and deliver absentee ballots during the early voting periods of the November 2020 General Election and the January 2021 Runoff Election. While acknowledging that others might view his actions as inappropriate, John Doe did not seem to understand the unlawful nature of this conduct nor that it might constitute organized criminal activity. John Doe's perception was that he had been hired to do a job and it was appropriate to be paid for the services rendered.

John Doe's assignment included collecting ballots, both from voters in targeted neighborhoods and from NGOs that had their own ballot collection processes, delivering those ballots to other NGOs, picking up designated ballot bundles from the same group of NGOs, and depositing ballots into drop boxes spanning six counties in the metro Atlanta area. Each drop box delivery would typically include between 5 to 20 ballots. John Doe described a payment validation process which involved taking cell phone pictures of the drop box where ballots were deposited. Participants were compensated, typically at a rate of $10 per ballot. John Doe stated he had been paid directly by one of these NGOs.[2]

Following this report, True the Vote submitted open records requests to obtain the surveillance video of various drop boxes across Georgia during the General Election of November 2020 and Runoff Election of January 2021. Despite a legal mandate to maintain this video, county officials were only able to produce an estimated 20% of the surveillance video requested in the counties of Fulton, DeKalb, Cobb, and Gwinnett.[3] Nonetheless, in our initial review of the available 3 million minutes of surveillance video, we found compelling evidence to support the reports of absentee ballot trafficking conducted during the November 3, 2020, General Election and January 5, 2021, Runoff Election periods.

In addition to ordering surveillance video, True the Vote also purchased commercially available, anonymized, geospatial mobile device information. This cell phone data establishes what devices were at a particular location at a particular time but does not disclose any private information about a person's identity. There are a variety of uses for this type of data including product marketing and targeted messaging in political campaigns. This type of unique device identification data is highly desirable because of its accuracy and its use is becoming more mainstream as of

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While True the Vote will not directly identify the individual who made the admission, the organization is able to provide the publicly available data we used in our research. As an office possessing investigative powers and the resources of the State, the identity of any individual who may have information pertinent to your efforts is discoverable in the data set now available to you. Working in conjunction with law enforcement, the State, in their discretion, can provide the necessary and appropriate safety guarantees and immunity protections for cooperating witnesses should that become necessary.

[2] John Doe stated the NGOs made the payments, but it was not entirely clear from his description whether participants were paid directly by the NGOs or through an intermediary.

[3] In separately filed complaints, we detail the missing video footage, including explanations afforded us by county election officials, to support further investigations and develop standards regarding critical aspects of surveillance video capture.

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late. In fact, virtually every cell phone user has received some type promotional or political text. Law enforcement, defense, and intelligence agencies have been using geospatial mobile device data to generate information on possible suspects or witnesses in investigations for several years. For the purposes of our research, True the Vote purchased such data and used it to identify patterns of potentially inappropriate election activities. After reviewing this data, True the Vote was able to confirm certain patterns of activity around absentee ballot drop boxes, as initially reported by John Doe.

During the Runoff Election period, in six counties in and around Atlanta, 552,987 cell phones came within a narrowly defined distance of ballot drop boxes during our study period. However, 242 unique devices made repeat trips to drop boxes averaging 23 trips each. These same 242 devices also went repeatedly, averaging eight trips each, to specific NGOs.

These 242 individual devices went to drop boxes a total of 5,668 times with approximately 40% of the visits occurring between the unusual hours of 12:00 a.m. and 5:00 a.m.

The review of surveillance video was queued according to our geospatial data analyses and focused on the device patterns that emerged from our research. The video, though often grainy and sometimes distant, revealed numerous unusual behaviors.

Individuals were observed attempting to deposit multiple ballots into the drop box. Sometimes, the person was attempting to deposit so many ballots that they were unable to fit them all in and the video shows ballots falling to the ground.

Additionally, in our cursory review of surveillance video it was confirmed that individuals made repeat visits to drop boxes.

Cars were observed with out-of-state license plates, including rental cars identifiable because of the sticker seal rental car companies affix to the driver's side door. This in itself is not necessarily problematic; however it is notable because these out of state and rental cars were driven by individuals who were also in our targeted study group of 242 devices.

Consistent with John Doe's report regarding the proof necessary to receive payment, individuals were observed taking cell phone photos, not of themselves, but of their ballot deposits or of the drop box after the ballots had been deposited.

Curiously, a change in behavior seemed to occur on or around December 23, 2020, the day after Arizona authorities announced that fingerprints on absentee ballot envelopes helped uncover an illegal ballot harvesting scheme in that state. After that announcement, individuals depositing ballots into drop boxes in Georgia are seen wearing blue surgical gloves. They often put them on just before picking up their stack of ballots and remove them as they exit the drop box area.

In conclusion, following John Doe's personal admission to participation in a large-scale ballot harvesting effort in Georgia, True the Vote obtained publicly available video footage and

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commercially available cell phone data which supports his account of these efforts. In the data we reviewed, the 242 mobile devices which repeatedly visited drop boxes also repeatedly visited locations associated with a select group of NGOs. Not only did these devices make repeat visits but a significant number of these visits, approximately 40%, were made during extremely unusual hours in the middle of the night. Additionally, surveillance footage shows numerous instances in which individuals deposited multiple ballots at a time – a practice which is prohibited under Georgia law except under very limited circumstances.[4] Finally, consistent with John Doe's description of how participants were paid, individuals were seen taking photos of drop boxes or of ballots as they were deposited into a drop box.

True the Vote files this Complaint and provides this information to the Secretary of State as the arbiter of election integrity for the State of Georgia.[5] In conjunction with an investigation and formal request by the Secretary of State's office, True the Vote will provide all publicly or commercially available information including the geospatial data and surveillance video to assist with any efforts undertaken by your office.[6]

[4] O.C.G.A. § 21-2-385 (a) reads in pertinent part: Such envelope shall then be securely sealed and the elector shall then personally mail or personally deliver same to the board of registrars or absentee ballot clerk, provided that mailing or delivery may be made by the elector's mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, or an individual residing in the household of such elector. The absentee ballot of a disabled elector may be mailed or delivered by the caregiver of such disabled elector, regardless of whether such caregiver resides in such disabled elector's household. The absentee ballot of an elector who is in custody in a jail or other detention facility may be mailed or delivered by any employee of such jail or facility having custody of such elector. An elector who is confined to a hospital on a primary or election day to whom an absentee ballot is delivered by the registrar or absentee ballot clerk shall then and there vote the ballot, seal it properly, and return it to the registrar or absentee ballot clerk.

[5] In filing this Complaint, True the Vote makes no assessment of the legality of any activity seen in the data or surveillance video but merely provides this information for official State use as deemed appropriate by your agency.

[6] This raw and unedited data purchased by True the Vote does not include any analysis conducted by True the Vote or its contractors nor does it include any list of specific IMEI devices of interest. Furthermore, this data does not include any identifying information about any individuals other than commercially available, anonymized, IMEI data in its original form.

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APPENDIX 2

Log of True the Vote
Open Records Requests to
Milwaukee Urban Area Municipalities

For

Dropbox Video Surveillance Records
October 20 – November 3, 2020

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TRUE THE VOTE

MILWAUKEE COUNTY AREA COMMUNITIES
OPEN RECORDS REQUESTS FOR DROPBOX VIDEO SURVEILLANCE FILES
NOVEMBER 2020 ELECTION

Municipality	ORR	Submit Date	Response Date	Point of Contact	Action	Reason/Comments
Milwaukee	Dropbox Video	4/12/2021	4/21/2021	cwooda@milwaukee.gov	Undelivered	No custodian for video.
Fox Point	Dropbox Video	4/12/2021	6/30/2021	KMeyer@villageoffoxpoint.com	No Responsive Records	Did not provide.
Brown Deer	Dropbox Video	4/12/2021	4/13/2021	metzel@browndeerwi.org	Delivered Video	
Shorewood	Dropbox Video	4/12/2021	4/13/2021	sbruckman@villageofshorewood.org	No Responsive Records	ORR req. "Milwaukee."
West Milwaukee	Dropbox Video	4/12/2021	4/16/2021	susan.schupp@westmilwaukee.org	No Responsive Records	No security camera, 1 dropbox.
Wauwatosa	Dropbox Video	4/12/2021	4/16/2021	cdulaney@wauwatosa.net	No Responsive Records	No cameras directed at ballot boxes.
Bayside	Dropbox Video	4/12/2021	4/13/2021	lgalyardt@baysidewi.gov	No Responsive Records	"We do not have copies of the video recordings."
Whitefish Bay	Dropbox Video	4/12/2021	4/13/2021	J.Krueger@wfbvillage.org	No Responsive Records	No such records exist.
Greendale	Dropbox Video	4/12/2021	4/13/2021	melanie@greendale.org	No Responsive Records	Does not have the records requested.
Hales Corners	Dropbox Video	4/12/2021	4/12/2021	skulik@halescorners.org	No Responsive Records	Video only retained for 90 days.
River Hills	Dropbox Video	4/12/2021	4/12/2021	tlaborde@vil.river-hills.wi.us	No Responsive Records	Did not utilize dropboxes.
South Milwaukee	Dropbox Video	4/12/2021	4/12/2021	Kkastenson@smwi.org	No Responsive Records	Oldest content on server is 44 days old.
Glendale	Dropbox Video	4/12/2021	4/12/2021	R.Safstrom@glendalewi.gov	No Responsive Records	No video from requested time frame.
Oak Creek	Dropbox Video	4/12/2021	4/12/2021	croeske@oakcreekwi.org	No Responsive Records	No video from requested time frame.
Greenfield	Dropbox Video	4/12/2021	4/12/2021	Jennifer.Goergen@greenfieldwi.us	No Responsive Records	"Do not have the records you requested."
St Francis	Dropbox Video	4/12/2021	4/12/2021	anne.uecker@stfranwi.org	No Responsive Records	"No records exist for your request."
Franklin	Dropbox Video	4/12/2021	4/28/2021		No Responsive Records	Off-premises drop boxes were used for AB.

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APPENDIX 3

Redacted IMEI Device Nos. of
107 Cell Phone Devices Making 20+ Visit to
Milwaukee Urban Area Drop-boxes

October 20 – November 3, 2020

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IMEI DEVICE ID NOS.

Device Identification	Drop Box Visits
6631960f-5bb8-4d77-9468-xxxxxxxxxxxx	35
407d9517-f1ad-4656-bc12-xxxxxxxxxxxx	35
94dc1108-5658-40ac-b0a1-xxxxxxxxxxxx	34
ea2bd83f-7cc2-46cf-b19e-xxxxxxxxxxxx	34
dd78342b-9734-465f-b18a-xxxxxxxxxxxx	34
398959d3-9975-4072-b01e-xxxxxxxxxxxx	33
6e4068d3-6037-4382-9c30-xxxxxxxxxxxx	32
e1c4de08-e616-4e14-989c-xxxxxxxxxxxx	32
cc7dff4b-32cc-4a77-9c68-xxxxxxxxxxxx	32
7e24a489-3578-4982-82d2-xxxxxxxxxxxx	32
26c078c0-ddc0-42d2-a9b2-xxxxxxxxxxxx	32
b19161fc-6682-41f4-b536-xxxxxxxxxxxx	32
a4681626-135a-4a62-8d1a-xxxxxxxxxxxx	32
edf17761-044c-4b66-b280-xxxxxxxxxxxx	31
891dfbb0-75e1-4294-9fbc-xxxxxxxxxxxx	31
b27d629d-fca1-45d6-9c47-xxxxxxxxxxxx	31
f0e40fe1-abcc-4b68-aae2-xxxxxxxxxxxx	31
bf9522dd-5224-44a0-bef4-xxxxxxxxxxxx	30
34611e70-d89c-4d56-a261-xxxxxxxxxxxx	30
8f4c882c-7632-4f28-b4fb-xxxxxxxxxxxx	29
32b169bb-e335-4b55-9ec5-xxxxxxxxxxxx	29
22dd4789-7af4-4cfc-b4eb-xxxxxxxxxxxx	29
6954ec0e-8113-43b2-82fe-xxxxxxxxxxxx	29
7f28dd25-26dc-4a93-ba28-xxxxxxxxxxxx	29
f6e53a37-265c-4f57-976a-xxxxxxxxxxxx	29
3f5c7b90-f98f-4049-a66a-xxxxxxxxxxxx	28
e10d2a2e-0c06-409e-82b9-xxxxxxxxxxxx	28
0351dd99-0241-4cc6-95c3-xxxxxxxxxxxx	28
ce86e18f-e17e-4532-bc5f-xxxxxxxxxxxx	28
ec13d068-794b-4e96-9bb3-xxxxxxxxxxxx	28
a84faea3-e833-47cc-b154-xxxxxxxxxxxx	28
38568e17-cf3e-48b7-ae14-xxxxxxxxxxxx	28
176d880d-3c5e-4a99-a8ed-xxxxxxxxxxxx	28
d4ad7849-3997-481f-8632-xxxxxxxxxxxx	28
3a88ec3c-5bfb-4d2e-9fe0-xxxxxxxxxxxx	28

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e78364fe-d4d7-456b-a27f-xxxxxxxxxxxx	28
5795034a-5dd0-48a6-b82d-xxxxxxxxxxxx	28
c988e594-0195-4c08-9ab0-xxxxxxxxxxxx	27
0f625e6a-5030-43f2-80b8-xxxxxxxxxxxx	27
9e08bd1c-ccdc-4dc6-a3fc-xxxxxxxxxxxx	27
a23a31dc-c1f8-405f-86c2-xxxxxxxxxxxx	27
097fe4b6-8ac2-4c0c-8cca-xxxxxxxxxxxx	27
fba2a97f-8be1-449e-8cd4-xxxxxxxxxxxx	27
2955c0b6-7fb0-4f64-bbb2-xxxxxxxxxxxx	27
8c8a76df-ee37-42bb-ae0a-xxxxxxxxxxxx	27
fe95c706-6d4a-4adc-8386-xxxxxxxxxxxx	27
54eee3c9-7323-4515-9e67-xxxxxxxxxxxx	27
2d2eea05-a5f9-4738-909e-xxxxxxxxxxxx	27
46ef251e-f643-4b73-8a13-xxxxxxxxxxxx	27
072a376a-ff4f-4a40-abf2-xxxxxxxxxxxx	27
d1fd58fd-1e1c-423b-80f6-xxxxxxxxxxxx	27
f295d761-6234-4ba2-9be2-xxxxxxxxxxxx	27
31d26aad-3707-4ae9-8341-xxxxxxxxxxxx	27
104cdf97-d67d-4274-aacb-xxxxxxxxxxxx	27
d4d24230-5126-4d73-afe5-xxxxxxxxxxxx	26
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926661e1-93a8-4be2-8fd1-xxxxxxxxxxxx	26
2ce31602-3215-4791-987b-xxxxxxxxxxxx	26
3cf31532-9a52-4dd9-a553-xxxxxxxxxxxx	26
c3e0e03a-e967-4484-a221-xxxxxxxxxxxx	26
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df68ace7-64d9-4fb1-9715-xxxxxxxxxxxx	26

AMERICAN OVERSIGHT

ecca97f4-4c30-4f42-aaf3-xxxxxxxxxxxx	26
079a7f03-d83a-4bab-8147-xxxxxxxxxxxx	26
054eb41e-6698-4b02-b945-xxxxxxxxxxxx	26
13df1019-ee7e-4083-8da8-xxxxxxxxxxxx	25
77bf30a3-2688-4795-9ad0-xxxxxxxxxxxx	25
6be907fa-43a6-407f-8620-xxxxxxxxxxxx	25
3a963af4-c018-4f65-89e0-xxxxxxxxxxxx	25
8ccac60b-4c25-4168-9e8c-xxxxxxxxxxxx	25
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91409260-0099-409d-ba77-xxxxxxxxxxxx	25
56e392f6-fac4-4f24-8168-xxxxxxxxxxxx	25
78af836c-f442-4387-8346-xxxxxxxxxxxx	25
8a836201-d75c-4756-9009-xxxxxxxxxxxx	25
eb329879-ca7a-45ff-aad9-xxxxxxxxxxxx	24
78771be0-120b-4db7-b997-xxxxxxxxxxxx	22
5f38176a-90a3-4bcc-9c0f-xxxxxxxxxxxx	22
0a04bf87-4c03-4fb2-ac2-xxxxxxxxxxxx	21
84ba77ce-10cf-4bb2-b8d8-xxxxxxxxxxxx	21
f83952f6-44b5-400e-a134-xxxxxxxxxxxx	21
63798a95-42da-4916-a0dd-xxxxxxxxxxxx	20
949150bb-c388-4e3e-97f5-xxxxxxxxxxxx	20
722efd84-a94f-4742-8891-xxxxxxxxxxxx	20
138fe120-31af-4752-adc7-xxxxxxxxxxxx	20
75c75ec8-6a29-439a-b441-xxxxxxxxxxxx	20
ce9856bd-a3c4-45ce-973f-xxxxxxxxxxxx	20
04f53134-96d9-4a5e-94c6-xxxxxxxxxxxx	20
699afaf0-b11a-4e0e-bb6c-xxxxxxxxxxxx	20
b1a890e3-8eec-46c6-a864-xxxxxxxxxxxx	20
4bdb8419-20dc-4068-b892-xxxxxxxxxxxx	20
201a1342-1375-452d-9267-xxxxxxxxxxxx	20
49048958-47d3-402c-8b6d-xxxxxxxxxxxx	19
ccab4515-40da-4c50-90d3-xxxxxxxxxxxx	19
dc987e64-05a8-428f-a501-xxxxxxxxxxxx	19
c8ab3f3a-544c-459b-a838-xxxxxxxxxxxx	19
341893e1-f8e6-433e-ad22-xxxxxxxxxxxx	19
TOTAL VISITS	**2824**

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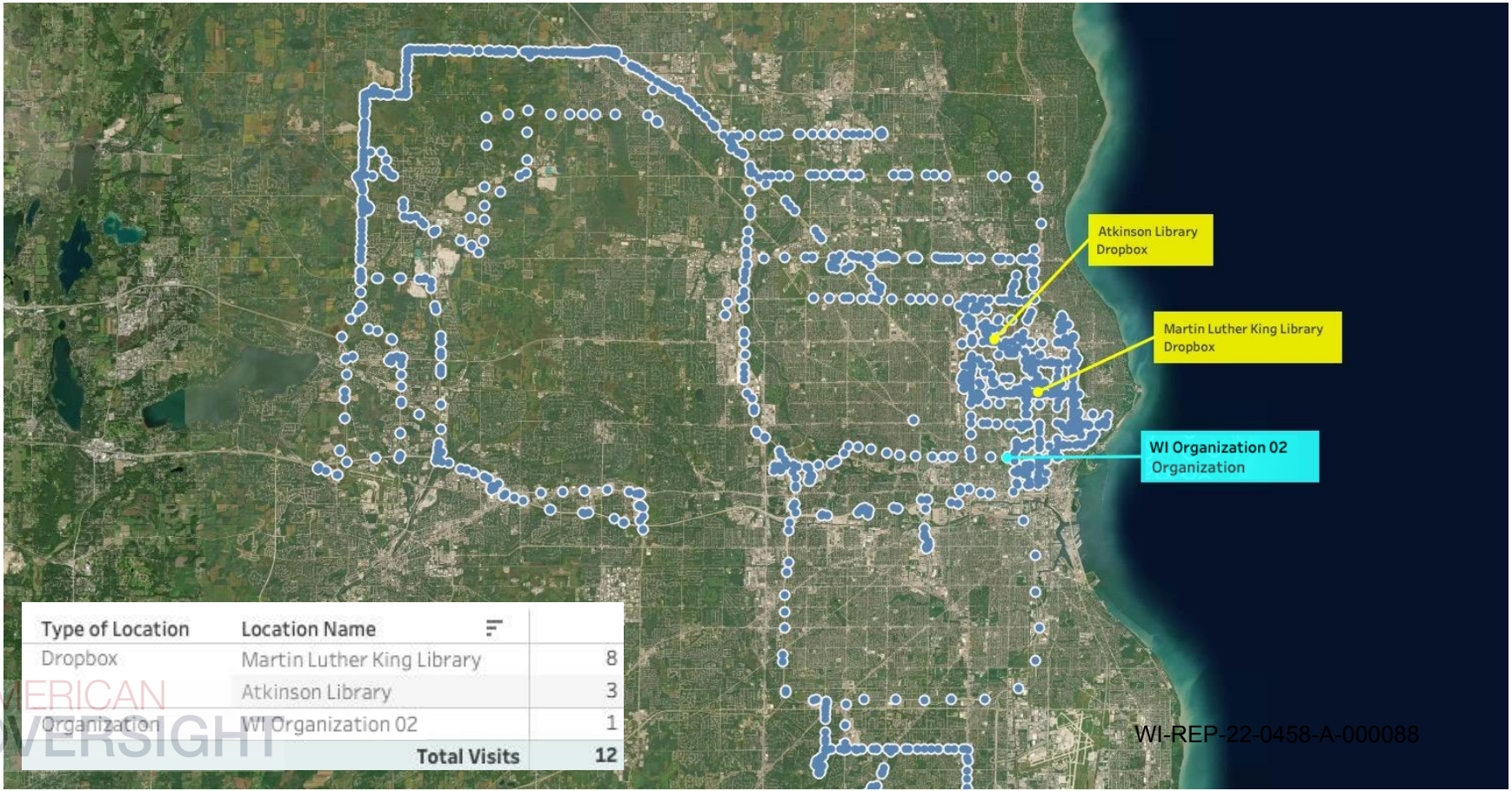
APPENDIX 4

Composite Maps of
8 Cell Phone Devices Making 20+ Visits to
Milwaukee Urban Area Drop-boxes

Maps of Routes Travelled on
October 20, 2020

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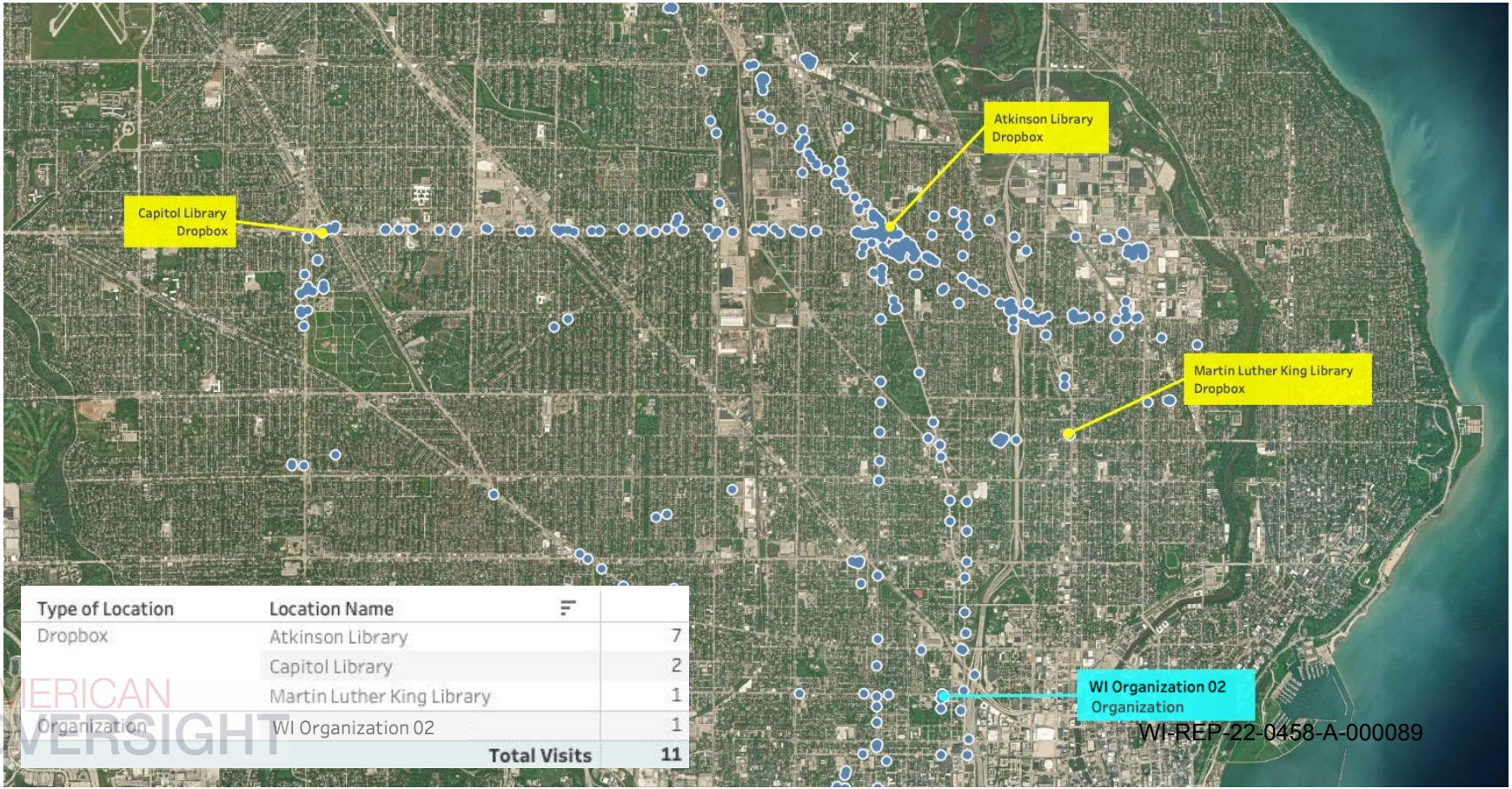
True the Vote – Milwaukee Project: Device #1 October 20, 2020



Type of Location	Location Name	
Dropbox	Martin Luther King Library	8
	Atkinson Library	3
Organization	WI Organization 02	1
	Total Visits	**12**

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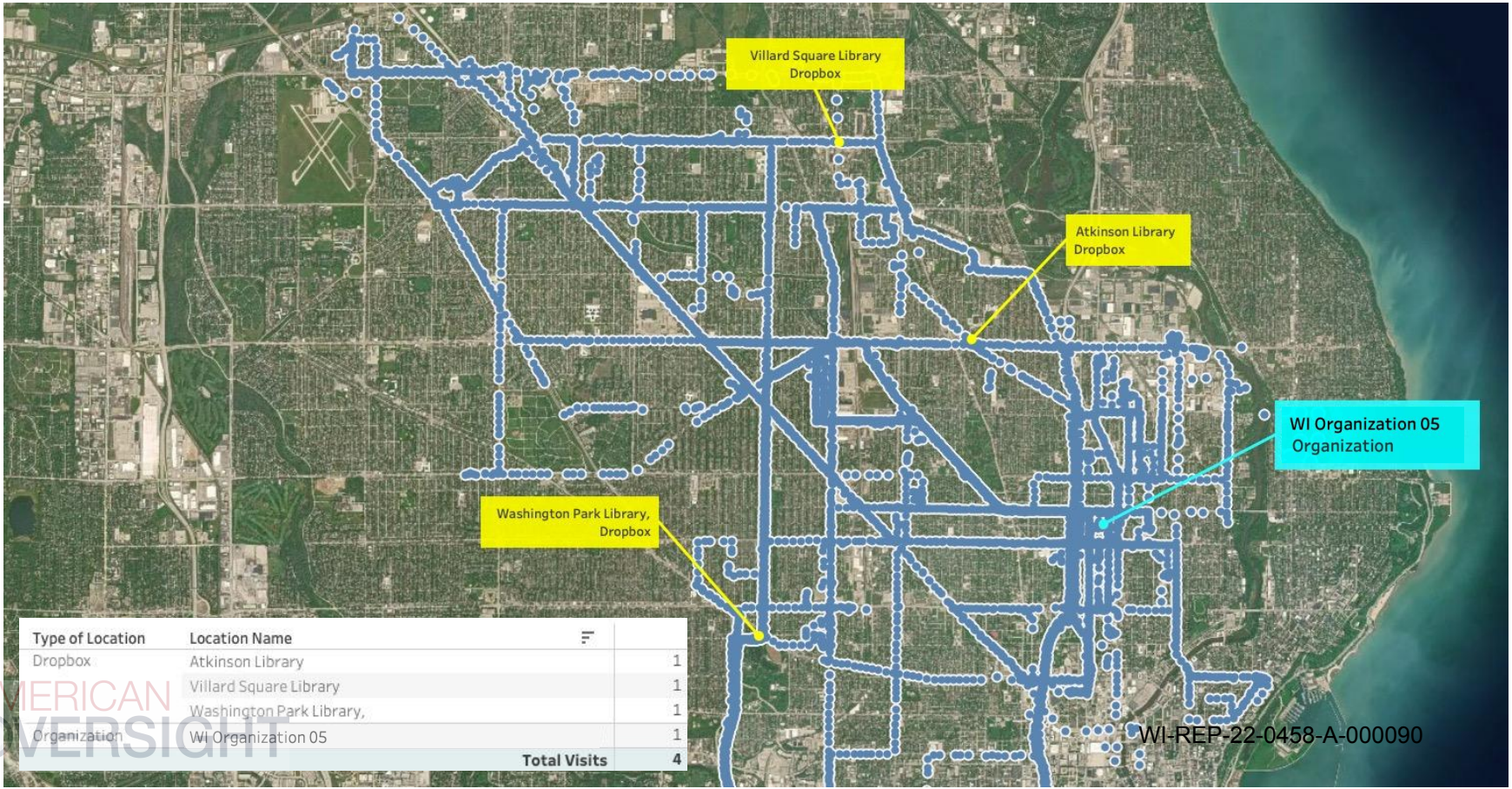
True the Vote – Milwaukee Project: Device #2 October 20, 2020



Type of Location	Location Name	
Dropbox	Atkinson Library	7
	Capitol Library	2
	Martin Luther King Library	1
Organization	WI Organization 02	1
	Total Visits	**11**

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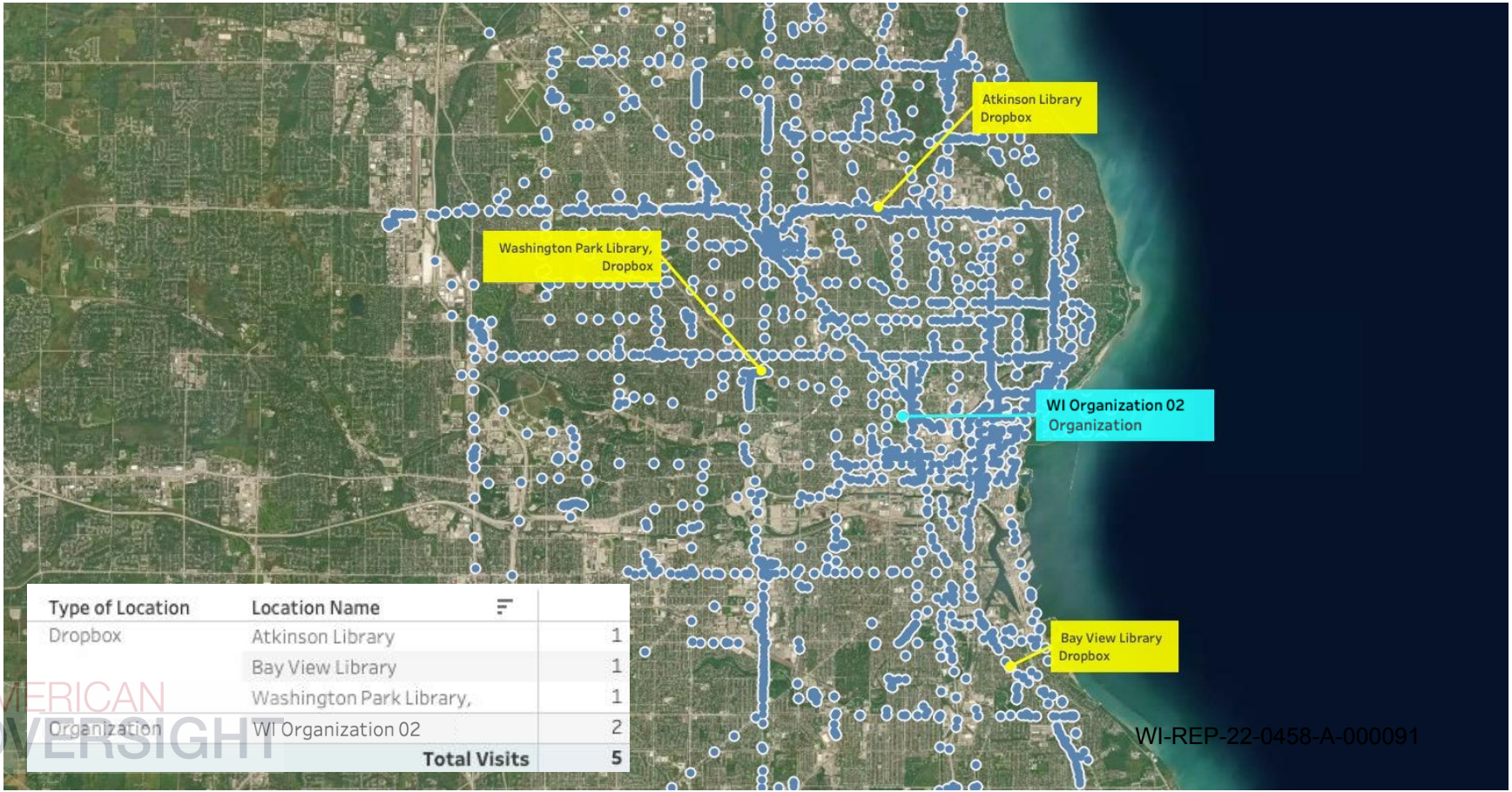
True the Vote – Milwaukee Project: Device #3 October 20, 2020



Type of Location	Location Name	
Dropbox	Atkinson Library	1
	Villard Square Library	1
	Washington Park Library,	1
Organization	WI Organization 05	1
	Total Visits	**4**

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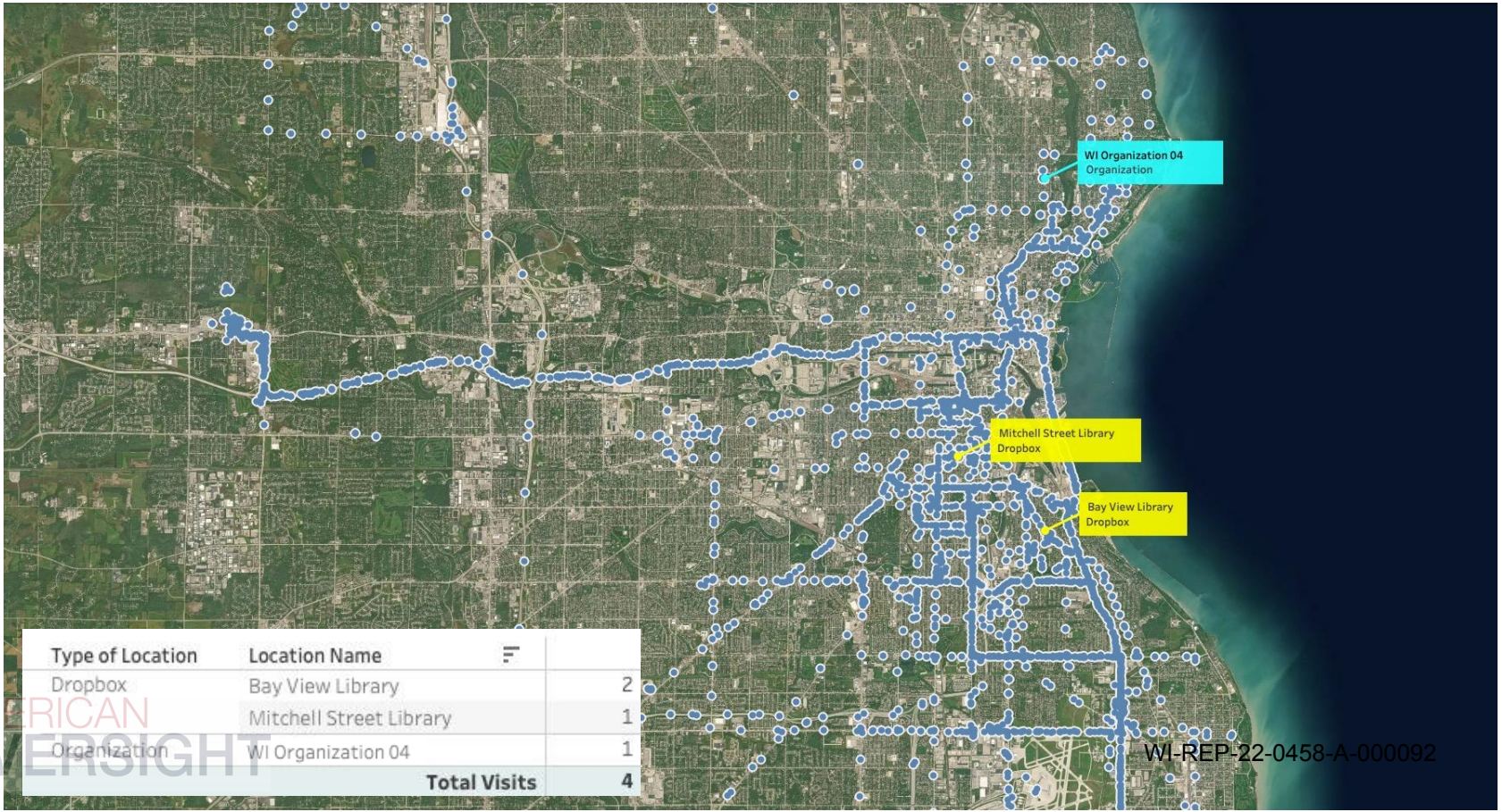
True the Vote – Milwaukee Project: Device #4 - October 20, 2020



Type of Location	Location Name	
Dropbox	Atkinson Library	1
	Bay View Library	1
	Washington Park Library,	1
Organization	WI Organization 02	2
	Total Visits	**5**

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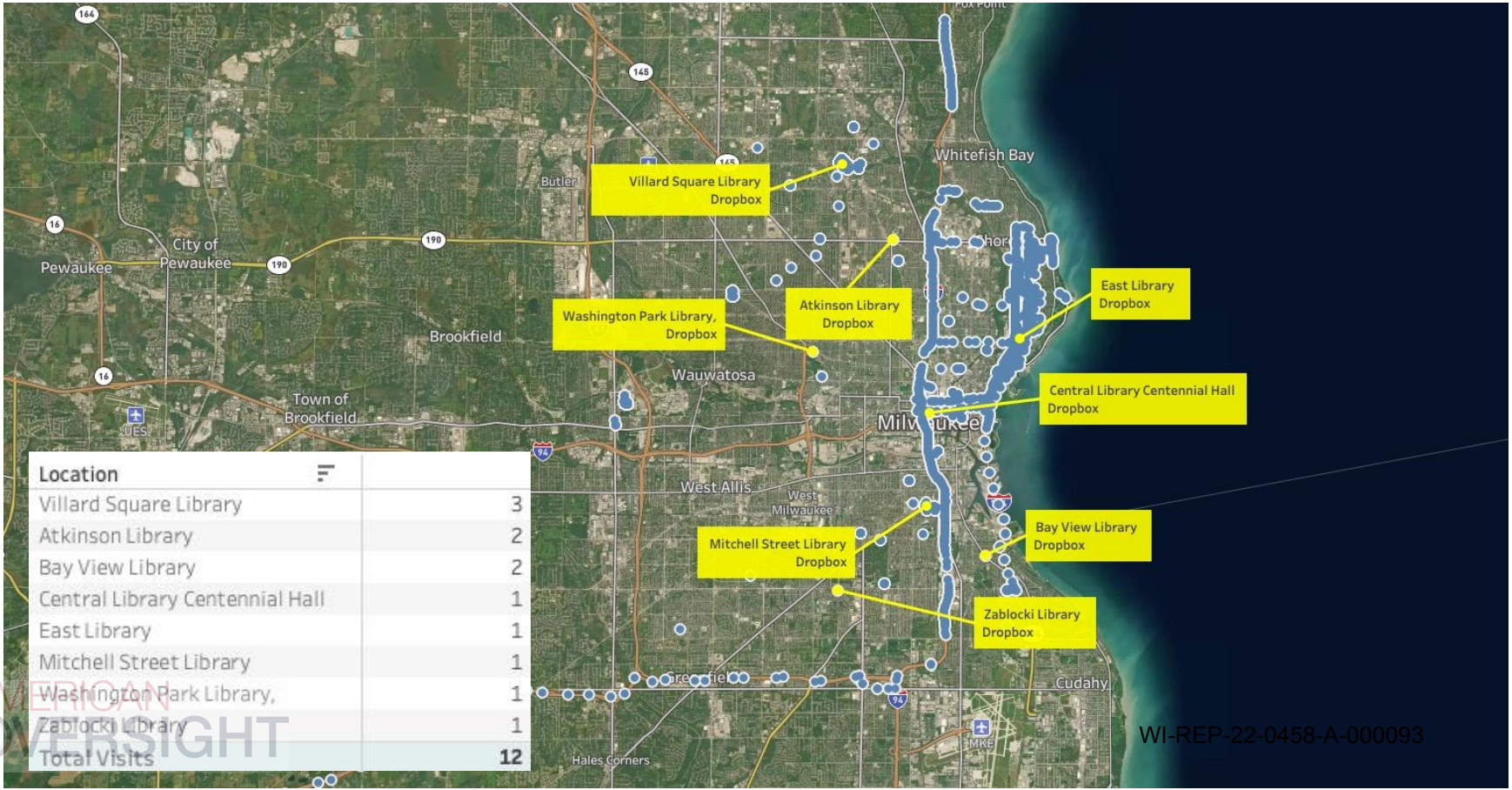
True the Vote – Milwaukee Project: Device #5 - October 20, 2020



Type of Location	Location Name	
Dropbox	Bay View Library	2
	Mitchell Street Library	1
Organization	WI Organization 04	1
	Total Visits	**4**

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True the Vote – Milwaukee Project: Device #6 - October 20, 2020

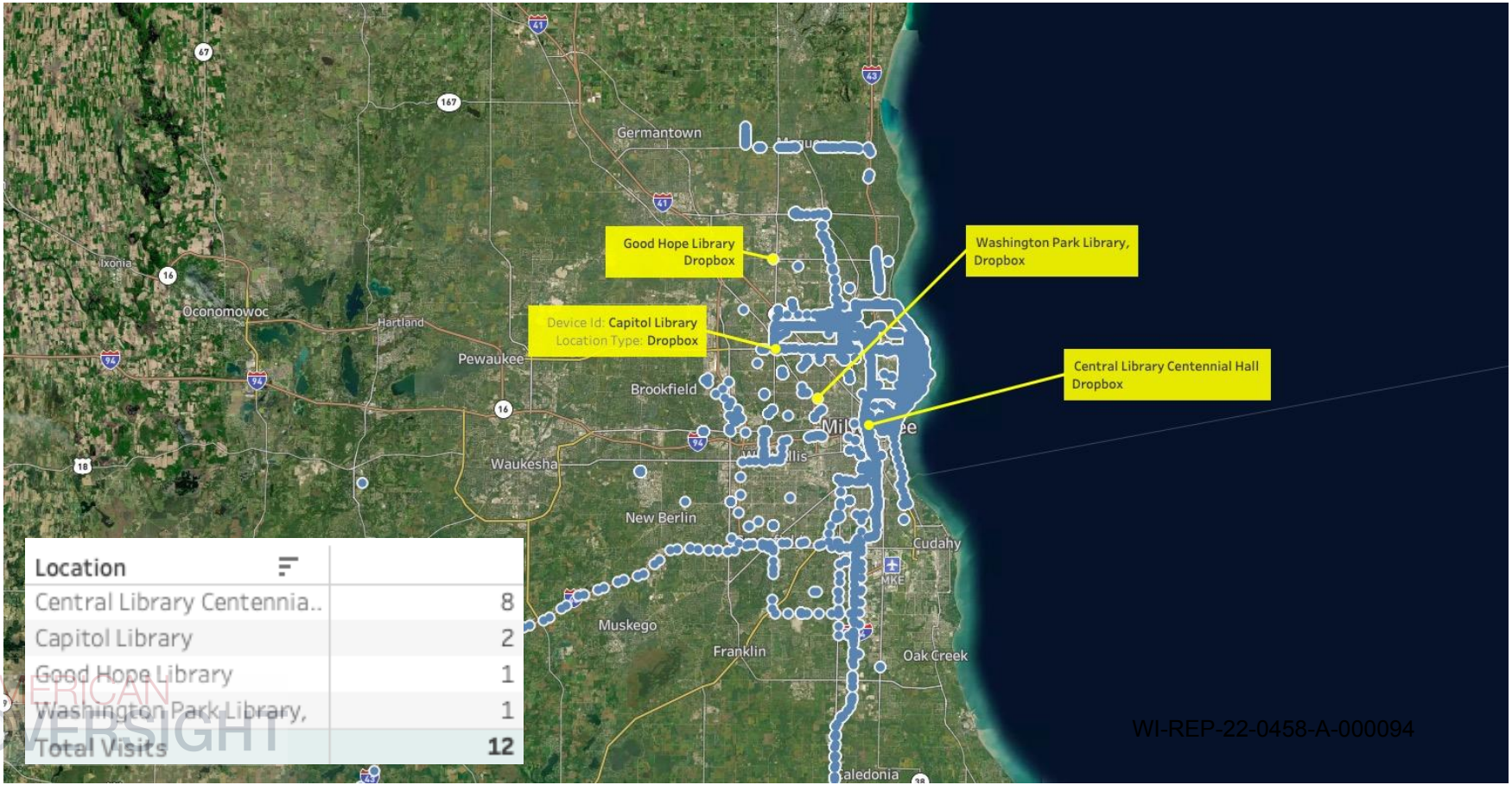


Location	
Villard Square Library	3
Atkinson Library	2
Bay View Library	2
Central Library Centennial Hall	1
East Library	1
Mitchell Street Library	1
Washington Park Library,	1
Zablocki Library	1
Total Visits	12

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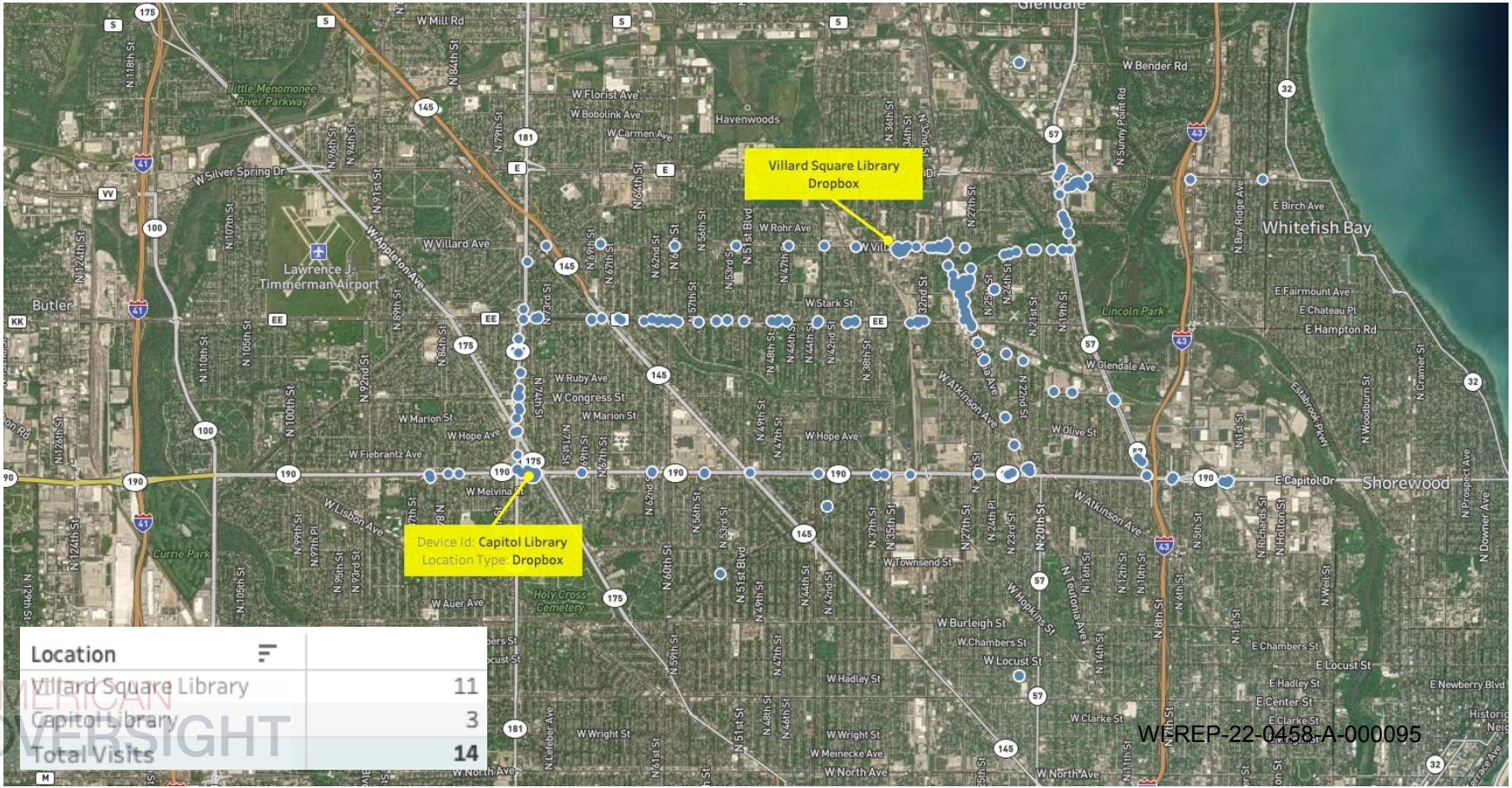
WI-REP-22-0458-A-000093

True the Vote – Milwaukee Project: Device #7 - October 20, 2020



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True the Vote – Milwaukee Project: Device #8 - October 20, 2020



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CHAPTER 11.

VOTING MACHINES AND ABSENT VOTING.

11.03 Structural requirements and adaptability to voting system.
11.04 Referendum on use of machines.
11.06 Methods of using machines.
11.08 General election laws applicable where machines are used.
11.09 Ballots for machine; samples, etc.
11.10 Custodians; preparation of machines; instructions; certificate of proficiency.
11.11 School of instruction of election officers.
11.12 Irregular ballots; canvass of machine results.
11.13 Returns of machine ballots.
11.14 Experimental use of voting machines.
11.15 Voting machines at primaries.
11.16 Irregular ballots on machines at primaries.
11.17 Voting machine law applicable to its use at primaries.
11.54 Grounds for absent voting.
11.55 Application for ballot.
11.56 Application, how made.
11.57 Delivery of ballot blank.
11.58 Form of envelope for ballot.
11.59 Voting; execution of affidavit.
11.60 Inclosing ballot.
11.605 List of absent voters for public inspection.
11.61 Delivery of ballot.
11.62 Deposit of ballot in ballot box.
11.63 Challenge of mail vote.
11.64 Death of voter.
11.65 Election laws applicable.
11.66 In cities of first class.
11.67 Penalties for violations.
11.68 Construction of act.
11.70 Absent voting by members of armed forces.

11.03 Structural requirements and adaptability to voting system. (1) No voting machine shall be used in this state unless it be so constructed as to afford every elector a reasonable opportunity to vote for any person for any office or for or against any proposition for whom, or for or against which he is by law entitled to vote and enable him to do this in secrecy; and it must be so constructed as to preclude an elector from voting for any candidate for the same office or upon any question more than once, and from voting for any person for any office for whom he is not by law entitled to vote.

(2) The machine or machine system may be provided with one lever or device by the use of which an elector may vote for all candidates of one party, if he so desires, but it must admit of his voting a split ticket as he may desire. It must also be so constructed as to register or record each and every vote cast.

(3) For presidential electors one device may be provided for voting for all the candidates of one party at one time by the use of such device, opposite or adjacent to which shall be a ballot on the machine containing the names of the candidates for president and vice president of that party, preceded by the party's name, and a vote registered or recorded by the use of such device shall be counted for each of the candidates for presidential electors of such party.

(4) The machine must be constructed so that it cannot be tampered with or manipulated for any fraudulent purposes; and the machine must be so locked, arranged or constructed that during the progress of the voting, no person can see or know the number of votes registered or recorded for any candidate.

11.04 Referendum on use of machines. The common council of any city, the trustees of any village and the town board of any town may adopt and purchase for use in the various precincts, any voting machine which complies with the requirements of section 11.03 and none other; provided, however, that no machine shall be adopted or purchased by any village or town until the question of such adoption and purchase shall have been submitted to a vote of the people of such village or town at some regular village or town election, and a majority of the votes cast on such question shall have been in favor of such adoption and purchase. If it shall be impracticable to supply each and every election district with a voting machine or voting machines at any election following the adoption of such machines in any city, village or town as many may be supplied as it is practicable to procure, and the same shall be used in such precincts of the municipality as the proper officers may order. The proper officers of any city, village or town may, not later than sixty days before any election, unite two or more precincts or wards into one election precinct for the purpose of using therein at such election a voting machine; provided, in case two or more wards shall be so united, such machine shall be so constructed that it will permit the voters of each ward to vote for any and all candidates nominated for offices in such ward, but will prevent such voters from voting for any and all candidates nominated for offices in all other wards; and a notice of such uniting shall be given in the manner prescribed by law for the change of election districts.

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11.06 Methods of using machines. (1) More than one voting machine may be used in any one polling place.

(2) Where more than one voting machine shall be used in an election precinct, one additional election inspector may be appointed by the proper authorities for the additional machine; such additional inspector to be of the party casting the largest vote at the preceding general election.

(3) At any election or primary, when voting machines are used, the services of ballot clerks shall be dispensed with at such primary and election days in the election districts where voting machines are used.

(4) The room in which the election is held shall have a railing separating that part of the room to be occupied by the election officers from that part of the room occupied by the voting machine or machines. The exterior of the voting machine and every part of the polling place shall be in plain view of the inspectors. The machine shall be so placed that no person on the opposite side of the railing can see or determine how the voter casts his vote, and that no person can so see or determine from the outside of the room. After the opening of the polls the inspectors shall not allow any person to pass within the railing to that part of the room where the machine is situated, except for the purpose of voting and except as provided in section 11.08; and they shall permit only one voter at a time for each machine to be in such part of the room. They shall not themselves remain or permit any person to remain in any position that would permit him or them to see or ascertain how the voter votes or how he has voted.

(5) Each voter shall be allowed a reasonable time in which to vote, such time to be determined by a majority of the inspectors in the booth, having regard to the size of the ballot and the number of voters in line ready to vote, but in no case shall such time be less than one minute. If a voter refuses to leave the voting machine after being notified by one of the inspectors that such time has expired, he shall at once be removed by the inspectors.

11.08 General election laws applicable where machines are used. All the provisions of chapter 6 relating to general elections and all statutes declaring misconduct at or in relation to elections to be crimes or the grounds or occasions of forfeiture, shall, as far as consistent with the provisions of this chapter, be applicable to elections at which voting machines are used.

11.09 Ballots for machine; samples, etc. (1) (a) Ballots shall be provided by the respective city and county clerks, except that in cities having more than 100,000 inhabitants ballots shall be provided by the board of election commissioners, for all the candidates to be voted for at an election and of suitable size to fit the space provided for that purpose on or in the machine, and each shall be placed on or in the machine adjacent to or on the registering or recording device therefor.

(b) When such ballots are to be used at a nonpartisan primary or election at which both local as well as judicial officers are to be nominated or elected, the cost of such printing shall be prorated proportionately as to space used, between the city, town, village and county involved. Such printing may be ordered by the local clerk with the knowledge and consent of the county clerk or in counties containing more than 500,000 residents, with the knowledge and consent of the county election commission.

(2) The ballots shall be placed on or in the machine in the order of arrangement provided by section 6.23 of the statutes, except that they may be vertical or horizontal rows. Ballots for all questions must be provided in the same manner and must be arranged on or in the machine in the places provided for such purpose.

(3) The officers charged with the duty of providing ballots for any polling place, shall provide therefor two sample ballots which shall be exact copies of the official ballots which are caused to be printed by them; said sample ballots shall be arranged in the form of a diagram showing the front of the voting machine as it will appear after the ballots are arranged thereon for voting on election day. Such sample ballots shall be posted by the inspectors of the precinct, near the entrance of the election booth and shall there be open to public inspection during the whole of election day.

(4) In all cities having more than one hundred thousand inhabitants using voting machines, the officer or board charged with the duty of providing ballots shall, and in all other cities using voting machines he may, not less than ten days before each election, provide for each election precinct in which such machine is to be used at least one-half as many sample ballots as the number of votes cast in such precinct at the last preceding general election; said sample ballots to be in the form of a reduced size diagram showing the face of the machine and the names of the candidates, parties and questions thereon, together with such instructions to voters as are required by law. Fifty per cent of such sample ballots shall be on hand at the office of the city clerk or of the board of election

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commissioners for distribution to such voters as shall call therefor, and fifty per cent shall be delivered to the inspectors of election for distribution to such voters as shall call therefor on the last day of registration and on election.

(5) All ballots shall be published as now provided by law. The ballots for the machines, and also sample ballots, shall be furnished the inspectors at least one day before the election.

(6) The officers charged with the duty of providing ballots shall provide for each election precinct in which a voting machine is to be used, return sheets, certificates, and other printed matter necessary for the proper conduct of the election and making up the returns thereof, according to the type of voting machine to be used therein.

11.10 Custodians; preparation of machines; instructions; certificate of proficiency. (1) The board of election commissioners in cities having more than one hundred thousand inhabitants, the common council of every other city, board of trustees of every village, and the town board of every town in which a voting machine is to be used, shall cause the proper ballot to be put on each machine corresponding with the sample ballots herein provided for, and the machines in every way put in order, set, and adjusted, ready for use in voting when delivered at the precinct; and for the purpose of so labeling the machine, putting in order, setting and adjusting the same, they may employ one or more competent persons who shall be known as the voting machine custodians, who shall be paid for the time spent in the discharge of their duties, in the same manner as the inspectors of election are paid.

(2) The said custodians shall, under the direction of such board of election commissioners or common council, village trustees or town board, cause the machine to be so labeled, in order, set and adjusted, and to be delivered at the voting precinct together with all necessary furniture and appliances that go with the same in the rooms where the election is to be held, at least one hour before the time set for opening the polls on election day.

(3) In preparing a voting machine for an election, the custodian shall, according to the directions furnished, arrange the machine and the ballot therefor so that they will in every particular meet the requirements for voting and counting at such election in the manner provided for by the construction of such machine.

(4) When a voting machine shall have been properly prepared for the election and delivered at the election precinct, it shall be locked and sealed against any movement, and the officers, common council, village trustees or town board shall provide proper protection to prevent its being tampered with; and the custodian or custodians preparing such machine shall deliver the keys thereof to the clerk of the city, village or town in which the machine is to be used, together with a written report of the condition of the machine.

(5) Before an election at which a voting machine is to be used, the said custodian shall instruct each election officer that is to serve in an election district in which the machine is to be used, in the use of the machine and the duties of election officers in connection with it, and shall give to each election officer that has received such instruction and is fully qualified to properly conduct the election with the machine under the conditions that will exist thereat a certificate to that effect. For the purpose of giving such instruction the custodian shall call such meeting or meetings of the election officers as shall be necessary.

11.11 School of instruction of election officers. (1) The election board of each election district in which a voting machine is to be used, shall, before each election at which they are to serve, attend such meeting or meetings as shall be called by the custodian of the machine, for the purpose of receiving such instruction concerning their duties as shall be necessary for the proper conducting of the election with the machine. Each election officer that shall qualify and serve in the election shall be paid the sum of one dollar for the time spent in receiving such instruction, in the same manner and at the same time as he is paid for his services on election day. In no case, however, shall he receive any payment for receiving such instruction unless he thoroughly understands the machine, and is fully qualified to properly perform his duties in connection with its use and has received a certificate to that effect from the custodian of the machine.

(2) The members of the election board of each election precinct in which a voting machine is to be used shall meet at the polling place therein at least fifteen minutes before the time set for the opening of the polls at the election, and shall arrange the voting machine and furniture therein for the proper conduct of the election.

(3) They shall also, before the opening of the polls, compare the ballot labels on the machine with the sample ballots furnished, and see that the names, numbers and letters thereon agree. They shall also examine the seal upon the voting machine, to see that it has not been broken, and shall examine every counter therein to see that each registers 000. If any counter in the voting machine shall be found not to register 000, a notice of

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such fact, stating the designating number of such counter, together with the number registered thereon, shall be written out and signed by all the members of the election board and a copy thereof posted in a conspicuous place upon the wall of the polling place, where it shall remain during the election day.

(4) The members of the election board shall then certify on each of the blanks furnished for that purpose as to the condition of the voting machine and the counters therein, which blank shall be signed by each member of the board, and after the election one delivered with each copy of the election returns.

11.12 Irregular ballots; canvass of machine results. (1) In case a voting machine may be adopted which provides for the registering or recording of votes for candidates whose names are not on the official ballot, such ballots shall be denominated irregular ballots. A person whose name appears on a ballot or on or in a machine or machine system, shall not be voted for, for the same office or on or in any irregular device for casting an irregular ticket, and any such votes shall not be counted, except for the office of presidential electors, and any elector may vote in or on such irregular device for one or more persons nominated by one party with one or more persons nominated by any or all other parties, or for one or more persons nominated by one or more parties with one or more persons not in nomination, or he may vote in such irregular device a presidential electorial ticket composed entirely of names of persons not in nomination.

(2) As soon as the polls of the election are closed, the inspectors shall immediately lock the machine, or remove the recording device so as to provide against voting, and open the registering or recording compartment in the presence of any person desiring to attend the same, and shall proceed to ascertain the number of votes cast for each person voted for at the election, and to canvass, record, announce and return the same as provided for on the return sheets and certificates furnished. In recording the votes registered on any counter that before the opening of the polls did not register 000, the inspectors shall upon the return sheets subtract the number registered on such counter before the opening of the polls from the number registered thereon at the close of the polls, and the difference between such numbers shall be taken as the correct vote for the candidate whose name is opposite such counter on the voting machine; provided, however, that if the number registered on such counter at the close of the polls shall be smaller than the number registered thereon before the opening of the polls, the number one thousand shall be added to the number registered on such counter at the close of the polls, before such subtraction shall be made.

11.13 Return of machine ballots. The inspectors, as soon as the count is completed and fully ascertained, shall seal, close, lock the machine, or remove the record so as to provide against voting or being tampered with, and in case of a machine so sealed or locked, it shall so remain for a period of at least 30 days, unless opened by order of a court of competent jurisdiction. When irregular ballots have been voted, the inspectors shall return them in a properly sealed package indorsed "Irregular Ballots," and indicating the precinct and county and file such package with the county clerk. It shall be preserved for 6 months after such election and may be opened and its contents examined only upon an order of a court of competent jurisdiction; at the end of such 6 months, unless ordered otherwise by the court, such package and its contents shall be disposed of by the county clerk. All tally sheets taken from such machine, if any, shall be returned in the same manner.

History: 1953 c. 423.

11.14 Experimental use of voting machines. The proper officers authorized to adopt voting machines, may provide for the experimental use at an election, in one or more precincts, of a machine which meets the requirements of section 11.03, without a formal adoption or purchase thereof, and its use at such election shall be as valid for all purposes as if formally adopted.

11.15 Voting machines at primaries. Voting machines may be used at primary elections, subject to the requirements of section 11.03 of the statutes, and to the following provisions: Each machine shall be constructed and arranged so that: (1) The names of all candidates entitled to appear on the ballots at the primary shall appear on the machine; (2) the voter cannot vote for the candidates of more than one party, whenever the law requires this restriction on the voter; (3) the voter can secretly select the party for which he wishes to vote; (4) the voter can vote for as many candidates for each office as he is lawfully entitled to vote for, but no more.

11.16 Irregular ballots on machines at primaries. No vote on the irregular ballot device shall be counted for any person for any party, if such person's name appears on the printed ballot labels of that party. To vote for any person as the candidate of any

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party when the name of such person does not appear upon the printed ballot labels of that party, the voter shall write the name of such person in the proper place in the irregular ballot device, and designate the party for which he desires such person to be the nominee.

11.17 Voting machine law applicable to its use at primaries. (1) All statutes relating to the use of voting machines at elections, and all penalties prescribed for violations of such statutes shall apply to the use of voting machines at primary elections in so far as such laws are not in conflict with ss. 11.15 to 11.17.

(2) Any voting machine used at a primary election, which has been sealed, closed or locked, as prescribed in s. 11.13, may be opened 7 days after such sealing, closing or locking.

History: 1953 c. 540.

11.54 Grounds for absent voting. (1) Any qualified elector of this state registered, where registration is required or who swears in his vote as herein provided, who is absent or expects to be absent from the city, town or village in which he is a qualified elector, or from this state, whether by reason of active service in the United States army, navy, marine corps or coast guard or for any other reason, or who because of sickness or physical disability or religious reasons cannot appear at the polling place in his precinct, on the day of holding any election, may vote at any such election as provided in sections 11.54 to 11.68. Whenever the term "absent or sick or disabled voter" appears in said sections such terms shall be deemed to include a qualified elector unable to appear at the polling place in his precinct on the day of any such election for religious reasons.

(2) Any application or affidavit or other act required under sections 11.54 to 11.68 of a qualified voter in the armed forces of the United States, including women's auxiliary organizations created by federal authority, may be made before, and subscribed or sworn to before any duly commissioned officer of the military or naval service of the United States.

11.55 Application for ballot. Any elector, as defined in section 11.54 may, not more than 60 nor less than 3 days, or if application is made in person not later than during the regular office hours of the day, prior to such primary or election, make application for an official ballot either to the county clerk of such county, or to the clerk of his city, village or town, in the case of any state, congressional, or county primary or election, to the clerk of his city, village or town in case of any local primary or election, or to the clerk of any school district or any other municipal or quasi-corporation in case of any such primary or election, or to the clerk of any school district which elects officers under s. 40.27.

11.56 Application, how made. Application for such ballot shall be made in person or in writing to such clerk.

11.57 Delivery of ballot blank. Upon receipt of such request not less than 3 days prior to such election, such clerk, or his deputy or deputies shall write on the back and outside of the official ballot in the space for the official indorsement of the ballot clerk, his initials or name and his official title and shall mail to the applicant, postage prepaid, said official ballot or ballots if more than one are to be voted at said election, or such officer shall deliver said ballot or ballots to the applicant personally at the office of the clerk, not less than one secular day before said election. Any such ballot not mailed or delivered personally as herein stated shall not be counted.

11.58 Form of envelope for ballot. Such clerk shall inclose such ballot or ballots in an envelope unsealed to be furnished by him, which envelope shall bear upon the face thereof the name, official title and post-office address of such clerk, and upon the other side a printed affidavit in substantially the following form:

STATE OF ....}
County of ....} ss.

I, ..., ..., do solemnly swear that I am a resident of the .... precinct of the (town) (village) of .... or of the .... ward in the city of ...., residing at .... in said city, and the county of .... and state of Wisconsin, and am entitled to vote in such precinct at the election to be held on ..... That I cannot appear at the polling place in said precinct on the day of said election because (indicate one of the following reasons) I expect to be absent from the city, town or village ☐ or because of sickness ☐ or physical disability ☐ or religious reasons ☐. I further swear that I marked the inclosed ballot in secret.

Signed ....

Subscribed and sworn to before me this .... day of ...., A. D., ..., and I hereby certify that the affiant exhibited the inclosed ballot to me unmarked; that he then in my presence and in the presence of no other person, and in such manner that I could not

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see his vote, marked such ballot and inclosed and sealed the same in this envelope; that the affiant was not solicited or advised by me to vote for or against any candidate or measure.

....
....

11.59 Voting; execution of affidavit. Such absent or sick or disabled voter shall make and subscribe to the affidavit provided for in s. 11.58 before the clerk to whom the ballot is returned before any other officer authorized by law to administer oaths or before any master of a vessel plying the Great Lakes, and such voter shall thereupon in the presence of such officer and of no other person, mark such ballot or ballots, but in such manner that such officer cannot know how such ballot is marked, and such ballot or ballots shall then in the presence of such officer be folded by such voter so that each ballot will be separate and so as to conceal the marking, and be, in the presence of such officer, deposited in such envelope. The unused ballot or ballots shall be placed in the envelope provided for unused ballots and deposited with the voted ballot in the return envelope, which shall then be sealed. Said envelope shall be mailed by such voter, postage prepaid, to the officer issuing the ballot, or if more convenient it may be delivered in person.

History: 1953 c. 12, 420, 631.

11.60 Inclosing ballot. Upon receipt of such absent or sick or disabled voter's ballot, the county, city, village or town clerk, or the school district clerk in a district which elects officers under s. 40.27, as the case may be, shall forthwith inclose the same, unopened, in a larger or carrier envelope which shall be securely sealed and indorsed with the name and official title of such clerk, and the words, "This envelope contains an absent or sick or disabled voter's ballot and must be opened only at the polls on election day while said polls are open," and such clerk shall thereafter safely keep the same in his office until delivered by him as provided in s. 11.61.

11.605 List of absent voters for public inspection. The county, city, village or town clerk, or the school district clerk in a district which elects officers under s. 40.27, as the case may be, shall keep a list of all electors who have made application for an absent voter's ballot or who have voted under the provisions of ss. 11.54 to 11.68, with the name and address and date of application of each such elector. Such list shall be open to public inspection.

11.61 Delivery of ballot. In case an absent or sick or disabled voter's ballot is received by the county, city, village, school district or town clerk, as the case may be, prior to the delivery of the official ballots to the inspectors of election of the precinct in which said elector resides, such ballot envelope, sealed in the carrier envelope, shall be inclosed in such package and therewith delivered to the inspectors of election of such precinct. In case the official ballots for such precinct have been delivered to the inspectors of election at the time of the receipt by the county, city, village, school district or town clerk of such absent or sick or disabled voter's ballot, such official shall immediately inclose said envelope containing such voter's ballot, in a larger or carrier envelope which shall be securely sealed and indorsed on the face to the inspectors of election, giving the name or number of precinct, street and number of the polling place, city, village, school district or town in which such voter is a qualified elector and the words "this envelope contains an absent or sick or disabled voter's ballot and must be opened only on election day at the polls while the polls are open," mailing the same, postage prepaid, to such inspectors of election or, if more convenient, such county, city, village, school district or town clerk may deliver such voter's ballot to the inspectors of election in person or by duly deputized agent. Such clerk or agent shall secure his receipt for delivery of such ballot or ballots. Provided that such delivery of ballots by person shall be made without expense to the county, city, village, school district or town, as the case may be.

11.62 Deposit of ballot in ballot box. At any time between the opening and closing of the polls on such election day the inspectors of election of said precinct shall open the outer or carrier envelope only, and announce the absent or sick or disabled voter's name. In case the inspectors find the affidavit executed, that the applicant is a duly qualified elector of the precinct and that the applicant has not voted in person at said election, they shall open the envelope containing such voter's ballot in such manner as not to deface or destroy the affidavit thereon and take out the ballot or ballots therein contained without unfolding or permitting the same to be unfolded or examined and, after verification that the ballot has been indorsed by the issuing county, town, city or village clerk, deposit the same in the proper ballot box or boxes and enter the absent or sick or disabled voter's name in the poll book, the same as if he had been present and voted in person. In case such affidavit is found to be insufficient, or that the applicant is not a duly quali-

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fied elector in such precinct, or that the ballot envelope is open, or has been opened and resealed, or that the ballot envelope contains more than one ballot of any one kind, or if at a primary the unused portion of the ballot shall not be returned, such vote shall not be accepted or counted. Every ballot not counted shall be indorsed on the back thereof "rejected" (giving reason therefor). All rejected ballots shall be inclosed and securely sealed in an envelope on which the inspectors shall indorse "defective ballots" with a statement of the precinct in which and the date of the election at which they were cast, signed by the inspectors and returned to the same officer and in the same manner as by law provided for the return and preservation of official ballots voted at such election.

History: 1953 c. 420.

11.63 Challenge of mail vote. The vote of any absent or sick or disabled voter may be challenged for cause and the inspectors of election shall have all the power and authority given by law to hear and determine the legality of such ballot as if the ballot were cast by the voter in person.

11.64 Death of voter. Whenever it shall be made to appear by due proof to the inspectors of election that any elector, who has marked and forwarded his ballot as provided in sections 11.54 to 11.68, inclusive, of the statutes, has died, then the ballot of such deceased voter shall be returned by the inspectors of election with defective ballots to the official issuing it, but the casting of the ballot of a deceased voter shall not invalidate the election.

11.65 Election laws applicable. All the provisions of the election laws now in force and not inconsistent with the provisions of sections 11.54 to 11.68, inclusive, of the statutes, shall apply with full force and effect to all counties, cities, villages and towns in which voting machines are used, relative to the furnishing of ballot boxes; the printing and furnishing of official ballots in such number as the county, city, village or town clerk, as the case may be, may deem necessary; and the canvassing of the ballots and making the proper return of the result of the election. The absent or sick or disabled voter's ballot shall be counted and returned separately, with the returns of the ballots cast on the voting machine.

11.66 In cities of first class. In cities of the first class, application for ballots shall be made to the secretary of the board of election commissioners who shall perform all the duties required of city clerks by the provisions of sections 11.54 to 11.65, inclusive, of the statutes.

11.67 Penalties for violations. If any person shall wilfully swear falsely to any such affidavit he shall be guilty of perjury and shall upon conviction thereof be punished as in such cases by law provided. If any person who, having procured an official ballot or ballots as heretofore provided, shall wilfully neglect or refuse to cast or return same in the manner heretofore provided, or shall wilfully violate any provision of sections 11.54 to 11.67, inclusive, of the statutes, he shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not to exceed one hundred dollars, or by imprisonment in the county jail not to exceed thirty days. If any county, city, village or town clerk or any election officer shall refuse or neglect to perform any of the duties prescribed by said sections, or shall violate any of the provisions thereof, he shall upon conviction be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail not to exceed ninety days.

11.68 Construction of act. The provisions of sections 11.54 to 11.67, inclusive, of the statutes, shall be deemed to provide a method of voting in addition to the method now provided by statute, and, to such extent, as amendatory of existing statutes relating to the manner and method of voting.

11.70 Absent voting by members of armed forces. (1) DEFINITIONS. In this section "military elector" means any elector serving in the armed forces of the United States, in the United States merchant marine, and any civilians located outside of the continental United States and attached to or serving with the armed forces; "clerk" means the clerk of any municipality; and "ballot" means the set of ballots to be voted on in any election.

(2) EXEMPTION FROM REGISTRATION. No military elector shall be required to register as a prerequisite to voting in any election.

(3) LOCAL REGISTER OF ELECTORS IN ARMED FORCES. The clerk of each village and town shall from the information obtained by him compile and maintain an up-to-date list or register of electors therein who are serving in the armed forces and the clerk of each city shall from the information obtained by him compile and maintain an up-to-date ward list or ward register of electors therein who are serving in the armed forces. Such armed force register shall contain the name of the armed force elector and his latest-known military residence and military mail address. It shall include all such armed force electors who will become of voting age on or before the primary election day, with a nota-

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tion as to any who will reach that age after the primary election, if any, but on or prior to the succeeding election. Such listing of absent armed force electors on the armed force register shall constitute registration for the duration of military service during the national military emergency. The local clerk shall make and keep such armed force register complete and up to date and to that end he may request the assistance of newspapers and citizens generally and may invite local draft boards, parents, wives or husbands, relatives and friends of such absent armed force electors to furnish the names and the latest addresses of such absent members of the armed forces. Such clerk shall exercise reasonable care to avoid duplication of names and to avoid including any person who is for any reason not qualified to vote at such election. He shall distribute to each polling place in his municipality 2 copies of such armed force register for each respective voting district for use on election day.

(4) MAILING BALLOTS; INSTRUCTIONS. The county and municipal clerk shall mail a ballot, as soon as available, to each military elector by or for whom a request has been made. Instructions for marking and returning ballots shall be inclosed with each ballot. The form of such instructions shall be prescribed by the secretary of state. Supplemental instructions as to local elections shall be provided by the clerk. Election material shall be printed and prepared so as to take advantage of the federal free-postage laws.

(5) MARKING AND RETURN OF BALLOT. The ballot shall be marked and returned as provided in sections 11.54 to 11.58 except that the affidavit required by section 11.58 shall also contain a statement of the date of the elector's birth, and a statement that he has not returned another ballot. Such affidavit may be executed before a commissioned or warrant officer. The failure to return the unused ballots of a primary election shall not invalidate the marked ballot. No envelope, return envelope or explanatory note shall contain the name of any person who is a candidate at the election to which the inclosed ballot pertains.

History: 1951 c. 455.

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SUPREME COURT OF THE
STATE OF WSCONSIN
Appeal No. 22AP91

RICHARD TEIGEN and RICHARD THOM,

Plaintiffs-Respondents-Petitioners,

vs.

WISCONSIN ELECTIONS COMMISSION,

Defendant-Co-Appellant,

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE,

Intervenor-Defendant-Co-Appellant, and

DISABILITY RIGHTS WISCONSIN, WISCONSIN FAITH VOICES FOR JUSTICE and LEAGUE OF WOMEN VOTERS OF WISCONSIN,

Intervenors-Defendants-Appellants.

On Appeal from the Circuit Court for Waukesha County
The Honorable Michael O. Bohren, Presiding
Circuit Court Case No. 2021CV958

NOTICE AND MOTION OF TRUE THE VOTE, INC. FOR LEAVE TO FILE BRIEF *AMICUS CURIAE* SUPPORTING APPEAL OF PLAINTIFFS-RESPONDENTS-PETITIONERS RICHARD TEIGEN AND RICHARD THOM

Pursuant to § 809.19(7), Wis. Stats., True the Vote, Inc., by its attorneys Madison Center for Free Speech, Inc., by General Counsel James Bopp, Jr., and First Freedoms Foundation, Inc., by General Counsel Michael D. Dean, moves the Court for leave to file its Brief of *Amicus Curiae* accompanying this Motion on or before

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March 21, 2022, in support of Plaintiffs-Respondents-Petitioners Richard Teigen and Richard Thom.

In support, Movant shows the interest of *Amicus* and benefits of considering its Brief as follows.

FUNDAMENTAL ISSUE

1. The *real* substance of this appeal is not an arcane exercise in statutory construction.

2. Rather, the "elephant in the room" is whether § 6.87(4)(b)1., § 6.855, and companion provisions of Ch. 6, Subch. IV, Stats., governing absentee voting will be construed to permit massive unreported tax-exempt funding of drop-boxes and other election activity by mega-wealthy outside interests in a limited number of Wisconsin municipalities strategically selected by those interests to achieve a partisan result.

