Fw: EXTERNAL : Records request

Coms <Coms@wispecialcounsel.org>
Thu 3/3/2022 11:26 AM
To: Courtney Milbank <cmilbank@bopplaw.com>

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: Charles Harris <wiassemblyemails@gmail.com>
Sent: Tuesday, March 1, 2022 2:07 PM
To: Coms <Coms@wispecialcounsel.org>
Subject: EXTERNAL : Records request

Hello,

Pursuant to Wis. Stat. 19.31–19.39, I write to request the following records:

- a log of all requests for records
- all letters or emails initiating requests for records
- memos of all phone conversations in which records were requested

I appreciate your prompt acknowledgment of this request, as well as your response as soon as practicable and without delay.

Thank you.

Sent from my iPhone
CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
Fw: EXTERNAL : Media request: Nursing homes data

Coms <Coms@wispecialcounsel.org>
Thu 3/3/2022 11:25 AM
To: Courtney Milbank <cmilbank@bopplaw.com>

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: Adam Rogan <Adam.Rogan@journaltimes.com>
Sent: Tuesday, March 1, 2022 1:17 PM
To: Coms <Coms@wispecialcounsel.org>
Subject: EXTERNAL : Media request: Nursing homes data

Can you please name the 12 Racine County nursing homes named in the report released today and where the reported 100% turnout data came from?

Just looking for some clarity at exactly what is defined as a nursing home, where the data came from (i.e. what database, etc.), and all that.

If possible, can you share the data for the four other counties referenced (Milwaukee, Kenosha, Dane, Green Bay) as well?

Reach me at adam.rogan@journaltimes.com or anytime on my cell at 262-994-8841.

Best,
Adam

Adam Rogan
He/Him
Journal Times reporter
adam.rogan@journaltimes.com
262-994-8841

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
Fw: EXTERNAL:

Coms <Coms@witspecialcounsel.org>
Thu 3/3/2022 11:25 AM
To: Courtney Milbank <cmilbank@bopplaw.com>

WI Special Counsel

Please be aware any communications sent to and from Witspecialcounsel.org email domains may be subject for review in response to Wisconsin open records statutes.

From: Charles Harris <wiassemblyemails@gmail.com>
Sent: Tuesday, March 1, 2022 11:54 AM
To: Coms <Coms@witspecialcounsel.org>; comms@witspecialcounsel.org <comms@witspecialcounsel.org>
Subject: EXTERNAL:

Hello,

Pursuant to Wis. Stat. 19.31–19.39, I write to request the following records:

All communications with the Office of Senator Ron Johnson, or the campaign of Ron Johnson, or Ron Johnson in his personal capacity, from the Special Counsel’s inception to the date of this request.

I appreciate your prompt acknowledgment of this request, as well as your response as soon as practicable and without delay.

Thank you.

Sent from my iPhone
CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
FW: EXTERNAL : Records Request

Coms <Coms@wispecialcounsel.org>
Thu 3/3/2022 11:24 AM
To: Courtney Milbank <cmilbank@bopplaw.com>

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: Charles Harris <wiassemblyemails@gmail.com>
Sent: Tuesday, March 1, 2022 11:50 AM
To: Coms <Coms@wispecialcounsel.org>; comms@wispecialcounsel.org <comms@wispecialcounsel.org>
Subject: EXTERNAL : Records Request

Hello,

Pursuant to Wis. Stat. 19.31–19.39, I write to request the following records:

All transcripts from all interviews completed by the Special Counsel's office, from its inception to the date of this request.

I appreciate your prompt acknowledgment of this request, as well as your response as soon as practicable and without delay.

Thank you.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
RE: Second Interim Report - Word Version

4 <4@wislecpalcounsel.org>
Tue 3/1/2022 9:11 AM
To: Coms <Coms@wislecpalcounsel.org>; 1 <1@wislecpalcounsel.org>; 6 <6@wislecpalcounsel.org>; 7 <7@wislecpalcounsel.org>
Resending final Word version here ...

Sent from Mail for Windows

From: 4
Sent: Tuesday, March 1, 2022 9:58 AM
To: Coms: 1; 6; 7
Subject: Second Interim Report - Word Version

Hello, all.

Attached is the Word version of the pdf I just sent. I had to download it in order to make the pdf, and I fixed several formatting issues.

So, this is different from the shared version that we were working with on OneDrive. It also contains metadata (author, etc.) that the pdf does not have.

- John

Sent from Mail for Windows
EXTERNAL : Report

Courtney Milbank <cmilbank@bopplaw.com>
Tue 3/1/2022 8:30 AM
To: Coms <Coms@wisperealcounsel.org>

Zak,

Can I get a copy of the report the OSC submitted?

------------------------------------------
Courtney Turner Milbank, JD, MBA
Attorney

THE BOPP LAW FIRM, PC | www.bopplaw.com
The National Building | 1 South 6th Street | Terre Haute, Indiana 47807
voice: (812) 232-2434, ext. 42 | fax: (812) 235-3685 | cmilbank@bopplaw.com

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Internal Revenue Service regulations require that certain types of written advice include a disclaimer: To the extent the preceding message contains written advice relating to a Federal tax issue, the written advice is not intended or written to be used, and it cannot be used by the recipient or any other taxpayer, for the purposes of avoiding Federal tax penalties, and was not written to support the promotion or marketing of the transaction or matters discussed herein.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
Clean

6 <6@wisppecialcounsel.org>
Tue 3/1/2022 7:56 AM
To: Coms <Coms@wispiscopalcounsel.org>
Please check.

