EXTERNAL : Question on identity of Carol M. and other employees

Marley, Patrick <patrick.marley@jrn.com>
Wed 10/27/2021 10:09 AM
To: Coms <Coms@wispecialcounsel.org>

Hi Zakory:

A woman calling herself Carol M. has been contacting cities and the AG's office saying she works for the Office of Special Counsel. Does this person actually work for the special counsel and if so what is her last name? Is she an attorney or does she have some other role with the office?

In addition, can you please tell me who else works for the office? Specifically, who have been assigned the email addresses 2@wispecialcounsel.org, 4@wispecialcounsel.org and 5@wispecialcounsel.org? If you are not disclosing this information, can you tell me the basis for withholding these names, given that everyone is being paid by taxpayers?

Thank you.

Patrick Marley
State Capitol reporter

journal sentinel

Mobile: 608.236.7686
Office: 608.258.2262
patrick.marley@jrn.com
@patrickdmarley
www.jrsonline.com

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EXTERNAL : RE: EXTERNAL : Teleconference between Tom, Mike and Me

Thomas Ciesielka
Tue 10/26/2021 2:33 PM
To: Erick Kaardal <kaardal@mklaw.com>; Coms <Coms@wispecialcounsel.org>
Thanks for setting this up, Erick.

Thomas Ciesielka

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Your Experts in Reputation Management
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One N. LaSalle Street
Suite 600
Chicago, IL 60602
www.tcpr.net

(o) 312-422-1333
(c) 312-422-1333

From: Erick Kaardal <kaardal@mklaw.com>
Sent: Tuesday, October 26, 2021 2:11 PM
To: 'Coms' <Coms@wispecialcounsel.org>; Thomas Ciesielka
Subject: RE: EXTERNAL : Teleconference between Tom, Mike and Me

We're confirmed then for 11 a.m. tomorrow. I will initiate call. Thanks.

From: Coms <Coms@wispecialcounsel.org>
Sent: Tuesday, October 26, 2021 2:07 PM
To: Erick Kaardal <kaardal@mklaw.com>; 'Thomas Ciesielka' <tc@tcpr.net>
Subject: RE: EXTERNAL : Teleconference between Tom, Mike and Me

Sounds good!

Mike

Sent from Mail for Windows

From: Erick Kaardal
Sent: Tuesday, October 26, 2021 12:30 PM
To: 'Thomas Ciesielka'
Cc: Coms
Subject: EXTERNAL : Teleconference between Tom, Mike and Me

EXHIBIT P
EXTERNAL : Resume

Clinton W. Lancaster
Thu 10/21/2021 2:05 PM
To: Coms <Coms@wspecialcounsel.org>
My resume is attached.
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.

Clinton W. Lancaster,
Partner, Attorney at Law
LANCASTER LAW FIRM, PLLC
clint@TheLancasterLawFirm.com
Tel: (501) 776-2224
Fax: (501) 776-6186
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.
EXTERNAL: WEC and CTCL Election Grant Comparison

jay stone <jays@wspecialcounsel.org>
Sun 10/24/2021 3:55 PM
To: Coms <Coms@wspecialcounsel.org>

Hi Mike,

I attached a table with a WEC and CTCL grant comparison. I plan to use the table in my Meagan Wolfe complaint to show that there were enough irregularities between the CTCL and WEC election grants that Wolfe should have investigated my original August 28, 2020 complaint.

I recall Meagan Wolfe testifying before Janel's Committee. I don't recall Wolfe answering specific questions about what was written in the Wisconsin Safe Voting Plan. I believe that the WSVP's first two items were red flags that Wolfe missed (see attached table). The first item is, "Encourage and increase absentee voting by mail or early in-person voting" (This is a GOTV drive) and the second item is,"Dramatically expand strategic voter education and outreach efforts, particularly to historically disenfranchised voters" (This is another GOTV drive).

Positive Regards,

jay stone

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EXTERNAL: Re: Checking In

Smith, Matt <Matt.Smith@hearst.com>
Fri 10/22/2021 2:19 PM
To: Coms@wlspecialcounsel.org
Checking in again, any response to the DOJ motion and court hearing set for Monday?

Thanks,
Matt

Sent from my iPhone

On Oct 21, 2021, at 1:02 PM, Smith, Matt <Matt.Smith@hearst.com> wrote:

Hey there –

Checking in to confirm no testimony is scheduled with any election officials/mayors tomorrow (Friday 10/22)?

Thanks,
Matt

MATT SMITH
WISN-TV | 759 N. 19th St., Milwaukee, WI 53233
(o) 414-937-3360 | (c) 414-651-4845
TWITTER | FACEBOOK | INSTAGRAM

<Image001.gif>

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EXTERNAL: Resume

Sophia Tjotjos <s.tjotjos@outlook.com>
Thu 10/21/2021 1:07 PM
To: Corrie <Corrie@wispecialcounsel.org>

Hello Zackory,

Per Mike's request, I have attached my resume to this email for his review before our zoom call today.

Thank you,

Sophia Papandreass Tjotjos, Esq.
(440)781-2395

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EXTERNAL: Fwd: RESUME 2021 CULPEPER.pdf

Megan Frederick <megan.frederick@comsmail.com>
Thu 10/21/2021 12:59 PM
To: Coms <coms@wlspecialcounsel.org>

Zakory,

Attached is my resume. I apologize in advance for the old fashioned style! My vitae doesn’t have the same abundance of info and I haven’t updated this one yet, so I thought Mike would want this one instead of the slimmed down vitae. Let me know if you need anything else!

Best,
Megan

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.
EXTERNAL: Invoice 20210014781-15 from MW - WISCONSIN

MW - WISCONSIN <corporatebillingsolutions@uslegalsupport.com>
Thu 10/21/2021 4:08 AM
To: Coms <Coms@wlspecialcounsel.org>

MW - WISCONSIN

<table>
<thead>
<tr>
<th>Invoice</th>
<th>Date Due</th>
<th>Balance</th>
<th>Click here if you to Pay Now</th>
</tr>
</thead>
<tbody>
<tr>
<td>20210014781-15</td>
<td>12/04/2021</td>
<td>$224.50</td>
<td></td>
</tr>
</tbody>
</table>

Dear Zakory Niemierowicz,

Thank you for choosing U.S. Legal Support.

Attached please find an electronic version of your invoice for Court Reporting services:

Pertaining To: General
In The Matter Of: In RE: Mark Krauter
Taken On: 10/15/2021
Sold To: Zakory Niemierowicz (WI Special Counsel)

U.S. Legal Support is going green. No physical copy will be mailed. If you wish to change your preferred method of delivery, please reply to this email and we will gladly accommodate your request.

If you have any questions related to this invoice or any other billing inquiries please contact us at corporatebillingsolutions@uslegalsupport.com

Invoice not paid by due date is subject to interest of 1.5% per month. We will make reasonable efforts to allocate payments properly. U.S. Legal Support may recover any fees and costs it incurs in collecting any unpaid amounts. Any rights regarding allocations, refunds or adjustments after 90 days from payment shall be waived by payer.

Postal Logo | Localizations
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EXTERNAL: Fwd: Receipt of Complaint - Stone v. Wolfe

jay stone
Wed 10/20/2021 1:58 PM
To: Coms <Coms@wispspecialcounsel.org>
Hi Mike,

Below are more correspondences between WEC attorney Judnic and myself. I threatened to file a WEC complaint in order to get Judnic to provide notification of receipt of my complaints that he should have done weeks earlier.

Positive Regards,

jay stone

-------- Forwarded message ---------
From: jay stone <jaystone@wispspecialcounsel.org>
Date: Mon, Oct 18, 2021 at 8:52 PM
Subject: Re: Receipt of Complaint - Stone v. Wolfe
To: Judnic, Nathan - ELECTIONS <Nathan.Judnic@wisconsin.gov>

Dear Mr Nathan W. Judnic,

Unless the WEC posts the Stone v. Wolfe complaint and exhibits on the WEC's Section 5.06 complaint page and unless the WEC acknowledges the receipt of my Stone v. Obama, et al.; Stone v. Jarrett et al.; and Stone v. Barrett et al. complaints I will file another WEC complaint.

Please respond in two business days by Wednesday, October 20, 2021.

Regards,

jay stone

On Thu, Oct 14, 2021 at 4:45 PM Judnic, Nathan - ELECTIONS <Nathan.Judnic@wisconsin.gov> wrote:

Mr. Stone,

The Wisconsin Elections Commission is in receipt of your complaint filed against Administrator Meagan Wolfe. Per the Commission’s procedures, the Respondent is now afforded 10 business days to file a response. Once a response has been received, you are allowed 10 business days to file a reply.

Regards,

Nathan W. Judnic

Staff Attorney
EXTERNAL: Fwd: Please Recuse Yourself from My Four Pending WEC Complaints

jay stone
Wed 10/20/2021 1:53 PM
To: Coms <Coms@wlspecialcounsel.org>
Hi Mike,

Since you are investigating WEC's role in the 2020 election, I am forwarding you an email in which I asked WEC attorney Nathan Judnic to recuse himself from having any involvement in my four pending WEC complaints.

