
From: Redell, Carol <Carol.Redell@legis.wisconsin.gov>
Date: Friday, July 1, 2022 at 9:06 AM
To: Sarah Colombo <sarah.colombo@americanoversight.org>
Cc: Rep.Vos <Rep.Vos@legis.wisconsin.gov>, Fawcett, Steve <Steve.Fawcett@legis.wisconsin.gov>, Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>
Subject: RE: ASM63 - 2022.05.11 - Am Oversight - reports - FW: Public Records Law Request (WI-REP-22-0470)

EXTERNAL SENDER

Sarah Colombo
American Oversight
sarah.colombo@americanoversight.org

Dear Ms. Colombo:

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

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



ROBIN J. VOS

SPEAKER OF THE WISCONSIN STATE ASSEMBLY

March 1, 2022

FOR IMMEDIATE RELEASE

Contact: Speaker Robin Vos
(608) 266-3387

Speaker Vos on Election Investigation

Madison... Speaker Robin Vos (R-Rochester) released the following statement after Special Counsel Gableman's election investigation report.

"I'd like to thank the Office of Special Counsel for their tireless efforts in finding the truth. They've done a good job at showing there were issues in 2020, and the report is intended to 'help correct these processes for future elections.' Unfortunately, we're experiencing obstruction by litigation, and must first get through the nine separate lawsuits that have been filed to allow us to complete the review."

###

1-1

CONSULTARE LLC – #####3834

Search Transactions

Activity: Date range; Start date: Feb 28, 2022; End date: Apr 08, 2022; Type: All

Transactions

() Pending ● Posted

Date ▼	Description ◊	Debit ◊	Credit ◊	Balance
● Apr 06, 2022	DROPBOX*15CBL2KWL46M POS DB.TT/CCHELP DE 040401	75.00		2,009.52
● Apr 02, 2022	FEDEX OFFIC46600004663 POS BROOKFIELD WI 033127	27.26		2,084.52
● [REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]
● [REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]
● [REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]
● [REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]
● [REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]
● [REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]
● [REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]
● [REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]
● [REDACTED]	[REDACTED]		[REDACTED]	[REDACTED]
● [REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]
● [REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]
● [REDACTED]	[REDACTED]		[REDACTED]	[REDACTED]
● Mar 28, 2022	NYTIMES*NYTIMES DISC POS 800-698-4637 NY 032507	4.00		2,655.74
● [REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]
● [REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]
● [REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]
● [REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]

1-2

Date ▾	Description ◇	Debit ◇	Credit ◇	Balance
● [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
● [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
● [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
● [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
● Mar 15, 2022	MILWAUKEE JOURNAL POS 888-426-0491 IN 031305	9.99		31,659.74
● Mar 14, 2022	KWIK TRIP 971 POS NEW BERLIN WI US 548930	10.48		31,669.73
● Mar 10, 2022	SPECTRUM POS 855-707-7328 MO 030810	247.78		31,680.21
● Mar 10, 2022	WALMART FAMILY MOBILE POS 877-440-9758 FL 030803	50.71		31,927.99
● [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
● [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
● Mar 07, 2022	DROPBOX*XSW8G7VTMVG3 POS DB.TT/CCHELP DE 030401	75.00		32,054.02
● Mar 04, 2022	MAZATLAN POS DELAFIELD WI 030102	111.77		32,129.02
● [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
● Mar 03, 2022	ULI PARKING POS MADISON WI 030101	10.00		33,106.10
● [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
● [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
● Mar 02, 2022	KWIK TRIP 139 POS SHEBOYGAN WI US 038295	10.30		22,211.77
● [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
● [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
● Feb 28, 2022	OFFICE MA 12140 POS WAUWATOSA WI US 024556	124.88		31,412.86
● Feb 28, 2022	NYTIMES*NYTIMES DISC POS 800-698-4637 NY 022505	4.00		31,537.74
● [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Jay Stone's Hours from 2/16/2020 through 3/1/2022

Date	Hours
2/16	5.5
2/17	7.75
2/18	10
2/19	11
2/20	11
2/21	9.5
2/22	17
2/23	6
2/24	11
2/25	10
2/26	0
2/27	10
2/28	9
3/1	10.5
	128.25

Jay Stone worked an average of 9.1 hours per day.