-Andrew
Re: Report Clean Copy

1 <1@wispecialcounsel.org>
Tue 3/1/2022 7:14 AM
To: 6 <6@wispecialcounsel.org>, Coms <Coms@wispecialcounsel.org>, 4 <4@wispecialcounsel.org>, 7 <7@wispecialcounsel.org>

I strongly disagree with referring to this report as "final" at the bottom of page 5. It is inconsistent with the facts of the situation and only provides fodder for those seeking to shut this office down or discredit future findings/recommendations. I believe replacing the word "final" with "definitive" accomplishes the intended task without providing a hook for our detractors

From: 1 <1@wispecialcounsel.org>
Date: Tuesday, March 1, 2022 at 7:05 AM
To: 6 <6@wispecialcounsel.org>, Coms <Coms@wispecialcounsel.org>, 4 <4@wispecialcounsel.org>, 7 <7@wispecialcounsel.org>
Subject: Re: Report Clean Copy

All references to Meaghan Wolfe as the "Executive Director" of WEC must be replaced with her actual title provided for by statute—"Administrator"

From: 6 <6@wispecialcounsel.org>
Date: Tuesday, March 1, 2022 at 6:28 AM
To: Coms <Coms@wispecialcounsel.org>, 4 <4@wispecialcounsel.org>, 1 <1@wispecialcounsel.org>, 7 <7@wispecialcounsel.org>
Subject: Report Clean Copy

Folks please check this for metadata--- I think it's scrubbed--- our draft notes don't need to be available in the doc!

And if it's good to go please forward to Janelle for upload.

-Andrew
EXTERNAL : Dallas Morning News Recommends ECA amendments

Erick Kaardal <kaardal@mklaw.com>
Sun 2/27/2022 6:43 PM
To: 'Andrew Kloster' <arkloster@gmail.com>
Cc: Coms <Coms@wpspecialcounsel.org>

The Dallas Morning News: Amend the Electoral Count Act
Feb 25, 2022 2
Save
The Electoral Count Act of 1887 is 809 words in 10 long and confusing sentences describing how Congress is meant to certify the election of a U.S. president. It needs amending.

The law was passed after the disputed 1876 election in which Republican Rutherford B. Hayes defeated Democrat Samuel J. Tilden by a single Electoral College vote and backroom deal. That year, three states, Florida, Louisiana and South Carolina, sent competing slates of electors to Congress, both major parties claiming to have won those states. Close and contentious elections followed in 1880 and 1884, and Congress decided it needed to do something to formally establish procedures and keep the transfer of power orderly.

Clearly, it’s no longer working. Now, Congress is working to clarify the law in two important ways.

First, the role of the vice president. Taken at face value, the ECA intends the vice president to simply open, count and announce the results of state elections. But the language is vague enough that, leading up to Jan. 6, 2021, enterprising interpretations were making the case that the vice president was meant to open and certify results only from those states he deemed legitimate.

That interpretation would essentially give a sitting vice president authority to choose the next president, which was obviously not the intent of Congress in 1887. The ambiguity must be removed.

Second, Congress should raise the barrier for challenging certification. Currently, it takes only a pair of elected officials, one from each house of Congress, to halt proceedings. Lawmakers are considering a higher number, up to one-third of Congress. And they’re considering establishing a list of valid grounds for bringing an objection.

The election of 1876 was resolved by an agreement called the Compromise of 1877, which turned the White House into a bargaining piece. Democrats conceded the election to Hayes in return for the withdrawal of federal troops from Southern states, and the end of Reconstruction.

Congress should reform this law and affirm that America has progressed beyond the point where we use our highest elected office like a casino chip. The president is chosen by the will of the people, not political parley.

— The Dallas Morning News

-----Original Message-----
From: Andrew Kloster <arkloster@gmail.com>
Sent: Sunday, February 27, 2022 4:58 PM
To: Erick Kaardal <kaardal@mklaw.com>
Cc: Mike Gableman <coms@wpspecialcounsel.org>
Subject: Re: Federal Electoral Account Act Insert and Another WSJ editorial saying to torpedo the ECA