Positive Regards,

jay stone

-------- Forwarded message --------
From: jay stone <jayjoelstone@gmail.com>
Date: Wed, Oct 20, 2021 at 11:39 AM
Subject: Please Recuse Yourself from My Four Pending WEC Complaints
To: Judnic, Nathan - ELECTIONS <Nathan.Judnic@wisconsin.gov>

October 20, 2021,

Dear Mr. Judnic,

I asked that you recuse yourself from any involvement in my four pending WEC complaints because of your pattern of improper conduct towards me. The USPS delivered my first complaint to the WEC on August 25, 2021. Nearly two months later, in an October 14, 2021 email from me to you, I asked for notification of receipt of three of my WEC complaints. Instead of explaining why you were not providing notification, you simply did not respond to my email. I called and left you two messages on your WEC voicemail, which you never responded to. I left a message on WEC's general voicemail that was never responded to; I assume you received my message because a WEC operator/employee told me you handle WEC complaints. You tried to protect your friend and colleague Administrator Meagan Wolfe by not posting my complaint against her on WEC's complaint webpage. I should not have had to use a threat of a WEC complaint to make you provide notification of receipt of my three WEC complaints and post my complaint against Meagan Wolfe on WEC's webpage. I believe your behavior towards me is biased and hostile because I dared to file WEC complaints. For these reasons I asked that you recuse yourself from my four pending WEC complaints.

Of note, I have filed four Federal election Commission complaints in the last year and I have had any conflict or problems with the FEC lawyers, investigators, or paralegals.

Mr. Judnic, you have until Friday, October 22, 2021 at 5 PM to send me your recusal notification on WEC stationary or I will take further action.

Regards,

jay stone

CC: WEC Board of Commissioners

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EXTERNAL : Fwd: Color Copier Rental

RHH <ronheuer@gmail.com>
Tue 10/19/2021 2:54 PM
To: Coms <Coms@wispeciaclcounsel.org>

Mike and Zak,
This is the company and deal I would recommend we go with. Craig Woyal has been in business 27 years in the Waukesha area. His pricing on this machine on a lease basis is extremely competitive. For example for us to have this machine for 3.5 months, estimating 30,000 B&W copies and 10,000 color copies would cost us $2,875. They provide the toner, we provide the paper. They are also close enough that in the event we have a service call required, they would be there quickly.

I've done research on this Copystar which is really Kyocera and it is a highly rated machine on the level of Toshiba. BTW, the next closest quote I received for the service I laid out in paragraph 1 was a Toshiba and that plan came in at $6,725.

If I let Craig no by tomorrow morning, he can deliver the copier to our office on Thursday afternoon.

Your thoughts?

Ron Heuer

-------- Forwarded message --------
From: Craig Woyal <Craig@milwaukeeofficeproducts.com>
Date: Mon, Oct 18, 2021 at 4:22 PM
Subject: Color Copier Rental
To: ronheuer@gmail.com <ronheuer@gmail.com>

Hello Ron,

Thank you for your time today and for this opportunity. We do short term rentals on the regular basis and we have units available. I have attached to this email information on what I would recommend for your rental.

Please let me know if you have any thoughts and or questions.

Thank you!

Craig Woyal
Milwaukee Office Products, Inc.
(262) 832-0222
www.milwaukeeofficeproducts.com
EXTERNAL : Re: Green Bay Documents - Supplement

Mel Barnes <mbarnes@lawforward.org>
Tue 10/19/2021 9:55 AM
To: 6 <6@wispecialcounsel.org>; Coms <Coms@wispecialcounsel.org>
Cc: Jeffrey Mandell <jmandell@staffordlaw.com>; Christine Sun <christine@statesuniteddemocracy.org>; Victoria Bassetti <victoria@statesuniteddemocracy.org>; Aaron Scherzer <Aaron@statesuniteddemocracy.org>

Good Morning Mr. Kloster,

The file I sent yesterday did not include unique page numbers—please apologize. Attached is a version with identifying numbers continuous from our Friday production. Please reference this numbered version in any future communications for our mutual convenience.

Will you please confirm receipt of this copy?

Thank you,

Mel

Mel Barnes (she, hers)
Staff Counsel
Mbarnes@lawforward.org | 920.740.1816
Law Forward, Inc.
P.O. Box 326, Madison, WI, 53703
Lawforward.org

Interested in learning more about redistricting in Wisconsin? Check out our new guide.

From: Mel Barnes
Sent: Monday, October 18, 2021 5:01 PM
To: '6@wispecialcounsel.org' <6@wispecialcounsel.org>; 'coms@wispecialcounsel.org' <coms@wispecialcounsel.org>
Cc: Jeffrey Mandell <jmandell@staffordlaw.com>; Christine Sun <christine@statesuniteddemocracy.org>; Victoria Bassetti <victoria@statesuniteddemocracy.org>; Aaron Scherzer <Aaron@statesuniteddemocracy.org>
Subject: Green Bay Documents - Supplement

Hello Mr. Kloster,

Attached please find copies of the additional requests for records received by Green Bay that we previously noted we would provide as a supplement to Friday's materials. Note these documents are the requests Green Bay responded to, not the responsive materials themselves, which were included in what we shared on Friday. Please let me know if you have any issues opening the PDF.

EXHIBIT P

https://outlook.office.com/mail/nid/AAQkAGYwYzljMmRhlTzMDg1NMY55MWE0LWZlMzlkZGJiMgQAiJGZWEcT9IEcsQCoxSQ%2... 1/2
From: Marley, Patrick  
Sent: Monday, November 29, 2021 12:58 PM  
To: 1; Coms  
Subject: EXTERNAL : Open records request for legal contracts

Justice Gableman:

Under the state’s open records law, I am requesting:

-- Copies of all contracts and subcontracts between the Office of Special Counsel and the Thomas More Society;
-- Copies of all contracts and subcontracts between the Office of Special Counsel and the Amistad Project;
-- Copies of all contracts and subcontracts between the Office of Special Counsel and Mohrman, Kaardal and Erickson;
-- Copies of all contracts and subcontracts between the Office of Special Counsel and attorney Jim Bopp and/or his firm;
-- Copies of all contracts and subcontracts between the Office of Special Counsel and the James Madison Center for Free Speech.

I am seeking contracts and subcontracts that are made directly with the Office of Special Counsel, as well as contracts and subcontracts that are made with any of the office’s contactors, including but not limited to Michael Dean.

If you have questions about this request, please let me know. Thank you.

Patrick Marley
State Capitol reporter

journal sentinel

Mobile: 608.235.7686
Office: 608.256.2282
patrick.marley@im.com
@patrickmarley
www.jasonline.com

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.
Sublease Agreement

This Sublease is made and entered into by and between CONSULTARE LLC (hereinafter “Sublessor”) and THOMAS MORE SOCIETY (hereinafter “Sublessee”).

Recitations

0.1 Whereas, Sublessee desires to sub-lease office space from Sublessor at the offices located at 155 S. Executive Drive Suites 212 & 110A, located in Brookfield, Wisconsin.

0.2 Whereas, Sublessor has agreed to sublease 886 rentable square feet of space to Sublessee commencing October 1, 2021 through the Lease termination date of September 30, 2022.

0.3 Whereas, Sublessor and Sublessee desire to accommodate the sub-lease in accordance with the agreement below.

Agreement

Now, therefore, in consideration of the above Recitations and the promises and agreements hereinafter contained, it is agreed between Sublessor and Sublessee that:

1.1 Term. Sublessee agrees to sub-lease the 886 rentable square feet of space, shown on the attached Exhibit A as "TMS" and the common area spaces, for a period of One (1) Year, commencing October 1, 2021 and ending at midnight on September 30, 2022.

1.2 Base Rent. Sublessee will pay to Sublessor the Base Rent of $1218.25 per month. Rent shall be paid to Sublessor on or before the first day of each month of the term. Sublessor and Sublessee acknowledge and agree, and with its consent below, the Landlord acknowledges and agrees, that Sublessee's payment of Base Rent hereunder is Sublessee's only rental obligation with respect to its use and possession of the subleased premises and such payment of Base Rent includes Sublessee's share of real property taxes, insurance, utilities, building operation expenses and other services provided by Landlord under the Lease Agreement.

1.3 Agreement. Sublessee agrees to abide by all terms, rules and regulations as set forth in Landlord's original Lease Agreement which is attached hereto and made part of this agreement. With respect to the subleased premises, Sublessee shall have all rights and obligations as Tenant has to the Demised Premises under said original Lease Agreement.

1.4 Improvements. None.

1.5 Warrant of Authority. Each party warrants and represents to the other that they have the power and authority to enter into and perform all their obligations under this Sub-lease and that such party has performed all acts and obtained all approvals necessary to make this Sub-lease a valid, binding legal obligation and each person who executes this Sub-lease in a representative capacity on behalf of either party individually warrants that (s)he is duly authorized to do so.