$$1,282.50 \quad 32.50 \times 128.25$$

$$32.50 \times 128.25 =$$

$$\underline{\underline{\$3,250.00}}$$

2-1



Past Payments

Account Ending in ...5940

DATE	DESCRIPTION	CATEGORY	CARD	AMOUNT
Mar 30	Subway	Dining	Clinton L. ...5940	\$17.75
Mar 29	Hudson News	Merchandise	Clinton L. ...5940	\$5.39
Mar 29	Cousin's BBQ	Dining	Clinton L. ...5940	\$19.22
Mar 29	Uber Technologies	Other Travel	Clinton L. ...5940	\$14.49
Mar 28	Uber Technologies	Other Travel	Clinton L. ...5940	\$34.73
Mar 28	Uber Technologies	Other Travel	Clinton L. ...5940	\$23.29
Mar 28	Hilton Garden Inn	Lodging	Clinton L. ...5940	\$540.47

22

Mar 28	American Airlines	Airfare	Clinton L. ...5940	\$392.00
Mar 28	Delta Air Lines	Airfare	Clinton L. ...5940	\$557.60
Mar 28	Uber Technologies	Other Travel	Clinton L. ...5940	\$58.05
Mar 28	American Airlines	Airfare	Clinton L. ...5940	\$210.00
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Mar 28	Mke Nonna 6151122	Dining	Clinton L. ...5940	\$20.05
Mar 28	Delta Air Lines	Airfare	Clinton L. ...5940	\$70.00
Mar 26	Arepa's Place	Dining	Clinton L. ...5940	\$18.40
Mar 26	Uber Technologies	Other Travel	Clinton L. ...5940	\$34.45
Mar 25	Uber Technologies	Other Travel	Clinton L. ...5940	\$8.96

2-3

Mar 24	SOUTHWEST NEWS A34	Grocery	Clinton L. ...5940	\$6.80
Mar 24	Chick-fil-A	Dining	Clinton L. ...5940	\$6.35
Mar 23	Uber Technologies	Other Travel	Clinton L. ...5940	\$13.96
Mar 23	Uber Technologies	Other Travel	Clinton L. ...5940	\$13.96
Mar 23	McDonald's	Dining	Clinton L. ...5940	\$5.72
Mar 23	Milwaukee Journal	Other Services	Clinton L. ...5940	\$22.00

2-4

Mar 17	American Airlines	Airfare	Clinton L. ...5940	\$1,077.20
--------	-------------------	---------	-----------------------	------------

2-5

Mar 05	CLINTON NTL AIRPORT	Gas/Automotive	Clinton L. ...5940	\$84.72
Mar 05	GREAT AM BAG T3 RB ORD	Dining	Clinton L. ...5940	\$12.61
Mar 05	GROVE ORD ROCKY MOUNT	Dining	Clinton L. ...5940	\$6.44
Mar 04	Uber Technologies	Other Travel	Clinton L. ...5940	\$47.40
Mar 03	Wasabi Sushi Lounge	Dining	Clinton L. ...5940	\$23.07
Mar 03	American Airlines	Airfare	Clinton L. ...5940	\$216.59
Mar 03	Kwik Trip	Gas/Automotive	Clinton L. ...5940	\$19.02
Mar 02	Wasabi Sushi Lounge	Dining	Clinton L. ...5940	\$47.59

2-6

Mar 01	AREPASPLACEMKE.COM	Dining	Clinton L. ...5940	\$18.28
--------	--------------------	--------	-----------------------	---------

Flight receipt

EXTERNAL : Fw: Your trip confirmation-BDBOYR 28MAR

Clint Lancaster <Clint@thelancasterlawfirm.com>

Thu 4/7/2022 12:09 PM

To: Coms <Coms@wispecialcounsel.org>

--
Clinton W. Lancaster,
Partner, Attorney at Law

LANCASTER LAW FIRM, PLLC
clint@TheLancasterLawFirm.com
Tel: (501) 776-2224
Fax: (501) 778-6186
www.TheLancasterLawFirm.com

***IMPORTANT: This communication contains information which may be confidential and privileged attorney-client communications. If it appears that this communication was addressed or sent to you in error, you may not use or copy this communication or any information contained therein, and you may not disclose this communication or the information contained therein to anyone else. If you have received this electronic mail transmission in error, please delete it from your system without copying it, and notify me immediately by reply email or by calling (501) 776-2224.

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

On Friday, March 25th, 2022 at 9:04 AM, American Airlines <no-reply@notify.email.aa.com> wrote:

Hello Clinton Lancaster!

Issued: Mar 25, 2022

Your trip confirmation and receipt

Record locator: **BDBOYR**

A face covering is required while flying on American, except for children under 2 years old. You are also required to wear a face covering while in the airport before and after your flight. Read more about travel requirements.

You'll need your record locator to find your trip at the kiosk and when you call Reservations.