Thank you
Sent from my iPhone

> On Feb 27, 2022, at 5:55 PM, Erick Kaardal <kaardal@mklaw.com> wrote:
>
> Chapter 11
> The federal Electoral Count Act, specifically 3 U.S.C. § 15, is unconstitutional.
>
> Congress is currently engaged in debate about amending the federal Electoral Count Act, 3 USC § 1, et seq., which relates to Congress's role under Article II to select the President. Part of that debate is whether 3 USC § 15 is unconstitutional. The OSC has taken note of this debate, analyzed the legal issues and come to the following conclusions.
>
> Congress's power to reject a state's electoral votes under 3 USC § 15, the federal Electoral Count Act, is unconstitutional. 3 U.S.C. § 15 states, in relevant part, that the U.S. Senate and House may vote concurrently to reject a state's electoral votes:
>
> ...the two Houses [of Congress] concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified... 3 U.S.C. § 15. The conclusion in this report is that 3 USC § 15 is unconstitutional.
>
> 3 USC § 15 is unconstitutional. 3 USC § 15 authorizes Congress to do more than count the electoral votes as Article II (inclusive of the Twelfth Amendment) prescribes. Instead, the federal Electoral Count Act authorizes Congress to object, debate and actually reject votes of a state's electoral votes. Under 3 USC § 15, a rogue Congress could subvert a Presidential election result.
>
> There are a number of federal court decisions—and a watershed law review article—that provide support to the argument that 3 USC § 15 is unconstitutional. First, the U.S. Supreme Court cases of McPherson v. Blacker and Bush v. Gore, and the Eighth Circuit decision in Carson v. Simon provide support that the state legislatures, not Congress nor any executive official, have plenary authority under Article II over Presidential Electors. Bush v. Palm Beach Cnty. Canvassing Bd., 531 U.S. 70, 76 (2000); McPherson v. Blacker, 146 U.S. 1, 17 (1892); Carson v. Simon, 978 F.3d 1051, 1059–60 (8th Cir. 2020). Second, Vasan Kesavan, in his watershed law review article “Is the Electoral Count Act Unconstitutional?” argues that 3 USC § 15 is unconstitutional because the “two Houses” of Congress are authorized to reject a state's electoral votes. Vasen Kesavan, Is the Electoral Count Act Unconstitutional, 80 N.C. L. Rev. 1653 (2002). Kesavan's arguments are correct. The OSC agrees with Kesavan’s well-reasoned arguments that 3 USC § 15 is unconstitutional.
>
> ---Original Message-----
>
> From: Erick Kaardal
>
> Sent: Saturday, February 26, 2022 10:33 AM
>
> To: Mike Gableman <coms@wيسpecialcounsel.org>;
> wijustice@protonmail.com; 'Andrew Kloster' <arkloster@gmail.com>; Mike
> Gableman <coms@wيسpecialcounsel.org>
>
> Subject: Another WSJ editorial today saying to torpedo the ECA
>
> Preventing Another Jan. 6 - WSJ
>
> Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

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EXTERNAL: Re: Federal Electoral Account Act Insert and Another WSJ editorial saying to torpedo the ECA

Andrew Kloster <arkloster@gmail.com>
Sun 2/27/2022 4:57 PM
To: Erick Kaardal <kaardal@mklaw.com>
Cc: Coms <Coms@wisspecialcounsel.org>

Thank you

Sent from my iPhone

> On Feb 27, 2022, at 5:55 PM, Erick Kaardal <kaardal@mklaw.com> wrote:
> 
> > Chapter 11
> > The federal Electoral Count Act, specifically 3 U.S.C. § 15, is unconstitutional.
> > 
> > Congress is currently engaged in debate about amending the federal Electoral Count Act, 3 USC § 1, et seq., which relates to Congress’s role under Article II to select the President. Part of that debate is whether 3 USC § 15 is unconstitutional. The OSC has taken note of this debate, analyzed the legal issues and come to the following conclusions.
> > Congress’s power to reject a state’s electoral votes under 3 USC § 15, the federal Electoral Count Act, is unconstitutional. 3 U.S.C. § 15 states, in relevant part, that the U.S. Senate and House may vote concurrently to reject a state’s electoral votes:
> > ...the two Houses [of Congress] concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified... 3 U.S.C. § 15: The conclusion in this report is that 3 USC § 15 is unconstitutional.
> 
> > 3 USC § 15 is unconstitutional. 3 USC § 15 authorizes Congress to do more than count the electoral votes as Article II (inclusive of the Twelfth Amendment) prescribes. Instead, the federal Electoral Count Act authorizes Congress to object, debate and actually reject votes of a state’s electoral votes. Under 3 USC § 15, a rogue Congress could subvert a Presidential election result.
> > There are a number of federal court decisions—and a watershed law review article—that provide support to the argument that 3 USC § 15 is unconstitutional. First, the U.S. Supreme Court cases of McPherson v. Blacker and Bush v. Gore, and the Eighth Circuit decision in Carson v. Simon provide support that the state legislatures, not Congress nor any executive
> 
> ----Original Message----
> From: Erick Kaardal
> Sent: Saturday, February 26, 2022 10:33 AM
> To: Mike Gableman <coms@wisspecialcounsel.org>; wjjustice@protonmail.com; 'Andrew Kloster' 
> <arkloster@gmail.com>; Mike Gableman <coms@wisspecialcounsel.org>
> Subject: Another WSJ editorial today saying to torpedo the ECA
> 
> 
> Preventing Another Jan. 6 - WSJ

https://outlook.office.com/mail/inbox/id/AAQkAGYwYXljb2xMcRLiZmRlLTI2MDgjNDMyO0S5MWE0LWNhZThiMzc3MGJ3MgAQACgL/AJ2CPM9CsATFyTlH3Cs...
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EXTERNAL: Federal Electoral Account Act Insert and Another WSJ editorial saying to torpedo the ECA

Erick Kaardal <kaardal@mklaw.com>
Sun 2/27/2022 4:55 PM
To: Coms <Coms@wיסpecialcounsel.org>; 'Andrew Kloster' <arkloster@gmail.com>

Chapter 11
The federal Electoral Count Act, specifically 3 U.S.C. § 15, is unconstitutional.