In witness whereof, this Sub-lease is duly executed and delivered as of the date specified below.

BY: ____________________________ Date: 9/23/2021
Sublessee: Andrew Bath for Thomas More Society

BY: ____________________________ Date: 9/23/2021
Sublessor: Michael Gablenz for Consultare LLC

Landlord Consent: ____________________________
John Hoffman, Managing Partner

EXHIBIT P
Sublease Agreement

This Sublease is made and entered into by and between CONSULTARE LLC (hereinafter "Sublessor") and MOHRMAN, KAARDAL & ERICKSON, P.A. (hereinafter "Sublessee").

Recitations

0.1 Whereas, Sublessee desires to sub-lease office space from Sublessor at the offices located at 155 S. Executive Drive Suites 212 & 110A, located in Brookfield, Wisconsin.

0.2 Whereas, Sublessor has agreed to sublease 1272 rentable square feet of space to Sublessee commencing October 1, 2021 through the Lease termination date of September 30, 2022.

0.3 Whereas, Sublessor and Sublessee desire to accommodate the sub-lease in accordance with the agreement below.

Agreement

Now, therefore, in consideration of the above Recitations and the promises and agreements hereinafter contained, it is agreed between Sublessor and Sublessee that:

1.1 Term. Sublessee agrees to sub-lease the 1272 rentable square feet of space for a period of One (1) Year, commencing October 1, 2021 and ending at midnight on September 30, 2022.

1.2 Base Rent. Sublessee will pay to Sublessor the Base Rent of $1749.00 per month. Rent shall be paid to Sublessor on or before the first day of each month of the term.

1.3 Agreement. Sublessee agrees to abide by all terms, rules and regulations as set forth in Landlord's original Lease Agreement which is attached hereto and made part of this agreement.

1.4 Improvements. None.

1.5 Warrant of Authority. Each party warrants and represents to the other that they have the power and authority to enter into and perform all their obligations under this Sub-lease and that such party has performed all acts and obtained all approvals necessary to make this Sub-lease a valid, binding legal obligation and each person who executes this Sub-lease in a representative capacity on behalf of either party individually warrants that (s)he is duly authorized to do so.

In witness whereof, this Sub-lease is duly executed and delivered as of the date specified below.

BY: _________________________ Date: 9/22/2021

Sublessee: Michael Gablen for Consultare LLC

BY: _________________________ Date: 9/21/2021

Sublessee: William Mohrman for Mohrman, Kaardal & Erickson, P.A.

By: _________________________ 9/22/2021

Landlord Consent: Jack Hoffman

John Hoffman, Managing Partner

EXHIBIT P
AGREEMENT FOR LEGAL SERVICES

THIS AGREEMENT, is made and entered into by and between Michael Gableman, in his official capacity as Special Counsel, Wisconsin State Assembly Committee on Elections and Campaigns (hereinafter “Client”) and The Bopp Law Firm, P.C. (hereinafter “The Firm”). This agreement supersedes any and all previously executed agreements between the parties with respect to the services contemplated herein.

WHEREAS, Client desires to retain The Firm to represent Client in the litigation styled as Wisconsin Election Commission, et al. v. Wisconsin State Assembly, et al., Case No. 2021-cv-002552 in the Wisconsin Dane County Circuit Court, and in any subsequent appellate proceedings.

THE PARTIES AGREE as follows:

Section 1 Hourly Rates. Client will pay the following hourly rates for attorneys: $450/hour for James Bopp, Jr. and $240/hour for Courtney Turner Milbank. Other attorneys may assist at The Firm’s discretion at their corresponding hourly rates charged by the Firm. Hourly rates for attorneys undergo periodic review and may increase during the term of this Agreement upon notice to Client.

Section 2 Local Counsel. Pursuant to SCR 10.03(4), a non-resident attorney seeking admission to practice in Wisconsin courts must associate with a member of the State Bar of Wisconsin. Accordingly, Client authorizes The Firm to enter into an agreement with Michael D. Dean, LLC to serve as local counsel. Client will pay the following hourly rates for local counsel: $275/hour for Michael D. Dean and $175/hour for David J. Craig and Michael D. Dean, LLC will monthly invoice Client for their services, once approved by The Firm.

Section 3 Costs and Expenses. Costs and expenses are in addition to the hourly charges for legal services. Costs and expenses include, but are not limited to, court charges, copies, postage, telephone, fax, travel, parking, special materials, exhibits, photographs, investigators, experts, computer assisted legal research and all other disbursements, costs, or expenses attributable to said legal services. Client agrees to pay for computer assisted legal research at $3.00 per minute. Client agrees to pay for copies and facsimiles (incoming or outgoing) at the rate of $.25 per page for 1-25 total pages, $.15 per page for 26-100 total pages, and $.10 per page for more than 100 total pages. Total pages are those copied or facsimiled during a copying or facsimiling event.

Section 4 Invoices. The Firm shall invoice Client monthly for any fees, costs, or expenses incurred under this Agreement. All invoices are due and payable within 30 days of receipt. Each invoice shall constitute an account stated and objections must be made in a reasonable time. Interest accruing at 1.5% per month will be
applied to past due accounts until paid. Client agrees to pay all attorney fees, costs and expenses of collecting Client's account if legal action is taken to collect fees, costs and expenses due The Firm.

Section 5 Client’s Cooperation. By this Agreement, Client agrees to cooperate with the Firm and provide all information known to Client or available to Client, which in the opinion of the Firm would aid in its representation of Client in this matter. Client further agrees to notify the Firm immediately of any change in Client’s address or contact information, to review all documentation sent to Client by the Firm, and to promptly and thoroughly participate in the preparation and/or production of any documents that we request of Client.

Section 6 Termination by Client. The Firm will be obligated to honor any instructions of Client requesting termination of the Firm’s representation, only if such instructions are delivered to The Firm in writing bearing the Client’s personal signature. If Client elects to terminate the Firm’s representation, Client is responsible for all fees, costs, and expenses incurred pursuant to this Agreement. Should The Firm be required to perform any services or functions after receipt of such instructions, Client is responsible for any fees, cost, and expenses for these services.

Section 7 Withdrawal by The Firm. The Firm also may withdraw from the representation of Client upon Client’s failure to make payments in accordance with this Agreement, failure to cooperate with the agreed provisions of representation, or failure to follow the advice of the Firm, or under any circumstances permitted by or required by the Indiana Rules of Professional Conduct. Any termination of The Firm’s representation would be subject to the approval of the tribunal and will only be done after reasonable notice has been provided.

Section 8 File Retention and Destruction. At the conclusion of the matter addressed in this Agreement, documents and property that Client has provided to us will, at Client’s request, be returned to Client. The Firm shall retain Client’s legal files for an indefinite period. At any time after five years have elapsed since the conclusion of the matter, after ten business days of notifying Client in writing, which includes by electronic mail sent to Client’s last known electronic mail addresses, The Firm may destroy these files unless Client notifies The Firm in writing that it wishes to take possession of them. The Firm reserves the right to charge administrative fees and costs associated with researching, retrieving, copying, and delivering such files.

Section 9 Disputes. This Agreement shall be governed by Indiana law and courts in the State of Indiana. Any dispute arising under or in connection with the Agreement or related to any matter which is the subject of this Agreement shall be resolved on the basis of Indiana law without giving effect to Indiana’s conflict of law principles and brought in a court located in Indiana.
The undersigned persons represent that they are duly authorized to sign this agreement and hereby agree to the terms and conditions of legal employment, as specified above.

This Agreement may be signed in any number of counterparts. Each counterpart is an original and together, all of the counterparts form a single document. Signatures delivered by email in PDF format shall be effective.

Michael Gableman
Special Counsel, Wisconsin State Assembly Committee on Elections and Campaigns

[Signature]

Robin Vos, Speaker of the Wisconsin State Assembly

[Signature]

James Bopp, Jr.
The Bopp Law Firm, P.C.

[Signature]

Page 3 of 3

EXHIBIT P
VIA EMAIL

Michael Gableman
Office of Special Counsel
200 South Executive Drive, Suite 101
Brookfield, WI 53005
coms@wispecialcounsel.org

Re: December 4, 2021, Open Records Response

Dear Special Counsel Gableman:

We received the Office of Special Counsel’s December 4, 2021, response to certain outstanding open records requests from American Oversight. The December 4, 2021, production does not adequately respond to those requests. We write today to identify the deficiencies in your office’s response and notify you that American Oversight anticipates commencing legal action if your office has not remedied your non-compliance with our requests and with Wisconsin law by December 15, 2021.