Manage Your Trip

Flight receipt

Monday, March 28, 2022

MKE
8:24 AM
Milwaukee

ORD
9:26 AM
Chicago O'hare

Seats: 5D
Class: Coach (H)
Meals:

American Airlines 3180
OPERATED BY SKYWEST AIRLINES AS AMERICAN
EAGLE.

ORD
10:15 AM
Chicago O'hare

LIT
12:10 PM
Little Rock

Seats: 12C
Class: Coach (H)
Meals:

American Airlines 4011
OPERATED BY ENVOY AIR AS AMERICAN EAGLE.

MKE
12:25 PM
Milwaukee

ORD
1:20 PM
Chicago O'hare

Seats: 12A
Class: Coach (M)
Meals:

American Airlines 3778
OPERATED BY ENVOY AIR AS AMERICAN EAGLE.

ORD
3:00 PM
Chicago O'hare

LIT
4:56 PM
Little Rock

Seats: 10E
Class: Coach (M)
Meals:

American Airlines 3817
OPERATED BY ENVOY AIR AS AMERICAN EAGLE.

Free entertainment with the American app »

Clinton Lancaster

Earn miles with this trip.

Join AAdvantage® »

Ticket # 0012415838945

Your trip receipt



Flight receipt

Exchange, Visa XXXXXXXXXXXXX5940

Clinton Lancaster

FARE-USD	\$ 1153.49
TAXES AND CARRIER-IMPOSED FEES	\$ 133.71
TICKET TOTAL	\$ 1287.20
ADDITIONAL FARE COLLECTION	\$ 210.00
TICKET CHANGE	\$ 0.00

 **Book a hotel**
Hotel offers

 **Book a car**
Car rental offers

 **Buy trip insurance**
Buy trip insurance

 **Thin gsToD**
Things to do

[Contact us](#) | [Privacy policy](#)

Get the American Airlines app

Additional Services are subject to credit card approval at time of ticketing. Additional Services may appear on multiple accompanied documents as a matter of reference.

Baggage Information

Baggage charges for your itinerary will be governed by American Airlines BAG ALLOWANCE - LITMKE-NIL/American AirlinesBAG ALLOWANCE -MKELIT-NIL/American Airlines1STCHECKED BAG FEE-LITMKE-USD0.00/American Airlines/UP TO 50 LB/23 KGAND UP TO 62 LINEAR IN/158 LINEAR CM1STCHECKED BAG FEE-MKELIT-USD0.00/American Airlines/UP TO 50 LB/23 KGAND UP TO 62 LINEAR IN/158 LINEAR CM2NDCHECKED BAG FEE-LITMKE-USD0.00/American Airlines/UP TO 50 LB/23 KGAND UP TO 62 LINEAR IN/158 LINEAR CM2NDCHECKED BAG FEE-MKELIT-USD0.00/American Airlines/UP TO 50 LB/23 KGAND UP TO 62 LINEAR IN/158 LINEAR CMPREPAID BAGGAGE CHARGES1STCHECKED BAG FEE-LITMKE-USD0.00/American Airlines/UP TO 50 LB/23 KGAND UP TO 62 LINEAR IN/158 LINEAR CM1STCHECKED BAG FEE-MKELIT-USD0.00/American Airlines/UP TO 50 LB/23 KGAND UP TO 62 LINEAR IN/158 LINEAR CM2NDCHECKED BAG FEE-LITMKE-USD0.00/American Airlines/UP TO 50 LB/23 KGAND UP TO 62 LINEAR IN/158 LINEAR CM2NDCHECKED BAG FEE-MKELIT-USD0.00/American Airlines/UP TO 50 LB/23 KGAND UP TO 62 LINEAR IN/158 LINEAR CM

CARRY ON ALLOWANCELITDFW DFWMKE MKEORD ORDLIT-02P/American Airlines01/UP TO 40 LINEAR IN/101 LINEAR CM01/UP TO 45 LINEAR IN/115 LINEAR CMADDITIONAL ALLOWANCES AND/OR DISCOUNTS MAY APPLY

You have purchased a NON-REFUNDABLE fare. The itinerary must be canceled before the ticketed departure time of the first unused coupon or the ticket has no value. If the fare allows changes, a fee may be assessed for changes and restrictions may apply.



From: Coms <Coms@wispecialcounsel.org>
Sent: Monday, April 25, 2022, 4:09 PM
To: "robin.vos@legis.wisconsin.gov" <robin.vos@legis.wisconsin.gov>
Cc: "Fawcett, Steve" <Steve.Fawcett@legis.wisconsin.gov>
Subject: Continuing OSC
Attachments: Robin Voss Office Termination Documents.pdf

Good Afternoon,

I have attached three documents in regard to the necessity of keeping the Office of the Special Counsel open.