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...the two Houses [of Congress] concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified... 3 U.S.C. § 15. The conclusion in this report is that 3 USC § 15 is unconstitutional.

3 USC § 15 is unconstitutional. 3 USC § 15 authorizes Congress to do more than count the electoral votes as Article II (inclusive of the Twelfth Amendment) prescribes. Instead, the federal Electoral Count Act authorizes Congress to object, debate and actually reject votes of a state’s electoral votes. Under 3 USC § 15, a rogue Congress could subvert a Presidential election result.

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Original Message
From: Erick Kaardal
Sent: Saturday, February 26, 2022 10:33 AM
To: Mike Gableman <coms@wисpecialcounsel.org>; wjjustice@protonmail.com; 'Andrew Kloster' <arkloster@gmail.com>; Mike Gableman <coms@wисpecialcounsel.org>
Subject: Another WSJ editorial today saying to torpedo the ECA

Preventing Another Jan. 6 - WSJ

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EXTERNAL : Federal Electoral Account Act Insert and Another WSJ editorial saying to torpedo the ECA

Erick Kaardal <kaardal@mklaw.com>
Sun 2/27/2022 4:55 PM
To: Coms <Coms@wispecialcounsel.org>; 'Andrew Kloster' <arkloster@gmail.com>

Chapter 11
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From: Erick Kaardal
Sent: Saturday, February 26, 2022 10:33 AM
To: Mike Gableman <coms@wispecialcounsel.org>; wijjustice@protonmail.com; 'Andrew Kloster' <arkloster@gmail.com>; Mike Gableman <coms@wispecialcounsel.org>
Subject: Another WSJ editorial today saying to torpedo the ECA

Preventing Another Jan. 6 - WSJ

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled. 
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https://outlook.office.com/mail/inbox/id/AAQkAGYwYzJmRi1LTi2MDgtNDMyOS05MWE0LWNhZThlMzk3MG13MgAQAMIw4AVSy0HDoP4ZcMQQ7...
List of short fixes

6 <6@wispecialcounsel.org>
Sun 2/27/2022 4:49 PM
To: Coms <Coms@wispecialcounsel.org>; 7 <7@wispecialcounsel.org>; 4 <4@wispecialcounsel.org>; 1 <1@wispecialcounsel.org>; Erick Kaardal <kaardal@mklaw.com>

1. Communities of color
2. Cut down legal argument as appropriate, lead with facts
3. Add front and center obstruction
4. List accomplishments up front
5. Clarify WECs role on guidance
6. "Modest" recommendations cut
7. "Illegality" terminology fix
8. Fix table totals
9. constitutional "right" of legislature
10. Missing Clint section? And Electoral Count?

-Andrew
Clinton W. Lancaster, Esq.

OFFICE OF THE SPECIAL COUNSEL
P.O. Box 510766
New Berlin, WI 53151
7@wispericalcounsel.org

www.WiFraud.com

****IMPORTANT: Please be aware any communications sent to and from the WiSpecialCounsel.org email domains may be subject to review or disclosure in response to Wisconsin open records statutes.
EXTERNAL : Automatic reply: February Staff Payment

Fawcett, Steve <Steve.Fawcett@legis.wisconsin.gov>
Thu 3/3/2022 1:44 PM
To: Coms <Coms@wispecialcounsel.org>

I am out of the office until Monday March 7th. If you need immediate assistance, please contact our front office at 608-266-3387.

Thanks,
Steve

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
February Staff Payment

Coms <Coms@wispecialcounsel.org>
Thu 3/3/2022 1:44 PM
To: Fawcett, Steve <Steve.Fawcett@legis.wisconsin.gov>

Good Morning Steve,

I just talked with Ted Blazel on the phone. He said he is waiting on a sign off by the Office of the Speaker to pay our salary for the staff for the month of February. Can you please have someone give him the go ahead to write those checks or contact me to give me an update.

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.
Re: EXTERNAL : WI Rent Invoice Requested

Coms <Coms@wispecialcounsel.org>
Thu 3/3/2022 1:56 PM
To: Erick Kaardal <kaardal@mklaw.com>
Good Afternoon Erick and Bill,

I have attached an invoice for the March rent for our office at 155 S Executive Drive, Brookfield WI 53005. Please let me know if you have any questions.

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: Erick Kaardal <kaardal@mklaw.com>
Sent: Thursday, March 3, 2022 12:26 PM
To: Coms <Coms@wispecialcounsel.org>
Cc: Bill Mohrman <mohrman@mklaw.com>
Subject: EXTERNAL : WI Rent Invoice Requested

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

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
Erick Kaardal,

Please see the below information:

Invoice for March, 2022 office rent for 155 South Executive Drive, Brookfield Wi 53005

Please send payment for your share of the office rent for the address stated above.

Total Amount Due: $1,749.00

Check can be written out to Consultare LLC and can be mailed to 17285 W River Birch Drive, Brookfield, Wi 53045 APT 108

For any questions or concerns please contact Zakory Niemierowicz at coms@wispicialcounsel.org or by calling 920-609-5287

Very Respectfully,

Zakory Niemierowicz
WI Special Counsel
Hi Zak,

Please see my attached open records request. And please acknowledge when my request has been received.