In a November 12, 2021 letter, American Oversight identified seven requests that we had submitted since the constitution of the OSC at the end of August (the “Requests”):

- WI-REP-21-1296, submitted September 15, 2021;
- WI-REP-21-1299, submitted September 15, 2021;
- WI-REP-21-1302, submitted September 15, 2021;
- WI-EXT-21-1498, submitted October 15, 2021;
- WI-EXT-21-1494, submitted October 26, 2021;
- WI-EXT-21-1496, submitted October 26, 2021; and

We sought confirmation that you would promptly comply with Wisconsin law by producing the requested records, but we received no response.

On December 3, 2021, American Oversight received an email from Zakory Niemierowicz stating that the OSC “need[ed] extra time to review and produce our documents in order to confirm we have gathered everything responsive to your requests” and indicating that your office would be providing records the next day.

---

1 American Oversight also submitted requests directly to you prior to the constitution of the OSC. As we noted in our November 12, 2021, letter, on October 7, 2021, we received several letter acknowledgements from the OSC stating that “[t]he Office of Special Counsel (OSC) received” requests from American Oversight dated July 19, July 20, and August 12, 2021. It is not clear whether your December 4, 2021, response is intended to respond to those requests.
Special Counsel Gableman
Page 2 of 3

On December 4, we received another email from Mr. Niemierowicz stating: “Attached are the open records for the Office of Special Counsel up until December 1st, 2021. Some documents that contain strategic information to our investigation will continue to be held [sic] until the conclusion of our investigation.” The email included links to three PDFs totaling 114 pages. Neither of Mr. Niemierowicz’s emails identified the specific American Oversight Request (or the other copied individual’s requests) to which the OSC was purporting to respond.

The December 4, 2021, production does not respond to American Oversight’s Requests. The Requests seek communications, work product, and a variety of process and organizing documents regarding the OSC’s activities. You have repeatedly referred to a wide range of “evidence” the OSC allegedly has obtained, and on two occasions you have testified that your office has engaged in extensive investigation, including having “collected and reviewed thousands of governmental and other documents” and “interviewed numerous witnesses.” Nevertheless, you have produced only minimal records regarding those activities. Similarly, you have stated the OSC has or is employing at least ten individuals in addition to the Special Counsel, but you have produced almost no records reflecting communications between you and “any other contractor or agent of the Wisconsin Assembly charged with investigating the November 2020 election.” See WI-REP-21-1302, WI-EXT-21-1498. Moreover, your December 4, 2021, production includes a number of emails that refer to attachments or include links to document files that have not been produced.

Based on the very small number of records produced, it is clear the OSC has withheld a significant portion of its responsive records. The broad assertion that the OSC is within its legal rights to indefinitely withhold records based on your determination that they “contain strategic information” is not a valid justification under Wisconsin statute or common law. See Wis. Stat. § 19.31 (“denial of public access is generally contrary to the public interest, and only in an exceptional case may access be denied”); see also, e.g., Osborn v. Bd. of Regents, 2002 WI 83, ¶ 16, 254 Wis. 2d 266, 283, 647 N.W.2d 158, 166 (denial must be based on sufficient and “legally specific” reasons).

As you know, your office has an obligation to respond to open records requests “as soon as practicable and without delay.” Wis. Stat. § 19.35(4). Your response, which came after several months and which plainly excludes responsive records without legal basis, does not comply with Wisconsin law. Accordingly, if the OSC does not provide all

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2 See, e.g., WI Office of Special Counsel, Special Counsel Announces Updates in Election Investigation, at 09:26, YouTube (Oct. 9, 2021), https://www.youtube.com/watch?v=552AnQfJ5Wg; Office of the Special Counsel, First Interim Report 11, 13, 14, 16, 19, 21, 24, 25 (delivered to the Wisconsin State Assembly Nov. 10, 2021), https://www.wifraud.com/Content/files/InterimReportFINALSubmit.pdf (“Nov. 10 Interim Report”).
4 See Dec. 1 Remarks, Part IIIA.
responsive records subject to the open records law by December 15, 2021, American Oversight will commence legal action to enforce our rights. Id. § 19.37(1)(a).

Thank you for your prompt attention to this matter.

Sincerely,

Sarah Colombo
Counsel
American Oversight

CC (via email):

Christa Westerberg
Pines Bach LLP
Cwesterberg@pinesbach.com
Subject: RE: Public Records Request (WI-REP-21-1295)
Date: Tuesday, October 5, 2021 at 9:45:26 AM Eastern Daylight Time
From: Blazel, Ted
To: AO Records

EXTERNAL SENDER

Dear Ms. Bravo and Ms. Colombo:

This email is in response to your September 15, 2021 open records request. I have attached the original request letter.

I have attached all records in my custody that are responsive to your request.

Please feel free to contact me if you have any questions.

Sincerely,
Ted Blazel
Assembly Chief Clerk
Wisconsin State Assembly

From: AO Records <records@americanoversight.org>
Sent: Wednesday, September 15, 2021 3:04 PM
Subject: Public Records Request (WI-REP-21-1295)

Dear Public Records Custodian:

Please find attached a request for records under Wisconsin’s public records law.

Sincerely,

[Signature]

Olivla Bravo
Paralegal
American Oversight
records@americanoversight.org
www.americanoversight.org | @weareoversight

PRR: WI-REP-21-1295

EXHIBIT R
**Invoice**

**Business Unit:** 76502  
**Voucher Number:** 00006061  
**Voucher Style:** SGLP  
**Supplier:** SINGLEPAY  
**Supplier Location:** Single Payment Supplier SINGLEPAY-001

**Invoice Number:** Sept'21 election contract  
**Invoice Date:** 2021-09-14  
**Miscellaneous:**  
**Freight:** 0  
**VAT:** 0

**Payment Terms:** 00  
**Control Group:**  
**Related Voucher Number:**  
**Lease Number:**

**Chk #:** 1002220621  
**Date:** 9-15-21

**Invoice Total:** 11000

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**Currency:** USD  
**Use Tax:** 0  
**VAT Not on Invoice:** 0
Subject: federal per diem rates
Date: Wednesday, September 15, 2021 at 3:48:33 PM Eastern Daylight Time
From: Hale, Janine
To: Wispécialcounsel@gmail.com
CC: Blazel, Ted
Attachments: image002.png

Mike,

Per your request - Federal Per Diem rates:

Lodging = $96/night
Breakfast = $14.00
Lunch = $15.00
Dinner = $24.00
Incidentals = $6.00

Airfare = lowest appropriate airfare, including one carry-on/checked bag if not included, general seat assignment. Premium fares (above coach/economy or equivalent) are not reimbursable.

Mileage = $0.56 per mile

Please let me know if you have any questions.

Janine Hale

Janine L. Hale
Fiscal Clerk
Office of the Assembly Chief Clerk
17 W Main St., Suite 401 | Madison, WI 53703
608-237-9616 | janine.hale@legis.wi.gov
Subject: RE: Public Records Request (WI-REP-21-1298)
Date: Tuesday, October 5, 2021 at 9:56:43 AM Eastern Daylight Time
From: Blazel, Ted
To: AO Records
Attachments: WI-REP-21-1298.pdf

EXTERNAL SENDER

Dear Ms. Bravo and Ms. Colombo:

This email is in response to your September 15, 2021 open records request. I have attached the original request letter.

I have no records in my custody that are responsive to your request.

Please feel free to contact me if you have any questions.

Sincerely,
Ted Blazel
Assembly Chief Clerk
Wisconsin State Assembly

From: AO Records <records@americanoversight.org>
Sent: Wednesday, September 15, 2021 3:06 PM
Subject: Public Records Request (WI-REP-21-1298)

Dear Public Records Custodian:

Please find attached a request for records under Wisconsin’s public records law.

Sincerely,

Olivia Bravo
Paralegal
American Oversight
records@americanoversight.org
www.americanoversight.org | @weareoversight

PRR: WI-REP-21-1298

EXHIBIT S
Subject: RE: Public Records Request (WI-REP-21-1301)
Date: Tuesday, October 5, 2021 at 10:01:27 AM Eastern Daylight Time
From: Blazel, Ted
To: AO Records
Attachments: WI-REP-21-1301.pdf

EXTERNAL SENDER

Dear Ms. Bravo and Ms. Colombo:

This email is in response to your September 15, 2021 open records request. I have attached the original request letter.

I have no records in my custody that are responsive to your request.

Please feel free to contact me if you have any questions.

Sincerely,
Ted Blazel
Assembly Chief Clerk
Wisconsin State Assembly

From: AO Records <records@americanoversight.org>
Sent: Wednesday, September 15, 2021 3:08 PM
To: Rep.Vos <Rep.Vos@legis.wisconsin.gov>; Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>
Subject: Public Records Request (WI-REP-21-1301)

Dear Public Records Custodian:

Please find attached a request for records under Wisconsin’s public records law.

Sincerely,
--
Olivia Bravo
Paralegal
American Oversight
records@americanoversight.org
www.americanoversight.org | @weareoversight

PRR: WI-REP-21-1301
November 19, 2021

American Oversight
1030 15th Street NW, Suite B255
Washington, D.C. 20005

Dear Ms. Wishingrad and Ms. Colombo:

I received your request dated October 15, 2021. I have attached request letter WI-REP-21-1437 to my response.