3. Those "issues are larger than their impact on the particular litigants." Judge Neal Nettesheim & Clare Ryan, *Friend of the Court Briefs: What the Curiae Wants in an Amicus*, Wis. Law., May 2007, at 11.

4. It matters profoundly what actually happened on the ground in 2020 and will happen again, and proposed *Amicus* is uniquely qualified to "offer economic, social science, or political [and technical] data vital to an informed decision." *Id.*

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TRUE THE VOTE, INC.

5. True the Vote, Inc. ("TTV") is a non-profit public interest research and education organization founded in 2009. https://www.truethevote.org/

6. TTV's mission is to protect all voters' rights and restore public confidence in free and fair elections.

7. Among its activities, TTV promotes election integrity and transparency, provides citizen engagement and training in election processes, and works to ensure that the voting rolls utilized by states are updated and accurate.

8. Of particular significant in this case, TTV also conducts non-partisan research and analysis of election administration and processes.

9. TTV's resources include experts with extensive experience analyzing "geo-spatial" data emitted by cell phones to detect patterns and develop information in complex commercial and criminal investigations across diverse market segments, including government agencies and healthcare.

2020 ELECTION CYCLE AND CTCL

10. During the November 2020 election cycle, the Center for Technology and Civil Life ("CTCL") made over $350 Million in election-related grants to local governments across the country.

11. In response to informants' reports of systematic ballot-harvesting (including cash payments for votes), TTV began conducting investigative research and analysis

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of the use and impact of drop-boxes in CTCL-funded jurisdictions including Atlanta, Phoenix, and Detroit.

12. Analyzing geo-spatial data emitted in those areas in the weeks surrounding the elections, TTV identified hundreds of mobile devices that collectively made thousands of repeat trips to drop-boxes in regular routes from government and non-governmental organizations ("NGOs").

13. In Atlanta, for example, the "collectors" making those trips ran regular daily routes commencing at various NGO offices, stopping at as many as 15 – 20 separate boxes around the metro area in regular sequences. Collectors typically commenced their routes after business hours, visiting the final boxes in their routes past midnight.

14. Video surveillance obtained and synchronized by TTV confirmed that collectors were depositing large batches of ballots in the boxes – the purpose of the multiple stops obviously being to avoid questions that would arise from a single collector leaving an NGO and dropping hundreds or thousands of ballots in the single closest box.

WISCONSIN

15. In Wisconsin, CTCL distributed over $10.3 million in grants. About 86% of the funding went to five cities - Milwaukee, Madison, Green Bay, Kenosha, and Racine – which those cities used to fund drop boxes for collecting absentee ballots and other voter assistance.

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16. Because CTCL funding and drop-box operations in Wisconsin were similar to those elsewhere, TTV conducted similar research and analysis of cell phone signal data emitted in metropolitan Milwaukee areas during the two weeks period prior to the election.

17. TTV has now completed and published its study of ballot harvesting in those metropolitan areas, which disclosed the same collector and drop box patterns as in Atlanta, Phoenix and Detroit.

18. During the two week period studied, 107 unique devices (1) made at least 20 or more visits to drop boxes in regular patterns seen elsewhere (averaging 26 visits each, some as many as 10-15 per day) and (2) also made multiple visits to non-governmental organizations ("NGOs") involved in get-out-the-vote efforts (averaging 5 NGO visits each).

19. Further, it is extremely concerning that, unlike Atlanta, Phoenix and Detroit, which made at least *some* effort to provide video surveillance of drop boxes and retain the files, when TTV submitted open records requests to the City of Milwaukee and 16 other metropolitan municipalities for surveillance video of the boxes they maintained, Milwaukee and every other municipality except the Village of Brown Deer denied that they had recorded or kept video surveillance of their boxes.

20. In the coming weeks, TTV will also complete and publish additional studies of geo-spatial data emitted in Green Bay and Racine during the same two week pre-election period.

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CONTRIBUTION TO CASE

21. TTV is uniquely qualified and experienced, and has conducted technical geo-spatial research and analysis of drop box usage in urban Milwaukee that no party or other *amicus* can provide.

22. TTV therefore moves to submit a "data-intensive" "Brandeis brief" to inform the Court of the actual circumstances and consequences of construing § 6.878(4)(b)1. and Subch. IV to approve unknown actors collecting and delivering ballots to drop-boxes unregulated and unsurveilled. Nettesheim at 11, 12.

CONCLUSION

23. TTV can provide real-world perspective and factual verification of the Supreme Court's warning in *Brnovich v. Democratic Nat'l Comm.*, 141 S.Ct. 2321 (2021): "Absentee balloting is vulnerable to abuse," and "States therefore should reduce the risks of fraud and abuse in absentee voting by prohibiting 'third-party' organizations, candidates, and political party activists from handling absentee ballots." *Id.* at 2347–48 (quoting *Building Confident in U.S. Elections, Report of the Commission on Federal Election Reform* (Sept. 2005) at 46, published by the bi-partisan Commission on Federal Election Reform chaired by past-President Jimmy Carter and past-Secretary of State James Baker).

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WHEREFORE, True the Vote, Inc. respectfully requests permission to file its Brief *Amicus Curiae* accompanying this Motion in support of Plaintiffs-Respondents-Petitioners Richard Teigen and Richard Thom on or before March 21, 2022.

Dated March 21 2022.

ATTORNEYS FOR *AMICUS* TRUE THE VOTE, INC.

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AMERICAN OVERSIGHT

SUPREME COURT OF THE
STATE OF WSCONSIN
Appeal No. 22AP91

RICHARD TEIGEN and RICHARD THOM,

Plaintiffs-Respondents-Petitioners,

vs.

WISCONSIN ELECTIONS COMMISSION,

Defendant-Co-Appellant,

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE,

Intervenor-Defendant-Co-Appellant, and

DISABILITY RIGHTS WISCONSIN,
WISCONSIN FAITH VOICES FOR JUSTICE and
LEAGUE OF WOMEN VOTERS OF WISCONSIN,

Intervenors-Defendants-Appellants.

On Appeal from the Circuit Court for Waukesha County

The Honorable Michael O. Bohren, Presiding
Circuit Court Case No. 2021CV958

BRIEF OF *AMICUS CURIAE* TRUE THE VOTE, INC. SUPPORTING APPEAL OF PLAINTIFFS-RESPONDENTS-PETITIONERS RICHARD TEIGEN AND RICHARD THOM

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STATEMENT OF THE CASE [1]

Plaintiffs allege that on March 31 and August 19, 2020, the Wisconsin Elections Commission ("WEC") issued guidance to municipal clerks approving absentee ballot "collectors" and drop-boxes, that municipal clerks placed over 500 boxes across the state in reliance, and that following the WEC guidance violates the "in-person-delivery" and "location" requirements under §§ 6.87(4)(b)(1) and § 6.855.[2]

Intervenors-Defendants Disability Rights Wisconsin *et al* ("DRW") argue the now-reflexive partisan talking point that Plaintiffs present no evidence. DRW complains:

> Teigen has made no effort to substantiate anything similar as an actual practice in present-day elections; he rails against so-called "ballot harvesting" but provides rhetorical heat rather than clarifying light.

DRW Br. 48.

Intervenor-Defendant Democratic Senatorial Campaign Committee ("DCSS") likewise argues that Plaintiffs lack "evidence of specific problems" and "have offered no evidence that municipal clerks are allowing people other than 'election officials' or 'election inspectors' to collect sealed ballots…." DSCC Br. 20, 34-35.

Amicus True the Vote ("TTV") has developed evidence of massive ballot-harvesting in Milwaukee that DRW and DSCC complain is missing, and will present its Special Report ("Report")[3] and testimony on March 24 before the Assembly

[1] Links in this brief were last checked March 18, 2022.

[2] Pl.Br. 3, R.215, 218-19.

[3] App. 1. TTV is also completing research in Green Bay and Racine and will publish that data as well.

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Committee on Campaigns and Elections.[4]

Having complained that Plaintiffs do *not* provide evidence, Intervenors will no doubt argue that this Court should disregard TTV's Report which *does* provide evidence. But whether or not this Court considers the Report, it is nevertheless appropriate to consider the "effect of [Defendants'] interpretation on other situations" such as danger of systematic ballot harvesting that TTV investigated. *Lord v. Hubbell, Inc.*, 210 Wis. 2d 150, 168, 563 N.W.2d 913, 920 (Ct. App. 1997) (effect of construing statute of limitations in other circumstances).[5]

BACKGROUND

Milwaukee is one of "the Five" overwhelmingly Democratic cities that funded drop-boxes, voter registration, and turnout efforts using grants from the tax-exempt Center for Technology and Civil Life ("CTCL") funded by Mark Zuckerburg.[6]

Of over $10.2 million CTCL distributed in Wisconsin, about $9.2 million (90 %) went to 15 reliably Democratic cities in only 11 of Wisconsin's 72 counties. $8.8 million (85%) went to "the Five," $4.79 million (46.5%) to Dane and Milwaukee Counties alone, which have less than 26% of the state's population.[7]

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[4] https://docs.legis.wisconsin.gov/raw/cid/1667957

[5] *See also, e.g., State v. Johnson*, 2007 WI 107, ¶ 68, 304 Wis. 2d 318, 348, 735 N.W.2d 505, 519 (comparing construction of statutory phrase "under other facts and circumstances").

[6] "The Five" were Milwaukee, Green Bay, Racine, Kenosha, and Madison. https://empowerwisconsin.org/wp-content/uploads/2021/03/Green-Bay-email-WI-5.pdf

[7] https://www.techandciviclife.org/key-funders-and-partners/990s/ (CTCL 2020 tax return); https://www.washingtonexaminer.com/news/campaigns/zuckerberg-funded-elections-group-awarded-more-grants-to-gop-counties; https://amgreatness.com/2022/01/10/how-a-mark-zuckerberg-funded-nonprofit-turned-wisconsin-blue/.

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TTV conducted "geo-spatial" tracking analysis of cell phone data collected in Milwaukee during the two weeks prior to the 2020 election, finding overwhelming evidence of highly organized ballot trafficking coordinated among collectors and non-governmental organizations ("NGOs") using CTCL-funded drop-boxes.[8]

TTV identified 53,291 individual phone devices that visited a drop-box three or more times during that period, but focused specifically on 107 devices that (1) made *20* or more separate visits to drop-boxes (averaging 26 visits each) *and* (2) visited NGOs involved in get-out-the-vote efforts (averaging 5 visits each).[9] Several of those "20X" devices made as many as 10–15 visits in a single day, with a majority of visits occurring after 8:00 p.m., long past business hours of facilities where the boxes were located.[10]

Despite WEC's direction that municipalities should collect video surveillance of drop-boxes and Milwaukee's claim that it did so,[11] Milwaukee and 15 other area municipalities responded to TTV's open records requests for video recordings that they had none.[12]

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[8] Report 5-6.

[9] Report 6.

[10] *Id.*

[11] https://www.jsonline.com/story/news/politics/elections/2020/10/19/how-milwaukee-ensures-absentee-ballots-voting-machines-secured/5937160002/

[12] Report, App. 2.

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ARGUMENT

SUMMARY

Although CTCL's $8.8 million tax-exempt expenditures were not reported under federal and state campaign finance law, their selective allocation supporting absentee ballot-harvesting in heavily Democratic cities was strategically designed for partisan effect in violation of federal law governing tax-exempt organizations.

Sec. 6.87(4)(b)1. and the statutory scheme in Ch. 6, Subch. IV, Stats. (§§ 6.84-.89) provide a defense perimeter against such abuse of absentee voting, which the legislature and courts have found to be uniquely susceptible to fraud and undue influence. But the collectors and drop-boxes and the WEC memos giving them cover created a massive breach.

To close that breach, Subch. IV should be construed consistent with the common-sense conclusions of the Commission on Federal Election Reform chaired by past-President Jimmy Carter and past-Secretary of State James Baker. Its *Report of the Commission on Federal Election Reform – Building Confident in U.S. Elections* (Sept. 2005) ("Comm. Report")[13] was quoted with approval by the Supreme Court in *Brnovich v. Democratic Nat'l Comm.*, 141 S.Ct. 2321, 2347–48 (2021):

> Absentee balloting is vulnerable to abuse in several ways: ... Citizens who vote at home, at nursing homes, at the workplace, or in church are more susceptible to pressure, overt and subtle, or to intimidation.

Id. at 2347–48 (quoting Comm. Report, 46).

[13] https://www.legislationline.org/download/id/1472/file/3b50795b2d0374cbef5c29766256.pdf

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The Court also adopted the Commission's warning that "[v]ote buying schemes are far more difficult to detect when citizens vote by mail" and its recommendation that "States therefore should reduce the risks of fraud and abuse in absentee voting *by prohibiting 'third-party' organizations, candidates, and political party activists from handling absentee ballots*." *Id.* (emphasis added).

Thus, this case is not about theoretical statutory construction of Subch. IV. Rather, it presents the real-world decision whether mega-wealthy interests may continue exploiting exempt organizations, collectors and drop-boxes to evade Wisconsin's defenses against absentee ballot abuse with decisive partisan effect.

I. WISCONSIN'S STATUTORY SCHEME SHOULD BE CONSTRUED TO PRESERVE THE DEFENSE PERIMETER AGAINST ABSENTEE BALLOT ABUSE.

A statute plain on its face needs no construction. If ambiguity exists, courts resort to "extrinsic evidence of legislative intent - such as the statute's scope, context, history, and purpose - to resolve the ambiguity." *State v. Fisher*, 2005 WI App 175, ¶ 9, 285 Wis. 2d 433, 441–42, 702 N.W.2d 56, 60.

Sec. 6.84 governs construction of Subch. IV. In subsec. (1), the legislature finds conclusively that absentee ballots are "wholly outside the traditional safeguards of the polling place" and are therefore particularly susceptible to "fraud or abuse," "overzealous solicitation of absent voters," and "undue influence." Accordingly, subsec. (2) provides that various provisions of Subch. IV are mandatory and that ballots cast in violation shall not be counted. *Accord, Griffin v. Roupas*, 385 F.3d 1128, 1130–31 (7th Cir. 2004) ("Voting fraud is a serious problem in U.S. elections"

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and "absentee voting is to voting in person as a take-home exam is to a proctored one").

Thus, Subch. IV's governing purpose includes reducing risk of undue influence, overzealous solicitation, and systematic abuse endemic in unreported CTCL-style grants designed by super-wealthy interests to skew Wisconsin elections through partisan deployment of massive, unreported expenditures.

II. SUBCH. IV SHOULD BE CONSTRUED TO PROHIBIT GAMING WISCONSIN'S DEFENSES AGAINST ABSENTEE BALLOT ABUSE WITH UNREPORTED TAX-EXEMPT "SOFT" MONEY ALLOCATED ON A PARTISAN BASIS.

Where CTCL directed over 85% of grant funds to the most heavily Democratic cities in the state, it requires singular naivete to believe CTCL had no partisan intent and that the drop-boxes it funded had no partisan effect.

26 U.S.C. § 501(c)(3) and accompanying regulations are explicit that expending tax-exempt funds with such partisan effect is illegal: "voter education or registration activities *conducted in a biased manner that favors (or opposes) one or more candidates* is [sic] prohibited." Rev. Rul. 2007-41, 2007-1 C.B. 1421 (2007) (emphasis added)."[14]

Such activities "will constitute prohibited participation or intervention" if they are conducted "with evidence of bias that (a) would favor one candidate over another; (b) oppose a candidate in some manner; or (c) have the effect of favoring a

[14] *See generally* https://www.irs.gov/charities-non-profits/charitable-organizations/frequently-asked-questions-about-the-ban-on-political-campaign-intervention-by-501c3-organizations-get-out-the-vote-activities

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candidate or group of candidates."[15]

Particularly *apropos* here, Alliance for Justice states that "501(c)(3) organizations may not … [t]arget election-protection efforts to a precinct *based on the political party or candidate the precinct is likely to support*." *Rules of the Game*, 63.[16]

Similarly, § 6.855 prohibits "alternative" sites that create partisan advantage *within* local jurisdictions - "no site may be designated that affords an advantage to any political party."

But CTCL gamed the system, creating partisan advantage *among* local jurisdictions by selectively funding drop-boxes, voter registration, and other activities almost entirely in locations that ensured access and assistance to far more Democratic voters than to Republican.

Federal and state campaign finance laws[17] require detailed disclosure of political expenditures to protect "important governmental interests by providing the public with information about … the sources of funding for campaign-related ads." *Wisconsin Right To Life, Inc. v. Barland*, 751 F.3d 804, 841 (7th Cir. 2014).

In contrast, CTCL's partisan allocation of over $10 million in unreported "soft" money dwarfs in influence the $20,000 and $2,900 contribution limits to candidates

[15] https://www.irs.gov/charities-non-profits/charitable-organizations/the-restriction-of-political-campaign-intervention-by-section-501c3-tax-exempt-organizations

[16] https://www.bolderadvocacy.org/wp-content/uploads/2012/01/Rules-of-the-Game.pdf

[17] *E.g.*, § 11.0100 is construed "consistent with the right of the public to have a full, complete, and readily understandable accounting" of election activities.

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for state and federal offices. Sec., § 11.11001, Stats.; 52 U.S.C. § 30116(a)(1)(A).

While TTV strongly supports the rights of legitimate § 501(c)(3) organizations to engage in non-partisan activities consistent with federal law, §§ 6.87(4)(b)1. and 6.855 must be construed to prevent mega-wealthy partisans from gaming the system using "exempt" money to breach the Subch. IV perimeter defending Wisconsin from absentee ballot abuse.

III. SUBCH. IV PROHIBITS UNCERTIFIED INTERMEDIARIES FROM COLLECTING ABSENTEE BALLOTS.

In *Brnovich*, the Supreme Court strongly endorsed statutory schemes like Wisconsin's that prevent influence of mega-wealthy partisans. Approving the Commission's Report, the Court noted that "[r]estrictions on ballot collection are also common in other States." 141 S. Ct. at 2348 (citing Bybee, J., dissenting below, *Democratic Nat. Committee v. Hobbs*, 948 F.3d 989, 1068–1069, 1088–1143 (9th Cir., 2020)).

The personal delivery and location requirements in §§ 6.87(4)(b)1. and 6.855 should be construed exactly as the Commission recommended:

> 5.2.1 State and local jurisdictions should prohibit a person from handling absentee ballots *other than the voter, an acknowledged family member, the U.S. Postal Service or other legitimate shipper, or election officials*. The practice in some states of allowing candidates or party workers to pick up and deliver absentee ballots *should be eliminated*.

Comm. Report, 47 (emphases added).

DRW relies heavily on *Sommerfeld v. Bd. of Canvassers of City of St. Francis*, 269 Wis. 299, 69 N.W.2d 235 (1955), where a third party collected 18 absentee

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ballots (apparently at the Sisters of St. Francis of Assisi convent[18]) and filed them with the clerk. Sec. 11.59 of the 1953 statute[19] at issue provided that an absentee ballot "envelope shall be mailed by such voter, or if more convenient it may be delivered in person."

Sommerfeld is inapt. First, the anti-fraud protections in the 1953 statute were extra-ordinarily strict.[20] They required absentee voters to execute notarized affidavits, required notaries to include non-solicitation representations in their recitals, and subjected both voters and notaries to severe criminal penalties for violation.

Thus, under the *Sommerfeld* statute, absentee voters had already marked secret ballots and both voters and notaries had already sworn non-solicitation *before* "collectors" ever picked up the ballots. It was illegal for the collectors to solicit or influence absentee voters or know how they voted, and the voters, notaries and collectors were all subject to severe penalties if collectors did so.

Further, while a non-solicitation oath and criminal penalties similar to the 1953 law remain in current § 6.87(2), § 6.87(5) adopted in response to the 1965 Voting Rights Act[21] allows an "individual" or "assistant" to actually mark an absentee ballot for a disabled voter. Critically, the 1953 non-solicitation oath, notary requirements,

[18] https://www.lakeosfs.org/who-we-are/convent-grounds/

[19] App. 2.

[20] Notarial requirements are themselves exceptionally restrictive, including detailed identification and verification protocols. Ch. 140, Stats.

[21] 52 U.S.C. § 10301 *et seq.*

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and criminal penalties are *absent* from § 6.87(5), which does *not* prohibit an "individual" or "assistant" from soliciting a voter or impose criminal penalties for doing so.

Thus, in contrast to the strict anti-fraud protections under the *Sommerfeld* statute, the WEC memos, collectors and drop-boxes created a perfect partisan storm in 2020, giving "individuals" and "assistants" cover to *solicit* electors' votes, *vote* those electors' ballots, *collect* the ballots, then *deliver* the ballots to unmanned drop-boxes with no video or other surveillance – all *en masse* without certification or threat of prosecution.[22]

Consequently, even if this Court were to accept Defendants' invitation to write *Sommerfeld* "collector" language into §§ 6.87(4)(b)1., it would be duty bound to write *Sommerfeld's* strict anti-fraud protections into § 6.87(5) as well.[23]

Intervenors argue that where § 6.87(5) provides assistants for disabled persons unable to mark a ballot, § 6.87(4)(b)1. can not be read to prohibit collectors because those same disabled persons are also unable to mail or deliver the ballot in person. DRW Br. 44-45.

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[22] https://elections.wi.gov/forms/EL-121-english; https://elections.wi.gov/forms/el-122. Absentee ballot request and certification forms do *not* require "assistants" to certify or swear they have not solicited the elector's vote and do *not* threaten criminal penalties for doing so.

[23] Conceivably, § 6.87(5) might be construed with § 6.87(4)(b)1.to imply the *assistant* has authority to mail or deliver the marked ballot. They can *not* be read to imply blanket authorization for tax-exempt organizations expending millions of unreported dollars to fund partisan-designed operations where complete strangers collect and deposit absentee ballots in drop-boxes *en masse* unregulated and unsurveilled.

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DRW misses the point for two reasons. First, in virtually all instances, disabled persons competent to vote request trusted caregivers to "assist" marking their ballots. The issue therefore is not whether caregivers commit incidental *de minimis* violations when they mail or deliver ballots to clerks for those disabled persons.[24] Rather, it is whether CTCL and other partisan interests who leveraged WEC's COVID-guidance to create industrial-scale ballot harvesting operations will be allowed to continue them. (Overlooking Grandma exceeding the speed limit by 5 m.p.h. does not require ignoring an organized mass street-race exceeding it by 50 or 60 or 100 m.p.h.)

Second, if §§ 6.87(4)(b)1. does, in fact, impose isolated hardships, the remedy is not amending the statute by *post hoc* judicial construction. Despite ample notice prior to the 2020 election,[25] WEC and Intervenors did not pursue legislative amendment, commence administrative rule-making, seek an injunction, or even obtain a majority vote of the WEC commissioners whose authority the WEC memos purportedly invoke. WEC and Defendants have now had well over two years to remedy statutory defects through those proper channels, but still refuse to pursue them,[26] asking instead that this Court re-write the law.

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[24] Ignoring incidental *de minimis* violations by trusted caregivers is a commendable exercise of common sense. *See e.g., Kittelson v. Dettinger*, 174 Wis. 71, 182 N.W. 340, 341 (1921) (construing notice requirements in school district vote: "we are not inclined to construe them so strictly that unimportant mistakes ... will defeat ... the purpose for which the statutes were enacted") (citations omitted).

[25] The COVID virus was known as early as December, 2019. Gov. Evers issued his first Emergency Executive Order on March 12, 2020. https://evers.wi.gov/Documents/EO/EO072-DeclaringHealthEmergencyCOVID-19.pdf

[26] *E.g., Priorities USA v. Nessel*, 860 F. App'x 419, 422 (6th Cir. 2021) ("whatever amount of

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This Court should not countenance such gamesmanship. It should construe the statutes as written and require WEC, Intervenors, and any other parties seeking relief to pursue it by proper means.

IV. SUBCH. IV PROHIBITS DROP-BOXES.

Secs. 6.84–.89 (Subch. IV) "must be construed together, because they all appear in the same statutory scheme." *State v. Reyes Fuerte*, 2017 WI 104, ¶ 28, 378 Wis. 2d 504, 521, 904 N.W.2d 773, 781.

Sec. § 6.87(4)(b)1. requires that absentee ballots "shall be mailed by the elector, or delivered in person, to the municipal clerk issuing the ballot or ballots." Legislative intent that "delivered in person to the municipal clerk" refers to the *elector* and not a third party is clearly indicated in § 6.86(6) (Methods for obtaining an absentee ballot): "if an *elector* mails or personally delivers an absentee ballot to the municipal clerk…." (Emphasis added.)

Further, polling places, clerks' offices, and alternate walk-in sites provided in §§ 5.25, 6.87(4)(b)1. and 6.855 are the *only* locations expressly authorized to receive ballots, either in person or absentee, and *all three* require on-site, authorized personnel – one of the "traditional safeguards of the polling place." Sec. 6.84(1).

DRW argues that "Wisconsin law ... does not prohibit municipal clerks from using secure drop-boxes." DRW Br. 52. But DRW's "nothing says we can't" argument tellingly concedes that there is *no* language in *any* statute authorizing

---

surprise befell the advocacy groups in the 2020 elections, they now are keenly aware of the voter-transportation law and can organize their future activities in compliance with it").

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drop-boxes. Further, DRW calling them "secure" is pure fantasy – there was no video surveillance or other security protocols documenting who deposited ballots in the boxes, how many ballots they deposited, how many times they deposited ballots, who voted the ballots they deposited, how they solicited or "collected" them, or whether the electors voting the ballots authorized them to do so.

Even if this Court were to imply "collector" authority from the "assistant" language in § 6.87(5) as Defendants urge, that language implies *only* authority for the *assistant* to mail or deliver the ballot – it does *not* imply authority for hundreds of complete strangers to engage in massive ballot harvesting in conjunction with strategically allocated grants from non-profits funded by super-wealthy partisans.

CONCLUSION

In the 2020 election, mega-wealthy interests evaded Wisconsin's defenses against absentee ballot abuse, allocating $10.2 million in unreported soft money with patently partisan design and decisive effect, funding drop-boxes used thousands of times by partisan collectors without accountability or surveillance.

Those facts more than validate the Commission on Federal Election Reform's *Brnovich* warning that "the practice … of allowing candidates or party workers to pick up and deliver absentee ballots should be eliminated."

Secs. 6.87(4)(b)1. and 6.855 and the circuit court order enjoining use of drop-boxes should be so construed and affirmed.

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Respectfully submitted March 21, 2022.

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WI-REP-22-0458-A-000128

CERTIFICATION OF FORM AND LENGTH

I hereby certify that this brief conforms to the rules contained in Wis. Stats. § 809.19(8)(b), (bm) and (c) for a brief. The length of this brief is 2,972 words, calculated using the word count function of Microsoft Word 2016.

March 21, 2022

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March 21, 2022

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WI-REP-22-0458-A-000130

SUPREME COURT OF THE
STATE OF WSCONSIN
Appeal No. 22AP91

RICHARD TEIGEN and RICHARD THOM,

Plaintiffs-Respondents-Petitioners,

vs.

WISCONSIN ELECTIONS COMMISSION,

Defendant-Co-Appellant,

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE,

Intervenor-Defendant-Co-Appellant, and

DISABILITY RIGHTS WISCONSIN,
WISCONSIN FAITH VOICES FOR JUSTICE and
LEAGUE OF WOMEN VOTERS OF WISCONSIN,

Intervenors-Defendants-Appellants.

On Appeal from the Circuit Court for Waukesha County

The Honorable Michael O. Bohren, Presiding
Circuit Court Case No. 2021CV958

APPENDIX OF *AMICUS CURIAE* TRUE THE VOTE, INC. SUPPORTING APPEAL OF PLAINTIFFS-RESPONDENTS-PETITIONERS RICHARD TEIGEN AND RICHARD THOM

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Dated: March 21, 2022

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I further certify that:

This electronic appendix is identical in content to the printed form of the appendix filed as of this date.

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March 21, 2022.

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AMERICAN OVERSIGHT

SPECIAL REPORT [1]

DELIVERY OF ABSENTEE BALLOTS BY INTERMEDIARIES TO MILWAUKEE COUNTY AREA DROP BOXES OCTOBER 20 – NOVEMBER 3, 2020

MARCH 18, 2022

True the Vote is a non-profit organization[2] engaged in public interest research and education. TTV works with analysts who have extensive experience utilizing data to detect patterns in complex commercial and criminal investigations across diverse market segments, including government agencies and healthcare. Among its activities, TTV conducts non-partisan research and analysis of election administration and process integrity.

I. BALLOT HARVESTING INVESTIGATIONS

During the November 2020 election cycle, the Center for Technology and Civil Life ("CTCL") made over $350 million in grants to local governments for election-related activities, including drop-boxes for absentee ballots.[3]

In Wisconsin, CTCL distributed over $10.3 million in grants. About 86% of the funding went to five cities, Milwaukee, Madison, Green Bay, Kenosha, and Racine,[4] which they used to provide drop boxes for receiving absentee ballots and other voter assistance.[5]

In 2021, in response to whistleblower reports, TTV began purchasing and analyzing publicly available drop box surveillance video and commercially available geospatial (mobile device) data generated at CTCL grant-funded drop box locations during the time periods in which drop boxes were in use for the 2020 General Election.[6]

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[1] This Report is sponsored by First Freedoms Foundation, Inc., a non-profit, § 501(c)(3) organization engaged in public interest law and education. http://firstfreedomsfoundation.org

[2] https://www.truethevote.org/

[3] https://www.techandciviclife.org/grant-update-march/

[4] A Review of the 2020 Election, Wisconsin Institute for Law and Liberty (2021). https://will-law.org/wp-content/uploads/2022/01/2021ReviewStudyJanuary.pdf

[5] Election scandal: Roots in Racine – Wisconsin Spotlight; https://www.fox6now.com/news/racine-mobile-elections-vehicle-rolled-out-after-2020-vote

[6] TTV's research is featured in the upcoming documentary, "2000 Mules," scheduled for release in April, 2020. http://2000mules.com/

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TTV's initial investigations were conducted in the six counties that comprise the metro-Atlanta, Georgia area and in Maricopa County, Arizona. Analysis revealed evidence of massive ballot harvesting, with ballots being delivered to drop boxes by intermediaries other than the absentee voters themselves.[7]

In the metro-Atlanta area, analysis of geospatial data confirmed that 242 intermediaries made 5,668 individual stops at drop boxes between October 12, 2020, when early voting began, and January 6, 2021, the date of the United States Senate run-off election. The timestamps in the geospatial data were then used to identify drop box visits in the surveillance video. The video confirms these intermediaries were, in fact, making repeated visits to drop boxes, depositing multiple ballots on each visit. In many instances, the videos show intermediaries attempting to deposit so many ballots that they were unable to fit into the drop box drop slot, and ballots are seen falling to the ground. The same patterns emerged in Maricopa County, where more than 202 intermediaries made 4,282 individual drop box visits during that time period.

Additionally, TTV received testimony from witnesses and informants disclosing that intermediaries were typically paid $10 per ballot for each ballot they collected and delivered.[8] In Arizona, these revelations have already produced multiple criminal indictments.[9]

II. WISCONSIN STUDY

Wisconsin law requires that absentee ballot envelopes be "mailed by the elector, or delivered in person, to the municipal clerk issuing the ballot or ballots."[10] It is illegal for an absentee ballot to be cast by anyone other than the elector, with a witness certifying the vote.

Critically, however, if the elector receives assistance marking the ballot, the "assistant" must certify that the elector requested the assistance, but is *not* required to certify that he or she did not *solicit* the elector's vote.[11]

TTV is currently investigating ballot harvesting patterns in three of the five Wisconsin cities that received CTCL funding. Specifically, TTV is conducting research and analysis to determine whether, during the two-week period prior to the 2020 election (10/20/20 – 11/3/20), there was systematic delivery of absentee ballots to drop boxes by intermediaries other than by the absentee voters themselves.

TTV has concluded its initial analysis of drop box traffic data in Milwaukee County. Its findings are summarized in this report. TTV is continuing its research and analysis of data

[7] *E.g.,* Appendix 1, TTV Administrative Complaint to Georgia Secretary of State, Nov. 30, 2021.

[8] Appendix 1, p. 2.

[9] https://www.azag.gov/press-release/two-individuals-accused-ballot-harvesting-yuma-county

[10] Sec. 6.87(4)(b)1., Wis. Stats.

[11] https://elections.wi.gov/sites/elections/files/2020-08/EL-122%20Standard%20Absentee%20Ballot%20Certificate-portrait%20%28rev.%202020-08%29.pdf

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from other areas where CTCL-funded drop boxes were located, and will be releasing those findings in the near future.

Completion of TTV's Milwaukee County research is especially timely. On February 19, 2022, in an action brought by Wisconsin Institute for Law and Liberty,[12] the Circuit Court for Waukesha County held that use of drop boxes for absentee voting violates § 6.87(4)(b)1., Stats., and enjoined their use statewide.[13] WILL's action, *Teigen v. Wisconsin Elections Commission*,[14] is now before the Wisconsin Supreme Court, which has permitted the injunction to remain in place for the spring general election on April 5.[15]

TTV's research will inform both public discussion and legislative and policy proposals to enhance transparency, uniformity, and equal access for Wisconsin voters in future elections. Further, on March 21, TTV will be filing an *amicus* brief in the *Teigen* case in the Wisconsin Supreme Court, arguing that construing § 6.87(4)(b)1. to prohibit use of drop boxes will ensure greater equality of voting access among all Wisconsin electors regardless of their place of residence, and will also limit the ability of super-wealthy activists to influence Wisconsin elections through massive, tax-exempt spending that escapes reporting under ordinary campaign finance law but is strategically designed and administered to achieve a partisan result.

Finally, while TTV believes that construction of the law will benefit *future* elections, TTV does not opine on the legality of past activity analyzed in this report or suggest that the 2020 election results should be decertified based on its findings.

III. RESEARCH METHODS

TTV uses both video surveillance recordings and geospatial data to track and analyze drop box traffic patterns. Surveillance video is routinely used in a wide range of applications including security, highway traffic and tolls, wildlife tracking, marketing, and facility usage.

It is difficult to imagine a public function more critical than voting. Given the ubiquity of video surveillance and tracking in other applications, 24/7 video surveillance of drop box traffic would seem to be an expected rudimentary requirement of the Wisconsin Elections Commission and responsible local governments utilizing drop boxes. Visual records of box activity would provide accountability and security at least somewhat comparable to the safeguards for traditional same-day and early in person voting, which are conducted in the presence of authorized officials and observers.

For example, Georgia's election rules required drop boxes with 24/7 video surveillance.[16]

[12] https://will-law.org

[13] https://will-law.org/wp-content/uploads/2022/02/142-2022-01-20-Order-granting-Pls-Summary-Judgment-signed-1-19-221.pdf

[14] *Teigen v. Wisconsin Elections Commission*, Appeal Number 2022AP000091; https://wscca.wicourts.gov/appealHistory.xsl?caseNo=2022AP000091&cacheId=E1AD15A7F683EB361365795C64D83964&recordCount=1&offset=0&linkOnlyToForm=false&sortDirection=DESC

[15] https://elections.wi.gov/node/7861

[16] https://www.gpb.org/news/2021/07/12/absentee-drop-box-use-soared-in-democratic-areas-voting-law-change

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Such video files are election records mandated for retention under federal law.[17] Through open records requests, TTV obtained over 4 million minutes of drop box surveillance video from Georgia.[18]

TTV also purchased commercially available, anonymized, geospatial mobile device information. Analysis of this cell phone data can pinpoint the specific location of a unique device at a specific time without disclosing private information about the device owner's identity.

This type of data analysis use is highly valued because of its accuracy, and is commonly used in a wide range of mainstream applications including product marketing and targeted messaging in political campaigns. In fact, virtually every cell phone user has received some type of promotional or political text.

Properly conducted, geospatial data aggregation and analysis raises no legal concerns and is routinely conducted by diverse users including government agencies, businesses, marketing firms, transportation services, political campaigns, and health, education, and social science providers and researchers.[19]

For example, in 2019, the New York Times published a widely read expose on cell phone tracking based on data collected in 2016 – 2017 at the New York Stock Exchange, major cities, government facilities (Pentagon and Whitehouse), and private residences.[20]

NYT even included a series of animated graphics, tracking routes traveled by the President along with the hyperlink, "How to Track President Trump," followed by the byline, "Read more about the national security risks found in the data."

In its election integrity work, TTV utilizes geospatial data and analysis to detect and analyze patterns of potentially inappropriate election activities.

The accuracy of the data and methodology is beyond question. As the NYT article states:

> Describing location data as anonymous is "a completely false claim" that has been debunked in multiple studies, Paul Ohm, a law professor and privacy researcher at the Georgetown University Law Center, told us. "Really precise, longitudinal geolocation information is absolutely impossible to anonymize."
>
> "D.N.A.," he added, "is probably the only thing that's harder to anonymize than precise geolocation information."

However, even though a device's "location data" is not "anonymous," as Professor Ohm says, geo-spatial researchers may keep the device owner's *identify* anonymous.

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[17] 52 U.S.C. § 20701 requires election officials to retain "all records and papers" for 22 months following a federal election.

[18] Appendix 1, pp. 1 - 3.

[19] E.g., https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3821057/; https://www.jstor.org/stable/42748309; https://insights.som.yale.edu/insights/what-can-smartphone-location-data-tell-us-about-the-pandemic; http://www.sehinc.com/news/cell-phone-data-makes-traffic-analysis-and-transportation-planning-easier; https://ij-healthgeographics.biomedcentral.com/articles/10.1186/1476-072X-7-22; https://www.jstor.org/stable/44134975; https://www.jstor.org/stable/30036682

[20] https://www.nytimes.com/interactive/2019/12/19/opinion/location-tracking-cell-phone.html

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In contrast to the NYT, which identified President Trump and published routes he traveled, TTV does not "unmask" or "de-anonymize" owner identities of the devices it tracks. Authorized government and legal agents can and do routinely obtain deanonymized information from cell phone companies, but TTV does not publish that kind of deanonymized analysis.

IV. DATA

Surveillance Video. Unlike Georgia, which requires constant video surveillance of ballot drop boxes, Wisconsin law does not require any such surveillance.[21]

TTV made open records requests to multiple Milwaukee County municipalities for drop box surveillance video. In response, only the Village of Brown Deer provided video for one of its two drop boxes located at Village Hall. Despite reported statements by the City of Milwaukee that it had maintained video surveillance,[22] neither the City of Milwaukee nor any other municipality in the County provided video. Each responded that it had failed to record surveillance video, or had failed to maintain the video, or did not respond to the requests at all.[23]

Geospatial Data. Because Milwaukee officials failed or refused to provide surveillance video, TTV focused our analysis on the use of geospatial data to determine whether third-party intermediaries made multiple visits to drop box locations.

TTV purchased 25 terabytes of cell phone signal data emitted by devices in the Milwaukee County area during the two-week period prior to the 2020 election, October 20 - November 3. The data was purchased from standard commercial providers and includes signals from over 27,000 cell phone apps, which data aggregators purchase and resell to public and private buyers for official and commercial uses.

Consistent with TTV policy and methods, the data was never held in any form other than "anonymized." While the data provides exact locations of specific devices at specific times, it does not disclose the identities or other private information about the individuals registered as owners of those devices.[24]

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[21] It should also be noted that Wisconsin election statues do not authorize the use of drop boxes. https://www.ncsl.org/research/elections-and-campaigns/vopp-table-9-ballot-drop-box-definitions-design-features-location-and-number.aspx

[22] https://www.jsonline.com/story/news/politics/elections/2020/10/19/how-milwaukee-ensures-absentee-ballots-voting-machines-secured/5937160002/

[23] Appendix 2, log of TTV open records requests for surveillance video. Requests were sent to Bayside Village, Brown Deer Village, City of Milwaukee, Cudahy, Fox Point Village, Franklin, Glendale, Greendale, Greenfield, Hales Corner, Milwaukee County, Oak Creek, River Hills, Shorewood, South Milwaukee, St. Francis, Wauwatosa, West Allis, West Milwaukee, and Whitefish.

[24] The raw and unedited data purchased by TTV does not include any analysis conducted by TTV or its contractors, nor does it include any list of specific IMEI devices or identifying information regarding any individuals other than commercially available, anonymized, IMEI data in its original form.

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IV. ANALYSIS

To obtain an appropriate study sample, TTV analysts followed a prescribed methodology. First, we correlated the data with the exact longitude and latitude of drop boxes located in the Milwaukee County area, extracting device identifications of only those devices "pinpointed" at drop box locations during the 10/20 - 11/3 window. Each drop box pinpoint is referred to as a visit.

"Pinpointing" is a non-technical term for plotting multiple pings emitted by a specific device within a specific time frame to determine the location of the device at a specific time. For example, plotting 200 pings from 50 different apps emitted from a device within a 10 second interval "pinpoints" exactly where the device was located during that time window. TTV's methodologies for pinpointing device locations are highly accurate, exceeding customary industry standards and those used by NYT for its article.

In municipalities in the Milwaukee County area, 53,291 cell phones were pinpointed at ballot drop boxes three or more times during the 10/20 - 11/3 window

Within that two-week window, 107 unique devices made (1) 20 or more visits to drop boxes (averaging 26 visits each, some as many as 10-15 per day) *and* (2) multiple visits to non-governmental organizations ("NGOs") involved in get-out-the-vote efforts (averaging 5 NGO visits each).

Those 107 "20X" devices together visited drop boxes a total of 2,824 times during the window, with a majority of visits occurring after 8:00 pm, past posted business hours at the government or other locations where the drop boxes were located.

Appendix 3 provides IMEI Device Nos. of all 107 20X devices analyzed. Appendix 4 provides maps of 8 of those devices showing routes they travelled and the drop boxes and NGO locations they visited on October 20, 2020.

The exact chronology of each device can be tracked and pinpointed from 12:00 a.m. to 11:59 p.m. on the date shown. However, to maintain device and NGO anonymity, the IMEI Device Nos. are redacted in Appendix 3, and the locations are removed from the Appendix 4 maps, with device routes intentionally overlayed as composites without time sequencing.[25]

[25] Like "unmasking" or "de-anonymizing" device owners, time sequencing is a routine industry capability. TTV's analysts are capable of producing that kind of information the same as other industry analysts. However, TTV does not produce or publish that information as part of its public interest research work.

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APPENDIX 1

Administrative Complaint to
Georgia Secretary of State
Brad Raffensperger

Complainant:	Tue the Vote, PO Box 3109 #19128 Houston, TX 77253-3109
Complaint:	Ballot trafficking General Election November 2020 and Runoff Election January 2021 periods
Counties:	Atlanta metro area
Potential Violations	O.C.G.A. § 21-2-385 (a) Procedure for voting by absentee ballot; advance voting

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TRUE THE VOTE

November 30, 2021

Brad Raffensperger
Secretary of State
Georgia Capitol
206 Washington St SW
Atlanta, GA 30334

Complainant: True the Vote, PO Box 3109 #19128 Houston, TX 77253-3109
Complaint: Ballot trafficking General Election November 2020 and Runoff Election January 2021 periods Counties: Atlanta metro area
Potential Violations: O.C.G.A. § 21-2-385 (a) Procedure for voting by absentee ballot; advance voting

INFORMATION IN SUPPORT OF COMPLAINT

As part of True the Vote's ongoing nonpartisan election integrity research and in response to reports of ballot trafficking in Georgia and other states across the country, we undertook certain efforts to examine this issue more closely. Following a detailed account of coordinated efforts to collect and deposit ballots in drop boxes across metro Atlanta, True the Vote obtained publicly available surveillance video as well as commercially available cell phone data which revealed concerning patterns of behavior consistent with the reports made to our organization. True the Vote hereby submits this Complaint to the Georgia Secretary of State detailing the potentially improper election efforts which took place during the General Election of November 2020 and Runoff Election of January 2021.

Acting upon information provided to us, True the Vote's contracted team of researchers and investigators spoke with several individuals regarding personal knowledge, methods, and organizations involved in ballot trafficking in Georgia. One such individual, hereinafter referred to as John Doe, admitted to personally participating and provided specific information about the ballot trafficking process. This information was provided under agreement of anonymity.[1]

[1] It is imperative that True the Vote maintain confidentiality agreements made with persons willing to speak openly with the organization. First and foremost, True the Vote is primarily concerned for the safety of individuals willing to come forward to speak about such sensitive topics. True the Vote is not a law enforcement agency, we do not have the resources of the State, and we are unable to provide any safety guarantees to those individuals willing to provide information other than to keep our word that their identity will not be disclosed. Furthermore, for the same reason law enforcement agencies do not disclose the identities of their confidential informants, True the Vote must also maintain such confidences. To do otherwise would greatly inhibit future efforts of the organization as individuals would no longer be willing to speak openly about such matters. Finally, to the extent an individual admits to conduct constituting a crime, True the Vote is unable to offer immunity from prosecution. Informants would not be honest in their discussions if they lacked confidence that any admissions made would be held in the strictest of confidences and would not subject them to criminal prosecution in the future.

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John Doe described a network of non-governmental organizations ("NGO"s) that worked together to facilitate a ballot trafficking scheme in Georgia. John Doe claimed to have been one of many individuals paid to collect and deliver absentee ballots during the early voting periods of the November 2020 General Election and the January 2021 Runoff Election. While acknowledging that others might view his actions as inappropriate, John Doe did not seem to understand the unlawful nature of this conduct nor that it might constitute organized criminal activity. John Doe's perception was that he had been hired to do a job and it was appropriate to be paid for the services rendered.

John Doe's assignment included collecting ballots, both from voters in targeted neighborhoods and from NGOs that had their own ballot collection processes, delivering those ballots to other NGOs, picking up designated ballot bundles from the same group of NGOs, and depositing ballots into drop boxes spanning six counties in the metro Atlanta area. Each drop box delivery would typically include between 5 to 20 ballots. John Doe described a payment validation process which involved taking cell phone pictures of the drop box where ballots were deposited. Participants were compensated, typically at a rate of $10 per ballot. John Doe stated he had been paid directly by one of these NGOs.[2]

Following this report, True the Vote submitted open records requests to obtain the surveillance video of various drop boxes across Georgia during the General Election of November 2020 and Runoff Election of January 2021. Despite a legal mandate to maintain this video, county officials were only able to produce an estimated 20% of the surveillance video requested in the counties of Fulton, DeKalb, Cobb, and Gwinnett.[3] Nonetheless, in our initial review of the available 3 million minutes of surveillance video, we found compelling evidence to support the reports of absentee ballot trafficking conducted during the November 3, 2020, General Election and January 5, 2021, Runoff Election periods.

In addition to ordering surveillance video, True the Vote also purchased commercially available, anonymized, geospatial mobile device information. This cell phone data establishes what devices were at a particular location at a particular time but does not disclose any private information about a person's identity. There are a variety of uses for this type of data including product marketing and targeted messaging in political campaigns. This type of unique device identification data is highly desirable because of its accuracy and its use is becoming more mainstream as of

---

While True the Vote will not directly identify the individual who made the admission, the organization is able to provide the publicly available data we used in our research. As an office possessing investigative powers and the resources of the State, the identity of any individual who may have information pertinent to your efforts is discoverable in the data set now available to you. Working in conjunction with law enforcement, the State, in their discretion, can provide the necessary and appropriate safety guarantees and immunity protections for cooperating witnesses should that become necessary.

[2] John Doe stated the NGOs made the payments, but it was not entirely clear from his description whether participants were paid directly by the NGOs or through an intermediary.

[3] In separately filed complaints, we detail the missing video footage, including explanations afforded us by county election officials, to support further investigations and develop standards regarding critical aspects of surveillance video capture.

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late. In fact, virtually every cell phone user has received some type promotional or political text. Law enforcement, defense, and intelligence agencies have been using geospatial mobile device data to generate information on possible suspects or witnesses in investigations for several years. For the purposes of our research, True the Vote purchased such data and used it to identify patterns of potentially inappropriate election activities. After reviewing this data, True the Vote was able to confirm certain patterns of activity around absentee ballot drop boxes, as initially reported by John Doe.

During the Runoff Election period, in six counties in and around Atlanta, 552,987 cell phones came within a narrowly defined distance of ballot drop boxes during our study period. However, 242 unique devices made repeat trips to drop boxes averaging 23 trips each. These same 242 devices also went repeatedly, averaging eight trips each, to specific NGOs.

These 242 individual devices went to drop boxes a total of 5,668 times with approximately 40% of the visits occurring between the unusual hours of 12:00 a.m. and 5:00 a.m.

The review of surveillance video was queued according to our geospatial data analyses and focused on the device patterns that emerged from our research. The video, though often grainy and sometimes distant, revealed numerous unusual behaviors.

Individuals were observed attempting to deposit multiple ballots into the drop box. Sometimes, the person was attempting to deposit so many ballots that they were unable to fit them all in and the video shows ballots falling to the ground.

Additionally, in our cursory review of surveillance video it was confirmed that individuals made repeat visits to drop boxes.

Cars were observed with out-of-state license plates, including rental cars identifiable because of the sticker seal rental car companies affix to the driver's side door. This in itself is not necessarily problematic; however it is notable because these out of state and rental cars were driven by individuals who were also in our targeted study group of 242 devices.

Consistent with John Doe's report regarding the proof necessary to receive payment, individuals were observed taking cell phone photos, not of themselves, but of their ballot deposits or of the drop box after the ballots had been deposited.

Curiously, a change in behavior seemed to occur on or around December 23, 2020, the day after Arizona authorities announced that fingerprints on absentee ballot envelopes helped uncover an illegal ballot harvesting scheme in that state. After that announcement, individuals depositing ballots into drop boxes in Georgia are seen wearing blue surgical gloves. They often put them on just before picking up their stack of ballots and remove them as they exit the drop box area.

In conclusion, following John Doe's personal admission to participation in a large-scale ballot harvesting effort in Georgia, True the Vote obtained publicly available video footage and

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commercially available cell phone data which supports his account of these efforts. In the data we reviewed, the 242 mobile devices which repeatedly visited drop boxes also repeatedly visited locations associated with a select group of NGOs. Not only did these devices make repeat visits but a significant number of these visits, approximately 40%, were made during extremely unusual hours in the middle of the night. Additionally, surveillance footage shows numerous instances in which individuals deposited multiple ballots at a time – a practice which is prohibited under Georgia law except under very limited circumstances.[4] Finally, consistent with John Doe's description of how participants were paid, individuals were seen taking photos of drop boxes or of ballots as they were deposited into a drop box.

True the Vote files this Complaint and provides this information to the Secretary of State as the arbiter of election integrity for the State of Georgia.[5] In conjunction with an investigation and formal request by the Secretary of State's office, True the Vote will provide all publicly or commercially available information including the geospatial data and surveillance video to assist with any efforts undertaken by your office.[6]

[4] O.C.G.A. § 21-2-385 (a) reads in pertinent part: Such envelope shall then be securely sealed and the elector shall then personally mail or personally deliver same to the board of registrars or absentee ballot clerk, provided that mailing or delivery may be made by the elector's mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, or an individual residing in the household of such elector. The absentee ballot of a disabled elector may be mailed or delivered by the caregiver of such disabled elector, regardless of whether such caregiver resides in such disabled elector's household. The absentee ballot of an elector who is in custody in a jail or other detention facility may be mailed or delivered by any employee of such jail or facility having custody of such elector. An elector who is confined to a hospital on a primary or election day to whom an absentee ballot is delivered by the registrar or absentee ballot clerk shall then and there vote the ballot, seal it properly, and return it to the registrar or absentee ballot clerk.

[5] In filing this Complaint, True the Vote makes no assessment of the legality of any activity seen in the data or surveillance video but merely provides this information for official State use as deemed appropriate by your agency.

[6] This raw and unedited data purchased by True the Vote does not include any analysis conducted by True the Vote or its contractors nor does it include any list of specific IMEI devices of interest. Furthermore, this data does not include any identifying information about any individuals other than commercially available, anonymized, IMEI data in its original form.

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APPENDIX 2

Log of True the Vote
Open Records Requests to
Milwaukee Urban Area Municipalities

For

Dropbox Video Surveillance Records
October 20 – November 3, 2020

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TRUE THE VOTE

MILWAUKEE COUNTY AREA COMMUNITIES
OPEN RECORDS REQUESTS FOR DROPBOX VIDEO SURVEILLANCE FILES
NOVEMBER 2020 ELECTION

Municipality	ORR	Submit Date	Response Date	Point of Contact	Action	Reason/Comments
Milwaukee	Dropbox Video	4/12/2021	4/21/2021	cwooda@milwaukee.gov	Undelivered	No custodian for video.
Fox Point	Dropbox Video	4/12/2021	6/30/2021	KMeyer@villageoffoxpoint.com	No Responsive Records	Did not provide.
Brown Deer	Dropbox Video	4/12/2021	4/13/2021	metzel@browndeerwi.org	Delivered Video	
Shorewood	Dropbox Video	4/12/2021	4/13/2021	sbruckman@villageofshorewood.org	No Responsive Records	ORR req. "Milwaukee."
West Milwaukee	Dropbox Video	4/12/2021	4/16/2021	susan.schupp@westmilwaukee.org	No Responsive Records	No security camera, 1 dropbox.
Wauwatosa	Dropbox Video	4/12/2021	4/16/2021	cdulaney@wauwatosa.net	No Responsive Records	No cameras directed at ballot boxes.
Bayside	Dropbox Video	4/12/2021	4/13/2021	lgalyardt@baysidewi.gov	No Responsive Records	"We do not have copies of the video recordings."
Whitefish Bay	Dropbox Video	4/12/2021	4/13/2021	J.Krueger@wfbvillage.org	No Responsive Records	No such records exist.
Greendale	Dropbox Video	4/12/2021	4/13/2021	melanie@greendale.org	No Responsive Records	Does not have the records requested.
Hales Corners	Dropbox Video	4/12/2021	4/12/2021	skulik@halescorners.org	No Responsive Records	Video only retained for 90 days.
River Hills	Dropbox Video	4/12/2021	4/12/2021	tlaborde@vil.river-hills.wi.us	No Responsive Records	Did not utilize dropboxes.
South Milwaukee	Dropbox Video	4/12/2021	4/12/2021	Kkastenson@smwi.org	No Responsive Records	Oldest content on server is 44 days old.
Glendale	Dropbox Video	4/12/2021	4/12/2021	R.Safstrom@glendalewi.gov	No Responsive Records	No video from requested time frame.
Oak Creek	Dropbox Video	4/12/2021	4/12/2021	croeske@oakcreekwi.org	No Responsive Records	No video from requested time frame.
Greenfield	Dropbox Video	4/12/2021	4/12/2021	Jennifer.Goergen@greenfieldwi.us	No Responsive Records	"Do not have the records you requested."
St Francis	Dropbox Video	4/12/2021	4/12/2021	anne.uecker@stfranwi.org	No Responsive Records	"No records exist for your request."
Franklin	Dropbox Video	4/12/2021	4/28/2021		No Responsive Records	Off-premises drop boxes were used for AB.

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APPENDIX 3

Redacted IMEI Device Nos. of
107 Cell Phone Devices Making 20+ Visit to
Milwaukee Urban Area Drop-boxes

October 20 – November 3, 2020

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IMEI DEVICE ID NOS.

Device Identification	Drop Box Visits
6631960f-5bb8-4d77-9468-xxxxxxxxxxxx	35
407d9517-f1ad-4656-bc12-xxxxxxxxxxxx	35
94dc1108-5658-40ac-b0a1-xxxxxxxxxxxx	34
ea2bd83f-7cc2-46cf-b19e-xxxxxxxxxxxx	34
dd78342b-9734-465f-b18a-xxxxxxxxxxxx	34
398959d3-9975-4072-b01e-xxxxxxxxxxxx	33
6e4068d3-6037-4382-9c30-xxxxxxxxxxxx	32
e1c4de08-e616-4e14-989c-xxxxxxxxxxxx	32
cc7dff4b-32cc-4a77-9c68-xxxxxxxxxxxx	32
7e24a489-3578-4982-82d2-xxxxxxxxxxxx	32
26c078c0-ddc0-42d2-a9b2-xxxxxxxxxxxx	32
b19161fc-6682-41f4-b536-xxxxxxxxxxxx	32
a4681626-135a-4a62-8d1a-xxxxxxxxxxxx	32
edf17761-044c-4b66-b280-xxxxxxxxxxxx	31
891dfbb0-75e1-4294-9fbc-xxxxxxxxxxxx	31
b27d629d-fca1-45d6-9c47-xxxxxxxxxxxx	31
f0e40fe1-abcc-4b68-aae2-xxxxxxxxxxxx	31
bf9522dd-5224-44a0-bef4-xxxxxxxxxxxx	30
34611e70-d89c-4d56-a261-xxxxxxxxxxxx	30
8f4c882c-7632-4f28-b4fb-xxxxxxxxxxxx	29
32b169bb-e335-4b55-9ec5-xxxxxxxxxxxx	29
22dd4789-7af4-4cfc-b4eb-xxxxxxxxxxxx	29
6954ec0e-8113-43b2-82fe-xxxxxxxxxxxx	29
7f28dd25-26dc-4a93-ba28-xxxxxxxxxxxx	29
f6e53a37-265c-4f57-976a-xxxxxxxxxxxx	29
3f5c7b90-f98f-4049-a66a-xxxxxxxxxxxx	28
e10d2a2e-0c06-409e-82b9-xxxxxxxxxxxx	28
0351dd99-0241-4cc6-95c3-xxxxxxxxxxxx	28
ce86e18f-e17e-4532-bc5f-xxxxxxxxxxxx	28
ec13d068-794b-4e96-9bb3-xxxxxxxxxxxx	28
a84faea3-e833-47cc-b154-xxxxxxxxxxxx	28
38568e17-cf3e-48b7-ae14-xxxxxxxxxxxx	28
176d880d-3c5e-4a99-a8ed-xxxxxxxxxxxx	28
d4ad7849-3997-481f-8632-xxxxxxxxxxxx	28
3a88ec3c-5bfb-4d2e-9fe0-xxxxxxxxxxxx	28

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e78364fe-d4d7-456b-a27f-xxxxxxxxxxxx	28
5795034a-5dd0-48a6-b82d-xxxxxxxxxxxx	28
c988e594-0195-4c08-9ab0-xxxxxxxxxxxx	27
0f625e6a-5030-43f2-80b8-xxxxxxxxxxxx	27
9e08bd1c-ccdc-4dc6-a3fc-xxxxxxxxxxxx	27
a23a31dc-c1f8-405f-86c2-xxxxxxxxxxxx	27
097fe4b6-8ac2-4c0c-8cca-xxxxxxxxxxxx	27
fba2a97f-8be1-449e-8cd4-xxxxxxxxxxxx	27
2955c0b6-7fb0-4f64-bbb2-xxxxxxxxxxxx	27
8c8a76df-ee37-42bb-ae0a-xxxxxxxxxxxx	27
fe95c706-6d4a-4adc-8386-xxxxxxxxxxxx	27
54eee3c9-7323-4515-9e67-xxxxxxxxxxxx	27
2d2eea05-a5f9-4738-909e-xxxxxxxxxxxx	27
46ef251e-f643-4b73-8a13-xxxxxxxxxxxx	27
072a376a-ff4f-4a40-abf2-xxxxxxxxxxxx	27
d1fd58fd-1e1c-423b-80f6-xxxxxxxxxxxx	27
f295d761-6234-4ba2-9be2-xxxxxxxxxxxx	27
31d26aad-3707-4ae9-8341-xxxxxxxxxxxx	27
104cdf97-d67d-4274-aacb-xxxxxxxxxxxx	27
d4d24230-5126-4d73-afe5-xxxxxxxxxxxx	26
f0f406f8-c024-47be-831a-xxxxxxxxxxxx	26
140ab1e1-0f0a-4a90-a23e-xxxxxxxxxxxx	26
926661e1-93a8-4be2-8fd1-xxxxxxxxxxxx	26
2ce31602-3215-4791-987b-xxxxxxxxxxxx	26
3cf31532-9a52-4dd9-a553-xxxxxxxxxxxx	26
c3e0e03a-e967-4484-a221-xxxxxxxxxxxx	26
cf526ac0-be18-4470-9d6b-xxxxxxxxxxxx	26
036a45dc-393e-47d3-b7a8-xxxxxxxxxxxx	26
811316da-f515-4f3c-9532-xxxxxxxxxxxx	26
1713c0e8-93e9-4150-92ed-xxxxxxxxxxxx	26
d8432105-a1bb-4244-902e-xxxxxxxxxxxx	26
115d1544-aef0-482b-a70d-xxxxxxxxxxxx	26
dd99176e-b558-42c4-9746-xxxxxxxxxxxx	26
3acbd782-fbbd-460a-8ee7-xxxxxxxxxxxx	26
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e1176ca6-0027-4ff0-8a3c-xxxxxxxxxxxx	26
df68ace7-64d9-4fb1-9715-xxxxxxxxxxxx	26

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ecca97f4-4c30-4f42-aaf3-xxxxxxxxxxxx	26
079a7f03-d83a-4bab-8147-xxxxxxxxxxxx	26
054eb41e-6698-4b02-b945-xxxxxxxxxxxx	26
13df1019-ee7e-4083-8da8-xxxxxxxxxxxx	25
77bf30a3-2688-4795-9ad0-xxxxxxxxxxxx	25
6be907fa-43a6-407f-8620-xxxxxxxxxxxx	25
3a963af4-c018-4f65-89e0-xxxxxxxxxxxx	25
8ccac60b-4c25-4168-9e8c-xxxxxxxxxxxx	25
f560338f-03e5-4a10-bc80-xxxxxxxxxxxx	25
91409260-0099-409d-ba77-xxxxxxxxxxxx	25
56e392f6-fac4-4f24-8168-xxxxxxxxxxxx	25
78af836c-f442-4387-8346-xxxxxxxxxxxx	25
8a836201-d75c-4756-9009-xxxxxxxxxxxx	25
eb329879-ca7a-45ff-aad9-xxxxxxxxxxxx	24
78771be0-120b-4db7-b997-xxxxxxxxxxxx	22
5f38176a-90a3-4bcc-9c0f-xxxxxxxxxxxx	22
0a04bf87-4c03-4fb2-ac2-xxxxxxxxxxxx	21
84ba77ce-10cf-4bb2-b8d8-xxxxxxxxxxxx	21
f83952f6-44b5-400e-a134-xxxxxxxxxxxx	21
63798a95-42da-4916-a0dd-xxxxxxxxxxxx	20
949150bb-c388-4e3e-97f5-xxxxxxxxxxxx	20
722efd84-a94f-4742-8891-xxxxxxxxxxxx	20
138fe120-31af-4752-adc7-xxxxxxxxxxxx	20
75c75ec8-6a29-439a-b441-xxxxxxxxxxxx	20
ce9856bd-a3c4-45ce-973f-xxxxxxxxxxxx	20
04f53134-96d9-4a5e-94c6-xxxxxxxxxxxx	20
699afaf0-b11a-4e0e-bb6c-xxxxxxxxxxxx	20
b1a890e3-8eec-46c6-a864-xxxxxxxxxxxx	20
4bdb8419-20dc-4068-b892-xxxxxxxxxxxx	20
201a1342-1375-452d-9267-xxxxxxxxxxxx	20
49048958-47d3-402c-8b6d-xxxxxxxxxxxx	19
ccab4515-40da-4c50-90d3-xxxxxxxxxxxx	19
dc987e64-05a8-428f-a501-xxxxxxxxxxxx	19
c8ab3f3a-544c-459b-a838-xxxxxxxxxxxx	19
341893e1-f8e6-433e-ad22-xxxxxxxxxxxx	19
TOTAL VISITS	**2824**

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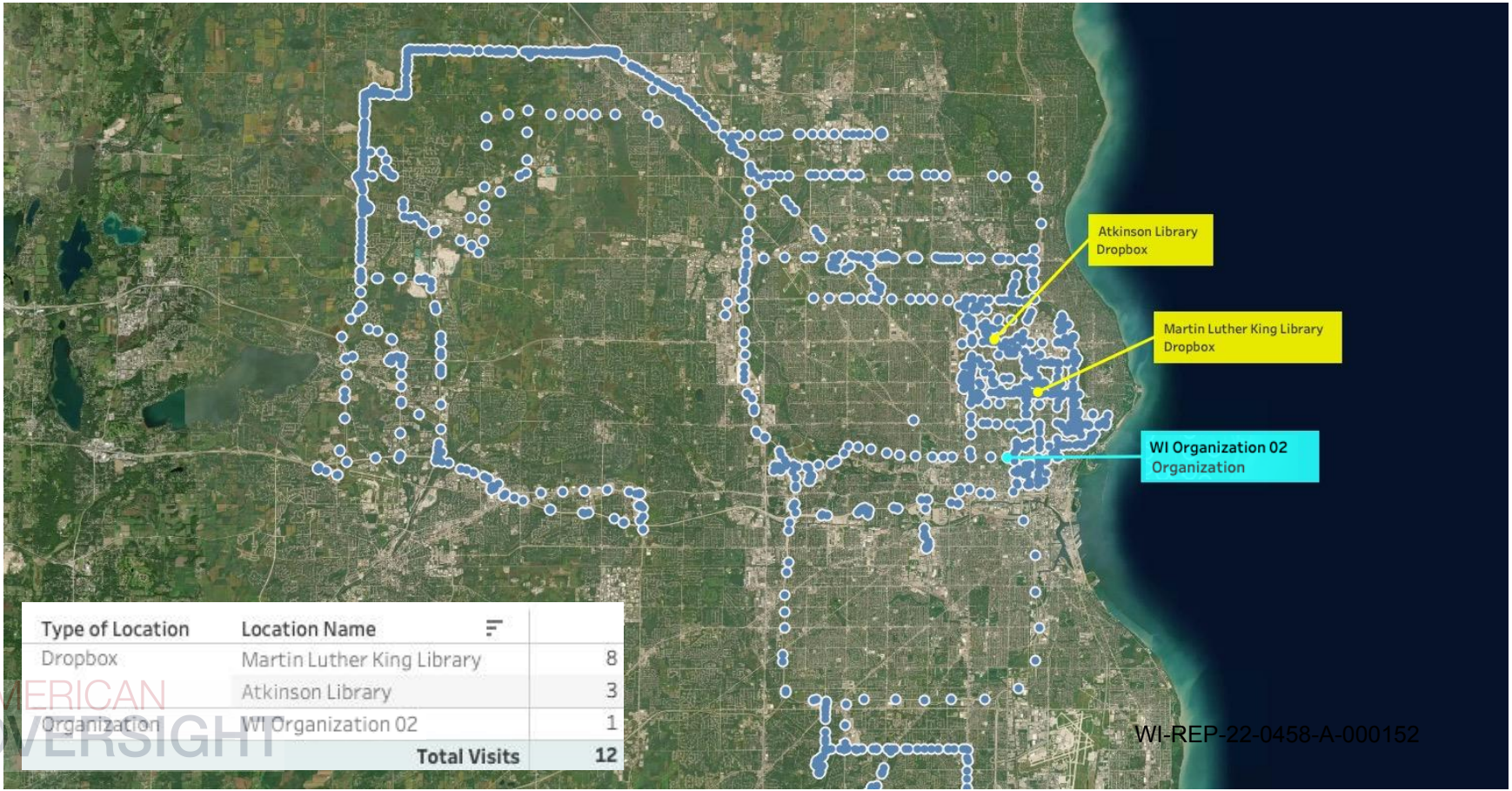
APPENDIX 4

Composite Maps of
8 Cell Phone Devices Making 20+ Visits to
Milwaukee Urban Area Drop-boxes

Maps of Routes Travelled on
October 20, 2020

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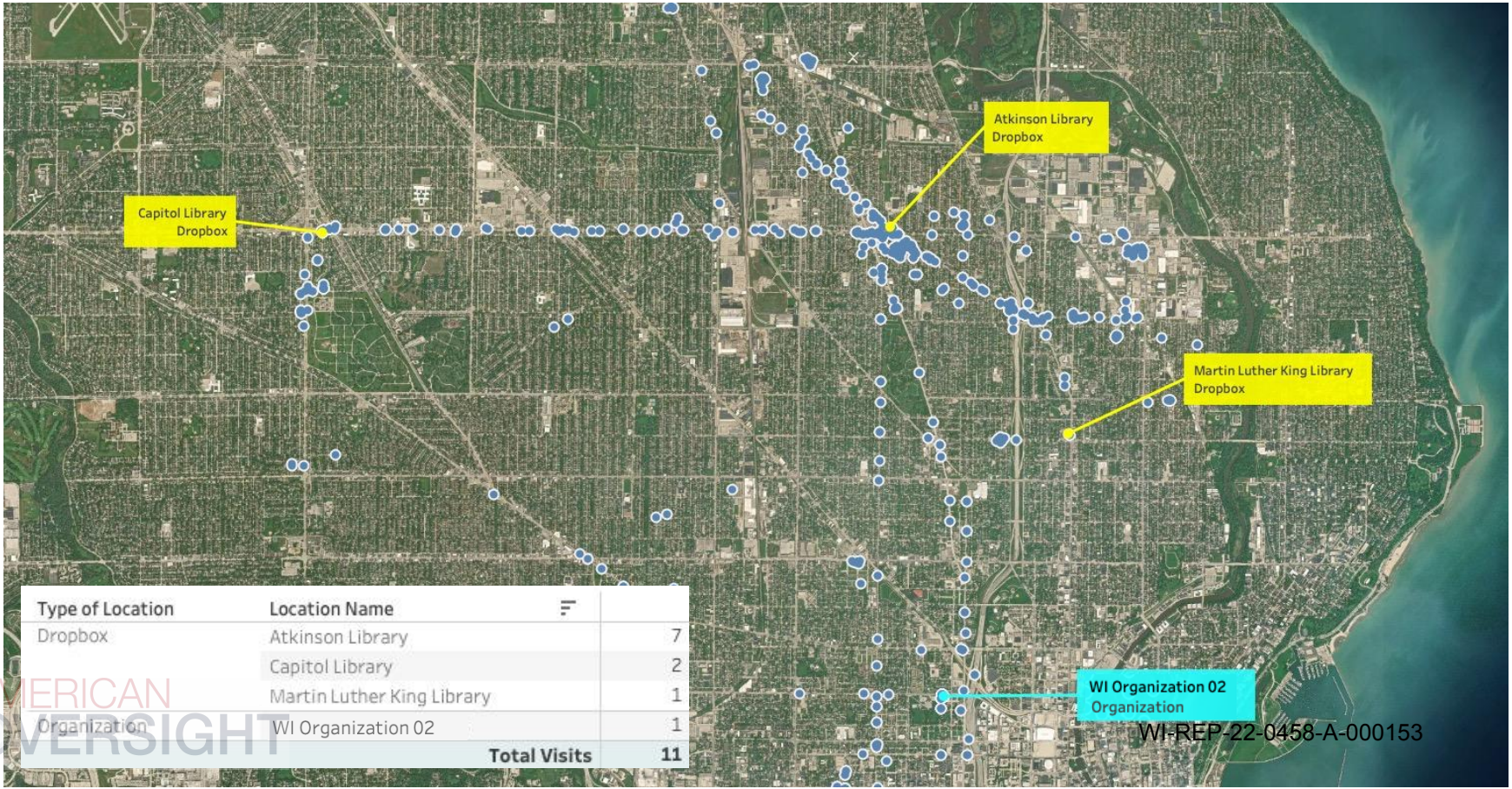
True the Vote – Milwaukee Project: Device #1 October 20, 2020



Type of Location	Location Name	
Dropbox	Martin Luther King Library	8
	Atkinson Library	3
Organization	WI Organization 02	1
	Total Visits	**12**

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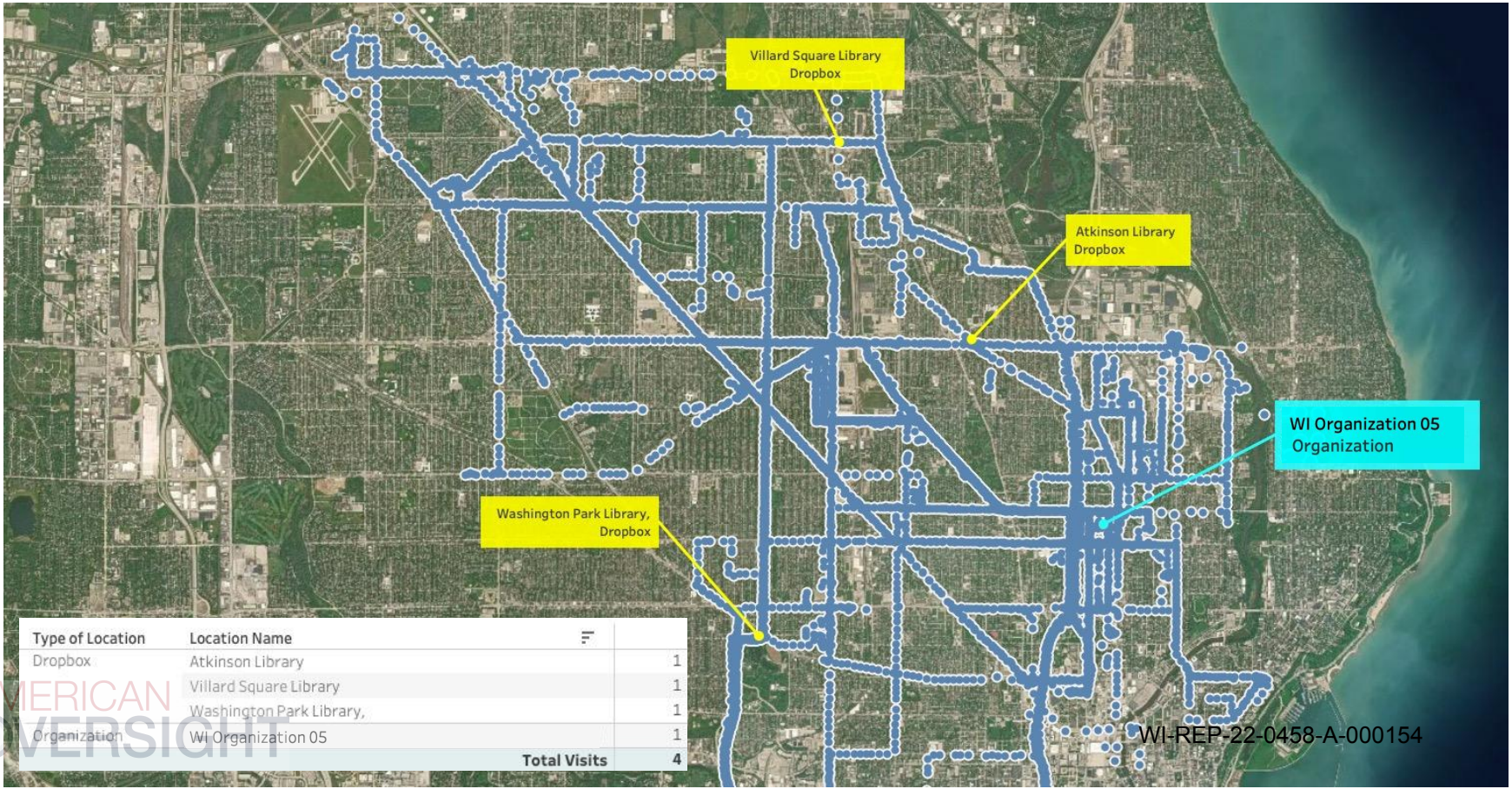
True the Vote – Milwaukee Project: Device #2 October 20, 2020



Type of Location	Location Name	
Dropbox	Atkinson Library	7
	Capitol Library	2
	Martin Luther King Library	1
Organization	WI Organization 02	1
	Total Visits	**11**

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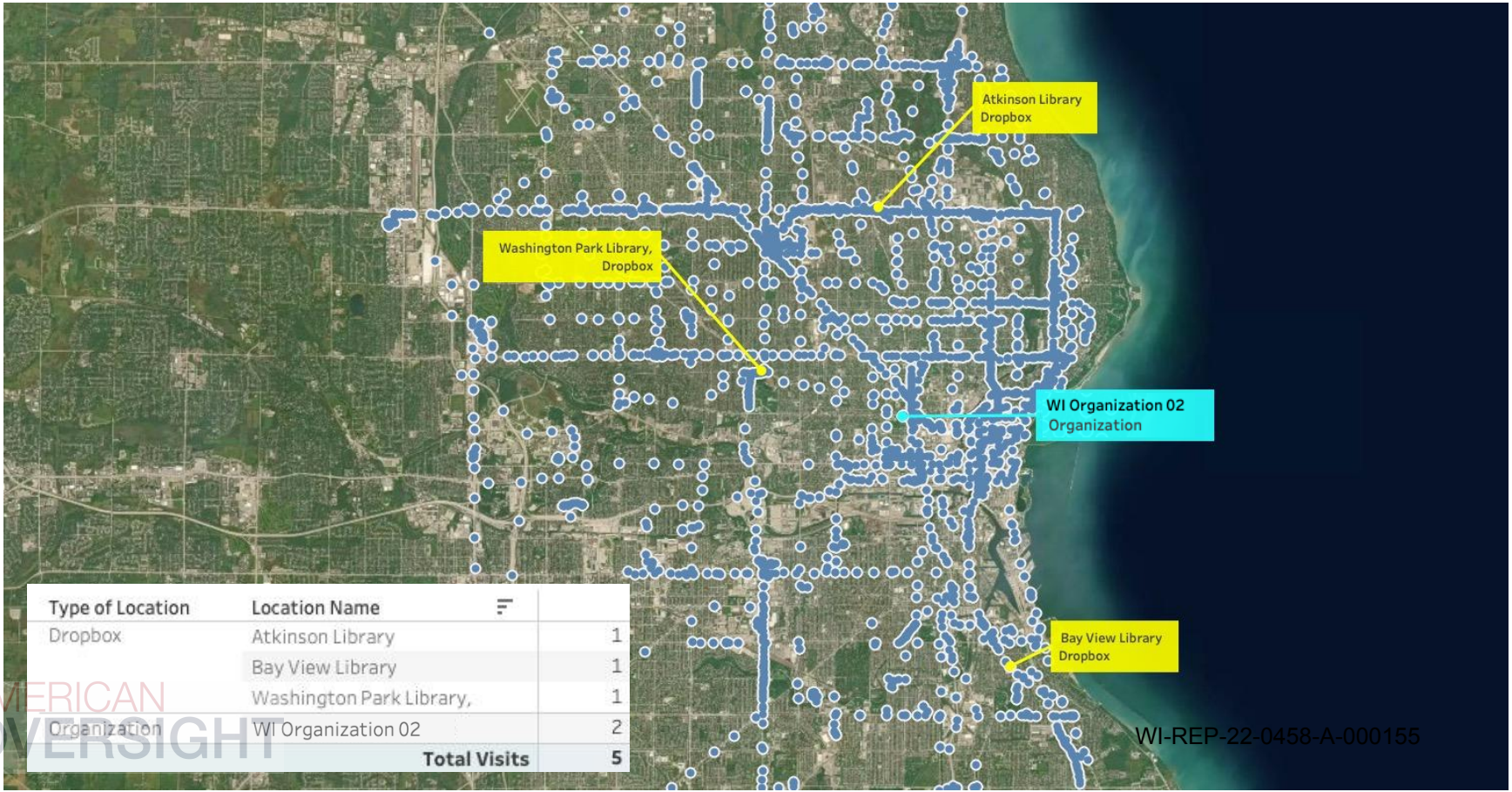
True the Vote – Milwaukee Project: Device #3 October 20, 2020