Warm regards,

Jack Kelly

262-488-1089

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
Dear Mr. Michael Gableman:

Under the provisions of the Wisconsin public records law, I'm asking for copies of the following:

1. **All subpoenas issued as part of Wisconsin Special Counsel Michael Gableman's investigation of the 2020 presidential election in Wisconsin.**

   Assembly Speaker Robin Vos indicated during a radio interview on Feb. 18, 2022, that he has signed more than 100 subpoenas as part of the investigation.

The above request includes information maintained in printed form as well as electronic form such as computer hard drive, tape, diskette and microfilm. It also pertains to photographs, electronic mail and text messages.

It would be preferable to receive the records in an electronic format.

If part of the requested information becomes available immediately, I would prefer to have immediate access to that material rather than wait while the remainder of the information is being prepared for review.

As you know, the law states that reasonable fees may be charged for providing copies of such records. Please advise me before you process my request if the fees will exceed $100. I may be reached at 262-488-1089 or jkelly@captimes.com. The law also allows you to waive any fees. I would ask that you consider that option in responding to this request.

If all or part of this request is denied, please cite the specific law or regulation for the denial and inform me of the appeal procedures. I believe that the records I am seeking are public records and, thus, should be available for inspection and copying during your regular office hours.

Please handle this request expeditiously so that I may pursue legal remedies, if necessary, to gain access to the information I am seeking. Thank you for your assistance.

Sincerely,

Jack Kelly
The Capital Times
jkelly@captimes.com
262-488-1089
EXTERNAL : RE: Wisc. Gableman PRR- Decision and Order

Courtney Milbank <cmilbank@bopplaw.com>
Wed 3/2/2022 4:34 PM
To: Coms <Coms@wispecialcounsel.org>; Michael Dean <miked@michaeldeenllc.com>
Cc: James Bopp, Jr. <jboppjr@aol.com>; Joseph Maughon <JMaughon@bopplaw.com>; Michael Massie <MMassie@bopplaw.com>; Dave Craig <davec@michaeldeenllc.com>

Yes, you should still draft the Reply but only for the stay portion. He denied the ex parte part.

The Order specifically stated it was not final for purposes of appeal.

---------------------------------------------
Courtney Turner Milbank, JD, MBA
Attorney

The Bopp Law Firm, PC | www.bopplaw.com
The National Building | 1 South 6th Street | Terre Haute, Indiana | 47807
voice: (812) 232-2434, ext. 42 | fax: (812) 235-3685 | cmilbank@bopplaw.com

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On Mar 2, 2022, 5:09 PM -0500, Michael Dean <miked@michaeldeenllc.com>, wrote:

I'm leaving for a board meeting but was going to work on the reply on our stay motion when I get back this evening as we discussed this morning.

I haven't read the decision yet, or even Petitioner's response. Should I go ahead with that drafting reply tonight?

Again, I haven't looked at the decision – is it a final decision and order with only the stay issue remaining pending, clearing the way for appeal as of right immediately after the March 8 hearing?

Mike Dean
Michael D. Dean, LLC
Attorney at Law
P.O. Box 2545
Brookfield, WI 53008

https://outlook.office.com/mail/inboxId/AAQkAGYwYzljMmRhlTI2MDQtNDMyOS55MWE0LWNhZThiMzK3MGI3MgAQAEeMAGLIsMRLIsYS0eEMHIZU... 1/3
(262) 798-8044
(262) 798-8045 fax

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

The information contained in this communication is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the addressee. It is the property of Michael D. Dean and Michael D. Dean, LLC. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by return e-mail, and destroy this communication and all copies thereof, including all attachments. Thank you.

From: Courtney Milbank <cmilbank@bopplaw.com>
Sent: Wednesday, March 2, 2022 3:13 PM
To: Coms@wispecialcounsel.org
Cc: Michael Dean <miked@michaelddeanllc.com>; James Bopp, Jr. <jboppjr@aol.com>; Joseph Maughon <JMaughon@bopplaw.com>; Michael Massie <MMaasie@bopplaw.com>; Dave Craig <davec@michaelddeanllc.com>
Subject: Wisc. Gableman PRR- Decision and Order

Mike,

Please see attached for the Court's decision. In it, the Court rejected all of our arguments for non-disclosure. He has ordered that the documents should be released and punitive damages in the amount of $1,000.

However, he has stayed that decision pending resolution of our Motion to Stay Pending Appeal. This will be argued by Jim on March 8.

We are unsurprised by this ruling, given his posture at the last hearing. But we are hopeful that he will grant the stay, giving us the opportunity to pursue this matter with the Court of Appeals.

Courtney

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Courtney Turner Milbank, JD, MBA

Attorney
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Re: EXTERNAL : RE: Committee Request for Records

7 <7@wiscounsel.cc>
Wed 3/2/2022 3:28 PM
To: Rep.Spreitzer <Rep.Spreitzer@legis.wisconsin.gov>
Cc: 1 <1@wiscounsel.cc>; Coms <Coms@wiscounsel.cc>

Rep. Spreitzer,

We are working on your requests.