Very Respectfully,

Mike Gableman
Special Counsel

From: Coms <Coms@wispecialcounsel.org>
Sent: Thursday, April 7, 2022, 4:00 PM
To: "Blazel, Ted - LEGIS" <Ted.Blazel@legis.wisconsin.gov>; "Hale, Janine" <Janine.Hale@legis.wisconsin.gov>; "Fawcett, Steve" <Steve.Fawcett@legis.wisconsin.gov>
Subject: Final Reimbursement and Salary Email
Attachments: March and April OFC Final Reimbursement Sheet - Sheet1.pdf; 20220407154926504.pdf

Good Afternoon,

I am attaching the Office of the Special Counsel's final reimbursement and salary request for our office. Please note that one line under office expenses is future reimbursement for this month's services that will be charged early next month. Ted and I wanted to avoid having to make these reimbursements and salaries after our office is closed.

Please note that we are prepared for the printer pick up on April 26th and I am waiting to coordinate a furniture pick up for the remaining supplies. The bigger ticket items to be picked up late in April are:

- 5 desks
- 4 computers
- 2 work phones
- 3 filing cabinets
- 1 lamp
- 1 shredder
- 3 printers
- 1 scanner
- 11 office chairs
- miscellaneous small items like mouse's and computer stylists, office phone

Please note that furniture will not be prepared, printer cannot be picked up, and we will not turn over the office lease to The Thomas Moore Society without payment of the contents of this email prior to pickup.

Please note all open records have been organized and will start being released tomorrow along with a response to American Oversight. These bankers boxes of paper documents will need to be delivered to Madison as well.

Remaining Salary to be Paid:

March Salaries

Kevin Scott \$10,000

Andrew Kloster \$10,000

Clint Lancaster \$10,000

Zakory Niemierowicz \$4,500

April 15th Payment for April Work

Zakory Niemierowicz \$4,500

Mike Gableman \$11,000

Could I please get a response from Speaker Voss's Office and from the Clerks Office so I know we are all on the same page. Please feel free to ask me any questions you have.

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: "Joyce, Angela" <Angela.Joyce@legis.wisconsin.gov>
Sent: Tuesday, March 1, 2022, 4:24 PM
To: *Legislative Assembly Republicans - Legislators <Legislative-Assembly-Republicans-Legislators@legis.wisconsin.gov>
Cc: *Legislative Assembly Republicans - Staff Members <Legislative-Assembly-Republicans-Staff-Members@legis.wisconsin.gov>
Subject: Gableman report docs
Attachments: Interim Report 2 Executive Summary (002).docx; 2022-3-1 Gableman Report.docx

Attached is the speaker's statement and an executive summary of the report.

Thank you,
Angela

Angela Joyce
Communications Director
Office of Speaker Robin Vos
Wisconsin State Assembly
211 West, State Capitol
608-266-7191
608-237-9206 (direct line)

Introduction: The purpose of this report is not to challenge the certification of the presidential election but rather produce recommendations to correct certain processes for future elections. These recommendations focus largely on enabling oversight and transparency of election systems and maintaining political accountability. Special Counsel notes that the investigation is not yet complete due to pending legal roadblocks.

The Special Counsel report discusses the following findings:

Chapter 1 - The \$8.8M Provided to Wisconsin by the Center for Tech and Civic Life (CTCL) should be considered as bribery under the law: WI Stat 12.11 prohibits a city from receiving money to facilitate electors going to the polls or voting by absentee ballot. Grants provided by CTCL to Madison, Milwaukee, Racine, Kenosha, and Green Bay (Zuckerberg 5) were meant to facilitate voter turnout in targeted neighborhoods – particularly to historically disenfranchised residents. The report details the ways the Zuckerberg 5 utilized grant funds to accomplish these goals. References are made to the WILL election review which found that these funds led to a statistically significant increase in turnout for cities that received CTCL grants.

Chapter 2 – The motive for private funding was impermissible and a partisan get-out-the-vote effort.

Chapter 3 – Government oversight has been obstructed by governmental and outside corporate collusion: Counsel reports WEC, the State Attorney General, the Governor, and private organizations have actively resisted and obstructed the investigation. The report details the methods of obstruction.

Chapter 4 – The Zuckerberg 5 engaged in questionable actions as a result of private funds: Counsel reports on ways private companies engaged in unlawful election administration practices. Various concerns are raised including a report that WEC sent out more FIDO (Fast ID Online) keys to local governments than were requested and records were not accurately maintained. These keys allow the user to access the Statewide Voter Registration system (WisVote). CTCL did not follow WEC’s rules to obtain WisVote data. Further, Counsel reports that CTCL “approved organizations” including the National Vote at Home Institute, were engaged in election administration duties. This delegation of duties led to Green Bay’s former clerk Kris Teske testifying that election administration decisions were made “outside of the Clerk’s office.”