Type of Location	Location Name	
Dropbox	Atkinson Library	1
	Villard Square Library	1
	Washington Park Library,	1
Organization	WI Organization 05	1
	Total Visits	**4**

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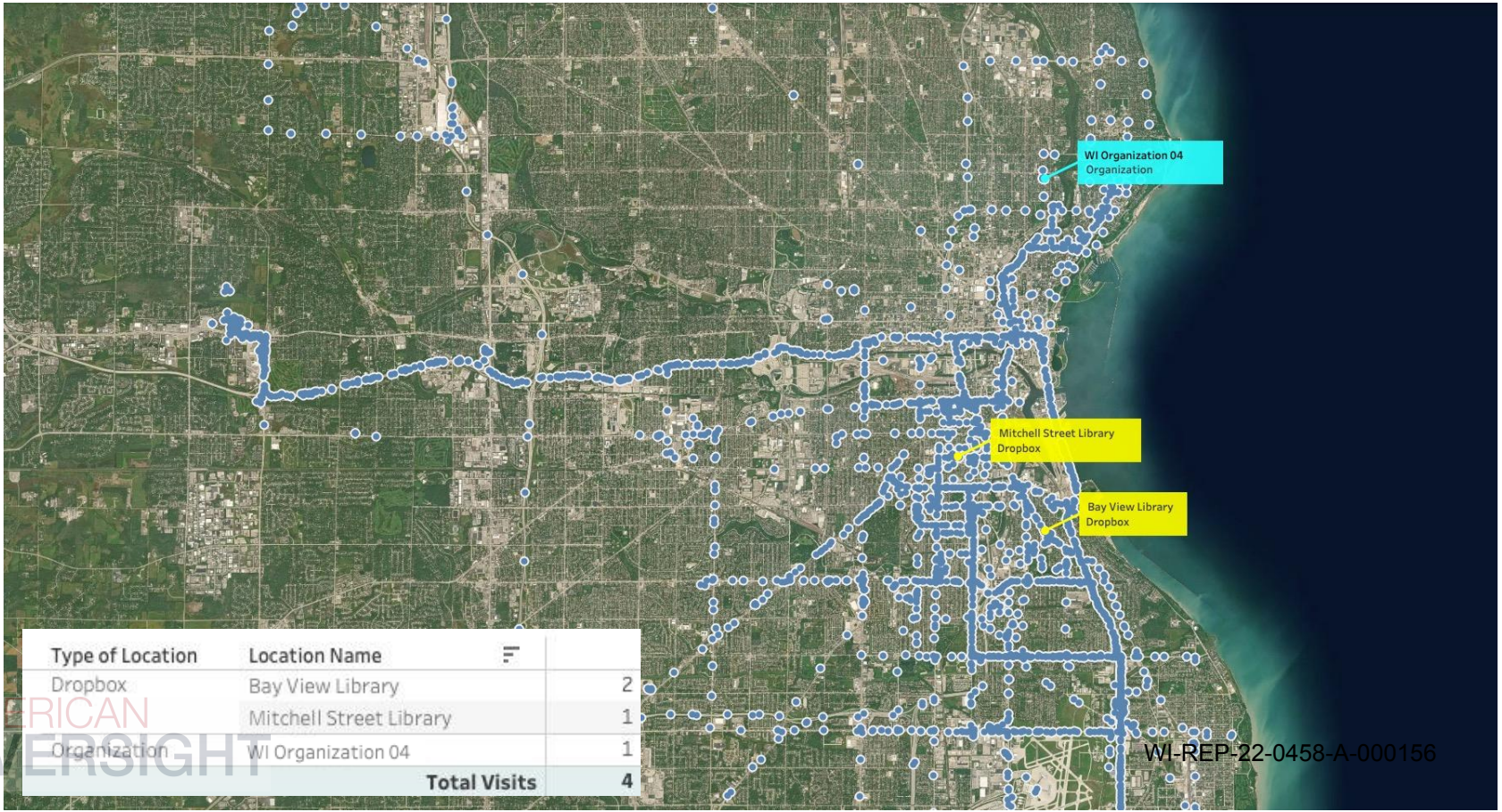
True the Vote – Milwaukee Project: Device #4 - October 20, 2020



Type of Location	Location Name	
Dropbox	Atkinson Library	1
	Bay View Library	1
	Washington Park Library,	1
Organization	WI Organization 02	2
	Total Visits	**5**

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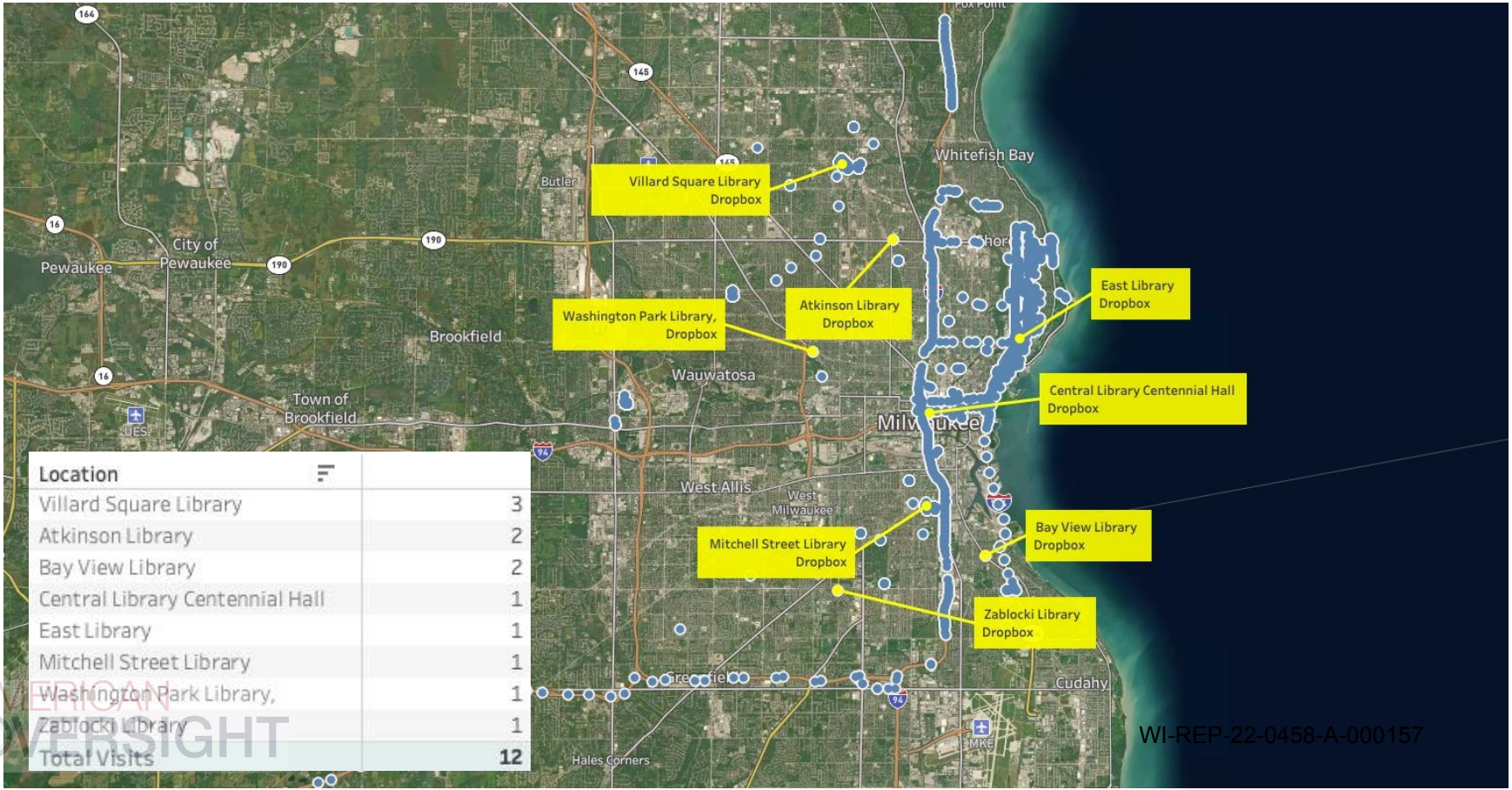
True the Vote – Milwaukee Project: Device #5 - October 20, 2020



Type of Location	Location Name	
Dropbox	Bay View Library	2
	Mitchell Street Library	1
Organization	WI Organization 04	1
	Total Visits	**4**

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True the Vote – Milwaukee Project: Device #6 - October 20, 2020

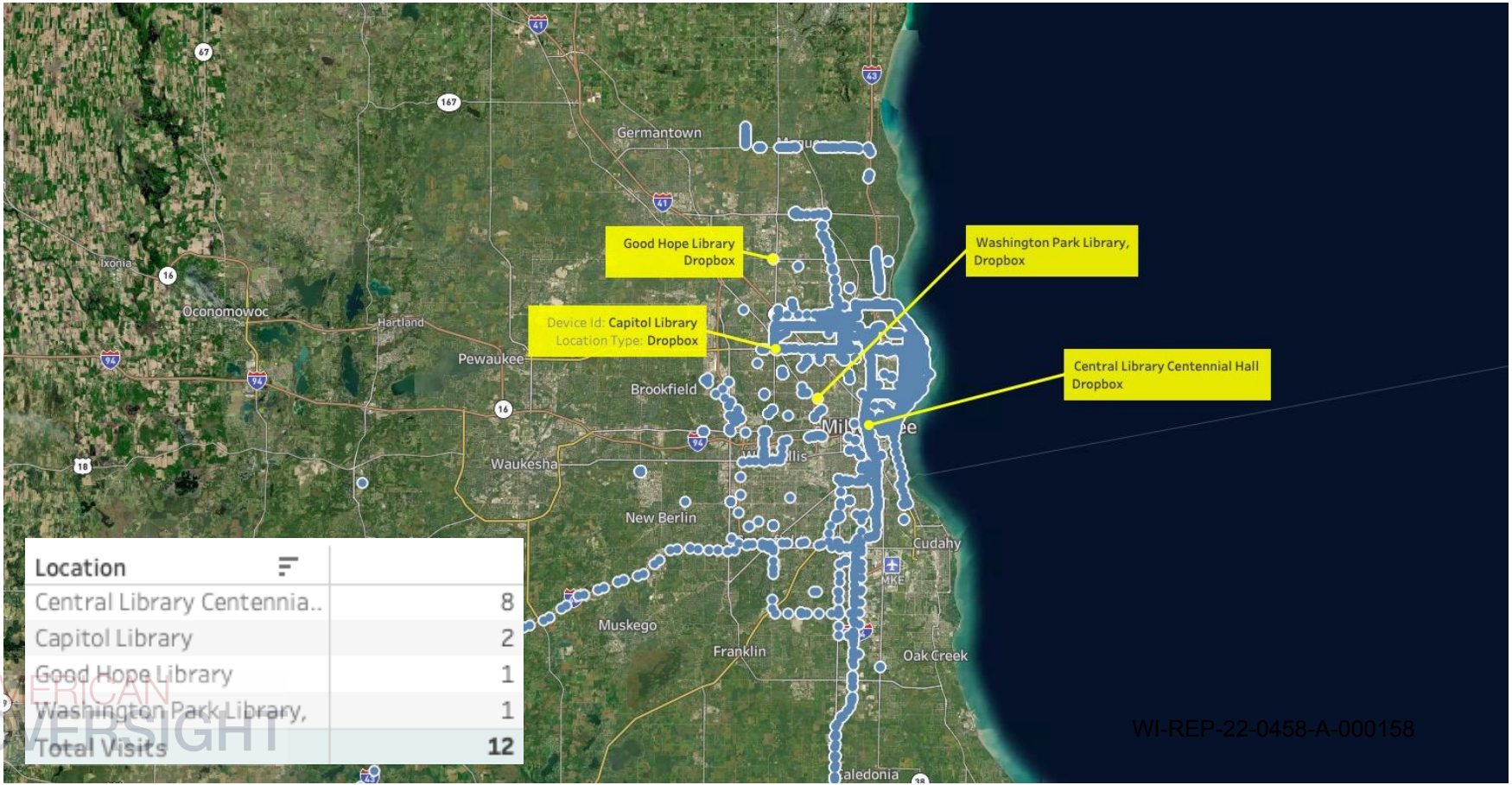


Location	
Villard Square Library	3
Atkinson Library	2
Bay View Library	2
Central Library Centennial Hall	1
East Library	1
Mitchell Street Library	1
Washington Park Library,	1
Zablocki Library	1
Total Visits	12

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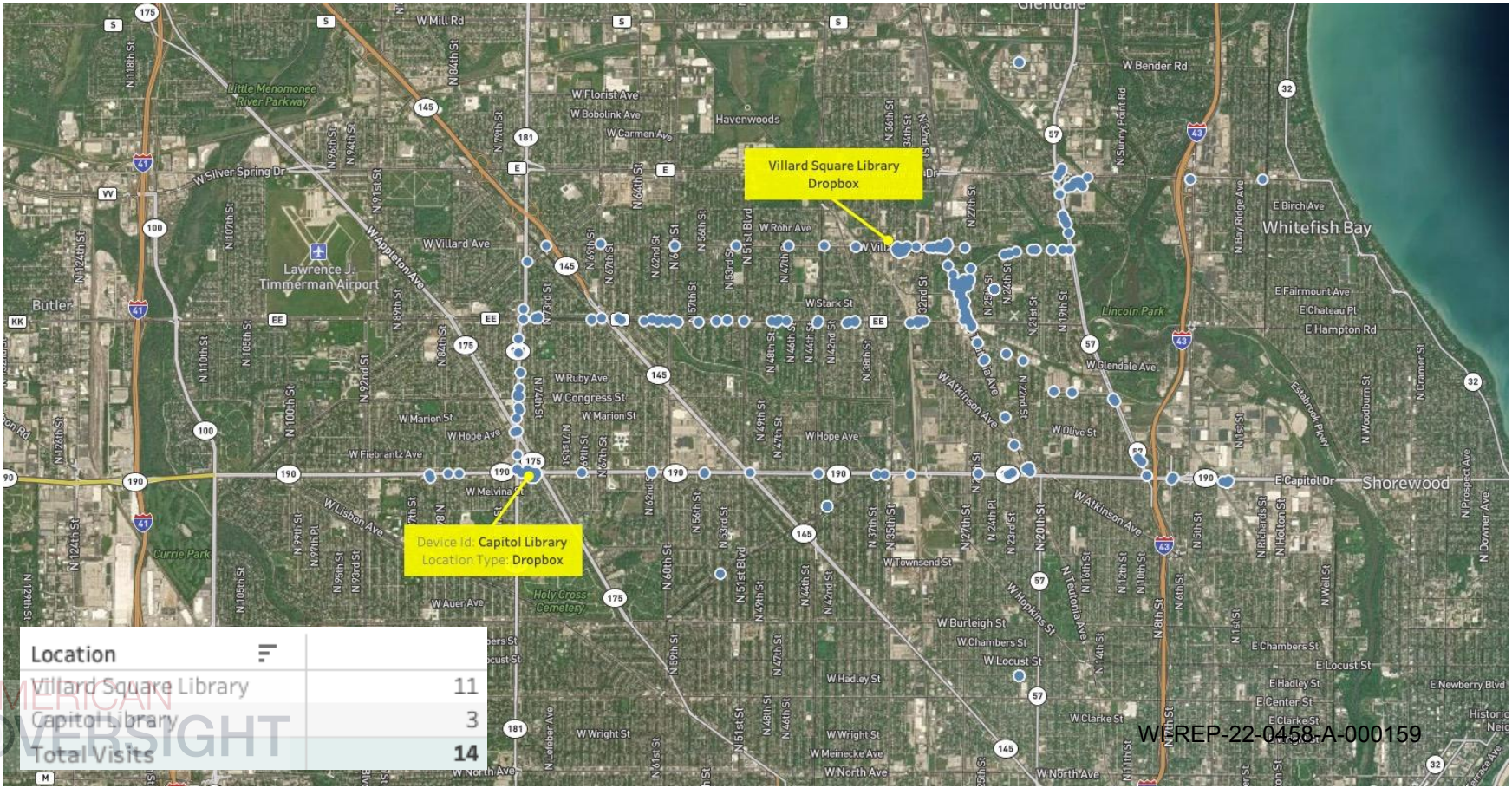
WI-REP-22-0458-A-000157

True the Vote – Milwaukee Project: Device #7 - October 20, 2020



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True the Vote – Milwaukee Project: Device #8 - October 20, 2020



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CHAPTER 11.

VOTING MACHINES AND ABSENT VOTING.

11.03 Structural requirements and adaptability to voting system.
11.04 Referendum on use of machines.
11.06 Methods of using machines.
11.08 General election laws applicable where machines are used.
11.09 Ballots for machine; samples, etc.
11.10 Custodians; preparation of machines; instructions; certificate of proficiency.
11.11 School of instruction of election officers.
11.12 Irregular ballots; canvass of machine results.
11.13 Returns of machine ballots.
11.14 Experimental use of voting machines.
11.15 Voting machines at primaries.
11.16 Irregular ballots on machines at primaries.
11.17 Voting machine law applicable to its use at primaries.
11.54 Grounds for absent voting.
11.55 Application for ballot.
11.56 Application, how made.
11.57 Delivery of ballot blank.
11.58 Form of envelope for ballot.
11.59 Voting; execution of affidavit.
11.60 Inclosing ballot.
11.605 List of absent voters for public inspection.
11.61 Delivery of ballot.
11.62 Deposit of ballot in ballot box.
11.63 Challenge of mail vote.
11.64 Death of voter.
11.65 Election laws applicable.
11.66 In cities of first class.
11.67 Penalties for violations.
11.68 Construction of act.
11.70 Absent voting by members of armed forces.

11.03 Structural requirements and adaptability to voting system. (1) No voting machine shall be used in this state unless it be so constructed as to afford every elector a reasonable opportunity to vote for any person for any office or for or against any proposition for whom, or for or against which he is by law entitled to vote and enable him to do this in secrecy; and it must be so constructed as to preclude an elector from voting for any candidate for the same office or upon any question more than once, and from voting for any person for any office for whom he is not by law entitled to vote.

(2) The machine or machine system may be provided with one lever or device by the use of which an elector may vote for all candidates of one party, if he so desires, but it must admit of his voting a split ticket as he may desire. It must also be so constructed as to register or record each and every vote cast.

(3) For presidential electors one device may be provided for voting for all the candidates of one party at one time by the use of such device, opposite or adjacent to which shall be a ballot on the machine containing the names of the candidates for president and vice president of that party, preceded by the party's name, and a vote registered or recorded by the use of such device shall be counted for each of the candidates for presidential electors of such party.

(4) The machine must be constructed so that it cannot be tampered with or manipulated for any fraudulent purposes; and the machine must be so locked, arranged or constructed that during the progress of the voting, no person can see or know the number of votes registered or recorded for any candidate.

11.04 Referendum on use of machines. The common council of any city, the trustees of any village and the town board of any town may adopt and purchase for use in the various precincts, any voting machine which complies with the requirements of section 11.03 and none other; provided, however, that no machine shall be adopted or purchased by any village or town until the question of such adoption and purchase shall have been submitted to a vote of the people of such village or town at some regular village or town election, and a majority of the votes cast on such question shall have been in favor of such adoption and purchase. If it shall be impracticable to supply each and every election district with a voting machine or voting machines at any election following the adoption of such machines in any city, village or town as many may be supplied as it is practicable to procure, and the same shall be used in such precincts of the municipality as the proper officers may order. The proper officers of any city, village or town may, not later than sixty days before any election, unite two or more precincts or wards into one election precinct for the purpose of using therein at such election a voting machine; provided, in case two or more wards shall be so united, such machine shall be so constructed that it will permit the voters of each ward to vote for any and all candidates nominated for offices in such ward, but will prevent such voters from voting for any and all candidates nominated for offices in all other wards; and a notice of such uniting shall be given in the manner prescribed by law for the change of election districts.

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11.06 Methods of using machines. (1) More than one voting machine may be used in any one polling place.

(2) Where more than one voting machine shall be used in an election precinct, one additional election inspector may be appointed by the proper authorities for the additional machine; such additional inspector to be of the party casting the largest vote at the preceding general election.

(3) At any election or primary, when voting machines are used, the services of ballot clerks shall be dispensed with at such primary and election days in the election districts where voting machines are used.

(4) The room in which the election is held shall have a railing separating that part of the room to be occupied by the election officers from that part of the room occupied by the voting machine or machines. The exterior of the voting machine and every part of the polling place shall be in plain view of the inspectors. The machine shall be so placed that no person on the opposite side of the railing can see or determine how the voter casts his vote, and that no person can so see or determine from the outside of the room. After the opening of the polls the inspectors shall not allow any person to pass within the railing to that part of the room where the machine is situated, except for the purpose of voting and except as provided in section 11.08; and they shall permit only one voter at a time for each machine to be in such part of the room. They shall not themselves remain or permit any person to remain in any position that would permit him or them to see or ascertain how the voter votes or how he has voted.

(5) Each voter shall be allowed a reasonable time in which to vote, such time to be determined by a majority of the inspectors in the booth, having regard to the size of the ballot and the number of voters in line ready to vote, but in no case shall such time be less than one minute. If a voter refuses to leave the voting machine after being notified by one of the inspectors that such time has expired, he shall at once be removed by the inspectors.

11.08 General election laws applicable where machines are used. All the provisions of chapter 6 relating to general elections and all statutes declaring misconduct at or in relation to elections to be crimes or the grounds or occasions of forfeiture, shall, as far as consistent with the provisions of this chapter, be applicable to elections at which voting machines are used.

11.09 Ballots for machine; samples, etc. (1) (a) Ballots shall be provided by the respective city and county clerks, except that in cities having more than 100,000 inhabitants ballots shall be provided by the board of election commissioners, for all the candidates to be voted for at an election and of suitable size to fit the space provided for that purpose on or in the machine, and each shall be placed on or in the machine adjacent to or on the registering or recording device therefor.

(b) When such ballots are to be used at a nonpartisan primary or election at which both local as well as judicial officers are to be nominated or elected, the cost of such printing shall be prorated proportionately as to space used, between the city, town, village and county involved. Such printing may be ordered by the local clerk with the knowledge and consent of the county clerk or in counties containing more than 500,000 residents, with the knowledge and consent of the county election commission.

(2) The ballots shall be placed on or in the machine in the order of arrangement provided by section 6.23 of the statutes, except that they may be vertical or horizontal rows. Ballots for all questions must be provided in the same manner and must be arranged on or in the machine in the places provided for such purpose.

(3) The officers charged with the duty of providing ballots for any polling place, shall provide therefor two sample ballots which shall be exact copies of the official ballots which are caused to be printed by them; said sample ballots shall be arranged in the form of a diagram showing the front of the voting machine as it will appear after the ballots are arranged thereon for voting on election day. Such sample ballots shall be posted by the inspectors of the precinct, near the entrance of the election booth and shall there be open to public inspection during the whole of election day.

(4) In all cities having more than one hundred thousand inhabitants using voting machines, the officer or board charged with the duty of providing ballots shall, and in all other cities using voting machines he may, not less than ten days before each election, provide for each election precinct in which such machine is to be used at least one-half as many sample ballots as the number of votes cast in such precinct at the last preceding general election; said sample ballots to be in the form of a reduced size diagram showing the face of the machine and the names of the candidates, parties and questions thereon, together with such instructions to voters as are required by law. Fifty per cent of such sample ballots shall be on hand at the office of the city clerk or of the board of election

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commissioners for distribution to such voters as shall call therefor, and fifty per cent shall be delivered to the inspectors of election for distribution to such voters as shall call therefor on the last day of registration and on election.

(5) All ballots shall be published as now provided by law. The ballots for the machines, and also sample ballots, shall be furnished the inspectors at least one day before the election.

(6) The officers charged with the duty of providing ballots shall provide for each election precinct in which a voting machine is to be used, return sheets, certificates, and other printed matter necessary for the proper conduct of the election and making up the returns thereof, according to the type of voting machine to be used therein.

11.10 Custodians; preparation of machines; instructions; certificate of proficiency. (1) The board of election commissioners in cities having more than one hundred thousand inhabitants, the common council of every other city, board of trustees of every village, and the town board of every town in which a voting machine is to be used, shall cause the proper ballot to be put on each machine corresponding with the sample ballots herein provided for, and the machines in every way put in order, set, and adjusted, ready for use in voting when delivered at the precinct; and for the purpose of so labeling the machine, putting in order, setting and adjusting the same, they may employ one or more competent persons who shall be known as the voting machine custodians, who shall be paid for the time spent in the discharge of their duties, in the same manner as the inspectors of election are paid.

(2) The said custodians shall, under the direction of such board of election commissioners or common council, village trustees or town board, cause the machine to be so labeled, in order, set and adjusted, and to be delivered at the voting precinct together with all necessary furniture and appliances that go with the same in the rooms where the election is to be held, at least one hour before the time set for opening the polls on election day.

(3) In preparing a voting machine for an election, the custodian shall, according to the directions furnished, arrange the machine and the ballot therefor so that they will in every particular meet the requirements for voting and counting at such election in the manner provided for by the construction of such machine.

(4) When a voting machine shall have been properly prepared for the election and delivered at the election precinct, it shall be locked and sealed against any movement, and the officers, common council, village trustees or town board shall provide proper protection to prevent its being tampered with; and the custodian or custodians preparing such machine shall deliver the keys thereof to the clerk of the city, village or town in which the machine is to be used, together with a written report of the condition of the machine.

(5) Before an election at which a voting machine is to be used, the said custodian shall instruct each election officer that is to serve in an election district in which the machine is to be used, in the use of the machine and the duties of election officers in connection with it, and shall give to each election officer that has received such instruction and is fully qualified to properly conduct the election with the machine under the conditions that will exist thereat a certificate to that effect. For the purpose of giving such instruction the custodian shall call such meeting or meetings of the election officers as shall be necessary.

11.11 School of instruction of election officers. (1) The election board of each election district in which a voting machine is to be used, shall, before each election at which they are to serve, attend such meeting or meetings as shall be called by the custodian of the machine, for the purpose of receiving such instruction concerning their duties as shall be necessary for the proper conducting of the election with the machine. Each election officer that shall qualify and serve in the election shall be paid the sum of one dollar for the time spent in receiving such instruction, in the same manner and at the same time as he is paid for his services on election day. In no case, however, shall he receive any payment for receiving such instruction unless he thoroughly understands the machine, and is fully qualified to properly perform his duties in connection with its use and has received a certificate to that effect from the custodian of the machine.

(2) The members of the election board of each election precinct in which a voting machine is to be used shall meet at the polling place therein at least fifteen minutes before the time set for the opening of the polls at the election, and shall arrange the voting machine and furniture therein for the proper conduct of the election.

(3) They shall also, before the opening of the polls, compare the ballot labels on the machine with the sample ballots furnished, and see that the names, numbers and letters thereon agree. They shall also examine the seal upon the voting machine, to see that it has not been broken, and shall examine every counter therein to see that each registers 000. If any counter in the voting machine shall be found not to register 000, a notice of

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such fact, stating the designating number of such counter, together with the number registered thereon, shall be written out and signed by all the members of the election board and a copy thereof posted in a conspicuous place upon the wall of the polling place, where it shall remain during the election day.

(4) The members of the election board shall then certify on each of the blanks furnished for that purpose as to the condition of the voting machine and the counters therein, which blank shall be signed by each member of the board, and after the election one delivered with each copy of the election returns.

11.12 Irregular ballots; canvass of machine results. (1) In case a voting machine may be adopted which provides for the registering or recording of votes for candidates whose names are not on the official ballot, such ballots shall be denominated irregular ballots. A person whose name appears on a ballot or on or in a machine or machine system, shall not be voted for, for the same office or on or in any irregular device for casting an irregular ticket, and any such votes shall not be counted, except for the office of presidential electors, and any elector may vote in or on such irregular device for one or more persons nominated by one party with one or more persons nominated by any or all other parties, or for one or more persons nominated by one or more parties with one or more persons not in nomination, or he may vote in such irregular device a presidential electorial ticket composed entirely of names of persons not in nomination.

(2) As soon as the polls of the election are closed, the inspectors shall immediately lock the machine, or remove the recording device so as to provide against voting, and open the registering or recording compartment in the presence of any person desiring to attend the same, and shall proceed to ascertain the number of votes cast for each person voted for at the election, and to canvass, record, announce and return the same as provided for on the return sheets and certificates furnished. In recording the votes registered on any counter that before the opening of the polls did not register 000, the inspectors shall upon the return sheets subtract the number registered on such counter before the opening of the polls from the number registered thereon at the close of the polls, and the difference between such numbers shall be taken as the correct vote for the candidate whose name is opposite such counter on the voting machine; provided, however, that if the number registered on such counter at the close of the polls shall be smaller than the number registered thereon before the opening of the polls, the number one thousand shall be added to the number registered on such counter at the close of the polls, before such subtraction shall be made.

11.13 Return of machine ballots. The inspectors, as soon as the count is completed and fully ascertained, shall seal, close, lock the machine, or remove the record so as to provide against voting or being tampered with, and in case of a machine so sealed or locked, it shall so remain for a period of at least 30 days, unless opened by order of a court of competent jurisdiction. When irregular ballots have been voted, the inspectors shall return them in a properly sealed package indorsed "Irregular Ballots," and indicating the precinct and county and file such package with the county clerk. It shall be preserved for 6 months after such election and may be opened and its contents examined only upon an order of a court of competent jurisdiction; at the end of such 6 months, unless ordered otherwise by the court, such package and its contents shall be disposed of by the county clerk. All tally sheets taken from such machine, if any, shall be returned in the same manner.

History: 1953 c. 423.

11.14 Experimental use of voting machines. The proper officers authorized to adopt voting machines, may provide for the experimental use at an election, in one or more precincts, of a machine which meets the requirements of section 11.03, without a formal adoption or purchase thereof, and its use at such election shall be as valid for all purposes as if formally adopted.

11.15 Voting machines at primaries. Voting machines may be used at primary elections, subject to the requirements of section 11.03 of the statutes, and to the following provisions: Each machine shall be constructed and arranged so that: (1) The names of all candidates entitled to appear on the ballots at the primary shall appear on the machine; (2) the voter cannot vote for the candidates of more than one party, whenever the law requires this restriction on the voter; (3) the voter can secretly select the party for which he wishes to vote; (4) the voter can vote for as many candidates for each office as he is lawfully entitled to vote for, but no more.

11.16 Irregular ballots on machines at primaries. No vote on the irregular ballot device shall be counted for any person for any party, if such person's name appears on the printed ballot labels of that party. To vote for any person as the candidate of any

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party when the name of such person does not appear upon the printed ballot labels of that party, the voter shall write the name of such person in the proper place in the irregular ballot device, and designate the party for which he desires such person to be the nominee.

11.17 Voting machine law applicable to its use at primaries. (1) All statutes relating to the use of voting machines at elections, and all penalties prescribed for violations of such statutes shall apply to the use of voting machines at primary elections in so far as such laws are not in conflict with ss. 11.15 to 11.17.

(2) Any voting machine used at a primary election, which has been sealed, closed or locked, as prescribed in s. 11.13, may be opened 7 days after such sealing, closing or locking.

History: 1953 c. 540.

11.54 Grounds for absent voting. (1) Any qualified elector of this state registered, where registration is required or who swears in his vote as herein provided, who is absent or expects to be absent from the city, town or village in which he is a qualified elector, or from this state, whether by reason of active service in the United States army, navy, marine corps or coast guard or for any other reason, or who because of sickness or physical disability or religious reasons cannot appear at the polling place in his precinct, on the day of holding any election, may vote at any such election as provided in sections 11.54 to 11.68. Whenever the term "absent or sick or disabled voter" appears in said sections such terms shall be deemed to include a qualified elector unable to appear at the polling place in his precinct on the day of any such election for religious reasons.

(2) Any application or affidavit or other act required under sections 11.54 to 11.68 of a qualified voter in the armed forces of the United States, including women's auxiliary organizations created by federal authority, may be made before, and subscribed or sworn to before any duly commissioned officer of the military or naval service of the United States.

11.55 Application for ballot. Any elector, as defined in section 11.54 may, not more than 60 nor less than 3 days, or if application is made in person not later than during the regular office hours of the day, prior to such primary or election, make application for an official ballot either to the county clerk of such county, or to the clerk of his city, village or town, in the case of any state, congressional, or county primary or election, to the clerk of his city, village or town in case of any local primary or election, or to the clerk of any school district or any other municipal or quasi-corporation in case of any such primary or election, or to the clerk of any school district which elects officers under s. 40.27.

11.56 Application, how made. Application for such ballot shall be made in person or in writing to such clerk.

11.57 Delivery of ballot blank. Upon receipt of such request not less than 3 days prior to such election, such clerk, or his deputy or deputies shall write on the back and outside of the official ballot in the space for the official indorsement of the ballot clerk, his initials or name and his official title and shall mail to the applicant, postage prepaid, said official ballot or ballots if more than one are to be voted at said election, or such officer shall deliver said ballot or ballots to the applicant personally at the office of the clerk, not less than one secular day before said election. Any such ballot not mailed or delivered personally as herein stated shall not be counted.

11.58 Form of envelope for ballot. Such clerk shall inclose such ballot or ballots in an envelope unsealed to be furnished by him, which envelope shall bear upon the face thereof the name, official title and post-office address of such clerk, and upon the other side a printed affidavit in substantially the following form:

STATE OF ....}
County of ....} ss.

I, ..., ..., do solemnly swear that I am a resident of the .... precinct of the (town) (village) of .... or of the .... ward in the city of ...., residing at .... in said city, and the county of .... and state of Wisconsin, and am entitled to vote in such precinct at the election to be held on ..... That I cannot appear at the polling place in said precinct on the day of said election because (indicate one of the following reasons) I expect to be absent from the city, town or village ☐ or because of sickness ☐ or physical disability ☐ or religious reasons ☐. I further swear that I marked the inclosed ballot in secret.

Signed ....

Subscribed and sworn to before me this .... day of ...., A. D., ..., and I hereby certify that the affiant exhibited the inclosed ballot to me unmarked; that he then in my presence and in the presence of no other person, and in such manner that I could not

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see his vote, marked such ballot and inclosed and sealed the same in this envelope; that the affiant was not solicited or advised by me to vote for or against any candidate or measure.

....
....

11.59 Voting; execution of affidavit. Such absent or sick or disabled voter shall make and subscribe to the affidavit provided for in s. 11.58 before the clerk to whom the ballot is returned before any other officer authorized by law to administer oaths or before any master of a vessel plying the Great Lakes, and such voter shall thereupon in the presence of such officer and of no other person, mark such ballot or ballots, but in such manner that such officer cannot know how such ballot is marked, and such ballot or ballots shall then in the presence of such officer be folded by such voter so that each ballot will be separate and so as to conceal the marking, and be, in the presence of such officer, deposited in such envelope. The unused ballot or ballots shall be placed in the envelope provided for unused ballots and deposited with the voted ballot in the return envelope, which shall then be sealed. Said envelope shall be mailed by such voter, postage prepaid, to the officer issuing the ballot, or if more convenient it may be delivered in person.

History: 1953 c. 12, 420, 631.

11.60 Inclosing ballot. Upon receipt of such absent or sick or disabled voter's ballot, the county, city, village or town clerk, or the school district clerk in a district which elects officers under s. 40.27, as the case may be, shall forthwith inclose the same, unopened, in a larger or carrier envelope which shall be securely sealed and indorsed with the name and official title of such clerk, and the words, "This envelope contains an absent or sick or disabled voter's ballot and must be opened only at the polls on election day while said polls are open," and such clerk shall thereafter safely keep the same in his office until delivered by him as provided in s. 11.61.

11.605 List of absent voters for public inspection. The county, city, village or town clerk, or the school district clerk in a district which elects officers under s. 40.27, as the case may be, shall keep a list of all electors who have made application for an absent voter's ballot or who have voted under the provisions of ss. 11.54 to 11.68, with the name and address and date of application of each such elector. Such list shall be open to public inspection.

11.61 Delivery of ballot. In case an absent or sick or disabled voter's ballot is received by the county, city, village, school district or town clerk, as the case may be, prior to the delivery of the official ballots to the inspectors of election of the precinct in which said elector resides, such ballot envelope, sealed in the carrier envelope, shall be inclosed in such package and therewith delivered to the inspectors of election of such precinct. In case the official ballots for such precinct have been delivered to the inspectors of election at the time of the receipt by the county, city, village, school district or town clerk of such absent or sick or disabled voter's ballot, such official shall immediately inclose said envelope containing such voter's ballot, in a larger or carrier envelope which shall be securely sealed and indorsed on the face to the inspectors of election, giving the name or number of precinct, street and number of the polling place, city, village, school district or town in which such voter is a qualified elector and the words "this envelope contains an absent or sick or disabled voter's ballot and must be opened only on election day at the polls while the polls are open," mailing the same, postage prepaid, to such inspectors of election or, if more convenient, such county, city, village, school district or town clerk may deliver such voter's ballot to the inspectors of election in person or by duly deputized agent. Such clerk or agent shall secure his receipt for delivery of such ballot or ballots. Provided that such delivery of ballots by person shall be made without expense to the county, city, village, school district or town, as the case may be.

11.62 Deposit of ballot in ballot box. At any time between the opening and closing of the polls on such election day the inspectors of election of said precinct shall open the outer or carrier envelope only, and announce the absent or sick or disabled voter's name. In case the inspectors find the affidavit executed, that the applicant is a duly qualified elector of the precinct and that the applicant has not voted in person at said election, they shall open the envelope containing such voter's ballot in such manner as not to deface or destroy the affidavit thereon and take out the ballot or ballots therein contained without unfolding or permitting the same to be unfolded or examined and, after verification that the ballot has been indorsed by the issuing county, town, city or village clerk, deposit the same in the proper ballot box or boxes and enter the absent or sick or disabled voter's name in the poll book, the same as if he had been present and voted in person. In case such affidavit is found to be insufficient, or that the applicant is not a duly quali-

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fied elector in such precinct, or that the ballot envelope is open, or has been opened and resealed, or that the ballot envelope contains more than one ballot of any one kind, or if at a primary the unused portion of the ballot shall not be returned, such vote shall not be accepted or counted. Every ballot not counted shall be indorsed on the back thereof "rejected" (giving reason therefor). All rejected ballots shall be inclosed and securely sealed in an envelope on which the inspectors shall indorse "defective ballots" with a statement of the precinct in which and the date of the election at which they were cast, signed by the inspectors and returned to the same officer and in the same manner as by law provided for the return and preservation of official ballots voted at such election.

History: 1953 c. 420.

11.63 Challenge of mail vote. The vote of any absent or sick or disabled voter may be challenged for cause and the inspectors of election shall have all the power and authority given by law to hear and determine the legality of such ballot as if the ballot were cast by the voter in person.

11.64 Death of voter. Whenever it shall be made to appear by due proof to the inspectors of election that any elector, who has marked and forwarded his ballot as provided in sections 11.54 to 11.68, inclusive, of the statutes, has died, then the ballot of such deceased voter shall be returned by the inspectors of election with defective ballots to the official issuing it, but the casting of the ballot of a deceased voter shall not invalidate the election.

11.65 Election laws applicable. All the provisions of the election laws now in force and not inconsistent with the provisions of sections 11.54 to 11.68, inclusive, of the statutes, shall apply with full force and effect to all counties, cities, villages and towns in which voting machines are used, relative to the furnishing of ballot boxes; the printing and furnishing of official ballots in such number as the county, city, village or town clerk, as the case may be, may deem necessary; and the canvassing of the ballots and making the proper return of the result of the election. The absent or sick or disabled voter's ballot shall be counted and returned separately, with the returns of the ballots cast on the voting machine.

11.66 In cities of first class. In cities of the first class, application for ballots shall be made to the secretary of the board of election commissioners who shall perform all the duties required of city clerks by the provisions of sections 11.54 to 11.65, inclusive, of the statutes.

11.67 Penalties for violations. If any person shall wilfully swear falsely to any such affidavit he shall be guilty of perjury and shall upon conviction thereof be punished as in such cases by law provided. If any person who, having procured an official ballot or ballots as heretofore provided, shall wilfully neglect or refuse to cast or return same in the manner heretofore provided, or shall wilfully violate any provision of sections 11.54 to 11.67, inclusive, of the statutes, he shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not to exceed one hundred dollars, or by imprisonment in the county jail not to exceed thirty days. If any county, city, village or town clerk or any election officer shall refuse or neglect to perform any of the duties prescribed by said sections, or shall violate any of the provisions thereof, he shall upon conviction be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail not to exceed ninety days.

11.68 Construction of act. The provisions of sections 11.54 to 11.67, inclusive, of the statutes, shall be deemed to provide a method of voting in addition to the method now provided by statute, and, to such extent, as amendatory of existing statutes relating to the manner and method of voting.

11.70 Absent voting by members of armed forces. (1) DEFINITIONS. In this section "military elector" means any elector serving in the armed forces of the United States, in the United States merchant marine, and any civilians located outside of the continental United States and attached to or serving with the armed forces; "clerk" means the clerk of any municipality; and "ballot" means the set of ballots to be voted on in any election.

(2) EXEMPTION FROM REGISTRATION. No military elector shall be required to register as a prerequisite to voting in any election.

(3) LOCAL REGISTER OF ELECTORS IN ARMED FORCES. The clerk of each village and town shall from the information obtained by him compile and maintain an up-to-date list or register of electors therein who are serving in the armed forces and the clerk of each city shall from the information obtained by him compile and maintain an up-to-date ward list or ward register of electors therein who are serving in the armed forces. Such armed force register shall contain the name of the armed force elector and his latest-known military residence and military mail address. It shall include all such armed force electors who will become of voting age on or before the primary election day, with a nota-

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tion as to any who will reach that age after the primary election, if any, but on or prior to the succeeding election. Such listing of absent armed force electors on the armed force register shall constitute registration for the duration of military service during the national military emergency. The local clerk shall make and keep such armed force register complete and up to date and to that end he may request the assistance of newspapers and citizens generally and may invite local draft boards, parents, wives or husbands, relatives and friends of such absent armed force electors to furnish the names and the latest addresses of such absent members of the armed forces. Such clerk shall exercise reasonable care to avoid duplication of names and to avoid including any person who is for any reason not qualified to vote at such election. He shall distribute to each polling place in his municipality 2 copies of such armed force register for each respective voting district for use on election day.

(4) MAILING BALLOTS; INSTRUCTIONS. The county and municipal clerk shall mail a ballot, as soon as available, to each military elector by or for whom a request has been made. Instructions for marking and returning ballots shall be inclosed with each ballot. The form of such instructions shall be prescribed by the secretary of state. Supplemental instructions as to local elections shall be provided by the clerk. Election material shall be printed and prepared so as to take advantage of the federal free-postage laws.

(5) MARKING AND RETURN OF BALLOT. The ballot shall be marked and returned as provided in sections 11.54 to 11.58 except that the affidavit required by section 11.58 shall also contain a statement of the date of the elector's birth, and a statement that he has not returned another ballot. Such affidavit may be executed before a commissioned or warrant officer. The failure to return the unused ballots of a primary election shall not invalidate the marked ballot. No envelope, return envelope or explanatory note shall contain the name of any person who is a candidate at the election to which the inclosed ballot pertains.

History: 1951 c. 455.

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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

April 28, 2022

Jim Engstrand
8809 W. Tripoli Avenue
Milwaukee, WI 53228
C/O Attorney Erick Kaardal

Sent via email: kaardal@mklaw.com

Re: Complaint Filed with Wisconsin Elections Commission
Case No.: EL 22-28: Engstrand v. Johnson, et al.

Dear Mr. Engstrand:

This communication is to inform you that the verified complaint you filed against various respondents was determined to be precluded from further review by the Wisconsin Elections Commission ("Commission") at its April 20, 2022, meeting.

The Commission passed the following motions in closed session by 5-1 votes:

> **The Wisconsin Elections Commission finds that the complaint of Jay Stone against various individuals, in Stone v. Barrett et al. (EL 21-40), does not present reasonable suspicion that a violation of Wis. Stats. §§ 5.68(1) and (2) or 12.09 occurred, and the matter is hereby dismissed. Additionally, the Commission orders that all future Wis. Stats. §§ 5.05 and 5.06 complaints relating to the acceptance and use of 2020 CTCL election grant funds shall be considered untimely, barred by laches and issue preclusion, or otherwise nonjusticiable under those statutes. This order does not foreclose consideration of similar, future CTCL grant fund complaints under Wis. Stats. §§ 5.05 and 5.06, if CTCL grant funds are newly distributed during future election cycles. All pending complaints solely alleging that acceptance and use of 2020 CTCL grant funds constituted a violation of Wis. Stat. Chapters 5-10 and 12 shall be dismissed, and complaints raising such allegations along with others shall have the CTCL-specific grant fund allegations dismissed without foreclosing the entirety of the complaint.**
>
> and
>
> **Commission staff are directed to place the decisions in the three Stone complaints on the Complaints page of the Wisconsin Elections Commission website and provide a copy of those motions to the parties in the pending CTCL complaints filed with the Commission.**

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

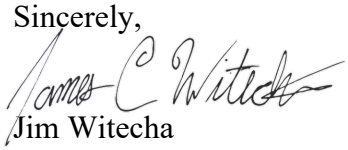
Administrator
Meagan Wolfe

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WI-REP-22-0458-A-000168

Based on this finding, WEC staff now present all 2020 CTCL-related closure letters to the Commission for a determination if they wish to hold a special hearing. No such request was made in this instance, and because your CTCL claims were completely intertwined with all other issues, the entirety of the complaint was determined to be precluded by the above motion. If you have questions regarding the discharge of this complaint, please feel free to contact me.

Sincerely,



Jim Witecha

WISCONSIN ELECTIONS COMMISSION

cc: Commission Members
Meagan Wolfe, Commission Administrator

AMERICAN OVERSIGHT

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

April 28, 2022

Jodell Ann Gilligan
2501 Independence Lane
Madison, WI 53704
C/O Attorney Erick Kaardal

Sent via email: kaardal@mklaw.com

Re: Complaint Filed with Wisconsin Elections Commission
Case No.: EL 22-20: Gilligan v. Rhodes-Conway and Witzel-Behl

Dear Ms. Gilligan:

This communication is to inform you that the verified complaint you filed against various respondents was determined to be precluded from further review by the Wisconsin Elections Commission ("Commission") at its April 20, 2022, meeting.

The Commission passed the following motions in closed session by 5-1 votes:

> **The Wisconsin Elections Commission finds that the complaint of Jay Stone against various individuals, in Stone v. Barrett et al. (EL 21-40), does not present reasonable suspicion that a violation of Wis. Stats. §§ 5.68(1) and (2) or 12.09 occurred, and the matter is hereby dismissed. Additionally, the Commission orders that all future Wis. Stats. §§ 5.05 and 5.06 complaints relating to the acceptance and use of 2020 CTCL election grant funds shall be considered untimely, barred by laches and issue preclusion, or otherwise nonjusticiable under those statutes. This order does not foreclose consideration of similar, future CTCL grant fund complaints under Wis. Stats. §§ 5.05 and 5.06, if CTCL grant funds are newly distributed during future election cycles. All pending complaints solely alleging that acceptance and use of 2020 CTCL grant funds constituted a violation of Wis. Stat. Chapters 5-10 and 12 shall be dismissed, and complaints raising such allegations along with others shall have the CTCL-specific grant fund allegations dismissed without foreclosing the entirety of the complaint.**
>
> and
>
> **Commission staff are directed to place the decisions in the three Stone complaints on the Complaints page of the Wisconsin Elections Commission website and provide a copy of those motions to the parties in the pending CTCL complaints filed with the Commission.**

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

Administrator
Meagan Wolfe

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Based on this finding, WEC staff now present all 2020 CTCL-related closure letters to the Commission for a determination if they wish to hold a special hearing. No such request was made in this instance, and because your CTCL claims were completely intertwined with all other issues, the entirety of the complaint was determined to be precluded by the above motion. If you have questions regarding the discharge of this complaint, please feel free to contact me.

Sincerely,

Jim Witecha

WISCONSIN ELECTIONS COMMISSION

cc: Commission Members
Meagan Wolfe, Commission Administrator

AMERICAN OVERSIGHT

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

April 28, 2022

Dean Romano
1849 15th Avenue
Kenosha, WI 53140
C/O Attorney Erick Kaardal

Sent via email: kaardal@mklaw.com

Re: Complaint Filed with Wisconsin Elections Commission
Case No.: EL 22-16: Romano v. Antaramian, et al.

Dear Mr. Romano:

This communication is to inform you that the verified complaint you filed against various respondents was determined to be precluded from further review by the Wisconsin Elections Commission ("Commission") at its April 20, 2022, meeting.

The Commission passed the following motions in closed session by 5-1 votes:

> **The Wisconsin Elections Commission finds that the complaint of Jay Stone against various individuals, in Stone v. Barrett et al. (EL 21-40), does not present reasonable suspicion that a violation of Wis. Stats. §§ 5.68(1) and (2) or 12.09 occurred, and the matter is hereby dismissed. Additionally, the Commission orders that all future Wis. Stats. §§ 5.05 and 5.06 complaints relating to the acceptance and use of 2020 CTCL election grant funds shall be considered untimely, barred by laches and issue preclusion, or otherwise nonjusticiable under those statutes. This order does not foreclose consideration of similar, future CTCL grant fund complaints under Wis. Stats. §§ 5.05 and 5.06, if CTCL grant funds are newly distributed during future election cycles. All pending complaints solely alleging that acceptance and use of 2020 CTCL grant funds constituted a violation of Wis. Stat. Chapters 5-10 and 12 shall be dismissed, and complaints raising such allegations along with others shall have the CTCL-specific grant fund allegations dismissed without foreclosing the entirety of the complaint.**
>
> and
>
> **Commission staff are directed to place the decisions in the three Stone complaints on the Complaints page of the Wisconsin Elections Commission website and provide a copy of those motions to the parties in the pending CTCL complaints filed with the Commission.**

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

Administrator
Meagan Wolfe

AMERICAN OVERSIGHT

WI-REP-22-0458-A-000172

Based on this finding, WEC staff now present all 2020 CTCL-related closure letters to the Commission for a determination if they wish to hold a special hearing. No such request was made in this instance, and because your CTCL claims were completely intertwined with all other issues, the entirety of the complaint was determined to be precluded by the above motion. If you have questions regarding the discharge of this complaint, please feel free to contact me.

Sincerely,

Jim Witecha

WISCONSIN ELECTIONS COMMISSION

cc: Commission Members
Meagan Wolfe, Commission Administrator

AMERICAN OVERSIGHT

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

April 28, 2022

Theresa A. Sipes
2837 Parkwood Drive
Green Bay, WI 54313
C/O Attorney Erick Kaardal

Donald E. Schneider
830 Raymond Street
Green Bay, WI 54304

Sent via email: kaardal@mklaw.com

Re: Complaint Filed with Wisconsin Elections Commission
Case No.: EL 22-10: Sipes, et al. v. Genrich, et al.

Dear Ms. Sipes & Mr. Schneider:

This communication is to inform you that the verified complaint you filed against various respondents was determined to be precluded from further review by the Wisconsin Elections Commission ("Commission") at its April 20, 2022, meeting.

The Commission passed the following motions in closed session by 5-1 votes:

The Wisconsin Elections Commission finds that the complaint of Jay Stone against various individuals, in Stone v. Barrett et al. (EL 21-40), does not present reasonable suspicion that a violation of Wis. Stats. §§ 5.68(1) and (2) or 12.09 occurred, and the matter is hereby dismissed. Additionally, the Commission orders that all future Wis. Stats. §§ 5.05 and 5.06 complaints relating to the acceptance and use of 2020 CTCL election grant funds shall be considered untimely, barred by laches and issue preclusion, or otherwise nonjusticiable under those statutes. This order does not foreclose consideration of similar, future CTCL grant fund complaints under Wis. Stats. §§ 5.05 and 5.06, if CTCL grant funds are newly distributed during future election cycles. All pending complaints solely alleging that acceptance and use of 2020 CTCL grant funds constituted a violation of Wis. Stat. Chapters 5-10 and 12 shall be dismissed, and complaints raising such allegations along with others shall have the CTCL-specific grant fund allegations dismissed without foreclosing the entirety of the complaint.

and

Commission staff are directed to place the decisions in the three Stone complaints on the Complaints page of the Wisconsin Elections Commission website and provide a copy of those motions to the parties in the pending CTCL complaints filed with the Commission.

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

Administrator
Meagan Wolfe

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WI-REP-22-0458-A-000174

Based on this finding, WEC staff now present all 2020 CTCL-related closure letters to the Commission for a determination if they wish to hold a special hearing. No such request was made in this instance, and because your CTCL claims were completely intertwined with all other issues, the entirety of the complaint was determined to be precluded by the above motion. If you have questions regarding the discharge of this complaint, please feel free to contact me.

Sincerely,

Jim Witecha

WISCONSIN ELECTIONS COMMISSION

cc: Commission Members
Meagan Wolfe, Commission Administrator

AMERICAN OVERSIGHT

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

April 28, 2022

Sandy Weidner
2310 Thor Avenue
Racine, WI 53405

Kim Morrison
616 Romayne Avenue
Racine, WI 53402
C/O Attorney Erick Kaardal

Sent via email: sandy.weidner29@yahoo.com; kaardal@mklaw.com

Re: Complaint Filed with Wisconsin Elections Commission
Case No.: EL 22-09: Weidner, et al. v. Mason, et al.

Dear Ms. Weidner and Ms. Morrison:

This communication is to inform you that the verified complaint you filed against various respondents was determined to be precluded from further review by the Wisconsin Elections Commission ("Commission") at its April 20, 2022, meeting.

The Commission passed the following motions in closed session by 5-1 votes:

The Wisconsin Elections Commission finds that the complaint of Jay Stone against various individuals, in Stone v. Barrett et al. (EL 21-40), does not present reasonable suspicion that a violation of Wis. Stats. §§ 5.68(1) and (2) or 12.09 occurred, and the matter is hereby dismissed. Additionally, the Commission orders that all future Wis. Stats. §§ 5.05 and 5.06 complaints relating to the acceptance and use of 2020 CTCL election grant funds shall be considered untimely, barred by laches and issue preclusion, or otherwise nonjusticiable under those statutes. This order does not foreclose consideration of similar, future CTCL grant fund complaints under Wis. Stats. §§ 5.05 and 5.06, if CTCL grant funds are newly distributed during future election cycles. All pending complaints solely alleging that acceptance and use of 2020 CTCL grant funds constituted a violation of Wis. Stat. Chapters 5-10 and 12 shall be dismissed, and complaints raising such allegations along with others shall have the CTCL-specific grant fund allegations dismissed without foreclosing the entirety of the complaint.

and

Commission staff are directed to place the decisions in the three Stone complaints on the Complaints page of the Wisconsin Elections Commission website and provide a copy of those motions to the parties in the pending CTCL complaints filed with the Commission.

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

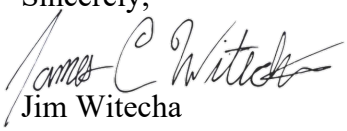
Administrator
Meagan Wolfe

AMERICAN OVERSIGHT

WI-REP-22-0458-A-000176

Based on this finding, WEC staff now present all 2020 CTCL-related closure letters to the Commission for a determination if they wish to hold a special hearing. No such request was made in this instance, and because your CTCL claims were completely intertwined with all other issues, the entirety of the complaint was determined to be precluded by the above motion. If you have questions regarding the discharge of this complaint, please feel free to contact me.

Sincerely,



Jim Witecha

WISCONSIN ELECTIONS COMMISSION

cc: Commission Members
Meagan Wolfe, Commission Administrator

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

COMMAND CENTRAL, LLC
c/o Lee Storbeck or Chad Trice, Registered Agents
1265 Kuhn Drive, STE 140
St. Cloud, MN 56301

PURSUANT TO LAW, YOU ARE COMMANDED TO designate the person most knowledgeable to Command Central, LLC's, election related activities in Wisconsin to be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ **at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, to appear and give testimony, under oath, before the **SPECIAL COUNSEL** and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

COMMAND CENTRAL, LLC
c/o Lee Storbeck or Chad Trice, Registered Agents
1265 Kuhn Drive, STE 140
St. Cloud, MN 56301

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 19, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

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SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

    BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME,

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SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

    (a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify

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where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** mean means **Command Central, LLC**, including its owners, officers, directors, employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

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D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

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H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

    a. Any federal, state, county, or municipal official or employee;
    b. Any candidate for federal, state, county, or municipal office;
    c. Any person or entity with the domain or email address containing "@wisconsin.gov";

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d. The National Vote at Home Institute
e. Amber McReynolds
f. Hillary Hall
g. Michael Sptizer Rubenstein
h. Any person or entity with the domain or email address containing "@voteathome.org"
i. The Center for Tech and Civic Life, Inc. ("CTCL")
j. Tiana Epps-Johnson
k. Dennis Granadas
l. Quickbase, Inc.
m. Harrison Hersch
n. Any person or entity with the domain or email address containing "@quickbase.com"
o. States United Democracy Center, Inc.
p. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
q. Power the Polls
r. Any person or entity with the domain or email address containing "@powerthepolls.org"
s. The Elections Group
t. Jennifer Morrell
u. Ryan Chew
v. Any person or entity with the domain or email address containing "@electionsgroup.com"
w. The Brennan Center for Justice at NYU Law
x. Elizabeth Howard
y. Any person or entity with the domain or email address containing "@nyu.edu"
z. Voces de la Frontera Action, Inc.
aa. Voces de la Frontera, Inc.
bb. Natalia Espina
cc. Christine Neumann-Ortiz
dd. Any person or entity with the domain or email address containing "@vdlf.org"
ee. Dominion Voting, Inc.
ff. Phil Schmidt
gg. Yvonne Cai
hh. @dominionvoting.com
ii. Election Systems & Software, LLC
jj. Any person or entity with the domain or email address containing "@essvote.com"
kk. Fireside Campaigns

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ll. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
mm. Center for Election Innovation & Research
nn. @electioninnovation.org

2. Any and all documents concerning or related to:

   a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

   b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

   c. Training materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

   d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

   e. electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

   f. Records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

3. Records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

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a. National Vote at Home Institute to you or an entity owned or controlled by you.

b. Fireside Campaigns to or from you or an entity owned or controlled by you.

c. Power the Polls to or from you or an entity owned or controlled by you.

d. The Elections Group to or from you or an entity owned or controlled by you.

e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

f. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

g. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

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WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

COMMAND CENTRAL, LLC
c/o Lee Storbeck or Chad Trice, Registered Agents
1265 Kuhn Drive, STE 140
St. Cloud, MN 56301

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 13, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:
Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period August 1, 2020, to December 30, 2020 ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005)

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected hard drive, password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

    BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE,

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ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

AMERICAN OVERSIGHT

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** mean means **Command Central, LLC**, including its owners, officers, directors, employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals,

AMERICAN OVERSIGHT

pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising,

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evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all documents pertaining to the identities of individual machines, computers, or electronic devices owned, leased, or operated by Command Central, LLC, and its employees and agents that were present in the State of Wisconsin or that communicated with any person, machine, or computer within the State of Wisconsin during the Requested Period **("Subject Devices")**, including machine or computer name, machine or computer type, machine or computer serial number, software name, software type, software serial number, and persons to whom such machines and computers were sold, leased, or assigned.

2. Any and all documents pertaining to the identities of individual machines, computers, or electronic devices owned, leased, or operated by Command Central and its employees and agents that are currently present within the State of Wisconsin including machine or computer name, machine or computer type, machine or computer serial number, software name, software type,

AMERICAN OVERSIGHT

software serial number, and persons to whom such machines and computers were sold, leased, or assigned.

3. All internet protocol (IP) address for all Subject Devices that communicated with any other machine in the State of Wisconsin during the Requested Period including the date and time of the communication as well as information that was communicated.

4. Any and all communications between any of the Subject Devices described in Item 1 above and the State of Wisconsin's **"WisVote"** statewide election management and voter registration system that were sent or received during the Requested Period.

5. Any and all communications between any of the Subject Devices described in Item 1 above and any machines, computers, or electronic devices owned, leased, or operated by **Dominion Voting Systems, Inc.** that were sent or received during the Requested Period.

6. Any and all communications between any of the Subject Devices described in Item 1 above and any machines, computers, or electronic devices owned, leased, or operated by **Election Systems and Software, LLC**, that were sent or received during the Requested Period.

7. Any and all information about individual voters in the State of Wisconsin for the Requested Period that is or was stored on the Subject Devices described in Item 1 above, including any such information that has been deleted from those Subject Devices but that is capable of being recovered.

8. Any and all security logs for the Subject Devices described in Item 1 above pertaining to the Requested Period.

9. Any and all software updates that were sent to, received by, or installed on the Subject Devices described in Item 1 for the Requested Period.

10. Any list or roster, or if a list does not exist, the names or employment documents, of Command Central employees, contractors, affiliates, or volunteers (paid or unpaid) responsible for supporting election operations in Wisconsin during the Requested Period.

11. Any and all virtual private network log data from the Requested Period for networks and enclaves owned, operated, or leased by Command Central for the purpose of support to Wisconsin elections.

AMERICAN OVERSIGHT

12. Any and all network flow log data from the Requested Period for networks and enclaves owned, operated, or leased by Command Central for the purpose of support to Wisconsin elections.

13. Forensic images of the computer system(s) or server(s) containing any election project files including but not limited to any system containing Dominion Voting Systems .DVD files used to configure tabulators and associated removable media. This request includes, but is not limited to, any server, desktop, laptop, storage devices, or cloud resource that contains repository or directory structure containing election project files used in the 2020 general election in Wisconsin. This request also includes but is not limited to images of the backups for the same systems.

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From: James Layden <james.m.layden@gmail.com>
Sent: Monday, May 9, 2022, 1:52 PM
To: Rep.Vos@legis.wisconsin.gov
Cc: Senator Doug Mastriano <dmastriano@pasen.gov>; "Judy M. Burges" <JBURGES@azleg.gov>; "Rep.Brandtjen" <Rep.Brandtjen@legis.wisconsin.gov>; Wendy Rogers <WRogers@azleg.gov>
Subject: Decertify the 2020 Election Results!

As if we didn't have enough evidence that 2020 was stolen by corrupt swamp rats, we now have plenty of evidence outlined in the 2000 Mules documentary. Stop being a coward and do the right thing!

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WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

DOMINION VOTING SYSTEMS, INC.,
c/o National Registered Agents, Inc.
5601 South 59th Street
Lincoln, NE 68516

PURSUANT TO LAW, YOU ARE COMMANDED TO designate the person most knowledgeable to Dominion Voting System, Inc.'s, election related activities in Wisconsin to be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ **at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, to appear and give testimony, under oath, before the **SPECIAL COUNSEL** and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

DOMINION VOTING SYSTEMS, INC.,
c/o National Registered Agents, Inc.
5601 South 59th Street
Lincoln, NE 68516

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 19, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

    BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME,

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SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

    (a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify

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where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** mean means **Dominion Voting Systems, Inc.**, including its owners, officers, directors, employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

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D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

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H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

   a. Any federal, state, county, or municipal official or employee;
   b. Any candidate for federal, state, county, or municipal office;
   c. Any person or entity with the domain or email address containing "@wisconsin.gov";

AMERICAN OVERSIGHT

d. The National Vote at Home Institute
e. Amber McReynolds
f. Hillary Hall
g. Michael Sptizer Rubenstein
h. Any person or entity with the domain or email address containing "@voteathome.org"
i. The Center for Tech and Civic Life, Inc. ("CTCL")
j. Tiana Epps-Johnson
k. Dennis Granadas
l. Quickbase, Inc.
m. Harrison Hersch
n. Any person or entity with the domain or email address containing "@quickbase.com"
o. States United Democracy Center, Inc.
p. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
q. Power the Polls
r. Any person or entity with the domain or email address containing "@powerthepolls.org"
s. The Elections Group
t. Jennifer Morrell
u. Ryan Chew
v. Any person or entity with the domain or email address containing "@electionsgroup.com"
w. The Brennan Center for Justice at NYU Law
x. Elizabeth Howard
y. Any person or entity with the domain or email address containing "@nyu.edu"
z. Voces de la Frontera Action, Inc.
aa. Voces de la Frontera, Inc.
bb. Natalia Espina
cc. Christine Neumann-Ortiz
dd. Any person or entity with the domain or email address containing "@vdlf.org"
ee. Election Systems & Software, LLC
ff. Any person or entity with the domain or email address containing "@essvote.com"
gg. Fireside Campaigns
hh. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
ii. Center for Election Innovation & Research
jj. @electioninnovation.org

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2. Any and all documents concerning or related to:

    a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

    b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

    c. Training materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

    d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

    e. electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

    f. Records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

3. Records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

    a. National Vote at Home Institute to you or an entity owned or controlled by you.

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b. Fireside Campaigns to or from you or an entity owned or controlled by you.

c. Power the Polls to or from you or an entity owned or controlled by you.

d. The Elections Group to or from you or an entity owned or controlled by you.

e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

f. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

g. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

DOMINION VOTING SYSTEMS, INC.,
c/o National Registered Agents, Inc.
5601 South 59th Street
Lincoln, NE 68516

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 13, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:
Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

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SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period August 1, 2020, to December 30, 2020 ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005)

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected hard drive, password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

    BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE,

AMERICAN OVERSIGHT

ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

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16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** mean means **Dominion Voting Systems, Inc.**, including its owners, officers, directors, employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals,

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pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising,

AMERICAN OVERSIGHT

evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all documents pertaining to the identities of individual machines, computers, or electronic devices owned, leased, or operated by **Dominion Voting Systems, Inc.**, and its employees and agents that were present in the State of Wisconsin or that communicated with any person, machine, or computer within the State of Wisconsin during the Requested Period **("Subject Devices")**, including machine or computer name, machine or computer type, machine or computer serial number, software name, software type, software serial number, and persons to whom such machines and computers were sold, leased, or assigned.

2. Any and all documents pertaining to the identities of individual machines, computers, or electronic devices owned, leased, or operated by **Dominion Voting Systems, Inc.**, and its employees and agents that are currently present within the State of Wisconsin including machine or computer name, machine or computer type, machine or computer serial number, software name,

AMERICAN OVERSIGHT

software type, software serial number, and persons to whom such machines and computers were sold, leased, or assigned.

3. All internet protocol (IP) address for all Subject Devices that communicated with any other machine in the State of Wisconsin during the Requested Period including the date and time of the communication as well as information that was communicated.

4. Any and all communications between any of the Subject Devices described in Item 1 above and the State of Wisconsin's **"WisVote"** statewide election management and voter registration system that were sent or received during the Requested Period.

5. Any and all communications between any of the Subject Devices described in Item 1 above and any machines, computers, or electronic devices owned, leased, or operated by **Command Central, LLC,** that were sent or received during the Requested Period.

6. Any and all communications between any of the Subject Devices described in Item 1 above and any machines, computers, or electronic devices owned, leased, or operated by **Election Systems and Software, LLC**, that were sent or received during the Requested Period.

7. Any and all information about individual voters in the State of Wisconsin for the Requested Period that is or was stored on the Subject Devices described in Item 1 above, including any such information that has been deleted from those Subject Devices but that is capable of being recovered.

8. Any and all security logs for the Subject Devices described in Item 1 above pertaining to the Requested Period.

9. Any and all software updates that were sent to, received by, or installed on the Subject Devices described in Item 1 for the Requested Period.

10. All trouble tickets, responses, and associated log files related to election operations during the Requested Period in Wisconsin.

11. All update files deployed to **Dominion Voting Systems, Inc.**, machines located in Wisconsin during the Requested Period including, but not limited to, the update files themselves, the procedures on how to deploy the update, the release notes for the update, log files indicating the progress of update

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deployment, and what employee deployed the update along with the means it was deployed.

12. List of all points of contact at Command Central LLC.

13. Any list or roster of **Dominion Voting Systems, Inc.**, employees, contractors, affiliates, or volunteers (paid or unpaid) responsible for supporting election operations in Wisconsin during the Requested Period.

14. Forensic images of the computer system(s) or server(s) containing any election project files including, but, not limited to, any system containing Dominion Voting Systems .DVD files used to configure tabulators and associated removable media used for the Wisconsin 2020 general election. This request includes but is not limited to any server, desktop, laptop, storage devices, or cloud resource that contains repository or directory structure containing election project files used in the 2020 general election in Wisconsin. This request also includes but is not limited to images of the backups for the same systems.

AMERICAN OVERSIGHT

From: "Witecha, James - ELECTIONS" <james.witecha@wisconsin.gov>
Sent: Thursday, April 28, 2022, 11:40 AM
To: Erick Kaardal <kaardal@mklaw.com>
Cc: Sandy Weidner <sandy.weidner29@yahoo.com>; "Hunzicker, Brandon L - ELECTIONS" <brandon.hunzicker@wisconsin.gov>
Subject: EL 22-09 Weidner, et al. v. Mason, et al - Closure Letter
Attachments: Close Ltr_Weidner et al v. Mason et al_Complainant.pdf

Good morning,

Please find a letter attached here summarizing the closure of the above-referenced complaint. This is based on a recent decision of the Commission to foreclose consideration of 2020 CTCL grant related complaints. Please let me know if you have any additional questions.

Regards,

Jim Witecha
Staff Attorney
Wisconsin Elections Commission
201 West Washington Avenue
Madison, WI 53703
608.266.0136 (direct)
608.712.8683 (cell)
608.267.0500 (fax)
james.witecha@wisconsin.gov

AMERICAN OVERSIGHT

From: "Witecha, James - ELECTIONS" <james.witecha@wisconsin.gov>
Sent: Thursday, April 28, 2022, 11:46 AM
To: Erick Kaardal <kaardal@mklaw.com>
Cc: "Hunzicker, Brandon L - ELECTIONS" <brandon.hunzicker@wisconsin.gov>
Subject: EL 22-10 Sipes, et al. v. Genrich, et al - Closure Letter
Attachments: Close Ltr_Sipes et al v. Genrich et al_Complainant.pdf

---

Good morning,

Please find a letter attached here summarizing the closure of the above-referenced complaint. This is based on a recent decision of the Commission to foreclose consideration of 2020 CTCL grant related complaints. Please let me know if you have any additional questions.

Regards,

Jim Witecha
Staff Attorney
Wisconsin Elections Commission
201 West Washington Avenue
Madison, WI 53703
608.266.0136 (direct)
608.712.8683 (cell)
608.267.0500 (fax)
james.witecha@wisconsin.gov

AMERICAN OVERSIGHT

From: "Witecha, James - ELECTIONS" <james.witecha@wisconsin.gov>
Sent: Thursday, April 28, 2022, 11:48 AM
To: Erick Kaardal <kaardal@mklaw.com>
Cc: "Hunzicker, Brandon L - ELECTIONS" <brandon.hunzicker@wisconsin.gov>
Subject: EL 22-16 Romano v. Antaramian, et al - Closure Letter
Attachments: Close Ltr_Romano v. Antaramian et al_Complainant.pdf

Good morning,

Please find a letter attached here summarizing the closure of the above-referenced complaint. This is based on a recent decision of the Commission to foreclose consideration of 2020 CTCL grant related complaints. Please let me know if you have any additional questions.

Regards,

Jim Witecha
Staff Attorney
Wisconsin Elections Commission
201 West Washington Avenue
Madison, WI 53703
608.266.0136 (direct)
608.712.8683 (cell)
608.267.0500 (fax)
james.witecha@wisconsin.gov

AMERICAN OVERSIGHT

From: "Witecha, James - ELECTIONS" <james.witecha@wisconsin.gov>
Sent: Thursday, April 28, 2022, 11:51 AM
To: Erick Kaardal <kaardal@mklaw.com>
Cc: "Hunzicker, Brandon L - ELECTIONS" <brandon.hunzicker@wisconsin.gov>
Subject: EL 22-20 Gilligan v. Rhodes-Conway, et al - Closure Letter
Attachments: Close Ltr_Gilligan v. Rhodes-Conway et al_Complainant.pdf

Good morning,

Please find a letter attached here summarizing the closure of the above-referenced complaint. This is based on a recent decision of the Commission to foreclose consideration of 2020 CTCL grant related complaints. Please let me know if you have any additional questions.

Regards,

Jim Witecha
Staff Attorney
Wisconsin Elections Commission
201 West Washington Avenue
Madison, WI 53703
608.266.0136 (direct)
608.712.8683 (cell)
608.267.0500 (fax)
james.witecha@wisconsin.gov

AMERICAN OVERSIGHT

From: "Witecha, James - ELECTIONS" <james.witecha@wisconsin.gov>
Sent: Thursday, April 28, 2022, 11:54 AM
To: Erick Kaardal <kaardal@mklaw.com>
Cc: "Hunzicker, Brandon L - ELECTIONS" <brandon.hunzicker@wisconsin.gov>
Subject: EL 22-28 Engstrand v. Johnson, et al - Closure Letter
Attachments: Close Ltr_Engstrand v. Johnson et al_Complainant.pdf

Good morning,

Please find a letter attached here summarizing the closure of the above-referenced complaint. This is based on a recent decision of the Commission to foreclose consideration of 2020 CTCL grant related complaints. Please let me know if you have any additional questions.

Regards,

Jim Witecha
Staff Attorney
Wisconsin Elections Commission
201 West Washington Avenue
Madison, WI 53703
608.266.0136 (direct)
608.712.8683 (cell)
608.267.0500 (fax)
james.witecha@wisconsin.gov

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

ELECTION SYSTEMS & SOFTWARE, LLC
c/o National Registered Agents, Inc.
5601 South 59th Street
Lincoln, NE 68516

PURSUANT TO LAW, YOU ARE COMMANDED TO designate the person most knowledgeable to Election Systems & Software, LLC's, election related activities in Wisconsin to be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ **at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, to appear and give testimony, under oath, before the **SPECIAL COUNSEL** and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period August 1, 2020, to December 30, 2020 ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005)

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected hard drive, password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

    BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED,

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TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to

AMERICAN OVERSIGHT

you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** mean means **Election Systems and Software, LLC**, including its owners, officers, directors, employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone

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call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

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I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all documents pertaining to the identities of individual machines, computers, or electronic devices owned, leased, or operated by **Election Systems and Software, LLC**, and its employees and agents that were present in the State of Wisconsin or that communicated with any person, machine, or computer within the State of Wisconsin during the Requested Period **("Subject Devices")**, including machine or computer name, machine or computer type, machine or computer serial number, software name, software type, software serial number, and persons to whom such machines and computers were sold, leased, or assigned.

2. Any and all documents pertaining to the identities of individual machines, computers, or electronic devices owned, leased, or operated by **Election Systems and Software, LLC**, and its employees and agents that are currently present within the State of Wisconsin including machine or computer name, machine or computer type, machine or computer serial number, software name, software type, software serial number, and persons to whom such machines and computers were sold, leased, or assigned.

AMERICAN OVERSIGHT

3. All internet protocol (IP) address for all Subject Devices that communicated with any other machine in the State of Wisconsin during the Requested Period including the date and time of the communication as well as information that was communicated.

4. Any and all communications between any of the Subject Devices described in Item 1 above and the State of Wisconsin's **"WisVote"** statewide election management and voter registration system that were sent or received during the Requested Period.

5. Any and all communications between any of the Subject Devices described in Item 1 above and any machines, computers, or electronic devices owned, leased, or operated by **Command Central, LLC,** that were sent or received during the Requested Period.

6. Any and all communications between any of the Subject Devices described in Item 1 above and any machines, computers, or electronic devices owned, leased, or operated by **Dominion Voting Systems, Inc.**, that were sent or received during the Requested Period.

7. Any and all information about individual voters in the State of Wisconsin for the Requested Period that is or was stored on the Subject Devices described in Item 1 above, including any such information that has been deleted from those Subject Devices but that is capable of being recovered.

8. Any and all security logs for the Subject Devices described in Item 1 above pertaining to the Requested Period.

9. Any and all software updates that were sent to, received by, or installed on the Subject Devices described in Item 1 for the Requested Period.

10. All trouble tickets, responses, and associated log files related to election operations during the Requested Period in Wisconsin.

11. All update files deployed to **Election Systems and Software, LLC**, machines located in Wisconsin during the Requested Period including, but not limited to, the update files themselves, the procedures on how to deploy the update, the release notes for the update, log files indicating the progress of update deployment, and what employee deployed the update along with the means it was deployed.

AMERICAN OVERSIGHT

12. Any list or roster of **Election Systems and Software, LLC**, employees, contractors, affiliates, or volunteers (paid or unpaid) responsible for supporting election operations in Wisconsin during the Requested Period.

13. Any database, document, or raw data that shows Wisconsin-based **Election Systems and Software, LLC**, machines that have network access for the purpose of transmitting vote totals between networked systems. This includes, but is not limited to, any data (IP, MAC, APN, IMEI, IMSI, Phone number, serial number) associated with **Election Systems and Software, LLC**, machines deployed in Wisconsin.

14. Forensic images of the computer system(s) or server(s) containing any election project files including, but not limited to, any system containing **Election Systems and Software, LLC**, files used to configure tabulators and associated removable media used for the Wisconsin 2020 general election. This request includes but is not limited to any server, desktop, laptop, storage devices, or cloud resource that contains repository or directory structure containing election project files used in the 2020 general election in Wisconsin. This request also includes but is not limited to images of the backups for the same systems.