--

Clinton W. Lancaster, Esq.

OFFICE OF THE SPECIAL COUNSEL
P.O. Box 510766
New Berlin, WI 53151
7@wiscounsel.cc

www.WiFraud.com

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On Mar 2, 2022, at 2:27 PM, Rep.Spreitzer <Rep.Spreitzer@legis.wisconsin.gov> wrote:

Mr. Gableman,

As I continue to review your latest report, I wanted to modify this request to add one piece of information that did not come to mind while preparing the request for you during yesterday's hearing.

Specifically, for the individuals who appeared in the videos you presented, could you please include the name of the nursing home or care facility they resided in when they voted?

Thank you again for providing this information to me and my fellow committee members.

Sincerely,

Mark Spreitzer
State Representative
45th Assembly District
Assembly Democratic Caucus Chair
(608) 237-9145

From: Rep.Spreitzer
Sent: Tuesday, March 1, 2022 1:30 PM
To: 'mgableman@yahoo.com' <mgableman@yahoo.com>; '1@wiscounsel.cc' <1@wiscounsel.cc>
Cc: '7@wiscounsel.cc' <7@wiscounsel.cc>; 'coms@wiscounsel.cc'
Mr. Gableman,

As we discussed in Committee today, Committee members have not yet received the following documents, and I believe that we need them in order to have the full context of your second interim report:

- A copy of all subpoenas issued by your office and their current legal status.
- A copy of each of the full, unedited video recordings which were included in edited form in the presentation today. If transcripts of those videos were created by your office, please include the transcripts as well.
  - Additionally, any information that your office has on whether the individuals in those videos had their right to vote taken away by a court and the date that occurred.
  - Whether or not you or your staff were able to determine where and on what date the voter most recently registered, whether competency information was provided to their local clerk (if a court had removed their right to vote), which election(s) the voter voted in, and whether the voter voted through a Special Voting Deputy, by mailed absentee ballot, or any other means.

Also discussed briefly was a request from another Representative for transcripts or notes on any interviews or conversations, or any other evidence or materials, that address your conclusions included in either interim report, whether they support your conclusions or not. If you are able to make those notes available, please do so.

I believe that all of the records above are covered by Wis. Stats. 13.45(7) and 19.35, and I would greatly appreciate you sharing these records with me and the full committee membership as soon as possible.

Thank you.

Sincerely,

Mark Spreitzer
State Representative
45th Assembly District
Assembly Democratic Caucus Chair
(608) 237-9145

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EXTERNAL: Wisc. Gableman PRR- Decision and Order

Courtney Milbank <cmilbank@bopplaw.com>
Wed 3/2/2022 3:13 PM
To: Coms <Coms@wsspecialcounsel.org>
Cc: Michael Dean <mdean@michaeldeanllc.com>; James Bopp, Jr. <jboppjr@aol.com>; Joseph Maughon <JMaughon@bopplaw.com>; Michael Massie <MMassie@bopplaw.com>; Dave Craig <daveo@michaeldeanllc.com>

Mike,

Please see attached for the Court's decision. In it, the Court rejected all of our arguments for non-disclosure. He has ordered that the documents should be released and punitive damages in the amount of $1,000.

However, he has stayed that decision pending resolution of our Motion to Stay Pending Appeal. This will be argued by Jim on March 8.

We are unsurprised by this ruling, given his posture at the last hearing. But we are hopeful that he will grant the stay, giving us the opportunity to pursue this matter with the Court of Appeals.

Courtney

-------------------------------------
Courtney Turner Milbank, JD, MBA
Attorney

The Bopp Law Firm, PC | www.bopplaw.com
The National Building | 1 South 6th Street | Terre Haute, Indiana 47807
voice: (812) 232-2434, ext. 42 | fax: (812) 235-3685 | cmilbank@bopplaw.com

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
FW: EXTERNAL : RE: Letter in Response to Zanow, Jacobs, Linski, and WEC subpoenas

4 <4@wispecialcounsel.org>
Wed 3/2/2022 11:48 AM
To: Coms <Coms@wispecialcounsel.org>; 1 <1@wispecialcounsel.org>; 6 <6@wispecialcounsel.org>; 7 <7@wispecialcounsel.org>

Hi, all.

Now that yesterday is over, I didn’t want this letter from the AG to fall through the cracks. The letter addresses the electronic information that we requested. For context, we demanded a broad range of information with respect to (1) emails and other typical ediscovery documents, and (2) WisVote and Badger Book. They objected. Clint and I had a call with them in January, where we agreed to send them specific search parameters for the ediscovery information and work with them on WisVote/Badger Book (without waiving our right to enforce the subpoena). We wrote them a letter on 2/4 laying all of that out. This letter is the AG’s response.

My two cents on what they’re saying:

1. They are working on running the search terms and will get back to us with hit counts and an estimate on how long it would take them to review the resulting data for responsiveness.

   a. My two cents: Good. That’s how this should work, although it shouldn’t take a month for them to start working on it. We hope they get that information to us in the next week, so that we can see if there are overly inclusive search terms, etc., and perhaps narrow the parameters further.