I am including all email correspondences that I, or Janine Hale from my office, have had with the Office of the Special Counsel.

I have no other records that are responsive to your request.

Sincerely,

Ted Blazel
Assembly Chief Clerk
Wisconsin State Assembly
COORDINATING ATTORNEY
INDEPENDENT CONTRACTOR AGREEMENT

This Independent Contractor Agreement (Agreement) is entered into this 25th day of June 2021 by and between The Wisconsin Assembly (Assembly) and Consultare LLC, by and through its President, Michael J. Gableman, an independent contractor (Contractor), in consideration of the mutual promises made herein, as follows:

Term of Agreement

This Agreement will become effective on July 1, 2021, and will continue in effect until October 31, 2021, unless altered or extended by mutual agreement of Assembly and the Contractor.

Services to be Rendered by Contractor

Contractor agrees to:

- Coordinate the day to day investigatory work relating to potential irregularities and/or illegalities connected to the 2020 November election in Wisconsin.
- Analyze and delegate to the investigators leads/allegations from whatever source derived, including but not limited to- those that have been submitted to the Assembly Committee on Campaigns and Elections, raised in the media, provided to members of the Legislature before or during the investigation, or generated through the course of this investigation;
- Receive investigative reports from investigators and keep a weekly report of investigative findings.
- Routinely consult with investigators to help direct them in the nature and manner of their investigatory work.
- Compile all investigator reports and weekly attorney reports into a final report related to the election investigation, to be submitted to the Speaker of the Assembly, and;
- Keep all information/findings related to the services rendered under this agreement confidential, except when working with integrity investigators and such designee(s) of the Assembly whom the Speaker shall from time to time identify in writing to the Consultant for such purposes. At present, the Speaker hereby designates Attorney Steve Fawcett as the Assembly’s point of contact with the Contractor. The identity of the Assembly point of contact with whom the Contractor may share such information may be modified from time to time in writing by the Speaker. The requirement for confidentiality set forth in this paragraph extends to any and all employees or agents of the Contractor.

Method of Performing Services

Contractor will determine the method, details, and means of performing the above-described services.
Compensation

In consideration for the services to be performed by Contractor, the Assembly agrees to pay Contractor the sum of Eleven Thousand dollars ($11,000), on a monthly basis, the first such payment due on July 15, 2021, and payment continuing on and through the 15th day of each subsequent month subject to this Agreement (August, September, and October 2021) until the "Term of Agreement" recited herein has ended.

Equipment, Supplies and Related Expenses

Contractor will supply all equipment and supplies required to perform the services under this Agreement. Contractor will also be responsible for all related expenses, including but not limited to mileage or hotel stays, required to perform the services under this Agreement.

Workers Compensation

Contractor agrees to hold harmless and indemnify the Assembly for any and all claims arising out of any injury, disability, or death of the Contractor and Contractor's employees or agents. The Contractor also agrees to provide workers' compensation insurance for Contractor's employees and agents where necessary.

Insurance

Contractor agrees to hold the Assembly free and harmless from any and all claims arising from any negligent act or omission by the Contractor or Contractor's employees or agents during the performance of any duties under this Agreement. The Contractor should consider maintaining a policy of insurance to cover any negligent acts committed by the Contractor or Contractor's employees or agents during the performance of any duties under this Agreement.

Obligations of the Assembly

The Assembly agrees to meet the terms of all reasonable requests of Contractor necessary to the performance of Contractor's duties under this Agreement.

Assignment

Neither this Agreement nor any duties or obligations under this Agreement may be assigned by the Assembly or Contractor without the prior written consent of the Assembly and Contractor.

Termination of Agreement

Neither party may terminate this Agreement at any time prior to the "Term of Agreement" recited herein absent good cause, except at the sixty (60) day mark either party may terminate the last two months of the contract, by written notice, should either party desire to terminate the contract. If no such termination occurs by the sixty (60) day mark, the contract shall be fulfilled in full by both parties unless terminated for good cause.
Notices

Any notices to be given hereunder by either party to the other may be made either by personal delivery or by mail. Mailed notices shall be addressed to the parties at the following addresses:

Contractor:

Consultare LLC
c/o Michael J. Gableman, President
P.O. Box 510145
New Berlin, WI 53151

Assembly:

Speaker Robin Vos
c/o Steve Fawcett
PO BOX 8953
Madison WI 53708

Dispute Resolution

In the event the parties disagree to the terms or execution of the contract, the parties agree to notify the other party as soon as possible to said conflict and work in good faith to find a resolution. In the event that no resolution can be found, the parties agree that any conflict arising out of this contractual agreement is within the sole jurisdiction of the Circuit or Court for Waukesha County, which is the jurisdiction for the home County of residence of the Contractor.

Entire Agreement

This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the performance of services by Contractor and the Assembly, and contains all the covenants and agreements between the parties with respect to the rendering of such services in any manner whatsoever. Each party to this Agreement acknowledges that no representations, inducements, promises, or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein, and that no other agreement, statement, or promise not contained in this Agreement shall be valid or binding. Any modification of this Agreement will be effective only if it is in writing and signed by the other party.

Partial Invalidity

If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way.
Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the State of Wisconsin.

Assembly, by: ___________________________ Date: 6-24-2021

Contractor, by: ___________________________ Date: June 26, 2021
November 19, 2021

American Oversight
1030 15th Street NW, Suite B255
Washington, D.C. 20005

Dear Ms. Pintado and Ms. Colombo:

I received your request dated October 26, 2021. I have attached request letter WI-REP-21-1493 to my response.

I am including all invoices that I have received from the Office of Special Counsel.

I have no other records that are responsive to your request.

Sincerely,

Ted Blazel
Assembly Chief Clerk
Wisconsin State Assembly
November 19, 2021

American Oversight
1030 15th Street NW, Suite B255
Washington, D.C. 20005

Dear Ms. Pintado and Ms. Colombo:

I received your request dated October 26, 2021. I have attached request letter WI-REP-21-1495 to my response.

I have no records that are responsive to your request.

Sincerely,

Ted Blazel
Assembly Chief Clerk
Wisconsin State Assembly
November 19, 2021

American Oversight
1030 15th Street NW, Suite B255
Washington, D.C. 20005

Dear Ms. Pintado and Ms. Colombo:

I received your request dated October 26, 2021. I have attached request letter WI-REP-21-1497 to my response.

I have no records that are responsive to your request.

Sincerely,

Ted Blazel
Assembly Chief Clerk
Wisconsin State Assembly
A who's who guide to the Republican review of Wisconsin's 2020 presidential election

Patrick Marley  Milwaukee Journal Sentinel
Published 12:00 p.m. CT Dec. 16, 2021 | Updated 10:44 a.m. CT Dec. 17, 2021

MADISON – The Republican review of Wisconsin’s election is being conducted by those who appear to have already made up their minds.

Leading it is former state Supreme Court Justice Michael Gableman, who a year ago claimed without evidence the election was stolen. He’s hired a team that has made similar comments or otherwise questioned Joe Biden’s victory in Wisconsin.

Recounts and courts have confirmed Biden’s victory over Donald Trump, but Assembly Republicans have said more review is warranted. They are using $676,000 in taxpayer money to fund Gableman’s review.

Here’s a look at who’s involved.

Robin Vos

The longtime speaker of the Assembly launched the review in May. He has taken criticism from Democrats who say he is undermining voters’ confidence in the election and some Republicans who say he isn’t willing to go far enough with the review.

Michael Gableman

Gableman, who served as a Supreme Court justice from 2008 to 2018, was hired by Vos in June. He has long been involved in Republican politics and at a December 2020 pro-Trump rally claimed without evidence that the election was stolen — and that GOP legislative leaders were responsible for letting it happen.
In October, Gableman acknowledged he does not have "a comprehensive understanding or even any understanding of how elections work."

**Andrew Kloster**

Kloster worked as an attorney for the Trump administration before becoming Gableman’s chief of staff. Last year, he served as a Republican election observer in Green Bay and raised complaints about how the election was conducted there.

Like Gableman, Kloster baselessly claimed before he joined Gableman’s team that the election was stolen. In an online post, he also wrote that conservatives need to have “our own captured DA offices to let our boys off the hook.”

**Carol Matheis**

A California-based attorney, Matheis for a time would not reveal her full name to the public or officials she was contacting about Gableman’s review. In response to questions from the Milwaukee Journal Sentinel in November, Gableman’s office confirmed the attorney going by the name “Carol M.” was Matheis.

She left Gableman’s office in mid-December.

**Clint Lancaster**

Lancaster is an attorney from Arkansas who represented the Trump campaign for the recount it demanded in Dane County. Separately, Lancaster represented a woman who successfully sued the president’s son, Hunter Biden, for child support.