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

ELECTION SYSTEMS & SOFTWARE, LLC
c/o National Registered Agents, Inc.
5601 South 59th Street
Lincoln, NE 68516

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 19, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

    BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME,

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SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

    (a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify

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where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** mean means **Election Systems and Software, LLC**, including its owners, officers, directors, employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

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D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

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H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

   a. Any federal, state, county, or municipal official or employee;
   b. Any candidate for federal, state, county, or municipal office;
   c. Any person or entity with the domain or email address containing "@wisconsin.gov";

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d. The National Vote at Home Institute
e. Amber McReynolds
f. Hillary Hall
g. Michael Sptizer Rubenstein
h. Any person or entity with the domain or email address containing "@voteathome.org"
i. The Center for Tech and Civic Life, Inc. ("CTCL")
j. Tiana Epps-Johnson
k. Dennis Granadas
l. Quickbase, Inc.
m. Harrison Hersch
n. Any person or entity with the domain or email address containing "@quickbase.com"
o. States United Democracy Center, Inc.
p. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
q. Power the Polls
r. Any person or entity with the domain or email address containing "@powerthepolls.org"
s. The Elections Group
t. Jennifer Morrell
u. Ryan Chew
v. Any person or entity with the domain or email address containing "@electionsgroup.com"
w. The Brennan Center for Justice at NYU Law
x. Elizabeth Howard
y. Any person or entity with the domain or email address containing "@nyu.edu"
z. Voces de la Frontera Action, Inc.
aa. Voces de la Frontera, Inc.
bb. Natalia Espina
cc. Christine Neumann-Ortiz
dd. Any person or entity with the domain or email address containing "@vdlf.org"
ee. Dominion Voting, Inc.
ff. Phil Schmidt
gg. Yvonne Cai
hh. @dominionvoting.com
ii. Fireside Campaigns
jj. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
kk. Center for Election Innovation & Research

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ll. @electioninnovation.org

2. Any and all documents concerning or related to:

   a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

   b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

   c. Training materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

   d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

   e. electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

   f. Records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

3. Records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

   a. National Vote at Home Institute to you or an entity owned or controlled by you.

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b. Fireside Campaigns to or from you or an entity owned or controlled by you.

c. Power the Polls to or from you or an entity owned or controlled by you.

d. The Elections Group to or from you or an entity owned or controlled by you.

e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

f. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

g. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

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WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

ELECTION SYSTEMS & SOFTWARE, LLC
c/o National Registered Agents, Inc.
5601 South 59th Street
Lincoln, NE 68516

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 13, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

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SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period August 1, 2020, to December 30, 2020 ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005)

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected hard drive, password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

    BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE,

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ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

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16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** mean means **Election Systems and Software, LLC**, including its owners, officers, directors, employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals,

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pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising,

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evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all documents pertaining to the identities of individual machines, computers, or electronic devices owned, leased, or operated by **Election Systems and Software, LLC**, and its employees and agents that were present in the State of Wisconsin or that communicated with any person, machine, or computer within the State of Wisconsin during the Requested Period **("Subject Devices")**, including machine or computer name, machine or computer type, machine or computer serial number, software name, software type, software serial number, and persons to whom such machines and computers were sold, leased, or assigned.

2. Any and all documents pertaining to the identities of individual machines, computers, or electronic devices owned, leased, or operated by **Election Systems and Software, LLC**, and its employees and agents that are currently present within the State of Wisconsin including machine or computer name, machine or computer type, machine or computer serial number, software

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name, software type, software serial number, and persons to whom such machines and computers were sold, leased, or assigned.

3. All internet protocol (IP) address for all Subject Devices that communicated with any other machine in the State of Wisconsin during the Requested Period including the date and time of the communication as well as information that was communicated.

4. Any and all communications between any of the Subject Devices described in Item 1 above and the State of Wisconsin's **"WisVote"** statewide election management and voter registration system that were sent or received during the Requested Period.

5. Any and all communications between any of the Subject Devices described in Item 1 above and any machines, computers, or electronic devices owned, leased, or operated by **Command Central, LLC,** that were sent or received during the Requested Period.

6. Any and all communications between any of the Subject Devices described in Item 1 above and any machines, computers, or electronic devices owned, leased, or operated by **Dominion Voting Systems, Inc.**, that were sent or received during the Requested Period.

7. Any and all information about individual voters in the State of Wisconsin for the Requested Period that is or was stored on the Subject Devices described in Item 1 above, including any such information that has been deleted from those Subject Devices but that is capable of being recovered.

8. Any and all security logs for the Subject Devices described in Item 1 above pertaining to the Requested Period.

9. Any and all software updates that were sent to, received by, or installed on the Subject Devices described in Item 1 for the Requested Period.

10. All trouble tickets, responses, and associated log files related to election operations during the Requested Period in Wisconsin.

11. All update files deployed to **Election Systems and Software, LLC**, machines located in Wisconsin during the Requested Period including, but not limited to, the update files themselves, the procedures on how to deploy the update, the release notes for the update, log files indicating the progress of update

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deployment, and what employee deployed the update along with the means it was deployed.

12. Any list or roster of **Election Systems and Software, LLC**, employees, contractors, affiliates, or volunteers (paid or unpaid) responsible for supporting election operations in Wisconsin during the Requested Period.

13. Any database, document, or raw data that shows Wisconsin-based **Election Systems and Software, LLC**, machines that have network access for the purpose of transmitting vote totals between networked systems. This includes, but is not limited to, any data (IP, MAC, APN, IMEI, IMSI, Phone number, serial number) associated with **Election Systems and Software, LLC**, machines deployed in Wisconsin.

14. Forensic images of the computer system(s) or server(s) containing any election project files including, but not limited to, any system containing **Election Systems and Software, LLC**, files used to configure tabulators and associated removable media used for the Wisconsin 2020 general election. This request includes but is not limited to any server, desktop, laptop, storage devices, or cloud resource that contains repository or directory structure containing election project files used in the 2020 general election in Wisconsin. This request also includes but is not limited to images of the backups for the same systems.

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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

AMERICAN OVERSIGHT

SCHEDULE A

GENERAL INSTRUCTIONS

1. These Instructions incorporate the Definitions attached to the subpoena. Please read them carefully before reading this document.

2. In complying with this subpoena, you are required to produce all responsive Documents that are in your possession, custody, or control. You shall also produce Documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as Documents that you have placed in the temporary possession, custody, or control of any third party. Subpoenaed Documents shall not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Special Counsel.

3. All Documents produced in response to this subpoena shall be sequentially and uniquely Bates-stamped.

4. In the event that any entity, organization, or person identified in this subpoena has been, or is also known by any other name than that herein identified, the subpoena shall be read also to include that alternative identification.

5. It shall not be a basis for refusal to produce Documents that any other person or entity also possesses non-identical or identical copies of the same Documents.

6. If a date or other descriptive detail set forth in this subpoena referring to a Document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the subpoena, you are required to produce all Documents that would be responsive as if the date or other descriptive detail were correct.

7. Documents produced in response to this subpoena shall be produced as they were kept in the normal course of business together with copies of file labels, dividers, or identifying markers with which they were associated when the subpoena was served.

8. If you withhold any Document pursuant to a claimed right protected by the state or federal constitution, or pursuant to a claim of non-disclosure privileges including, but not limited to, the deliberative-process privilege, the attorney-client privilege, attorney work product protections, any purported privileges, protections, or exemptions from disclosure under Wis. Stat. § 19.35 or the Freedom of Information Act, then you must comply with the following procedure:

    1. You may only withhold that portion of a Document over which you assert a claim of privilege, protection, or exemption. Accordingly, you may only withhold a Document in its entirety if you maintain that the entire Document is privileged or protected. Otherwise you must produce the Document in redacted form.

    2. In the event that you withhold a Document—in whole or in part—on the basis of a privilege, protection, or exemption, you must provide a privilege log containing the following information concerning each discrete claim of privilege, protection, or exemption:

        - the privilege, protection, or exemption asserted;
        - the type of Document;
        - the date, author, and addressee;

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- the relationship of the author and addressee to each other; and

- a general description of the nature of the Document that, without revealing information itself privileged or protected, will enable the Office of the Special Counsel to assess your claim of privilege, protection, or exemption.

3. In the event a Document or a portion thereof is withheld under multiple discrete claims of privilege, protection, or exemption, each claim of privilege, protection, or exemption must be separately logged.

4. In the event portions of a Document are withheld on discrete claims of privilege, protection, or exemption, each separate claim of privilege, protection, or exemption within that Document must be separately logged.

5. You must produce the privilege log contemporaneously with the withholding of any Document in whole or in part on the basis of a privilege, protection, or exemption.

6. You must certify that your privilege log contains only those assertions of privilege, protection, or exemption as are consistent with these Instructions and are warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law, or for establishing new law.

7. Failure to strictly comply with these provisions constitutes waiver of any asserted privilege, protection, or exemption.

9. Neither the Office of the Special Counsel nor the Committee recognizes any purported contractual privileges, such as non-disclosure agreements, as a basis for withholding the production of a Document. Any such assertion shall be of no legal force or effect, and shall not provide a justification for such withholding or refusal, unless and only to the extent that the Special Counsel has consented to recognize the assertion as valid.

10. This subpoena is continuing in nature and applies to any newly-discovered information. Any Document not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

11. If you discover any portion of your response is incorrect in a material respect you must immediately and contemporaneously submit to the Office of the Special Counsel, in writing, an explanation setting forth: (1) how you became aware of the defect in the response; (2) how the defect came about (or how you believe it to have come about); and (3) a detailed description of the steps you took to remedy the defect.

12. A cover letter shall be included with each production and include the following:

    a. The Bates-numbering range of the Documents produced, including any Bates-prefixes or -suffixes;

    b. If the subpoena is directed to an entity as opposed to an individual, a list of custodians for the produced Documents, identifying the Bates range associated with each custodian;

    c. A statement that a diligent search has been completed of all Documents in your possession, custody, or control that reasonably could contain responsive material;

    d. A statement that the search complies with good forensic practices;

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e. A statement that Documents responsive to this subpoena have not been destroyed, modified, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel since the date of receiving the subpoena or in anticipation of receiving the subpoena;

f. A statement that all Documents located during the search that are responsive have been produced to the Office of the Special Counsel or withheld in whole or in part on the basis of an assertion of a claim of privilege or protection in compliance with these Instructions; and

g. Your signature, attesting that everything stated in the cover letter is true and correct and that you made the statements under penalty of perjury.

13. You must identify any Documents that you believe contain confidential or proprietary information. However, the fact that a Document contains confidential or proprietary information is not a justification for not producing the Document, or redacting any part of it.

14. Electronically-stored Documents must be produced to the Office of the Special Counsel in accordance with the attached Electronic Production Instructions in order to be considered to be in compliance with the subpoena. Failure to produce Documents in accordance with the attached Electronic Production Instructions, may, in an exercise of the Special Counsel's discretion, be deemed an act of contumacy.

15. If properties or permissions are modified for any Documents produced electronically, receipt of such Documents will not be considered full compliance with the subpoena.

ELECTRONIC PRODUCTION INSTRUCTIONS

The production of electronically-stored Documents shall be prepared according to, and strictly adhere to, the following standards:

16. Documents shall be produced in their native format with all meta-data intact.

17. Documents produced shall be organized, identified, and indexed electronically.

18. Only alphanumeric characters and the underscore (_") character are permitted in file and folder names. Special characters are not permitted.

19. Production media and produced Documents shall not be encrypted, contain any password protections, or have any limitations that restrict access and use.

20. Documents shall be produced to the Office of the Special Counsel on one or more memory sticks, thumb drives, or USB hard drives. Production media shall be labeled with the following information: production date, name of the subpoena recipient, Bates range.

21. All Documents shall be Bates-stamped sequentially and should not duplicate any Bates-numbering used in producing physical documents.

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Schedule B

DEFINITIONS

22. "All," "any," and "each" shall each be construed as encompassing any and all. The singular includes the plural number, and vice versa. The masculine includes the feminine and neuter genders.

23. "And" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information that might otherwise be construed to be outside its scope.

24. "Ballot" means a ballot related to the Election, including mail-in ballots, early in-person ballots, provisional ballots, and physical ballots cast in person the day of the election.

25. "Committee" means the committee named in the subpoena.

26. "Communication" means each manner or means of disclosure or exchange of information (in the form of facts, ideas, inquiries, or otherwise), regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in an in-person meeting, by telephone, facsimile, e-mail (desktop or mobile device), text message, MMS or SMS message, regular mail, telexes, releases, intra-company messaging channels, or otherwise.

27. "Communication with," "communications from," and "communications between" means any communication involving two or more people or entities, regardless of whether other persons were involved in the communication, and includes, but is not limited to, communications where one party is cc'd or bcc'd, both parties are cc'd or bcc'd, or some combination thereof.

28. "CTCL" means the Center for Tech and Civic Life.

29. "Documents" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), text messages, instant messages, MMS or SMS messages, contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electronic records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

30. "**Election**" means the November 3, 2020, Wisconsin General Election for, inter alia, President of the United States.

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31. "Employee" means a current or former: officer, director, shareholder, partner, member, consultant, senior manager, manager, senior associate, permanent employee, staff employee, attorney, agent (whether de jure, de facto, or apparent, without limitation), advisor, representative, attorney (in law or in fact), lobbyist (registered or unregistered), borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, provisional employee, or subcontractor.

32. When referring to a person, "to identify" means to give, to the extent known: (1) the person's full name; (2) present or last known address; and (3) when referring to a natural person, additionally: (a) the present or last known place of employment; (b) the natural person's complete title at the place of employment; and (c) the individual's business address. When referring to documents, "to identify" means to give, to the extent known the: (1) type of document; (2) general subject matter; (3) date of the document; and (4) author, addressee, and recipient.

33. "Forensic Image" means a bit-by-bit, sector-by-sector direct copy of a physical storage device, including all files, folders and unallocated, free and slack space. Forensic images include not only all the files visible to the operating system but also deleted files and pieces of files left in the slack and free space.

34. "Indicating" with respect to any given subject means anything showing, evidencing, pointing out or pointing to, directing attention to, making known, stating, or expressing that subject of any sort, form, or level of formality or informality, whatsoever, without limitation.

35. "Party" refers to any person involved or contemplating involvement in any act, affair, contract, transaction, judicial proceeding, administrative proceeding, or legislative proceeding.

36. "Person" is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association, and all subsidiaries, divisions, partnerships, properties, affiliates, branches, groups, special purpose entities, joint ventures, predecessors, successors, or any other entity in which they have or had a controlling interest, and any employee, and any other units thereof.

37. "Pertaining to," "referring," "relating," or "concerning" with respect to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

38. "Possession, custody or control" means (a) documents that are in your possession, custody, or control, whether held by you or your employees; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that have been placed in the possession, custody, or control of any third party.

39. "Processes" means any processes, procedures, methodologies, materials, practices, techniques, systems, or other like activity, of any sort, form, or level of formality or informality, whatsoever, without limitation.

40. "You" or "Your" shall mean (in the case of an entity) the entity named in the subpoena, as well as its officers, directors, subsidiaries, divisions, predecessor and successor companies, affiliates, parents, any partnership or joint venture to which it may be a party. If the person named in the entity is either an individual or an entity, "you" and "your" also means your employees, agents, representatives, consultants, accountants and attorneys, including anyone who served in any such capacity at any time during the relevant time period specified herein.

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EXHIBIT A

TO SUBPOENA *DUCES TECUM*

These document requests are limited to the time period from January 1, 2020 to current:

1. All documents pertaining to election administration related to interactions, communication with, or comments regarding the Office of the Clerk of the City of Green Bay and the Chief of Staff of the Office of the Mayor of the City of Green Bay.
2. All documents and communications between the Office of the Mayor of the City of Green Bay with the Center for Tech and Civic Life ("CTCL"). This includes, but is not limited to, documents and communications with Tiana Epps-Johnson and Whitney May
3. All documents and communications between the Office of the Mayor of the City of Green Bay and the Wisconsin Elections Commission ("WEC") and its officials or employees regarding or in any way related to the election.
4. All documents and communications between the Office of the Mayor of the City of Green Bay and officials or employees of the Cities of Racine, Kenosha, Madison and Milwaukee and/or any other employee, representative agent or other person affiliated with these cities, regarding or in any way related to the Election.
5. All documents and communications between the Office of the Mayor of the City of Green Bay and employees of any group, organization, person or entity, including but not limited to CTCL, and/or any other employee, representative agent or other person affiliated with them, regarding or in any way related to the election.
6. All documents or communications between the Office of the Mayor of the City of Green Bay and CTCL and/or its employees Tiana Epps-Johnson and Whitney May, The National Vote At Home Institute and/or its employee Michael Spitzer-Rubenstein, The Elections Group and/or its employee Ryan Chew, Ideas42, Power to the Polls and/or Fair Elections Center, Mikva Challenge, US Digital Response, Center for Civic Design, Center for Election and Innovation Research ("CEIR"), Center for Secure and Modern Elections ("CSME") and/or its employee Eric Ming, The Brennan Center for Justice, HVS Productions, Facebook, Modern Selections and/or any other employee, representative agent or other person affiliated with the above named entities, regarding or in any way related to the election.

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WI-REP-22-0458-A-000251

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.

Relating to: directing the Assembly Committee on Campaigns and Elections to investigate the administration of elections in Wisconsin.

Whereas, the ability of American citizens to exercise their right to vote is foundational to our representative democracy; and

Whereas, the legitimacy of the American form of government depends on the citizens' widespread confidence in the fairness of elections and acceptance of election results; and

Whereas, preserving the integrity of the electoral process is one of our government's most important responsibilities; and

Whereas, the administration of elections in Wisconsin is governed by an extensive set of duly enacted laws; and

Whereas, however, election laws are not self-enforcing but rely on the good faith efforts of election officials to dutifully carry out those laws as written in order to ensure fair elections; and

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Whereas, the integrity of our electoral process 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; and

Whereas, it is the duty of the Wisconsin Legislature to make laws and to exercise its oversight and investigative authority to determine the extent to which elections in Wisconsin have been conducted in compliance with the law; now, therefore, be it

Resolved by the assembly, That the Wisconsin Assembly hereby 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.

(END)

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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: Wisconsin Elections Commission
212 East Washington Avenue, Third Floor
P.O. Box 7984
Madison, WI 53707-7984

PURSUANT TO WIS. STAT. § 13.31 YOU ARE HEREBY COMMANDED TO CAUSE the person 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 22, 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/or illegalities related to the Election, including the Topics of Testimony (Exhibit A).

You are further commanded that your designee or representative bring with her 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 B, 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

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SCHEDULE A

GENERAL INSTRUCTIONS

1. These Instructions incorporate the Definitions attached to the subpoena. Please read them carefully before reading this document.

2. In complying with this subpoena, you are required to produce all responsive Documents that are in your possession, custody, or control. You shall also produce Documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as Documents that you have placed in the temporary possession, custody, or control of any third party. Subpoenaed Documents shall not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Special Counsel.

3. All Documents produced in response to this subpoena shall be sequentially and uniquely Bates-stamped.

4. In the event that any entity, organization, or person identified in this subpoena has been, or is also known by any other name than that herein identified, the subpoena shall be read also to include that alternative identification.

5. It shall not be a basis for refusal to produce Documents that any other person or entity also possesses non-identical or identical copies of the same Documents.

6. If a date or other descriptive detail set forth in this subpoena referring to a Document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the subpoena, you are required to produce all Documents that would be responsive as if the date or other descriptive detail were correct.

7. Documents produced in response to this subpoena shall be produced as they were kept in the normal course of business together with copies of file labels, dividers, or identifying markers with which they were associated when the subpoena was served.

8. If you withhold any Document pursuant to a claimed right protected by the state or federal constitution, or pursuant to a claim of non-disclosure privileges including, but not limited to, the deliberative-process privilege, the attorney-client privilege, attorney work product protections, any purported privileges, protections, or exemptions from disclosure under Wis. Stat. § 19.35 or the Freedom of Information Act, then you must comply with the following procedure:

    1. You may only withhold that portion of a Document over which you assert a claim of privilege, protection, or exemption. Accordingly, you may only withhold a Document in its entirety if you maintain that the entire Document is privileged or protected. Otherwise you must produce the Document in redacted form.

    2. In the event that you withhold a Document—in whole or in part—on the basis of a privilege, protection, or exemption, you must provide a privilege log containing the following information concerning each discrete claim of privilege, protection, or exemption:

        - the privilege, protection, or exemption asserted;
        - the type of Document;
        - the date, author, and addressee;

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- the relationship of the author and addressee to each other; and

- a general description of the nature of the Document that, without revealing information itself privileged or protected, will enable the Office of the Special Counsel to assess your claim of privilege, protection, or exemption.

3. In the event a Document or a portion thereof is withheld under multiple discrete claims of privilege, protection, or exemption, each claim of privilege, protection, or exemption must be separately logged.

4. In the event portions of a Document are withheld on discrete claims of privilege, protection, or exemption, each separate claim of privilege, protection, or exemption within that Document must be separately logged.

5. You must produce the privilege log contemporaneously with the withholding of any Document in whole or in part on the basis of a privilege, protection, or exemption.

6. You must certify that your privilege log contains only those assertions of privilege, protection, or exemption as are consistent with these Instructions and are warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law, or for establishing new law.

7. Failure to strictly comply with these provisions constitutes waiver of any asserted privilege, protection, or exemption.

9. Neither the Office of the Special Counsel nor the Committee recognizes any purported contractual privileges, such as non-disclosure agreements, as a basis for withholding the production of a Document. Any such assertion shall be of no legal force or effect, and shall not provide a justification for such withholding or refusal, unless and only to the extent that the Special Counsel has consented to recognize the assertion as valid.

10. This subpoena is continuing in nature and applies to any newly-discovered information. Any Document not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

11. If you discover any portion of your response is incorrect in a material respect you must immediately and contemporaneously submit to the Office of the Special Counsel, in writing, an explanation setting forth: (1) how you became aware of the defect in the response; (2) how the defect came about (or how you believe it to have come about); and (3) a detailed description of the steps you took to remedy the defect.

12. A cover letter shall be included with each production and include the following:

a. The Bates-numbering range of the Documents produced, including any Bates-prefixes or -suffixes;

b. If the subpoena is directed to an entity as opposed to an individual, a list of custodians for the produced Documents, identifying the Bates range associated with each custodian;

c. A statement that a diligent search has been completed of all Documents in your possession, custody, or control that reasonably could contain responsive material;

d. A statement that the search complies with good forensic practices;

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e. A statement that Documents responsive to this subpoena have not been destroyed, modified, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel since the date of receiving the subpoena or in anticipation of receiving the subpoena;

f. A statement that all Documents located during the search that are responsive have been produced to the Office of the Special Counsel or withheld in whole or in part on the basis of an assertion of a claim of privilege or protection in compliance with these Instructions; and

g. Your signature, attesting that everything stated in the cover letter is true and correct and that you made the statements under penalty of perjury.

13. You must identify any Documents that you believe contain confidential or proprietary information. However, the fact that a Document contains confidential or proprietary information is not a justification for not producing the Document, or redacting any part of it.

14. Electronically-stored Documents must be produced to the Office of the Special Counsel in accordance with the attached Electronic Production Instructions in order to be considered to be in compliance with the subpoena. Failure to produce Documents in accordance with the attached Electronic Production Instructions, may, in an exercise of the Special Counsel's discretion, be deemed an act of contumacy.

15. If properties or permissions are modified for any Documents produced electronically, receipt of such Documents will not be considered full compliance with the subpoena.

ELECTRONIC PRODUCTION INSTRUCTIONS

The production of electronically-stored Documents shall be prepared according to, and strictly adhere to, the following standards:

16. Documents shall be produced in their native format with all meta-data intact.

17. Documents produced shall be organized, identified, and indexed electronically.

18. Only alphanumeric characters and the underscore (_") character are permitted in file and folder names. Special characters are not permitted.

19. Production media and produced Documents shall not be encrypted, contain any password protections, or have any limitations that restrict access and use.

20. Documents shall be produced to the Office of the Special Counsel on one or more memory sticks, thumb drives, or USB hard drives. Production media shall be labeled with the following information: production date, name of the subpoena recipient, Bates range.

21. All Documents shall be Bates-stamped sequentially and should not duplicate any Bates-numbering used in producing physical documents.

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Schedule B

DEFINITIONS

22. "All," "any," and "each" shall each be construed as encompassing any and all. The singular includes the plural number, and vice versa. The masculine includes the feminine and neuter genders.

23. "And" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information that might otherwise be construed to be outside its scope.

24. "Ballot" means a ballot related to the Election, including mail-in ballots, early in-person ballots, provisional ballots, and physical ballots cast in person the day of the election.

25. "Committee" means the committee named in the subpoena.

26. "Communication" means each manner or means of disclosure or exchange of information (in the form of facts, ideas, inquiries, or otherwise), regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in an in-person meeting, by telephone, facsimile, e-mail (desktop or mobile device), text message, MMS or SMS message, regular mail, telexes, releases, intra-company messaging channels, or otherwise.

27. "Communication with," "communications from," and "communications between" means any communication involving two or more people or entities, regardless of whether other persons were involved in the communication, and includes, but is not limited to, communications where one party is cc'd or bcc'd, both parties are cc'd or bcc'd, or some combination thereof.

28. "CTCL" means the Center for Tech and Civic Life.

29. "Documents" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), text messages, instant messages, MMS or SMS messages, contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electronic records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

30. "**Election**" means the November 3, 2020, Wisconsin General Election for, inter alia, President of the United States.

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31. "Employee" means a current or former: officer, director, shareholder, partner, member, consultant, senior manager, manager, senior associate, permanent employee, staff employee, attorney, agent (whether de jure, de facto, or apparent, without limitation), advisor, representative, attorney (in law or in fact), lobbyist (registered or unregistered), borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, provisional employee, or subcontractor.

32. When referring to a person, "to identify" means to give, to the extent known: (1) the person's full name; (2) present or last known address; and (3) when referring to a natural person, additionally: (a) the present or last known place of employment; (b) the natural person's complete title at the place of employment; and (c) the individual's business address. When referring to documents, "to identify" means to give, to the extent known the: (1) type of document; (2) general subject matter; (3) date of the document; and (4) author, addressee, and recipient.

33. "Forensic Image" means a bit-by-bit, sector-by-sector direct copy of a physical storage device, including all files, folders and unallocated, free and slack space. Forensic images include not only all the files visible to the operating system but also deleted files and pieces of files left in the slack and free space.

34. "Indicating" with respect to any given subject means anything showing, evidencing, pointing out or pointing to, directing attention to, making known, stating, or expressing that subject of any sort, form, or level of formality or informality, whatsoever, without limitation.

35. "Party" refers to any person involved or contemplating involvement in any act, affair, contract, transaction, judicial proceeding, administrative proceeding, or legislative proceeding.

36. "Person" is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association, and all subsidiaries, divisions, partnerships, properties, affiliates, branches, groups, special purpose entities, joint ventures, predecessors, successors, or any other entity in which they have or had a controlling interest, and any employee, and any other units thereof.

37. "Pertaining to," "referring," "relating," or "concerning" with respect to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

38. "Possession, custody or control" means (a) documents that are in your possession, custody, or control, whether held by you or your employees; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that have been placed in the possession, custody, or control of any third party.

39. "Processes" means any processes, procedures, methodologies, materials, practices, techniques, systems, or other like activity, of any sort, form, or level of formality or informality, whatsoever, without limitation.

40. "You" or "Your" shall mean (in the case of an entity) the entity named in the subpoena, as well as its officers, directors, subsidiaries, divisions, predecessor and successor companies, affiliates, parents, any partnership or joint venture to which it may be a party. If the person named in the entity is either an individual or an entity, "you" and "your" also means your employees, agents, representatives, consultants, accountants and attorneys, including anyone who served in any such capacity at any time during the relevant time period specified herein.

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EXHIBIT A

TOPICS OF TESTIMONY

The entity on which the attached subpoena was served must designate an official, officer, director, or managing agent who consents to testify on its behalf. Such individual shall testify as to matters known or reasonably available to the organization on the following topics.

These topics of testimony are limited to the time period from January 1, 2020 to current:

1. The 2020 Election in Wisconsin.
2. Public and private funding of local municipal entities including but not limited to Milwaukee, Kenosha, Green Bay, Racine, and Madison during 2020 related to the Election in Wisconsin.
3. The Election in Wisconsin including but not limited to the election administration by the "Wisconsin 5 cities"—Racine, Kenosha, Green Bay, Milwaukee and Madison.
4. All Wisconsin Election Commission communications between the Wisconsin Election Commission and its officials or employees, and with the officials or employees of the Cities of Racine, Kenosha, Madison, Green Bay and Milwaukee and/or any other employee, representative agent or other person affiliated with them, regarding or in any way related to the Election in Wisconsin.
5. Wisconsin Election Commission communications with Center for Tech and Civic Life or its employee Tiana Epps-Johnson, The National Vote At Home Institute or its employee Michael Spitzer Rubenstein, The Elections Group or its employee Ryan Chew, Ideas42, Power the Polls, Mikva Challenge, US Digital Response, Center for Civic Design, Center for Election and Innovation Research (CEIR), Center for Secure and Modern Elections (CSME) or its employee Eric Ming, The Brennan Center for Justice, HVS Productions, Facebook, Modern Selections and/or any other employee, representative agent or other person affiliated with them, regarding or in any way related to the Election in Wisconsin.
6. In-person voting processes in the 2020 election in the Wisconsin 5 cities of Green Bay, Madison, Racine, Kenosha and Milwaukee as compared to statewide.
7. Absentee voting processes in the 2020 election in the Wisconsin 5 cities of Green Bay, Madison, Racine, Kenosha and Milwaukee as compared to statewide.
8. Voter education programs in the 2020 election in the Wisconsin 5 cities of Green Bay, Madison, Racine, Kenosha and Milwaukee as compared to statewide.

WI-REP-22-0458-A-000260

AMERICAN OVERSIGHT

EXHIBIT B

These document requests are limited to the time period from January 1, 2020 to current:

1. All Wisconsin Election Commission documents relating to public and private funding of local municipal entities including but not limited to Milwaukee, Kenosha, Green Bay, Racine, and Madison that they received during 2020 related to the Election in Wisconsin.
2. All documents relating to the Election in Wisconsin including but not limited to documents relating to the election administration by the "Wisconsin 5 cities"—Racine, Kenosha, Green Bay, Milwaukee and Madison.
3. All written communications, including electronic communications, with Wisconsin Election Commission and its officials or employees, and with the officials or employees of the Cities of Racine, Kenosha, Madison, Green Bay and Milwaukee and/or any other employee, representative agent or other person affiliated with them, regarding or in any way related to the Election in Wisconsin.
4. All documents and communications between the Wisconsin Election Commission and its employees and employees of any private corporation, including but not limited to CTCL, and/or any other employee, representative agent or other person affiliated with them, regarding or in any way related to the Election.
5. All documents or communications between the Wisconsin Election Commission and its employees and CTCL and/or its employees Tiana Epps-Johnson and Whitney May, The National Vote At Home Institute and/or its employee Michael Spitzer-Rubenstein, The Elections Group and/or its employee Ryan Chew, Ideas42, Power to the Polls and/or Fair Elections Center, Mikva Challenge, US Digital Response, Center for Civic Design, Center for Election and Innovation Research ("CEIR"), Center for Secure and Modern Elections ("CSME") and/or its employee Eric Ming, The Brennan Center for Justice, HVS Productions, Facebook, Modern Selections and/or any other employee, representative agent or other person affiliated with the above named entities, regarding or in any way related to the Election.

WI-REP-22-0458-A-000261

AMERICAN OVERSIGHT

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.

Relating to: directing the Assembly Committee on Campaigns and Elections to investigate the administration of elections in Wisconsin.

Whereas, the ability of American citizens to exercise their right to vote is foundational to our representative democracy; and

Whereas, the legitimacy of the American form of government depends on the citizens' widespread confidence in the fairness of elections and acceptance of election results; and

Whereas, preserving the integrity of the electoral process is one of our government's most important responsibilities; and

Whereas, the administration of elections in Wisconsin is governed by an extensive set of duly enacted laws; and

Whereas, however, election laws are not self-enforcing but rely on the good faith efforts of election officials to dutifully carry out those laws as written in order to ensure fair elections; and

WI-REP-22-0458-A-000262

Whereas, the integrity of our electoral process 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; and

Whereas, it is the duty of the Wisconsin Legislature to make laws and to exercise its oversight and investigative authority to determine the extent to which elections in Wisconsin have been conducted in compliance with the law; now, therefore, be it

Resolved by the assembly, That the Wisconsin Assembly hereby 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.

(END)

AMERICAN OVERSIGHT

WI-REP-22-0458-A-000263

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: Milwaukee Elections Commission
City Hall
200 East Wells Street
Room 501
Milwaukee, WI 53202

PURSUANT TO WIS. STAT. § 13.31 YOU ARE HEREBY COMMANDED TO CAUSE the person 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 22, 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/or illegalities related to the Election, including the Topics of Testimony (Exhibit A).

You are further commanded that your designee or representative bring with him 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 B, 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 Mount Pleasant 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

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

SCHEDULE A

GENERAL INSTRUCTIONS

1. These Instructions incorporate the Definitions attached to the subpoena. Please read them carefully before reading this document.

2. In complying with this subpoena, you are required to produce all responsive Documents that are in your possession, custody, or control. You shall also produce Documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as Documents that you have placed in the temporary possession, custody, or control of any third party. Subpoenaed Documents shall not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Special Counsel.

3. All Documents produced in response to this subpoena shall be sequentially and uniquely Bates-stamped.

4. In the event that any entity, organization, or person identified in this subpoena has been, or is also known by any other name than that herein identified, the subpoena shall be read also to include that alternative identification.

5. It shall not be a basis for refusal to produce Documents that any other person or entity also possesses non-identical or identical copies of the same Documents.

6. If a date or other descriptive detail set forth in this subpoena referring to a Document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the subpoena, you are required to produce all Documents that would be responsive as if the date or other descriptive detail were correct.

7. Documents produced in response to this subpoena shall be produced as they were kept in the normal course of business together with copies of file labels, dividers, or identifying markers with which they were associated when the subpoena was served.

8. If you withhold any Document pursuant to a claimed right protected by the state or federal constitution, or pursuant to a claim of non-disclosure privileges including, but not limited to, the deliberative-process privilege, the attorney-client privilege, attorney work product protections, any purported privileges, protections, or exemptions from disclosure under Wis. Stat. § 19.35 or the Freedom of Information Act, then you must comply with the following procedure:

    1. You may only withhold that portion of a Document over which you assert a claim of privilege, protection, or exemption. Accordingly, you may only withhold a Document in its entirety if you maintain that the entire Document is privileged or protected. Otherwise you must produce the Document in redacted form.

    2. In the event that you withhold a Document—in whole or in part—on the basis of a privilege, protection, or exemption, you must provide a privilege log containing the following information concerning each discrete claim of privilege, protection, or exemption:

        - the privilege, protection, or exemption asserted;
        - the type of Document;
        - the date, author, and addressee;

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AMERICAN OVERSIGHT

- the relationship of the author and addressee to each other; and

- a general description of the nature of the Document that, without revealing information itself privileged or protected, will enable the Office of the Special Counsel to assess your claim of privilege, protection, or exemption.

3. In the event a Document or a portion thereof is withheld under multiple discrete claims of privilege, protection, or exemption, each claim of privilege, protection, or exemption must be separately logged.

4. In the event portions of a Document are withheld on discrete claims of privilege, protection, or exemption, each separate claim of privilege, protection, or exemption within that Document must be separately logged.

5. You must produce the privilege log contemporaneously with the withholding of any Document in whole or in part on the basis of a privilege, protection, or exemption.

6. You must certify that your privilege log contains only those assertions of privilege, protection, or exemption as are consistent with these Instructions and are warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law, or for establishing new law.

7. Failure to strictly comply with these provisions constitutes waiver of any asserted privilege, protection, or exemption.

9. Neither the Office of the Special Counsel nor the Committee recognizes any purported contractual privileges, such as non-disclosure agreements, as a basis for withholding the production of a Document. Any such assertion shall be of no legal force or effect, and shall not provide a justification for such withholding or refusal, unless and only to the extent that the Special Counsel has consented to recognize the assertion as valid.

10. This subpoena is continuing in nature and applies to any newly-discovered information. Any Document not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

11. If you discover any portion of your response is incorrect in a material respect you must immediately and contemporaneously submit to the Office of the Special Counsel, in writing, an explanation setting forth: (1) how you became aware of the defect in the response; (2) how the defect came about (or how you believe it to have come about); and (3) a detailed description of the steps you took to remedy the defect.

12. A cover letter shall be included with each production and include the following:

a. The Bates-numbering range of the Documents produced, including any Bates-prefixes or -suffixes;

b. If the subpoena is directed to an entity as opposed to an individual, a list of custodians for the produced Documents, identifying the Bates range associated with each custodian;

c. A statement that a diligent search has been completed of all Documents in your possession, custody, or control that reasonably could contain responsive material;

d. A statement that the search complies with good forensic practices;

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e. A statement that Documents responsive to this subpoena have not been destroyed, modified, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel since the date of receiving the subpoena or in anticipation of receiving the subpoena;

f. A statement that all Documents located during the search that are responsive have been produced to the Office of the Special Counsel or withheld in whole or in part on the basis of an assertion of a claim of privilege or protection in compliance with these Instructions; and

g. Your signature, attesting that everything stated in the cover letter is true and correct and that you made the statements under penalty of perjury.

13. You must identify any Documents that you believe contain confidential or proprietary information. However, the fact that a Document contains confidential or proprietary information is not a justification for not producing the Document, or redacting any part of it.

14. Electronically-stored Documents must be produced to the Office of the Special Counsel in accordance with the attached Electronic Production Instructions in order to be considered to be in compliance with the subpoena. Failure to produce Documents in accordance with the attached Electronic Production Instructions, may, in an exercise of the Special Counsel's discretion, be deemed an act of contumacy.

15. If properties or permissions are modified for any Documents produced electronically, receipt of such Documents will not be considered full compliance with the subpoena.

ELECTRONIC PRODUCTION INSTRUCTIONS

The production of electronically-stored Documents shall be prepared according to, and strictly adhere to, the following standards:

16. Documents shall be produced in their native format with all meta-data intact.

17. Documents produced shall be organized, identified, and indexed electronically.

18. Only alphanumeric characters and the underscore (_") character are permitted in file and folder names. Special characters are not permitted.

19. Production media and produced Documents shall not be encrypted, contain any password protections, or have any limitations that restrict access and use.

20. Documents shall be produced to the Office of the Special Counsel on one or more memory sticks, thumb drives, or USB hard drives. Production media shall be labeled with the following information: production date, name of the subpoena recipient, Bates range.

21. All Documents shall be Bates-stamped sequentially and should not duplicate any Bates-numbering used in producing physical documents.

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Schedule B

DEFINITIONS

22. "All," "any," and "each" shall each be construed as encompassing any and all. The singular includes the plural number, and vice versa. The masculine includes the feminine and neuter genders.

23. "And" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information that might otherwise be construed to be outside its scope.

24. "Ballot" means a ballot related to the Election, including mail-in ballots, early in-person ballots, provisional ballots, and physical ballots cast in person the day of the election.

25. "Committee" means the committee named in the subpoena.

26. "Communication" means each manner or means of disclosure or exchange of information (in the form of facts, ideas, inquiries, or otherwise), regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in an in-person meeting, by telephone, facsimile, e-mail (desktop or mobile device), text message, MMS or SMS message, regular mail, telexes, releases, intra-company messaging channels, or otherwise.

27. "Communication with," "communications from," and "communications between" means any communication involving two or more people or entities, regardless of whether other persons were involved in the communication, and includes, but is not limited to, communications where one party is cc'd or bcc'd, both parties are cc'd or bcc'd, or some combination thereof.

28. "CTCL" means the Center for Tech and Civic Life.

29. "Documents" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), text messages, instant messages, MMS or SMS messages, contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electronic records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

30. "**Election**" means the November 3, 2020, Wisconsin General Election for, inter alia, President of the United States.

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31. "Employee" means a current or former: officer, director, shareholder, partner, member, consultant, senior manager, manager, senior associate, permanent employee, staff employee, attorney, agent (whether de jure, de facto, or apparent, without limitation), advisor, representative, attorney (in law or in fact), lobbyist (registered or unregistered), borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, provisional employee, or subcontractor.

32. When referring to a person, "to identify" means to give, to the extent known: (1) the person's full name; (2) present or last known address; and (3) when referring to a natural person, additionally: (a) the present or last known place of employment; (b) the natural person's complete title at the place of employment; and (c) the individual's business address. When referring to documents, "to identify" means to give, to the extent known the: (1) type of document; (2) general subject matter; (3) date of the document; and (4) author, addressee, and recipient.

33. "Forensic Image" means a bit-by-bit, sector-by-sector direct copy of a physical storage device, including all files, folders and unallocated, free and slack space. Forensic images include not only all the files visible to the operating system but also deleted files and pieces of files left in the slack and free space.

34. "Indicating" with respect to any given subject means anything showing, evidencing, pointing out or pointing to, directing attention to, making known, stating, or expressing that subject of any sort, form, or level of formality or informality, whatsoever, without limitation.

35. "Party" refers to any person involved or contemplating involvement in any act, affair, contract, transaction, judicial proceeding, administrative proceeding, or legislative proceeding.

36. "Person" is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association, and all subsidiaries, divisions, partnerships, properties, affiliates, branches, groups, special purpose entities, joint ventures, predecessors, successors, or any other entity in which they have or had a controlling interest, and any employee, and any other units thereof.

37. "Pertaining to," "referring," "relating," or "concerning" with respect to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

38. "Possession, custody or control" means (a) documents that are in your possession, custody, or control, whether held by you or your employees; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that have been placed in the possession, custody, or control of any third party.

39. "Processes" means any processes, procedures, methodologies, materials, practices, techniques, systems, or other like activity, of any sort, form, or level of formality or informality, whatsoever, without limitation.

40. "You" or "Your" shall mean (in the case of an entity) the entity named in the subpoena, as well as its officers, directors, subsidiaries, divisions, predecessor and successor companies, affiliates, parents, any partnership or joint venture to which it may be a party. If the person named in the entity is either an individual or an entity, "you" and "your" also means your employees, agents, representatives, consultants, accountants and attorneys, including anyone who served in any such capacity at any time during the relevant time period specified herein.

WI-REP-22-0458-A-000269

AMERICAN OVERSIGHT

EXHIBIT A

TOPICS OF TESTIMONY

The entity on which the attached subpoena was served must designate one official, officer, director, or managing agent who consents to testify on its behalf. Such individual shall testify as to matters known or reasonably available to the organization on the following topics.

These topics of testimony are limited to the time period from January 1, 2020 to current:

1. The 2020 Election in Wisconsin.
2. Public and private funding of local municipal entities including but not limited to Milwaukee, Kenosha, Green Bay, Racine, and Madison during 2020 related to the Election in Wisconsin.
3. The Election in Wisconsin including but not limited to the election administration by the "Wisconsin 5 cities"—Racine, Kenosha, Green Bay, Milwaukee and Madison.
4. All Milwaukee Election Commission communications between Milwaukee Election Commission members and its officials or employees, representative agents or other persons affiliated with them, regarding or in any way related to the Election in Wisconsin
5. Wisconsin Election Commission communications with Center for Tech and Civic Life or its employee Tiana Epps-Johnson, The National Vote At Home Institute or its employee Michael Spitzer Rubenstein, The Elections Group or its employee Ryan Chew, Ideas42, Power the Polls, Mikva Challenge, US Digital Response, Center for Civic Design, Center for Election and Innovation Research (CEIR), Center for Secure and Modern Elections (CSME) or its employee Eric Ming, The Brennan Center for Justice, HVS Productions, Facebook, Modern Selections and/or any other employee, representative agent or other person affiliated with them, regarding or in any way related to the Election in Wisconsin.
6. In-person voting processes in the 2020 election in the Wisconsin 5 cities of Green Bay, Madison, Racine, Kenosha and Milwaukee as compared to statewide.
7. Absentee voting processes in the 2020 election in the Wisconsin 5 cities of Green Bay, Madison, Racine, Kenosha and Milwaukee as compared to statewide.
8. Voter education programs in the 2020 election in the Wisconsin 5 cities of Green Bay, Madison, Racine, Kenosha and Milwaukee as compared to statewide.

WI-REP-22-0458-A-000270

AMERICAN OVERSIGHT

EXHIBIT B

These document requests are limited to the time period from January 1, 2020 to current:

1. All Milwaukee Election Commission documents relating to public and private funding of local municipal entities in the City of Milwaukee related to the Election in Wisconsin.
2. All documents relating to the Election in Wisconsin including but not limited to documents relating to the election administration by the "Wisconsin 5 cities"—Racine, Kenosha, Green Bay, Milwaukee and Madison.
3. All written communications, including electronic communications, with Milwaukee Election Commission and its officials or employees, and with the officials or employees of the Cities of Racine, Kenosha, Madison, Green Bay and Milwaukee and/or any other employee, representative agent or other person affiliated with them, regarding or in any way related to the Election in Wisconsin.
4. All written communications, including electronic communications, with Milwaukee Election Commission members and the Milwaukee Election Commission Executive Director Claire Woodall-Vogg regarding or in any way related to the Election in Wisconsin.
5. All written communications, including electronic communications, with Milwaukee Election Commission and its officials or employees, and with the officials or employees of the Wisconsin Election Commission and/or any other employee, representative agent or other person affiliated with them, regarding or in any way related to the Election in Wisconsin.
6. All documents and communications between the Office of the City Clerk of the City of Milwaukee and employees of any private corporation, including but not limited to CTCL, and/or any other employee, representative agent or other person affiliated with them, regarding or in any way related to the Election.
7. All documents or communications between the Office of the City Clerk of the City of Milwaukee and CTCL and/or its employees Tiana Epps-Johnson and Whitney May, The National Vote At Home Institute and/or its employee Michael Spitzer-Rubenstein, The Elections Group and/or its employee Ryan Chew, Ideas42, Power to the Polls and/or Fair Elections Center, Mikva Challenge, US Digital Response, Center for Civic Design, Center for Election and Innovation Research ("CEIR"), Center for Secure and Modern Elections ("CSME") and/or its employee Eric Ming, The Brennan Center for Justice, HVS Productions, Facebook, Modern Selections and/or any other employee, representative agent or other person affiliated with the above named entities, regarding or in any way related to the Election.

WI-REP-22-0458-A-000271

AMERICAN OVERSIGHT

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.

Relating to: directing the Assembly Committee on Campaigns and Elections to investigate the administration of elections in Wisconsin.

Whereas, the ability of American citizens to exercise their right to vote is foundational to our representative democracy; and

Whereas, the legitimacy of the American form of government depends on the citizens' widespread confidence in the fairness of elections and acceptance of election results; and

Whereas, preserving the integrity of the electoral process is one of our government's most important responsibilities; and

Whereas, the administration of elections in Wisconsin is governed by an extensive set of duly enacted laws; and

Whereas, however, election laws are not self-enforcing but rely on the good faith efforts of election officials to dutifully carry out those laws as written in order to ensure fair elections; and

WI-REP-22-0458-A-000272

Whereas, the integrity of our electoral process 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; and

Whereas, it is the duty of the Wisconsin Legislature to make laws and to exercise its oversight and investigative authority to determine the extent to which elections in Wisconsin have been conducted in compliance with the law; now, therefore, be it

Resolved by the assembly, That the Wisconsin Assembly hereby 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.

(END)

AMERICAN OVERSIGHT

WI-REP-22-0458-A-000273

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 Milwaukee
200 E. Wells Street, Room 201
Milwaukee, WI 53202

PURSUANT TO WIS. STAT. § 13.31 YOU ARE HEREBY COMMANDED TO CAUSE the person 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 22, 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/or illegalities related to the Election, including the Topics of Testimony (Exhibit A).

You are further commanded that your designee or representative 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 B, 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 Almost 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

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

SCHEDULE A

GENERAL INSTRUCTIONS

1. These Instructions incorporate the Definitions attached to the subpoena. Please read them carefully before reading this document.

2. In complying with this subpoena, you are required to produce all responsive Documents that are in your possession, custody, or control. You shall also produce Documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as Documents that you have placed in the temporary possession, custody, or control of any third party. Subpoenaed Documents shall not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Special Counsel.

3. All Documents produced in response to this subpoena shall be sequentially and uniquely Bates-stamped.

4. In the event that any entity, organization, or person identified in this subpoena has been, or is also known by any other name than that herein identified, the subpoena shall be read also to include that alternative identification.

5. It shall not be a basis for refusal to produce Documents that any other person or entity also possesses non-identical or identical copies of the same Documents.

6. If a date or other descriptive detail set forth in this subpoena referring to a Document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the subpoena, you are required to produce all Documents that would be responsive as if the date or other descriptive detail were correct.

7. Documents produced in response to this subpoena shall be produced as they were kept in the normal course of business together with copies of file labels, dividers, or identifying markers with which they were associated when the subpoena was served.

8. If you withhold any Document pursuant to a claimed right protected by the state or federal constitution, or pursuant to a claim of non-disclosure privileges including, but not limited to, the deliberative-process privilege, the attorney-client privilege, attorney work product protections, any purported privileges, protections, or exemptions from disclosure under Wis. Stat. § 19.35 or the Freedom of Information Act, then you must comply with the following procedure:

    1. You may only withhold that portion of a Document over which you assert a claim of privilege, protection, or exemption. Accordingly, you may only withhold a Document in its entirety if you maintain that the entire Document is privileged or protected. Otherwise you must produce the Document in redacted form.

    2. In the event that you withhold a Document—in whole or in part—on the basis of a privilege, protection, or exemption, you must provide a privilege log containing the following information concerning each discrete claim of privilege, protection, or exemption:

        - the privilege, protection, or exemption asserted;
        - the type of Document;
        - the date, author, and addressee;

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AMERICAN OVERSIGHT

- the relationship of the author and addressee to each other; and

- a general description of the nature of the Document that, without revealing information itself privileged or protected, will enable the Office of the Special Counsel to assess your claim of privilege, protection, or exemption.

3. In the event a Document or a portion thereof is withheld under multiple discrete claims of privilege, protection, or exemption, each claim of privilege, protection, or exemption must be separately logged.

4. In the event portions of a Document are withheld on discrete claims of privilege, protection, or exemption, each separate claim of privilege, protection, or exemption within that Document must be separately logged.

5. You must produce the privilege log contemporaneously with the withholding of any Document in whole or in part on the basis of a privilege, protection, or exemption.

6. You must certify that your privilege log contains only those assertions of privilege, protection, or exemption as are consistent with these Instructions and are warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law, or for establishing new law.

7. Failure to strictly comply with these provisions constitutes waiver of any asserted privilege, protection, or exemption.

9. Neither the Office of the Special Counsel nor the Committee recognizes any purported contractual privileges, such as non-disclosure agreements, as a basis for withholding the production of a Document. Any such assertion shall be of no legal force or effect, and shall not provide a justification for such withholding or refusal, unless and only to the extent that the Special Counsel has consented to recognize the assertion as valid.

10. This subpoena is continuing in nature and applies to any newly-discovered information. Any Document not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

11. If you discover any portion of your response is incorrect in a material respect you must immediately and contemporaneously submit to the Office of the Special Counsel, in writing, an explanation setting forth: (1) how you became aware of the defect in the response; (2) how the defect came about (or how you believe it to have come about); and (3) a detailed description of the steps you took to remedy the defect.

12. A cover letter shall be included with each production and include the following:

    a. The Bates-numbering range of the Documents produced, including any Bates-prefixes or -suffixes;

    b. If the subpoena is directed to an entity as opposed to an individual, a list of custodians for the produced Documents, identifying the Bates range associated with each custodian;

    c. A statement that a diligent search has been completed of all Documents in your possession, custody, or control that reasonably could contain responsive material;

    d. A statement that the search complies with good forensic practices;

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e. A statement that Documents responsive to this subpoena have not been destroyed, modified, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel since the date of receiving the subpoena or in anticipation of receiving the subpoena;

f. A statement that all Documents located during the search that are responsive have been produced to the Office of the Special Counsel or withheld in whole or in part on the basis of an assertion of a claim of privilege or protection in compliance with these Instructions; and

g. Your signature, attesting that everything stated in the cover letter is true and correct and that you made the statements under penalty of perjury.

13. You must identify any Documents that you believe contain confidential or proprietary information. However, the fact that a Document contains confidential or proprietary information is not a justification for not producing the Document, or redacting any part of it.

14. Electronically-stored Documents must be produced to the Office of the Special Counsel in accordance with the attached Electronic Production Instructions in order to be considered to be in compliance with the subpoena. Failure to produce Documents in accordance with the attached Electronic Production Instructions, may, in an exercise of the Special Counsel's discretion, be deemed an act of contumacy.

15. If properties or permissions are modified for any Documents produced electronically, receipt of such Documents will not be considered full compliance with the subpoena.

ELECTRONIC PRODUCTION INSTRUCTIONS

The production of electronically-stored Documents shall be prepared according to, and strictly adhere to, the following standards:

16. Documents shall be produced in their native format with all meta-data intact.

17. Documents produced shall be organized, identified, and indexed electronically.

18. Only alphanumeric characters and the underscore (_") character are permitted in file and folder names. Special characters are not permitted.

19. Production media and produced Documents shall not be encrypted, contain any password protections, or have any limitations that restrict access and use.

20. Documents shall be produced to the Office of the Special Counsel on one or more memory sticks, thumb drives, or USB hard drives. Production media shall be labeled with the following information: production date, name of the subpoena recipient, Bates range.

21. All Documents shall be Bates-stamped sequentially and should not duplicate any Bates-numbering used in producing physical documents.

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Schedule B

DEFINITIONS

22. "All," "any," and "each" shall each be construed as encompassing any and all. The singular includes the plural number, and vice versa. The masculine includes the feminine and neuter genders.

23. "And" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information that might otherwise be construed to be outside its scope.

24. "Ballot" means a ballot related to the Election, including mail-in ballots, early in-person ballots, provisional ballots, and physical ballots cast in person the day of the election.

25. "Committee" means the committee named in the subpoena.

26. "Communication" means each manner or means of disclosure or exchange of information (in the form of facts, ideas, inquiries, or otherwise), regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in an in-person meeting, by telephone, facsimile, e-mail (desktop or mobile device), text message, MMS or SMS message, regular mail, telexes, releases, intra-company messaging channels, or otherwise.

27. "Communication with," "communications from," and "communications between" means any communication involving two or more people or entities, regardless of whether other persons were involved in the communication, and includes, but is not limited to, communications where one party is cc'd or bcc'd, both parties are cc'd or bcc'd, or some combination thereof.

28. "CTCL" means the Center for Tech and Civic Life.

29. "Documents" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), text messages, instant messages, MMS or SMS messages, contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electronic records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

30. "**Election**" means the November 3, 2020, Wisconsin General Election for, inter alia, President of the United States.

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31. "Employee" means a current or former: officer, director, shareholder, partner, member, consultant, senior manager, manager, senior associate, permanent employee, staff employee, attorney, agent (whether de jure, de facto, or apparent, without limitation), advisor, representative, attorney (in law or in fact), lobbyist (registered or unregistered), borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, provisional employee, or subcontractor.

32. When referring to a person, "to identify" means to give, to the extent known: (1) the person's full name; (2) present or last known address; and (3) when referring to a natural person, additionally: (a) the present or last known place of employment; (b) the natural person's complete title at the place of employment; and (c) the individual's business address. When referring to documents, "to identify" means to give, to the extent known the: (1) type of document; (2) general subject matter; (3) date of the document; and (4) author, addressee, and recipient.

33. "Forensic Image" means a bit-by-bit, sector-by-sector direct copy of a physical storage device, including all files, folders and unallocated, free and slack space. Forensic images include not only all the files visible to the operating system but also deleted files and pieces of files left in the slack and free space.

34. "Indicating" with respect to any given subject means anything showing, evidencing, pointing out or pointing to, directing attention to, making known, stating, or expressing that subject of any sort, form, or level of formality or informality, whatsoever, without limitation.

35. "Party" refers to any person involved or contemplating involvement in any act, affair, contract, transaction, judicial proceeding, administrative proceeding, or legislative proceeding.

36. "Person" is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association, and all subsidiaries, divisions, partnerships, properties, affiliates, branches, groups, special purpose entities, joint ventures, predecessors, successors, or any other entity in which they have or had a controlling interest, and any employee, and any other units thereof.

37. "Pertaining to," "referring," "relating," or "concerning" with respect to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

38. "Possession, custody or control" means (a) documents that are in your possession, custody, or control, whether held by you or your employees; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that have been placed in the possession, custody, or control of any third party.

39. "Processes" means any processes, procedures, methodologies, materials, practices, techniques, systems, or other like activity, of any sort, form, or level of formality or informality, whatsoever, without limitation.

40. "You" or "Your" shall mean (in the case of an entity) the entity named in the subpoena, as well as its officers, directors, subsidiaries, divisions, predecessor and successor companies, affiliates, parents, any partnership or joint venture to which it may be a party. If the person named in the entity is either an individual or an entity, "you" and "your" also means your employees, agents, representatives, consultants, accountants and attorneys, including anyone who served in any such capacity at any time during the relevant time period specified herein.

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EXHIBIT A

TOPICS OF TESTIMONY

The entity on which the attached subpoena was served must designate an official, officer, director, or managing agent who consents to testify on its behalf. Such individuals shall testify as to matters known or reasonably available to the organization on the following topics.

These topics of testimony are limited to the time period from January 1, 2020 to current:

1. The 2020 election conducted in the City of Milwaukee.
2. All private funding the City of Milwaukee received related to the 2020 election in the City of Milwaukee.
3. City of Milwaukee coordination relating to 2020 election administration by the "Wisconsin 5 cities"—Racine, Kenosha, Green Bay, Milwaukee and Madison—and their Mayors.
4. City of Milwaukee or its employees' communications Wisconsin Election Commission and its officials or employees, and with the officials or employees of the Cities of Racine, Kenosha, Madison, Green Bay and Milwaukee and/or any other employee, representative agent or other person affiliated with them, regarding or in any way related to the 2020 election in the City of Milwaukee.
5. City of Milwaukee or its employees' communications with Center for Tech and Civic Life or its employee Tiana Epps-Johnson, The National Vote At Home Institute or its employee Michael Spitzer Rubenstein, The Elections Group or its employee Ryan Chew, Ideas42, Power the Polls, Mikva Challenge, US Digital Response, Center for Civic Design, Center for Election and Innovation Research (CEIR), Center for Secure and Modern Elections (CSME) or its employee Eric Ming, The Brennan Center for Justice, HVS Productions, Facebook, Modern Selections and/or any other employee, representative agent or other person affiliated with them, regarding or in any way related to the Election in Wisconsin.
6. In-person voting processes in the 2020 election in the City of Milwaukee.
7. Absentee voting processes in the 2020 election in the City of Milwaukee.
8. Voter education programs in the 2020 election in the City of Milwaukee.

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EXHIBIT B

These document requests are limited to the time period from January 1, 2020 to current:

1. All documents pertaining to election administration related to interactions, communication with, or comments regarding the Milwaukee Election Commission, the Executive Director of the Milwaukee Election Commission, or the Office of the Clerk of the City of Milwaukee.
2. All documents and communications between any employee of the City of Milwaukee with the Center for Tech and Civic Life ("CTCL"). This includes, but is not limited to, documents and communications with Tiana Epps-Johnson and Whitney May.
3. All documents and communications between any employee of the City of Milwaukee and the Wisconsin Elections Commission ("WEC") and its officials or employees regarding or in any way related to the election.
4. All documents and communications between any employee of the City of Milwaukee and officials or employees of the Cities of Green Bay, Kenosha, Madison and Racine and/or any other employee, representative agent or other person affiliated with these cities, regarding or in any way related to the election.
5. All documents and communications between the Office of the Mayor of the City of Milwaukee and employees of any group, organization, person or entity, including but not limited to CTCL, and/or any other employee, representative agent or other person affiliated with them, regarding or in any way related to the election.
6. All documents or communications between any Employee of the City of Milwaukee and CTCL and/or its employees Tiana Epps-Johnson and Whitney May, The National Vote At Home Institute and/or its employee Michael Spitzer-Rubenstein, The Elections Group and/or its employee Ryan Chew, Ideas42, Power to the Polls and/or Fair Elections Center, Mikva Challenge, US Digital Response, Center for Civic Design, Center for Election and Innovation Research ("CEIR"), Center for Secure and Modern Elections ("CSME") and/or its employee Eric Ming, The Brennan Center for Justice, HVS Productions, Facebook, Modern Selections and/or any other employee, representative agent or other person affiliated with the above named entities, regarding or in any way related to the Election.

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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.

Relating to: directing the Assembly Committee on Campaigns and Elections to investigate the administration of elections in Wisconsin.

Whereas, the ability of American citizens to exercise their right to vote is foundational to our representative democracy; and

Whereas, the legitimacy of the American form of government depends on the citizens' widespread confidence in the fairness of elections and acceptance of election results; and

Whereas, preserving the integrity of the electoral process is one of our government's most important responsibilities; and

Whereas, the administration of elections in Wisconsin is governed by an extensive set of duly enacted laws; and

Whereas, however, election laws are not self-enforcing but rely on the good faith efforts of election officials to dutifully carry out those laws as written in order to ensure fair elections; and

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Whereas, the integrity of our electoral process 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; and

Whereas, it is the duty of the Wisconsin Legislature to make laws and to exercise its oversight and investigative authority to determine the extent to which elections in Wisconsin have been conducted in compliance with the law; now, therefore, be it

Resolved by the assembly, That the Wisconsin Assembly hereby 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.

(END)

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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 Madison
210 Martin Luther King Jr Blvd
Room 103, City-County Building
Madison, Wisconsin 53703

PURSUANT TO WIS. STAT. § 13.31 YOU ARE HEREBY COMMANDED TO CAUSE the person 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 22, 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/or illegalities related to the Election, including the Topics of Testimony (Exhibit A).

You are further commanded that your designee or representative bring with him 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 B, 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

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SCHEDULE A

GENERAL INSTRUCTIONS

1. These Instructions incorporate the Definitions attached to the subpoena. Please read them carefully before reading this document.

2. In complying with this subpoena, you are required to produce all responsive Documents that are in your possession, custody, or control. You shall also produce Documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as Documents that you have placed in the temporary possession, custody, or control of any third party. Subpoenaed Documents shall not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Special Counsel.

3. All Documents produced in response to this subpoena shall be sequentially and uniquely Bates-stamped.

4. In the event that any entity, organization, or person identified in this subpoena has been, or is also known by any other name than that herein identified, the subpoena shall be read also to include that alternative identification.

5. It shall not be a basis for refusal to produce Documents that any other person or entity also possesses non-identical or identical copies of the same Documents.

6. If a date or other descriptive detail set forth in this subpoena referring to a Document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the subpoena, you are required to produce all Documents that would be responsive as if the date or other descriptive detail were correct.

7. Documents produced in response to this subpoena shall be produced as they were kept in the normal course of business together with copies of file labels, dividers, or identifying markers with which they were associated when the subpoena was served.

8. If you withhold any Document pursuant to a claimed right protected by the state or federal constitution, or pursuant to a claim of non-disclosure privileges including, but not limited to, the deliberative-process privilege, the attorney-client privilege, attorney work product protections, any purported privileges, protections, or exemptions from disclosure under Wis. Stat. § 19.35 or the Freedom of Information Act, then you must comply with the following procedure:

    1. You may only withhold that portion of a Document over which you assert a claim of privilege, protection, or exemption. Accordingly, you may only withhold a Document in its entirety if you maintain that the entire Document is privileged or protected. Otherwise you must produce the Document in redacted form.

    2. In the event that you withhold a Document—in whole or in part—on the basis of a privilege, protection, or exemption, you must provide a privilege log containing the following information concerning each discrete claim of privilege, protection, or exemption:

        - the privilege, protection, or exemption asserted;
        - the type of Document;
        - the date, author, and addressee;

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- the relationship of the author and addressee to each other; and

- a general description of the nature of the Document that, without revealing information itself privileged or protected, will enable the Office of the Special Counsel to assess your claim of privilege, protection, or exemption.

3. In the event a Document or a portion thereof is withheld under multiple discrete claims of privilege, protection, or exemption, each claim of privilege, protection, or exemption must be separately logged.

4. In the event portions of a Document are withheld on discrete claims of privilege, protection, or exemption, each separate claim of privilege, protection, or exemption within that Document must be separately logged.

5. You must produce the privilege log contemporaneously with the withholding of any Document in whole or in part on the basis of a privilege, protection, or exemption.

6. You must certify that your privilege log contains only those assertions of privilege, protection, or exemption as are consistent with these Instructions and are warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law, or for establishing new law.

7. Failure to strictly comply with these provisions constitutes waiver of any asserted privilege, protection, or exemption.

9. Neither the Office of the Special Counsel nor the Committee recognizes any purported contractual privileges, such as non-disclosure agreements, as a basis for withholding the production of a Document. Any such assertion shall be of no legal force or effect, and shall not provide a justification for such withholding or refusal, unless and only to the extent that the Special Counsel has consented to recognize the assertion as valid.

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11. If you discover any portion of your response is incorrect in a material respect you must immediately and contemporaneously submit to the Office of the Special Counsel, in writing, an explanation setting forth: (1) how you became aware of the defect in the response; (2) how the defect came about (or how you believe it to have come about); and (3) a detailed description of the steps you took to remedy the defect.

12. A cover letter shall be included with each production and include the following:

a. The Bates-numbering range of the Documents produced, including any Bates-prefixes or -suffixes;

b. If the subpoena is directed to an entity as opposed to an individual, a list of custodians for the produced Documents, identifying the Bates range associated with each custodian;

c. A statement that a diligent search has been completed of all Documents in your possession, custody, or control that reasonably could contain responsive material;

d. A statement that the search complies with good forensic practices;

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e. A statement that Documents responsive to this subpoena have not been destroyed, modified, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel since the date of receiving the subpoena or in anticipation of receiving the subpoena;

f. A statement that all Documents located during the search that are responsive have been produced to the Office of the Special Counsel or withheld in whole or in part on the basis of an assertion of a claim of privilege or protection in compliance with these Instructions; and

g. Your signature, attesting that everything stated in the cover letter is true and correct and that you made the statements under penalty of perjury.

13. You must identify any Documents that you believe contain confidential or proprietary information. However, the fact that a Document contains confidential or proprietary information is not a justification for not producing the Document, or redacting any part of it.

14. Electronically-stored Documents must be produced to the Office of the Special Counsel in accordance with the attached Electronic Production Instructions in order to be considered to be in compliance with the subpoena. Failure to produce Documents in accordance with the attached Electronic Production Instructions, may, in an exercise of the Special Counsel's discretion, be deemed an act of contumacy.

15. If properties or permissions are modified for any Documents produced electronically, receipt of such Documents will not be considered full compliance with the subpoena.

ELECTRONIC PRODUCTION INSTRUCTIONS

The production of electronically-stored Documents shall be prepared according to, and strictly adhere to, the following standards:

16. Documents shall be produced in their native format with all meta-data intact.

17. Documents produced shall be organized, identified, and indexed electronically.

18. Only alphanumeric characters and the underscore (_") character are permitted in file and folder names. Special characters are not permitted.

19. Production media and produced Documents shall not be encrypted, contain any password protections, or have any limitations that restrict access and use.

20. Documents shall be produced to the Office of the Special Counsel on one or more memory sticks, thumb drives, or USB hard drives. Production media shall be labeled with the following information: production date, name of the subpoena recipient, Bates range.

21. All Documents shall be Bates-stamped sequentially and should not duplicate any Bates-numbering used in producing physical documents.

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Schedule B

DEFINITIONS

22. "All," "any," and "each" shall each be construed as encompassing any and all. The singular includes the plural number, and vice versa. The masculine includes the feminine and neuter genders.

23. "And" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information that might otherwise be construed to be outside its scope.

24. "Ballot" means a ballot related to the Election, including mail-in ballots, early in-person ballots, provisional ballots, and physical ballots cast in person the day of the election.

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27. "Communication with," "communications from," and "communications between" means any communication involving two or more people or entities, regardless of whether other persons were involved in the communication, and includes, but is not limited to, communications where one party is cc'd or bcc'd, both parties are cc'd or bcc'd, or some combination thereof.

28. "CTCL" means the Center for Tech and Civic Life.

29. "Documents" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), text messages, instant messages, MMS or SMS messages, contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electronic records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

30. "**Election**" means the November 3, 2020, Wisconsin General Election for, inter alia, President of the United States.

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31. "Employee" means a current or former: officer, director, shareholder, partner, member, consultant, senior manager, manager, senior associate, permanent employee, staff employee, attorney, agent (whether de jure, de facto, or apparent, without limitation), advisor, representative, attorney (in law or in fact), lobbyist (registered or unregistered), borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, provisional employee, or subcontractor.

32. When referring to a person, "to identify" means to give, to the extent known: (1) the person's full name; (2) present or last known address; and (3) when referring to a natural person, additionally: (a) the present or last known place of employment; (b) the natural person's complete title at the place of employment; and (c) the individual's business address. When referring to documents, "to identify" means to give, to the extent known the: (1) type of document; (2) general subject matter; (3) date of the document; and (4) author, addressee, and recipient.

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34. "Indicating" with respect to any given subject means anything showing, evidencing, pointing out or pointing to, directing attention to, making known, stating, or expressing that subject of any sort, form, or level of formality or informality, whatsoever, without limitation.

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36. "Person" is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association, and all subsidiaries, divisions, partnerships, properties, affiliates, branches, groups, special purpose entities, joint ventures, predecessors, successors, or any other entity in which they have or had a controlling interest, and any employee, and any other units thereof.

37. "Pertaining to," "referring," "relating," or "concerning" with respect to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

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40. "You" or "Your" shall mean (in the case of an entity) the entity named in the subpoena, as well as its officers, directors, subsidiaries, divisions, predecessor and successor companies, affiliates, parents, any partnership or joint venture to which it may be a party. If the person named in the entity is either an individual or an entity, "you" and "your" also means your employees, agents, representatives, consultants, accountants and attorneys, including anyone who served in any such capacity at any time during the relevant time period specified herein.

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EXHIBIT A

TOPICS OF TESTIMONY

The entity on which the attached subpoena was served must designate an official, officer, director, or managing agent who consents to testify on its behalf. Such individual shall testify as to matters known or reasonably available to the organization on the following topics.

These topics of testimony are limited to the time period from January 1, 2020 to current:

1. The 2020 election conducted in the City of Madison.
2. All private funding the City of Madison received related to the 2020 election in the City of Madison.
3. City of Madison coordination relating to 2020 election administration by the "Wisconsin 5 cities"—Racine, Kenosha, Green Bay, Milwaukee and Madison—and their Mayors.
4. City of Madison or its employees' communications Wisconsin Election Commission and its officials or employees, and with the officials or employees of the Cities of Racine, Kenosha, Madison, Green Bay and Milwaukee and/or any other employee, representative agent or other person affiliated with them, regarding or in any way related to the 2020 election in the City of Madison.
5. City of Madison or its employees' communications with Center for Tech and Civic Life or its employee Tiana Epps-Johnson, The National Vote At Home Institute or its employee Michael Spitzer Rubenstein, The Elections Group or its employee Ryan Chew, Ideas42, Power the Polls, Mikva Challenge, US Digital Response, Center for Civic Design, Center for Election and Innovation Research (CEIR), Center for Secure and Modern Elections (CSME) or its employee Eric Ming, The Brennan Center for Justice, HVS Productions, Facebook, Modern Selections and/or any other employee, representative agent or other person affiliated with them, regarding or in any way related to the Election in Wisconsin.
6. In-person voting processes in the 2020 election in the City of Madison.
7. Absentee voting processes in the 2020 election in the City of Madison.
8. Voter education programs in the 2020 election in the City of Madison.

WI-REP-22-0458-A-000290

AMERICAN OVERSIGHT

EXHIBIT B

These document requests are limited to the time period from January 1, 2020 to current:

1. All documents pertaining to election administration related to interactions, communication with, or comments regarding the Office of the Clerk of the City of Madison.
2. All documents and communications between any employee of the City of Madison with the Center for Tech and Civic Life ("CTCL"). This includes, but is not limited to, documents and communications with Tiana Epps-Johnson and Whitney May.
3. All documents and communications between any employee of the City of Madison and the Wisconsin Elections Commission ("WEC") and its officials or employees regarding or in any way related to the election.
4. All documents and communications between any employee of the City of Madison and officials or employees of the Cities of Green Bay, Kenosha, Milwaukee and Racine and/or any other employee, representative agent or other person affiliated with these cities, regarding or in any way related to the election.
5. All documents and communications between the Office of the Mayor of the City of Madison and employees of any group, organization, person or entity, including but not limited to CTCL, and/or any other employee, representative agent or other person affiliated with them, regarding or in any way related to the election.
6. All documents or communications between any Employee of the City of Madison and CTCL and/or its employees Tiana Epps-Johnson and Whitney May, The National Vote At Home Institute and/or its employee Michael Spitzer-Rubenstein, The Elections Group and/or its employee Ryan Chew, Ideas42, Power to the Polls and/or Fair Elections Center, Mikva Challenge, US Digital Response, Center for Civic Design, Center for Election and Innovation Research ("CEIR"), Center for Secure and Modern Elections ("CSME") and/or its employee Eric Ming, The Brennan Center for Justice, HVS Productions, Facebook, Modern Selections and/or any other employee, representative agent or other person affiliated with the above named entities, regarding or in any way related to the election.

WI-REP-22-0458-A-000291

AMERICAN OVERSIGHT

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.

Relating to: directing the Assembly Committee on Campaigns and Elections to investigate the administration of elections in Wisconsin.

Whereas, the ability of American citizens to exercise their right to vote is foundational to our representative democracy; and

Whereas, the legitimacy of the American form of government depends on the citizens' widespread confidence in the fairness of elections and acceptance of election results; and

Whereas, preserving the integrity of the electoral process is one of our government's most important responsibilities; and

Whereas, the administration of elections in Wisconsin is governed by an extensive set of duly enacted laws; and

Whereas, however, election laws are not self-enforcing but rely on the good faith efforts of election officials to dutifully carry out those laws as written in order to ensure fair elections; and

WI-REP-22-0458-A-000292

Whereas, the integrity of our electoral process 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; and

Whereas, it is the duty of the Wisconsin Legislature to make laws and to exercise its oversight and investigative authority to determine the extent to which elections in Wisconsin have been conducted in compliance with the law; now, therefore, be it

Resolved by the assembly, That the Wisconsin Assembly hereby 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.

(END)

AMERICAN OVERSIGHT

WI-REP-22-0458-A-000293

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 Kenosha
625 52nd Street Room 300
Kenosha, WI 53140

PURSUANT TO WIS. STAT. § 13.31 YOU ARE HEREBY COMMANDED TO CAUSE the person 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 22, 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/or illegalities related to the Election, including the Topics of Testimony (Exhibit A).

You are further commanded that your designee or representative bring with him 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 B, 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

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

SCHEDULE A

GENERAL INSTRUCTIONS

1. These Instructions incorporate the Definitions attached to the subpoena. Please read them carefully before reading this document.

2. In complying with this subpoena, you are required to produce all responsive Documents that are in your possession, custody, or control. You shall also produce Documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as Documents that you have placed in the temporary possession, custody, or control of any third party. Subpoenaed Documents shall not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Special Counsel.

3. All Documents produced in response to this subpoena shall be sequentially and uniquely Bates-stamped.

4. In the event that any entity, organization, or person identified in this subpoena has been, or is also known by any other name than that herein identified, the subpoena shall be read also to include that alternative identification.

5. It shall not be a basis for refusal to produce Documents that any other person or entity also possesses non-identical or identical copies of the same Documents.

6. If a date or other descriptive detail set forth in this subpoena referring to a Document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the subpoena, you are required to produce all Documents that would be responsive as if the date or other descriptive detail were correct.

7. Documents produced in response to this subpoena shall be produced as they were kept in the normal course of business together with copies of file labels, dividers, or identifying markers with which they were associated when the subpoena was served.

8. If you withhold any Document pursuant to a claimed right protected by the state or federal constitution, or pursuant to a claim of non-disclosure privileges including, but not limited to, the deliberative-process privilege, the attorney-client privilege, attorney work product protections, any purported privileges, protections, or exemptions from disclosure under Wis. Stat. § 19.35 or the Freedom of Information Act, then you must comply with the following procedure:

    1. You may only withhold that portion of a Document over which you assert a claim of privilege, protection, or exemption. Accordingly, you may only withhold a Document in its entirety if you maintain that the entire Document is privileged or protected. Otherwise you must produce the Document in redacted form.

    2. In the event that you withhold a Document—in whole or in part—on the basis of a privilege, protection, or exemption, you must provide a privilege log containing the following information concerning each discrete claim of privilege, protection, or exemption:

        - the privilege, protection, or exemption asserted;
        - the type of Document;
        - the date, author, and addressee;

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AMERICAN OVERSIGHT

- the relationship of the author and addressee to each other; and

- a general description of the nature of the Document that, without revealing information itself privileged or protected, will enable the Office of the Special Counsel to assess your claim of privilege, protection, or exemption.

3. In the event a Document or a portion thereof is withheld under multiple discrete claims of privilege, protection, or exemption, each claim of privilege, protection, or exemption must be separately logged.

4. In the event portions of a Document are withheld on discrete claims of privilege, protection, or exemption, each separate claim of privilege, protection, or exemption within that Document must be separately logged.

5. You must produce the privilege log contemporaneously with the withholding of any Document in whole or in part on the basis of a privilege, protection, or exemption.

6. You must certify that your privilege log contains only those assertions of privilege, protection, or exemption as are consistent with these Instructions and are warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law, or for establishing new law.

7. Failure to strictly comply with these provisions constitutes waiver of any asserted privilege, protection, or exemption.

9. Neither the Office of the Special Counsel nor the Committee recognizes any purported contractual privileges, such as non-disclosure agreements, as a basis for withholding the production of a Document. Any such assertion shall be of no legal force or effect, and shall not provide a justification for such withholding or refusal, unless and only to the extent that the Special Counsel has consented to recognize the assertion as valid.

10. This subpoena is continuing in nature and applies to any newly-discovered information. Any Document not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

11. If you discover any portion of your response is incorrect in a material respect you must immediately and contemporaneously submit to the Office of the Special Counsel, in writing, an explanation setting forth: (1) how you became aware of the defect in the response; (2) how the defect came about (or how you believe it to have come about); and (3) a detailed description of the steps you took to remedy the defect.

12. A cover letter shall be included with each production and include the following:

    a. The Bates-numbering range of the Documents produced, including any Bates-prefixes or -suffixes;

    b. If the subpoena is directed to an entity as opposed to an individual, a list of custodians for the produced Documents, identifying the Bates range associated with each custodian;

    c. A statement that a diligent search has been completed of all Documents in your possession, custody, or control that reasonably could contain responsive material;

    d. A statement that the search complies with good forensic practices;

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AMERICAN OVERSIGHT

e. A statement that Documents responsive to this subpoena have not been destroyed, modified, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel since the date of receiving the subpoena or in anticipation of receiving the subpoena;

f. A statement that all Documents located during the search that are responsive have been produced to the Office of the Special Counsel or withheld in whole or in part on the basis of an assertion of a claim of privilege or protection in compliance with these Instructions; and

g. Your signature, attesting that everything stated in the cover letter is true and correct and that you made the statements under penalty of perjury.

13. You must identify any Documents that you believe contain confidential or proprietary information. However, the fact that a Document contains confidential or proprietary information is not a justification for not producing the Document, or redacting any part of it.