2. They have no idea who we are talking about when we asked them to identify additional custodians whose data to search.

   a. My two cents: Bullshit. They have an obligation to comply with the subpoena, and they’re in the best position to know who might have responsive information. That said, we can figure this out on our own once we get the first set of data because we’ll be able to see who is communicating with whom, and we can then go back and ask for those custodians to be searched. Bottom line, I don’t see any sense in holding this up to fight over that.

3. WisVote and Badger Books. They responded to a number of questions that we had about these systems and told us that we need to pay to get Badger Book information.

   a. My two cents: Some of this information might actually be helpful. I recommend sending it to Andreas to get his thoughts about the responses, the structure of the system, and what additional questions he would want to ask. We also know quite a bit more now about WisVote after several days of testimony before the Committee – enough that I don’t see how we come up with anything particularly new without a full forensic audit of the system (i.e., hiring forensic IT/cybersecurity professionals, planning an audit, and having full access to the systems – not a brief overview like LAB did). Unless/until we get that figured out, I’m not sure what we would gain from continuing to fight with OAG over this issue, and I wouldn’t want it to hold up their production of the regular ediscovery information in the meantime.

   • John

Sent from Mail for Windows

From: Johnson-Karp, Gabe <johnsonkarp@gdoj.state.wl.us>
Sent: Friday, February 25, 2022 3:59:43 PM
To: 7 <7@wispecialcounsel.org>; Coms <Coms@wispecialcounsel.org>; 4 <4@wispecialcounsel.org>

https://outlook.office.com/mail/inbox/id/AAQkAGYwY2ljMnRlLT2MDgtNDDMyOS05MWEGLWhlmZ2ljMzI3MGQ5MgAQAeHnmlvg0ZFlmJ1NPejcyUE
Counsel,

Attached, please find an additional response to your February 4 letter.

Sincerely,
Gabe

Gabe Johnson-Karp | Assistant Attorney General
Wisconsin Department of Justice
Special Litigation and Appeals Unit
17 West Main Street
Madison, WI 53703
johnsonkarp@doj.state.wi.us
Phone: (608) 267-8904

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From: Johnson-Karp, Gabe
Sent: Tuesday, February 8, 2022 3:37 PM
To: 7 <7@wispecialcounsel.org>; coms@wispecialcounsel.org; 4 <4@wispecialcounsel.org>
Cc: Bellavia, Thomas C. <bellaviatc@DOJ.STATE.WI.US>
Subject: RE: Letter in Response to Zanow, Jacobs, Linski, and WEC subpoenas

Counsel,

Attached, please find a response to your February 4 letter.

Sincerely,
Gabe

Gabe Johnson-Karp | Assistant Attorney General
Wisconsin Department of Justice
Special Litigation and Appeals Unit
17 West Main Street
Madison, WI 53703
johnsonkarp@doj.state.wi.us
Phone: (608) 267-8904

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EXTERNAL EMAIL: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Gabe,

Attached is a letter that follows up on our last call and responds to your latest letter.

--

Clinton W. Lancaster, Esq.

OFFICE OF THE SPECIAL COUNSEL
P.O. Box 510766
New Berlin, WI 53151
7@wispecialcounsel.org

www.WiFraud.com

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February 25, 2022

VIA EMAIL

Mr. Michael Gableman
Special Counsel
200 South Executive Drive, Suite 101
Brookfield, WI 53005

Re: Additional follow-up regarding subpoenas duces tecum

Dear Counsel:

As a follow-up to my letter of February 8, 2022, I am writing with additional responses to your February 4, 2022, letter regarding ongoing discussions about your requests for documents from the Wisconsin Elections Commission, Ann Jacobs, Trina Zanow, and Sara Linski. As we expressed in our letters of January 14, 28, and February 8, 2022, despite multiple objections to the scope and targets of those subpoenas, we remain committed to working in good faith with your staff as you address those objections and continue to refine your requests. Although significant questions about the lawfulness of those subpoenas remain, including your ongoing authority to issue and enforce them, we are providing the following information and documents in response to your latest, narrowed requests, subject to these and all previously lodged objections.¹

In your February 4, 2022, letter, you agree to a rolling production of information and documents that are “readily available” to our clients. You also proposed focusing discussions and potential productions on two categories of

¹ As noted in our letter of January 14, Trina Zanow is the Administrator of the Department of Administration’s Division of Enterprise Technology, and therefore does not have possession or control of the elections-related documents and data you are requesting. Therefore, as also explained in that letter, Ms. Zanow will not be producing any documents in response to the subpoena.
information: (1) email and other communications between certain listed individuals and entities; and (2) electronic information related to Wisconsin's elections and voting databases, including the WisVote and Badger Book systems, as well as information about voting machines.

As to the first category, Commission staff are currently conducting searches using the parameters you proposed in your February 4 letter. Staff expect to have estimates on the number of hits on those terms soon, as well as expected staff time that would be necessary to review responsive documents. As you requested, we will share the results of those preliminary searches to allow you to determine whether you wish to further narrow those parameters. We also reserve the right to object regarding the burden of reviewing voluminous amounts of responsive documents.

You also ask in your February 4 letter that we “identify ‘custodians’ whose data would be likely to include the information [you] are looking for.” We have no way to know what you are looking for, and therefore are not in a position to propose additional state employees and officials whose documents you might wish to review.