Chapter 5 – Corporate legal defense for clerks might violate the Wisconsin Ethics Code: Providing free legal defense services for election officials may violate WI State. 19.59 (1)(b). Counsel reports that the Center for Election Innovation and Research (CEIR), funded by Zuckerberg, provided these services to clerks.

Chapter 6 - Use of Absentee Ballot Drop Boxes violated the law: The procurement of drop boxes was facilitated by private funds provided to Wisconsin by the Center for Tech and Civic Life (CTCL). The Circuit Court ruled in *Teigen v. WEC* that the use of these boxes is not permitted under Wisconsin Law.

Chapter 7 - Special Voting Deputies were unlawfully restricted from entering care facilities resulting in suspicious rates of voting: Counsel reports on facilities that saw voting rates of 100% of registered voters. Due to guardianship orders or incapacity, this turnout rate is unlikely. Counsel details several care facility residents who voted despite being deemed incompetent or incapable of voting.

Chapter 8 – WEC encouraged evasion of ballot security measures related to “Indefinitely Confined” Voters: The Indefinitely Confined statutes were misconstrued by Dane and Milwaukee County Clerks who issued statements that they would send ballots to voters who were indefinitely confined due to a fear of contracting COVID-19.

Chapter 9 - Incapacitated persons were allowed to vote unimpeded: WI Stat 6.03 disqualifies citizens from voting who are incapable of understanding the voting process. Wisconsin election officials did not list ineligibility information on WisVote, nor did they distribute a list of ineligible voters to clerks to prevent Election Day registration.

Chapter 10 - Non-citizens voted unimpeded by Election Officials: WI Stat 6.02 requires citizenship to be qualified as an elector. Election Officials did not list ineligibility information about non-citizens, nor did they distribute a list of ineligible voters to municipal clerks to prevent Election Day registration.

Chapter 11 - Zuckerberg 5 Election Officials violated the equal protection clause by not treating voters equally: Private funds were used to increase voting access for targeted demographic groups to affect election outcomes. In *Obama for America v Husted*, the court ruled that it would be “worrisome... if states were permitted to pick and choose among groups of similarly situated voters to dole out special voting privileges.”

Chapter 12 of Special Counsel’s report details a number of recommendations for legislative consideration. These include:

- **Eliminate the Wisconsin Elections Commission** – the Secretary of State could handle elections or a collective body of county clerks.
- **Eliminate or Reduce Fees for Voter Registration Data**
- **Maintain a Single Statewide Voter Registration Database, and Make it Publicly Available and Secure**
- **Create an Office to Engage in Audit and Oversight of Elections**
- **Prohibit Certain Contractual Terms in Government Contracts** – example: prohibit terms which block WI government entities from obtaining or releasing data that they paid for.
- **Minimize Pre-Voting** – widespread absentee and absentee in-person voting makes oversight nearly impossible. Instead, in-person voting should be prioritized.
- **Encourage In-House Tech Support** – consider a single statewide machine system or single-client vendor.
- **Exit the Electronic Registration Information Center (ERIC)**

Legislative Recommendations to Serve Political Accountability:

- **Provide a Method for Private Challenge to WI Voter Rolls**
- **Locate Certification of Presidential Electors in a Politically Accountable Body** – such as the association of elected county clerks.
- **Provide a Method for Pre and Post-Certification Challenge to Presidential Elections**

- **Prohibit Outside Funding and Staff in Elections Administration**

Recommendations for the Wisconsin Elections Commission:

- **Comply with Legislative Audit Bureau Recommendations**
- **Enter Into Data-Sharing Agreement with the Wisconsin Department of Transportation, Health Services, and Corrections.**
- **Provide Additional Training to Clerks**

Recommendations for Clerks:

- **Familiarize Yourself with Your Wisconsin Code Authority** – many clerks believe WEC guidance is binding, even if they believe the guidance is unlawful.
- **Make Independent Assessments** – if they believe WEC guidance is contrary to law, clerks should make an independent assessment as they are the elected official responsible for elections administration.
- **Carefully Review Outside Contracts**
- **Explicitly Prohibit Staff from Engaging in Get Out the Vote Operations**
- **Consider Robust Voter Roll Review in Your Jurisdiction**
- **Maintain an Exhaustive and Clear List of Election Day Personnel**
- **Catalog All Absentee Ballots Sent Out and Returned**
- **Do Not Engage in Ballot Curing**