14. Electronically-stored Documents must be produced to the Office of the Special Counsel in accordance with the attached Electronic Production Instructions in order to be considered to be in compliance with the subpoena. Failure to produce Documents in accordance with the attached Electronic Production Instructions, may, in an exercise of the Special Counsel's discretion, be deemed an act of contumacy.

15. If properties or permissions are modified for any Documents produced electronically, receipt of such Documents will not be considered full compliance with the subpoena.

ELECTRONIC PRODUCTION INSTRUCTIONS

The production of electronically-stored Documents shall be prepared according to, and strictly adhere to, the following standards:

16. Documents shall be produced in their native format with all meta-data intact.

17. Documents produced shall be organized, identified, and indexed electronically.

18. Only alphanumeric characters and the underscore (_") character are permitted in file and folder names. Special characters are not permitted.

19. Production media and produced Documents shall not be encrypted, contain any password protections, or have any limitations that restrict access and use.

20. Documents shall be produced to the Office of the Special Counsel on one or more memory sticks, thumb drives, or USB hard drives. Production media shall be labeled with the following information: production date, name of the subpoena recipient, Bates range.

21. All Documents shall be Bates-stamped sequentially and should not duplicate any Bates-numbering used in producing physical documents.

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Schedule B

DEFINITIONS

22. "All," "any," and "each" shall each be construed as encompassing any and all. The singular includes the plural number, and vice versa. The masculine includes the feminine and neuter genders.

23. "And" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information that might otherwise be construed to be outside its scope.

24. "Ballot" means a ballot related to the Election, including mail-in ballots, early in-person ballots, provisional ballots, and physical ballots cast in person the day of the election.

25. "Committee" means the committee named in the subpoena.

26. "Communication" means each manner or means of disclosure or exchange of information (in the form of facts, ideas, inquiries, or otherwise), regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in an in-person meeting, by telephone, facsimile, e-mail (desktop or mobile device), text message, MMS or SMS message, regular mail, telexes, releases, intra-company messaging channels, or otherwise.

27. "Communication with," "communications from," and "communications between" means any communication involving two or more people or entities, regardless of whether other persons were involved in the communication, and includes, but is not limited to, communications where one party is cc'd or bcc'd, both parties are cc'd or bcc'd, or some combination thereof.

28. "CTCL" means the Center for Tech and Civic Life.

29. "Documents" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), text messages, instant messages, MMS or SMS messages, contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electronic records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

30. "**Election**" means the November 3, 2020, Wisconsin General Election for, inter alia, President of the United States.

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31. "Employee" means a current or former: officer, director, shareholder, partner, member, consultant, senior manager, manager, senior associate, permanent employee, staff employee, attorney, agent (whether de jure, de facto, or apparent, without limitation), advisor, representative, attorney (in law or in fact), lobbyist (registered or unregistered), borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, provisional employee, or subcontractor.

32. When referring to a person, "to identify" means to give, to the extent known: (1) the person's full name; (2) present or last known address; and (3) when referring to a natural person, additionally: (a) the present or last known place of employment; (b) the natural person's complete title at the place of employment; and (c) the individual's business address. When referring to documents, "to identify" means to give, to the extent known the: (1) type of document; (2) general subject matter; (3) date of the document; and (4) author, addressee, and recipient.

33. "Forensic Image" means a bit-by-bit, sector-by-sector direct copy of a physical storage device, including all files, folders and unallocated, free and slack space. Forensic images include not only all the files visible to the operating system but also deleted files and pieces of files left in the slack and free space.

34. "Indicating" with respect to any given subject means anything showing, evidencing, pointing out or pointing to, directing attention to, making known, stating, or expressing that subject of any sort, form, or level of formality or informality, whatsoever, without limitation.

35. "Party" refers to any person involved or contemplating involvement in any act, affair, contract, transaction, judicial proceeding, administrative proceeding, or legislative proceeding.

36. "Person" is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association, and all subsidiaries, divisions, partnerships, properties, affiliates, branches, groups, special purpose entities, joint ventures, predecessors, successors, or any other entity in which they have or had a controlling interest, and any employee, and any other units thereof.

37. "Pertaining to," "referring," "relating," or "concerning" with respect to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

38. "Possession, custody or control" means (a) documents that are in your possession, custody, or control, whether held by you or your employees; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that have been placed in the possession, custody, or control of any third party.

39. "Processes" means any processes, procedures, methodologies, materials, practices, techniques, systems, or other like activity, of any sort, form, or level of formality or informality, whatsoever, without limitation.

40. "You" or "Your" shall mean (in the case of an entity) the entity named in the subpoena, as well as its officers, directors, subsidiaries, divisions, predecessor and successor companies, affiliates, parents, any partnership or joint venture to which it may be a party. If the person named in the entity is either an individual or an entity, "you" and "your" also means your employees, agents, representatives, consultants, accountants and attorneys, including anyone who served in any such capacity at any time during the relevant time period specified herein.

WI-REP-22-0458-A-000299

AMERICAN OVERSIGHT

EXHIBIT A

TOPICS OF TESTIMONY

The entity on which the attached subpoena was served must designate an official, officer, director, or managing agent who consents to testify on its behalf. Such individuals shall testify as to matters known or reasonably available to the organization on the following topics.

These topics of testimony are limited to the time period from January 1, 2020 to current:

1. The 2020 election conducted in the City of Kenosha.
2. All private funding the City of Kenosha received related to the 2020 election in the City of Kenosha.
3. City of Kenosha coordination relating to 2020 election administration by the "Wisconsin 5 cities"—Racine, Kenosha, Green Bay, Milwaukee and Madison—and their Mayors.
4. City of Kenosha or its employees' communications Wisconsin Election Commission and its officials or employees, and with the officials or employees of the Cities of Racine, Kenosha, Madison, Green Bay and Milwaukee and/or any other employee, representative agent or other person affiliated with them, regarding or in any way related to the 2020 election in the City of Kenosha.
5. City of Kenosha or its employees' communications with Center for Tech and Civic Life or its employee Tiana Epps-Johnson, The National Vote At Home Institute or its employee Michael Spitzer Rubenstein, The Elections Group or its employee Ryan Chew, Ideas42, Power the Polls, Mikva Challenge, US Digital Response, Center for Civic Design, Center for Election and Innovation Research (CEIR), Center for Secure and Modern Elections (CSME) or its employee Eric Ming, The Brennan Center for Justice, HVS Productions, Facebook, Modern Selections and/or any other employee, representative agent or other person affiliated with them, regarding or in any way related to the Election in Wisconsin.
6. In-person voting processes in the 2020 election in the City of Kenosha.
7. Absentee voting processes in the 2020 election in the City of Kenosha.
8. Voter education programs in the 2020 election in the City of Kenosha.

WI-REP-22-0458-A-000300

AMERICAN OVERSIGHT

EXHIBIT B

These document requests are limited to the time period from January 1, 2020 to current:

1. All documents pertaining to election administration related to interactions, communication with, or comments regarding the Office of the Clerk of the City of Kenosha.
2. All documents and communications between any employee of the City of Kenosha with the Center for Tech and Civic Life ("CTCL"). This includes, but is not limited to, documents and communications with Tiana Epps-Johnson and Whitney May.
3. All documents and communications between any employee of the City of Kenosha and the Wisconsin Elections Commission ("WEC") and its officials or employees regarding or in any way related to the election.
4. All documents and communications between any employee of the City of Kenosha and officials or employees of the Cities of Green Bay, Madison, Milwaukee and Racine and/or any other employee, representative agent or other person affiliated with these cities, regarding or in any way related to the election.
5. All documents and communications between the Office of the Mayor of the City of Kenosha and employees of any group, organization, person or entity, including but not limited to CTCL, and/or any other employee, representative agent or other person affiliated with them, regarding or in any way related to the election.
6. All documents or communications between any Employee of the City of Kenosha and CTCL and/or its employees Tiana Epps-Johnson and Whitney May, The National Vote At Home Institute and/or its employee Michael Spitzer-Rubenstein, The Elections Group and/or its employee Ryan Chew, Ideas42, Power to the Polls and/or Fair Elections Center, Mikva Challenge, US Digital Response, Center for Civic Design, Center for Election and Innovation Research ("CEIR"), Center for Secure and Modern Elections ("CSME") and/or its employee Eric Ming, The Brennan Center for Justice, HVS Productions, Facebook, Modern Selections and/or any other employee, representative agent or other person affiliated with the above named entities, regarding or in any way related to the election.

WI-REP-22-0458-A-000301

AMERICAN OVERSIGHT

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.

Relating to: directing the Assembly Committee on Campaigns and Elections to investigate the administration of elections in Wisconsin.

Whereas, the ability of American citizens to exercise their right to vote is foundational to our representative democracy; and

Whereas, the legitimacy of the American form of government depends on the citizens' widespread confidence in the fairness of elections and acceptance of election results; and

Whereas, preserving the integrity of the electoral process is one of our government's most important responsibilities; and

Whereas, the administration of elections in Wisconsin is governed by an extensive set of duly enacted laws; and

Whereas, however, election laws are not self-enforcing but rely on the good faith efforts of election officials to dutifully carry out those laws as written in order to ensure fair elections; and

WI-REP-22-0458-A-000302

Whereas, the integrity of our electoral process 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; and

Whereas, it is the duty of the Wisconsin Legislature to make laws and to exercise its oversight and investigative authority to determine the extent to which elections in Wisconsin have been conducted in compliance with the law; now, therefore, be it

Resolved by the assembly, That the Wisconsin Assembly hereby 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.

(END)

AMERICAN OVERSIGHT

WI-REP-22-0458-A-000303

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 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 22, 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/or illegalities related to the Election, including the Topics of Testimony (Exhibit A).

You are further commanded that your designee or representative bring with him 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 B, 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 Mount 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

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

SCHEDULE A

GENERAL INSTRUCTIONS

1. These Instructions incorporate the Definitions attached to the subpoena. Please read them carefully before reading this document.

2. In complying with this subpoena, you are required to produce all responsive Documents that are in your possession, custody, or control. You shall also produce Documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as Documents that you have placed in the temporary possession, custody, or control of any third party. Subpoenaed Documents shall not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Special Counsel.

3. All Documents produced in response to this subpoena shall be sequentially and uniquely Bates-stamped.

4. In the event that any entity, organization, or person identified in this subpoena has been, or is also known by any other name than that herein identified, the subpoena shall be read also to include that alternative identification.

5. It shall not be a basis for refusal to produce Documents that any other person or entity also possesses non-identical or identical copies of the same Documents.

6. If a date or other descriptive detail set forth in this subpoena referring to a Document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the subpoena, you are required to produce all Documents that would be responsive as if the date or other descriptive detail were correct.

7. Documents produced in response to this subpoena shall be produced as they were kept in the normal course of business together with copies of file labels, dividers, or identifying markers with which they were associated when the subpoena was served.

8. If you withhold any Document pursuant to a claimed right protected by the state or federal constitution, or pursuant to a claim of non-disclosure privileges including, but not limited to, the deliberative-process privilege, the attorney-client privilege, attorney work product protections, any purported privileges, protections, or exemptions from disclosure under Wis. Stat. § 19.35 or the Freedom of Information Act, then you must comply with the following procedure:

    1. You may only withhold that portion of a Document over which you assert a claim of privilege, protection, or exemption. Accordingly, you may only withhold a Document in its entirety if you maintain that the entire Document is privileged or protected. Otherwise you must produce the Document in redacted form.

    2. In the event that you withhold a Document—in whole or in part—on the basis of a privilege, protection, or exemption, you must provide a privilege log containing the following information concerning each discrete claim of privilege, protection, or exemption:

        - the privilege, protection, or exemption asserted;
        - the type of Document;
        - the date, author, and addressee;

WI-REP-22-0458-A-000305

AMERICAN OVERSIGHT

- the relationship of the author and addressee to each other; and

- a general description of the nature of the Document that, without revealing information itself privileged or protected, will enable the Office of the Special Counsel to assess your claim of privilege, protection, or exemption.

3. In the event a Document or a portion thereof is withheld under multiple discrete claims of privilege, protection, or exemption, each claim of privilege, protection, or exemption must be separately logged.

4. In the event portions of a Document are withheld on discrete claims of privilege, protection, or exemption, each separate claim of privilege, protection, or exemption within that Document must be separately logged.

5. You must produce the privilege log contemporaneously with the withholding of any Document in whole or in part on the basis of a privilege, protection, or exemption.

6. You must certify that your privilege log contains only those assertions of privilege, protection, or exemption as are consistent with these Instructions and are warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law, or for establishing new law.

7. Failure to strictly comply with these provisions constitutes waiver of any asserted privilege, protection, or exemption.

9. Neither the Office of the Special Counsel nor the Committee recognizes any purported contractual privileges, such as non-disclosure agreements, as a basis for withholding the production of a Document. Any such assertion shall be of no legal force or effect, and shall not provide a justification for such withholding or refusal, unless and only to the extent that the Special Counsel has consented to recognize the assertion as valid.

10. This subpoena is continuing in nature and applies to any newly-discovered information. Any Document not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

11. If you discover any portion of your response is incorrect in a material respect you must immediately and contemporaneously submit to the Office of the Special Counsel, in writing, an explanation setting forth: (1) how you became aware of the defect in the response; (2) how the defect came about (or how you believe it to have come about); and (3) a detailed description of the steps you took to remedy the defect.

12. A cover letter shall be included with each production and include the following:

a. The Bates-numbering range of the Documents produced, including any Bates-prefixes or -suffixes;

b. If the subpoena is directed to an entity as opposed to an individual, a list of custodians for the produced Documents, identifying the Bates range associated with each custodian;

c. A statement that a diligent search has been completed of all Documents in your possession, custody, or control that reasonably could contain responsive material;

d. A statement that the search complies with good forensic practices;

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e. A statement that Documents responsive to this subpoena have not been destroyed, modified, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel since the date of receiving the subpoena or in anticipation of receiving the subpoena;

f. A statement that all Documents located during the search that are responsive have been produced to the Office of the Special Counsel or withheld in whole or in part on the basis of an assertion of a claim of privilege or protection in compliance with these Instructions; and

g. Your signature, attesting that everything stated in the cover letter is true and correct and that you made the statements under penalty of perjury.

13. You must identify any Documents that you believe contain confidential or proprietary information. However, the fact that a Document contains confidential or proprietary information is not a justification for not producing the Document, or redacting any part of it.

14. Electronically-stored Documents must be produced to the Office of the Special Counsel in accordance with the attached Electronic Production Instructions in order to be considered to be in compliance with the subpoena. Failure to produce Documents in accordance with the attached Electronic Production Instructions, may, in an exercise of the Special Counsel's discretion, be deemed an act of contumacy.

15. If properties or permissions are modified for any Documents produced electronically, receipt of such Documents will not be considered full compliance with the subpoena.

ELECTRONIC PRODUCTION INSTRUCTIONS

The production of electronically-stored Documents shall be prepared according to, and strictly adhere to, the following standards:

16. Documents shall be produced in their native format with all meta-data intact.

17. Documents produced shall be organized, identified, and indexed electronically.

18. Only alphanumeric characters and the underscore (_") character are permitted in file and folder names. Special characters are not permitted.

19. Production media and produced Documents shall not be encrypted, contain any password protections, or have any limitations that restrict access and use.

20. Documents shall be produced to the Office of the Special Counsel on one or more memory sticks, thumb drives, or USB hard drives. Production media shall be labeled with the following information: production date, name of the subpoena recipient, Bates range.

21. All Documents shall be Bates-stamped sequentially and should not duplicate any Bates-numbering used in producing physical documents.

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Schedule B

DEFINITIONS

22. "All," "any," and "each" shall each be construed as encompassing any and all. The singular includes the plural number, and vice versa. The masculine includes the feminine and neuter genders.

23. "And" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information that might otherwise be construed to be outside its scope.

24. "Ballot" means a ballot related to the Election, including mail-in ballots, early in-person ballots, provisional ballots, and physical ballots cast in person the day of the election.

25. "Committee" means the committee named in the subpoena.

26. "Communication" means each manner or means of disclosure or exchange of information (in the form of facts, ideas, inquiries, or otherwise), regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in an in-person meeting, by telephone, facsimile, e-mail (desktop or mobile device), text message, MMS or SMS message, regular mail, telexes, releases, intra-company messaging channels, or otherwise.

27. "Communication with," "communications from," and "communications between" means any communication involving two or more people or entities, regardless of whether other persons were involved in the communication, and includes, but is not limited to, communications where one party is cc'd or bcc'd, both parties are cc'd or bcc'd, or some combination thereof.

28. "CTCL" means the Center for Tech and Civic Life.

29. "Documents" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), text messages, instant messages, MMS or SMS messages, contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electronic records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

30. "**Election**" means the November 3, 2020, Wisconsin General Election for, inter alia, President of the United States.

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31. "Employee" means a current or former: officer, director, shareholder, partner, member, consultant, senior manager, manager, senior associate, permanent employee, staff employee, attorney, agent (whether de jure, de facto, or apparent, without limitation), advisor, representative, attorney (in law or in fact), lobbyist (registered or unregistered), borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, provisional employee, or subcontractor.

32. When referring to a person, "to identify" means to give, to the extent known: (1) the person's full name; (2) present or last known address; and (3) when referring to a natural person, additionally: (a) the present or last known place of employment; (b) the natural person's complete title at the place of employment; and (c) the individual's business address. When referring to documents, "to identify" means to give, to the extent known the: (1) type of document; (2) general subject matter; (3) date of the document; and (4) author, addressee, and recipient.

33. "Forensic Image" means a bit-by-bit, sector-by-sector direct copy of a physical storage device, including all files, folders and unallocated, free and slack space. Forensic images include not only all the files visible to the operating system but also deleted files and pieces of files left in the slack and free space.

34. "Indicating" with respect to any given subject means anything showing, evidencing, pointing out or pointing to, directing attention to, making known, stating, or expressing that subject of any sort, form, or level of formality or informality, whatsoever, without limitation.

35. "Party" refers to any person involved or contemplating involvement in any act, affair, contract, transaction, judicial proceeding, administrative proceeding, or legislative proceeding.

36. "Person" is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association, and all subsidiaries, divisions, partnerships, properties, affiliates, branches, groups, special purpose entities, joint ventures, predecessors, successors, or any other entity in which they have or had a controlling interest, and any employee, and any other units thereof.

37. "Pertaining to," "referring," "relating," or "concerning" with respect to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

38. "Possession, custody or control" means (a) documents that are in your possession, custody, or control, whether held by you or your employees; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that have been placed in the possession, custody, or control of any third party.

39. "Processes" means any processes, procedures, methodologies, materials, practices, techniques, systems, or other like activity, of any sort, form, or level of formality or informality, whatsoever, without limitation.

40. "You" or "Your" shall mean (in the case of an entity) the entity named in the subpoena, as well as its officers, directors, subsidiaries, divisions, predecessor and successor companies, affiliates, parents, any partnership or joint venture to which it may be a party. If the person named in the entity is either an individual or an entity, "you" and "your" also means your employees, agents, representatives, consultants, accountants and attorneys, including anyone who served in any such capacity at any time during the relevant time period specified herein.

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EXHIBIT A

TOPICS OF TESTIMONY

The entity on which the attached subpoena was served must designate an official, officer, director, or managing agent who consents to testify on its behalf. Such individual shall testify as to matters known or reasonably available to the organization on the following topics.

These topics of testimony are limited to the time period from January 1, 2020 to current:

1. The 2020 election conducted in the City of Racine.
2. All private funding the City of Racine received related to the 2020 election in the City of Racine.
3. City of Racine coordination relating to 2020 election administration by the "Wisconsin 5 cities"—Racine, Kenosha, Green Bay, Milwaukee and Madison—and their Mayors.
4. City of Racine or its employees' communications Wisconsin Election Commission and its officials or employees, and with the officials or employees of the Cities of Racine, Kenosha, Madison, Green Bay and Milwaukee and/or any other employee, representative agent or other person affiliated with them, regarding or in any way related to the 2020 election in the City of Racine.
5. City of Racine or its employees' communications with Center for Tech and Civic Life or its employee Tiana Epps-Johnson, The National Vote At Home Institute or its employee Michael Spitzer Rubenstein, The Elections Group or its employee Ryan Chew, Ideas42, Power the Polls, Mikva Challenge, US Digital Response, Center for Civic Design, Center for Election and Innovation Research (CEIR), Center for Secure and Modern Elections (CSME) or its employee Eric Ming, The Brennan Center for Justice, HVS Productions, Facebook, Modern Selections and/or any other employee, representative agent or other person affiliated with them, regarding or in any way related to the Election in Wisconsin.
6. In-person voting processes in the 2020 election in the City of Racine.
7. Absentee voting processes in the 2020 election in the City of Racine.
8. Voter education programs in the 2020 election in the City of Racine.

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EXHIBIT B

These document requests are limited to the time period from January 1, 2020 to current:

1. All documents pertaining to election administration related to interactions, communication with, or comments regarding the Office of the Clerk of the City of Racine.
2. All documents and communications between any employee of the City of Racine with the Center for Tech and Civic Life ("CTCL"). This includes, but is not limited to, documents and communications with Tiana Epps-Johnson and Whitney May.
3. All documents and communications between any employee of the City of Racine and the Wisconsin Elections Commission ("WEC") and its officials or employees regarding or in any way related to the election.
4. All documents and communications between any employee of the City of Racine and officials or employees of the Cities of Green Bay, Kenosha, Milwaukee and Madison and/or any other employee, representative agent or other person affiliated with these cities, regarding or in any way related to the election.
5. All documents and communications between the Office of the Mayor of the City of Racine and employees of any group, organization, person or entity, including but not limited to CTCL, and/or any other employee, representative agent or other person affiliated with them, regarding or in any way related to the election.
6. All documents or communications between any Employee of the City of Racine and CTCL and/or its employees Tiana Epps-Johnson and Whitney May, The National Vote At Home Institute and/or its employee Michael Spitzer-Rubenstein, The Elections Group and/or its employee Ryan Chew, Ideas42, Power to the Polls and/or Fair Elections Center, Mikva Challenge, US Digital Response, Center for Civic Design, Center for Election and Innovation Research ("CEIR"), Center for Secure and Modern Elections ("CSME") and/or its employee Eric Ming, The Brennan Center for Justice, HVS Productions, Facebook, Modern Selections and/or any other employee, representative agent or other person affiliated with the above named entities, regarding or in any way related to the election.

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AMERICAN OVERSIGHT

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.

Relating to: directing the Assembly Committee on Campaigns and Elections to investigate the administration of elections in Wisconsin.

Whereas, the ability of American citizens to exercise their right to vote is foundational to our representative democracy; and

Whereas, the legitimacy of the American form of government depends on the citizens' widespread confidence in the fairness of elections and acceptance of election results; and

Whereas, preserving the integrity of the electoral process is one of our government's most important responsibilities; and

Whereas, the administration of elections in Wisconsin is governed by an extensive set of duly enacted laws; and

Whereas, however, election laws are not self-enforcing but rely on the good faith efforts of election officials to dutifully carry out those laws as written in order to ensure fair elections; and

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Whereas, the integrity of our electoral process 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; and

Whereas, it is the duty of the Wisconsin Legislature to make laws and to exercise its oversight and investigative authority to determine the extent to which elections in Wisconsin have been conducted in compliance with the law; now, therefore, be it

Resolved by the assembly, That the Wisconsin Assembly hereby 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.

(END)

AMERICAN OVERSIGHT

WI-REP-22-0458-A-000313

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. Cory Mason
Mayor, City of Racine
730 Washington Ave
Racine, WI 53403

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

AMERICAN OVERSIGHT

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SCHEDULE A

GENERAL INSTRUCTIONS

1. These Instructions incorporate the Definitions attached to the subpoena. Please read them carefully before reading this document.

2. In complying with this subpoena, you are required to produce all responsive Documents that are in your possession, custody, or control. You shall also produce Documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as Documents that you have placed in the temporary possession, custody, or control of any third party. Subpoenaed Documents shall not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Special Counsel.

3. All Documents produced in response to this subpoena shall be sequentially and uniquely Bates-stamped.

4. In the event that any entity, organization, or person identified in this subpoena has been, or is also known by any other name than that herein identified, the subpoena shall be read also to include that alternative identification.

5. It shall not be a basis for refusal to produce Documents that any other person or entity also possesses non-identical or identical copies of the same Documents.

6. If a date or other descriptive detail set forth in this subpoena referring to a Document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the subpoena, you are required to produce all Documents that would be responsive as if the date or other descriptive detail were correct.

7. Documents produced in response to this subpoena shall be produced as they were kept in the normal course of business together with copies of file labels, dividers, or identifying markers with which they were associated when the subpoena was served.

8. If you withhold any Document pursuant to a claimed right protected by the state or federal constitution, or pursuant to a claim of non-disclosure privileges including, but not limited to, the deliberative-process privilege, the attorney-client privilege, attorney work product protections, any purported privileges, protections, or exemptions from disclosure under Wis. Stat. § 19.35 or the Freedom of Information Act, then you must comply with the following procedure:

    1. You may only withhold that portion of a Document over which you assert a claim of privilege, protection, or exemption. Accordingly, you may only withhold a Document in its entirety if you maintain that the entire Document is privileged or protected. Otherwise you must produce the Document in redacted form.

    2. In the event that you withhold a Document—in whole or in part—on the basis of a privilege, protection, or exemption, you must provide a privilege log containing the following information concerning each discrete claim of privilege, protection, or exemption:

        - the privilege, protection, or exemption asserted;
        - the type of Document;
        - the date, author, and addressee;

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- the relationship of the author and addressee to each other; and

- a general description of the nature of the Document that, without revealing information itself privileged or protected, will enable the Office of the Special Counsel to assess your claim of privilege, protection, or exemption.

3. In the event a Document or a portion thereof is withheld under multiple discrete claims of privilege, protection, or exemption, each claim of privilege, protection, or exemption must be separately logged.

4. In the event portions of a Document are withheld on discrete claims of privilege, protection, or exemption, each separate claim of privilege, protection, or exemption within that Document must be separately logged.

5. You must produce the privilege log contemporaneously with the withholding of any Document in whole or in part on the basis of a privilege, protection, or exemption.

6. You must certify that your privilege log contains only those assertions of privilege, protection, or exemption as are consistent with these Instructions and are warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law, or for establishing new law.

7. Failure to strictly comply with these provisions constitutes waiver of any asserted privilege, protection, or exemption.

9. Neither the Office of the Special Counsel nor the Committee recognizes any purported contractual privileges, such as non-disclosure agreements, as a basis for withholding the production of a Document. Any such assertion shall be of no legal force or effect, and shall not provide a justification for such withholding or refusal, unless and only to the extent that the Special Counsel has consented to recognize the assertion as valid.

10. This subpoena is continuing in nature and applies to any newly-discovered information. Any Document not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

11. If you discover any portion of your response is incorrect in a material respect you must immediately and contemporaneously submit to the Office of the Special Counsel, in writing, an explanation setting forth: (1) how you became aware of the defect in the response; (2) how the defect came about (or how you believe it to have come about); and (3) a detailed description of the steps you took to remedy the defect.

12. A cover letter shall be included with each production and include the following:

a. The Bates-numbering range of the Documents produced, including any Bates-prefixes or -suffixes;

b. If the subpoena is directed to an entity as opposed to an individual, a list of custodians for the produced Documents, identifying the Bates range associated with each custodian;

c. A statement that a diligent search has been completed of all Documents in your possession, custody, or control that reasonably could contain responsive material;

d. A statement that the search complies with good forensic practices;

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e. A statement that Documents responsive to this subpoena have not been destroyed, modified, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel since the date of receiving the subpoena or in anticipation of receiving the subpoena;

f. A statement that all Documents located during the search that are responsive have been produced to the Office of the Special Counsel or withheld in whole or in part on the basis of an assertion of a claim of privilege or protection in compliance with these Instructions; and

g. Your signature, attesting that everything stated in the cover letter is true and correct and that you made the statements under penalty of perjury.

13. You must identify any Documents that you believe contain confidential or proprietary information. However, the fact that a Document contains confidential or proprietary information is not a justification for not producing the Document, or redacting any part of it.

14. Electronically-stored Documents must be produced to the Office of the Special Counsel in accordance with the attached Electronic Production Instructions in order to be considered to be in compliance with the subpoena. Failure to produce Documents in accordance with the attached Electronic Production Instructions, may, in an exercise of the Special Counsel's discretion, be deemed an act of contumacy.

15. If properties or permissions are modified for any Documents produced electronically, receipt of such Documents will not be considered full compliance with the subpoena.

ELECTRONIC PRODUCTION INSTRUCTIONS

The production of electronically-stored Documents shall be prepared according to, and strictly adhere to, the following standards:

16. Documents shall be produced in their native format with all meta-data intact.

17. Documents produced shall be organized, identified, and indexed electronically.

18. Only alphanumeric characters and the underscore (_") character are permitted in file and folder names. Special characters are not permitted.

19. Production media and produced Documents shall not be encrypted, contain any password protections, or have any limitations that restrict access and use.

20. Documents shall be produced to the Office of the Special Counsel on one or more memory sticks, thumb drives, or USB hard drives. Production media shall be labeled with the following information: production date, name of the subpoena recipient, Bates range.

21. All Documents shall be Bates-stamped sequentially and should not duplicate any Bates-numbering used in producing physical documents.

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Schedule B

DEFINITIONS

22. "All," "any," and "each" shall each be construed as encompassing any and all. The singular includes the plural number, and vice versa. The masculine includes the feminine and neuter genders.

23. "And" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information that might otherwise be construed to be outside its scope.

24. "Ballot" means a ballot related to the Election, including mail-in ballots, early in-person ballots, provisional ballots, and physical ballots cast in person the day of the election.

25. "Committee" means the committee named in the subpoena.

26. "Communication" means each manner or means of disclosure or exchange of information (in the form of facts, ideas, inquiries, or otherwise), regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in an in-person meeting, by telephone, facsimile, e-mail (desktop or mobile device), text message, MMS or SMS message, regular mail, telexes, releases, intra-company messaging channels, or otherwise.

27. "Communication with," "communications from," and "communications between" means any communication involving two or more people or entities, regardless of whether other persons were involved in the communication, and includes, but is not limited to, communications where one party is cc'd or bcc'd, both parties are cc'd or bcc'd, or some combination thereof.

28. "CTCL" means the Center for Tech and Civic Life.

29. "Documents" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), text messages, instant messages, MMS or SMS messages, contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electronic records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

30. "**Election**" means the November 3, 2020, Wisconsin General Election for, inter alia, President of the United States.

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AMERICAN OVERSIGHT

31. "Employee" means a current or former: officer, director, shareholder, partner, member, consultant, senior manager, manager, senior associate, permanent employee, staff employee, attorney, agent (whether de jure, de facto, or apparent, without limitation), advisor, representative, attorney (in law or in fact), lobbyist (registered or unregistered), borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, provisional employee, or subcontractor.

32. When referring to a person, "to identify" means to give, to the extent known: (1) the person's full name; (2) present or last known address; and (3) when referring to a natural person, additionally: (a) the present or last known place of employment; (b) the natural person's complete title at the place of employment; and (c) the individual's business address. When referring to documents, "to identify" means to give, to the extent known the: (1) type of document; (2) general subject matter; (3) date of the document; and (4) author, addressee, and recipient.

33. "Forensic Image" means a bit-by-bit, sector-by-sector direct copy of a physical storage device, including all files, folders and unallocated, free and slack space. Forensic images include not only all the files visible to the operating system but also deleted files and pieces of files left in the slack and free space.

34. "Indicating" with respect to any given subject means anything showing, evidencing, pointing out or pointing to, directing attention to, making known, stating, or expressing that subject of any sort, form, or level of formality or informality, whatsoever, without limitation.

35. "Party" refers to any person involved or contemplating involvement in any act, affair, contract, transaction, judicial proceeding, administrative proceeding, or legislative proceeding.

36. "Person" is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association, and all subsidiaries, divisions, partnerships, properties, affiliates, branches, groups, special purpose entities, joint ventures, predecessors, successors, or any other entity in which they have or had a controlling interest, and any employee, and any other units thereof.

37. "Pertaining to," "referring," "relating," or "concerning" with respect to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

38. "Possession, custody or control" means (a) documents that are in your possession, custody, or control, whether held by you or your employees; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that have been placed in the possession, custody, or control of any third party.

39. "Processes" means any processes, procedures, methodologies, materials, practices, techniques, systems, or other like activity, of any sort, form, or level of formality or informality, whatsoever, without limitation.

40. "You" or "Your" shall mean (in the case of an entity) the entity named in the subpoena, as well as its officers, directors, subsidiaries, divisions, predecessor and successor companies, affiliates, parents, any partnership or joint venture to which it may be a party. If the person named in the entity is either an individual or an entity, "you" and "your" also means your employees, agents, representatives, consultants, accountants and attorneys, including anyone who served in any such capacity at any time during the relevant time period specified herein.

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EXHIBIT A

TO SUBPOENA *DUCES TECUM*

These document requests are limited to the time period from January 1, 2020 to current:

1. All documents pertaining to election administration related to interactions, communication with, or comments regarding the Office of the Clerk of the City of Racine or Vicky Selkowe.
2. All documents and communications between the Office of the Mayor of the City of Racine with the Center for Tech and Civic Life ("CTCL"). This includes, but is not limited to, documents and communications with Tiana Epps-Johnson and Whitney May.
3. All documents and communications between the Office of the Mayor of the City of Racine and the Wisconsin Elections Commission ("WEC") and its officials or employees regarding or in any way related to the election.
4. All documents and communications between the Office of the Mayor of the City of Racine and officials or employees of the Cities of Green Bay, Kenosha, Madison and Milwaukee and/or any other employee, representative agent or other person affiliated with these cities, regarding or in any way related to the election.
5. All documents and communications between the Office of the Mayor of the City of Racine and employees of any group, organization, person or entity, including but not limited to CTCL, and/or any other employee, representative agent or other person affiliated with them, regarding or in any way related to the election.
6. All documents or communications between the Office of the Mayor of the City of Racine and CTCL and/or its employees Tiana Epps-Johnson and Whitney May, The National Vote At Home Institute and/or its employee Michael Spitzer-Rubenstein, The Elections Group and/or its employee Ryan Chew, Ideas42, Power to the Polls and/or Fair Elections Center, Mikva Challenge, US Digital Response, Center for Civic Design, Center for Election and Innovation Research ("CEIR"), Center for Secure and Modern Elections ("CSME") and/or its employee Eric Ming, The Brennan Center for Justice, HVS Productions, Facebook, Modern Selections and/or any other employee, representative agent or other person affiliated with the above named entities, regarding or in any way related to the election.

WI-REP-22-0458-A-000320

AMERICAN OVERSIGHT

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.

Relating to: directing the Assembly Committee on Campaigns and Elections to investigate the administration of elections in Wisconsin.

Whereas, the ability of American citizens to exercise their right to vote is foundational to our representative democracy; and

Whereas, the legitimacy of the American form of government depends on the citizens' widespread confidence in the fairness of elections and acceptance of election results; and

Whereas, preserving the integrity of the electoral process is one of our government's most important responsibilities; and

Whereas, the administration of elections in Wisconsin is governed by an extensive set of duly enacted laws; and

Whereas, however, election laws are not self-enforcing but rely on the good faith efforts of election officials to dutifully carry out those laws as written in order to ensure fair elections; and

WI-REP-22-0458-A-000321

Whereas, the integrity of our electoral process 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; and

Whereas, it is the duty of the Wisconsin Legislature to make laws and to exercise its oversight and investigative authority to determine the extent to which elections in Wisconsin have been conducted in compliance with the law; now, therefore, be it

Resolved by the assembly, That the Wisconsin Assembly hereby 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.

(END)

AMERICAN OVERSIGHT

WI-REP-22-0458-A-000322

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 Green Bay
100 N. Jefferson St.
Green Bay WI 54301

PURSUANT TO WIS. STAT. § 13.31 YOU ARE HEREBY COMMANDED TO CAUSE the person 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 22, 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/or illegalities related to the Election, including the Topics of Testimony (Exhibit A).

You are further commanded that your designee or representative bring with him 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 B, 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

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

SCHEDULE A

GENERAL INSTRUCTIONS

1. These Instructions incorporate the Definitions attached to the subpoena. Please read them carefully before reading this document.

2. In complying with this subpoena, you are required to produce all responsive Documents that are in your possession, custody, or control. You shall also produce Documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as Documents that you have placed in the temporary possession, custody, or control of any third party. Subpoenaed Documents shall not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Special Counsel.

3. All Documents produced in response to this subpoena shall be sequentially and uniquely Bates-stamped.

4. In the event that any entity, organization, or person identified in this subpoena has been, or is also known by any other name than that herein identified, the subpoena shall be read also to include that alternative identification.

5. It shall not be a basis for refusal to produce Documents that any other person or entity also possesses non-identical or identical copies of the same Documents.

6. If a date or other descriptive detail set forth in this subpoena referring to a Document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the subpoena, you are required to produce all Documents that would be responsive as if the date or other descriptive detail were correct.

7. Documents produced in response to this subpoena shall be produced as they were kept in the normal course of business together with copies of file labels, dividers, or identifying markers with which they were associated when the subpoena was served.

8. If you withhold any Document pursuant to a claimed right protected by the state or federal constitution, or pursuant to a claim of non-disclosure privileges including, but not limited to, the deliberative-process privilege, the attorney-client privilege, attorney work product protections, any purported privileges, protections, or exemptions from disclosure under Wis. Stat. § 19.35 or the Freedom of Information Act, then you must comply with the following procedure:

    1. You may only withhold that portion of a Document over which you assert a claim of privilege, protection, or exemption. Accordingly, you may only withhold a Document in its entirety if you maintain that the entire Document is privileged or protected. Otherwise you must produce the Document in redacted form.

    2. In the event that you withhold a Document—in whole or in part—on the basis of a privilege, protection, or exemption, you must provide a privilege log containing the following information concerning each discrete claim of privilege, protection, or exemption:

        - the privilege, protection, or exemption asserted;
        - the type of Document;
        - the date, author, and addressee;

WI-REP-22-0458-A-000324

AMERICAN OVERSIGHT

- the relationship of the author and addressee to each other; and

- a general description of the nature of the Document that, without revealing information itself privileged or protected, will enable the Office of the Special Counsel to assess your claim of privilege, protection, or exemption.

3. In the event a Document or a portion thereof is withheld under multiple discrete claims of privilege, protection, or exemption, each claim of privilege, protection, or exemption must be separately logged.

4. In the event portions of a Document are withheld on discrete claims of privilege, protection, or exemption, each separate claim of privilege, protection, or exemption within that Document must be separately logged.

5. You must produce the privilege log contemporaneously with the withholding of any Document in whole or in part on the basis of a privilege, protection, or exemption.

6. You must certify that your privilege log contains only those assertions of privilege, protection, or exemption as are consistent with these Instructions and are warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law, or for establishing new law.

7. Failure to strictly comply with these provisions constitutes waiver of any asserted privilege, protection, or exemption.

9. Neither the Office of the Special Counsel nor the Committee recognizes any purported contractual privileges, such as non-disclosure agreements, as a basis for withholding the production of a Document. Any such assertion shall be of no legal force or effect, and shall not provide a justification for such withholding or refusal, unless and only to the extent that the Special Counsel has consented to recognize the assertion as valid.

10. This subpoena is continuing in nature and applies to any newly-discovered information. Any Document not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

11. If you discover any portion of your response is incorrect in a material respect you must immediately and contemporaneously submit to the Office of the Special Counsel, in writing, an explanation setting forth: (1) how you became aware of the defect in the response; (2) how the defect came about (or how you believe it to have come about); and (3) a detailed description of the steps you took to remedy the defect.

12. A cover letter shall be included with each production and include the following:

a. The Bates-numbering range of the Documents produced, including any Bates-prefixes or -suffixes;

b. If the subpoena is directed to an entity as opposed to an individual, a list of custodians for the produced Documents, identifying the Bates range associated with each custodian;

c. A statement that a diligent search has been completed of all Documents in your possession, custody, or control that reasonably could contain responsive material;

d. A statement that the search complies with good forensic practices;

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e. A statement that Documents responsive to this subpoena have not been destroyed, modified, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel since the date of receiving the subpoena or in anticipation of receiving the subpoena;

f. A statement that all Documents located during the search that are responsive have been produced to the Office of the Special Counsel or withheld in whole or in part on the basis of an assertion of a claim of privilege or protection in compliance with these Instructions; and

g. Your signature, attesting that everything stated in the cover letter is true and correct and that you made the statements under penalty of perjury.

13. You must identify any Documents that you believe contain confidential or proprietary information. However, the fact that a Document contains confidential or proprietary information is not a justification for not producing the Document, or redacting any part of it.

14. Electronically-stored Documents must be produced to the Office of the Special Counsel in accordance with the attached Electronic Production Instructions in order to be considered to be in compliance with the subpoena. Failure to produce Documents in accordance with the attached Electronic Production Instructions, may, in an exercise of the Special Counsel's discretion, be deemed an act of contumacy.

15. If properties or permissions are modified for any Documents produced electronically, receipt of such Documents will not be considered full compliance with the subpoena.

ELECTRONIC PRODUCTION INSTRUCTIONS

The production of electronically-stored Documents shall be prepared according to, and strictly adhere to, the following standards:

16. Documents shall be produced in their native format with all meta-data intact.

17. Documents produced shall be organized, identified, and indexed electronically.

18. Only alphanumeric characters and the underscore (_") character are permitted in file and folder names. Special characters are not permitted.

19. Production media and produced Documents shall not be encrypted, contain any password protections, or have any limitations that restrict access and use.

20. Documents shall be produced to the Office of the Special Counsel on one or more memory sticks, thumb drives, or USB hard drives. Production media shall be labeled with the following information: production date, name of the subpoena recipient, Bates range.

21. All Documents shall be Bates-stamped sequentially and should not duplicate any Bates-numbering used in producing physical documents.

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Schedule B

DEFINITIONS

22. "All," "any," and "each" shall each be construed as encompassing any and all. The singular includes the plural number, and vice versa. The masculine includes the feminine and neuter genders.

23. "And" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information that might otherwise be construed to be outside its scope.

24. "Ballot" means a ballot related to the Election, including mail-in ballots, early in-person ballots, provisional ballots, and physical ballots cast in person the day of the election.

25. "Committee" means the committee named in the subpoena.

26. "Communication" means each manner or means of disclosure or exchange of information (in the form of facts, ideas, inquiries, or otherwise), regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in an in-person meeting, by telephone, facsimile, e-mail (desktop or mobile device), text message, MMS or SMS message, regular mail, telexes, releases, intra-company messaging channels, or otherwise.

27. "Communication with," "communications from," and "communications between" means any communication involving two or more people or entities, regardless of whether other persons were involved in the communication, and includes, but is not limited to, communications where one party is cc'd or bcc'd, both parties are cc'd or bcc'd, or some combination thereof.

28. "CTCL" means the Center for Tech and Civic Life.

29. "Documents" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), text messages, instant messages, MMS or SMS messages, contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electronic records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

30. "**Election**" means the November 3, 2020, Wisconsin General Election for, inter alia, President of the United States.

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AMERICAN OVERSIGHT

31. "Employee" means a current or former: officer, director, shareholder, partner, member, consultant, senior manager, manager, senior associate, permanent employee, staff employee, attorney, agent (whether de jure, de facto, or apparent, without limitation), advisor, representative, attorney (in law or in fact), lobbyist (registered or unregistered), borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, provisional employee, or subcontractor.

32. When referring to a person, "to identify" means to give, to the extent known: (1) the person's full name; (2) present or last known address; and (3) when referring to a natural person, additionally: (a) the present or last known place of employment; (b) the natural person's complete title at the place of employment; and (c) the individual's business address. When referring to documents, "to identify" means to give, to the extent known the: (1) type of document; (2) general subject matter; (3) date of the document; and (4) author, addressee, and recipient.

33. "Forensic Image" means a bit-by-bit, sector-by-sector direct copy of a physical storage device, including all files, folders and unallocated, free and slack space. Forensic images include not only all the files visible to the operating system but also deleted files and pieces of files left in the slack and free space.

34. "Indicating" with respect to any given subject means anything showing, evidencing, pointing out or pointing to, directing attention to, making known, stating, or expressing that subject of any sort, form, or level of formality or informality, whatsoever, without limitation.

35. "Party" refers to any person involved or contemplating involvement in any act, affair, contract, transaction, judicial proceeding, administrative proceeding, or legislative proceeding.

36. "Person" is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association, and all subsidiaries, divisions, partnerships, properties, affiliates, branches, groups, special purpose entities, joint ventures, predecessors, successors, or any other entity in which they have or had a controlling interest, and any employee, and any other units thereof.

37. "Pertaining to," "referring," "relating," or "concerning" with respect to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

38. "Possession, custody or control" means (a) documents that are in your possession, custody, or control, whether held by you or your employees; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that have been placed in the possession, custody, or control of any third party.

39. "Processes" means any processes, procedures, methodologies, materials, practices, techniques, systems, or other like activity, of any sort, form, or level of formality or informality, whatsoever, without limitation.

40. "You" or "Your" shall mean (in the case of an entity) the entity named in the subpoena, as well as its officers, directors, subsidiaries, divisions, predecessor and successor companies, affiliates, parents, any partnership or joint venture to which it may be a party. If the person named in the entity is either an individual or an entity, "you" and "your" also means your employees, agents, representatives, consultants, accountants and attorneys, including anyone who served in any such capacity at any time during the relevant time period specified herein.

WI-REP-22-0458-A-000328

AMERICAN OVERSIGHT

EXHIBIT A

TOPICS OF TESTIMONY

The entity on which the attached subpoena was served must designate one official, officer, director, or managing agent, who consents to testify on its behalf. Such individual shall testify as to matters known or reasonably available to the organization on the following topics.

These topics of testimony are limited to the time period from January 1, 2020 to current:

1. The 2020 election conducted in the City of Green Bay.
2. All private funding the City of Green Bay received related to the 2020 election in the City of Green Bay, whether from the Center for Tech and Civic Life or any other non-governmental source.
3. City of Green Bay coordination relating to the administration of the 2020 election by the "Wisconsin 5 cities"—Racine, Kenosha, Green Bay, Milwaukee and Madison—and their Mayors.
4. City of Green Bay or its employees' communications with the Wisconsin Elections Commission and its officials, members, or employees, and communications between the City of Green Bay or its employees with the officials or employees of the Cities of Racine, Kenosha, Madison, Green Bay and Milwaukee and/or any other employee, representative agent or other person affiliated with them, regarding or in any way related to the election in the City of Green Bay.
5. City of Green Bay or its employees' communications with or concerning the Center for Tech and Civic Life or its employee Tiana Epps-Johnson, The National Vote At Home Institute or its employee Michael Spitzer Rubenstein, The Elections Group or its employee Ryan Chew, Ideas42, Power the Polls, Mikva Challenge, US Digital Response, Center for Civic Design, Center for Election and Innovation Research (CEIR), Center for Secure and Modern Elections (CSME) or its employee Eric Ming, The Brennan Center for Justice, HVS Productions, Facebook, Modern Selections and/or any other employee, representative agent or other person affiliated with them, regarding or in any way related to the election in Wisconsin.
6. In-person voting processes in the 2020 election in the City of Green Bay.
7. Absentee voting processes in the 2020 election in the City of Green Bay.
8. Voter education programs in the 2020 election in the City of Green Bay.

WI-REP-22-0458-A-000329

AMERICAN OVERSIGHT

EXHIBIT B

These document requests are limited to the time period from January 1, 2020 to current:

1. All documents pertaining to election administration related to interactions, communication with, or comments regarding the Office of the Clerk of the City of Green Bay.
2. All documents and communications between any employee of the City of Green Bay with the Center for Tech and Civic Life ("CTCL"), and any and all communications and documents by any employee of the City of Green Bay concerning CTCL. This includes, but is not limited to, documents and communications with Tiana Epps-Johnson and Whitney May.
3. All documents and communications between any employee of the City of Green Bay and the Wisconsin Elections Commission ("WEC") and its officials or employees regarding or in any way related to the Election, and any and all documents and communications by any employee of the City of Green Bay concerning WEC.
4. All documents and communications between any employee of the City of Green Bay and officials or employees of the Cities of Madison, Kenosha, Milwaukee and Racine and/or any other employee, representative agent or other person affiliated with these cities, regarding or in any way related to the Election.
5. All documents and communications between the Office of the Mayor of the City of Green Bay and employees of any non-governmental entity, including but not limited to CTCL, and/or any other employee, representative agent or other person affiliated with them, regarding or in any way related to the Election.
6. All documents or communications between any Employee of the City of Green Bay and CTCL and/or its employees Tiana Epps-Johnson and Whitney May, The National Vote At Home Institute and/or its employee Michael Spitzer-Rubenstein, The Elections Group and/or its employee Ryan Chew, Ideas42, Power to the Polls and/or Fair Elections Center, Mikva Challenge, US Digital Response, Center for Civic Design, Center for Election and Innovation Research ("CEIR"), Center for Secure and Modern Elections ("CSME") and/or its employee Eric Ming, The Brennan Center for Justice, HVS Productions, Facebook, Modern Selections and/or any other employee, representative agent or other person affiliated with the above named entities, regarding or in any way related to the Election.
7. All documents or communications between any Employee of the City of Green Bay and any other person, entity, or organization concerning or related to voting machines.
8. All documents or communications between any Employee of the City of Green Bay and any employee, agent, commission member and/ or any staff member of the Wisconsin Elections Commission, and any such documents of communications which reference any employee, agent, commission member and/or any staff member of the Wisconsin Elections Commission.

WI-REP-22-0458-A-000330

AMERICAN OVERSIGHT

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.

Relating to: directing the Assembly Committee on Campaigns and Elections to investigate the administration of elections in Wisconsin.

Whereas, the ability of American citizens to exercise their right to vote is foundational to our representative democracy; and

Whereas, the legitimacy of the American form of government depends on the citizens' widespread confidence in the fairness of elections and acceptance of election results; and

Whereas, preserving the integrity of the electoral process is one of our government's most important responsibilities; and

Whereas, the administration of elections in Wisconsin is governed by an extensive set of duly enacted laws; and

Whereas, however, election laws are not self-enforcing but rely on the good faith efforts of election officials to dutifully carry out those laws as written in order to ensure fair elections; and

WI-REP-22-0458-A-000331

Whereas, the integrity of our electoral process 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; and

Whereas, it is the duty of the Wisconsin Legislature to make laws and to exercise its oversight and investigative authority to determine the extent to which elections in Wisconsin have been conducted in compliance with the law; now, therefore, be it

Resolved by the assembly, That the Wisconsin Assembly hereby 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.

(END)

AMERICAN OVERSIGHT

WI-REP-22-0458-A-000332

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. Tom Barrett
Mayor, City of Milwaukee
200 E. Wells Street, Room 201
Milwaukee, WI 53202

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 15 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

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SCHEDULE A

GENERAL INSTRUCTIONS

1. These Instructions incorporate the Definitions attached to the subpoena. Please read them carefully before reading this document.

2. In complying with this subpoena, you are required to produce all responsive Documents that are in your possession, custody, or control. You shall also produce Documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as Documents that you have placed in the temporary possession, custody, or control of any third party. Subpoenaed Documents shall not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Special Counsel.

3. All Documents produced in response to this subpoena shall be sequentially and uniquely Bates-stamped.

4. In the event that any entity, organization, or person identified in this subpoena has been, or is also known by any other name than that herein identified, the subpoena shall be read also to include that alternative identification.

5. It shall not be a basis for refusal to produce Documents that any other person or entity also possesses non-identical or identical copies of the same Documents.

6. If a date or other descriptive detail set forth in this subpoena referring to a Document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the subpoena, you are required to produce all Documents that would be responsive as if the date or other descriptive detail were correct.

7. Documents produced in response to this subpoena shall be produced as they were kept in the normal course of business together with copies of file labels, dividers, or identifying markers with which they were associated when the subpoena was served.

8. If you withhold any Document pursuant to a claimed right protected by the state or federal constitution, or pursuant to a claim of non-disclosure privileges including, but not limited to, the deliberative-process privilege, the attorney-client privilege, attorney work product protections, any purported privileges, protections, or exemptions from disclosure under Wis. Stat. § 19.35 or the Freedom of Information Act, then you must comply with the following procedure:

    1. You may only withhold that portion of a Document over which you assert a claim of privilege, protection, or exemption. Accordingly, you may only withhold a Document in its entirety if you maintain that the entire Document is privileged or protected. Otherwise you must produce the Document in redacted form.

    2. In the event that you withhold a Document—in whole or in part—on the basis of a privilege, protection, or exemption, you must provide a privilege log containing the following information concerning each discrete claim of privilege, protection, or exemption:

        - the privilege, protection, or exemption asserted;
        - the type of Document;
        - the date, author, and addressee;
        - the relationship of the author and addressee to each other; and

WI-REP-22-0458-A-000334

AMERICAN OVERSIGHT

- a general description of the nature of the Document that, without revealing information itself privileged or protected, will enable the Office of the Special Counsel to assess your claim of privilege, protection, or exemption.

3. In the event a Document or a portion thereof is withheld under multiple discrete claims of privilege, protection, or exemption, each claim of privilege, protection, or exemption must be separately logged.

4. In the event portions of a Document are withheld on discrete claims of privilege, protection, or exemption, each separate claim of privilege, protection, or exemption within that Document must be separately logged.

5. You must produce the privilege log contemporaneously with the withholding of any Document in whole or in part on the basis of a privilege, protection, or exemption.

6. You must certify that your privilege log contains only those assertions of privilege, protection, or exemption as are consistent with these Instructions and are warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law, or for establishing new law.

7. Failure to strictly comply with these provisions constitutes waiver of any asserted privilege, protection, or exemption.

9. Neither the Office of the Special Counsel nor the Committee recognizes any purported contractual privileges, such as non-disclosure agreements, as a basis for withholding the production of a Document. Any such assertion shall be of no legal force or effect, and shall not provide a justification for such withholding or refusal, unless and only to the extent that the Special Counsel has consented to recognize the assertion as valid.

10. This subpoena is continuing in nature and applies to any newly-discovered information. Any Document not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

11. If you discover any portion of your response is incorrect in a material respect you must immediately and contemporaneously submit to the Office of the Special Counsel, in writing, an explanation setting forth: (1) how you became aware of the defect in the response; (2) how the defect came about (or how you believe it to have come about); and (3) a detailed description of the steps you took to remedy the defect.

12. A cover letter shall be included with each production and include the following:

a. The Bates-numbering range of the Documents produced, including any Bates-prefixes or -suffixes;

b. If the subpoena is directed to an entity as opposed to an individual, a list of custodians for the produced Documents, identifying the Bates range associated with each custodian;

c. A statement that a diligent search has been completed of all Documents in your possession, custody, or control that reasonably could contain responsive material;

d. A statement that the search complies with good forensic practices;

e. A statement that Documents responsive to this subpoena have not been destroyed, modified, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel since the date of receiving the subpoena or in anticipation of receiving the subpoena;

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f. A statement that all Documents located during the search that are responsive have been produced to the Office of the Special Counsel or withheld in whole or in part on the basis of an assertion of a claim of privilege or protection in compliance with these Instructions; and

g. Your signature, attesting that everything stated in the cover letter is true and correct and that you made the statements under penalty of perjury.

13. You must identify any Documents that you believe contain confidential or proprietary information. However, the fact that a Document contains confidential or proprietary information is not a justification for not producing the Document, or redacting any part of it.

14. Electronically-stored Documents must be produced to the Office of the Special Counsel in accordance with the attached Electronic Production Instructions in order to be considered to be in compliance with the subpoena. Failure to produce Documents in accordance with the attached Electronic Production Instructions, may, in an exercise of the Special Counsel's discretion, be deemed an act of contumacy.

15. If properties or permissions are modified for any Documents produced electronically, receipt of such Documents will not be considered full compliance with the subpoena.

ELECTRONIC PRODUCTION INSTRUCTIONS

The production of electronically-stored Documents shall be prepared according to, and strictly adhere to, the following standards:

16. Documents shall be produced in their native format with all meta-data intact.

17. Documents produced shall be organized, identified, and indexed electronically.

18. Only alphanumeric characters and the underscore (_") character are permitted in file and folder names. Special characters are not permitted.

19. Production media and produced Documents shall not be encrypted, contain any password protections, or have any limitations that restrict access and use.

20. Documents shall be produced to the Office of the Special Counsel on one or more memory sticks, thumb drives, or USB hard drives. Production media shall be labeled with the following information: production date, name of the subpoena recipient, Bates range.

21. All Documents shall be Bates-stamped sequentially and should not duplicate any Bates-numbering used in producing physical documents.

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Schedule B

DEFINITIONS

22. "All," "any," and "each" shall each be construed as encompassing any and all. The singular includes the plural number, and vice versa. The masculine includes the feminine and neuter genders.

23. "And" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information that might otherwise be construed to be outside its scope.

24. "Ballot" means a ballot related to the Election, including mail-in ballots, early in-person ballots, provisional ballots, and physical ballots cast in person the day of the election.

25. "Committee" means the committee named in the subpoena.

26. "Communication" means each manner or means of disclosure or exchange of information (in the form of facts, ideas, inquiries, or otherwise), regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in an in-person meeting, by telephone, facsimile, e-mail (desktop or mobile device), text message, MMS or SMS message, regular mail, telexes, releases, intra-company messaging channels, or otherwise.

27. "Communication with," "communications from," and "communications between" means any communication involving two or more people or entities, regardless of whether other persons were involved in the communication, and includes, but is not limited to, communications where one party is cc'd or bcc'd, both parties are cc'd or bcc'd, or some combination thereof.

28. "CTCL" means the Center for Tech and Civic Life.

29. "Documents" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), text messages, instant messages, MMS or SMS messages, contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electronic records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

30. "**Election**" means the November 3, 2020, Wisconsin General Election for, inter alia, President of the United States.

31. "Employee" means a current or former: officer, director, shareholder, partner, member, consultant, senior manager, manager, senior associate, permanent employee, staff employee, attorney, agent (whether de jure,

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de facto, or apparent, without limitation), advisor, representative, attorney (in law or in fact), lobbyist (registered or unregistered), borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, provisional employee, or subcontractor.

32. When referring to a person, "to identify" means to give, to the extent known: (1) the person's full name; (2) present or last known address; and (3) when referring to a natural person, additionally: (a) the present or last known place of employment; (b) the natural person's complete title at the place of employment; and (c) the individual's business address. When referring to documents, "to identify" means to give, to the extent known the: (1) type of document; (2) general subject matter; (3) date of the document; and (4) author, addressee, and recipient.

33. "Forensic Image" means a bit-by-bit, sector-by-sector direct copy of a physical storage device, including all files, folders and unallocated, free and slack space. Forensic images include not only all the files visible to the operating system but also deleted files and pieces of files left in the slack and free space.

34. "Indicating" with respect to any given subject means anything showing, evidencing, pointing out or pointing to, directing attention to, making known, stating, or expressing that subject of any sort, form, or level of formality or informality, whatsoever, without limitation.

35. "Party" refers to any person involved or contemplating involvement in any act, affair, contract, transaction, judicial proceeding, administrative proceeding, or legislative proceeding.

36. "Person" is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association, and all subsidiaries, divisions, partnerships, properties, affiliates, branches, groups, special purpose entities, joint ventures, predecessors, successors, or any other entity in which they have or had a controlling interest, and any employee, and any other units thereof.

37. "Pertaining to," "referring," "relating," or "concerning" with respect to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

38. "Possession, custody or control" means (a) documents that are in your possession, custody, or control, whether held by you or your employees; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that have been placed in the possession, custody, or control of any third party.

39. "Processes" means any processes, procedures, methodologies, materials, practices, techniques, systems, or other like activity, of any sort, form, or level of formality or informality, whatsoever, without limitation.

40. "You" or "Your" shall mean (in the case of an entity) the entity named in the subpoena, as well as its officers, directors, subsidiaries, divisions, predecessor and successor companies, affiliates, parents, any partnership or joint venture to which it may be a party. If the person named in the entity is either an individual or an entity, "you" and "your" also means your employees, agents, representatives, consultants, accountants and attorneys, including anyone who served in any such capacity at any time during the relevant time period specified herein.

WI-REP-22-0458-A-000338

AMERICAN OVERSIGHT

EXHIBIT A

TO SUBPOENA *DUCES TECUM*

These document requests are limited to the time period from January 1, 2020 to current:

1. All documents pertaining to election administration related to interactions, communication with, or comments regarding the Milwaukee Election Commission, the Executive Director of the Milwaukee Election Commission, or the Office of the Clerk of the City of Milwaukee.
2. All documents and communications between the Office of the Mayor of the City of Milwaukee with the Center for Tech and Civic Life ("CTCL"). This includes, but is not limited to, documents and communications with Tiana Epps-Johnson and Whitney May.
3. All documents and communications between the Office of the Mayor of the City of Milwaukee and the Wisconsin Elections Commission ("WEC") and its officials or employees regarding or in any way related to the election.
4. All documents and communications between the Office of the Mayor of the City of Milwaukee and officials or employees of the Cities of Green Bay, Kenosha, Madison and Racine and/or any other employee, representative agent or other person affiliated with these cities, regarding or in any way related to the election.
5. All documents and communications between the Office of the Mayor of the City of Milwaukee and employees of any group, organization, person or entity, including but not limited to CTCL, and/or any other employee, representative agent or other person affiliated with them, regarding or in any way related to the election.
6. All documents or communications between the Office of the Mayor of the City of Milwaukee and CTCL and/or its employees Tiana Epps-Johnson and Whitney May, The National Vote At Home Institute and/or its employee Michael Spitzer-Rubenstein, The Elections Group and/or its employee Ryan Chew, Ideas42, Power to the Polls and/or Fair Elections Center, Mikva Challenge, US Digital Response, Center for Civic Design, Center for Election and Innovation Research ("CEIR"), Center for Secure and Modern Elections ("CSME") and/or its employee Eric Ming, The Brennan Center for Justice, HVS Productions, Facebook, Modern Selections and/or any other employee, representative agent or other person affiliated with the above named entities, regarding or in any way related to the election.

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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.

Relating to: directing the Assembly Committee on Campaigns and Elections to investigate the administration of elections in Wisconsin.

Whereas, the ability of American citizens to exercise their right to vote is foundational to our representative democracy; and

Whereas, the legitimacy of the American form of government depends on the citizens' widespread confidence in the fairness of elections and acceptance of election results; and

Whereas, preserving the integrity of the electoral process is one of our government's most important responsibilities; and

Whereas, the administration of elections in Wisconsin is governed by an extensive set of duly enacted laws; and

Whereas, however, election laws are not self-enforcing but rely on the good faith efforts of election officials to dutifully carry out those laws as written in order to ensure fair elections; and

WI-REP-22-0458-A-000340

Whereas, the integrity of our electoral process 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; and

Whereas, it is the duty of the Wisconsin Legislature to make laws and to exercise its oversight and investigative authority to determine the extent to which elections in Wisconsin have been conducted in compliance with the law; now, therefore, be it

Resolved by the assembly, That the Wisconsin Assembly hereby 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.

(END)

AMERICAN OVERSIGHT

WI-REP-22-0458-A-000341

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 Mount Pleasant, 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

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SCHEDULE A

GENERAL INSTRUCTIONS

1. These Instructions incorporate the Definitions attached to the subpoena. Please read them carefully before reading this document.

2. In complying with this subpoena, you are required to produce all responsive Documents that are in your possession, custody, or control. You shall also produce Documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as Documents that you have placed in the temporary possession, custody, or control of any third party. Subpoenaed Documents shall not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Special Counsel.

3. All Documents produced in response to this subpoena shall be sequentially and uniquely Bates-stamped.

4. In the event that any entity, organization, or person identified in this subpoena has been, or is also known by any other name than that herein identified, the subpoena shall be read also to include that alternative identification.

5. It shall not be a basis for refusal to produce Documents that any other person or entity also possesses non-identical or identical copies of the same Documents.

6. If a date or other descriptive detail set forth in this subpoena referring to a Document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the subpoena, you are required to produce all Documents that would be responsive as if the date or other descriptive detail were correct.

7. Documents produced in response to this subpoena shall be produced as they were kept in the normal course of business together with copies of file labels, dividers, or identifying markers with which they were associated when the subpoena was served.

8. If you withhold any Document pursuant to a claimed right protected by the state or federal constitution, or pursuant to a claim of non-disclosure privileges including, but not limited to, the deliberative-process privilege, the attorney-client privilege, attorney work product protections, any purported privileges, protections, or exemptions from disclosure under Wis. Stat. § 19.35 or the Freedom of Information Act, then you must comply with the following procedure:

    1. You may only withhold that portion of a Document over which you assert a claim of privilege, protection, or exemption. Accordingly, you may only withhold a Document in its entirety if you maintain that the entire Document is privileged or protected. Otherwise you must produce the Document in redacted form.

    2. In the event that you withhold a Document—in whole or in part—on the basis of a privilege, protection, or exemption, you must provide a privilege log containing the following information concerning each discrete claim of privilege, protection, or exemption:

        - the privilege, protection, or exemption asserted;
        - the type of Document;
        - the date, author, and addressee;

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- the relationship of the author and addressee to each other; and

- a general description of the nature of the Document that, without revealing information itself privileged or protected, will enable the Office of the Special Counsel to assess your claim of privilege, protection, or exemption.

3. In the event a Document or a portion thereof is withheld under multiple discrete claims of privilege, protection, or exemption, each claim of privilege, protection, or exemption must be separately logged.

4. In the event portions of a Document are withheld on discrete claims of privilege, protection, or exemption, each separate claim of privilege, protection, or exemption within that Document must be separately logged.

5. You must produce the privilege log contemporaneously with the withholding of any Document in whole or in part on the basis of a privilege, protection, or exemption.

6. You must certify that your privilege log contains only those assertions of privilege, protection, or exemption as are consistent with these Instructions and are warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law, or for establishing new law.

7. Failure to strictly comply with these provisions constitutes waiver of any asserted privilege, protection, or exemption.

9. Neither the Office of the Special Counsel nor the Committee recognizes any purported contractual privileges, such as non-disclosure agreements, as a basis for withholding the production of a Document. Any such assertion shall be of no legal force or effect, and shall not provide a justification for such withholding or refusal, unless and only to the extent that the Special Counsel has consented to recognize the assertion as valid.

10. This subpoena is continuing in nature and applies to any newly-discovered information. Any Document not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

11. If you discover any portion of your response is incorrect in a material respect you must immediately and contemporaneously submit to the Office of the Special Counsel, in writing, an explanation setting forth: (1) how you became aware of the defect in the response; (2) how the defect came about (or how you believe it to have come about); and (3) a detailed description of the steps you took to remedy the defect.

12. A cover letter shall be included with each production and include the following:

    a. The Bates-numbering range of the Documents produced, including any Bates-prefixes or -suffixes;

    b. If the subpoena is directed to an entity as opposed to an individual, a list of custodians for the produced Documents, identifying the Bates range associated with each custodian;

    c. A statement that a diligent search has been completed of all Documents in your possession, custody, or control that reasonably could contain responsive material;

    d. A statement that the search complies with good forensic practices;

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e. A statement that Documents responsive to this subpoena have not been destroyed, modified, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel since the date of receiving the subpoena or in anticipation of receiving the subpoena;

f. A statement that all Documents located during the search that are responsive have been produced to the Office of the Special Counsel or withheld in whole or in part on the basis of an assertion of a claim of privilege or protection in compliance with these Instructions; and

g. Your signature, attesting that everything stated in the cover letter is true and correct and that you made the statements under penalty of perjury.

13. You must identify any Documents that you believe contain confidential or proprietary information. However, the fact that a Document contains confidential or proprietary information is not a justification for not producing the Document, or redacting any part of it.

14. Electronically-stored Documents must be produced to the Office of the Special Counsel in accordance with the attached Electronic Production Instructions in order to be considered to be in compliance with the subpoena. Failure to produce Documents in accordance with the attached Electronic Production Instructions, may, in an exercise of the Special Counsel's discretion, be deemed an act of contumacy.

15. If properties or permissions are modified for any Documents produced electronically, receipt of such Documents will not be considered full compliance with the subpoena.

ELECTRONIC PRODUCTION INSTRUCTIONS

The production of electronically-stored Documents shall be prepared according to, and strictly adhere to, the following standards:

16. Documents shall be produced in their native format with all meta-data intact.

17. Documents produced shall be organized, identified, and indexed electronically.

18. Only alphanumeric characters and the underscore (_") character are permitted in file and folder names. Special characters are not permitted.

19. Production media and produced Documents shall not be encrypted, contain any password protections, or have any limitations that restrict access and use.

20. Documents shall be produced to the Office of the Special Counsel on one or more memory sticks, thumb drives, or USB hard drives. Production media shall be labeled with the following information: production date, name of the subpoena recipient, Bates range.

21. All Documents shall be Bates-stamped sequentially and should not duplicate any Bates-numbering used in producing physical documents.

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Schedule B

DEFINITIONS

22. "All," "any," and "each" shall each be construed as encompassing any and all. The singular includes the plural number, and vice versa. The masculine includes the feminine and neuter genders.

23. "And" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information that might otherwise be construed to be outside its scope.

24. "Ballot" means a ballot related to the Election, including mail-in ballots, early in-person ballots, provisional ballots, and physical ballots cast in person the day of the election.

25. "Committee" means the committee named in the subpoena.

26. "Communication" means each manner or means of disclosure or exchange of information (in the form of facts, ideas, inquiries, or otherwise), regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in an in-person meeting, by telephone, facsimile, e-mail (desktop or mobile device), text message, MMS or SMS message, regular mail, telexes, releases, intra-company messaging channels, or otherwise.

27. "Communication with," "communications from," and "communications between" means any communication involving two or more people or entities, regardless of whether other persons were involved in the communication, and includes, but is not limited to, communications where one party is cc'd or bcc'd, both parties are cc'd or bcc'd, or some combination thereof.

28. "CTCL" means the Center for Tech and Civic Life.

29. "Documents" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), text messages, instant messages, MMS or SMS messages, contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electronic records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

30. "**Election**" means the November 3, 2020, Wisconsin General Election for, inter alia, President of the United States.

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31. "Employee" means a current or former: officer, director, shareholder, partner, member, consultant, senior manager, manager, senior associate, permanent employee, staff employee, attorney, agent (whether de jure, de facto, or apparent, without limitation), advisor, representative, attorney (in law or in fact), lobbyist (registered or unregistered), borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, provisional employee, or subcontractor.

32. When referring to a person, "to identify" means to give, to the extent known: (1) the person's full name; (2) present or last known address; and (3) when referring to a natural person, additionally: (a) the present or last known place of employment; (b) the natural person's complete title at the place of employment; and (c) the individual's business address. When referring to documents, "to identify" means to give, to the extent known the: (1) type of document; (2) general subject matter; (3) date of the document; and (4) author, addressee, and recipient.

33. "Forensic Image" means a bit-by-bit, sector-by-sector direct copy of a physical storage device, including all files, folders and unallocated, free and slack space. Forensic images include not only all the files visible to the operating system but also deleted files and pieces of files left in the slack and free space.

34. "Indicating" with respect to any given subject means anything showing, evidencing, pointing out or pointing to, directing attention to, making known, stating, or expressing that subject of any sort, form, or level of formality or informality, whatsoever, without limitation.

35. "Party" refers to any person involved or contemplating involvement in any act, affair, contract, transaction, judicial proceeding, administrative proceeding, or legislative proceeding.

36. "Person" is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association, and all subsidiaries, divisions, partnerships, properties, affiliates, branches, groups, special purpose entities, joint ventures, predecessors, successors, or any other entity in which they have or had a controlling interest, and any employee, and any other units thereof.

37. "Pertaining to," "referring," "relating," or "concerning" with respect to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

38. "Possession, custody or control" means (a) documents that are in your possession, custody, or control, whether held by you or your employees; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that have been placed in the possession, custody, or control of any third party.

39. "Processes" means any processes, procedures, methodologies, materials, practices, techniques, systems, or other like activity, of any sort, form, or level of formality or informality, whatsoever, without limitation.

40. "You" or "Your" shall mean (in the case of an entity) the entity named in the subpoena, as well as its officers, directors, subsidiaries, divisions, predecessor and successor companies, affiliates, parents, any partnership or joint venture to which it may be a party. If the person named in the entity is either an individual or an entity, "you" and "your" also means your employees, agents, representatives, consultants, accountants and attorneys, including anyone who served in any such capacity at any time during the relevant time period specified herein.

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AMERICAN OVERSIGHT

EXHIBIT A

TO SUBPOENA *DUCES TECUM*

These document requests are limited to the time period from January 1, 2020 to current:

1. All documents pertaining to election administration related to interactions, communication with, or comments regarding the Office of the Clerk of the City of Madison.
2. All documents and communications between the Office of the Mayor of the City of Madison with the Center for Tech and Civic Life ("CTCL"). This includes, but is not limited to, documents and communications with Tiana Epps-Johnson and Whitney May.
3. All documents and communications between the Office of the Mayor of the City of Madison and the Wisconsin Elections Commission ("WEC") and its officials or employees regarding or in any way related to the election.
4. All documents and communications between the Office of the Mayor of the City of Madison and officials or employees of the Cities of Green Bay, Kenosha, Racine and Milwaukee and/or any other employee, representative agent or other person affiliated with these cities, regarding or in any way related to the election.
5. All documents and communications between the Office of the Mayor of the City of Madison and employees of any group, organization, person or entity, including but not limited to CTCL, and/or any other employee, representative agent or other person affiliated with them, regarding or in any way related to the election.
6. All documents or communications between the Office of the Mayor of the City of Madison and CTCL and/or its employees Tiana Epps-Johnson and Whitney May, The National Vote At Home Institute and/or its employee Michael Spitzer-Rubenstein, The Elections Group and/or its employee Ryan Chew, Ideas42, Power to the Polls and/or Fair Elections Center, Mikva Challenge, US Digital Response, Center for Civic Design, Center for Election and Innovation Research ("CEIR"), Center for Secure and Modern Elections ("CSME") and/or its employee Eric Ming, The Brennan Center for Justice, HVS Productions, Facebook, Modern Selections and/or any other employee, representative agent or other person affiliated with the above named entities, regarding or in any way related to the election.

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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.

Relating to: directing the Assembly Committee on Campaigns and Elections to investigate the administration of elections in Wisconsin.

Whereas, the ability of American citizens to exercise their right to vote is foundational to our representative democracy; and

Whereas, the legitimacy of the American form of government depends on the citizens' widespread confidence in the fairness of elections and acceptance of election results; and

Whereas, preserving the integrity of the electoral process is one of our government's most important responsibilities; and

Whereas, the administration of elections in Wisconsin is governed by an extensive set of duly enacted laws; and

Whereas, however, election laws are not self-enforcing but rely on the good faith efforts of election officials to dutifully carry out those laws as written in order to ensure fair elections; and

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Whereas, the integrity of our electoral process 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; and

Whereas, it is the duty of the Wisconsin Legislature to make laws and to exercise its oversight and investigative authority to determine the extent to which elections in Wisconsin have been conducted in compliance with the law; now, therefore, be it

Resolved by the assembly, That the Wisconsin Assembly hereby 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.

(END)

AMERICAN OVERSIGHT

WI-REP-22-0458-A-000350

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: John M. Antaramian
Mayor, City of Kenosha
625 52nd Street Room 300
Kenosha, WI 53140

PURSUANT TO WIS. STAT. § 13.31 YOU ARE HEREBY COMMANDED TO APPEAR in person before an investigator designated by the Wisconsin State Assembly 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 4E 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

AMERICAN OVERSIGHT

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SCHEDULE A

GENERAL INSTRUCTIONS

1. These Instructions incorporate the Definitions attached to the subpoena. Please read them carefully before reading this document.

2. In complying with this subpoena, you are required to produce all responsive Documents that are in your possession, custody, or control. You shall also produce Documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as Documents that you have placed in the temporary possession, custody, or control of any third party. Subpoenaed Documents shall not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Special Counsel.

3. All Documents produced in response to this subpoena shall be sequentially and uniquely Bates-stamped.

4. In the event that any entity, organization, or person identified in this subpoena has been, or is also known by any other name than that herein identified, the subpoena shall be read also to include that alternative identification.

5. It shall not be a basis for refusal to produce Documents that any other person or entity also possesses non-identical or identical copies of the same Documents.

6. If a date or other descriptive detail set forth in this subpoena referring to a Document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the subpoena, you are required to produce all Documents that would be responsive as if the date or other descriptive detail were correct.

7. Documents produced in response to this subpoena shall be produced as they were kept in the normal course of business together with copies of file labels, dividers, or identifying markers with which they were associated when the subpoena was served.

8. If you withhold any Document pursuant to a claimed right protected by the state or federal constitution, or pursuant to a claim of non-disclosure privileges including, but not limited to, the deliberative-process privilege, the attorney-client privilege, attorney work product protections, any purported privileges, protections, or exemptions from disclosure under Wis. Stat. § 19.35 or the Freedom of Information Act, then you must comply with the following procedure:

    1. You may only withhold that portion of a Document over which you assert a claim of privilege, protection, or exemption. Accordingly, you may only withhold a Document in its entirety if you maintain that the entire Document is privileged or protected. Otherwise you must produce the Document in redacted form.

    2. In the event that you withhold a Document—in whole or in part—on the basis of a privilege, protection, or exemption, you must provide a privilege log containing the following information concerning each discrete claim of privilege, protection, or exemption:

        - the privilege, protection, or exemption asserted;
        - the type of Document;
        - the date, author, and addressee;

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- the relationship of the author and addressee to each other; and

- a general description of the nature of the Document that, without revealing information itself privileged or protected, will enable the Office of the Special Counsel to assess your claim of privilege, protection, or exemption.

3. In the event a Document or a portion thereof is withheld under multiple discrete claims of privilege, protection, or exemption, each claim of privilege, protection, or exemption must be separately logged.

4. In the event portions of a Document are withheld on discrete claims of privilege, protection, or exemption, each separate claim of privilege, protection, or exemption within that Document must be separately logged.

5. You must produce the privilege log contemporaneously with the withholding of any Document in whole or in part on the basis of a privilege, protection, or exemption.

6. You must certify that your privilege log contains only those assertions of privilege, protection, or exemption as are consistent with these Instructions and are warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law, or for establishing new law.

7. Failure to strictly comply with these provisions constitutes waiver of any asserted privilege, protection, or exemption.

9. Neither the Office of the Special Counsel nor the Committee recognizes any purported contractual privileges, such as non-disclosure agreements, as a basis for withholding the production of a Document. Any such assertion shall be of no legal force or effect, and shall not provide a justification for such withholding or refusal, unless and only to the extent that the Special Counsel has consented to recognize the assertion as valid.