As to the second category, you pose a number of questions about WisVote and Badger Books, including where the applications' data “reside,” who hosts the applications, how much data exists, categories of data, and who manages the applications, among others. I am enclosing a document providing responses to your questions about these two systems. Much of this information is duplicative of information that Commission staff provided in response to nearly identical questions that Representative Janel Brandtjen recently posed to the Commission. I am enclosing a copy of that document as well.

In conjunction with that response to Representative Brandtjen's request, Commission staff produced documents related to the topics addressed in that request. Those responsive documents, produced to the Assembly Committee under which you operate, are not being reproduced now.

Your latest requests also seek data about individual voter records. Any request for data about the status of individual voter records in the statewide system, as well as changes in voter status, must be requested through Badger Voters. By law, the Commission must charge for such data. See Wis. Stat. § 6.36(6); Wis. Admin. Code EL § 3.50. There are no exceptions to this requirement for payment, as was explained to the Assembly Committee when they submitted their similar request.
If you wish to submit such a request through Badger Voters, Commission staff will be able to process the request and provide an estimate of what data can be produced, as well as the cost to produce the data. Commission staff would then endeavor to provide whatever producible data is available, on a reasonable timeline.

Finally, your February 4 letter also requests information about “voting machines used during the 2020 election.” As you likely know, the Commission does not possess or control voting machines, nor does it develop, maintain, or program those machines. While the Commission conducts initial testing of equipment and approves equipment for sale by third-party vendors, those vendors handle all development, certification, and delivery of the systems directly to municipal election officials.

Sincerely,

Gabe Johnson-Karp
Assistant Attorney General

GJK:ajw

Enclosures
Fw: Invoice for February Time

Coms <Coms@wispspecialcounsel.org>
Fri 3/4/2022 12:17 PM
To: johnwispspecialcounsel@protonmail.com <johnwispspecialcounsel@protonmail.com>

WI Special Counsel

Please be aware any communications sent to and from Wispspecialcounsel.org email domains may be subject for review in response to Wisconsin open records statutes.

From: Coms <Coms@wispspecialcounsel.org>
Sent: Friday, March 4, 2022 12:05 PM
To: 4 <4@wispspecialcounsel.org>
Subject: Re: Invoice for February Time

Hey, John,

We are getting charged for storing the emails.

How long should we keep it?

Mike

WI Special Counsel

Please be aware any communications sent to and from Wispspecialcounsel.org email domains may be subject for review in response to Wisconsin open records statutes.

From: 4 <4@wispspecialcounsel.org>
Sent: Tuesday, March 1, 2022 9:32 AM
To: Coms <Coms@wispspecialcounsel.org>
Subject: Invoice for February Time

Hi, Zak.

Sending Invoice # 1965 for February time. Please make an electronic payment directly to the firm if at all possible. The mail is horribly slow getting to our office for some reason.

- John

Sent from Mail for Windows
INVOICE
Invoice # 1965
Date: 02/26/2022
Due On: 03/26/2022

Law Office of Earth & Water Law
1455 Pennsylvania Ave, N.W., Suite 400
Washington, DC 20004
Phone: 202-664-9297

Office of Special Counsel
200 South Executive Drive, Suite 101
Brookfield, Wisconsin 53005

00355

Representation of Office of Special Counsel in investigation authorized by the WI State Assembly re election procedures and security.

Client Reference Number:

<table>
<thead>
<tr>
<th>Date</th>
<th>Attorney</th>
<th>Notes</th>
<th>Quantity</th>
<th>Rate</th>
<th>Total</th>
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<td>Flat Fee</td>
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</tr>
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Total $10,000.00

Detailed Statement of Account

Other Invoices

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<tr>
<th>Invoice Number</th>
<th>Due On</th>
<th>Amount Due</th>
<th>Payments Received</th>
<th>Balance Due</th>
</tr>
</thead>
<tbody>
<tr>
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<td>02/24/2022</td>
<td>$10,000.00</td>
<td>$0.00</td>
<td>$10,000.00</td>
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</table>

Current Invoice

<table>
<thead>
<tr>
<th>Invoice Number</th>
<th>Due On</th>
<th>Amount Due</th>
<th>Payments Received</th>
<th>Balance Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>1965</td>
<td>03/28/2022</td>
<td>$10,000.00</td>
<td>$0.00</td>
<td>$10,000.00</td>
</tr>
</tbody>
</table>

Outstanding Balance $20,000.00
Please make all amounts payable to: Earth & Water Law, LLC

Payment for Invoice No. 1933 has already been issued but is not yet credited here simply because it had not been deposited before this invoice was generated.

E&W Law Employer ID: 47-4960992
Remittance Advice

Checking Information

Remit checks to: Earth & Water Law, LLC
1455 Pennsylvania Avenue, N.W., Suite 400
Washington, D.C. 20004

Wire Transfer Information

Bank Name/Address: Capital One Bank, N.A.
Rockville, MD

Bank ABA/Routing #: 065000090

Name/Account #: Earth & Water Law LLC
Account: 1361329917

SWIFT: NFBKUS33

Please include the invoice number 1965 as an additional reference so we may accurately identify and apply your payment.

Please provide adequate payment to cover the wire fees assessed by your financial institution.