Expense	Documentation	Amount	Category total	Page total	Notes
Hotel Expenses					
Hilton Garden Inn	2-1	\$540.47			
Flight Expenses					
American Airlines	2-2	\$392.00			
Delta Airlines	2-2	\$557.60			
American Airlines	2-2	\$210.00			
Delta Airlines	2-2	\$70.00			
American Airlines	2-4	\$1,077.20			
Clinton NTL Airport	2-5	\$84.72			
American Airlines	2-5	\$216.59			
Office Expenses					
Dropbox	1-1	\$75.00			
Fedex Office	1-1	\$27.26			
NY Times	1-1	\$4.00			
Milwaukee Journal	1-2	\$9.99			
Spectrum Internet	1-2	\$247.78			
Walmart Family Mobile	1-2	\$50.71			
Dropbox	1-2	\$75.00			
Office Max	1-2	\$124.88			
Hudson News	2-1	\$5.39			
Southwest News A34	2-3	\$6.80			
Milwaukee Journal	2-3	\$22.00			
Outstanding Bills for April	NA	\$249.60			\$123.89 Internet and Phone, \$75.00 dropbox, Walmart Family Mobile \$50.71
Transportation Expenses					
Madison Marking	1-2	\$10.00			
Uber	2-1	\$14.49			

Uber		2-1	\$34.73		
Uber		2-1	\$23.29		
Uber		2-2	\$58.05		
Uber		2-2	\$34.45		
Uber		2-2	\$8.96		
Uber		2-3	\$13.96		
Uber		2-3	\$13.96		
Uber		2-5	\$47.40		
Office Meals Expenses					
Kwik Trip		1-2	\$10.48		
Mazatlan		1-2	\$111.77		5 people following testimony in Madison
Kwik Trip		1-2	\$10.30		
Subway		2-1	\$17.75		
Cousins BBQ		2-1	\$19.22		
MKE Nonna		2-2	\$20.05		
Arepa's Place		2-2	\$18.40		
Chick-fil-A		2-3	\$6.35		
Mcdonalds		2-3	\$5.72		
Great AM Bagel		2-5	\$12.61		
Grove ORD Rocky		2-5	\$6.44		
Wasabi Sushi Lounge		2-5	\$23.07		
Kwik Trip		2-5	\$19.02		
Wasabi Sushi Lounge		2-5	\$47.59		2 people
Arepas Place		2-6	\$18.28		
Personel Invoice					
Jay Stone	Jay Stone Invoice		\$3,250.00		Jay Stone worked for the office from 2-16 to 3-01
Milage Expense					
Milage	NA		\$148.48		2 round trips brookfield to Madison on March 1st and March 4th (256 miles) *.58
Office Rent Expense					
April Office Rent	Office Contract		\$1,936.00		

			\$9,987.81		

MEMORANDUM

**PRIVILEGED AND CONFIDENTIAL
ATTORNEY CLIENT PRIVILEGE
ATTORNEY WORK PRODUCT**

From: Michael J. Gableman
To: Speaker Robin J. Vos

**RE: Consequences of the Termination of the Office of Special Counsel
upon Legislative Subpoenas and Attendant Litigation**

Dear Speaker Vos,

You have expressed a desire to terminate Office of Special Counsel (“OSC”). At the same time, you have also expressed an interest in retaining me to serve as counsel to the Assembly in pending matters related to the work of OSC. As such, this Memorandum is being provided to you in my capacity as a prospective legal representative of the Assembly and is therefore a confidential attorney-client communication.

This Memorandum addresses concerns regarding the effect termination of OSC will have upon the validity of legislative subpoenas that were generated by OSC and signed by you (the “Subpoenas”), as well as the likely effect that termination of OSC will have upon litigation relating to the Subpoenas. I have also attached a memorandum I received today from Attorney Bopp which sets forth the basis for his conclusion that closure of OSC will result in the Subpoenas’ unenforceability.

There are currently two pending matters in Wisconsin Circuit Courts related to the Subpoenas—

- Waukesha County case no. 2021 CV 1710, captioned *Michael J. Gableman, in His Official Capacity as Special Counsel v. Eric Genrich et al.* (the “Waukesha Matter”); and
- Dane County case no. 2021 CV 2552, captioned *Wisconsin Elections Commission et al. v. Wisconsin State Assembly et al.* (the “Dane Matter”)(collectively, the “Litigation”).

A. The Waukesha Matter

I advised you in a telephone conference call with other Assembly members Thursday, April 14, 2022, that I recommended against closing the Office of Special Counsel. I expressed concern that such closure would likely result in a court’s determination that the

Robin J. Vos
April 18, 2022

Subpoenas would be rendered moot and, as such, unenforceable. There are three reasons for my conclusion.