10. This subpoena is continuing in nature and applies to any newly-discovered information. Any Document not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

11. If you discover any portion of your response is incorrect in a material respect you must immediately and contemporaneously submit to the Office of the Special Counsel, in writing, an explanation setting forth: (1) how you became aware of the defect in the response; (2) how the defect came about (or how you believe it to have come about); and (3) a detailed description of the steps you took to remedy the defect.

12. A cover letter shall be included with each production and include the following:

a. The Bates-numbering range of the Documents produced, including any Bates-prefixes or -suffixes;

b. If the subpoena is directed to an entity as opposed to an individual, a list of custodians for the produced Documents, identifying the Bates range associated with each custodian;

c. A statement that a diligent search has been completed of all Documents in your possession, custody, or control that reasonably could contain responsive material;

d. A statement that the search complies with good forensic practices;

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AMERICAN OVERSIGHT

e. A statement that Documents responsive to this subpoena have not been destroyed, modified, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel since the date of receiving the subpoena or in anticipation of receiving the subpoena;

f. A statement that all Documents located during the search that are responsive have been produced to the Office of the Special Counsel or withheld in whole or in part on the basis of an assertion of a claim of privilege or protection in compliance with these Instructions; and

g. Your signature, attesting that everything stated in the cover letter is true and correct and that you made the statements under penalty of perjury.

13. You must identify any Documents that you believe contain confidential or proprietary information. However, the fact that a Document contains confidential or proprietary information is not a justification for not producing the Document, or redacting any part of it.

14. Electronically-stored Documents must be produced to the Office of the Special Counsel in accordance with the attached Electronic Production Instructions in order to be considered to be in compliance with the subpoena. Failure to produce Documents in accordance with the attached Electronic Production Instructions, may, in an exercise of the Special Counsel's discretion, be deemed an act of contumacy.

15. If properties or permissions are modified for any Documents produced electronically, receipt of such Documents will not be considered full compliance with the subpoena.

ELECTRONIC PRODUCTION INSTRUCTIONS

The production of electronically-stored Documents shall be prepared according to, and strictly adhere to, the following standards:

16. Documents shall be produced in their native format with all meta-data intact.

17. Documents produced shall be organized, identified, and indexed electronically.

18. Only alphanumeric characters and the underscore (_") character are permitted in file and folder names. Special characters are not permitted.

19. Production media and produced Documents shall not be encrypted, contain any password protections, or have any limitations that restrict access and use.

20. Documents shall be produced to the Office of the Special Counsel on one or more memory sticks, thumb drives, or USB hard drives. Production media shall be labeled with the following information: production date, name of the subpoena recipient, Bates range.

21. All Documents shall be Bates-stamped sequentially and should not duplicate any Bates-numbering used in producing physical documents.

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AMERICAN OVERSIGHT

Schedule B

DEFINITIONS

22. "All," "any," and "each" shall each be construed as encompassing any and all. The singular includes the plural number, and vice versa. The masculine includes the feminine and neuter genders.

23. "And" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information that might otherwise be construed to be outside its scope.

24. "Ballot" means a ballot related to the Election, including mail-in ballots, early in-person ballots, provisional ballots, and physical ballots cast in person the day of the election.

25. "Committee" means the committee named in the subpoena.

26. "Communication" means each manner or means of disclosure or exchange of information (in the form of facts, ideas, inquiries, or otherwise), regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in an in-person meeting, by telephone, facsimile, e-mail (desktop or mobile device), text message, MMS or SMS message, regular mail, telexes, releases, intra-company messaging channels, or otherwise.

27. "Communication with," "communications from," and "communications between" means any communication involving two or more people or entities, regardless of whether other persons were involved in the communication, and includes, but is not limited to, communications where one party is cc'd or bcc'd, both parties are cc'd or bcc'd, or some combination thereof.

28. "CTCL" means the Center for Tech and Civic Life.

29. "Documents" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), text messages, instant messages, MMS or SMS messages, contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electronic records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

30. "**Election**" means the November 3, 2020, Wisconsin General Election for, inter alia, President of the United States.

WI-REP-22-0458-A-000355

AMERICAN OVERSIGHT

31. "Employee" means a current or former: officer, director, shareholder, partner, member, consultant, senior manager, manager, senior associate, permanent employee, staff employee, attorney, agent (whether de jure, de facto, or apparent, without limitation), advisor, representative, attorney (in law or in fact), lobbyist (registered or unregistered), borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, provisional employee, or subcontractor.

32. When referring to a person, "to identify" means to give, to the extent known: (1) the person's full name; (2) present or last known address; and (3) when referring to a natural person, additionally: (a) the present or last known place of employment; (b) the natural person's complete title at the place of employment; and (c) the individual's business address. When referring to documents, "to identify" means to give, to the extent known the: (1) type of document; (2) general subject matter; (3) date of the document; and (4) author, addressee, and recipient.

33. "Forensic Image" means a bit-by-bit, sector-by-sector direct copy of a physical storage device, including all files, folders and unallocated, free and slack space. Forensic images include not only all the files visible to the operating system but also deleted files and pieces of files left in the slack and free space.

34. "Indicating" with respect to any given subject means anything showing, evidencing, pointing out or pointing to, directing attention to, making known, stating, or expressing that subject of any sort, form, or level of formality or informality, whatsoever, without limitation.

35. "Party" refers to any person involved or contemplating involvement in any act, affair, contract, transaction, judicial proceeding, administrative proceeding, or legislative proceeding.

36. "Person" is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association, and all subsidiaries, divisions, partnerships, properties, affiliates, branches, groups, special purpose entities, joint ventures, predecessors, successors, or any other entity in which they have or had a controlling interest, and any employee, and any other units thereof.

37. "Pertaining to," "referring," "relating," or "concerning" with respect to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

38. "Possession, custody or control" means (a) documents that are in your possession, custody, or control, whether held by you or your employees; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that have been placed in the possession, custody, or control of any third party.

39. "Processes" means any processes, procedures, methodologies, materials, practices, techniques, systems, or other like activity, of any sort, form, or level of formality or informality, whatsoever, without limitation.

40. "You" or "Your" shall mean (in the case of an entity) the entity named in the subpoena, as well as its officers, directors, subsidiaries, divisions, predecessor and successor companies, affiliates, parents, any partnership or joint venture to which it may be a party. If the person named in the entity is either an individual or an entity, "you" and "your" also means your employees, agents, representatives, consultants, accountants and attorneys, including anyone who served in any such capacity at any time during the relevant time period specified herein.

WI-REP-22-0458-A-000356

AMERICAN OVERSIGHT

EXHIBIT A

TO SUBPOENA *DUCES TECUM*

These document requests are limited to the time period from January 1, 2020 to current:

1. All documents pertaining to election administration related to interactions, communication with, or comments regarding the Office of the Clerk of the City of Kenosha.
2. All documents and communications between the Office of the Mayor of the City of Kenosha with the Center for Tech and Civic Life ("CTCL"). This includes, but is not limited to, documents and communications with Tiana Epps-Johnson and Whitney May
3. All documents and communications between the Office of the Mayor of the City of Kenosha and the Wisconsin Elections Commission ("WEC") and its officials or employees regarding or in any way related to the election.
4. All documents and communications between the Office of the Mayor of the City of Kenosha and officials or employees of the Cities of Green Bay, Racine, Madison and Milwaukee and/or any other employee, representative agent or other person affiliated with these cities, regarding or in any way related to the election.
5. All documents and communications between the Office of the Mayor of the City of Kenosha and employees of any group, organization, person or entity, including but not limited to CTCL, and/or any other employee, representative agent or other person affiliated with them, regarding or in any way related to the election.
6. All documents or communications between the Office of the Mayor of the City of Kenosha and CTCL and/or its employees Tiana Epps-Johnson and Whitney May, The National Vote At Home Institute and/or its employee Michael Spitzer-Rubenstein, The Elections Group and/or its employee Ryan Chew, Ideas42, Power to the Polls and/or Fair Elections Center, Mikva Challenge, US Digital Response, Center for Civic Design, Center for Election and Innovation Research ("CEIR"), Center for Secure and Modern Elections ("CSME") and/or its employee Eric Ming, The Brennan Center for Justice, HVS Productions, Facebook, Modern Selections and/or any other employee, representative agent or other person affiliated with the above named entities, regarding or in any way related to the Election.

WI-REP-22-0458-A-000357

AMERICAN OVERSIGHT

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.

Relating to: directing the Assembly Committee on Campaigns and Elections to investigate the administration of elections in Wisconsin.

Whereas, the ability of American citizens to exercise their right to vote is foundational to our representative democracy; and

Whereas, the legitimacy of the American form of government depends on the citizens' widespread confidence in the fairness of elections and acceptance of election results; and

Whereas, preserving the integrity of the electoral process is one of our government's most important responsibilities; and

Whereas, the administration of elections in Wisconsin is governed by an extensive set of duly enacted laws; and

Whereas, however, election laws are not self-enforcing but rely on the good faith efforts of election officials to dutifully carry out those laws as written in order to ensure fair elections; and

WI-REP-22-0458-A-000358

Whereas, the integrity of our electoral process 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; and

Whereas, it is the duty of the Wisconsin Legislature to make laws and to exercise its oversight and investigative authority to determine the extent to which elections in Wisconsin have been conducted in compliance with the law; now, therefore, be it

Resolved by the assembly, That the Wisconsin Assembly hereby 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.

(END)

AMERICAN OVERSIGHT

WI-REP-22-0458-A-000359

From: "Hyant, Doug" <Doug.Hyant@legis.wisconsin.gov>
Sent: Wednesday, March 9, 2022, 2:19 PM
To: "Rep.Brandtjen" <Rep.Brandtjen@legis.wisconsin.gov>; "Rep.Sanfelippo" <Rep.Sanfelippo@legis.wisconsin.gov>; "Rep.Tusler" <Rep.Tusler@legis.wisconsin.gov>; "Rep.Thiesfeldt" <Rep.Thiesfeldt@legis.wisconsin.gov>; "Rep.Murphy" <Rep.Murphy@legis.wisconsin.gov>; "Rep.Rozar" <Rep.Rozar@legis.wisconsin.gov>; "Rep.Subeck" <Rep.Subeck@legis.wisconsin.gov>; "Rep.Emerson" <Rep.Emerson@legis.wisconsin.gov>
Cc: "Rep.Spreitzer" <Rep.Spreitzer@legis.wisconsin.gov>
Subject: FW: Subpoenas
Attachments: Subpoena to Milwaukee Info Tech (EIS)_cwl_cwl2_cwl3FINAL_correctedA.docx; Subpoena to Milwaukee Info Tech (COM DATA)_cwl_cwl2_cwl3FINAL.docx; Subpoena to Milwaukee Info Tech (APPEAR)_cwl_cwl2_cwl3FINAL_correctedA.docx; Subpoena to Milwaukee (Financials)_cwl_cwl2_FINAL_correctedA_modB_corC.docx; Subpoena to Michael Spitzer Rubenstein_cwl_cwl2_FINAL_correctedA_modB.docx; Subpoena to Michael Spitzer Rubenstein (APPEAR)_cwl_cwl2_FINAL.docx; Subpoena to Madison Info Tech (EIS)_cwl_cwl2_cwl3FINAL.docx; Subpoena to Madison Info Tech (COM DATA)_cwl_cwl2_cwl3FINAL.docx; Subpoena to Madison Info Tech (APPEAR)_cwl_cwl2_cwl3FINAL.docx; Subpoena to Madison (Financials)_cwl_cwl2_FINAL_correctedA_modB_corC.docx; Subpoena to Kris Weary (APPEAR)_cwl_cwl2_FINAL.docx; Subpoena to Kenosha Info Tech (EIS)_cwl_cwl2_cwl3FINAL.docx; Subpoena to Kenosha Info Tech (COM DATA)_cwl_cwl2_cwl3FINAL.docx; Subpoena to Kenosha Info Tech (APPEAR)_cwl_cwl2_cwl3FINAL.docx; Subpoena to Kenosha (Financials)_cwl_cwl2_FINAL_correctedA_modB_corC.docx; Subpoena to Kaleb Jefferies_cwl_cwl2_FINAL.docx; Subpoena to Hilary Hall_cwl_cwl2_FINAL_correctedA_corB.docx; Subpoena to Hilary Hall (APPEAR)_cwl_cwl2_FINAL.docx; Subpoena to Harrison Hersch_cwl_cwl2_FINAL_correctedA_modB.docx; Subpoena to Harrison Hersch (APPEAR)_cwl_cwl2_FINAL.docx; Subpoena to Hannah Buzbacz (APPEAR)_cwl_cwl2_FINAL.docx; Subpoena to Hannah Bubacz_cwl_cwl2_FINAL_correctedA_modB.docx; Subpoena to Green Bay Info Tech (EIS)_cwl_cwl2_cwl3FINAL.docx; Subpoena to Green Bay Info Tech (COM DATA)_cwl_cwl2_cwl3FINAL.docx; Subpoena to Green Bay Info Tech (APPEAR)_cwl_cwl2_cwl3FINAL.docx; Subpoena to Green Bay (Financials)_cwl_cwl2_FINAL_correctedA_modB_corC.docx

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Third email of documents.

From: Coms <Coms@wispecialcounsel.org>
Sent: Wednesday, March 9, 2022 10:19 AM
To: Rep.Spreitzer <Rep.Spreitzer@legis.wisconsin.gov>
Subject: Re: Subpoenas

Good Morning Rep. Spreitzer,

Round three of subpoenas are attached.

Very Respectfully,

Zakory Niemierowicz
WI Special Counsel

AMERICAN OVERSIGHT

Please be aware any communications sent to and from Wispecialcounsel.org email domains may be subject for review in response to Wisconsin open records statutes.

From: Coms <Coms@wispecialcounsel.org>
Sent: Wednesday, March 9, 2022 10:16 AM
To: Rep.Spreitzer <rep.spreitzer@legis.wisconsin.gov>
Subject: Re: Subpoenas

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From: Coms
Sent: Wednesday, March 9, 2022 10:13 AM
To: Rep.Spreitzer <rep.spreitzer@legis.wisconsin.gov>
Subject: Subpoenas

Good Morning Rep. Spreitzer,

There are a Large number of subpoenas so I will send them in a couple emails. The PDF documents were signed on October 4th. The word documents were signed on December 28th.

Very Respectfully

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AMERICAN OVERSIGHT

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Second email of documents.

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AMERICAN OVERSIGHT

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Sent: Wednesday, March 9, 2022, 2:18 PM
To: "Rep.Brandtjen" <Rep.Brandtjen@legis.wisconsin.gov>; "Rep.Sanfelippo" <Rep.Sanfelippo@legis.wisconsin.gov>; "Rep.Tusler" <Rep.Tusler@legis.wisconsin.gov>; "Rep.Thiesfeldt" <Rep.Thiesfeldt@legis.wisconsin.gov>; "Rep.Murphy" <Rep.Murphy@legis.wisconsin.gov>; "Rep.Rozar" <Rep.Rozar@legis.wisconsin.gov>; "Rep.Subeck" <Rep.Subeck@legis.wisconsin.gov>; "Rep.Emerson" <Rep.Emerson@legis.wisconsin.gov>
Cc: "Rep.Spreitzer" <Rep.Spreitzer@legis.wisconsin.gov>
Subject: FW: Subpoenas
Attachments: Command Central_ESI Voter Data_ji_cwl2_cwl3_cwl4FINAL_correctedA.docx; Command Central_COM Data_ji_cwl2_cwl3_cwl4FINAL_correctedA.docx; Command Central (FPMK APPEAR)_ji_cwl2_cwl3_cwl4FINAL.docx; FedEx Scan 2021-10-04_16-25-55.pdf; FedEx Scan 2021-10-04_16-32-38.pdf; FedEx Scan 2021-10-04_16-35-05.pdf; FedEx Scan 2021-10-04_16-37-38.pdf; FedEx Scan 2021-10-04_16-39-53.pdf; FedEx Scan 2021-10-04_16-42-04.pdf; FedEx Scan 2021-10-04_16-44-50.pdf; FedEx Scan 2021-10-04_16-47-50.pdf; FedEx Scan 2021-10-04_16-50-32.pdf; FedEx Scan 2021-10-04_16-52-57.pdf; FedEx Scan 2021-10-04_16-55-20.pdf; FedEx Scan 2021-10-04_16-57-24.pdf

Committee Members,

Rep. Spreitzer asked that I forward these documents that we have received from the Office of Special Counsel. As there are many documents, we received them in four separate emails which will be forwarded separately.

Best,
-Doug

--
Douglas R. Hyant
Office of Representative Mark Spreitzer
45th Assembly District
E-Mail: Doug.Hyant@legis.wi.gov

From: Coms <Coms@wispecialcounsel.org>
Sent: Wednesday, March 9, 2022 10:14 AM
To: Rep.Spreitzer <Rep.Spreitzer@legis.wisconsin.gov>
Subject: Subpoenas

Good Morning Rep. Spreitzer,

There are a Large number of subpoenas so I will send them in a couple emails. The PDF documents were signed on October 4th. The word documents were signed on December 28th.

Very Respectfully

Zakory Niemierowicz

AMERICAN OVERSIGHT

WI Special Counsel

Please be aware any communications sent to and from Wispecialcounsel.org email domains may be subject for review in response to Wisconsin open records statutes.

AMERICAN OVERSIGHT

From: "Hyant, Doug" <Doug.Hyant@legis.wisconsin.gov>
Sent: Wednesday, March 9, 2022, 2:19 PM
To: "Rep.Brandtjen" <Rep.Brandtjen@legis.wisconsin.gov>; "Rep.Sanfelippo" <Rep.Sanfelippo@legis.wisconsin.gov>; "Rep.Tusler" <Rep.Tusler@legis.wisconsin.gov>; "Rep.Thiesfeldt" <Rep.Thiesfeldt@legis.wisconsin.gov>; "Rep.Murphy" <Rep.Murphy@legis.wisconsin.gov>; "Rep.Rozar" <Rep.Rozar@legis.wisconsin.gov>; "Rep.Subeck" <Rep.Subeck@legis.wisconsin.gov>; "Rep.Emerson" <Rep.Emerson@legis.wisconsin.gov>
Cc: "Rep.Spreitzer" <Rep.Spreitzer@legis.wisconsin.gov>
Subject: FW: Subpoenas
Attachments: Subpoena to Whitney May_cwl_cwl2_FINAL.docx; Subpoena to Whitney May_cwl_cwl2_FINAL_corrected.docx; Subpoena to Whitney May_cwl_cwl2_FINAL_corrected_modB.docx; Subpoena to VDLF_cwl_cwl2_FINAL_correctedA_modB.docx; Subpoena to VDLF Action_cwl_cwl2_FINAL_correctedA_corB.docx; Subpoena to USDR (MSTR)_cwl_cwl2_cwl3FINAL_correctedA.docx; Subpoena to USDR (FPMK APPEAR)_cwl_cwl2_cwl3FINAL.docx; Subpoena to Trent James (HYATT)_cwl_cwl2_cwl3FINAL.docx; Subpoena to Tiana Epps Johnson_cwl_cwl2_FINAL_correctedA_modB.docx; Subpoena to Tiana Epps Johnson (APPEAR)_cwl_cwl2_FINAL.docx; Subpoena to The Elections Group_cwl_cwl2_FINAL_correctedA_modB.docx; Subpoena to Sara Linske_cwl_cwl2_FINAL_correctedA_modB.docx; Subpoena to Sara Linske (APPEAR)_cwl_cwl2_FINAL.docx; Subpoena to Ryan McCrum (APPEAR)_cwl_cwl2_FINAL.docx; Subpoena to Ryan Chew_cwl_cwl2_FINAL_correctedA_corB.docx; Subpoena to Ryan Chew (APPEAR)_cwl_cwl2_FINAL.docx; Subpoena to Racine Info Tech (EIS)_cwl_cwl2_cwl3FINAL.docx; Subpoena to Racine Info Tech (COM DATA)_cwl_cwl2_cwl3FINAL.docx; Subpoena to Racine Info Tech (APPEAR)_cwl_cwl2_cwl3FINAL.docx; Subpoena to Racine (Financials)_cwl_cwl2_FINAL_correctedA_modB_corC.docx; Subpoena to Quickbase (MSTR)_cwl_cwl2_cwl3FINAL_correctedA.docx; Subpoena to Quickbase (FPMK APPEAR)_cwl_cwl2_cwl3FINAL.docx; Subpoena to Phil Schmidt (DOM)_cwl_cwl2_FINAL_correctedA_corB.docx; Subpoena to Phil Schmidt (APPEAR)_cwl_cwl2_FINAL.docx; Subpoena to NVAHI_cwl_cwl2_FINAL_correctedA_modB.docx; Subpoena to Natalia Espina_cwl_cwl2_FINAL_correctedA_modB.docx; Subpoena to Natalia Espina (APPEAR)_cwl_cwl2_FINAL.docx

---

Fourth and final email of documents.

From: Coms <Coms@wispecialcounsel.org>
Sent: Wednesday, March 9, 2022 10:26 AM
To: Rep.Spreitzer <Rep.Spreitzer@legis.wisconsin.gov>
Subject: Re: Subpoenas

Good Morning Rep. Spreitzer,

Round for of Subpoenas are attached.

Very Respectfully,

Zakory Niemierowicz

AMERICAN OVERSIGHT

WI Special Counsel

Please be aware any communications sent to and from Wispecialcounsel.org email domains may be subject for review in response to Wisconsin open records statutes.

From: Coms <Coms@wispecialcounsel.org>
Sent: Wednesday, March 9, 2022 10:18 AM
To: Rep.Spreitzer <rep.spreitzer@legis.wisconsin.gov>
Subject: Re: Subpoenas

Good Morning Rep. Spreitzer,

Round three of subpoenas are attached.

Very Respectfully,

Zakory Niemierowicz
WI Special Counsel

Please be aware any communications sent to and from Wispecialcounsel.org email domains may be subject for review in response to Wisconsin open records statutes.

From: Coms <Coms@wispecialcounsel.org>
Sent: Wednesday, March 9, 2022 10:16 AM
To: Rep.Spreitzer <rep.spreitzer@legis.wisconsin.gov>
Subject: Re: Subpoenas

Good Morning Rep. Spreitzer,

Round two of subpoenas are attached

Very Respectfully,

Zakory Niemierowicz
WI Special Counsel

Please be aware any communications sent to and from Wispecialcounsel.org email domains may be subject for review in response to Wisconsin open records statutes.

From: Coms
Sent: Wednesday, March 9, 2022 10:13 AM
To: Rep.Spreitzer <rep.spreitzer@legis.wisconsin.gov>
Subject: Subpoenas

AMERICAN OVERSIGHT

Good Morning Rep. Spreitzer,

There are a Large number of subpoenas so I will send them in a couple emails. The PDF documents were signed on October 4th. The word documents were signed on December 28th.

Very Respectfully

Zakory Niemierowicz
WI Special Counsel

Please be aware any communications sent to and from Wispecialcounsel.org email domains may be subject for review in response to Wisconsin open records statutes.

AMERICAN OVERSIGHT

How the Zuckerberg 5 Obtained Possible Illegal Private Funding of Elections, Engaged in Partisan Election Activity, Established Illegal Drop Boxes for Absentee Ballots and Facilitated Unlawful Ballot-Harvesting During the 2020 General Election in Wisconsin

Testimony of James Bopp, Jr.

Before the Wisconsin Assembly Committee on Campaigns and Elections March 24, 2022

I am James Bopp, Jr., attorney at law with The Bopp Law Firm, PC, and I thank you for the opportunity to testify before this Committee.

A substantial part of my law practice involves defending clients from governmental incursions against their constitutionally-protected First Amendment freedoms of speech, association, and expression. I have defended the rights of citizens to participate in the electoral process in administrative investigations and through litigation, *amicus curiae* briefs, scholarly publications, and testimony before legislative and administrative bodies. In this regard, I have represented numerous plaintiffs in successful lawsuits challenging federal and state campaign finance laws and regulations in order to vindicate First Amendment rights that are integral to the successful continuation of our representative democracy.[1]

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[1]I have won 9 of my 14 cases decided on the merits in the United States Supreme Court, including the landmark United State Supreme Court cases of *Republican Party of Minnesota v. White*, 536 U.S. 765 (2002), which struck down restrictions on the speech of candidates for elected judicial office on First Amendment grounds; *Wisconsin Right to Life v. Federal Election Commission*, 546 U.S. 410 (2006), which held that McCain-Feingold's "electioneering communication" corporate prohibition could be subject to as-applied challenges for genuine issue ads; *Randall v. Sorrell*, 548 U.S. 230 (2006), which struck down Vermont's mandatory candidate expenditure limits and candidate contribution limits; *Federal Election Comm'n v. Wisconsin Right to Life*, 551 U.S. 449 (2007), which held that McCain-Feingold's "electioneering communication" prohibition is unconstitutional as applied to grass roots lobbying ads; *Citizens*

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Furthermore, I have an extensive compliance practice where I provide legal advice to numerous non-profit advocacy groups regarding Internal Revenue Code regulation of non-profits, especially organizations exempt under Sections 501(c)(3), 501(c)(4) and 527. In connection with this representation, I have brought suit against the Internal Revenue Service challenging their statutes and regulations for infringing on the free speech of non-profits under the First Amendment.

And while I am General Counsel of True the Vote, Inc., I testify today as a practitioner of First Amendment law and not as a representative of any client.

Introduction

While I am a zealous advocate for the First Amendment right of individual and groups, the First Amendment does have limits. The story here does not involve any First Amendment speech but, rather, private money going to municipal governments to fund certain election-related activities, such as ballot drop boxes, where no free expression is involved. And it involves activity illegal under legitimate Wisconsin state election laws, which also do not violate the First Amendment. Thus, this testimony is about the integrity of our elections and the People's faith that elections will be administered fairly and lawfully. The future of Our Republic depends on this faith.

Most of this story has already been told as a result of the investigation of Special Counsel

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United v. Federal Election Commission, 558 U. S. 310 (2010), which struck down McCain-Feingold's electioneering communication provision and prohibitions on corporations advocating the election or defeat of candidates; and *McCutcheon v Federal Election Commission*,572 U.S. 185 (2014), which struck aggregate limits on the total amount that an individual may contribute to all political parties, PACs and federal candidates in an election cycle. *See* www.bopplaw.com.

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Mike Gableman through his Interim Reports. A billionaire with a partisan agenda funded and ultimately controlled the administration of elections in the five largest cities in Wisconsin to a partisan end, which resulted in numerous potentially illegal activities. The TTV Special Report, presented here today, adds the final chapter to the story: how the illegal drop boxes, set up by the cities and funded by the billionaire, and the unlawful advice of the Wisconsin Election Board related to them, was ruthlessly exploited by a large-scale, organized and illegal ballot-harvesting effort that may have affected the results of the 2020 general election in Wisconsin.

However, this story is not about *changing* the outcome of the 2020 general election; Joe Biden was duly elected in 2020 and is President of the United States. Only his resignation, impeachment, death, or disability under the 25th Amendment can change that. Instead, this is about discovering how the administration of Wisconsin state elections was conducted in 2020, leading to whatever reforms the Wisconsin Legislature deems warranted.

I. Center for Technology and Civil Life Funded Partisan and Illegal Election Activity by Certain Democrat-Controlled Wisconsin Cities.

My testimony concerns the private funding of the administration of Wisconsin's 2020 general election, funding and facilitating illegal activities, such as ballot drop boxes and ballot-harvesting, and its partisan intent and effect.

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A. Facts: Center for Technology and Civil Life Funding of the Zuckerberg 5.

During the November 2020 election cycle, the Center for Technology and Civil Life ("**CTCL**") made over $350 million in grants to local governments, primarily to urban areas in 6 swing states.[2] In Wisconsin, CTCL distributed over $10.3 million in grants. About 86% of the funding went to five cities, Milwaukee, Madison, Green Bay, Kenosha, and Racine,[3] which they used in part to provide drop boxes for receiving absentee ballots and other voter assistance.

Milwaukee is one of "the Zuckerberg Five,"[4] overwhelmingly Democratic cities, that funded drop boxes, voter registration, and turnout efforts using grants from the tax-exempt CTCL funded by Mark Zuckerburg.[5] Of the over $10.2 million CTCL distributed in Wisconsin, about $9.2 million (90%) went to 15 reliably Democratic cities in only 11 of Wisconsin's 72 counties. $8.8 million (85%) went to the Zuckerberg Five, $4.79 million (46.5%) to Dane and Milwaukee Counties alone, which have less than 26% of the state's population.[6]

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[2] Election Offices that Received CTCL COVID-19 Response Grants, Center for Tech and Civic Life (March 12, 2021), https://www.techandciviclife.org/grant-update-march/.

[3] A Review of the 2020 Election, Wisconsin Institute for Law and Liberty ("WILL Report") (Dec. 2021), https://will-law.org/wp-content/uploads/2022/01/2021ReviewStudyJanuary.pdf

[4] Ironically, both CTCL and the cities involved identified themselves as the "Zuckerberg 5," including on a letterhead with the five cities' seals. OSC Second Interim Report at 20.

[5] "The Zuckerberg Five" were Milwaukee, Green Bay, Racine, Kenosha, and Madison. See https://empowerwisconsin.org/wp-content/uploads/2021/03/Green-Bay-email-WI-5.pdf

[6] David M. Drucker, Zuckerberg-funded elections group awarded more grants to GOP counties (Dec. 15, 2021), https://www.washingtonexaminer.com/news/campaigns/zuckerberg-funded-elections-group-awarded-more-grants-to-gop-counties; William Doyle, How a Mark Zuckerberg-Funded Nonprofit Turned Wisconsin Blue (Jan. 10, 2022), https://amgreatness.com/2022/01/10/how-a-mark-zuckerberg-funded-nonprofit-turned-

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The Wisconsin Office of Special Counsel's Second Interim Investigative Report ("OSC Second Interim Report") provides extensive factual information on how these grants were obtained, the terms of the agreements that were entered into, how the grants were administered, the amount of the grants, and how the funds were spent.[7] But the critically important element of this project was the purpose of the grants and the specific activities that the grants funded.

1. The Purpose of CTCL Grants to the Zuckerberg 5.

As the OSC has explained in his Second Interim Report, the actual purpose of the grants to the Zuckerberg 5 requires some digging.

The agreement with CTCL provides that the grant money will be used for a "safe and secure election administration" in each city, which was to be "in accordance with the Wisconsin Safe Voting Plan 2020" ("**WSVP**").[8] The WSVP required the Zuckerberg 5 to "be intentional and strategic in reaching our historically disenfranchised residents and communities; and, above all, ensure the right to vote in our dense and diverse communities," including provisions to "increase . . . in-person" and "absentee voting by mail and early" voting, in targeted areas and by targeted groups.[9] The WSVP required that "[t]hese groups met particular demographic criteria, which, not-coincidentally, matched that of the Biden-voter profile."[10]

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wisconsin-blue/; CTCL Annual Tax Filings, CTCL 2020 tax return, Form 990, https://www.techandciviclife.org/key-funders-and-partners/990s/.

[7]OSC Second Interim Report at 20-27.

[8]*Id*. at 25.

[9]*Id*. at 33.

[10]*Id*. at 32

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2. The Specific Activities Funded by CTCL.

In order to increase in-person, absentee voting by mail and early voting, the Zuckerberg 5 engaged in numerous grant-funded activities. First, the WSVP plan required extensive get out the vote activity by the cities targeting preferred areas and groups.[11] Second, the WSVP plan required specific action to be taken to expand absentee voting by mail, early voting, and in-person voting.[12]

Most pertinent here, absentee voting by mail was to be facilitated by "utiliz(ing) secure drop-boxes to facilitate return of absentee ballots."[13] Specific grants were made to each of the Zuckerberg 5 "to purchase and place absentee drop boxes in targeted neighborhoods."[14] Each city did so, providing critical infrastructure for the ballot-harvesting that followed.

Drop boxes, however, if unattended by a municipal clerk or in an unauthorized location, are illegal under Wisconsin state law. Wis. Stat. § 6.87(4(b)1 provides that an absentee ballot envelope, in which the cast absentee ballot is placed, must be "mailed by the elector, or delivered in person, to the municipal clerk issuing the ballot or ballots." The Circuit Court for Waukesha County, in *Teigen v. Wisconsin Elections Commission,* has agreed, holding that use of drop boxes for absentee voting violates Wisconsin law.[15]

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[11] *Id*. at 33-37.

[12] *Id*. at 37-40.

[13] *Id*. at 38-39.

[14] *Id*. at 27-28

[15] This case is now before the Wisconsin Supreme Court and TTV has filed an amicus brief there setting forth its findings in the True the Vote, Special Report: Delivery of Absentee

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The Wisconsin Election Commission ("**WEC**") also played a critical role in laying the groundwork for illegal ballot-harvesting. In a memorandum to municipal clerks, WEC said that, contrary to Wisconsin state law, a voter need not deliver the absentee ballot to the municipal clerk, "but instead could be dropped into a drop box and that the ballot drop boxes could be unstaffed, temporary, or permanently."[16] The Circuit Court of Waukesha County declared that "WEC's interpretation of state statutes in the Memos is inconsistent with state law, to the extent [that] . . . the use of drop boxes, as described in the Memos, is not permitted under Wisconsin law unless the drop box is staffed by the clerk and located at the office of the clerk or a properly designated alternate site under Wis. Stat. § 6.855."[17]

3. The Illegal Drop Boxes Were Exploited by Illegal Ballot-Harvesters.

TTV conducted a "geo-spatial" tracking analysis of cell phone data collected in Milwaukee during the two weeks prior to the 2020 general election, finding overwhelming evidence of highly organized ballot trafficking coordinated among collectors and non-governmental organizations ("NGOs") using CTCL-funded drop-boxes.[18]

TTV identified 53,291 individual phone devices that visited a drop-box *three or more times* during that period, but focused specifically on 107 devices that (1) made *20 or more*

Ballots by Intermediaries to Milwaukee County Area Drop Boxes, March 18, 2022 ("**TTV Special Report**").

[16]*Tiegen v. Wisconsin Elections Commission*, Case No. 21-CV-958 (Wis. Cir. Ct. For Waukesha Cnty, June 28, 2021) (Complaint).

[17]*Id*. (Order Granting Summary Judgment for Plaintiffs (Jan. 20, 2022)).

[18]TTV Special Report at 5-6

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separate visits to drop boxes (averaging *26* visits each) *and* (2) visited NGOs involved in get-out-the-vote efforts (averaging 5 *visits* each).[19] Several of those "20X" devices made as many as 10–15 drop box visits in a single day, with a majority of visits occurring after 8:00 p.m., long past business hours of facilities where the drop boxes were located.[20] Just these 107 devices visited drop boxes *2,824 times*. If they delivered just 8 ballots each time, that is 22,592 illegally cast, and maybe fraudulent, ballots, well in excess of the 20,682 vote margin of victory for President Biden.

B. The Grant Scheme was Partisan.

Every aspect of the CTCL scheme reveals its partisan nature.

First, over 85% of grant funds went to the most heavily Democratic cities in the state.

Second, CTCL's $8.8 million grant was selectively spent in each city to target voters by area and group that were most likely to vote Democrat, i.e. "voters of color, low-income voters without reliable access to internet, voters with disabilities, and voters whose primary language is not English,"[21] and did not include voters who did not live in low-income neighborhoods or who were not members of preferred groups.[22]

Third, the Zuckerberg 5 partnered with NGOs, i.e., community organizations, churches and other organizations, in preferred areas and that represented preferred groups to increase their

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[19] *Id.* at 6.

[20] *Id*.

[21] OSC Second Interim Report at 34.

[22] *Id.* at 35.

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voter participation.[23] And, as TTV's Special Report revealed, the ballot harvesters made numerous visits to NGOs involved in get-out-the-vote efforts as part of their trips to numerous drop boxes.[24]

Fourth, the result of these grants was a partisan advantage for the Democrats. "Areas of the state that received grants saw statistically significant increases in turnout for Democrats. Increases in turnout were not seen for Donald Trump."[25]

C. CTCL is Prohibited by the Internal Revenue Code from Intervening in Political Campaigns.

CTCL is a tax-exempt 501(c)(3) organization that is specifically prohibited from intervening in political campaigns. 26 U.S.C. § 501(c)(3). "Political intervention" is expending tax-exempt funds for a partisan effect: "voter education or registration activities conducted in a biased manner that favors (or opposes) one or more candidates is [sic] prohibited." Rev. Rul. 2007-41, 2007-1 C.B. 1421 (2007).[26] Such activities "will constitute prohibited participation or intervention," if they are conducted with evidence of bias that they "(a) would favor one candidate over another; (b) oppose a candidate in some manner; or (c) have the effect of favoring

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[23] *Id*. at 35-37

[24] TTV Special Report at 6

[25] WILL Report at 3.

[26] *See generally* Frequently Asked Questions About the Ban on Political Campaign Intervention by 501(c)(3) Organizations: Get-Out-the-Vote Activities, IRS, https://www.irs.gov/charities-non-profits/charitable-organizations/frequently-asked-questions-about-the-ban-on-political-campaign-intervention-by-501c3-organizations-get-out-the-vote-activities.

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a candidate or group of candidates."[27]

Particularly *apropos* here, Alliance for Justice, which is made up of numerous liberal and progressive advocacy groups, states that "501(c)(3) organizations may not … [t]arget election-protection efforts to a precinct *based on the political party or candidate the precinct is likely to support."* Alliance for Justice, *Rules of the Game,* § 63.17 (emphasis added).[28]

The Internal Revenue Service uses a vague and ex post facto "facts and circumstances test" to determine if "political intervention" occurred. I have been highly critical of the IRS's "facts and circumstances" test, particularly when it is applied to speech protected by the First Amendment. However, as I have explained, there are many aspects of the CTCL- funded activities by the Zuckerberg 5, for instance establishing drop boxes, which did not involve constitutionally protected speech, and while I would always prefer bright-lines when we are talking about government regulation, those bright-lines do not exist here.

So looking at the totality of the circumstances, as the IRS would, it is my opinion that the IRS would view many of the CTCL-funded activities to be political intervention. After all, CTCL gamed the system with grant money and essentially took over major parts of the election administration in the five largest cities in Wisconsin, thereby creating a partisan advantage among local jurisdictions by selectively funding drop-boxes, voter registration, and other activities almost entirely in those cities, and parts of cities, to ensure that far more Democratic

---

[27]The Restriction of Political Campaign Intervention by Section 501(c)(3) Tax-Exempt Organizations, IRS, https://www.irs.gov/charities-non-profits/charitable-organizations/the-restriction-of-political-campaign-intervention-by-section-501c3-tax-exempt-organizations

[28]Available at https://www.bolderadvocacy.org/wp-content/uploads/2012/ 01/Rules-of-the-Game.pdf

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voters voted than Republicans.

D. The CTCL Grants Were Funded by "Dark Money."

Federal and state campaign finance laws require detailed disclosure of political expenditures to protect "important governmental interests by providing the public with information about … the sources of funding for campaign-related ads." *Wisconsin Right To Life, Inc. v. Barland,* 751 F.3d 804, 841 (7th Cir. 2014). In contrast, CTCL's partisan allocation of over $10 million in unreported "dark money" dwarfs in influence the $20,000 and $2,900 contribution limits to candidates for state and federal offices. Wis. Stat. § 11.11001; 52 U.S.C. § 30116(a)(1)(A).

While I strongly support the rights of § 501(c)(3) organizations to engage in activities protected by the First Amendment, this involves conduct, not speech, where mega-wealthy partisans gamed the system using exempt and undisclosed money to enlist, and provide the funds for, local governments to engage in partisan election activities targeting preferred groups and preferred neighborhoods and designed to turn out Democrat voters. These activities were facilitated by the use of illegal drop boxes and were exploited by unlawful ballot harvesting operations. This is funding and activities that are not protected by the First Amendment.

E. The CTCL Agreement is Alleged to Have Constituted Election Bribery.

Furthermore, the Office of The Special Counsel has found that the CTCL agreement, that the Zuckerberg 5 were required to sign, "facially violates the election bribery prohibition of Wis. Stat. § 12.11, because the participating cities and public officials received private money to

AMERICAN OVERSIGHT

facilitate in-person or absentee voting within such city."[29] Wis. Stat. § 12.11, in relevant part, prohibits a city from receiving "anything of value . . . in order to induce any elector to go to . . . the polls [or] vote. . ." The OSC argues that all these elements are met.[30]

Conclusion

I urge the Wisconsin Legislature to take appropriate action to prevent future maladministration of your state elections and to deter illegal activities that plagued the 2020 general election.

[29]OSC Second Interim Report at 18.

[30]*Id.* at 17-40.

AMERICAN OVERSIGHT

Informational Hearing Chair's Notes
Thursday, March 24, 2022
10:00 AM
412 East

Introductory Items

- *Strike the gavel.*

- The Committee on Campaigns and Elections is called to order; would the clerk please call the roll.

- *Invite a member to lead the Pledge of Allegiance. Inform those present that Wisconsin Eye is recording; remind those present to silence their cell phones.*

    - Today, the committee will hold an informational hearing on the topic of the November 2020 election and we will hear testimony from our invited speakers, Catherine Engelbrecht, Gregg Phillips, and Attorney James Bopp.

    - Ms. Engelbrecht and Mr. Phillips, the floor is yours.
    - Attorney Bopp, the floor is yours.

Ending Comments

- That concludes the testimony for this informational hearing.

- *Make any announcements regarding future meetings of the committee.*

- The committee is adjourned. *Strike the gavel.*

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Amber Feng
UNITED STATES DIGITAL RESPONSE

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin, to appear and give testimony, under oath, before the SPECIAL COUNSEL and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Amber Feng
UNITED STATES DIGITAL RESPONSE

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 18, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

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BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

(a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

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15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** mean means you personally and in your capacity as agent, officer, director, employee, former employee, and subsidiary for USDR.

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C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

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F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020

AMERICAN OVERSIGHT

General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

a. Any federal, state, county, or municipal official or employee;
b. Any candidate for federal, state, county, or municipal office;
c. Any person or entity with the domain or email address containing "@wisconsin.gov";
d. The National Vote at Home Institute
e. Amber McReynolds
f. Hillary Hall
g. Michael Sptizer Rubenstein
h. Any person or entity with the domain or email address containing "@voteathome.org"
i. The Center for Tech and Civic Life, Inc. ("CTCL")
j. Tiana Epps-Johnson
k. Dennis Granadas
l. Quickbase, Inc.
m. Harrison Hersch
n. Any person or entity with the domain or email address containing "@quickbase.com"
o. States United Democracy Center, Inc.
p. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
q. Power the Polls
r. Any person or entity with the domain or email address containing "@powerthepolls.org"
s. The Elections Group
t. Jennifer Morrell
u. Ryan Chew
v. Any person or entity with the domain or email address containing "@electionsgroup.com"
w. The Brennan Center for Justice at NYU Law
x. Elizabeth Howard
y. Any person or entity with the domain or email address containing "@nyu.edu"
z. Voces de la Frontera Action, Inc.
aa. Voces de la Frontera, Inc.
bb. Natalia Espina
cc. Christine Neumann-Ortiz
dd. Any person or entity with the domain or email address containing "@vdlf.org"

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ee. Dominion Voting, Inc.
ff. Phil Schmidt
gg. Yvonne Cai
hh. @dominionvoting.com
ii. Election Systems & Software, LLC
jj. Any person or entity with the domain or email address containing "@essvote.com"
kk. Fireside Campaigns
ll. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
mm. Center for Election Innovation & Research
nn. @electioninnovation.org

2. Any and all documents concerning or related to:

a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

c. Materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

e. Electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

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f. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

3. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

   a. National Vote at Home Institute to you or an entity owned or controlled by you.

   b. Fireside Campaigns to or from you or an entity owned or controlled by you.

   c. Power the Polls to or from you or an entity owned or controlled by you.

   d. The Elections Group to or from you or an entity owned or controlled by you.

   e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

   f. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

   g. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Amber McReynolds
NATIONAL VOTE AT HOME INSTITUTE

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin, to appear and give testimony, under oath, before the SPECIAL COUNSEL and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Amber McReynolds
NATIONAL VOTE AT HOME INSTITUTE

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 18, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

AMERICAN OVERSIGHT

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

(a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

AMERICAN OVERSIGHT

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** means you in your personal capacity and as an owner, officer, director, employee, former employee, subsidiary, or any entities that have previously acted or are presently acting on behalf of **National Vote at Home Institute**.

AMERICAN OVERSIGHT

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

AMERICAN OVERSIGHT

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020

AMERICAN OVERSIGHT

General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

a. Any federal, state, county, or municipal official or employee;
b. Any candidate for federal, state, county, or municipal office;
c. Any person or entity with the domain or email address containing "@wisconsin.gov";
d. The National Vote at Home Institute
e. Hillary Hall
f. Michael Sptizer Rubenstein
g. Any person or entity with the domain or email address containing "@voteathome.org"
h. The Center for Tech and Civic Life, Inc. ("CTCL")
i. Tiana Epps-Johnson
j. Dennis Granadas
k. Quickbase, Inc.
l. Harrison Hersch
m. Any person or entity with the domain or email address containing "@quickbase.com"
n. States United Democracy Center, Inc.
o. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
p. Power the Polls
q. Any person or entity with the domain or email address containing "@powerthepolls.org"
r. The Elections Group
s. Jennifer Morrell
t. Ryan Chew
u. Any person or entity with the domain or email address containing "@electionsgroup.com"
v. The Brennan Center for Justice at NYU Law
w. Elizabeth Howard
x. Any person or entity with the domain or email address containing "@nyu.edu"
y. Voces de la Frontera Action, Inc.
z. Voces de la Frontera, Inc.
aa. Natalia Espina
bb. Christine Neumann-Ortiz
cc. Any person or entity with the domain or email address containing "@vdlf.org"
dd. Dominion Voting, Inc.

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ee. Phil Schmidt
ff. Yvonne Cai
gg. @dominionvoting.com
hh. Election Systems & Software, LLC
ii. Any person or entity with the domain or email address containing "@essvote.com"
jj. Fireside Campaigns
kk. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
ll. Center for Election Innovation & Research
mm. @electioninnovation.org

2. Any and all documents concerning or related to:

a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

c. Materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

e. Electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

AMERICAN OVERSIGHT

f. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

3. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

   a. National Vote at Home Institute to you or an entity owned or controlled by you.

   b. Fireside Campaigns to or from you or an entity owned or controlled by you.

   c. Power the Polls to or from you or an entity owned or controlled by you.

   d. The Elections Group to or from you or an entity owned or controlled by you.

   e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

   f. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

   g. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Ann Jacobs, Commissioner
WISCONSIN ELECTIONS COMMISSION

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin, to appear and give testimony, under oath, before the **SPECIAL COUNSEL** and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Ari Steinberg
AIR BnB

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin, to appear and give testimony, under oath, before the **SPECIAL COUNSEL** and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

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AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

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Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

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AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Ari Steinberg
AIR BnB

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 18, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

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AUTHORIZATION

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REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

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Wisconsin State Assembly

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P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

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BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

(a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

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15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** mean means you personally and in your capacity as agent, officer, director, employee, former employee, and subsidiary participating in any form or manner with or in a Wisconsin election.

AMERICAN OVERSIGHT

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

AMERICAN OVERSIGHT

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020

AMERICAN OVERSIGHT

General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

a. Any federal, state, county, or municipal official or employee;
b. Any candidate for federal, state, county, or municipal office;
c. Any person or entity with the domain or email address containing "@wisconsin.gov";
d. The National Vote at Home Institute
e. Amber McReynolds
f. Hillary Hall
g. Michael Sptizer Rubenstein
h. Any person or entity with the domain or email address containing "@voteathome.org"
i. The Center for Tech and Civic Life, Inc. ("CTCL")
j. Tiana Epps-Johnson
k. Dennis Granadas
l. Quickbase, Inc.
m. Harrison Hersch
n. Any person or entity with the domain or email address containing "@quickbase.com"
o. States United Democracy Center, Inc.
p. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
q. Power the Polls
r. Any person or entity with the domain or email address containing "@powerthepolls.org"
s. The Elections Group
t. Jennifer Morrell
u. Ryan Chew
v. Any person or entity with the domain or email address containing "@electionsgroup.com"
w. The Brennan Center for Justice at NYU Law
x. Elizabeth Howard
y. Any person or entity with the domain or email address containing "@nyu.edu"
z. Voces de la Frontera Action, Inc.
aa. Voces de la Frontera, Inc.
bb. Natalia Espina
cc. Christine Neumann-Ortiz
dd. Any person or entity with the domain or email address containing "@vdlf.org"

AMERICAN OVERSIGHT

ee. Dominion Voting, Inc.
ff. Phil Schmidt
gg. Yvonne Cai
hh. @dominionvoting.com
ii. Election Systems & Software, LLC
jj. Any person or entity with the domain or email address containing "@essvote.com"
kk. Fireside Campaigns
ll. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
mm. Center for Election Innovation & Research
nn. @electioninnovation.org

2. Any and all documents concerning or related to:

a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

c. Materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

e. Electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

AMERICAN OVERSIGHT

f. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

3. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

   a. National Vote at Home Institute to you or an entity owned or controlled by you.

   b. Fireside Campaigns to or from you or an entity owned or controlled by you.

   c. Power the Polls to or from you or an entity owned or controlled by you.

   d. The Elections Group to or from you or an entity owned or controlled by you.

   e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

   f. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

   g. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Natalia Espina
VOCES DE LA FRONTERA ACTION, INC.
VOCES DE LA FRONTERA, INC.

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin, to appear and give testimony, under oath, before the **SPECIAL COUNSEL** and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Natalia Espina
VOCES DE LA FRONTERA ACTION, INC.
VOCES DE LA FRONTERA, INC.

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 18, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

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New Berlin, WI. 53151
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coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

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DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

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2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

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AMERICAN OVERSIGHT

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14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

(a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

AMERICAN OVERSIGHT

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

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B. The terms **"you," "your," or "yours"** mean means you personally and in your capacity as agent, officer, director, employee, former employee, and subsidiary for **Voces de la Frontera Action, Inc.,** and/or **Voces de la Frontera, Inc**.

AMERICAN OVERSIGHT

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

AMERICAN OVERSIGHT

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020

AMERICAN OVERSIGHT

General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

a. Any federal, state, county, or municipal official or employee;
b. Any candidate for federal, state, county, or municipal office;
c. Any person or entity with the domain or email address containing "@wisconsin.gov";
d. The National Vote at Home Institute
e. Amber McReynolds
f. Hillary Hall
g. Michael Sptizer Rubenstein
h. Any person or entity with the domain or email address containing "@voteathome.org"
i. The Center for Tech and Civic Life, Inc. ("CTCL")
j. Tiana Epps-Johnson
k. Dennis Granadas
l. Quickbase, Inc.
m. Harrison Hersch
n. Any person or entity with the domain or email address containing "@quickbase.com"
o. States United Democracy Center, Inc.
p. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
q. Power the Polls
r. Any person or entity with the domain or email address containing "@powerthepolls.org"
s. The Elections Group
t. Jennifer Morrell
u. Ryan Chew
v. Any person or entity with the domain or email address containing "@electionsgroup.com"
w. The Brennan Center for Justice at NYU Law
x. Elizabeth Howard
y. Any person or entity with the domain or email address containing "@nyu.edu"
z. Voces de la Frontera Action, Inc.
aa. Voces de la Frontera, Inc.
bb. Natalia Espina
cc. Any person or entity with the domain or email address containing "@vdlf.org"
dd. Dominion Voting, Inc.

AMERICAN OVERSIGHT

ee. Phil Schmidt
ff. Yvonne Cai
gg. @dominionvoting.com
hh. Election Systems & Software, LLC
ii. Any person or entity with the domain or email address containing "@essvote.com"
jj. Fireside Campaigns
kk. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
ll. Center for Election Innovation & Research
mm. @electioninnovation.org

2. Any and all documents concerning or related to:

a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

c. Materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

e. Electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

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f. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

3. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

   a. National Vote at Home Institute to you or an entity owned or controlled by you.

   b. Fireside Campaigns to or from you or an entity owned or controlled by you.

   c. Power the Polls to or from you or an entity owned or controlled by you.

   d. The Elections Group to or from you or an entity owned or controlled by you.

   e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

   f. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

   g. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

CENTER FOR TECH AND CIVIC LIFE, INC.
c/o Incorp Services, Inc.
901 2d Street, STE. 201
Springfield, IL 62704

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 18, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

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SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

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BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

(a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

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15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** means you in your personal capacity, as an agent, employee, or officer of **Center for Tech and Civic Life, Inc.**, and **Center for Tech and Civic Life, Inc.,** itself, including its owners, officers, directors, employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

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C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

AMERICAN OVERSIGHT

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020

AMERICAN OVERSIGHT

General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

a. Any federal, state, county, or municipal official or employee;
b. Any candidate for federal, state, county, or municipal office;
c. Any person or entity with the domain or email address containing "@wisconsin.gov";
d. The National Vote at Home Institute
e. Amber McReynolds
f. Hillary Hall
g. Michael Sptizer Rubenstein
h. Any person or entity with the domain or email address containing "@voteathome.org"
i. Tiana Epps-Johnson
j. Dennis Granadas
k. Quickbase, Inc.
l. Harrison Hersch
m. Any person or entity with the domain or email address containing "@quickbase.com"
n. States United Democracy Center, Inc.
o. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
p. Power the Polls
q. Any person or entity with the domain or email address containing "@powerthepolls.org"
r. The Elections Group
s. Jennifer Morrell
t. Ryan Chew
u. Any person or entity with the domain or email address containing "@electionsgroup.com"
v. The Brennan Center for Justice at NYU Law
w. Elizabeth Howard
x. Any person or entity with the domain or email address containing "@nyu.edu"
y. Voces de la Frontera Action, Inc.
z. Voces de la Frontera, Inc.
aa. Natalia Espina
bb. Christine Neumann-Ortiz
cc. Any person or entity with the domain or email address containing "@vdlf.org"
dd. Dominion Voting, Inc.

AMERICAN OVERSIGHT

ee. Phil Schmidt
ff. Yvonne Cai
gg. @dominionvoting.com
hh. Election Systems & Software, LLC
ii. Any person or entity with the domain or email address containing "@essvote.com"
jj. Fireside Campaigns
kk. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
ll. Center for Election Innovation & Research
mm. @electioninnovation.org

2. Any and all documents concerning or related to:

a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

c. Materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

e. Electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

AMERICAN OVERSIGHT

f. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

3. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

   a. National Vote at Home Institute to you or an entity owned or controlled by you.

   b. Fireside Campaigns to or from you or an entity owned or controlled by you.

   c. Power the Polls to or from you or an entity owned or controlled by you.

   d. The Elections Group to or from you or an entity owned or controlled by you.

   e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

   f. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

   g. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Trina Zanow, Administrator and CIO
Wis. Department Of Administration
DIVISION OF ENTERPRISE TECHNOLOGY

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin, to appear and give testimony, under oath, before the **SPECIAL COUNSEL** and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA AND SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Trina Zanow, Administrator and CIO
Wis. Department Of Administration
DIVISION OF ENTERPRISE TECHNOLOGY

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 14, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

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SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period August 1, 2020, to December 30, 2020 ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005)

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected hard drive, password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

AMERICAN OVERSIGHT

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and

AMERICAN OVERSIGHT

recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** means you in your individual capacity, you in your capacity as Administrator and CIO, you in your capacity as an agent, officer, or employee of the Division of Enterprise Technology, and the Division of Enterprise Technology itself, including the Division's employees, its agents, owners, officers, directors, employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners,

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members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

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G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

Items to be Produced

1. A forensic image of any and all servers, computers, hard drives, electronic storage devices, or any other electronic medium which stores, houses, contains, or maintains data for:

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A. The Wisconsin Election Commission
B. City of Green Bay, Wisconsin.
C. City of Kenosha, Wisconsin.
D. City of Racine, Wisconsin.
E. City of Milwaukee, Wisconsin.
F. City of Madison, Wisconsin.

2. All documents or items in any form that are related to and/or concerning a Wisconsin election for the Requested Period or a candidate for a past, present, or future Wisconsin election.

3. All activity reports from the Requested Period which reference or relate to and/or concerns all modifications and updates made on any web or internet application owned, leased, controlled, or used by **WEC, the City of Green Bay, the City of Milwaukee, the City of Kenosha, the City of Racine, or the City of Madison**, and/or in use for the 2020 election as well the IP (internet protocol) addresses from which the modifications and/or updates originated and the IP (internet protocol) addresses to which the modifications and/or updates were destined.

4. All outgoing and incoming file transfers that occurred during the Requested Period on any servers that were owned, leased, controlled, or used by **WEC, the City of Green Bay, the City of Milwaukee, the City of Kenosha, the City of Racine, or the City of Madison**, including all details of the file including content, file type, and time stamp of transfer.

5. Records of all individual and/or group file updates and modifications that during the Requested Period on any servers owned, leased or in use by **WEC, the City of Green Bay, the City of Milwaukee, the City of Kenosha, the City of Racine**, or the City of Madison including content and file type of any archived version as well as content, file type, and timestamp of the updated version.

6. All backups of all programs related or referenced to or concerning a Wisconsin election or a candidate for a past, present, or future Wisconsin election during the Requested Period.

7. All backups of all programs related or referenced to or concerning a Wisconsin election or a candidate for a past, present, or future Wisconsin election during the Requested Period.

8. All documents, letters, papers, electronic information, electronic data, or tangible items associated with the active directory for **WisVote** during the Requested Period.

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9. A list, or if a list does not exist, all data related to, all persons on **WisVote** Systems who were reactivated as a voter or a person eligible to vote from a deactivated or inactive status during the Requested Period.

    A. For all such persons, provide all documents, letters, papers, electronic information, electronic data, tangible objects, and/or source code related to or concerning the reactivation.

10. A list, or if a list does not exist, all data related to or concerning, all persons on **WisVote** Systems detailed in number two who were deactivated as a voter or person eligible to vote during the Requested Period.

    A. For all such persons, provide all documents, letters, papers, electronic information, electronic data, tangible objects, and/or source code related to or concerning the deactivation.

11. A list, or if a list does not exist, all data related to or concerning, all persons on **WisVote** Systems who were activated (as opposed to reactivated) as a voter or a person eligible to vote during the Requested Period.

    A. For all such persons, provide all documents, letters, papers, electronic information, electronic data, tangible objects, and/or source code related to or concerning the activation.

12. A list, or if a list does not exist, all data related to or concerning, all persons on **WisVote** Systems detailed in number four who were deactivated as a voter or person eligible to vote for the time period during the Requested Period.

    A. For all such persons, provide all documents, letters, papers, electronic information, electronic data, tangible objects, and/or source code related to or concerning the deactivation.

13. Any and all documents pertaining to the identities of individual machines, computers, or electronic devices owned, leased, or operated for the purposes of a Wisconsin election by **WEC, the City of Green Bay, the City of Milwaukee, the City of Kenosha, the City of Racine, or the City of Madison** and its employees and agents that were present in the State of Wisconsin or that communicated with any person, machine, or computer within the State of Wisconsin during the Requested Period **("Subject Devices")**, including machine or computer name, machine or computer type, machine or computer serial number, software name, software type, software serial number, and persons to whom such machines and computers were sold, leased, or assigned.

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14. Any and all documents pertaining to the identities of individual machines, computers, or electronic devices owned, leased, or operated for the purposes of a Wisconsin election by **WEC, the City of Green Bay, the City of Milwaukee, the City of Kenosha, the City of Racine, or the City of Madison** and its employees and agents that are currently present within the State of Wisconsin including machine or computer name, machine or computer type, machine or computer serial number, software name, software type, software serial number, and persons to whom such machines and computers were sold, leased, or assigned.

15. All internet protocol (IP) address for all Subject Devices that communicated with any other machine in the State of Wisconsin during the Requested Period including the date and time of the communication as well as information that was communicated.

16. Any and all communications between any of the Subject Devices described in Item 1 above and the State of Wisconsin's **"WisVote"** statewide election management and voter registration system that were sent or received during the Requested Period.

17. Any and all communications between any of the Subject Devices described in Item 1 above and any machines, computers, or electronic devices owned, leased, or operated by **Command Central, LLC,** that were sent or received during the Requested Period.

18. Any and all communications between any of the Subject Devices described in Item 1 above and any machines, computers, or electronic devices owned, leased, or operated by **Dominion Voting Systems, Inc.**, that were sent or received during the Requested Period.

19. Any and all information about individual voters in the State of Wisconsin for the Requested Period that is or was stored on the Subject Devices described in Item 1 above, including any such information that has been deleted from those Subject Devices but that is capable of being recovered.

20. Any and all security logs for the Subject Devices pertaining to the Requested Period.

21. Any and all software updates that were sent to, received by, or installed on the Subject Devices for the Requested Period.

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22. All trouble tickets, responses, and associated log files related to election operations during the Requested Period in Wisconsin.

23. All update files deployed any Subject Devices located in Wisconsin during the Requested Period including, but not limited to, the update files themselves, the procedures on how to deploy the update, the release notes for the update, log files indicating the progress of update deployment, and what employee deployed the update along with the means it was deployed.

24. Any list or roster, or if a list does not exist, all employment, contractual, or pay information for any **Election Systems and Software, LLC, Dominion Voting Systems, Inc., and/or Command Central, LLC**, employees, contractors, affiliates, or volunteers (paid or unpaid) responsible for supporting election operations in Wisconsin during the Requested Period.

25. Any database, document, or raw data that shows Subject Devices that have network access for the purpose of transmitting vote totals between networked systems. This includes, but is not limited to, any data (IP, MAC, APN, IMEI, IMSI, Phone number, serial number) associated with **Command Central LLC, Dominion Voting System, and Election Systems and Software, LLC**, machines deployed in Wisconsin.

26. Any and all emails, phone logs, text messages, or other types of communications with **Command Central LLC, Dominion Voting System, and Election Systems and Software, LLC,** personnel on either corporate email accounts or personal accounts.

27. Forensic image of the election management system (EMS) for W**EC, the City of Green Bay, the City of Milwaukee, the City of Kenosha, the City of Racine, or the City of Madison** and any associated storage devices or workstations used to run the 2020 general election as well as any backups of the same system(s).

28. Any and all communications located on any Subject Device during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

    a. Any federal, state, county, or municipal official or employee;
    b. Any candidate for federal, state, county, or municipal office;
    c. Any person or entity with the domain or email address containing "@wisconsin.gov";

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d. The National Vote at Home Institute
e. Amber McReynolds
f. Hillary Hall
g. Michael Sptizer Rubenstein
h. Any person or entity with the domain or email address containing "@voteathome.org"
i. The Center for Tech and Civic Life, Inc. ("CTCL")
j. Tiana Epps-Johnson
k. Dennis Granadas
l. Quickbase, Inc.
m. Harrison Hersch
n. Any person or entity with the domain or email address containing "@quickbase.com"
o. States United Democracy Center, Inc.
p. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
q. Power the Polls
r. Any person or entity with the domain or email address containing "@powerthepolls.org"
s. The Elections Group
t. Jennifer Morrell
u. Ryan Chew
v. Any person or entity with the domain or email address containing "@electionsgroup.com"
w. The Brennan Center for Justice at NYU Law
x. Elizabeth Howard
y. Any person or entity with the domain or email address containing "@nyu.edu"
z. Voces de la Frontera Action, Inc.
aa. Voces de la Frontera, Inc.
bb. Natalia Espina
cc. Christine Neumann-Ortiz
dd. Any person or entity with the domain or email address containing "@vdlf.org"
ee. Dominion Voting, Inc.
ff. Phil Schmidt
gg. Yvonne Cai
hh. @dominionvoting.com
ii. Election Systems & Software, LLC
jj. Any person or entity with the domain or email address containing "@essvote.com"
kk. Fireside Campaigns

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ll. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
mm. Center for Election Innovation & Research
nn. @electioninnovation.org

29. Any and all documents concerning or related to:

a. Money, negotiable instruments, funds, or anything of a monetary value related to or concerning any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in this subpoena.

b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

c. Training materials used by **WEC, the City of Green Bay, the City of Milwaukee, the City of Kenosha, the City of Racine, or the City of Madison**, their employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

e. Electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

f. Records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments from **Center for Tech and Civic Life, Inc**., to or **from WEC, the City of Green Bay, the City of Milwaukee, the City of Kenosha, the City of Racine, or the City of Madison** or an entity owned or controlled by **WEC, the City of Green Bay, the City of Milwaukee, the City of Kenosha, the City of Racine, or the City of Madison.**

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WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Celestine Jefferies
CITY OF GREEN BAY, WISCONSIN
100 North Jefferson Street
Green Bay, WI 54301

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 19, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

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SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

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BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

    (a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

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15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** means you in your individual capacity, you in your capacity as treasurer, you in your capacity as an agent, officer, or employee of the City of Green Bay, Wisconsin, and the City of Green Bay, Wisconsin itself, including the city's employees, its agents, owners, officers,

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directors, employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device),

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text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

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1. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

2. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Tiana Epps-Johnson to or from you or an entity owned or controlled by you.

3. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Michael Spitzer Rubenstein to or from you or an entity owned or controlled by you.

4. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from National Vote at Home Institute to or from you or an entity owned or controlled by you.

5. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Amber McReynolds to or from you or an entity owned or controlled by you.

6. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from States United Democracy Center, Inc., to or from you or an entity owned or controlled by you.

7. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Power the Polls to or from you or an entity owned or controlled by you.

8. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Work Elections to or from you or an entity owned or controlled by you.

9. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Fair Elections Institute to or from you or an entity owned or controlled by you.

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10. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from The Elections Group to or from you or an entity owned or controlled by you.

11. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Ryan Chew to or from you or an entity owned or controlled by you.

12. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Jennifer Morrell to or from you or an entity owned or controlled by you.

13. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Dominion Voting Systems, Inc., to or from you or an entity owned or controlled by you.

14. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Phil Schmidt to or from you or an entity owned or controlled by you.

15. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Election Systems and Software, LLC, to or from you or an entity owned or controlled by you.

16. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Fireside Campaigns to or from you or an entity owned or controlled by you.

17. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from the Brennan Center for Justice to or from you or an entity owned or controlled by you.

18. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Elizabeth Howard to or from you or an entity owned or controlled by you.

19. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

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Voces de la Frontera Action, Inc, and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

20. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Natalia Espina to or from you or an entity owned or controlled by you.

21. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Christine Nuemann-Ortiz to or from you or an entity owned or controlled by you.

22. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from a non-governmental entity to or from you or an entity owned or controlled by you that were used in any manner related to the 2020 Wisconsin primary and/or general election.

23. All records that show the persons or entities paid with money, funds, valuables, or other negotiable instruments to or from a non-governmental entity in any manner related to the 2020 Wisconsin primary and/or general election.

24. All documents, communications, budgets, or other items related to the budget as well as in preparation of the budget, for the 2020 and 2022 elections. This includes, but is not limited to, documents, communications, or budgets with the office of the Mayor of the City, the Clerk, WEC, and all other third parties.

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Information Technology Services
CITY OF GREEN BAY, WISCONSIN

PURSUANT TO LAW, YOU ARE COMMANDED TO designate the person most knowledgeable to Green Bay's Information Technology Services to be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin, to appear and give testimony, under oath, before the **SPECIAL COUNSEL** and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA AND SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Information Technology Services
CITY OF GREEN BAY, WISCONSIN

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 19, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

AMERICAN OVERSIGHT

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

(a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

AMERICAN OVERSIGHT

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

A. The terms **"you," "your," or "yours"** means you in your individual capacity, you in your capacity as treasurer, you in your capacity as an agent, officer, or employee of the City of Green Bay, Wisconsin, and the City of Green Bay, Wisconsin itself, including the city's employees, its agents, owners, officers,

AMERICAN OVERSIGHT

directors, employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

B. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

C. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

D. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device),

AMERICAN OVERSIGHT

text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

E. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

F. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

G. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

H. The terms **"any" and "all"** are to be construed to mean both any and all.

I. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

J. The term **"including"** is to be construed to mean without limitation.

K. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

L. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

M. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

AMERICAN OVERSIGHT

1. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

a. Any federal, state, county, or municipal official or employee;
b. Any candidate for federal, state, county, or municipal office;
c. Any person or entity with the domain or email address containing "@wisconsin.gov";
d. The National Vote at Home Institute
e. Amber McReynolds
f. Hillary Hall
g. Michael Sptizer Rubenstein
h. Any person or entity with the domain or email address containing "@voteathome.org"
i. The Center for Tech and Civic Life, Inc. ("CTCL")
j. Tiana Epps-Johnson
k. Dennis Granadas
l. Quickbase, Inc.
m. Harrison Hersch
n. Any person or entity with the domain or email address containing "@quickbase.com"
o. States United Democracy Center, Inc.
p. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
q. Power the Polls
r. Any person or entity with the domain or email address containing "@powerthepolls.org"
s. The Elections Group
t. Jennifer Morrell
u. Ryan Chew
v. Any person or entity with the domain or email address containing "@electionsgroup.com"
w. The Brennan Center for Justice at NYU Law
x. Elizabeth Howard
y. Any person or entity with the domain or email address containing "@nyu.edu"
z. Voces de la Frontera Action, Inc.
aa. Voces de la Frontera, Inc.
bb. Natalia Espina

AMERICAN OVERSIGHT

cc. Christine Neumann-Ortiz
dd. Any person or entity with the domain or email address containing "@vdlf.org"
ee. Dominion Voting, Inc.
ff. Phil Schmidt
gg. Yvonne Cai
hh. @dominionvoting.com
ii. Election Systems & Software, LLC
jj. Any person or entity with the domain or email address containing "@essvote.com"
kk. Fireside Campaigns
ll. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
mm. Center for Election Innovation & Research
nn. @electioninnovation.org

2. Any and all documents concerning or related to:

a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

c. Training materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

AMERICAN OVERSIGHT

e. electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

f. Records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

3. Records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

a. National Vote at Home Institute to you or an entity owned or controlled by you.

b. Fireside Campaigns to or from you or an entity owned or controlled by you.

c. Power the Polls to or from you or an entity owned or controlled by you.

d. The Elections Group to or from you or an entity owned or controlled by you.

e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

f. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

g. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA AND SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Information Technology Services
CITY OF GREEN BAY, WISCONSIN

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 13, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period August 1, 2020, to December 30, 2020 ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005)

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected hard drive, password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

AMERICAN OVERSIGHT

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and

AMERICAN OVERSIGHT

recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** means you in your individual capacity, you in your capacity as treasurer, you in your capacity as an agent, officer, or employee of the City of Green Bay, Wisconsin, and the City of Green Bay, Wisconsin itself, including the city's employees, its agents, owners, officers, directors, employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or

AMERICAN OVERSIGHT

other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

AMERICAN OVERSIGHT

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all documents pertaining to the identities of individual machines, computers, or electronic devices owned, leased, or operated for the purposes of a Wisconsin election by the **City of Green Bay** and its employees and agents that were present in the State of Wisconsin or that communicated with any person, machine, or computer within the State of Wisconsin during the

AMERICAN OVERSIGHT

Requested Period **("Subject Devices")**, including machine or computer name, machine or computer type, machine or computer serial number, software name, software type, software serial number, and persons to whom such machines and computers were sold, leased, or assigned.

2. Any and all documents pertaining to the identities of individual machines, computers, or electronic devices owned, leased, or operated for the purposes of a Wisconsin election by the **City of Green Bay** and its employees and agents that are currently present within the State of Wisconsin including machine or computer name, machine or computer type, machine or computer serial number, software name, software type, software serial number, and persons to whom such machines and computers were sold, leased, or assigned.

3. All internet protocol (IP) address for all Subject Devices that communicated with any other machine in the State of Wisconsin during the Requested Period including the date and time of the communication as well as information that was communicated.

4. Any and all communications between any of the Subject Devices described in Item 1 above and the State of Wisconsin's **"WisVote"** statewide election management and voter registration system that were sent or received during the Requested Period.

5. Any and all communications between any of the Subject Devices described in Item 1 above and any machines, computers, or electronic devices owned, leased, or operated by **Command Central, LLC,** that were sent or received during the Requested Period.

6. Any and all communications between any of the Subject Devices described in Item 1 above and any machines, computers, or electronic devices owned, leased, or operated by **Dominion Voting Systems, Inc.**, that were sent or received during the Requested Period.

7. Any and all information about individual voters in the State of Wisconsin for the Requested Period that is or was stored on the Subject Devices described in Item 1 above, including any such information that has been deleted from those Subject Devices but that is capable of being recovered.

8. Any and all security logs for the Subject Devices described in Item 1 above pertaining to the Requested Period.

AMERICAN OVERSIGHT

9. Any and all software updates that were sent to, received by, or installed on the Subject Devices described in Item 1 for the Requested Period.

10. All trouble tickets, responses, and associated log files related to election operations during the Requested Period in Wisconsin.

11. All update files deployed any Subject Devices located in Wisconsin during the Requested Period including, but not limited to, the update files themselves, the procedures on how to deploy the update, the release notes for the update, log files indicating the progress of update deployment, and what employee deployed the update along with the means it was deployed.

12. Any list or roster, or if a list does not exist, all employment, contractual, or pay information for any **Election Systems and Software, LLC, Dominion Voting Systems, Inc., and/or Command Central, LLC**, employees, contractors, affiliates, or volunteers (paid or unpaid) responsible for supporting election operations in Wisconsin during the Requested Period.

13. Any database, document, or raw data that shows Subject Devices that have network access for the purpose of transmitting vote totals between networked systems. This includes, but is not limited to, any data (IP, MAC, APN, IMEI, IMSI, Phone number, serial number) associated with **Election Systems and Software, LLC**, machines deployed in Wisconsin.

14. Any and all emails, phone logs, text messages, or other types of communications with Command Central LLC, Dominion Voting System, and ESS personnel on either corporate email accounts or personal accounts.

15. Forensic image of the election management system (EMS) and any associated storage devices or workstations used to run the 2020 general election as well as any backups of the same system(s).

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WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Hannah Bubacz
CITY OF MILWAUKEE, WISCONSIN

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 18, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

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BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

(a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

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15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** means you in your individual capacity, you in your capacity as an employee of the City of Milwaukee, you in your capacity as an agent, officer, or employee of the City of Milwaukee, Wisconsin, and the City of Milwaukee, Wisconsin itself, including the city's employees, its agents,

AMERICAN OVERSIGHT

owners, officers, directors, employees, former employees, and subsidiaries acting on behalf of you or the City.

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device),

AMERICAN OVERSIGHT

text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

AMERICAN OVERSIGHT

1. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

   a. Any federal, state, county, or municipal official or employee;
   b. Any candidate for federal, state, county, or municipal office;
   c. Any person or entity with the domain or email address containing "@wisconsin.gov";
   d. The National Vote at Home Institute
   e. Amber McReynolds
   f. Hillary Hall
   g. Michael Sptizer Rubenstein
   h. Any person or entity with the domain or email address containing "@voteathome.org"
   i. The Center for Tech and Civic Life, Inc. ("CTCL")
   j. Tiana Epps-Johnson
   k. Dennis Granadas
   l. Quickbase, Inc.
   m. Harrison Hersch
   n. Any person or entity with the domain or email address containing "@quickbase.com"
   o. States United Democracy Center, Inc.
   p. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
   q. Power the Polls
   r. Any person or entity with the domain or email address containing "@powerthepolls.org"
   s. The Elections Group
   t. Jennifer Morrell
   u. Ryan Chew
   v. Any person or entity with the domain or email address containing "@electionsgroup.com"
   w. The Brennan Center for Justice at NYU Law
   x. Elizabeth Howard
   y. Any person or entity with the domain or email address containing "@nyu.edu"
   z. Voces de la Frontera Action, Inc.
   aa. Voces de la Frontera, Inc.
   bb. Natalia Espina

AMERICAN OVERSIGHT

cc. Christine Neumann-Ortiz
dd. Any person or entity with the domain or email address containing "@vdlf.org"
ee. Dominion Voting, Inc.
ff. Phil Schmidt
gg. Yvonne Cai
hh. @dominionvoting.com
ii. Election Systems & Software, LLC
jj. Any person or entity with the domain or email address containing "@essvote.com"
kk. Fireside Campaigns
ll. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
mm. Center for Election Innovation & Research
nn. @electioninnovation.org

2. Any and all documents concerning or related to:

a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

c. Materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

AMERICAN OVERSIGHT

e. Electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

f. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

3. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

a. National Vote at Home Institute to you or an entity owned or controlled by you.

b. Fireside Campaigns to or from you or an entity owned or controlled by you.

c. Power the Polls to or from you or an entity owned or controlled by you.

d. The Elections Group to or from you or an entity owned or controlled by you.

e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

f. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

g. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Hannah Bubacz
CITY OF MILWAUKEE, WISCONSIN

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin, to appear and give testimony, under oath, before the **SPECIAL COUNSEL** and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Harrison Hersch
QUICKBASE, INC.

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin, to appear and give testimony, under oath, before the **SPECIAL COUNSEL** and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Harrison Hersch
QUICKBASE, INC.