Gableman revealed in November that he had hired Lancaster. He is paying him $10,000 a month — twice as much as what he’s paying Kloster and Matheis.

**Ron Heuer**

Heuer is the chairman of the Kewaunee County Republican Party and president of the Wisconsin Voters Alliance. The voters alliance filed three lawsuits over the election, including two that sought to overturn the results. All three lawsuits failed.

Gableman hired Heuer in October and said he is looking into how voting was conducted at nursing homes. Heuer recently told the Journal Sentinel he does not believe there were
problems with voting machines in Wisconsin, even as some conservatives falsely assert that they were hacked.

Heuer has taken to Facebook over the last year to post messages and videos that falsely suggest COVID-19 is a hoax, mock Michelle Obama for her weight and credit white people with ending slavery.

**Gary Wait**

Wait served as a police officer in Highland Park, Illinois, in the 1970s before becoming a private investigator. Gableman recently disclosed that Wait had worked for him in September and October.

Before he worked for Gableman, Wait helped lead a group of private individuals who conducted their own review of the election.

**Former police officers**

Vos in May hired former Milwaukee Detective Mike Sandvick and former Eau Claire Sgt. Steven Page to work on the election review. They quit within weeks of taking the jobs.

More recently, Gableman hired three former Milwaukee police detectives, Thomas Obregon, Edward Chaim and Neil Saxton, to assist him. Saxton left after three weeks.

**Zakory Niemierowicz**

A recent graduate of the University of Wisconsin-Milwaukee, Niemierowicz has assisted Gableman with administrative matters.

**Unknown data analyst**

Gableman has declined to name a data analyst who started working for him on Nov. 1 “to protect his best interests with his full-time employer.” The analyst is “creating timelines and information webs” for the review, Gableman told the Assembly Elections Committee.

**Nate Cain**

Cain is the owner of the West Virginia computer firm Cain & Associates. He was paid about $7,500 to educate Gableman’s team about technical issues and to help Gableman consider
the attributes of vendors, according to Cain.

Cain last year falsely told a conservative YouTube host that it was statistically impossible for Biden to get as many votes as he did among the ballots that were counted latest. He also said the country could erupt into a civil war if the election was not audited.

**Erick Kaardal**

Kaardal is an attorney with the Minneapolis law firm Mohrman, Kaardal and Erickson who has worked with the conservative Thomas More Society’s Amistad Project.

Working with Heuer, Kaardal has spearheaded legal challenges to grants Wisconsin cities received from the nonprofit Center for Tech and Civic Life to help them run their elections. Courts and the state Elections Commission have thrown out his challenges.

A federal judge in one of the cases said the lawsuit was so meritless that Kaardal should be considered for professional sanctions.

Gableman is sharing office space in Brookfield with Kaardal’s firm and the Thomas More Society.

**Peter Bernegger**

Bernegger, who was sent to federal prison after he was convicted of mail fraud and bank fraud in 2009, this year worked closely with Gary Wait to look into the election on their own. They gathered copies of ballots from across the state — in some cases by visiting clerks’ offices to scan copies of them.

In addition to working with Wait, Bernegger has met with Gableman about his views on the election, according to Cain.

**Harry Wait**

Harry Wait is president of the conservative Racine County group Honest Open Transparent Government. He has passed on information and messages to Gableman from others who are critical of how the election was conducted. He is the brother of Gary Wait.
Mike Lindell

Lindell is the chief executive officer of MyPillow, a cheerleader for Trump and a purveyor of false, often outlandish claims about the election.

He hosted a roundly mocked forum on election hacking in August that Gableman attended. Lindell later sent files to Gableman, according to emails that have been released under the state’s open records law.

Shiva Ayyadurai

Shiva Ayyadurai, who appeared at Lindell’s forum, has discussed the election with Gableman, according to Cain and Harry Wait, Gary Wait’s brother.

In a podcast interview during Lindell’s event, Ayyadurai suggested that votes had been taken away from Trump in a way that was meant to give a nod to the comedic science fiction novel "The Hitchhiker’s Guide to the Galaxy."

Ayyadurai lost a Republican primary for U.S. Senate in Massachusetts last year. Afterward, he falsely claimed the state had destroyed over a million ballots.

Douglas Frank

The chairman of the math and science department at an Ohio school, Frank appeared at Lindell’s event. Frank, who over the last year has made false claims about the manipulation of election information, later met with Gableman, according to Cain.

Frank recently falsely told the Assembly Elections Committee that elections officials did not know the names of who voted in 2020. That information is readily available from the state.

James Bopp

Gableman has retained Bopp, an attorney from Indiana, to help fight a lawsuit filed by Democratic Attorney General Josh Kaul. The attorney general argues some of the subpoenas Gableman has issued are invalid.

As general counsel for the conservative group True the Vote, Bopp filed lawsuits last year challenging the results in Wisconsin and three other states. He withdrew them within days and a donor who funded the lawsuits is now trying to recover his money.

EXHIBIT Y
Bopp has developed a national reputation for fighting abortion and campaign finance laws. About a decade ago, he defended Gableman when he was accused of violating the ethics code for judges by lying in a campaign ad. Gableman did not face discipline in that case because the state Supreme Court split 3-3 on whether he had violated ethics rules.

Michael Dean

Dean is a Brookfield attorney who is working with Bopp to keep Gableman’s subpoenas in place. He has long been involved in conservative legal fights and last year was part of a lawsuit that claimed without evidence that voting machines were hacked by foreigners. A judge quickly threw out the case.

David Craig

A former state senator, Craig is an attorney helping Dean and Bopp with the lawsuit over the subpoenas.

Kevin Scott

Scott is an attorney assisting Gableman with a lawsuit that seeks to jail the mayors of Madison and Green Bay if they don’t sit for interviews about the election. Separately, Scott represents a man who has sued the Wisconsin Elections Commission over its policies for voting from nursing homes during the COVID-19 pandemic.

Janel Brandtjen

Brandtjen, a Republican state representative from Menomonee Falls, is the chairwoman of the Assembly Elections Committee. Gableman is ostensibly working for her committee and has appeared before it twice, but Brandtjen said in October that he had not been consulting with her.

Brandtjen was among a group of four Wisconsin Republican legislators to tour Arizona’s controversial review of ballots in Maricopa County. The audit drew criticism from around the country, including from some Republicans.

Timothy Ramthun
Ramthun is a Republican from Campbellsport serving his second term in the Assembly. He has made numerous false claims about the election and has filed a resolution to revoke the state's electoral votes for Biden even though doing so is impossible legally.

Ramthun attended Lindell's forum and has had some talks with Gableman.

Contact Patrick Marley at patrick.marley@jrn.com. Follow him on Twitter at @patrickdmarley.

About this feature

This is a weekly feature for online and Sunday print readers delving into an issue in the news and explaining the actions of policymakers. Email suggestions for future topics to jsmetro@jrn.com.
POLITICS

Gableman touts Kleefisch's run for governor, asks for support in keeping his election review going

Patrick Marley  Milwaukee Journal Sentinel
Published 12:36 p.m. CT Dec. 14, 2021 | Updated 2:18 p.m. CT Dec. 14, 2021

MADISON — Michael Gableman talked up his review of the 2020 election at a Republican event over the weekend, telling the crowd he wouldn’t back down from Democrats and tipping his hand about his preferences in GOP primaries.

The former state Supreme Court justice at times has tried to portray himself as impartial and at others sought to stir up the Republican base. He’s on deck to speak at another Republican event later this month.

During an appearance Sunday in Beloit, Gableman appeared alongside former Lt. Gov. Rebecca Kleefisch and touted her bid for governor. That could put him in an awkward position if Marine veteran Kevin Nicholson decides to run for governor because Gableman serves on the advisory board for Nicholson’s political organization, the No Better Friend Corp.

Assembly Speaker Robin Vos of Rochester hired Gableman this summer to review the election, giving him a budget of $676,000. Recounts and court rulings have found repeatedly that the presidential election was properly called for Joe Biden over Donald Trump.

Democrats, election experts and some Republicans have called Gableman’s work a waste of taxpayer money that is needlessly damaging faith in the state’s voting systems. Some Republicans — including those Gableman spoke to Sunday — have welcomed his review.

More: 'I don't think there was any problem': Gableman team member now discounts issues with voting machines

More: A bipartisan commission allows Wisconsin election grants, once again rejecting challenges brought by Republicans

More: Republicans reviewing the 2020 election are focused on private grants to Wisconsin cities. Here is what the courts have already said.

Gableman told them they had to make sure they keep his review going. His contract expires this month and Vos has not said if he will extend it.

"I knew there would be criticism. I did not know there would be this universal defense mechanism even among some people in the leadership of the Republican Party, who would rather just let — who would rather just let this go," Gableman told the crowd, according to a recording of his speech obtained by the Milwaukee Journal Sentinel.

