

Good Afternoon Chairman Brandtjen and to All Members of the Committee,

I am grateful for the opportunity to be here. My gratitude springs from one source: that I have been entrusted by the people of Wisconsin through their Assembly with the mission of finding out whether the November 2020 election was administered in a free, fair, transparent, and lawful manner and that the Assembly, through Speaker Vos, has pledged to give me the tools necessary to find out.

A democracy cannot be maintained when the people become convinced that their elections are rigged: that is, where elections officials treated voters in a disparate manner for partisan gain, where unelected bureaucrats make up, apply, and enforce rules untethered to law [I WILL NEED A DISCRETE LIST FOR WHEN THEY ASK ME WHAT I AM REFERRING TO] and when the people come back to ask thoughtful questions about the fairness of the process, they are mocked by partisans who have access to ink by the barrel and ignored by those they entrusted to safeguard their sacred right to vote.

I cannot pinpoint the precise locale of the tipping point for faith in a democracy, but the following polling numbers lead me to believe we are close:

On June 21 of this year, the Rasmussen polling organization reported:

51%, a majority of U.S. likely voters, now believe cheating affected the 2020 election results, up from 47% just after the November election. Legacy media still spends 24/7 demonizing any questioning of the 2020 results. Public trust in their work is demonstrated below -

American Voters Refuse to Obey Media Orders To 'Move-On' on Election Integrity Issues

Nov 19, 2020 – 1000 National Likely Voters

"How likely is it that Democrats stole votes or destroyed pro-Trump ballots in several states to ensure that Biden would win?"

Very or Somewhat Likely-

Democrats – 30%

Unaffiliated – 39%

Republicans – 75%

All Voters - 47%

Apr 13, 2021 – 1000 National Likely Voters

"How likely is it that cheating affected the outcome of the 2020 presidential election?"

Very or Somewhat Likely-

Democrats – 30%

Unaffiliated – 51%

Republicans – 74%

All Voters - 51%

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Furthermore:

We learn from a recent Marquette University Law School poll that:

- A. Nearly 1 in 3 Wisconsinites doubt last years presidential election results;

B. 71% of Republicans in our state doubt the elections accuracy

C. 60% of Wisconsin citizens believe government is broken in Wisconsin

D. 51% believe Wisconsin is on the wrong track

This lack of confidence is not limited to Wisconsin. A Gallup poll taken February 12, 2020 reported that 59% of all Americans do not have confidence in the honesty of U.S. elections. Among major democracies, such confidence is measurably worse only in Chile and Mexico and the highest percentage of concern is among women ages 30-49, 68% of whom do not have confidence in the honesty of American elections.

Finally, Americans are focusing their dissatisfaction on a search for action and accountability. A poll reported November 1, 2021 in State Policy Network instructs us that:

A. 84% of registered voters support upgrading voting equipment and voter registration databases (including 88% of Republicans and 84% of Democrats;

and

B. 84% of American voters desire the establishment of consistent guidelines for when absentee ballots must be received.

Closer to home, a September 2021 poll conducted by the Wisconsin Institute for Law and Liberty informs that:

- A. 87% of Wisconsin voters favor a requirement for every election clerk to use the same standards for correcting errors on absentee ballots;
- B. 84% of Wisconsin voters support the current law requiring everyone to show voter ID before casting a ballot (this includes 96% of republican voters, 70% of Democratic voters, and 81% of Independent voters);
- C. 76% of Wisconsinites are in favor of making in-person absentee voting hours the same everywhere across the state;
- D. 69% of voters favor a uniform statewide requirement for people voting by mail to provide a copy of their photo ID with their ballot (this includes 86% of Republican voters, 52% of Democratic voters, and 65% of Independent voters), and;
- E. 65% of Wisconsin voters favor a ban on ballot harvesting.

In short, a majority of our fellow citizens have expressed a variety of thoughtful and meaningful concerns about the fairness, honesty, and transparency of our elections and furthermore seek understanding and truth as well as accountability from those entrusted with the administration of those elections. The interim report I delivered to the Speaker earlier today is an important first step along that journey.

The journey of the office of the Special Counsel began with its creation 70 days ago.