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 18, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

AMERICAN OVERSIGHT

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

    (a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

AMERICAN OVERSIGHT

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** mean means you personally and in your capacity as agent, officer, director, employee, former employee, and subsidiary for **Quickbase, Inc.**

AMERICAN OVERSIGHT

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

AMERICAN OVERSIGHT

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020

AMERICAN OVERSIGHT

General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

a. Any federal, state, county, or municipal official or employee;
b. Any candidate for federal, state, county, or municipal office;
c. Any person or entity with the domain or email address containing "@wisconsin.gov";
d. The National Vote at Home Institute
e. Amber McReynolds
f. Hillary Hall
g. Michael Sptizer Rubenstein
h. Any person or entity with the domain or email address containing "@voteathome.org"
i. The Center for Tech and Civic Life, Inc. ("CTCL")
j. Tiana Epps-Johnson
k. Dennis Granadas
l. Quickbase, Inc.
m. Any person or entity with the domain or email address containing "@quickbase.com"
n. Hannah Bubacz
o. States United Democracy Center, Inc.
p. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
q. Power the Polls
r. Any person or entity with the domain or email address containing "@powerthepolls.org"
s. The Elections Group
t. Jennifer Morrell
u. Ryan Chew
v. Any person or entity with the domain or email address containing "@electionsgroup.com"
w. The Brennan Center for Justice at NYU Law
x. Elizabeth Howard
y. Any person or entity with the domain or email address containing "@nyu.edu"
z. Voces de la Frontera Action, Inc.
aa. Voces de la Frontera, Inc.
bb. Natalia Espina
cc. Christine Neumann-Ortiz
dd. Any person or entity with the domain or email address containing "@vdlf.org"

AMERICAN OVERSIGHT

ee. Dominion Voting, Inc.
ff. Phil Schmidt
gg. Yvonne Cai
hh. @dominionvoting.com
ii. Election Systems & Software, LLC
jj. Any person or entity with the domain or email address containing "@essvote.com"
kk. Fireside Campaigns
ll. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
mm. Center for Election Innovation & Research
nn. @electioninnovation.org

2. Any and all documents concerning or related to:

a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

c. Materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

e. Electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

AMERICAN OVERSIGHT

f. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

3. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

   a. National Vote at Home Institute to you or an entity owned or controlled by you.

   b. Fireside Campaigns to or from you or an entity owned or controlled by you.

   c. Power the Polls to or from you or an entity owned or controlled by you.

   d. The Elections Group to or from you or an entity owned or controlled by you.

   e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

   f. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

   g. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Hillary Hall
NATIONAL VOTE AT HOME INSTITUTE

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin, to appear and give testimony, under oath, before the **SPECIAL COUNSEL** and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Hillary Hall
NATIONAL VOTE AT HOME INSTITUTE

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 18, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

AMERICAN OVERSIGHT

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

(a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

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15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** mean means you personally and in your capacity as agent, officer, director, employee, former employee, and subsidiary for **National Vote at Home Institute.**

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C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

AMERICAN OVERSIGHT

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020

AMERICAN OVERSIGHT

General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

a. Any federal, state, county, or municipal official or employee;
b. Any candidate for federal, state, county, or municipal office;
c. Any person or entity with the domain or email address containing "@wisconsin.gov";
d. The National Vote at Home Institute
e. Amber McReynolds
f. Michael Sptizer Rubenstein
g. Any person or entity with the domain or email address containing "@voteathome.org"
h. The Center for Tech and Civic Life, Inc. ("CTCL")
i. Tiana Epps-Johnson
j. Dennis Granadas
k. Quickbase, Inc.
l. Harrison Hersch
m. Any person or entity with the domain or email address containing "@quickbase.com"
n. States United Democracy Center, Inc.
o. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
p. Power the Polls
q. Any person or entity with the domain or email address containing "@powerthepolls.org"
r. The Elections Group
s. Jennifer Morrell
t. Ryan Chew
u. Any person or entity with the domain or email address containing "@electionsgroup.com"
v. The Brennan Center for Justice at NYU Law
w. Elizabeth Howard
x. Any person or entity with the domain or email address containing "@nyu.edu"
y. Voces de la Frontera Action, Inc.
z. Voces de la Frontera, Inc.
aa. Natalia Espina
bb. Christine Neumann-Ortiz
cc. Any person or entity with the domain or email address containing "@vdlf.org"
dd. Dominion Voting, Inc.

AMERICAN OVERSIGHT

ee. Phil Schmidt
ff. Yvonne Cai
gg. @dominionvoting.com
hh. Election Systems & Software, LLC
ii. Any person or entity with the domain or email address containing "@essvote.com"
jj. Fireside Campaigns
kk. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
ll. Center for Election Innovation & Research
mm. @electioninnovation.org

2. Any and all documents concerning or related to:

a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

c. Materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

e. Electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

AMERICAN OVERSIGHT

f. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

3. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

   a. National Vote at Home Institute to you or an entity owned or controlled by you.

   b. Fireside Campaigns to or from you or an entity owned or controlled by you.

   c. Power the Polls to or from you or an entity owned or controlled by you.

   d. The Elections Group to or from you or an entity owned or controlled by you.

   e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

   f. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

   g. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Kaleb Jefferies

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin, to appear and give testimony, under oath, before the **SPECIAL COUNSEL** and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Matt Krauter
CITY OF KENOSHA, WISCONSIN
625 52d Street
Kenosha, WI 53140

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 19, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

AMERICAN OVERSIGHT

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

(a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

AMERICAN OVERSIGHT

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** means you in your individual capacity, you in your capacity as treasurer, you in your capacity as an agent, officer, or employee of the City of Kenosha, Wisconsin, and the City of Kenosha, Wisconsin itself, including the city's employees, its agents, owners, officers,

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directors, employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device),

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text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

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1. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

2. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Tiana Epps-Johnson to or from you or an entity owned or controlled by you.

3. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Michael Spitzer Rubenstein to or from you or an entity owned or controlled by you.

4. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from National Vote at Home Institute to or from you or an entity owned or controlled by you.

5. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Amber McReynolds to or from you or an entity owned or controlled by you.

6. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from States United Democracy Center, Inc., to or from you or an entity owned or controlled by you.

7. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Power the Polls to or from you or an entity owned or controlled by you.

8. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Work Elections to or from you or an entity owned or controlled by you.

9. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Fair Elections Institute to or from you or an entity owned or controlled by you.

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10. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from The Elections Group to or from you or an entity owned or controlled by you.

11. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Ryan Chew to or from you or an entity owned or controlled by you.

12. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Jennifer Morrell to or from you or an entity owned or controlled by you.

13. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Dominion Voting Systems, Inc., to or from you or an entity owned or controlled by you.

14. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Phil Schmidt to or from you or an entity owned or controlled by you.

15. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Election Systems and Software, LLC, to or from you or an entity owned or controlled by you.

16. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Fireside Campaigns to or from you or an entity owned or controlled by you.

17. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from the Brennan Center for Justice to or from you or an entity owned or controlled by you.

18. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Elizabeth Howard to or from you or an entity owned or controlled by you.

19. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

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Voces de la Frontera Action, Inc, and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

20. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Natalia Espina to or from you or an entity owned or controlled by you.

21. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Christine Nuemann-Ortiz to or from you or an entity owned or controlled by you.

22. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from a non-governmental entity to or from you or an entity owned or controlled by you that were used in any manner related to the 2020 Wisconsin primary and/or general election.

23. All records that show the persons or entities paid with money, funds, valuables, or other negotiable instruments to or from a non-governmental entity in any manner related to the 2020 Wisconsin primary and/or general election.

24. All documents, communications, budgets, or other items related to the budget as well as in preparation of the budget, for the 2020 and 2022 elections. This includes, but is not limited to, documents, communications, or budgets with the office of the Mayor of the City, the Clerk, WEC, and all other third parties.

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

John Morrissey, City Administrator
CITY OF KENOSHA, WISCONSIN

PURSUANT TO LAW, YOU ARE COMMANDED be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin, to appear and give testimony, under oath, before the **SPECIAL COUNSEL** and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA AND SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

John Morrissey, City Administrator
CITY OF KENOSHA, WISCONSIN

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 19, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

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SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

AMERICAN OVERSIGHT

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

(a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

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15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

A. The terms **"you," "your," or "yours"** means you in your individual capacity, you in your capacity as treasurer, you in your capacity as an agent, officer, or employee of the City of Kenosha, Wisconsin, and the City of Kenosha, Wisconsin itself, including the city's employees, its agents, owners, officers,

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directors, employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

B. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

C. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

D. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device),

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text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

E. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

F. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

G. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

H. The terms **"any" and "all"** are to be construed to mean both any and all.

I. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

J. The term **"including"** is to be construed to mean without limitation.

K. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

L. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

M. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

AMERICAN OVERSIGHT

1. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

a. Any federal, state, county, or municipal official or employee;
b. Any candidate for federal, state, county, or municipal office;
c. Any person or entity with the domain or email address containing "@wisconsin.gov";
d. The National Vote at Home Institute
e. Amber McReynolds
f. Hillary Hall
g. Michael Sptizer Rubenstein
h. Any person or entity with the domain or email address containing "@voteathome.org"
i. The Center for Tech and Civic Life, Inc. ("CTCL")
j. Tiana Epps-Johnson
k. Dennis Granadas
l. Quickbase, Inc.
m. Harrison Hersch
n. Any person or entity with the domain or email address containing "@quickbase.com"
o. States United Democracy Center, Inc.
p. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
q. Power the Polls
r. Any person or entity with the domain or email address containing "@powerthepolls.org"
s. The Elections Group
t. Jennifer Morrell
u. Ryan Chew
v. Any person or entity with the domain or email address containing "@electionsgroup.com"
w. The Brennan Center for Justice at NYU Law
x. Elizabeth Howard
y. Any person or entity with the domain or email address containing "@nyu.edu"
z. Voces de la Frontera Action, Inc.
aa. Voces de la Frontera, Inc.
bb. Natalia Espina

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cc. Christine Neumann-Ortiz
dd. Any person or entity with the domain or email address containing "@vdlf.org"
ee. Dominion Voting, Inc.
ff. Phil Schmidt
gg. Yvonne Cai
hh. @dominionvoting.com
ii. Election Systems & Software, LLC
jj. Any person or entity with the domain or email address containing "@essvote.com"
kk. Fireside Campaigns
ll. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
mm. Center for Election Innovation & Research
nn. @electioninnovation.org

2. Any and all documents concerning or related to:

a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

c. Training materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

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e. electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

f. Records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

3. Records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

a. National Vote at Home Institute to you or an entity owned or controlled by you.

b. Fireside Campaigns to or from you or an entity owned or controlled by you.

c. Power the Polls to or from you or an entity owned or controlled by you.

d. The Elections Group to or from you or an entity owned or controlled by you.

e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

f. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

g. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA AND SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

John Morrissey, City Administrator
CITY OF KENOSHA, WISCONSIN

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 13, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period August 1, 2020, to December 30, 2020 ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005)

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected hard drive, password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

AMERICAN OVERSIGHT

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and

AMERICAN OVERSIGHT

recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** means you in your individual capacity, you in your capacity as treasurer, you in your capacity as an agent, officer, or employee of the City of Kenosha, Wisconsin, and the City of Kenosha, Wisconsin itself, including the city's employees, its agents, owners, officers, directors, employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or

AMERICAN OVERSIGHT

other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

AMERICAN OVERSIGHT

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all documents pertaining to the identities of individual machines, computers, or electronic devices owned, leased, or operated for the purposes of a Wisconsin election by the **City of Kenosha** and its employees and agents that were present in the State of Wisconsin or that communicated with any person, machine, or computer within the State of Wisconsin during the Requested

AMERICAN OVERSIGHT

Period **("Subject Devices")**, including machine or computer name, machine or computer type, machine or computer serial number, software name, software type, software serial number, and persons to whom such machines and computers were sold, leased, or assigned.

2. Any and all documents pertaining to the identities of individual machines, computers, or electronic devices owned, leased, or operated for the purposes of a Wisconsin election by the **City of Kenosha** and its employees and agents that are currently present within the State of Wisconsin including machine or computer name, machine or computer type, machine or computer serial number, software name, software type, software serial number, and persons to whom such machines and computers were sold, leased, or assigned.

3. All internet protocol (IP) address for all Subject Devices that communicated with any other machine in the State of Wisconsin during the Requested Period including the date and time of the communication as well as information that was communicated.

4. Any and all communications between any of the Subject Devices described in Item 1 above and the State of Wisconsin's **"WisVote"** statewide election management and voter registration system that were sent or received during the Requested Period.

5. Any and all communications between any of the Subject Devices described in Item 1 above and any machines, computers, or electronic devices owned, leased, or operated by **Command Central, LLC,** that were sent or received during the Requested Period.

6. Any and all communications between any of the Subject Devices described in Item 1 above and any machines, computers, or electronic devices owned, leased, or operated by **Dominion Voting Systems, Inc.**, that were sent or received during the Requested Period.

7. Any and all information about individual voters in the State of Wisconsin for the Requested Period that is or was stored on the Subject Devices described in Item 1 above, including any such information that has been deleted from those Subject Devices but that is capable of being recovered.

8. Any and all security logs for the Subject Devices described in Item 1 above pertaining to the Requested Period.

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9. Any and all software updates that were sent to, received by, or installed on the Subject Devices described in Item 1 for the Requested Period.

10. All trouble tickets, responses, and associated log files related to election operations during the Requested Period in Wisconsin.

11. All update files deployed any Subject Devices located in Wisconsin during the Requested Period including, but not limited to, the update files themselves, the procedures on how to deploy the update, the release notes for the update, log files indicating the progress of update deployment, and what employee deployed the update along with the means it was deployed.

12. Any list or roster, or if a list does not exist, all employment, contractual, or pay information for any **Election Systems and Software, LLC, Dominion Voting Systems, Inc., and/or Command Central, LLC**, employees, contractors, affiliates, or volunteers (paid or unpaid) responsible for supporting election operations in Wisconsin during the Requested Period.

13. Any database, document, or raw data that shows Subject Devices that have network access for the purpose of transmitting vote totals between networked systems. This includes, but is not limited to, any data (IP, MAC, APN, IMEI, IMSI, Phone number, serial number) associated with **Election Systems and Software, LLC**, machines deployed in Wisconsin.

14. Any and all emails, phone logs, text messages, or other types of communications with Command Central LLC, Dominion Voting System, and ESS personnel on either corporate email accounts or personal accounts.

15. Forensic image of the election management system (EMS) and any associated storage devices or workstations used to run the 2020 general election as well as any backups of the same system(s).

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Kris Weary

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin, to appear and give testimony, under oath, before the **SPECIAL COUNSEL** and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Dan Schmiedicke, Finance Director
CITY OF MADISON, WISCONSIN
210 Martin Luther King, Jr., Blvd., RM 406
Madison, WI 53703

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 19, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

AMERICAN OVERSIGHT

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

(a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

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15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** means you in your individual capacity, you in your capacity as treasurer, you in your capacity as an agent, officer, or employee of the City of Madison, Wisconsin, and the City of Madison, Wisconsin itself, including the city's employees, its agents, owners, officers,

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directors, employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device),

AMERICAN OVERSIGHT

text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

AMERICAN OVERSIGHT

1. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

2. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Tiana Epps-Johnson to or from you or an entity owned or controlled by you.

3. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Michael Spitzer Rubenstein to or from you or an entity owned or controlled by you.

4. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from National Vote at Home Institute to or from you or an entity owned or controlled by you.

5. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Amber McReynolds to or from you or an entity owned or controlled by you.

6. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from States United Democracy Center, Inc., to or from you or an entity owned or controlled by you.

7. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Power the Polls to or from you or an entity owned or controlled by you.

8. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Work Elections to or from you or an entity owned or controlled by you.

9. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Fair Elections Institute to or from you or an entity owned or controlled by you.

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10. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from The Elections Group to or from you or an entity owned or controlled by you.

11. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Ryan Chew to or from you or an entity owned or controlled by you.

12. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Jennifer Morrell to or from you or an entity owned or controlled by you.

13. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Dominion Voting Systems, Inc., to or from you or an entity owned or controlled by you.

14. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Phil Schmidt to or from you or an entity owned or controlled by you.

15. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Election Systems and Software, LLC, to or from you or an entity owned or controlled by you.

16. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Fireside Campaigns to or from you or an entity owned or controlled by you.

17. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from the Brennan Center for Justice to or from you or an entity owned or controlled by you.

18. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Elizabeth Howard to or from you or an entity owned or controlled by you.

19. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

AMERICAN OVERSIGHT

Voces de la Frontera Action, Inc, and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

20. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Natalia Espina to or from you or an entity owned or controlled by you.

21. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Christine Nuemann-Ortiz to or from you or an entity owned or controlled by you.

22. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from a non-governmental entity to or from you or an entity owned or controlled by you that were used in any manner related to the 2020 Wisconsin primary and/or general election.

23. All records that show the persons or entities paid with money, funds, valuables, or other negotiable instruments to or from a non-governmental entity in any manner related to the 2020 Wisconsin primary and/or general election.

24. All documents, communications, budgets, or other items related to the budget as well as in preparation of the budget, for the 2020 and 2022 elections. This includes, but is not limited to, documents, communications, or budgets with the office of the Mayor of the City, the Clerk, WEC, and all other third parties.

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WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Sarah Edgerton, Chief Information Officer
CITY OF MADISON, WISCONSIN

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin, to appear and give testimony, under oath, before the **SPECIAL COUNSEL** and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA AND SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Sarah Edgerton, Chief Information Officer
CITY OF MADISON, WISCONSIN

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 19, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

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SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

AMERICAN OVERSIGHT

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

    (a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

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15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

A. The terms **"you," "your," or "yours"** means you in your individual capacity, you in your capacity as treasurer, you in your capacity as an agent, officer, or employee of the City of Madison, Wisconsin, and the City of Madison, Wisconsin itself, including the city's employees, its agents, owners, officers,

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directors, employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

B. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

C. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

D. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device),

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text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

E. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

F. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

G. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

H. The terms **"any" and "all"** are to be construed to mean both any and all.

I. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

J. The term **"including"** is to be construed to mean without limitation.

K. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

L. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

M. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

AMERICAN OVERSIGHT

1. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

a. Any federal, state, county, or municipal official or employee;
b. Any candidate for federal, state, county, or municipal office;
c. Any person or entity with the domain or email address containing "@wisconsin.gov";
d. The National Vote at Home Institute
e. Amber McReynolds
f. Hillary Hall
g. Michael Sptizer Rubenstein
h. Any person or entity with the domain or email address containing "@voteathome.org"
i. The Center for Tech and Civic Life, Inc. ("CTCL")
j. Tiana Epps-Johnson
k. Dennis Granadas
l. Quickbase, Inc.
m. Harrison Hersch
n. Any person or entity with the domain or email address containing "@quickbase.com"
o. States United Democracy Center, Inc.
p. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
q. Power the Polls
r. Any person or entity with the domain or email address containing "@powerthepolls.org"
s. The Elections Group
t. Jennifer Morrell
u. Ryan Chew
v. Any person or entity with the domain or email address containing "@electionsgroup.com"
w. The Brennan Center for Justice at NYU Law
x. Elizabeth Howard
y. Any person or entity with the domain or email address containing "@nyu.edu"
z. Voces de la Frontera Action, Inc.
aa. Voces de la Frontera, Inc.
bb. Natalia Espina

AMERICAN OVERSIGHT

cc. Christine Neumann-Ortiz
dd. Any person or entity with the domain or email address containing "@vdlf.org"
ee. Dominion Voting, Inc.
ff. Phil Schmidt
gg. Yvonne Cai
hh. @dominionvoting.com
ii. Election Systems & Software, LLC
jj. Any person or entity with the domain or email address containing "@essvote.com"
kk. Fireside Campaigns
ll. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
mm. Center for Election Innovation & Research
nn. @electioninnovation.org

2. Any and all documents concerning or related to:

a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

c. Training materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

AMERICAN OVERSIGHT

e. electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

f. Records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

3. Records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

a. National Vote at Home Institute to you or an entity owned or controlled by you.

b. Fireside Campaigns to or from you or an entity owned or controlled by you.

c. Power the Polls to or from you or an entity owned or controlled by you.

d. The Elections Group to or from you or an entity owned or controlled by you.

e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

f. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

g. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA AND SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Sarah Edgerton, Chief Information Officer
CITY OF MADISON, WISCONSIN

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 13, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

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SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period August 1, 2020, to December 30, 2020 ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005)

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected hard drive, password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

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AMERICAN OVERSIGHT

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Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and

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recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** means you in your individual capacity, you in your capacity as treasurer, you in your capacity as an agent, officer, or employee of the City of Madison, Wisconsin, and the City of Madison, Wisconsin itself, including the city's employees, its agents, owners, officers, directors, employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or

AMERICAN OVERSIGHT

other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

AMERICAN OVERSIGHT

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all documents pertaining to the identities of individual machines, computers, or electronic devices owned, leased, or operated for the purposes of a Wisconsin election by the **City of Madison** and its employees and agents that were present in the State of Wisconsin or that communicated with any person, machine, or computer within the State of Wisconsin during the Requested

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Period **("Subject Devices")**, including machine or computer name, machine or computer type, machine or computer serial number, software name, software type, software serial number, and persons to whom such machines and computers were sold, leased, or assigned.

2. Any and all documents pertaining to the identities of individual machines, computers, or electronic devices owned, leased, or operated for the purposes of a Wisconsin election by the **City of Madison** and its employees and agents that are currently present within the State of Wisconsin including machine or computer name, machine or computer type, machine or computer serial number, software name, software type, software serial number, and persons to whom such machines and computers were sold, leased, or assigned.

3. All internet protocol (IP) address for all Subject Devices that communicated with any other machine in the State of Wisconsin during the Requested Period including the date and time of the communication as well as information that was communicated.

4. Any and all communications between any of the Subject Devices described in Item 1 above and the State of Wisconsin's **"WisVote"** statewide election management and voter registration system that were sent or received during the Requested Period.

5. Any and all communications between any of the Subject Devices described in Item 1 above and any machines, computers, or electronic devices owned, leased, or operated by **Command Central, LLC,** that were sent or received during the Requested Period.

6. Any and all communications between any of the Subject Devices described in Item 1 above and any machines, computers, or electronic devices owned, leased, or operated by **Dominion Voting Systems, Inc.**, that were sent or received during the Requested Period.

7. Any and all information about individual voters in the State of Wisconsin for the Requested Period that is or was stored on the Subject Devices described in Item 1 above, including any such information that has been deleted from those Subject Devices but that is capable of being recovered.

8. Any and all security logs for the Subject Devices described in Item 1 above pertaining to the Requested Period.

AMERICAN OVERSIGHT

9. Any and all software updates that were sent to, received by, or installed on the Subject Devices described in Item 1 for the Requested Period.

10. All trouble tickets, responses, and associated log files related to election operations during the Requested Period in Wisconsin.

11. All update files deployed any Subject Devices located in Wisconsin during the Requested Period including, but not limited to, the update files themselves, the procedures on how to deploy the update, the release notes for the update, log files indicating the progress of update deployment, and what employee deployed the update along with the means it was deployed.

12. Any list or roster, or if a list does not exist, all employment, contractual, or pay information for any **Election Systems and Software, LLC, Dominion Voting Systems, Inc., and/or Command Central, LLC**, employees, contractors, affiliates, or volunteers (paid or unpaid) responsible for supporting election operations in Wisconsin during the Requested Period.

13. Any database, document, or raw data that shows Subject Devices that have network access for the purpose of transmitting vote totals between networked systems. This includes, but is not limited to, any data (IP, MAC, APN, IMEI, IMSI, Phone number, serial number) associated with **Election Systems and Software, LLC**, machines deployed in Wisconsin.

14. Any and all emails, phone logs, text messages, or other types of communications with Command Central LLC, Dominion Voting System, and ESS personnel on either corporate email accounts or personal accounts.

15. Forensic image of the election management system (EMS) and any associated storage devices or workstations used to run the 2020 general election as well as any backups of the same system(s).

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Michael Spitzer Rubenstein
375 Lincoln Place, UNIT 1B
Brooklyn, NY

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin, to appear and give testimony, under oath, before the **SPECIAL COUNSEL** and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Michael Spitzer Rubenstein
375 Lincoln Place, UNIT 1B
Brooklyn, NY

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 18, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

AMERICAN OVERSIGHT

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

    (a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

AMERICAN OVERSIGHT

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** mean means you personally and in your capacity as agent, officer, director, employee, former employee, and subsidiary for the **National Vote at Home Institute**.

AMERICAN OVERSIGHT

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

AMERICAN OVERSIGHT

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020

AMERICAN OVERSIGHT

General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

a. Any federal, state, county, or municipal official or employee;
b. Any candidate for federal, state, county, or municipal office;
c. Any person or entity with the domain or email address containing "@wisconsin.gov";
d. The National Vote at Home Institute
e. Amber McReynolds
f. Hillary Hall
g. Any person or entity with the domain or email address containing "@voteathome.org"
h. The Center for Tech and Civic Life, Inc. ("CTCL")
i. Tiana Epps-Johnson
j. Dennis Granadas
k. Quickbase, Inc.
l. Harrison Hersch
m. Any person or entity with the domain or email address containing "@quickbase.com"
n. States United Democracy Center, Inc.
o. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
p. Power the Polls
q. Any person or entity with the domain or email address containing "@powerthepolls.org"
r. The Elections Group
s. Jennifer Morrell
t. Ryan Chew
u. Any person or entity with the domain or email address containing "@electionsgroup.com"
v. The Brennan Center for Justice at NYU Law
w. Elizabeth Howard
x. Any person or entity with the domain or email address containing "@nyu.edu"
y. Voces de la Frontera Action, Inc.
z. Voces de la Frontera, Inc.
aa. Natalia Espina
bb. Christine Neumann-Ortiz
cc. Any person or entity with the domain or email address containing "@vdlf.org"
dd. Dominion Voting, Inc.

AMERICAN OVERSIGHT

ee. Phil Schmidt
ff. Yvonne Cai
gg. @dominionvoting.com
hh. Election Systems & Software, LLC
ii. Any person or entity with the domain or email address containing "@essvote.com"
jj. Fireside Campaigns
kk. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
ll. Center for Election Innovation & Research
mm. @electioninnovation.org

2. Any and all documents concerning or related to:

a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

c. Materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

e. Electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

AMERICAN OVERSIGHT

f. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

3. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

   a. National Vote at Home Institute to you or an entity owned or controlled by you.

   b. Fireside Campaigns to or from you or an entity owned or controlled by you.

   c. Power the Polls to or from you or an entity owned or controlled by you.

   d. The Elections Group to or from you or an entity owned or controlled by you.

   e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

   f. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

   g. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Spencer Coggs, Treasurer
CITY OF MILWAUKEE, WISCONSIN
200 E. Wells Street, RM. 103
Milwaukee, WI 53202

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 19, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

AMERICAN OVERSIGHT

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

    (a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

AMERICAN OVERSIGHT

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** means you in your individual capacity, you in your capacity as treasurer, you in your capacity as an agent, officer, or employee of the City of Milwaukee, Wisconsin, and the City of Milwaukee, Wisconsin itself, including the city's employees, its agents, owners, officers,

AMERICAN OVERSIGHT

directors, employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device),

AMERICAN OVERSIGHT

text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

AMERICAN OVERSIGHT

1. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

2. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Tiana Epps-Johnson to or from you or an entity owned or controlled by you.

3. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Michael Spitzer Rubenstein to or from you or an entity owned or controlled by you.

4. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from National Vote at Home Institute to or from you or an entity owned or controlled by you.

5. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Amber McReynolds to or from you or an entity owned or controlled by you.

6. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from States United Democracy Center, Inc., to or from you or an entity owned or controlled by you.

7. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Power the Polls to or from you or an entity owned or controlled by you.

8. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Work Elections to or from you or an entity owned or controlled by you.

9. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Fair Elections Institute to or from you or an entity owned or controlled by you.

AMERICAN OVERSIGHT

10. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from The Elections Group to or from you or an entity owned or controlled by you.

11. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Ryan Chew to or from you or an entity owned or controlled by you.

12. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Jennifer Morrell to or from you or an entity owned or controlled by you.

13. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Dominion Voting Systems, Inc., to or from you or an entity owned or controlled by you.

14. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Phil Schmidt to or from you or an entity owned or controlled by you.

15. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Election Systems and Software, LLC, to or from you or an entity owned or controlled by you.

16. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Fireside Campaigns to or from you or an entity owned or controlled by you.

17. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from the Brennan Center for Justice to or from you or an entity owned or controlled by you.

18. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Elizabeth Howard to or from you or an entity owned or controlled by you.

19. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

AMERICAN OVERSIGHT

Voces de la Frontera Action, Inc, and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

20. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Natalia Espina to or from you or an entity owned or controlled by you.

21. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Christine Nuemann-Ortiz to or from you or an entity owned or controlled by you.

22. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from a non-governmental entity to or from you or an entity owned or controlled by you that were used in any manner related to the 2020 Wisconsin primary and/or general election.

23. All records that show the persons or entities paid with money, funds, valuables, or other negotiable instruments to or from a non-governmental entity in any manner related to the 2020 Wisconsin primary and/or general election.

24. All documents, communications, budgets, or other items related to the budget as well as in preparation of the budget, for the 2020 and 2022 elections. This includes, but is not limited to, documents, communications, or budgets with the office of the Mayor of the City, the Clerk, WEC, and all other third parties.

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

David Henke, Chief Information Officer
CITY OF MILWAUKEE, WISCONSIN

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin, to appear and give testimony, under oath, before the **SPECIAL COUNSEL** and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA AND SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

David Henke, Chief Information Officer
CITY OF MILWAUKEE, WISCONSIN

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 19, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

AMERICAN OVERSIGHT

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

(a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

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15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

A. The terms **"you," "your," or "yours"** means you in your individual capacity, you in your capacity as treasurer, you in your capacity as an agent, officer, or employee of the City of Milwaukee, Wisconsin, and the City of Milwaukee, Wisconsin itself, including the city's employees, its agents, owners, officers,

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directors, employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

B. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

C. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

D. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device),

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text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

E. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

F. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

G. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

H. The terms **"any" and "all"** are to be construed to mean both any and all.

I. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

J. The term **"including"** is to be construed to mean without limitation.

K. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

L. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

M. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

AMERICAN OVERSIGHT

1. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

a. Any federal, state, county, or municipal official or employee;
b. Any candidate for federal, state, county, or municipal office;
c. Any person or entity with the domain or email address containing "@wisconsin.gov";
d. The National Vote at Home Institute
e. Amber McReynolds
f. Hillary Hall
g. Michael Sptizer Rubenstein
h. Any person or entity with the domain or email address containing "@voteathome.org"
i. The Center for Tech and Civic Life, Inc. ("CTCL")
j. Tiana Epps-Johnson
k. Dennis Granadas
l. Quickbase, Inc.
m. Harrison Hersch
n. Any person or entity with the domain or email address containing "@quickbase.com"
o. States United Democracy Center, Inc.
p. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
q. Power the Polls
r. Any person or entity with the domain or email address containing "@powerthepolls.org"
s. The Elections Group
t. Jennifer Morrell
u. Ryan Chew
v. Any person or entity with the domain or email address containing "@electionsgroup.com"
w. The Brennan Center for Justice at NYU Law
x. Elizabeth Howard
y. Any person or entity with the domain or email address containing "@nyu.edu"
z. Voces de la Frontera Action, Inc.
aa. Voces de la Frontera, Inc.
bb. Natalia Espina

AMERICAN OVERSIGHT

cc. Christine Neumann-Ortiz
dd. Any person or entity with the domain or email address containing "@vdlf.org"
ee. Dominion Voting, Inc.
ff. Phil Schmidt
gg. Yvonne Cai
hh. @dominionvoting.com
ii. Election Systems & Software, LLC
jj. Any person or entity with the domain or email address containing "@essvote.com"
kk. Fireside Campaigns
ll. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
mm. Center for Election Innovation & Research
nn. @electioninnovation.org

2. Any and all documents concerning or related to:

a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

c. Training materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

AMERICAN OVERSIGHT

e. electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

f. Records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

3. Records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

a. National Vote at Home Institute to you or an entity owned or controlled by you.

b. Fireside Campaigns to or from you or an entity owned or controlled by you.

c. Power the Polls to or from you or an entity owned or controlled by you.

d. The Elections Group to or from you or an entity owned or controlled by you.

e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

f. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

g. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA AND SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

David Henke, Chief Information Officer
CITY OF MILWAUKEE, WISCONSIN

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 13, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period August 1, 2020, to December 30, 2020 ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005)

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected hard drive, password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

AMERICAN OVERSIGHT

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and

AMERICAN OVERSIGHT

recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** means you in your individual capacity, you in your capacity as treasurer, you in your capacity as an agent, officer, or employee of the City of Milwaukee, Wisconsin, and the City of Milwaukee, Wisconsin itself, including the city's employees, its agents, owners, officers, directors, employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or

AMERICAN OVERSIGHT

other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

AMERICAN OVERSIGHT

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all documents pertaining to the identities of individual machines, computers, or electronic devices owned, leased, or operated for the purposes of a Wisconsin election by the **City of Milwaukee** and its employees and agents that were present in the State of Wisconsin or that communicated with any person, machine, or computer within the State of Wisconsin during the

AMERICAN OVERSIGHT

Requested Period **("Subject Devices")**, including machine or computer name, machine or computer type, machine or computer serial number, software name, software type, software serial number, and persons to whom such machines and computers were sold, leased, or assigned.

2. Any and all documents pertaining to the identities of individual machines, computers, or electronic devices owned, leased, or operated for the purposes of a Wisconsin election by the **City of Milwaukee** and its employees and agents that are currently present within the State of Wisconsin including machine or computer name, machine or computer type, machine or computer serial number, software name, software type, software serial number, and persons to whom such machines and computers were sold, leased, or assigned.

3. All internet protocol (IP) address for all Subject Devices that communicated with any other machine in the State of Wisconsin during the Requested Period including the date and time of the communication as well as information that was communicated.

4. Any and all communications between any of the Subject Devices described in Item 1 above and the State of Wisconsin's **"WisVote"** statewide election management and voter registration system that were sent or received during the Requested Period.

5. Any and all communications between any of the Subject Devices described in Item 1 above and any machines, computers, or electronic devices owned, leased, or operated by **Command Central, LLC,** that were sent or received during the Requested Period.

6. Any and all communications between any of the Subject Devices described in Item 1 above and any machines, computers, or electronic devices owned, leased, or operated by **Dominion Voting Systems, Inc.**, that were sent or received during the Requested Period.

7. Any and all information about individual voters in the State of Wisconsin for the Requested Period that is or was stored on the Subject Devices described in Item 1 above, including any such information that has been deleted from those Subject Devices but that is capable of being recovered.

8. Any and all security logs for the Subject Devices described in Item 1 above pertaining to the Requested Period.

AMERICAN OVERSIGHT

9. Any and all software updates that were sent to, received by, or installed on the Subject Devices described in Item 1 for the Requested Period.

10. All trouble tickets, responses, and associated log files related to election operations during the Requested Period in Wisconsin.

11. All update files deployed any Subject Devices located in Wisconsin during the Requested Period including, but not limited to, the update files themselves, the procedures on how to deploy the update, the release notes for the update, log files indicating the progress of update deployment, and what employee deployed the update along with the means it was deployed.

12. Any list or roster, or if a list does not exist, all employment, contractual, or pay information for any **Election Systems and Software, LLC, Dominion Voting Systems, Inc., and/or Command Central, LLC**, employees, contractors, affiliates, or volunteers (paid or unpaid) responsible for supporting election operations in Wisconsin during the Requested Period.

13. Any database, document, or raw data that shows Subject Devices that have network access for the purpose of transmitting vote totals between networked systems. This includes, but is not limited to, any data (IP, MAC, APN, IMEI, IMSI, Phone number, serial number) associated with **Election Systems and Software, LLC**, machines deployed in Wisconsin.

14. Any and all emails, phone logs, text messages, or other types of communications with Command Central LLC, Dominion Voting System, and ESS personnel on either corporate email accounts or personal accounts.

15. Forensic image of the election management system (EMS) and any associated storage devices or workstations used to run the 2020 general election as well as any backups of the same system(s).

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Natalia Espina
VOCES DE LA FRONTERA ACTION, INC.
VOCES DE LA FRONTERA, INC.

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin, to appear and give testimony, under oath, before the **SPECIAL COUNSEL** and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Natalia Espina
VOCES DE LA FRONTERA ACTION, INC.
VOCES DE LA FRONTERA, INC.

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 18, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

AMERICAN OVERSIGHT

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

(a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

AMERICAN OVERSIGHT

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** mean means you personally and in your capacity as agent, officer, director, employee, former employee, and subsidiary for Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc.

AMERICAN OVERSIGHT

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

AMERICAN OVERSIGHT

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020

AMERICAN OVERSIGHT

General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

a. Any federal, state, county, or municipal official or employee;
b. Any candidate for federal, state, county, or municipal office;
c. Any person or entity with the domain or email address containing "@wisconsin.gov";
d. The National Vote at Home Institute
e. Amber McReynolds
f. Hillary Hall
g. Michael Sptizer Rubenstein
h. Any person or entity with the domain or email address containing "@voteathome.org"
i. The Center for Tech and Civic Life, Inc. ("CTCL")
j. Tiana Epps-Johnson
k. Dennis Granadas
l. Quickbase, Inc.
m. Harrison Hersch
n. Any person or entity with the domain or email address containing "@quickbase.com"
o. States United Democracy Center, Inc.
p. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
q. Power the Polls
r. Any person or entity with the domain or email address containing "@powerthepolls.org"
s. The Elections Group
t. Jennifer Morrell
u. Ryan Chew
v. Any person or entity with the domain or email address containing "@electionsgroup.com"
w. The Brennan Center for Justice at NYU Law
x. Elizabeth Howard
y. Any person or entity with the domain or email address containing "@nyu.edu"
z. Voces de la Frontera Action, Inc.
aa. Voces de la Frontera, Inc.
bb. Christine Neumann-Ortiz
cc. Any person or entity with the domain or email address containing "@vdlf.org"
dd. Dominion Voting, Inc.

AMERICAN OVERSIGHT

ee. Phil Schmidt
ff. Yvonne Cai
gg. @dominionvoting.com
hh. Election Systems & Software, LLC
ii. Any person or entity with the domain or email address containing "@essvote.com"
jj. Fireside Campaigns
kk. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
ll. Center for Election Innovation & Research
mm. @electioninnovation.org

2. Any and all documents concerning or related to:

a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

c. Materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

e. Electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

AMERICAN OVERSIGHT

f. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

3. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

   a. National Vote at Home Institute to you or an entity owned or controlled by you.

   b. Fireside Campaigns to or from you or an entity owned or controlled by you.

   c. Power the Polls to or from you or an entity owned or controlled by you.

   d. The Elections Group to or from you or an entity owned or controlled by you.

   e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

   f. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

   g. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

NATIONAL VOTE AT HOME INSTITUTE

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 19, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

AMERICAN OVERSIGHT

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

    (a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

AMERICAN OVERSIGHT

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** means you in your personal capacity, as an agent, employee, or officer of **National Vote at Home Institute**, and **National Vote at Home Institute** itself, including its owners, officers, directors, employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

AMERICAN OVERSIGHT

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

AMERICAN OVERSIGHT

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020

AMERICAN OVERSIGHT

General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

a. Any federal, state, county, or municipal official or employee;
b. Any candidate for federal, state, county, or municipal office;
c. Any person or entity with the domain or email address containing "@wisconsin.gov";
d. Amber McReynolds
e. Hillary Hall
f. Michael Sptizer Rubenstein
g. Any person or entity with the domain or email address containing "@voteathome.org"
h. The Center for Tech and Civic Life, Inc. ("CTCL")
i. Tiana Epps-Johnson
j. Dennis Granadas
k. Quickbase, Inc.
l. Harrison Hersch
m. Any person or entity with the domain or email address containing "@quickbase.com"
n. States United Democracy Center, Inc.
o. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
p. Power the Polls
q. Any person or entity with the domain or email address containing "@powerthepolls.org"
r. The Elections Group
s. Jennifer Morrell
t. Ryan Chew
u. Any person or entity with the domain or email address containing "@electionsgroup.com"
v. The Brennan Center for Justice at NYU Law
w. Elizabeth Howard
x. Any person or entity with the domain or email address containing "@nyu.edu"
y. Voces de la Frontera Action, Inc.
z. Voces de la Frontera, Inc.
aa. Natalia Espina
bb. Christine Neumann-Ortiz
cc. Any person or entity with the domain or email address containing "@vdlf.org"
dd. Dominion Voting, Inc.

AMERICAN OVERSIGHT

ee. Phil Schmidt
ff. Yvonne Cai
gg. @dominionvoting.com
hh. Election Systems & Software, LLC
ii. Any person or entity with the domain or email address containing "@essvote.com"
jj. Fireside Campaigns
kk. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
ll. Center for Election Innovation & Research
mm. @electioninnovation.org

2. Any and all documents concerning or related to:

a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

c. Materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

e. Electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

AMERICAN OVERSIGHT

f. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

3. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

   a. National Vote at Home Institute to you or an entity owned or controlled by you.

   b. Fireside Campaigns to or from you or an entity owned or controlled by you.

   c. Power the Polls to or from you or an entity owned or controlled by you.

   d. The Elections Group to or from you or an entity owned or controlled by you.

   e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

   f. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

   g. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Phil Schmidt
DOMINION VOTING SYSTEMS, INC.

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin, to appear and give testimony, under oath, before the **SPECIAL COUNSEL** and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Phil Schmidt
DOMINION VOTING SYSTEMS, INC.

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 19, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

AMERICAN OVERSIGHT

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

(a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

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15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** mean means you personally and in your capacity as agent, officer, director, employee, former employee, and subsidiary for **Dominion Voting Systems, Inc**.

AMERICAN OVERSIGHT

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

AMERICAN OVERSIGHT

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020

AMERICAN OVERSIGHT

General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

a. Any federal, state, county, or municipal official or employee;
b. Any candidate for federal, state, county, or municipal office;
c. Any person or entity with the domain or email address containing "@wisconsin.gov";
d. The National Vote at Home Institute
e. Amber McReynolds
f. Hillary Hall
g. Michael Sptizer Rubenstein
h. Any person or entity with the domain or email address containing "@voteathome.org"
i. The Center for Tech and Civic Life, Inc. ("CTCL")
j. Tiana Epps-Johnson
k. Dennis Granadas
l. Quickbase, Inc.
m. Harrison Hersch
n. Any person or entity with the domain or email address containing "@quickbase.com"
o. States United Democracy Center, Inc.
p. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
q. Power the Polls
r. Any person or entity with the domain or email address containing "@powerthepolls.org"
s. The Elections Group
t. Jennifer Morrell
u. Ryan Chew
v. Any person or entity with the domain or email address containing "@electionsgroup.com"
w. The Brennan Center for Justice at NYU Law
x. Elizabeth Howard
y. Any person or entity with the domain or email address containing "@nyu.edu"
z. Voces de la Frontera Action, Inc.
aa. Voces de la Frontera, Inc.
bb. Natalia Espina
cc. Christine Neumann-Ortiz
dd. Any person or entity with the domain or email address containing "@vdlf.org"

AMERICAN OVERSIGHT

ee. Dominion Voting, Inc.
ff. Yvonne Cai
gg. @dominionvoting.com
hh. Election Systems & Software, LLC
ii. Any person or entity with the domain or email address containing "@essvote.com"
jj. Fireside Campaigns
kk. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
ll. Center for Election Innovation & Research
mm. @electioninnovation.org

2. Any and all documents concerning or related to:

a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

c. Materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

e. Electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

AMERICAN OVERSIGHT

f. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

3. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

   a. National Vote at Home Institute to you or an entity owned or controlled by you.

   b. Fireside Campaigns to or from you or an entity owned or controlled by you.

   c. Power the Polls to or from you or an entity owned or controlled by you.

   d. The Elections Group to or from you or an entity owned or controlled by you.

   e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

   f. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

   g. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

QUICKBASE, INC.

PURSUANT TO LAW, YOU ARE COMMANDED TO designate the person most knowledgeable to Quickbase, Inc.'s, election related activities in Wisconsin to be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin, to appear and give testimony, under oath, before the **SPECIAL COUNSEL** and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA AND SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

QUICKBASE, INC.
c/o Corporation Service Company
84 State Street
Boston, MA 02109

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 13, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period August 1, 2020, to December 30, 2020 ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005)

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected hard drive, password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

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BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and

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recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** means you in your individual capacity, you in your capacity as an agent, officer, or employee of **Quickbase, Inc**., and **Quickbase, Inc**., itself, including its employees, its agents, owners, officers, directors, employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners,

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members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

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G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all documents concerning or related to:

a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin

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State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

c. Training materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

e. Electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

f. Records in any form, format, or manner related to or concerning a Wisconsin election or a past, present, or future candidate for a Wisconsin election.

2. Records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

a. National Vote at Home Institute to you or an entity owned or controlled by you.

b. Fireside Campaigns to or from you or an entity owned or controlled by you.

c. Power the Polls to or from you or an entity owned or controlled by you.

d. The Elections Group to or from you or an entity owned or controlled by you.

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e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

f. US Digital Response or USDR

g. Quickbase, Inc.

h. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

i. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

3. All internet protocol (IP) address for all Subject Devices that communicated with any other machine in the State of Wisconsin during the Requested Period including the date and time of the communication as well as information that was communicated.

4. Any and all communications between any of the Subject Devices described in Item 1 above and the State of Wisconsin's **"WisVote"** statewide election management and voter registration system that were sent or received during the Requested Period.

5. Any and all communications between any of the Subject Devices described in Item 1 above and any machines, computers, or electronic devices owned, leased, or operated by **Command Central, LLC,** that were sent or received during the Requested Period.

6. Any and all communications between any of the Subject Devices described in Item 1 above and any machines, computers, or electronic devices owned, leased, or operated by **Dominion Voting Systems, Inc.**, that were sent or received during the Requested Period.

7. Any and all information about individual voters in the State of Wisconsin for the Requested Period that is or was stored on the Subject Devices described in Item 1 above, including any such information that has been deleted from those Subject Devices but that is capable of being recovered.

8. Any and all security logs for the Subject Devices described in Item 1 above pertaining to the Requested Period.

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9. Any and all software updates that were sent to, received by, or installed on the Subject Devices described in Item 1 for the Requested Period.

10. All trouble tickets, responses, and associated log files related to election operations during the Requested Period in Wisconsin.

11. All update files deployed any Subject Devices located in Wisconsin during the Requested Period including, but not limited to, the update files themselves, the procedures on how to deploy the update, the release notes for the update, log files indicating the progress of update deployment, and what employee deployed the update along with the means it was deployed.

12. Any list or roster, or if a list does not exist, all employment, contractual, or pay information for any **entity listed in paragraph two or the Wisconsin Elections Commission, the City of Green Bay, the City of Racine, the City of Kenosha, the City of Madison, or the City of Milwaukee**, their employees, contractors, affiliates, or volunteers (paid or unpaid) responsible for supporting election operations in Wisconsin during the Requested Period.

13. Any database, document, or raw data that shows Subject Devices that have network access for the purpose of transmitting vote totals between networked systems. This includes, but is not limited to, any data (IP, MAC, APN, IMEI, IMSI, Phone number, serial number) associated with **Election Systems and Software, LLC**, machines deployed in Wisconsin.

14. Any and all emails, phone logs, text messages, or other types of communications with Command Central LLC, Dominion Voting System, and ESS personnel on either corporate email accounts or personal accounts.

15. Forensic image(s) of all devices listed in paragraph one as well as any backups of the same system(s).

16. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

    a. Any federal, state, county, or municipal official or employee;
    b. Any candidate for federal, state, county, or municipal office;
    c. Any person or entity with the domain or email address containing "@wisconsin.gov";

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d. The National Vote at Home Institute
e. Amber McReynolds
f. Hillary Hall
g. Michael Sptizer Rubenstein
h. Any person or entity with the domain or email address containing "@voteathome.org"
i. The Center for Tech and Civic Life, Inc. ("CTCL")
j. Tiana Epps-Johnson
k. Dennis Granadas
l. States United Democracy Center, Inc.
m. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
n. Power the Polls
o. Any person or entity with the domain or email address containing "@powerthepolls.org"
p. The Elections Group
q. Jennifer Morrell
r. Ryan Chew
s. Any person or entity with the domain or email address containing "@electionsgroup.com"
t. The Brennan Center for Justice at NYU Law
u. Elizabeth Howard
v. Any person or entity with the domain or email address containing "@nyu.edu"
w. Voces de la Frontera Action, Inc.
x. Voces de la Frontera, Inc.
y. Natalia Espina
z. Christine Neumann-Ortiz
aa. Any person or entity with the domain or email address containing "@vdlf.org"
bb. Dominion Voting, Inc.
cc. Phil Schmidt
dd. Yvonne Cai
ee. @dominionvoting.com
ff. Election Systems & Software, LLC
gg. Any person or entity with the domain or email address containing "@essvote.com"
hh. Fireside Campaigns
ii. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
jj. Center for Election Innovation & Research
kk. @electioninnovation.org

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ll. @usdigitalresponse.org

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WI-REP-22-0458-A-000635

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Tara Coolidge
CITY OF RACINE, WISCONSIN
730 Washington Avenue
Racine, WI 53403

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 19, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

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SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

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BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

    (a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

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15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** means you in your individual capacity, you in your capacity as treasurer, you in your capacity as an agent, officer, or employee of the City of Racine, Wisconsin, and the City of Racine, Wisconsin itself, including the city's employees, its agents, owners, officers, directors,

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employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device),

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text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

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1. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

2. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Tiana Epps-Johnson to or from you or an entity owned or controlled by you.

3. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Michael Spitzer Rubenstein to or from you or an entity owned or controlled by you.

4. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from National Vote at Home Institute to or from you or an entity owned or controlled by you.

5. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Amber McReynolds to or from you or an entity owned or controlled by you.

6. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from States United Democracy Center, Inc., to or from you or an entity owned or controlled by you.

7. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Power the Polls to or from you or an entity owned or controlled by you.

8. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Work Elections to or from you or an entity owned or controlled by you.

9. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Fair Elections Institute to or from you or an entity owned or controlled by you.

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10. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from The Elections Group to or from you or an entity owned or controlled by you.

11. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Ryan Chew to or from you or an entity owned or controlled by you.

12. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Jennifer Morrell to or from you or an entity owned or controlled by you.

13. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Dominion Voting Systems, Inc., to or from you or an entity owned or controlled by you.

14. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Phil Schmidt to or from you or an entity owned or controlled by you.

15. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Election Systems and Software, LLC, to or from you or an entity owned or controlled by you.

16. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Fireside Campaigns to or from you or an entity owned or controlled by you.

17. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from the Brennan Center for Justice to or from you or an entity owned or controlled by you.

18. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Elizabeth Howard to or from you or an entity owned or controlled by you.

19. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

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Voces de la Frontera Action, Inc, and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

20. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Natalia Espina to or from you or an entity owned or controlled by you.

21. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from Christine Nuemann-Ortiz to or from you or an entity owned or controlled by you.

22. All records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from a non-governmental entity to or from you or an entity owned or controlled by you that were used in any manner related to the 2020 Wisconsin primary and/or general election.

23. All records that show the persons or entities paid with money, funds, valuables, or other negotiable instruments to or from a non-governmental entity in any manner related to the 2020 Wisconsin primary and/or general election.

24. All documents, communications, budgets, or other items related to the budget as well as in preparation of the budget, for the 2020 and 2022 elections. This includes, but is not limited to, documents, communications, or budgets with the office of the Mayor of the City, the Clerk, WEC, and all other third parties.

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Department of Information Services
CITY OF RACINE, WISCONSIN

PURSUANT TO LAW, YOU ARE COMMANDED TO designate the person most knowledgeable to the City of Racine's Department of Information Services to be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin, to appear and give testimony, under oath, before the **SPECIAL COUNSEL** and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA AND SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Department of Information Services
CITY OF RACINE, WISCONSIN

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 19, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

AMERICAN OVERSIGHT

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

(a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

AMERICAN OVERSIGHT

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

A. The terms **"you," "your," or "yours"** means you in your individual capacity, you in your capacity as treasurer, you in your capacity as an agent, officer, or employee of the City of Racine, Wisconsin, and the City of Racine, Wisconsin itself, including the city's employees, its agents, owners, officers, directors,

AMERICAN OVERSIGHT

employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

B. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

C. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

D. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device),

AMERICAN OVERSIGHT

text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

E. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

F. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

G. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

H. The terms **"any" and "all"** are to be construed to mean both any and all.

I. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

J. The term **"including"** is to be construed to mean without limitation.

K. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

L. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

M. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

AMERICAN OVERSIGHT

1. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

a. Any federal, state, county, or municipal official or employee;
b. Any candidate for federal, state, county, or municipal office;
c. Any person or entity with the domain or email address containing "@wisconsin.gov";
d. The National Vote at Home Institute
e. Amber McReynolds
f. Hillary Hall
g. Michael Sptizer Rubenstein
h. Any person or entity with the domain or email address containing "@voteathome.org"
i. The Center for Tech and Civic Life, Inc. ("CTCL")
j. Tiana Epps-Johnson
k. Dennis Granadas
l. Quickbase, Inc.
m. Harrison Hersch
n. Any person or entity with the domain or email address containing "@quickbase.com"
o. States United Democracy Center, Inc.
p. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
q. Power the Polls
r. Any person or entity with the domain or email address containing "@powerthepolls.org"
s. The Elections Group
t. Jennifer Morrell
u. Ryan Chew
v. Any person or entity with the domain or email address containing "@electionsgroup.com"
w. The Brennan Center for Justice at NYU Law
x. Elizabeth Howard
y. Any person or entity with the domain or email address containing "@nyu.edu"
z. Voces de la Frontera Action, Inc.
aa. Voces de la Frontera, Inc.
bb. Natalia Espina

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cc. Christine Neumann-Ortiz
dd. Any person or entity with the domain or email address containing "@vdlf.org"
ee. Dominion Voting, Inc.
ff. Phil Schmidt
gg. Yvonne Cai
hh. @dominionvoting.com
ii. Election Systems & Software, LLC
jj. Any person or entity with the domain or email address containing "@essvote.com"
kk. Fireside Campaigns
ll. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
mm. Center for Election Innovation & Research
nn. @electioninnovation.org

2. Any and all documents concerning or related to:

a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

c. Training materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

AMERICAN OVERSIGHT

e. electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

f. Records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

3. Records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

a. National Vote at Home Institute to you or an entity owned or controlled by you.

b. Fireside Campaigns to or from you or an entity owned or controlled by you.

c. Power the Polls to or from you or an entity owned or controlled by you.

d. The Elections Group to or from you or an entity owned or controlled by you.

e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

f. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

g. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA AND SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Department of Information Services
CITY OF RACINE, WISCONSIN

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 13, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period August 1, 2020, to December 30, 2020 ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005)

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected hard drive, password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

AMERICAN OVERSIGHT

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and

AMERICAN OVERSIGHT

recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** means you in your individual capacity, you in your capacity as treasurer, you in your capacity as an agent, officer, or employee of the City of Racine, Wisconsin, and the City of Racine, Wisconsin itself, including the city's employees, its agents, owners, officers, directors, employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners,

AMERICAN OVERSIGHT

members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

AMERICAN OVERSIGHT

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all documents pertaining to the identities of individual machines, computers, or electronic devices owned, leased, or operated for the purposes of a Wisconsin election by the **City of Racine** and its employees and agents that were present in the State of Wisconsin or that communicated with any person, machine, or computer within the State of Wisconsin during the Requested Period **("Subject Devices")**, including machine or computer name, machine or

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computer type, machine or computer serial number, software name, software type, software serial number, and persons to whom such machines and computers were sold, leased, or assigned.

2. Any and all documents pertaining to the identities of individual machines, computers, or electronic devices owned, leased, or operated for the purposes of a Wisconsin election by the **City of Racine** and its employees and agents that are currently present within the State of Wisconsin including machine or computer name, machine or computer type, machine or computer serial number, software name, software type, software serial number, and persons to whom such machines and computers were sold, leased, or assigned.

3. All internet protocol (IP) address for all Subject Devices that communicated with any other machine in the State of Wisconsin during the Requested Period including the date and time of the communication as well as information that was communicated.

4. Any and all communications between any of the Subject Devices described in Item 1 above and the State of Wisconsin's **"WisVote"** statewide election management and voter registration system that were sent or received during the Requested Period.

5. Any and all communications between any of the Subject Devices described in Item 1 above and any machines, computers, or electronic devices owned, leased, or operated by **Command Central, LLC,** that were sent or received during the Requested Period.

6. Any and all communications between any of the Subject Devices described in Item 1 above and any machines, computers, or electronic devices owned, leased, or operated by **Dominion Voting Systems, Inc.**, that were sent or received during the Requested Period.

7. Any and all information about individual voters in the State of Wisconsin for the Requested Period that is or was stored on the Subject Devices described in Item 1 above, including any such information that has been deleted from those Subject Devices but that is capable of being recovered.

8. Any and all security logs for the Subject Devices described in Item 1 above pertaining to the Requested Period.

9. Any and all software updates that were sent to, received by, or installed on the Subject Devices described in Item 1 for the Requested Period.

AMERICAN OVERSIGHT

10. All trouble tickets, responses, and associated log files related to election operations during the Requested Period in Wisconsin.

11. All update files deployed any Subject Devices located in Wisconsin during the Requested Period including, but not limited to, the update files themselves, the procedures on how to deploy the update, the release notes for the update, log files indicating the progress of update deployment, and what employee deployed the update along with the means it was deployed.

12. Any list or roster, or if a list does not exist, all employment, contractual, or pay information for any **Election Systems and Software, LLC, Dominion Voting Systems, Inc., and/or Command Central, LLC**, employees, contractors, affiliates, or volunteers (paid or unpaid) responsible for supporting election operations in Wisconsin during the Requested Period.

13. Any database, document, or raw data that shows Subject Devices that have network access for the purpose of transmitting vote totals between networked systems. This includes, but is not limited to, any data (IP, MAC, APN, IMEI, IMSI, Phone number, serial number) associated with **Election Systems and Software, LLC**, machines deployed in Wisconsin.

14. Any and all emails, phone logs, text messages, or other types of communications with Command Central LLC, Dominion Voting System, and ESS personnel on either corporate email accounts or personal accounts.

15. Forensic image of the election management system (EMS) and any associated storage devices or workstations used to run the 2020 general election as well as any backups of the same system(s).

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Ryan Chew
THE ELECTIONS GROUP

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin, to appear and give testimony, under oath, before the **SPECIAL COUNSEL** and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Ryan Chew
THE ELECTIONS GROUP

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 19, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

AMERICAN OVERSIGHT

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

    (a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

AMERICAN OVERSIGHT

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** mean means you personally and in your capacity as agent, officer, director, employee, former employee, and subsidiary for The Elections Group.

AMERICAN OVERSIGHT

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

AMERICAN OVERSIGHT

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020

AMERICAN OVERSIGHT

General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

a. Any federal, state, county, or municipal official or employee;
b. Any candidate for federal, state, county, or municipal office;
c. Any person or entity with the domain or email address containing "@wisconsin.gov";
d. The National Vote at Home Institute
e. Amber McReynolds
f. Hillary Hall
g. Michael Sptizer Rubenstein
h. Any person or entity with the domain or email address containing "@voteathome.org"
i. The Center for Tech and Civic Life, Inc. ("CTCL")
j. Tiana Epps-Johnson
k. Dennis Granadas
l. Quickbase, Inc.
m. Harrison Hersch
n. Any person or entity with the domain or email address containing "@quickbase.com"
o. States United Democracy Center, Inc.
p. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
q. Power the Polls
r. Any person or entity with the domain or email address containing "@powerthepolls.org"
s. The Elections Group
t. Jennifer Morrell
u. Any person or entity with the domain or email address containing "@electionsgroup.com"
v. The Brennan Center for Justice at NYU Law
w. Elizabeth Howard
x. Any person or entity with the domain or email address containing "@nyu.edu"
y. Voces de la Frontera Action, Inc.
z. Voces de la Frontera, Inc.
aa. Natalia Espina
bb. Christine Neumann-Ortiz
cc. Any person or entity with the domain or email address containing "@vdlf.org"
dd. Dominion Voting, Inc.

AMERICAN OVERSIGHT

ee. Phil Schmidt
ff. Yvonne Cai
gg. @dominionvoting.com
hh. Election Systems & Software, LLC
ii. Any person or entity with the domain or email address containing "@essvote.com"
jj. Fireside Campaigns
kk. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
ll. Center for Election Innovation & Research
mm. @electioninnovation.org

2. Any and all documents concerning or related to:

a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

c. Materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

e. Electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

AMERICAN OVERSIGHT

f. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

3. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

   a. National Vote at Home Institute to you or an entity owned or controlled by you.

   b. Fireside Campaigns to or from you or an entity owned or controlled by you.

   c. Power the Polls to or from you or an entity owned or controlled by you.

   d. The Elections Group to or from you or an entity owned or controlled by you.

   e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

   f. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

   g. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Ryan McCrum
HYATT REGENCY

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin, to appear and give testimony, under oath, before the **SPECIAL COUNSEL** and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Sara Linske
WISCONSIN ELECTIONS COMMISSION

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin, to appear and give testimony, under oath, before the **SPECIAL COUNSEL** and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Sara Linske
WISCONSIN ELECTIONS COMMISSION

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 19, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

AMERICAN OVERSIGHT

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

    (a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

AMERICAN OVERSIGHT

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** means you in your individual capacity, you in your capacity as an employee of **WEC**, you in your capacity as an agent, officer, or employee of **WEC**, and **WEC** itself, including the city's employees, its agents, owners, officers, directors, employees, former employees, and subsidiaries acting on behalf of you or the City.

AMERICAN OVERSIGHT

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

AMERICAN OVERSIGHT

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020

AMERICAN OVERSIGHT

General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

a. Any federal, state, county, or municipal official or employee;
b. Any candidate for federal, state, county, or municipal office;
c. Any person or entity with the domain or email address containing "@wisconsin.gov";
d. The National Vote at Home Institute
e. Amber McReynolds
f. Hillary Hall
g. Michael Sptizer Rubenstein
h. Any person or entity with the domain or email address containing "@voteathome.org"
i. The Center for Tech and Civic Life, Inc. ("CTCL")
j. Tiana Epps-Johnson
k. Dennis Granadas
l. Quickbase, Inc.
m. Harrison Hersch
n. Any person or entity with the domain or email address containing "@quickbase.com"
o. States United Democracy Center, Inc.
p. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
q. Power the Polls
r. Any person or entity with the domain or email address containing "@powerthepolls.org"
s. The Elections Group
t. Jennifer Morrell
u. Ryan Chew
v. Any person or entity with the domain or email address containing "@electionsgroup.com"
w. The Brennan Center for Justice at NYU Law
x. Elizabeth Howard
y. Any person or entity with the domain or email address containing "@nyu.edu"
z. Voces de la Frontera Action, Inc.
aa. Voces de la Frontera, Inc.
bb. Natalia Espina
cc. Christine Neumann-Ortiz
dd. Any person or entity with the domain or email address containing "@vdlf.org"

AMERICAN OVERSIGHT

ee. Dominion Voting, Inc.
ff. Phil Schmidt
gg. Yvonne Cai
hh. @dominionvoting.com
ii. Election Systems & Software, LLC
jj. Any person or entity with the domain or email address containing "@essvote.com"
kk. Fireside Campaigns
ll. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
mm. Center for Election Innovation & Research
nn. @electioninnovation.org

2. Any and all documents concerning or related to:

a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

c. Materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

e. Electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

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f. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

3. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

   a. National Vote at Home Institute to you or an entity owned or controlled by you.

   b. Fireside Campaigns to or from you or an entity owned or controlled by you.

   c. Power the Polls to or from you or an entity owned or controlled by you.

   d. The Elections Group to or from you or an entity owned or controlled by you.

   e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

   f. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

   g. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

The Elections Group

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 19, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

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BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

(a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

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15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** means you in your personal capacity, as an agent, employee, or officer of **The Elections Group**, and **The Elections Group** itself, including its owners, officers, directors, employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

AMERICAN OVERSIGHT

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

AMERICAN OVERSIGHT

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020

AMERICAN OVERSIGHT

General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

a. Any federal, state, county, or municipal official or employee;
b. Any candidate for federal, state, county, or municipal office;
c. Any person or entity with the domain or email address containing "@wisconsin.gov";
d. The National Vote at Home Institute
e. Amber McReynolds
f. Hillary Hall
g. Michael Sptizer Rubenstein
h. Any person or entity with the domain or email address containing "@voteathome.org"
i. The Center for Tech and Civic Life, Inc. ("CTCL")
j. Tiana Epps-Johnson
k. Dennis Granadas
l. Quickbase, Inc.
m. Harrison Hersch
n. Any person or entity with the domain or email address containing "@quickbase.com"
o. States United Democracy Center, Inc.
p. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
q. Power the Polls
r. Any person or entity with the domain or email address containing "@powerthepolls.org"
s. Jennifer Morrell
t. Ryan Chew
u. Any person or entity with the domain or email address containing "@electionsgroup.com"
v. The Brennan Center for Justice at NYU Law
w. Elizabeth Howard
x. Any person or entity with the domain or email address containing "@nyu.edu"
y. Voces de la Frontera Action, Inc.
z. Voces de la Frontera, Inc.
aa. Natalia Espina
bb. Christine Neumann-Ortiz
cc. Any person or entity with the domain or email address containing "@vdlf.org"
dd. Dominion Voting, Inc.

AMERICAN OVERSIGHT

ee. Phil Schmidt
ff. Yvonne Cai
gg. @dominionvoting.com
hh. Election Systems & Software, LLC
ii. Any person or entity with the domain or email address containing "@essvote.com"
jj. Fireside Campaigns
kk. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
ll. Center for Election Innovation & Research
mm. @electioninnovation.org

2. Any and all documents concerning or related to:

a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

c. Materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

e. Electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

AMERICAN OVERSIGHT

f. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

3. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

   a. National Vote at Home Institute to you or an entity owned or controlled by you.

   b. Fireside Campaigns to or from you or an entity owned or controlled by you.

   c. Power the Polls to or from you or an entity owned or controlled by you.

   d. The Elections Group to or from you or an entity owned or controlled by you.

   e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

   f. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

   g. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Tiana Epps-Johnson
CENTER FOR TECH AND CIVIC LIFE, INC.

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin, to appear and give testimony, under oath, before the **SPECIAL COUNSEL** and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Tiana Epps-Johnson
CENTER FOR TECH AND CIVIC LIFE, INC.

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 19, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

AMERICAN OVERSIGHT

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

    (a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

AMERICAN OVERSIGHT

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** mean means you personally and in your capacity as agent, officer, director, employee, former employee, and subsidiary for **Center for Tech and Civic Life, Inc.**.

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C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

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F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020

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General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

a. Any federal, state, county, or municipal official or employee;
b. Any candidate for federal, state, county, or municipal office;
c. Any person or entity with the domain or email address containing "@wisconsin.gov";
d. The National Vote at Home Institute
e. Amber McReynolds
f. Hillary Hall
g. Michael Sptizer Rubenstein
h. Any person or entity with the domain or email address containing "@voteathome.org"
i. The Center for Tech and Civic Life, Inc. ("CTCL")
j. Dennis Granadas
k. Quickbase, Inc.
l. Harrison Hersch
m. Any person or entity with the domain or email address containing "@quickbase.com"
n. States United Democracy Center, Inc.
o. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
p. Power the Polls
q. Any person or entity with the domain or email address containing "@powerthepolls.org"
r. The Elections Group
s. Jennifer Morrell
t. Ryan Chew
u. Any person or entity with the domain or email address containing "@electionsgroup.com"
v. The Brennan Center for Justice at NYU Law
w. Elizabeth Howard
x. Any person or entity with the domain or email address containing "@nyu.edu"
y. Voces de la Frontera Action, Inc.
z. Voces de la Frontera, Inc.
aa. Natalia Espina
bb. Christine Neumann-Ortiz
cc. Any person or entity with the domain or email address containing "@vdlf.org"
dd. Dominion Voting, Inc.

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ee. Phil Schmidt
ff. Yvonne Cai
gg. @dominionvoting.com
hh. Election Systems & Software, LLC
ii. Any person or entity with the domain or email address containing "@essvote.com"
jj. Fireside Campaigns
kk. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
ll. Center for Election Innovation & Research
mm. @electioninnovation.org

2. Any and all documents concerning or related to:

a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

c. Materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

e. Electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

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f. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

3. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

   a. National Vote at Home Institute to you or an entity owned or controlled by you.

   b. Fireside Campaigns to or from you or an entity owned or controlled by you.

   c. Power the Polls to or from you or an entity owned or controlled by you.

   d. The Elections Group to or from you or an entity owned or controlled by you.

   e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

   f. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

   g. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

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WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Trent James
HYATT REGENCY

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin, to appear and give testimony, under oath, before the **SPECIAL COUNSEL** and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

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WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

US DIGITAL RESPONSE

PURSUANT TO LAW, YOU ARE COMMANDED TO designate the person most knowledgeable to US Digital Response's, election related activities in Wisconsin to be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin, to appear and give testimony, under oath, before the **SPECIAL COUNSEL** and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

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WI-REP-22-0458-A-000705

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA AND SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

US DIGITAL RESPONSE

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 13, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

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SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period August 1, 2020, to December 30, 2020 ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005)

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected hard drive, password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

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BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and

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recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** means you in your individual capacity, you in your capacity as an agent, officer, or employee of **USDR**., and **USDR** itself, including its employees, its agents, owners, officers, directors, employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners,

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members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

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G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all documents concerning or related to:

a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin

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State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

c. Training materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

e. Electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

f. Records in any form, format, or manner related to or concerning a Wisconsin election or a past, present, or future candidate for a Wisconsin election.

2. Records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

a. National Vote at Home Institute to you or an entity owned or controlled by you.

b. Fireside Campaigns to or from you or an entity owned or controlled by you.

c. Power the Polls to or from you or an entity owned or controlled by you.

d. The Elections Group to or from you or an entity owned or controlled by you.

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e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

f. US Digital Response or USDR

g. Quickbase, Inc.

h. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

i. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

3. All internet protocol (IP) address for all Subject Devices that communicated with any other machine in the State of Wisconsin during the Requested Period including the date and time of the communication as well as information that was communicated.

4. Any and all communications between any of the Subject Devices described in Item 1 above and the State of Wisconsin's **"WisVote"** statewide election management and voter registration system that were sent or received during the Requested Period.

5. Any and all communications between any of the Subject Devices described in Item 1 above and any machines, computers, or electronic devices owned, leased, or operated by **Command Central, LLC,** that were sent or received during the Requested Period.

6. Any and all communications between any of the Subject Devices described in Item 1 above and any machines, computers, or electronic devices owned, leased, or operated by **Dominion Voting Systems, Inc.**, that were sent or received during the Requested Period.

7. Any and all information about individual voters in the State of Wisconsin for the Requested Period that is or was stored on the Subject Devices described in Item 1 above, including any such information that has been deleted from those Subject Devices but that is capable of being recovered.

8. Any and all security logs for the Subject Devices described in Item 1 above pertaining to the Requested Period.

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9. Any and all software updates that were sent to, received by, or installed on the Subject Devices described in Item 1 for the Requested Period.

10. All trouble tickets, responses, and associated log files related to election operations during the Requested Period in Wisconsin.

11. All update files deployed any Subject Devices located in Wisconsin during the Requested Period including, but not limited to, the update files themselves, the procedures on how to deploy the update, the release notes for the update, log files indicating the progress of update deployment, and what employee deployed the update along with the means it was deployed.

12. Any list or roster, or if a list does not exist, all employment, contractual, or pay information for any **entity listed in paragraph two or the Wisconsin Elections Commission, the City of Green Bay, the City of Racine, the City of Kenosha, the City of Madison, or the City of Milwaukee**, their employees, contractors, affiliates, or volunteers (paid or unpaid) responsible for supporting election operations in Wisconsin during the Requested Period.

13. Any database, document, or raw data that shows Subject Devices that have network access for the purpose of transmitting vote totals between networked systems. This includes, but is not limited to, any data (IP, MAC, APN, IMEI, IMSI, Phone number, serial number) associated with **Election Systems and Software, LLC**, machines deployed in Wisconsin.

14. Any and all emails, phone logs, text messages, or other types of communications with Command Central LLC, Dominion Voting System, and ESS personnel on either corporate email accounts or personal accounts.

15. Forensic image(s) of all devices listed in paragraph one as well as any backups of the same system(s).

16. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

    a. Any federal, state, county, or municipal official or employee;
    b. Any candidate for federal, state, county, or municipal office;
    c. Any person or entity with the domain or email address containing "@wisconsin.gov";

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d. The National Vote at Home Institute
e. Amber McReynolds
f. Hillary Hall
g. Michael Sptizer Rubenstein
h. Any person or entity with the domain or email address containing "@voteathome.org"
i. The Center for Tech and Civic Life, Inc. ("CTCL")
j. Tiana Epps-Johnson
k. Dennis Granadas
l. Quickbase, Inc.
m. Harrison Hersch
n. Any person or entity with the domain or email address containing "@quickbase.com"
o. States United Democracy Center, Inc.
p. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
q. Power the Polls
r. Any person or entity with the domain or email address containing "@powerthepolls.org"
s. The Elections Group
t. Jennifer Morrell
u. Ryan Chew
v. Any person or entity with the domain or email address containing "@electionsgroup.com"
w. The Brennan Center for Justice at NYU Law
x. Elizabeth Howard
y. Any person or entity with the domain or email address containing "@nyu.edu"
z. Voces de la Frontera Action, Inc.
aa. Voces de la Frontera, Inc.
bb. Natalia Espina
cc. Christine Neumann-Ortiz
dd. Any person or entity with the domain or email address containing "@vdlf.org"
ee. Dominion Voting, Inc.
ff. Phil Schmidt
gg. Yvonne Cai
hh. @dominionvoting.com
ii. Election Systems & Software, LLC
jj. Any person or entity with the domain or email address containing "@essvote.com"
kk. Fireside Campaigns

AMERICAN OVERSIGHT

ll. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
mm. Center for Election Innovation & Research
nn. @electioninnovation.org

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WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

VOCES DE LA FRONTERA ACTION, INC.

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 19, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

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SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

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BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

    (a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

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15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** means you in your personal capacity, as an agent, employee, or officer of **Voces de La Frontera Action, Inc.**, and **Voces de la Frontera Action, Inc.,** itself, including its owners, officers, directors, employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

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C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

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F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020

AMERICAN OVERSIGHT

General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

a. Any federal, state, county, or municipal official or employee;
b. Any candidate for federal, state, county, or municipal office;
c. Any person or entity with the domain or email address containing "@wisconsin.gov";
d. The National Vote at Home Institute
e. Amber McReynolds
f. Hillary Hall
g. Michael Sptizer Rubenstein
h. Any person or entity with the domain or email address containing "@voteathome.org"
i. The Center for Tech and Civic Life, Inc. ("CTCL")
j. Tiana Epps-Johnson
k. Dennis Granadas
l. Quickbase, Inc.
m. Harrison Hersch
n. Any person or entity with the domain or email address containing "@quickbase.com"
o. States United Democracy Center, Inc.
p. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
q. Power the Polls
r. Any person or entity with the domain or email address containing "@powerthepolls.org"
s. The Elections Group
t. Jennifer Morrell
u. Ryan Chew
v. Any person or entity with the domain or email address containing "@electionsgroup.com"
w. The Brennan Center for Justice at NYU Law
x. Elizabeth Howard
y. Any person or entity with the domain or email address containing "@nyu.edu"
z. Voces de la Frontera, Inc.
aa. Natalia Espina
bb. Christine Neumann-Ortiz
cc. Any person or entity with the domain or email address containing "@vdlf.org"
dd. Dominion Voting, Inc.

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ee. Phil Schmidt
ff. Yvonne Cai
gg. @dominionvoting.com
hh. Election Systems & Software, LLC
ii. Any person or entity with the domain or email address containing "@essvote.com"
jj. Fireside Campaigns
kk. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
ll. Center for Election Innovation & Research
mm. @electioninnovation.org

2. Any and all documents concerning or related to:

a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

c. Materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

e. Electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

f. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other

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negotiable instruments from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

3. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

    a. National Vote at Home Institute to you or an entity owned or controlled by you.

    b. Fireside Campaigns to or from you or an entity owned or controlled by you.

    c. Power the Polls to or from you or an entity owned or controlled by you.

    d. The Elections Group to or from you or an entity owned or controlled by you.

    e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

    f. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

    g. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

VOCES DE LA FRONTERA, INC.

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 19, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

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AMERICAN OVERSIGHT

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7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

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9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

    (a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

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15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** means you in your personal capacity, as an agent, employee, or officer of **Voces de La Frontera, Inc.**, and **Voces de la Frontera, Inc.,** itself, including its owners, officers, directors, employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.

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C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

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F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020

AMERICAN OVERSIGHT

General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

a. Any federal, state, county, or municipal official or employee;
b. Any candidate for federal, state, county, or municipal office;
c. Any person or entity with the domain or email address containing "@wisconsin.gov";
d. The National Vote at Home Institute
e. Amber McReynolds
f. Hillary Hall
g. Michael Sptizer Rubenstein
h. Any person or entity with the domain or email address containing "@voteathome.org"
i. The Center for Tech and Civic Life, Inc. ("CTCL")
j. Tiana Epps-Johnson
k. Dennis Granadas
l. Quickbase, Inc.
m. Harrison Hersch
n. Any person or entity with the domain or email address containing "@quickbase.com"
o. States United Democracy Center, Inc.
p. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
q. Power the Polls
r. Any person or entity with the domain or email address containing "@powerthepolls.org"
s. The Elections Group
t. Jennifer Morrell
u. Ryan Chew
v. Any person or entity with the domain or email address containing "@electionsgroup.com"
w. The Brennan Center for Justice at NYU Law
x. Elizabeth Howard
y. Any person or entity with the domain or email address containing "@nyu.edu"
z. Voces de la Frontera Action, Inc.
aa. Natalia Espina
bb. Christine Neumann-Ortiz
cc. Any person or entity with the domain or email address containing "@vdlf.org"
dd. Dominion Voting, Inc.