First, if OSC no longer exists it axiomatically will no longer possess any legal rights, including the right to enforce the Subpoenas. As a result, some entity will be required to take its place in the Waukesha Matter as the party seeking enforcement. While that entity would most naturally be the Assembly, such substitution is only going to be allowed as to the OSC's "successor." See Wis. Stat. § 803.10(4)(a). As such, there needs to be an express agreement between the Assembly and OSC that the Assembly is the OSC's "successor" in relation to any legal rights possessed by the OSC.

Second, the defendants failed to comply with the subpoenas by refusing to appear at OSC's office in the City of Brookfield in Waukesha County. The fact that the location of defendants' failure to attend is in Waukesha County is what allowed OSC to file the enforcement action in Waukesha County. See Wis. Stat. § 885.12 ("If any person, without reasonable excuse, fails to attend as a witness...any judge of a court of record...**in the county where the person was obliged to attend** may...issue an attachment for the person, and unless the person shall purge the contempt and go and testify or do such other act as required by law...")(emphasis added).

Accordingly, even if the judge presiding in the Waukesha Matter permits substitution of the Assembly for OSC as petitioner in the Litigation, the basis for venue in that action ceases as the defendants can no longer purge the contempt by appearing where the subpoenas command. This is so because the OSC would no longer be extant and so compliance with the directives of the subpoenas (appear at the OSC office in Brookfield) cannot be accomplished.

The upshot is that termination of the OSC means termination of the Waukesha Matter. Judge Ramirez has already expressed his concerns that Wis. Stat. § 885.12 is not the proper procedural vehicle for enforcing the Subpoenas and has indicated that he believes that such enforcement should be pursued pursuant to the tenets of Chapter 13 of the Wisconsin Statutes.¹ Termination of the OSC, and the attendant issues created thereby, is an open invitation to Judge Ramirez to follow his stated inclination and dismiss OSC's Petitions. Appeal would require the attempted enforcement of novel legal rights based on novel legal theories. The prospect of victory on appeal would be remote.

Third, termination of the OSC would require that all the subpoenas be re-issued, directing the defendants to appear before a Committee of the Assembly at the State Capitol. While it has been suggested that the Subpoenas can be "amended," there is no statutory mechanism for amending a subpoena and doing so would add yet another layer to the procedural defenses already laid out by the defendants. Engaging in novel procedural tactics in this situation is ill-advised at best. In addition, the OSC's authorizing documents,

¹ In a Memorandum addressed to you dated August 5, 2021, the Legislative Reference Bureau recommended utilizing Wis. Stat. § 885.12 to enforce the Assembly's subpoena power in Wisconsin Courts.

Robin J. Vos
April 18, 2022

including Assembly Committee on Campaigns and Elections Motion 1, expressly grant the OSC the power to issue subpoenas. Re-issuing the Subpoenas would provide yet another procedural objection the defendants may raise—that the Assembly delegated the authority to issue the Subpoenas to the OSC and consequently does not possess the power to re-issue them once the OSC ceases to exist.

B. The Dane Matter

Termination of the OSC also likely means termination of the Dane Matter as well, but for different reasons. As a co-defendant, substitution of the Assembly in place of the OSC would be relatively simple. However, termination of the OSC would place the Assembly in an untenable defensive posture.

One of the primary arguments advanced by the Plaintiffs in the Dane Matter is that the Subpoenas are not authorized by law because, rather than requiring appearance before the Assembly or a Committee thereof in an open forum, the Subpoenas demand appearance in a non-public setting. See Amended Complaint, Count 1, Document # 86 (Dane Matter), ¶¶ 44-51. Even if the Assembly could convince Judge Lanford that the Assembly may require such appearances via subpoena, it is almost certain she will not take the opportunity to rule as such because if the OSC no longer exists, the question of whether the Assembly is statutorily authorized to require an appearance in the OSC's offices will be rendered moot. See *Marathon Cnty. v. D.K. (In re Condition D.K.)*, 2020 WI 8, ¶ 19, 390 Wis.2d 50, 937 N.W.2d 901 ("An issue is moot when its resolution will have no practical effect on the underlying controversy.") Furthermore, if the appearances required by the Subpoenas can no longer be accomplished, all the other issues raised by the Plaintiffs (the subpoenas do not serve a valid legislative purpose, are unconstitutionally overbroad and/or compliance is unduly burdensome) are rendered moot as well.

C. Conclusion

I am honored that you would consider hiring me as counsel to the Assembly in the Litigation. However, if OSC is terminated I cannot accept that role.