The duty of this office is to help the Assembly with its constitutional obligation of legislative oversight. My investigation is just that: an investigation into the extent to which elections in Wisconsin have been conducted in compliance with the law. In order to accomplish this mission, the Assembly has delegated to me the same kinds of investigative tools and powers it would normally have unto itself. This is not a criminal prosecution, nor is it litigation of any kind. If changes in the law need to be made, my responsibility includes reporting on choices available to the Wisconsin legislature for doing so.

Without all available information, the Legislature cannot fulfill its Constitutional DUTY to legislate and oversee the consequences of its legislation, and our citizens will continue to have declining faith in our democratic process. The organized cover-up---the obstruction of the Assembly's subpoenas--- these are actions undertaken to block the legislature and the people from seeing the governmental information they have already paid for. These are actions which contribute to the steady erosion of public confidence in how things are currently run.

In the two months my Office has been funded, we have done a lot and expect to do a lot more. Back in March 2021, this committee was tasked by Assembly Resolution 15 of 2021 to investigate elections administration, and "in particular... elections conducted after January 1, 2019." On May 28, 2021, the Committee on Assembly Organization authorized Speaker Vos to hire legal counsel and "on behalf of the Assembly" to approve budgets and

contracting arrangements, in part to effectuate Assembly Resolution 15. Through Speaker Vos, on June 26, 2021 the Assembly and I entered into a contract. And at the end of August, the Committee on Assembly Organization established the independent Office of the Special Counsel.

This Office, my Office, reports through the Speaker to the Assembly and through the Assembly to the people of the State of Wisconsin. Ours is a small office with a comparatively modest budget. By contrast, the Legislative Audit Bureau (LAB) report listed almost 20 staff who spent 9 months on their report on the 2020 election. I have read that report and commend the LAB for its work.

Like many Wisconsinites, I was disappointed- but unsurprised- to read the LAB's recitation of the variety and breadth of the Wisconsin Election Commission's (WEC) unlawful and/ or otherwise derelict conduct undertaken in association with its work on the 2020 election:

- A. WEC's consistent failure to comply with laws concerning clerk training;
- B. WEC's illegal conduct in failing to discharge its duty to prevent alleged incidents of abuse to vulnerable residents of nursing homes;
- C. WEC failure to comply with statutes concerning online voter registration;
- D. WEC's failure to conform its conduct to rules concerning the counting of ballots;

- E. WEC's unlawful conduct when it helped turn nursing homes into polling places;
- F. WEC's failure to comply with laws to address electronic voting security, and;
- G. WEC's unlawful failure to complete post election audit reports.

The myriad of WEC's unlawful and legally-dubious conduct as found by LAB has, by reason of its very nature and quantity, made it more difficult to investigate these matters.

Another obvious cause of unnecessary and expensive delay is caused by WEC and its administrator, Meaghan Wolfe, along with various cities engaging in a cover up of what happened in the November 2020 election: Ms. Wolfe, WEC, and several cities have hired a multitude of high-priced lawyers from both in and out of state all for the purpose of obstructing the legislature's constitutional duty and right to find out what happened.

Furthermore, we currently have a Governor telling government employees to "lawyer up" to withhold information the public has not only a right to, but has already paid for as well. Similarly, we have what I consider the bizarre specter of our state's highest ranking law enforcement officer denying the citizens he is supposed to be serving their right to find out what happened in their election and instead fighting against the people on behalf of his powerful friends in government.

Whoever Tony Evers and Josh Kaul are serving in this matter, it certainly is not the public.

With that, I think it's fair to say there are some powerful forces aligned against my office, against your committee, against the Assembly, and against the people of Wisconsin. But the unalterable truth is that we have to get to the bottom of this. I must pause here briefly to acknowledge the invaluable assistance of the Speaker of the Assembly, Robin Vos, who has supplied my office with everything I have so far requested to accomplish our mission. As the nature of the mission, that is, the procedure and logistics as opposed to the substantive goal of finding the truth, has evolved and grown, so too has my office's need for time and other resources.

As opposed to my staff of under ten individuals, Josh Kaul has hundreds of lawyers under his direction and an annual budget of \$153,786,500. WEC has twenty six employees and an annual budget of around \$9,000,000. The governor, of course, is the chief executive of our state.