AMERICAN OVERSIGHT

ee. Phil Schmidt
ff. Yvonne Cai
gg. @dominionvoting.com
hh. Election Systems & Software, LLC
ii. Any person or entity with the domain or email address containing "@essvote.com"
jj. Fireside Campaigns
kk. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
ll. Center for Election Innovation & Research
mm. @electioninnovation.org

2. Any and all documents concerning or related to:

a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

c. Materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

e. Electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

AMERICAN OVERSIGHT

f. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

3. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

   a. National Vote at Home Institute to you or an entity owned or controlled by you.

   b. Fireside Campaigns to or from you or an entity owned or controlled by you.

   c. Power the Polls to or from you or an entity owned or controlled by you.

   d. The Elections Group to or from you or an entity owned or controlled by you.

   e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

   f. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

   g. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Whitney May
CENTER FOR TECH AND CIVIC LIFE, INC.
901 2d Street, STE. 201
Springfield, IL 62704

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on the following day:

_____ at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin, to appear and give testimony, under oath, before the **SPECIAL COUNSEL** and/or his attorney(s). You are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Whitney May
CENTER FOR TECH AND CIVIC LIFE, INC.
901 2d Street, STE. 201
Springfield, IL 62704

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 19, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

    a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

AMERICAN OVERSIGHT

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

    (a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

AMERICAN OVERSIGHT

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** mean means you personally and in your capacity as agent, officer, director, employee, former employee, and subsidiary for **Center for Tech and Civic Life, Inc.**

AMERICAN OVERSIGHT

C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

AMERICAN OVERSIGHT

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020

AMERICAN OVERSIGHT

General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

a. Any federal, state, county, or municipal official or employee;
b. Any candidate for federal, state, county, or municipal office;
c. Any person or entity with the domain or email address containing "@wisconsin.gov";
d. The National Vote at Home Institute
e. Amber McReynolds
f. Hillary Hall
g. Michael Sptizer Rubenstein
h. Any person or entity with the domain or email address containing "@voteathome.org"
i. The Center for Tech and Civic Life, Inc. ("CTCL")
j. Tiana Epps-Johnson
k. Dennis Granadas
l. Quickbase, Inc.
m. Harrison Hersch
n. Any person or entity with the domain or email address containing "@quickbase.com"
o. States United Democracy Center, Inc.
p. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
q. Power the Polls
r. Any person or entity with the domain or email address containing "@powerthepolls.org"
s. The Elections Group
t. Jennifer Morrell
u. Ryan Chew
v. Any person or entity with the domain or email address containing "@electionsgroup.com"
w. The Brennan Center for Justice at NYU Law
x. Elizabeth Howard
y. Any person or entity with the domain or email address containing "@nyu.edu"
z. Voces de la Frontera Action, Inc.
aa. Voces de la Frontera, Inc.
bb. Natalia Espina
cc. Christine Neumann-Ortiz
dd. Any person or entity with the domain or email address containing "@vdlf.org"

AMERICAN OVERSIGHT

ee. Dominion Voting, Inc.
ff. Phil Schmidt
gg. Yvonne Cai
hh. @dominionvoting.com
ii. Election Systems & Software, LLC
jj. Any person or entity with the domain or email address containing "@essvote.com"
kk. Fireside Campaigns
ll. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
mm. Center for Election Innovation & Research
nn. @electioninnovation.org

2. Any and all documents concerning or related to:

a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

c. Training materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

e. electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

AMERICAN OVERSIGHT

f. Records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

3. Records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

a. National Vote at Home Institute to you or an entity owned or controlled by you.

b. Fireside Campaigns to or from you or an entity owned or controlled by you.

c. Power the Polls to or from you or an entity owned or controlled by you.

d. The Elections Group to or from you or an entity owned or controlled by you.

e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

f. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

g. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

AMERICAN OVERSIGHT

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:

Whitney May
CENTER FOR TECH AND CIVIC LIFE, INC.
901 2d Street, STE. 201
Springfield, IL 62704

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL,** on **January 19, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, **or ten (10) days after you receive this subpoena** (whichever occurs later) to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

****

AUTHORIZATION

BY: _____
REP. ROBIN VOS, **Speaker**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

BY: _____
EDWARD BLAZEL, **Chief Clerk**
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ **DAY** of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

AMERICAN OVERSIGHT

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period January 1, 2020, to the present ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing or delivering them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.

4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:

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AMERICAN OVERSIGHT

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

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9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document;

(a) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

AMERICAN OVERSIGHT

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.

B. The terms **"you," "your," or "yours"** mean means you personally and in your capacity as agent, officer, director, employee, former employee, and subsidiary for **Center for Tech and Civic Life, Inc.**

AMERICAN OVERSIGHT

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D. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

E. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

AMERICAN OVERSIGHT

F. The term **"owned," leased," and/or "used"** means its plain language and as owns, leases, or uses as well has describing the person or entity that has control of the item

G. The term **"entity"** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.

H. The terms **"concerning," "associated with," "relate to," "related to," and "relating to"** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

I. The terms **"any" and "all"** are to be construed to mean both any and all.

J. The terms **"and" and "or"** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.

K. The term **"including"** is to be construed to mean without limitation.

L. The term **"number."** The use of the singular form of any word includes the plural and vice versa.

M. The term **"third party"** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.

N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all communications between you and any other person or entity during the Requested Period that are related to and/or concerning the 2020

AMERICAN OVERSIGHT

General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

a. Any federal, state, county, or municipal official or employee;
b. Any candidate for federal, state, county, or municipal office;
c. Any person or entity with the domain or email address containing "@wisconsin.gov";
d. The National Vote at Home Institute
e. Amber McReynolds
f. Hillary Hall
g. Michael Sptizer Rubenstein
h. Any person or entity with the domain or email address containing "@voteathome.org"
i. The Center for Tech and Civic Life, Inc. ("CTCL")
j. Tiana Epps-Johnson
k. Dennis Granadas
l. Quickbase, Inc.
m. Harrison Hersch
n. Any person or entity with the domain or email address containing "@quickbase.com"
o. States United Democracy Center, Inc.
p. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
q. Power the Polls
r. Any person or entity with the domain or email address containing "@powerthepolls.org"
s. The Elections Group
t. Jennifer Morrell
u. Ryan Chew
v. Any person or entity with the domain or email address containing "@electionsgroup.com"
w. The Brennan Center for Justice at NYU Law
x. Elizabeth Howard
y. Any person or entity with the domain or email address containing "@nyu.edu"
z. Voces de la Frontera Action, Inc.
aa. Voces de la Frontera, Inc.
bb. Natalia Espina
cc. Christine Neumann-Ortiz
dd. Any person or entity with the domain or email address containing "@vdlf.org"

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ee. Dominion Voting, Inc.
ff. Phil Schmidt
gg. Yvonne Cai
hh. @dominionvoting.com
ii. Election Systems & Software, LLC
jj. Any person or entity with the domain or email address containing "@essvote.com"
kk. Fireside Campaigns
ll. Any person or entity with the domain or email address containing "@firesidecampaigns.com"
mm. Center for Election Innovation & Research
nn. @electioninnovation.org

2. Any and all documents concerning or related to:

a. Money, negotiable instruments, funds, or anything of a monetary value received by you from any individual or entity or paid by you to any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in Item 1 above.

b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

c. Materials that you used to train your employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.

d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).

e. Electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.

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f. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments from Center for Tech and Civic Life, Inc., to or from you or an entity owned or controlled by you.

3. Records and/or documents in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments to or from

   a. National Vote at Home Institute to you or an entity owned or controlled by you.

   b. Fireside Campaigns to or from you or an entity owned or controlled by you.

   c. Power the Polls to or from you or an entity owned or controlled by you.

   d. The Elections Group to or from you or an entity owned or controlled by you.

   e. Voces de la Frontera Action, Inc., and/or Voces de la Frontera, Inc., to or from you or an entity owned or controlled by you.

   f. Any Wisconsin government entity to or from you or an entity owned or controlled by you.

   g. Any Wisconsin government office, official, or his or her representative or designee to or from you or an entity owned or controlled by you.

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TRUE THE VOTE

SPECIAL REPORT [1]

DELIVERY OF ABSENTEE BALLOTS BY INTERMEDIARIES TO MILWAUKEE COUNTY AREA DROP BOXES OCTOBER 20 – NOVEMBER 3, 2020

MARCH 18, 2022

True the Vote is a non-profit organization[2] engaged in public interest research and education. TTV works with analysts who have extensive experience utilizing data to detect patterns in complex commercial and criminal investigations across diverse market segments, including government agencies and healthcare. Among its activities, TTV conducts non-partisan research and analysis of election administration and process integrity.

I. BALLOT HARVESTING INVESTIGATIONS

During the November 2020 election cycle, the Center for Technology and Civil Life ("CTCL") made over $350 million in grants to local governments for election-related activities, including drop-boxes for absentee ballots.[3]

In Wisconsin, CTCL distributed over $10.3 million in grants. About 86% of the funding went to five cities, Milwaukee, Madison, Green Bay, Kenosha, and Racine,[4] which they used to provide drop boxes for receiving absentee ballots and other voter assistance.[5]

In 2021, in response to whistleblower reports, TTV began purchasing and analyzing publicly available drop box surveillance video and commercially available geospatial (mobile device) data generated at CTCL grant-funded drop box locations during the time periods in which drop boxes were in use for the 2020 General Election.[6]

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[1] This Report is sponsored by First Freedoms Foundation, Inc., a non-profit, § 501(c)(3) organization engaged in public interest law and education. http://firstfreedomsfoundation.org

[2] https://www.truethevote.org/

[3] https://www.techandciviclife.org/grant-update-march/

[4] A Review of the 2020 Election, Wisconsin Institute for Law and Liberty (2021). https://will-law.org/wp-content/uploads/2022/01/2021ReviewStudyJanuary.pdf

[5] Election scandal: Roots in Racine – Wisconsin Spotlight; https://www.fox6now.com/news/racine-mobile-elections-vehicle-rolled-out-after-2020-vote

[6] TTV's research is featured in the upcoming documentary, "2000 Mules," scheduled for release in April, 2020. http://2000mules.com/

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TTV's initial investigations were conducted in the six counties that comprise the metro-Atlanta, Georgia area and in Maricopa County, Arizona. Analysis revealed evidence of massive ballot harvesting, with ballots being delivered to drop boxes by intermediaries other than the absentee voters themselves.[7]

In the metro-Atlanta area, analysis of geospatial data confirmed that 242 intermediaries made 5,668 individual stops at drop boxes between October 12, 2020, when early voting began, and January 6, 2021, the date of the United States Senate run-off election. The timestamps in the geospatial data were then used to identify drop box visits in the surveillance video. The video confirms these intermediaries were, in fact, making repeated visits to drop boxes, depositing multiple ballots on each visit. In many instances, the videos show intermediaries attempting to deposit so many ballots that they were unable to fit into the drop box drop slot, and ballots are seen falling to the ground. The same patterns emerged in Maricopa County, where more than 202 intermediaries made 4,282 individual drop box visits during that time period.

Additionally, TTV received testimony from witnesses and informants disclosing that intermediaries were typically paid $10 per ballot for each ballot they collected and delivered.[8] In Arizona, these revelations have already produced multiple criminal indictments.[9]

II. WISCONSIN STUDY

Wisconsin law requires that absentee ballot envelopes be "mailed by the elector, or delivered in person, to the municipal clerk issuing the ballot or ballots."[10] It is illegal for an absentee ballot to be cast by anyone other than the elector, with a witness certifying the vote.

Critically, however, if the elector receives assistance marking the ballot, the "assistant" must certify that the elector requested the assistance, but is *not* required to certify that he or she did not *solicit* the elector's vote.[11]

TTV is currently investigating ballot harvesting patterns in three of the five Wisconsin cities that received CTCL funding. Specifically, TTV is conducting research and analysis to determine whether, during the two-week period prior to the 2020 election (10/20/20 – 11/3/20), there was systematic delivery of absentee ballots to drop boxes by intermediaries other than by the absentee voters themselves.

TTV has concluded its initial analysis of drop box traffic data in Milwaukee County. Its findings are summarized in this report. TTV is continuing its research and analysis of data

[7] *E.g.,* Appendix 1, TTV Administrative Complaint to Georgia Secretary of State, Nov. 30, 2021.

[8] Appendix 1, p. 2.

[9] https://www.azag.gov/press-release/two-individuals-accused-ballot-harvesting-yuma-county

[10] Sec. 6.87(4)(b)1., Wis. Stats.

[11] https://elections.wi.gov/sites/elections/files/2020-08/EL-122%20Standard%20Absentee%20Ballot%20Certificate-portrait%20%28rev.%202020-08%29.pdf

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from other areas where CTCL-funded drop boxes were located, and will be releasing those findings in the near future.

Completion of TTV's Milwaukee County research is especially timely. On February 19, 2022, in an action brought by Wisconsin Institute for Law and Liberty,[12] the Circuit Court for Waukesha County held that use of drop boxes for absentee voting violates § 6.87(4)(b)1., Stats., and enjoined their use statewide.[13] WILL's action, *Teigen v. Wisconsin Elections Commission*,[14] is now before the Wisconsin Supreme Court, which has permitted the injunction to remain in place for the spring general election on April 5.[15]

TTV's research will inform both public discussion and legislative and policy proposals to enhance transparency, uniformity, and equal access for Wisconsin voters in future elections. Further, on March 21, TTV will be filing an *amicus* brief in the *Teigen* case in the Wisconsin Supreme Court, arguing that construing § 6.87(4)(b)1. to prohibit use of drop boxes will ensure greater equality of voting access among all Wisconsin electors regardless of their place of residence, and will also limit the ability of super-wealthy activists to influence Wisconsin elections through massive, tax-exempt spending that escapes reporting under ordinary campaign finance law but is strategically designed and administered to achieve a partisan result.

Finally, while TTV believes that construction of the law will benefit *future* elections, TTV does not opine on the legality of past activity analyzed in this report or suggest that the 2020 election results should be decertified based on its findings.

III. RESEARCH METHODS

TTV uses both video surveillance recordings and geospatial data to track and analyze drop box traffic patterns. Surveillance video is routinely used in a wide range of applications including security, highway traffic and tolls, wildlife tracking, marketing, and facility usage.

It is difficult to imagine a public function more critical than voting. Given the ubiquity of video surveillance and tracking in other applications, 24/7 video surveillance of drop box traffic would seem to be an expected rudimentary requirement of the Wisconsin Elections Commission and responsible local governments utilizing drop boxes. Visual records of box activity would provide accountability and security at least somewhat comparable to the safeguards for traditional same-day and early in person voting, which are conducted in the presence of authorized officials and observers.

For example, Georgia's election rules required drop boxes with 24/7 video surveillance.[16]

[12] https://will-law.org

[13] https://will-law.org/wp-content/uploads/2022/02/142-2022-01-20-Order-granting-Pls-Summary-Judgment-signed-1-19-221.pdf

[14] *Teigen v. Wisconsin Elections Commission*, Appeal Number 2022AP000091; https://wscca.wicourts.gov/appealHistory.xsl?caseNo=2022AP000091&cacheId=E1AD15A7F683EB361365795C64D83964&recordCount=1&offset=0&linkOnlyToForm=false&sortDirection=DESC

[15] https://elections.wi.gov/node/7861

[16] https://www.gpb.org/news/2021/07/12/absentee-drop-box-use-soared-in-democratic-areas-voting-law-change

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Such video files are election records mandated for retention under federal law.[17] Through open records requests, TTV obtained over 4 million minutes of drop box surveillance video from Georgia.[18]

TTV also purchased commercially available, anonymized, geospatial mobile device information. Analysis of this cell phone data can pinpoint the specific location of a unique device at a specific time without disclosing private information about the device owner's identity.

This type of data analysis use is highly valued because of its accuracy, and is commonly used in a wide range of mainstream applications including product marketing and targeted messaging in political campaigns. In fact, virtually every cell phone user has received some type of promotional or political text.

Properly conducted, geospatial data aggregation and analysis raises no legal concerns and is routinely conducted by diverse users including government agencies, businesses, marketing firms, transportation services, political campaigns, and health, education, and social science providers and researchers.[19]

For example, in 2019, the New York Times published a widely read expose on cell phone tracking based on data collected in 2016 – 2017 at the New York Stock Exchange, major cities, government facilities (Pentagon and Whitehouse), and private residences.[20]

NYT even included a series of animated graphics, tracking routes traveled by the President along with the hyperlink, "How to Track President Trump," followed by the byline, "Read more about the national security risks found in the data."

In its election integrity work, TTV utilizes geospatial data and analysis to detect and analyze patterns of potentially inappropriate election activities.

The accuracy of the data and methodology is beyond question. As the NYT article states:

> Describing location data as anonymous is "a completely false claim" that has been debunked in multiple studies, Paul Ohm, a law professor and privacy researcher at the Georgetown University Law Center, told us. "Really precise, longitudinal geolocation information is absolutely impossible to anonymize."
>
> "D.N.A.," he added, "is probably the only thing that's harder to anonymize than precise geolocation information."

However, even though a device's "location data" is not "anonymous," as Professor Ohm says, geo-spatial researchers may keep the device owner's *identify* anonymous.

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[17] 52 U.S.C. § 20701 requires election officials to retain "all records and papers" for 22 months following a federal election.

[18] Appendix 1, pp. 1 - 3.

[19] E.g., https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3821057/; https://www.jstor.org/stable/42748309; https://insights.som.yale.edu/insights/what-can-smartphone-location-data-tell-us-about-the-pandemic; http://www.sehinc.com/news/cell-phone-data-makes-traffic-analysis-and-transportation-planning-easier; https://ij-healthgeographics.biomedcentral.com/articles/10.1186/1476-072X-7-22; https://www.jstor.org/stable/44134975; https://www.jstor.org/stable/30036682

[20] https://www.nytimes.com/interactive/2019/12/19/opinion/location-tracking-cell-phone.html

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In contrast to the NYT, which identified President Trump and published routes he traveled, TTV does not "unmask" or "de-anonymize" owner identities of the devices it tracks. Authorized government and legal agents can and do routinely obtain deanonymized information from cell phone companies, but TTV does not publish that kind of deanonymized analysis.

IV. DATA

Surveillance Video. Unlike Georgia, which requires constant video surveillance of ballot drop boxes, Wisconsin law does not require any such surveillance.[21]

TTV made open records requests to multiple Milwaukee County municipalities for drop box surveillance video. In response, only the Village of Brown Deer provided video for one of its two drop boxes located at Village Hall. Despite reported statements by the City of Milwaukee that it had maintained video surveillance,[22] neither the City of Milwaukee nor any other municipality in the County provided video. Each responded that it had failed to record surveillance video, or had failed to maintain the video, or did not respond to the requests at all.[23]

Geospatial Data. Because Milwaukee officials failed or refused to provide surveillance video, TTV focused our analysis on the use of geospatial data to determine whether third-party intermediaries made multiple visits to drop box locations.

TTV purchased 25 terabytes of cell phone signal data emitted by devices in the Milwaukee County area during the two-week period prior to the 2020 election, October 20 - November 3. The data was purchased from standard commercial providers and includes signals from over 27,000 cell phone apps, which data aggregators purchase and resell to public and private buyers for official and commercial uses.

Consistent with TTV policy and methods, the data was never held in any form other than "anonymized." While the data provides exact locations of specific devices at specific times, it does not disclose the identities or other private information about the individuals registered as owners of those devices.[24]

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[21] It should also be noted that Wisconsin election statues do not authorize the use of drop boxes. https://www.ncsl.org/research/elections-and-campaigns/vopp-table-9-ballot-drop-box-definitions-design-features-location-and-number.aspx

[22] https://www.jsonline.com/story/news/politics/elections/2020/10/19/how-milwaukee-ensures-absentee-ballots-voting-machines-secured/5937160002/

[23] Appendix 2, log of TTV open records requests for surveillance video. Requests were sent to Bayside Village, Brown Deer Village, City of Milwaukee, Cudahy, Fox Point Village, Franklin, Glendale, Greendale, Greenfield, Hales Corner, Milwaukee County, Oak Creek, River Hills, Shorewood, South Milwaukee, St. Francis, Wauwatosa, West Allis, West Milwaukee, and Whitefish.

[24] The raw and unedited data purchased by TTV does not include any analysis conducted by TTV or its contractors, nor does it include any list of specific IMEI devices or identifying information regarding any individuals other than commercially available, anonymized, IMEI data in its original form.

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IV. ANALYSIS

To obtain an appropriate study sample, TTV analysts followed a prescribed methodology. First, we correlated the data with the exact longitude and latitude of drop boxes located in the Milwaukee County area, extracting device identifications of only those devices "pinpointed" at drop box locations during the 10/20 - 11/3 window. Each drop box pinpoint is referred to as a visit.

"Pinpointing" is a non-technical term for plotting multiple pings emitted by a specific device within a specific time frame to determine the location of the device at a specific time. For example, plotting 200 pings from 50 different apps emitted from a device within a 10 second interval "pinpoints" exactly where the device was located during that time window. TTV's methodologies for pinpointing device locations are highly accurate, exceeding customary industry standards and those used by NYT for its article.

In municipalities in the Milwaukee County area, 53,291 cell phones were pinpointed at ballot drop boxes three or more times during the 10/20 - 11/3 window

Within that two-week window, 107 unique devices made (1) 20 or more visits to drop boxes (averaging 26 visits each, some as many as 10-15 per day) *and* (2) multiple visits to non-governmental organizations ("NGOs") involved in get-out-the-vote efforts (averaging 5 NGO visits each).

Those 107 "20X" devices together visited drop boxes a total of 2,824 times during the window, with a majority of visits occurring after 8:00 pm, past posted business hours at the government or other locations where the drop boxes were located.

Appendix 3 provides IMEI Device Nos. of all 107 20X devices analyzed. Appendix 4 provides maps of 8 of those devices showing routes they travelled and the drop boxes and NGO locations they visited on October 20, 2020.

The exact chronology of each device can be tracked and pinpointed from 12:00 a.m. to 11:59 p.m. on the date shown. However, to maintain device and NGO anonymity, the IMEI Device Nos. are redacted in Appendix 3, and the locations are removed from the Appendix 4 maps, with device routes intentionally overlayed as composites without time sequencing.[25]

[25] Like "unmasking" or "de-anonymizing" device owners, time sequencing is a routine industry capability. TTV's analysts are capable of producing that kind of information the same as other industry analysts. However, TTV does not produce or publish that information as part of its public interest research work.

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APPENDIX 1

Administrative Complaint to
Georgia Secretary of State
Brad Raffensperger

Complainant:	Tue the Vote, PO Box 3109 #19128 Houston, TX 77253-3109
Complaint:	Ballot trafficking General Election November 2020 and Runoff Election January 2021 periods
Counties:	Atlanta metro area
Potential Violations	O.C.G.A. § 21-2-385 (a) Procedure for voting by absentee ballot; advance voting

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TRUE THE VOTE

November 30, 2021

Brad Raffensperger
Secretary of State
Georgia Capitol
206 Washington St SW
Atlanta, GA 30334

Complainant: True the Vote, PO Box 3109 #19128 Houston, TX 77253-3109
Complaint: Ballot trafficking General Election November 2020 and Runoff Election January 2021 periods Counties: Atlanta metro area
Potential Violations: O.C.G.A. § 21-2-385 (a) Procedure for voting by absentee ballot; advance voting

INFORMATION IN SUPPORT OF COMPLAINT

As part of True the Vote's ongoing nonpartisan election integrity research and in response to reports of ballot trafficking in Georgia and other states across the country, we undertook certain efforts to examine this issue more closely. Following a detailed account of coordinated efforts to collect and deposit ballots in drop boxes across metro Atlanta, True the Vote obtained publicly available surveillance video as well as commercially available cell phone data which revealed concerning patterns of behavior consistent with the reports made to our organization. True the Vote hereby submits this Complaint to the Georgia Secretary of State detailing the potentially improper election efforts which took place during the General Election of November 2020 and Runoff Election of January 2021.

Acting upon information provided to us, True the Vote's contracted team of researchers and investigators spoke with several individuals regarding personal knowledge, methods, and organizations involved in ballot trafficking in Georgia. One such individual, hereinafter referred to as John Doe, admitted to personally participating and provided specific information about the ballot trafficking process. This information was provided under agreement of anonymity.[1]

[1] It is imperative that True the Vote maintain confidentiality agreements made with persons willing to speak openly with the organization. First and foremost, True the Vote is primarily concerned for the safety of individuals willing to come forward to speak about such sensitive topics. True the Vote is not a law enforcement agency, we do not have the resources of the State, and we are unable to provide any safety guarantees to those individuals willing to provide information other than to keep our word that their identity will not be disclosed. Furthermore, for the same reason law enforcement agencies do not disclose the identities of their confidential informants, True the Vote must also maintain such confidences. To do otherwise would greatly inhibit future efforts of the organization as individuals would no longer be willing to speak openly about such matters. Finally, to the extent an individual admits to conduct constituting a crime, True the Vote is unable to offer immunity from prosecution. Informants would not be honest in their discussions if they lacked confidence that any admissions made would be held in the strictest of confidences and would not subject them to criminal prosecution in the future.

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John Doe described a network of non-governmental organizations ("NGO"s) that worked together to facilitate a ballot trafficking scheme in Georgia. John Doe claimed to have been one of many individuals paid to collect and deliver absentee ballots during the early voting periods of the November 2020 General Election and the January 2021 Runoff Election. While acknowledging that others might view his actions as inappropriate, John Doe did not seem to understand the unlawful nature of this conduct nor that it might constitute organized criminal activity. John Doe's perception was that he had been hired to do a job and it was appropriate to be paid for the services rendered.

John Doe's assignment included collecting ballots, both from voters in targeted neighborhoods and from NGOs that had their own ballot collection processes, delivering those ballots to other NGOs, picking up designated ballot bundles from the same group of NGOs, and depositing ballots into drop boxes spanning six counties in the metro Atlanta area. Each drop box delivery would typically include between 5 to 20 ballots. John Doe described a payment validation process which involved taking cell phone pictures of the drop box where ballots were deposited. Participants were compensated, typically at a rate of $10 per ballot. John Doe stated he had been paid directly by one of these NGOs.[2]

Following this report, True the Vote submitted open records requests to obtain the surveillance video of various drop boxes across Georgia during the General Election of November 2020 and Runoff Election of January 2021. Despite a legal mandate to maintain this video, county officials were only able to produce an estimated 20% of the surveillance video requested in the counties of Fulton, DeKalb, Cobb, and Gwinnett.[3] Nonetheless, in our initial review of the available 3 million minutes of surveillance video, we found compelling evidence to support the reports of absentee ballot trafficking conducted during the November 3, 2020, General Election and January 5, 2021, Runoff Election periods.

In addition to ordering surveillance video, True the Vote also purchased commercially available, anonymized, geospatial mobile device information. This cell phone data establishes what devices were at a particular location at a particular time but does not disclose any private information about a person's identity. There are a variety of uses for this type of data including product marketing and targeted messaging in political campaigns. This type of unique device identification data is highly desirable because of its accuracy and its use is becoming more mainstream as of

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While True the Vote will not directly identify the individual who made the admission, the organization is able to provide the publicly available data we used in our research. As an office possessing investigative powers and the resources of the State, the identity of any individual who may have information pertinent to your efforts is discoverable in the data set now available to you. Working in conjunction with law enforcement, the State, in their discretion, can provide the necessary and appropriate safety guarantees and immunity protections for cooperating witnesses should that become necessary.

[2] John Doe stated the NGOs made the payments, but it was not entirely clear from his description whether participants were paid directly by the NGOs or through an intermediary.

[3] In separately filed complaints, we detail the missing video footage, including explanations afforded us by county election officials, to support further investigations and develop standards regarding critical aspects of surveillance video capture.

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late. In fact, virtually every cell phone user has received some type promotional or political text. Law enforcement, defense, and intelligence agencies have been using geospatial mobile device data to generate information on possible suspects or witnesses in investigations for several years. For the purposes of our research, True the Vote purchased such data and used it to identify patterns of potentially inappropriate election activities. After reviewing this data, True the Vote was able to confirm certain patterns of activity around absentee ballot drop boxes, as initially reported by John Doe.

During the Runoff Election period, in six counties in and around Atlanta, 552,987 cell phones came within a narrowly defined distance of ballot drop boxes during our study period. However, 242 unique devices made repeat trips to drop boxes averaging 23 trips each. These same 242 devices also went repeatedly, averaging eight trips each, to specific NGOs.

These 242 individual devices went to drop boxes a total of 5,668 times with approximately 40% of the visits occurring between the unusual hours of 12:00 a.m. and 5:00 a.m.

The review of surveillance video was queued according to our geospatial data analyses and focused on the device patterns that emerged from our research. The video, though often grainy and sometimes distant, revealed numerous unusual behaviors.

Individuals were observed attempting to deposit multiple ballots into the drop box. Sometimes, the person was attempting to deposit so many ballots that they were unable to fit them all in and the video shows ballots falling to the ground.

Additionally, in our cursory review of surveillance video it was confirmed that individuals made repeat visits to drop boxes.

Cars were observed with out-of-state license plates, including rental cars identifiable because of the sticker seal rental car companies affix to the driver's side door. This in itself is not necessarily problematic; however it is notable because these out of state and rental cars were driven by individuals who were also in our targeted study group of 242 devices.

Consistent with John Doe's report regarding the proof necessary to receive payment, individuals were observed taking cell phone photos, not of themselves, but of their ballot deposits or of the drop box after the ballots had been deposited.

Curiously, a change in behavior seemed to occur on or around December 23, 2020, the day after Arizona authorities announced that fingerprints on absentee ballot envelopes helped uncover an illegal ballot harvesting scheme in that state. After that announcement, individuals depositing ballots into drop boxes in Georgia are seen wearing blue surgical gloves. They often put them on just before picking up their stack of ballots and remove them as they exit the drop box area.

In conclusion, following John Doe's personal admission to participation in a large-scale ballot harvesting effort in Georgia, True the Vote obtained publicly available video footage and

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commercially available cell phone data which supports his account of these efforts. In the data we reviewed, the 242 mobile devices which repeatedly visited drop boxes also repeatedly visited locations associated with a select group of NGOs. Not only did these devices make repeat visits but a significant number of these visits, approximately 40%, were made during extremely unusual hours in the middle of the night. Additionally, surveillance footage shows numerous instances in which individuals deposited multiple ballots at a time – a practice which is prohibited under Georgia law except under very limited circumstances.[4] Finally, consistent with John Doe's description of how participants were paid, individuals were seen taking photos of drop boxes or of ballots as they were deposited into a drop box.

True the Vote files this Complaint and provides this information to the Secretary of State as the arbiter of election integrity for the State of Georgia.[5] In conjunction with an investigation and formal request by the Secretary of State's office, True the Vote will provide all publicly or commercially available information including the geospatial data and surveillance video to assist with any efforts undertaken by your office.[6]

[4] O.C.G.A. § 21-2-385 (a) reads in pertinent part: Such envelope shall then be securely sealed and the elector shall then personally mail or personally deliver same to the board of registrars or absentee ballot clerk, provided that mailing or delivery may be made by the elector's mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, or an individual residing in the household of such elector. The absentee ballot of a disabled elector may be mailed or delivered by the caregiver of such disabled elector, regardless of whether such caregiver resides in such disabled elector's household. The absentee ballot of an elector who is in custody in a jail or other detention facility may be mailed or delivered by any employee of such jail or facility having custody of such elector. An elector who is confined to a hospital on a primary or election day to whom an absentee ballot is delivered by the registrar or absentee ballot clerk shall then and there vote the ballot, seal it properly, and return it to the registrar or absentee ballot clerk.

[5] In filing this Complaint, True the Vote makes no assessment of the legality of any activity seen in the data or surveillance video but merely provides this information for official State use as deemed appropriate by your agency.

[6] This raw and unedited data purchased by True the Vote does not include any analysis conducted by True the Vote or its contractors nor does it include any list of specific IMEI devices of interest. Furthermore, this data does not include any identifying information about any individuals other than commercially available, anonymized, IMEI data in its original form.

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APPENDIX 2

Log of True the Vote
Open Records Requests to
Milwaukee Urban Area Municipalities

For

Dropbox Video Surveillance Records
October 20 – November 3, 2020

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TRUE THE VOTE

MILWAUKEE COUNTY AREA COMMUNITIES
OPEN RECORDS REQUESTS FOR DROPBOX VIDEO SURVEILLANCE FILES
NOVEMBER 2020 ELECTION

Municipality	ORR	Submit Date	Response Date	Point of Contact	Action	Reason/Comments
Milwaukee	Dropbox Video	4/12/2021	4/21/2021	cwooda@milwaukee.gov	Undelivered	No custodian for video.
Fox Point	Dropbox Video	4/12/2021	6/30/2021	KMeyer@villageoffoxpoint.com	No Responsive Records	Did not provide.
Brown Deer	Dropbox Video	4/12/2021	4/13/2021	metzel@browndeerwi.org	Delivered Video	
Shorewood	Dropbox Video	4/12/2021	4/13/2021	sbruckman@villageofshorewood.org	No Responsive Records	ORR req. "Milwaukee."
West Milwaukee	Dropbox Video	4/12/2021	4/16/2021	susan.schupp@westmilwaukee.org	No Responsive Records	No security camera, 1 dropbox.
Wauwatosa	Dropbox Video	4/12/2021	4/16/2021	cdulaney@wauwatosa.net	No Responsive Records	No cameras directed at ballot boxes.
Bayside	Dropbox Video	4/12/2021	4/13/2021	lgalyardt@baysidewi.gov	No Responsive Records	"We do not have copies of the video recordings."
Whitefish Bay	Dropbox Video	4/12/2021	4/13/2021	J.Krueger@wfbvillage.org	No Responsive Records	No such records exist.
Greendale	Dropbox Video	4/12/2021	4/13/2021	melanie@greendale.org	No Responsive Records	Does not have the records requested.
Hales Corners	Dropbox Video	4/12/2021	4/12/2021	skulik@halescorners.org	No Responsive Records	Video only retained for 90 days.
River Hills	Dropbox Video	4/12/2021	4/12/2021	tlaborde@vil.river-hills.wi.us	No Responsive Records	Did not utilize dropboxes.
South Milwaukee	Dropbox Video	4/12/2021	4/12/2021	Kkastenson@smwi.org	No Responsive Records	Oldest content on server is 44 days old.
Glendale	Dropbox Video	4/12/2021	4/12/2021	R.Safstrom@glendalewi.gov	No Responsive Records	No video from requested time frame.
Oak Creek	Dropbox Video	4/12/2021	4/12/2021	croeske@oakcreekwi.org	No Responsive Records	No video from requested time frame.
Greenfield	Dropbox Video	4/12/2021	4/12/2021	Jennifer.Goergen@greenfieldwi.us	No Responsive Records	"Do not have the records you requested."
St Francis	Dropbox Video	4/12/2021	4/12/2021	anne.uecker@stfranwi.org	No Responsive Records	"No records exist for your request."
Franklin	Dropbox Video	4/12/2021	4/28/2021		No Responsive Records	Off-premises drop boxes were used for AB.

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APPENDIX 3

Redacted IMEI Device Nos. of
107 Cell Phone Devices Making 20+ Visit to
Milwaukee Urban Area Drop-boxes

October 20 – November 3, 2020

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IMEI DEVICE ID NOS.

Device Identification	Drop Box Visits
6631960f-5bb8-4d77-9468-xxxxxxxxxxxx	35
407d9517-f1ad-4656-bc12-xxxxxxxxxxxx	35
94dc1108-5658-40ac-b0a1-xxxxxxxxxxxx	34
ea2bd83f-7cc2-46cf-b19e-xxxxxxxxxxxx	34
dd78342b-9734-465f-b18a-xxxxxxxxxxxx	34
398959d3-9975-4072-b01e-xxxxxxxxxxxx	33
6e4068d3-6037-4382-9c30-xxxxxxxxxxxx	32
e1c4de08-e616-4e14-989c-xxxxxxxxxxxx	32
cc7dff4b-32cc-4a77-9c68-xxxxxxxxxxxx	32
7e24a489-3578-4982-82d2-xxxxxxxxxxxx	32
26c078c0-ddc0-42d2-a9b2-xxxxxxxxxxxx	32
b19161fc-6682-41f4-b536-xxxxxxxxxxxx	32
a4681626-135a-4a62-8d1a-xxxxxxxxxxxx	32
edf17761-044c-4b66-b280-xxxxxxxxxxxx	31
891dfbb0-75e1-4294-9fbc-xxxxxxxxxxxx	31
b27d629d-fca1-45d6-9c47-xxxxxxxxxxxx	31
f0e40fe1-abcc-4b68-aae2-xxxxxxxxxxxx	31
bf9522dd-5224-44a0-bef4-xxxxxxxxxxxx	30
34611e70-d89c-4d56-a261-xxxxxxxxxxxx	30
8f4c882c-7632-4f28-b4fb-xxxxxxxxxxxx	29
32b169bb-e335-4b55-9ec5-xxxxxxxxxxxx	29
22dd4789-7af4-4cfc-b4eb-xxxxxxxxxxxx	29
6954ec0e-8113-43b2-82fe-xxxxxxxxxxxx	29
7f28dd25-26dc-4a93-ba28-xxxxxxxxxxxx	29
f6e53a37-265c-4f57-976a-xxxxxxxxxxxx	29
3f5c7b90-f98f-4049-a66a-xxxxxxxxxxxx	28
e10d2a2e-0c06-409e-82b9-xxxxxxxxxxxx	28
0351dd99-0241-4cc6-95c3-xxxxxxxxxxxx	28
ce86e18f-e17e-4532-bc5f-xxxxxxxxxxxx	28
ec13d068-794b-4e96-9bb3-xxxxxxxxxxxx	28
a84faea3-e833-47cc-b154-xxxxxxxxxxxx	28
38568e17-cf3e-48b7-ae14-xxxxxxxxxxxx	28
176d880d-3c5e-4a99-a8ed-xxxxxxxxxxxx	28
d4ad7849-3997-481f-8632-xxxxxxxxxxxx	28
3a88ec3c-5bfb-4d2e-9fe0-xxxxxxxxxxxx	28

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e78364fe-d4d7-456b-a27f-xxxxxxxxxxxx	28
5795034a-5dd0-48a6-b82d-xxxxxxxxxxxx	28
c988e594-0195-4c08-9ab0-xxxxxxxxxxxx	27
0f625e6a-5030-43f2-80b8-xxxxxxxxxxxx	27
9e08bd1c-ccdc-4dc6-a3fc-xxxxxxxxxxxx	27
a23a31dc-c1f8-405f-86c2-xxxxxxxxxxxx	27
097fe4b6-8ac2-4c0c-8cca-xxxxxxxxxxxx	27
fba2a97f-8be1-449e-8cd4-xxxxxxxxxxxx	27
2955c0b6-7fb0-4f64-bbb2-xxxxxxxxxxxx	27
8c8a76df-ee37-42bb-ae0a-xxxxxxxxxxxx	27
fe95c706-6d4a-4adc-8386-xxxxxxxxxxxx	27
54eee3c9-7323-4515-9e67-xxxxxxxxxxxx	27
2d2eea05-a5f9-4738-909e-xxxxxxxxxxxx	27
46ef251e-f643-4b73-8a13-xxxxxxxxxxxx	27
072a376a-ff4f-4a40-abf2-xxxxxxxxxxxx	27
d1fd58fd-1e1c-423b-80f6-xxxxxxxxxxxx	27
f295d761-6234-4ba2-9be2-xxxxxxxxxxxx	27
31d26aad-3707-4ae9-8341-xxxxxxxxxxxx	27
104cdf97-d67d-4274-aacb-xxxxxxxxxxxx	27
d4d24230-5126-4d73-afe5-xxxxxxxxxxxx	26
f0f406f8-c024-47be-831a-xxxxxxxxxxxx	26
140ab1e1-0f0a-4a90-a23e-xxxxxxxxxxxx	26
926661e1-93a8-4be2-8fd1-xxxxxxxxxxxx	26
2ce31602-3215-4791-987b-xxxxxxxxxxxx	26
3cf31532-9a52-4dd9-a553-xxxxxxxxxxxx	26
c3e0e03a-e967-4484-a221-xxxxxxxxxxxx	26
cf526ac0-be18-4470-9d6b-xxxxxxxxxxxx	26
036a45dc-393e-47d3-b7a8-xxxxxxxxxxxx	26
811316da-f515-4f3c-9532-xxxxxxxxxxxx	26
1713c0e8-93e9-4150-92ed-xxxxxxxxxxxx	26
d8432105-a1bb-4244-902e-xxxxxxxxxxxx	26
115d1544-aef0-482b-a70d-xxxxxxxxxxxx	26
dd99176e-b558-42c4-9746-xxxxxxxxxxxx	26
3acbd782-fbbd-460a-8ee7-xxxxxxxxxxxx	26
c3a7faa4-0641-468f-bb6e-xxxxxxxxxxxx	26
e1176ca6-0027-4ff0-8a3c-xxxxxxxxxxxx	26
df68ace7-64d9-4fb1-9715-xxxxxxxxxxxx	26

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ecca97f4-4c30-4f42-aaf3-xxxxxxxxxxxx	26
079a7f03-d83a-4bab-8147-xxxxxxxxxxxx	26
054eb41e-6698-4b02-b945-xxxxxxxxxxxx	26
13df1019-ee7e-4083-8da8-xxxxxxxxxxxx	25
77bf30a3-2688-4795-9ad0-xxxxxxxxxxxx	25
6be907fa-43a6-407f-8620-xxxxxxxxxxxx	25
3a963af4-c018-4f65-89e0-xxxxxxxxxxxx	25
8ccac60b-4c25-4168-9e8c-xxxxxxxxxxxx	25
f560338f-03e5-4a10-bc80-xxxxxxxxxxxx	25
91409260-0099-409d-ba77-xxxxxxxxxxxx	25
56e392f6-fac4-4f24-8168-xxxxxxxxxxxx	25
78af836c-f442-4387-8346-xxxxxxxxxxxx	25
8a836201-d75c-4756-9009-xxxxxxxxxxxx	25
eb329879-ca7a-45ff-aad9-xxxxxxxxxxxx	24
78771be0-120b-4db7-b997-xxxxxxxxxxxx	22
5f38176a-90a3-4bcc-9c0f-xxxxxxxxxxxx	22
0a04bf87-4c03-4fb2-ac2-xxxxxxxxxxxx	21
84ba77ce-10cf-4bb2-b8d8-xxxxxxxxxxxx	21
f83952f6-44b5-400e-a134-xxxxxxxxxxxx	21
63798a95-42da-4916-a0dd-xxxxxxxxxxxx	20
949150bb-c388-4e3e-97f5-xxxxxxxxxxxx	20
722efd84-a94f-4742-8891-xxxxxxxxxxxx	20
138fe120-31af-4752-adc7-xxxxxxxxxxxx	20
75c75ec8-6a29-439a-b441-xxxxxxxxxxxx	20
ce9856bd-a3c4-45ce-973f-xxxxxxxxxxxx	20
04f53134-96d9-4a5e-94c6-xxxxxxxxxxxx	20
699afaf0-b11a-4e0e-bb6c-xxxxxxxxxxxx	20
b1a890e3-8eec-46c6-a864-xxxxxxxxxxxx	20
4bdb8419-20dc-4068-b892-xxxxxxxxxxxx	20
201a1342-1375-452d-9267-xxxxxxxxxxxx	20
49048958-47d3-402c-8b6d-xxxxxxxxxxxx	19
ccab4515-40da-4c50-90d3-xxxxxxxxxxxx	19
dc987e64-05a8-428f-a501-xxxxxxxxxxxx	19
c8ab3f3a-544c-459b-a838-xxxxxxxxxxxx	19
341893e1-f8e6-433e-ad22-xxxxxxxxxxxx	19
TOTAL VISITS	**2824**

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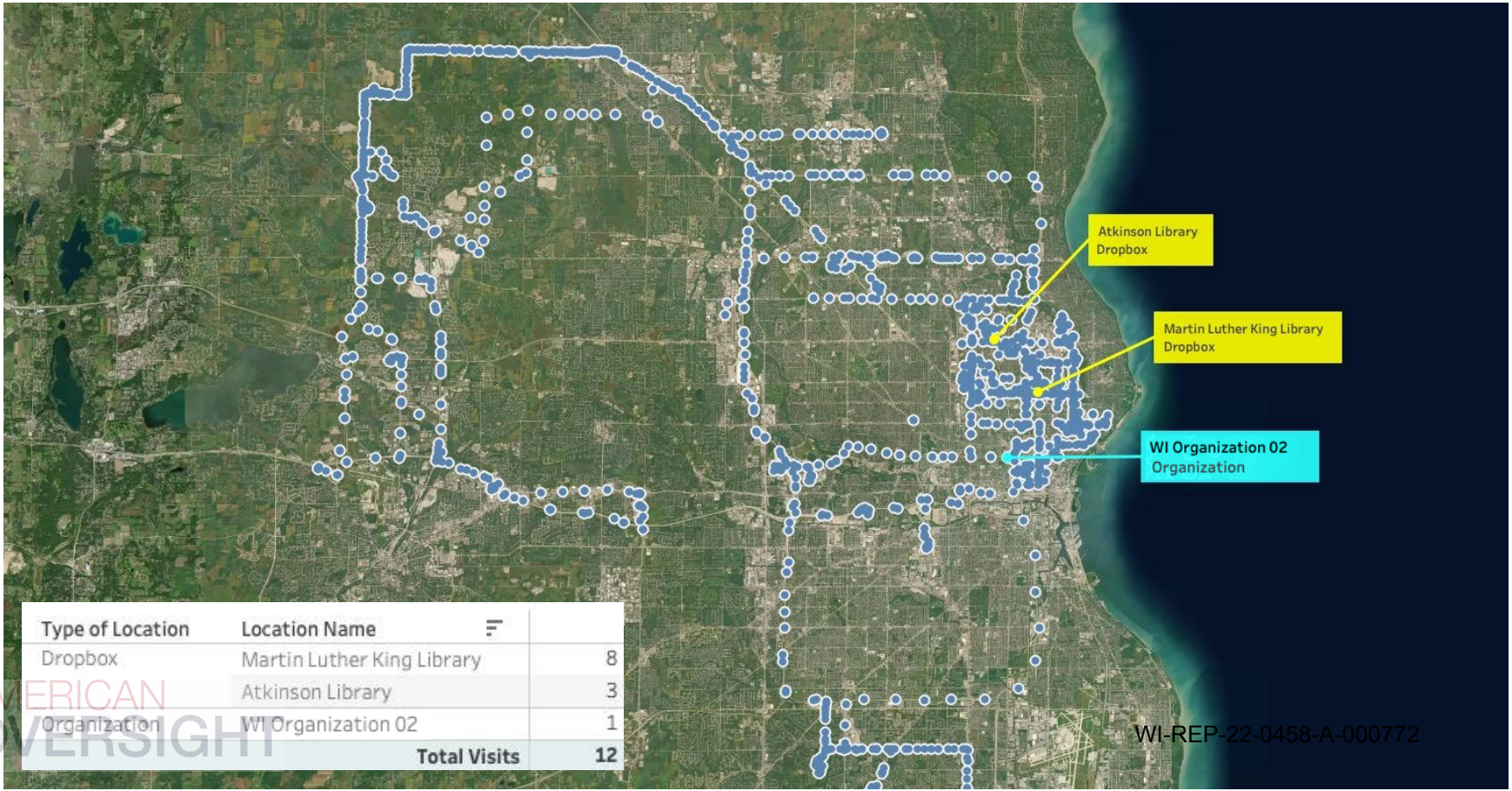
APPENDIX 4

Composite Maps of
8 Cell Phone Devices Making 20+ Visits to
Milwaukee Urban Area Drop-boxes

Maps of Routes Travelled on
October 20, 2020

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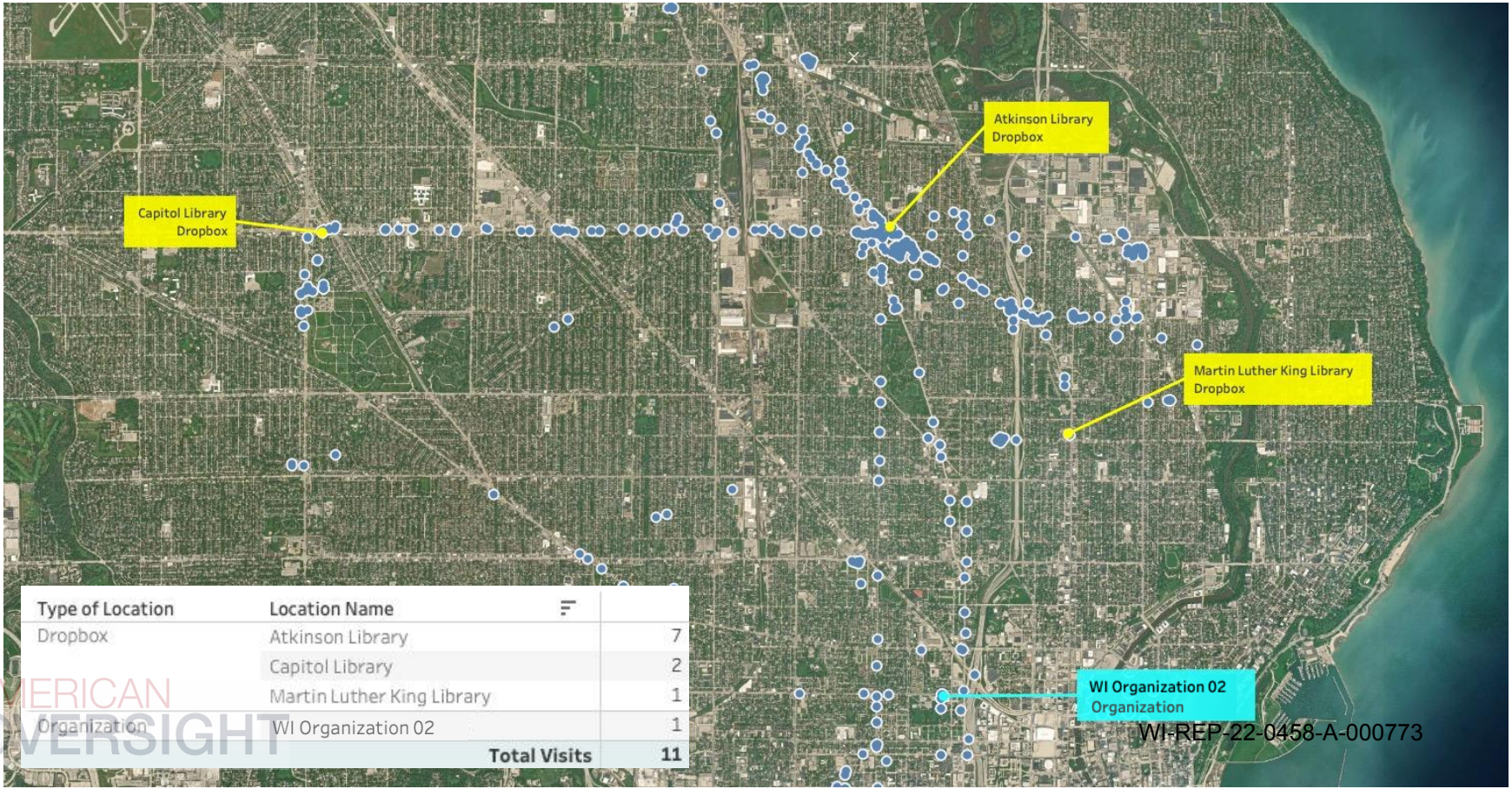
True the Vote – Milwaukee Project: Device #1 October 20, 2020



Type of Location	Location Name	
Dropbox	Martin Luther King Library	8
	Atkinson Library	3
Organization	WI Organization 02	1
	Total Visits	**12**

AMERICAN OVERSIGHT

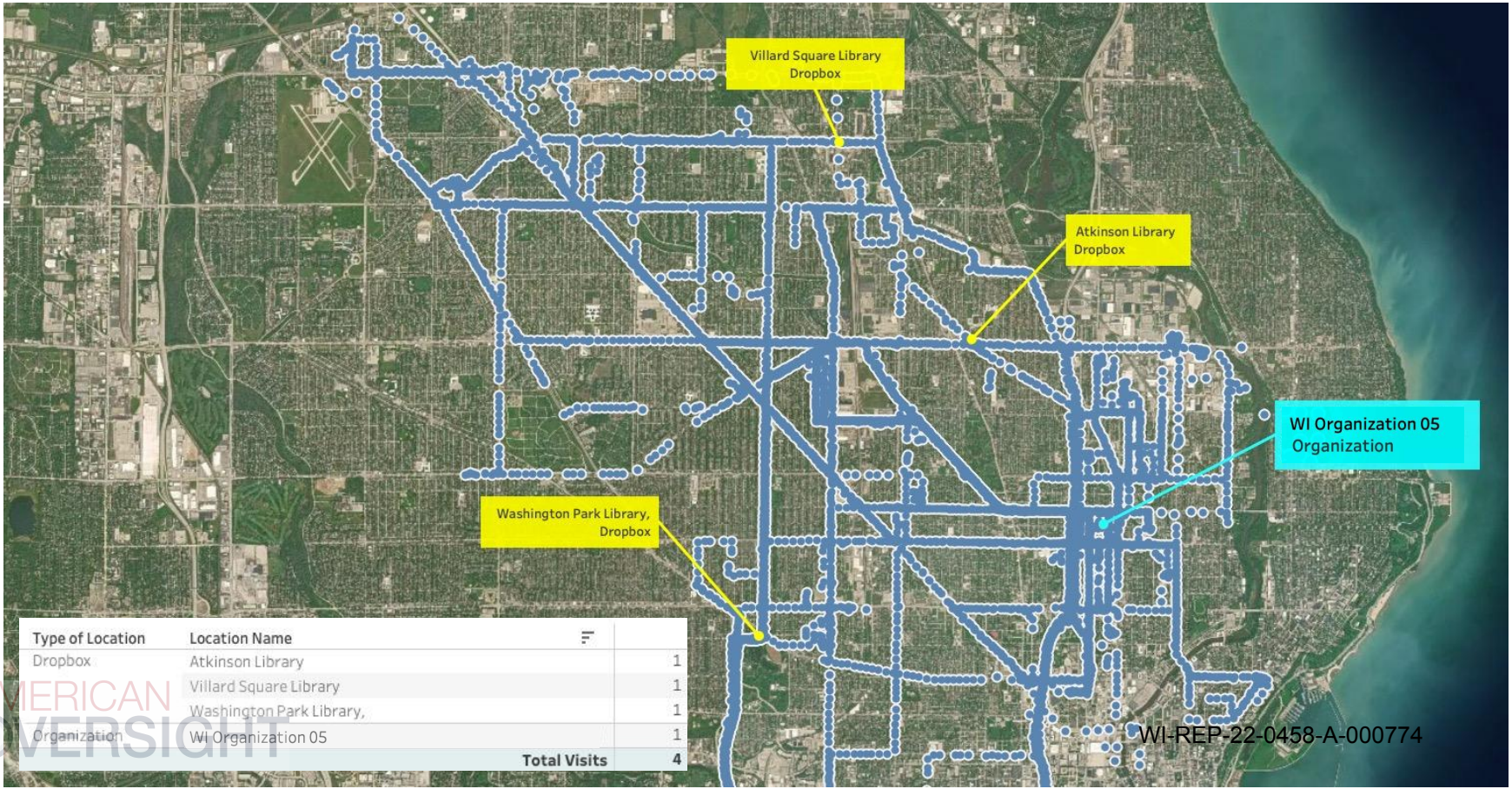
True the Vote – Milwaukee Project: Device #2 October 20, 2020



Type of Location	Location Name	
Dropbox	Atkinson Library	7
	Capitol Library	2
	Martin Luther King Library	1
Organization	WI Organization 02	1
	Total Visits	**11**

AMERICAN OVERSIGHT

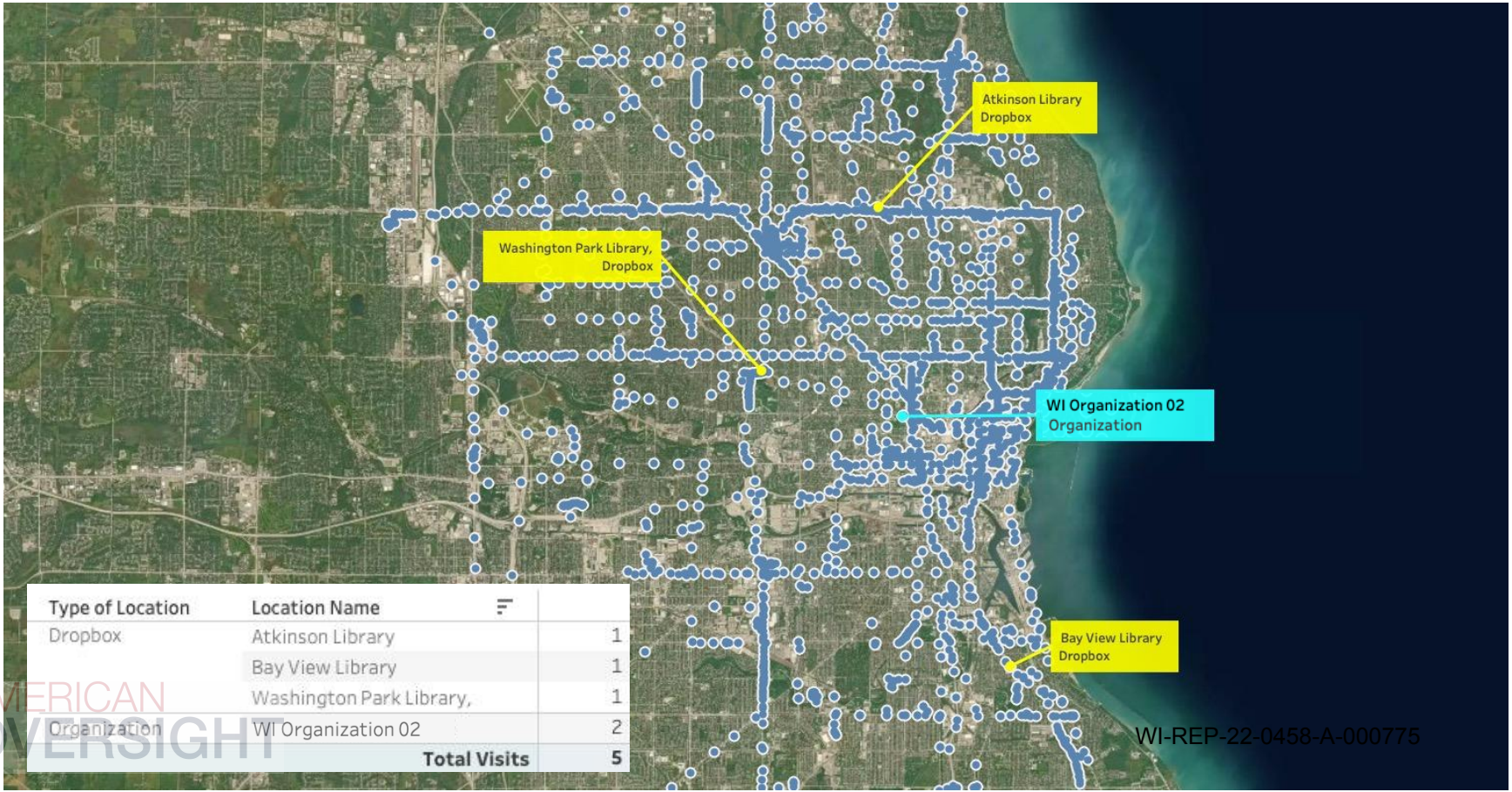
True the Vote – Milwaukee Project: Device #3 October 20, 2020



Type of Location	Location Name	
Dropbox	Atkinson Library	1
	Villard Square Library	1
	Washington Park Library,	1
Organization	WI Organization 05	1
	Total Visits	**4**

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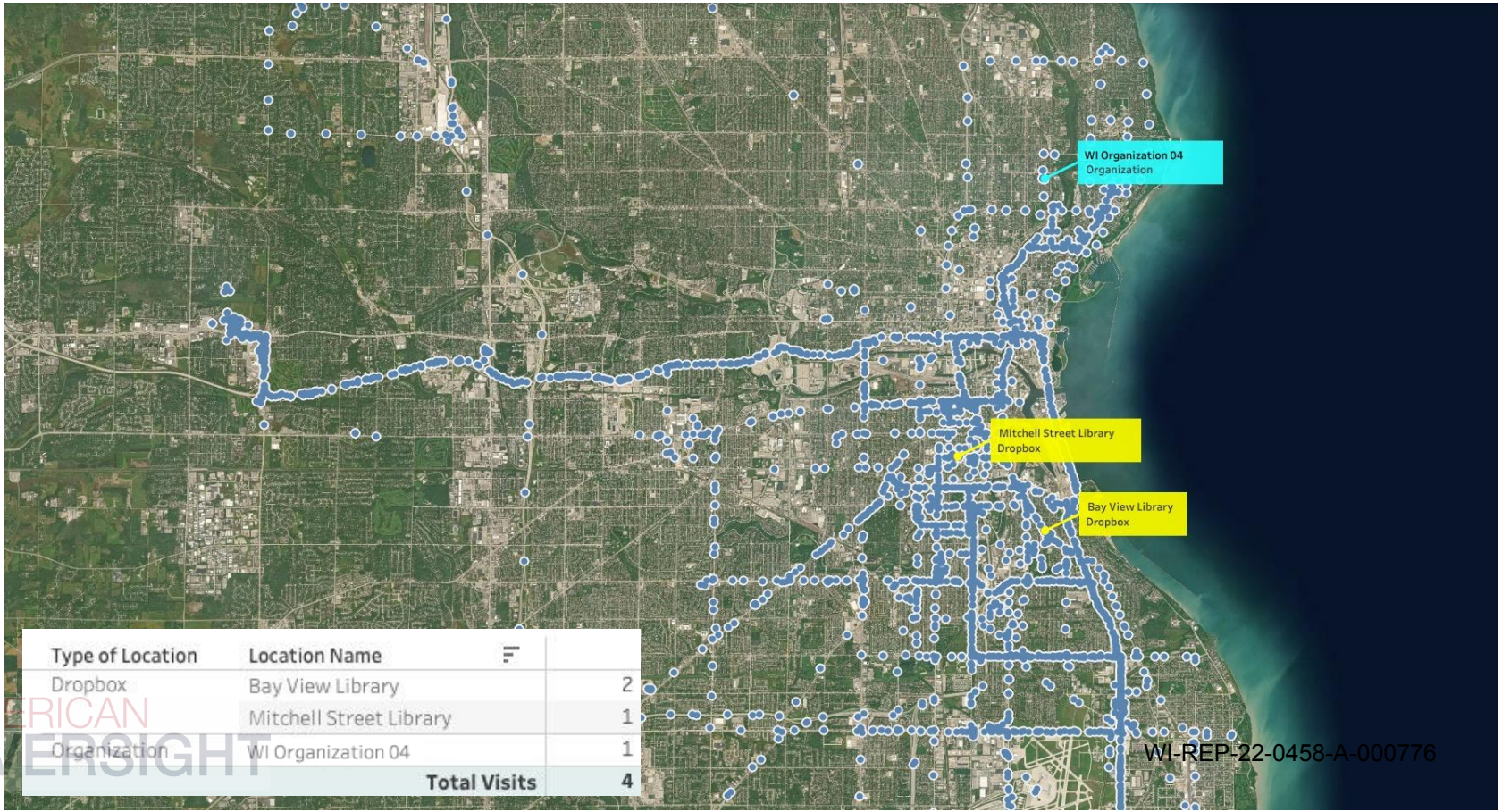
True the Vote – Milwaukee Project: Device #4 - October 20, 2020



Type of Location	Location Name	
Dropbox	Atkinson Library	1
	Bay View Library	1
	Washington Park Library,	1
Organization	WI Organization 02	2
	Total Visits	**5**

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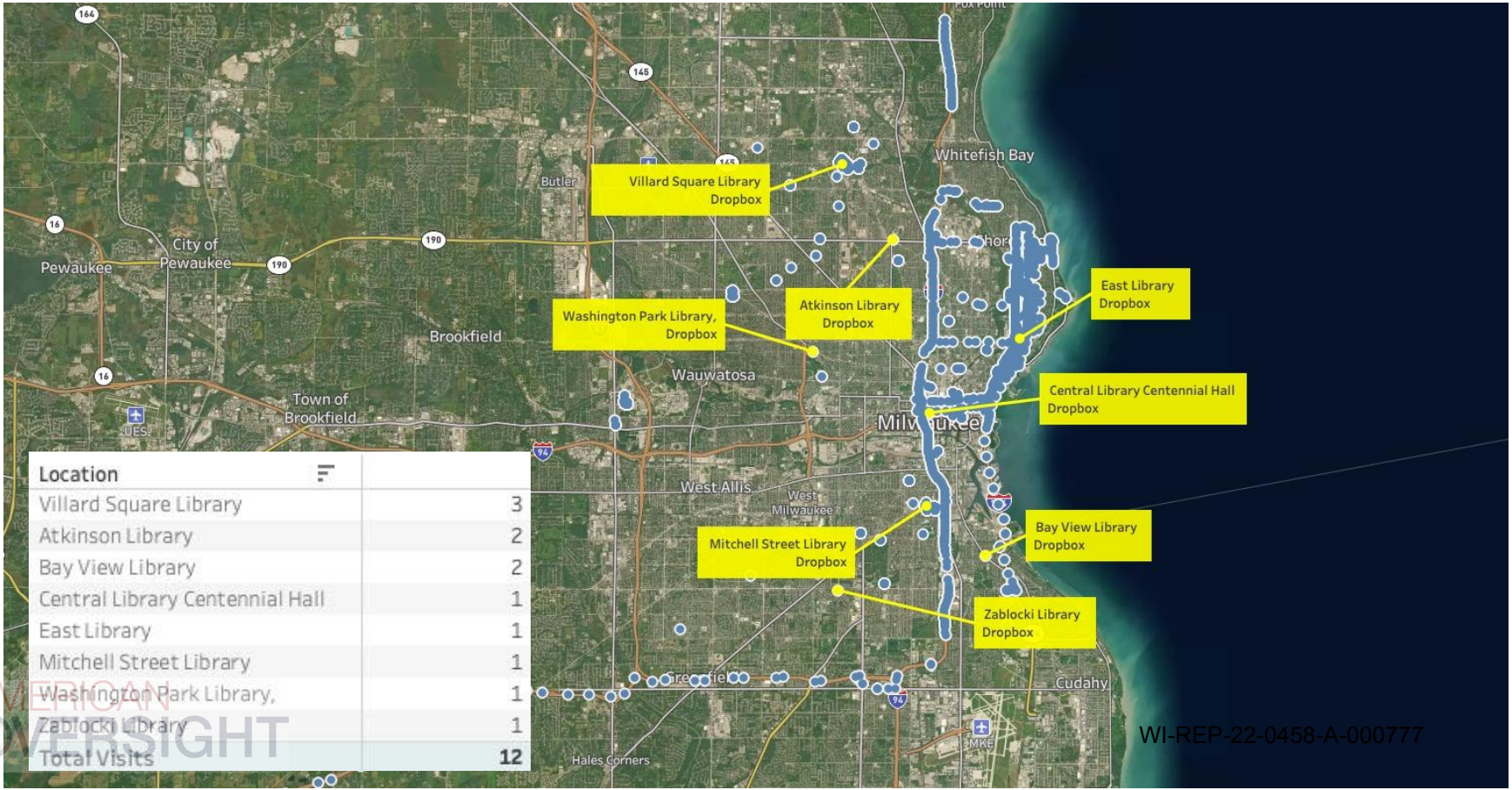
True the Vote – Milwaukee Project: Device #5 - October 20, 2020



Type of Location	Location Name	
Dropbox	Bay View Library	2
	Mitchell Street Library	1
Organization	WI Organization 04	1
	Total Visits	**4**

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True the Vote – Milwaukee Project: Device #6 - October 20, 2020

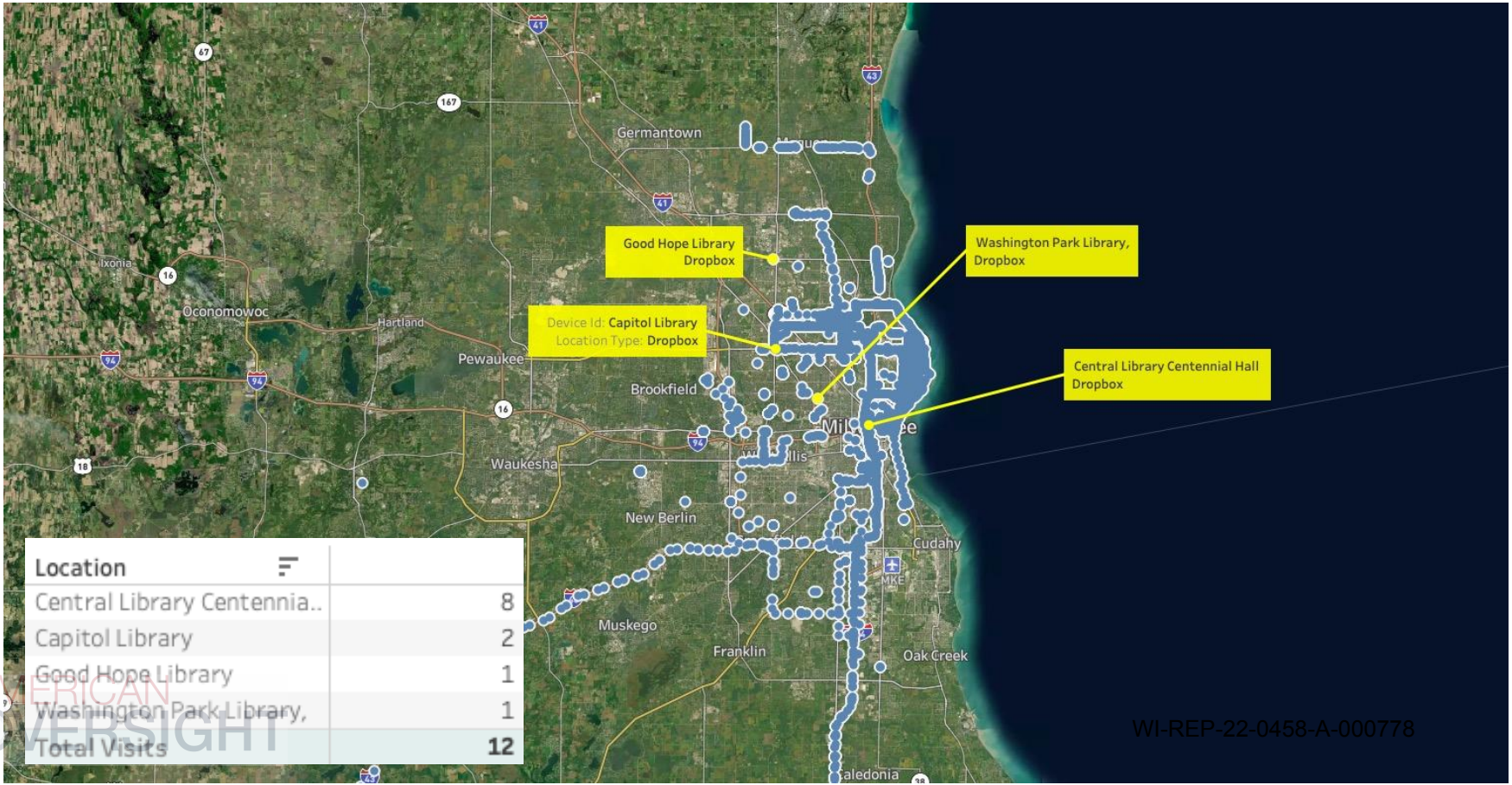


Location	
Villard Square Library	3
Atkinson Library	2
Bay View Library	2
Central Library Centennial Hall	1
East Library	1
Mitchell Street Library	1
Washington Park Library,	1
Zablocki Library	1
Total Visits	12

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WI-REP-22-0458-A-000777

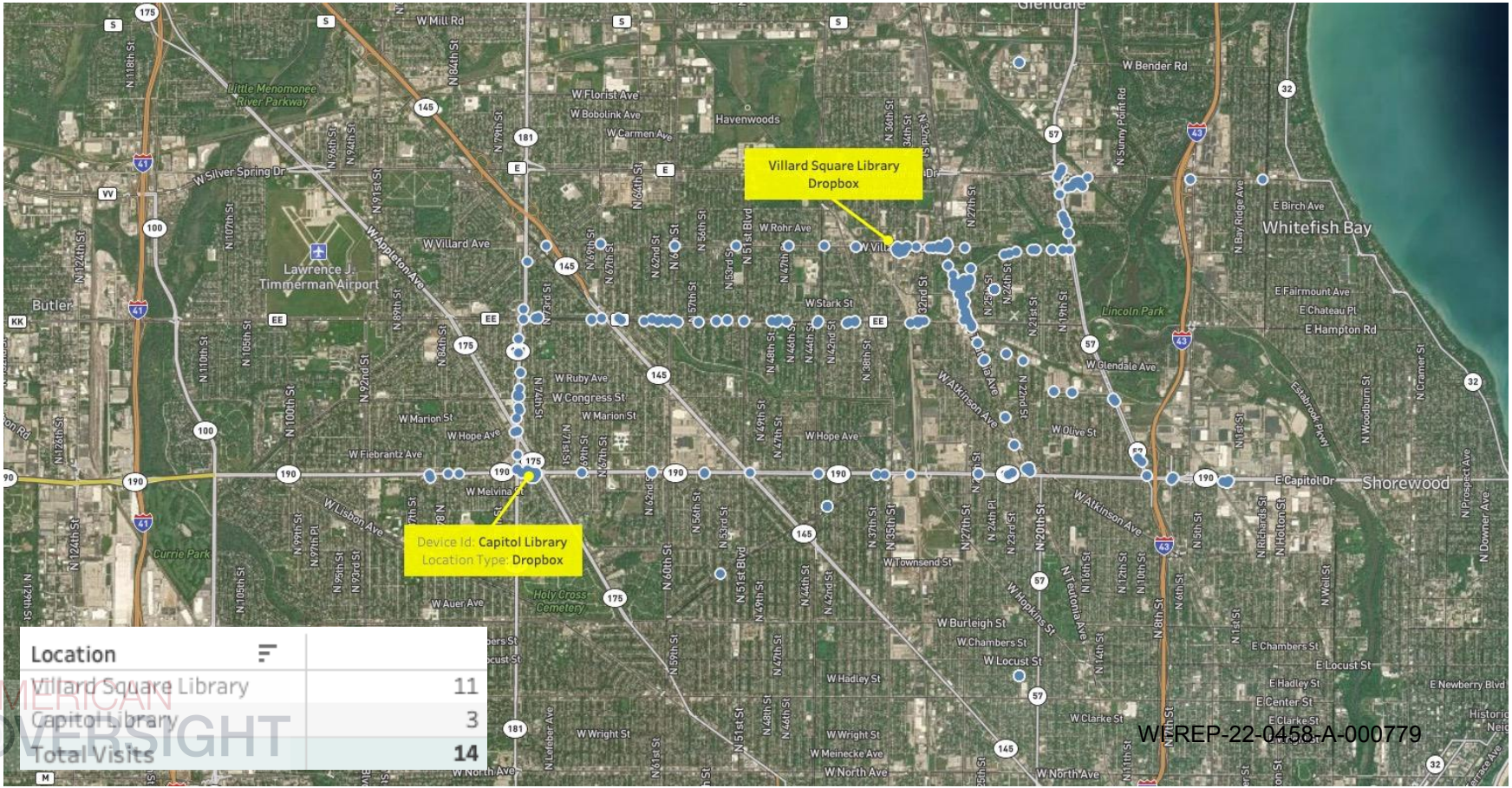
True the Vote – Milwaukee Project: Device #7 - October 20, 2020



Location	
Central Library Centennia..	8
Capitol Library	2
Good Hope Library	1
Washington Park Library,	1
Total Visits	12

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True the Vote – Milwaukee Project: Device #8 - October 20, 2020



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From: Erick Kaardal <kaardal@mklaw.com>
Sent: Friday, April 29, 2022, 2:26 PM
To: janel Brandtjen <Rep.Brandtjen@legis.wisconsin.gov>
Subject: WEC Closure Letters Regarding Illegal Drop Box/Election Bribery Complaints
Attachments: EL 22-28 Engstrand v. Johnson, et al - Closure Letter.eml; EL 22-20 Gilligan v. Rhodes-Conway, et al - Closure Letter.eml; EL 22-16 Romano v. Antaramian, et al - Closure Letter.eml; EL 22-10 Sipes, et al. v. Genrich, et al - Closure Letter.eml; EL 22-09 Weidner, et al. v. Mason, et al - Closure Letter.eml

Dear all:

Today, I received the attached closure letters from the Wisconsin Elections Commission regarding the administrative complaints against Green Bay, Racine, Kenosha, Milwaukee and Madison regarding illegal absentee ballot drop boxes and election bribery violations of law.

As indicated in the closure letter, the Wisconsin Elections Commission will not be considering the administrative complaints—in other words, has closed the matter without consideration—because of a 5-1 approved motion at its April 20, 2022 meeting not to consider further complaints regarding CTCL election grants. WEC's closure letter quoted WEC's approved motion:

> The Wisconsin Elections Commission finds that the complaint of Jay Stone against various individuals, in Stone v. Barrett et al. (EL 21-40), does not present reasonable suspicion that a violation of Wis. Stats. §§ 5.68(1) and (2) or 12.09 occurred, and the matter is hereby dismissed. Additionally, the Commission orders that all future Wis. Stats. §§ 5.05 and 5.06 complaints relating to the acceptance and use of 2020 CTCL election grant funds shall be considered untimely, barred by laches and issue preclusion, or otherwise nonjusticiable under those statutes. This order does not foreclose consideration of similar, future CTCL grant fund complaints under Wis. Stats. §§ 5.05 and 5.06, if CTCL grant funds are newly distributed during future election cycles. All pending complaints solely alleging that acceptance and use of 2020 CTCL grant funds constituted a violation of Wis. Stat. Chapters 5-10 and 12 shall be dismissed, and complaints raising such allegations along with others shall have the CTCL-specific grant fund allegations dismissed without foreclosing the entirety of the complaint.
>
> and
>
> Commission staff are directed to place the decisions in the three Stone complaints on the Complaints page of the Wisconsin Elections

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Commission website and provide a copy of those motions to the parties in the pending CTCL complaints filed with the Commission.

The Wisconsin Elections Commission's decision to dismiss the 5 administrative complaints and all future complaints based on 2020 election violations associated with the CTCL election grants is legally unsupportable.

First, the claims against the city for the illegal drop boxes, which in the first instance do not involve CTCL funding, has never been adjudicated against Green Bay, Racine, Kenosha, Madison or Milwaukee. To be sure, the Waukesha County Circuit Court adjudicated that absentee ballot drop boxes were illegal—and the Wisconsin Supreme Court is considering the issue. But, Green Bay, Racine, Kenosha, Madison and Milwaukee are not in Waukesha County, so that decision is not binding on the five cities. Thus, WEC needed to adjudicate that issue. And, yes, we were relying on the Waukesha County Circuit Court decision as persuasive authority—as any litigant would do.

Second, the claims against the cities for the election bribery, which address CTCL funding for the illegal absentee drop boxes and for other products and services, has never been adjudicated. It is an issue of first impression for WEC and the courts. Thus, WEC needed to adjudicate that issue. Thus, it appears WEC refused to be the first tribunal to interpret Wisconsin Statutes section 12.11 on election bribery as applied to the CTCL facts.

Third, WEC states it will not be considering "future Wis. Stats. §§ 5.05 and 5.06 complaints relating to the acceptance and use of 2020 CTCL election grant funds." WEC says any such complaint "shall be considered untimely, barred by laches and issue preclusion, or otherwise nonjusticiable under those statutes." WEC's refusal to address any future complaints based on 2020 CTCL election grants, on a case-by-case basis, is legally unsupported. Wisconsin law, Wis. Stats. §§ 5.05 and 5.06, requires WEC to consider Wis. Stats. §§ 5.05 and 5.06 complaints. For WEC to declare that it will not consider future complaints is unlawful—not legally authorized.

The only good news about the closure letter is we can now proceed to circuit court to contest the illegal absentee ballot drop boxes and the CTCL-funding of them, which appears to be election bribery under Wis. Stat. § 12.11. We can also challenge WEC's legally unauthorized ban on future administrative complaints based on the 2020 CTCL grant funds. Importantly, the law requires that a complainant seek a remedy first from WEC before pursuing a remedy in circuit court. Now that we have the WEC closure letter,

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we can proceed to circuit court. So, bringing an action in circuit court is the next logical step.

Best regards.

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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