Based on the above, it is clear to me that if the OSC is terminated, there is no viable path to success in the Litigation. All attorneys are ethically bound to pursue only those matters that have a reasonable basis in fact and law. It is my analysis that without the existence of the OSC, there is no reasonable basis to continue pursuing the Litigation. As such, I could not agree to represent the Assembly in those matters.

Again, thank you for the honor of your consideration.

Special Counsel Gableman, you have asked my opinion on whether the closure of the Office of Special Counsel will have an adverse effect on the enforceability of the subpoenas, currently subject to the Waukesha Matter and the Dane Matter ("the Litigation"), and on the ability of the Assembly to litigate the legality of the subpoenas in those cases.

My opinion is that closing the Office of Special Counsel will render the subpoenas unenforceable and the Litigation moot.

First, the subpoenas require the person to appear "before the Special Counsel or his designee." If the Office of Special Counsel is terminated, there is no person "to appear in person before." The subpoenaed person cannot appear before the Special Counsel, since the Special Counsel does not exist, and he cannot appear before "his designee," since there is no Special Counsel to designate someone. This renders the subpoenas unenforceable.

Second, the unenforceability of the subpoenas abort the Litigation. The Waukesha Matter is an effort to enforce the subpoenas, but since there would be no one for the court to order the person "to appear in person before," then there is no relief that the court could order to enforce the subpoenas and the case would be dismissed.

The Dane Matter is a challenge to the subpoenas' enforceability against WEC and other Plaintiffs. However, if the subpoenas are rendered unenforceable because the Office of Special Counsel does not exist, the case would be moot, since the subpoenas are already unenforceable, and the case would be properly dismissed.

Finally, I don't believe that there is anyway to fix the problem of the unenforceability of the subpoenas. To have an enforceable subpoena after the Special Counsel's office is terminated, the subpoenas would have to be reissued with this change, or something like it: the subpoenaed person would be required "to appear in person before the Speaker of the Wisconsin State Assembly, or his designee" and then an appropriate address.

There maybe other reasons that the termination of the Office of Special Counsel would have an adverse effect on the subpoenas and/or litigation, but I express no opinion on these.

James Bopp, Jr.

Attorney

The Bopp Law Firm, PC | www.bopplaw.com

The National Building | 1 South 6th Street | Terre Haute, IN 47807

voice: (812) 232-2434 ext. 22 | fax: (812) 235-3685 | cell: (812) 243-0825 |

jboppjr@aol.com

Michael Gableman
Special Counsel
WI State Assembly
Committee on Campaigns and Elections
coms@wispecialcounsel.org



P.O. Box 510766
New Berlin, WI 53151
www.WIFraud.com
To report fraud:
262-202-8722

April 25, 2022

The Hon. Robin J. Vos
Speaker, Wisconsin Assembly
State Capitol-Room 217 West
Madison, WI 53708

Dear Speaker Vos,

This letter memorializes my concern that formally disbanding the Office of the Special Counsel (OSC) would (1) legally moot out and render null the pending sunshine lawsuits that are necessary to vindicate the people's right to know how their government is run and thus (2) render pointless and a waste of taxpayer money the entire investigation. My strong recommendation is for the OSC to remain authorized by the Assembly, so that all the subpoenas we issued remain valid and enforceable. I will gladly reduce my salary to a token \$1 per year, if money is an issue. We have already gutted the entire office, including removing all of my staff except for one junior assistant, so money should not be an issue.

I concede that this is a political decision entirely within the authority of the Speaker. At any time you could have refused to authorize OSC, refused to fund OSC, or refused to sign any particular subpoena. It is to your eternal credit that you have thus far resisted the media-hyped, hypocritical, and disingenuous political pressures to do so. But to pull the plug now is to quit at the finish line. We have several well-positioned lawsuits that will inevitably result in the Wisconsin Supreme Court giving us a clear decision on just how accountable the state government is to the people. Blowing up these lawsuits is a bad idea.

There is no downside to keeping the OSC open at this time, other than, possibly, the legal fees to defend the subpoena lawsuits. But our case is strong and losing or dropping these cases would irreversibly weaken our state Assembly. It would irreversibly weaken the office of the Speaker of the Assembly as well. All it would take is a left-wing group to sue to block oversight and cite this case the next time they want to hide something. This time it is nursing home abuse and corrupt elections administration: next time it could be worse. And you can bet there are private left-wing groups drafting new contracts that are even more shady, so that bad actors can privatize our elections again in 2024. This has to stop, and it will not stop if we shut down the OSC and give up on the lawsuits now.

Sincerely,

A handwritten signature in black ink that reads 'Michael J. Gableman'. The signature is written in a cursive style with a large, stylized 'M' and 'G'.

Michael J. Gableman