"But we can't let it go. We can't let it go. ... They come for us in tiny, tiny steps. They come for us in millimeters. And if you give a millimeter, they're going to push and you've got to back up more. You back up, they're going to push you again and you've got to back up more. I am done backing up. And I hope you are, too."

Gableman made the comments at the Rock County Republican Party's "Merry Politics" event. He's slated to attend a similar event on Dec. 20 with the Chippewa County Republican Party.

Republican state Sen. Kathy Bernier of Lake Hallie this week said she didn’t think it was a good idea for Gableman to attend political events while he is conducting his election review. On Monday, she said Vos should end Gableman's review soon because it is going to hurt Republicans at the ballot box.

More: Gableman is paying $20,500 a month to a staff of five for the GOP election review but won't tell taxpayers who they are

Democratic Rep. Mark Spreitzer of Beloit said he wasn't surprised Gableman is attending partisan events because his hiring was announced at the state Republican Party's annual convention and he's filled his staff with Republicans and election skeptics.

"It's an extension of what we've already seen, which is that this is not a legitimate investigation. This is a partisan effort and it's designed to cater to the Republican base," said Spreitzer, who sits on the Assembly Elections Committee.

In his speech, Gableman championed Kleefisch and implied she would win her primary and defeat Democratic Gov. Tony Evers.

"I know, Rebecca, you are going to be a fantastic governor," Gableman said.
He praised her for her kindness and straightforwardness, but added, "She's tough as nails too. You're going to be fantastic."

Nicholson is considering running for governor or U.S. Senate and is expected to make an announcement soon. His spokeswoman Courtney Mulledid not respond to a question about what Nicholson thought of Gableman's comments.

Gableman also promoted another attendee — Fond du Lac County District Attorney Eric Toney, who is running for attorney general.

Toney faces former state Rep. Adam Jarchow of Balsam Lake in the Republican primary.

Gableman did not mention Jarchow and spoke as if Toney would automatically face Democratic Attorney General Josh Kaul. Kaul has sued Gableman to try to block some of the subpoenas he has issued in his election review.

"I look at Eric Toney's literature and I see right on the front page his goal to reform and defend election law," Gableman said. "I know which candidate I'm going to vote for and I think Eric Toney would be an outstanding attorney general."

Jarchow said he viewed Gableman's comments as "an indictment of Josh Kaul,"

"Justice Gableman is doing important work on the election review," Jarchow said by text message. "I'm sure he is incredibly frustrated with Kaul's inaction. I suspect he will support whichever Republican wins the primary."

Kaul questioned why Gableman was attending political events if he was hired at taxpayer expense to review the election for the general public.

"I think it's clear throughout this investigation that it was a hyperpartisan investigation and not a fair or neutral one and this just reinforces that point," he said.

Contact Patrick Marley at patrick.marley@jrn.com. Follow him on Twitter at @patrickdmarley.
'We don't know when it will end': Wisconsin Assembly Speaker says deadline for GOP-backed election investigation is unclear

Robin Vos says more taxpayer funds may be needed to complete inquiry

By Laurel White
Published: Tuesday, December 14, 2021, 5:00pm

Wisconsin Assembly Speaker Robin Vos, R-Rochester, said Tuesday he doesn’t know how much longer an investigation he spearheaded into the 2020 election will go on, or whether it may need more than its initial, $680,000 taxpayer-funded budget to complete.

Vos called for the investigation shortly after the November 2020 election. This summer, he announced former conservative Wisconsin Supreme Court justice Michael Gableman would lead the probe and that its initial, taxpayer-funded budget would be roughly $680,000. The inquiry was initially expected to be complete this fall. Since its outset, it has spurred controversy, confusion and several lawsuits.
"We don't know when it will end," Vos said in an interview with WPR. "Not because of what timeline we want to put into place, but (because) of the tactics employed by those who oppose our efforts."

Multiple lawsuits have been filed over in-person testimony Gableman has sought for the investigation from state and local officials. In October, Attorney General Josh Kaul filed a lawsuit in Dane County seeking to invalidate the subpoenas issued in the probe. Kaul argued Gableman doesn't have the authority to compel the officials to testify behind closed doors. Earlier this month, Gableman filed his own lawsuit seeking to force the mayors of Madison and Green Bay to provide the testimony about election administration in their communities or face jail time. A Waukesha County judge has delayed ruling on that case until Kaul's case has a late-December hearing.

"My goal was to always have this conclude by the end of the year," Vos said. "But I never in my wildest dreams foresaw the lengths the Democrats would go to try and stop and stymie this investigation."

Vos said the lawsuits have added to the cost of the probe and may necessitate the approval of additional taxpayer funding.

"Every time they go to court, that is taking money out of the budget that we allocated," he said.

"If additional resources are needed, I will certainly keep that in mind," Vos added. "But, as of right now, Justice Gableman is operating within his budget."

**Vos defends investigation staff who've made false claims, filed failed lawsuits**

The Assembly Speaker also came to the defense of Gableman's choice of staff in the probe, which first came to light earlier this month. The staff includes Ron Heuer, president of the Wisconsin Voter Alliance, a conservative advocacy group. Heuer brought an unsuccessful lawsuit before the Wisconsin Supreme Court last year seeking to overturn the state's election results. In the court's ruling, conservative justice Brian Hagedorn said the case "falls far short of the kind of compelling evidence and legal support we would undoubtedly need to countenance the court-ordered disenfranchisement of every Wisconsin voter."

Other staff members in Gableman's probe include Andrew Kloster, a former Trump administration official who has claimed since November 2020, that the election was "stolen" from the former president.

Vos, who has said President Joe Biden won the election, argued taxpayers should still trust the integrity of the investigation, despite the past comments and actions of those conducting it.

"I think you would want to ask people (to be involved) who have questions about the election," he said.

He accused Democrats who have raised concerns about the staff's backgrounds of using "McCarthyite tactics."
The Republican-backed election investigation comes after Wisconsin has completed a series of routine state election audits and a presidential recount in the state's two largest counties, as well as an audit from the Legislature's nonpartisan Legislative Audit Bureau. None of those reviews have uncovered widespread fraud or wrongdoing. There have also been numerous Republican-backed lawsuits in the state, all of which have failed to result in findings of wrongdoing by election officials or voters.

Biden won Wisconsin by about 21,000 votes — a margin similar to several other razor-thin statewide elections in recent years.

**No path forward for legislative takeover of federal elections**

Vos also said he does not see the Legislature attempting to take over control of federal elections from the Wisconsin Elections Commission in the near future, as has been suggested by Wisconsin Republican U.S. Sen. Ron Johnson. Vos said he has reviewed a memo from the Legislature's lawyers that said such a change wouldn't be possible under current state law.

"(The law) is unlikely to change with Tony Evers in the governor's chair, and I don't anticipate that we would even try," he said.

However, he said there need to be "fixes" to how the Wisconsin Elections Commission currently operates, including "guaranteeing" the commission acts quickly to get legislative approval on new policies and faces "enforcement mechanisms" if the bipartisan board issues guidance to local officials that conflicts with state law.

Vos has said members of the commission should "probably" be charged with crimes over 2020 guidance regarding voting in nursing homes. The commission has pushed back, saying its guidance made it possible for vulnerable nursing home residents to vote during the pandemic.

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STATE OF WISCONSIN  
CIRCUIT COURT  
Branch 8  
DANE COUNTY  

AMERICAN OVERSIGHT  
1030 15th St. NW, B255  
Washington, DC 20005  

Petitioner,  
v.  

ASSEMBLY OFFICE OF SPECIAL COUNSEL  
200 South Executive Drive, Suite 101  
Brookfield, WI 53005,  

ROBIN VOS, in his official capacity,  
Wisconsin State Assembly Speaker  
Room 217 West  
State Capitol  
PO Box 8953  
Madison, WI 53708,  

EDWARD BLAZEL, in his official capacity,  
Office of the Assembly Chief Clerk  
17 West Main St., Room 401  
Madison, WI 53703, and  

WISCONSIN STATE ASSEMBLY  
State Capitol Building  
Second Floor, West Wing  
PO Box 8952  
Madison, WI 53708,  

Respondents.  

ALTERNATIVE WRIT OF MANDAMUS  

1
To: Assembly Office of Special Counsel, Speaker Robin Vos, Clerk Edward Blazel, and the Wisconsin Assembly:

It appears by the Petition of American Oversight, 1030 15th St. NW, B255, Washington, DC 20005, and the supporting affidavit of Sarah Colombo, now on file in the office of the clerk of the Circuit Court for Dane County, that Petitioner filed lawful open records requests with you pursuant to the Wisconsin Open Records Law, Wis. Stat. § 19.31, et seq., and, nevertheless, you have unjustifiably withheld and refused to release the records to which Petitioner is entitled, to the injury of Petitioner.

