

The Office of the Special Counsel

January 3, 2022

Dear Mr. Cotton,

It was a great pleasure to speak with you earlier today. At the end of our conversation, you asked me for a statement of work to provide to your executive committee: this is my effort to comply with that request.

Four months ago, I received an appointment from the Wisconsin Assembly to conduct an investigation into the 2020 election pursuant to the oversight powers normally reserved to the legislature. In the time since, I have identified four main areas of inquiry: the nature and effect of certain directives issued by the Wisconsin Elections Commission, the role played in the administration of Wisconsin's election by the Zuckerberg-funded Center for Tech and Civic Life, and whether the voting machines sold to Wisconsin elections officials performed as they were supposed to.

I have reached out to you for help in regard to the third issue; that is, the machines. The vast majority of municipalities in Wisconsin use machines manufactured by either Dominion or ES&S. A foundational problem is that nobody in our state seems to understand how those machines work and all substantive questions regarding their performance which are directed to elections officials are referred by those officials to the machine manufacturers and/ or their respective agents (e.g. Command Central in St. Cloud, Minnesota). This lack of transparency regarding a crucial component of the administration of Wisconsin elections-- in combination with other factors including the hotly-contested nature of the 2020 election and the slim margin of victory (20,800 votes out of over three million ballots cast) of the reported winner—has led to widespread skepticism of the machines and consequent suspicions that the machines functioned in an improper fashion.

My only goal for this investigation is to tell my fellow Wisconsinites what happened and whether what happened is consistent or inconsistent with what was supposed to happen. To me, this is the very definition of a nonpartisan issue: both political parties should be equally interested in doing what they can to ensure that

Wisconsin's elections administration systems are honest and transparent and that they are perceived by the public as such.

The shroud of mystery with which the machines are cloaked is harmful to public trust in our elections and to confidence in the integrity of their results. I seek to lift the veil of unnecessary and harmful secrecy and allow any interested member of the public to know precisely how their public elections are run.

Ultimately, this investigation will result in the production of a report which will be written for the purpose of both furthering the public's understanding of Wisconsin's elections administration as well as providing options the legislature may wish to consider enacting to enhance public confidence in our elections.

It is for these reasons that I am requesting your help in obtaining a better understanding of how the machines are supposed to work and whether they worked as intended during the election. Either way, the citizens of Wisconsin have both the right and the reasonable expectation to know the answer to this question and it is up to the members of this investigation team to give them one.

It was a pleasure speaking with you earlier today and I look forward to our next conversation.

Sincerely,

Mike Gableman