The recent nonpartisan LAB report makes clear that election laws have been and are currently being broken. Although I have already enumerated some of the particulars, nothing illustrates the depth of the problems at WEC more than the LAB reports recommendation that the Wisconsin Elections Commission enact a rule requiring themselves to follow the law! So we all know laws have been and continue to be broken. And the LAB report does a good job at giving a broad overview of certain major issues that citizens are concerned about. But the LAB report gives only an overview.

My Office, by contrast, is doing a closer and more refined review of these issues, and expects to present robust legislative options in our Final Report. In the meantime, however, we have spent

countless hours speaking with clerks and other officials, and various election law experts from in and out of state.

For more detail, I recommend that you, the media, and the public all review our Interim Report, you each have a copy and the pdf is available on Wlfraud.com. We have been very busy, and we are staffing up. We have focused on three areas of inquiry.

First, we are looking at the issue of outside money in Wisconsin elections—can our elections be bought? Is it okay for outside money, including money that is hiring lawyers right now to obstruct this investigation, to change how elections are administered? My office already has spoken with clerks who have expressly told us that they want outside money banned in the state. Banned. And we have clerks who quit because they were bullied by these dark money groups. And your committee has testimony of just a small sampling of CITIZENS who were bullied, one man whose wife was in tears. To address these concerns we need to review all contracting documents and talk with citizens and officials—it's not enough to whitewash and say “oh it's a gray area in the law.” No. You have to interview all the complainants and review all the documents. This is hard work my Office is doing, that the LAB doesn't because it's not part of their mission. It is, however, part of my mission. We already have evidence these groups coerced local officials and in the words of one clerk, endangered the security of the election and the physical safety of voters.

Second, we are looking at the Wisconsin Elections Commission and the more general issue of clerk authority—who runs elections in our state? WEC replaced the disgraced and partisan Government Accountability Board (GAB) in 2015. GAB is the

entity that oversaw the illegal John Doe investigation and intercepted personal medical information belonging to a Republican senator and filed it under “opposition research.” Kevin Kennedy, the outgoing head of GAB who planned and oversaw the John Doe investigation said that WEC would be “no more transparent” than GAB. How right you were, Mr. Kennedy, how right you were. We are seeing that now, and not just with the cover-up. Clerks have complained that the chain of authority with WEC is unclear, and that a lot of the guidance coming out of WEC has harmed election security and possibly been unlawful. What is WEC and why don’t they follow the law? When it issues guidance that the Commissioners don’t even vote on—is that legally binding? Should they even put this stuff out?

It is perverse that citizens of this state often have no remedy when election laws are broken except to complain to WEC---but what happens when a citizen complains about the actions undertaken by WEC itself? Just as it is demonstrably unacceptable for WEC to be the final adjudicator of its own conduct, it would be equally unacceptable for WEC to issue a report to exonerate itself. And when it excluded the Green Party from the ballot in 2020, WEC’s own actions served to frustrate judicial review of its conduct.

It is an understatement to observe that WEC has numerous issues that cry out for the exercise of legislative oversight.

Third, my Office is looking at the machines. More broadly, we are looking at all the confusing technical aspects of Wisconsin elections administration. As I’ve said many times, I’m not in the business of overturning any election, and I’m also not in the business of claiming without evidence that Russia hacked the

election machines. But what the LAB report failed to do, and what my Office is doing, is taking a look at the rules, the contracts, and the technical aspects of election machines so that we can examine and test those systems and come back to our fellow citizens with clear and understandable explanations of how these systems work. This includes deploying independent and certificated technical experts and speaking with machine vendors. It also includes obtaining access to the various voter databases that are, as the LAB report has noted, often of dubious quality.

In the absence of true transparency, eager citizens are often left with accessing outdated information-- often at great expense-- and performing statistical analyses which show extremely high numbers of dead voters, or other impossibilities. I have not made any unsubstantiated claims, nor will I: but my Office is committed to thorough investigation of all credible claims related to elections administration. This is something the LAB didn't do and was not expected to do. It's not something WEC or any entity under investigation can do themselves. Only the Legislature, through my Office, can do this. So I'm grateful for the continued support of you, and the public, and the Assembly more generally, and I'd be happy to answer your questions.