Therefore, so that speedy justice should be done on Petitioner’s behalf,

YOU ARE HEREBY COMMANDED to, immediately on receipt of this writ, release the records responsive to Petitioner’s request, or in the alternative to show cause to the contrary before this court, in Room 4D at the Dane County Courthouse, 215 S. Hamilton St., Madison, WI 53703 on January 21st at 2:30 p.m., or as soon thereafter as counsel can be heard. You have received this writ. Return your execution of it, or provide a reason why you cannot or will not perform as commanded above.
Notice of Hearing

Case No: 2021CV003007

COURT ORIGINAL

This case is scheduled for: Hearing

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<th>Date</th>
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Re
Petition for Writ of Mandamus

This matter will not be adjourned by the court except upon formal motion for good cause or with the specific approval of the court upon stipulation by all parties.

RE: WRIT OF MANDAMUS

If you require reasonable accommodations due to a disability to participate in the court process, please call 608-266-4311 prior to the scheduled court date. Please note that the court does not provide transportation.

Dane County Circuit Court
Date: December 21, 2021

DISTRIBUTION

Court Original
Aaron G Dumas
122 W. Washington Ave, Ste. 900, Madison, WI 53703
Mail Notice
Electronic Notice
Christa Oliver Westerberg
Mail Notice
Assembly Office of Special Counsel
Robin Voas
17 West Main St., Room 401, Madison, WI 53703
Mail Notice
Edward Blazel
State Capitol Building, Second Floor, West Wing, P.O. Box 8952, Madison, WI 53708
Mail Notice
Wisconsin State Assembly

This form shall not be modified. It may be supplemented with additional material.
December 20, 2021

VIA ELECTRONIC FILING ONLY

Mr. Carlo Esqueda
Dane County Clerk of Circuit Court
215 S. Hamilton St, Rm 1000
Madison, WI 53703

Re: American Oversight v. Assembly Office of Special Counsel, et al.

Dear Mr. Esqueda:

This letter is being submitted along with a Summons and Petition for Writ of Mandamus, Application for Alternative Writ of Mandamus, Proposed Alternative Writ of Mandamus, Affidavit of Sarah Colombo, and Exhibits A-AA. Most of the exhibits being submitted (Exhibits A-X) are referred to in both the Petition and the Affidavit. The Affidavit additionally includes Exhibits Y-AA. In a previous filing similar of nature, our office spoke with a clerk in your office who indicated that we should only submit the exhibits once.

Thank you for your attention to this matter.

Sincerely,

PINES BACH LLP

Electronically signed by:
Christa O. Westerberg

Christa O. Westerberg

COW: hkb
Enclosures
STATE OF WISCONSIN    CIRCUIT COURT    DANE COUNTY

AMERICAN OVERSIGHT
1030 15th St. NW, B255
Washington, DC 20005

Petitioner,

v.

ASSEMBLY OFFICE OF SPECIAL COUNSEL
200 South Executive Drive, Suite 101
Brookfield, WI 53005,

ROBIN VOS, in his official capacity,
Wisconsin State Assembly Speaker
Room 217 West
State Capitol
PO Box 8953
Madison, WI 53708,

EDWARD BLAZEL, in his official capacity,
Office of the Assembly Chief Clerk
17 West Main St., Room 401
Madison, WI 53703, and

WISCONSIN STATE ASSEMBLY
State Capitol Building
Second Floor, West Wing
PO Box 8952
Madison, WI 53708,

Respondents.

SUMMONS

THE STATE OF WISCONSIN, To each party named above as a Respondent:

You are hereby notified that the Petitioner named above has filed a lawsuit or other legal action against you. The petition, which is attached, states the nature and basis of the legal action.
Within 45 days of receiving this summons, you must respond with a written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the petition. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is Dane County Courthouse, 215 S. Hamilton Street, Madison, WI 53703, and to Pines Bach LLP, 122 W. Washington Avenue, Suite 900, Madison, WI 53703. You may have an attorney help or represent you.

If you do not provide a proper answer within 45 days, the court may grant judgment against you for the award of money or other legal action requested in the petition, and you may lose your right to object to anything that may be incorrect in the petition. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

If you require the assistance of Auxiliary Aides or Services because of a disability, call (608) 266-4678 (TDD (608) 266-2138)) and ask for the Court ADA Coordinator.

Respectfully submitted this 20th day of December, 2021.

PINES BACH LLP

Electronically signed by:
Christa O. Westerberg

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*Pro Hac Vice Admission pending

Attorneys for American Oversight, Petitioner
AMERICAN OVERSIGHT  
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Washington, DC 20005  

Petitioner,

v.

ASSEMBLY OFFICE OF SPECIAL COUNSEL  
200 South Executive Drive, Suite 101  
Brookfield, WI 53005,  

ROBIN VOS, in his official capacity,  
Wisconsin State Assembly Speaker  
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Office of the Assembly Chief Clerk  
17 West Main St., Room 401  
Madison, WI 53703, and  

WISCONSIN STATE ASSEMBLY  
State Capitol Building  
Second Floor, West Wing  
PO Box 8952  
Madison, WI 53708,  

Respondents.

PETITION FOR WRIT OF MANDAMUS

This is a suit to enforce the Wisconsin Open Records law, Wis. Stat. §§ 19.31 et seq. (the “Open Records Law”), with respect to records in the possession of the Wisconsin State Assembly Office of Special Counsel. Petitioner American Oversight sought these records in open records requests made in September and October 2021 to Respondents Assembly
Office of Special Counsel via Michael Gableman, Robin Vos, Edward Blazel, and the Wisconsin State Assembly. It now, through its attorneys at Pines Bach LLP, complains against Respondents as follows:

PARTIES

1. American Oversight is a nonpartisan, nonprofit organization dedicated to ensuring government transparency at all levels. Through research and requests for public records under the federal Freedom of Information Act and state public records laws, American Oversight uses the information it gathers, and its analysis of it, to educate the public about activities and operations of state and federal governments through its reports, published analyses, press releases, and other media. American Oversight has developed a significant focus on voting rights and election oversight, including in Wisconsin, and seeks to ensure the public has access to government records that enable them to monitor the performance and priorities of their public officials. American Oversight's mailing address is 1030 15th St. NW, B255, Washington, DC 20005.

2. The Assembly Office of Special Counsel ("OSC") was created on August 30, 2021 by the Assembly Committee on Assembly Organization, following a motion by Wisconsin State Assembly (the "Assembly") Speaker Robin Vos. The OSC is funded by the Assembly and staffed entirely by contractors or subcontractors of the Assembly, including Michael Gableman ("Gableman"), who Vos has designated as "special counsel" and who leads the OSC. The OSC has offices at 200 South Executive Drive, Suite 101, Brookfield, Wisconsin. It also does substantial business in Dane County, including conducting investigation activities and reporting to and appearing before Assembly committees. The OSC is an "authority" as that term is defined in Wis. Stat. § 19.32(1).
3. Robin Vos ("Vos") is an adult resident of the State of Wisconsin and an elected member of the Assembly, representing the 63rd Assembly District. He also is Speaker of the Assembly. His office is located at Room 217 West, State Capitol, PO Box 8953, Madison, Wisconsin. Vos is an “authority” as that term is defined in Wis. Stat. § 19.32(1).

4. Edward Blazel ("Blazel") is the duly selected Chief Clerk of the Wisconsin Assembly under Wis. Stat. § 13.15(1). His office is located at 17 West Main Street, Room 401, Madison, Wisconsin. The Chief Clerk is an “office” under Wis. Stat. §§ 19.32(1) and 19.42(13)(e), and Assembly Chief Clerk Blazel is an “authority” as that term is defined in Wis. Stat. § 19.32(1).

5. The Wisconsin State Assembly is the lower house of the Wisconsin Legislature. The Assembly’s address is State Capitol Building, Second Floor, West Wing, PO Box 8952, Madison, Wisconsin. The Assembly is an “authority” as that term is defined in Wis. Stat. § 19.32(1).

JURISDICTION, VENUE, AND RELATED CASES

6. This Court has jurisdiction over the subject matter of this dispute pursuant to Article VII, Section 8 of the Wisconsin Constitution and Wis. Stat. §§ 19.37 and 753.03.

7. Venue is proper under Wis. Stat. §§ 19.37(1) and 801.50(2).

8. Petitioner filed an Open Records action against Respondents Vos, Blazel, and the Assembly on October 8, 2021, alleging failure to provide contractor records under Wis. Stat. § 19.36(3) in response to Petitioner’s July and August 2021 open records requests.

American Oversight v. Robin Vos et al., Dane County Case No. 2021-cv-002440.

10. Both existing Open Records actions seek records related to the Assembly's investigation of the 2020 election.

**RELEVANT LEGAL AUTHORITY**

11. Wisconsin Open Records Law, Wis. Stat. §§ 19.31 *et seq.*, controls public access to government records and mandates that the public be afforded access "to the greatest possible information regarding the affairs of government."

12. "Except as otherwise provided by law, any requester has a right to inspect any record." Wis. Stat. § 19.35(1)(a).

13. "Each authority, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor." *Id.* § 19.35(4)(a).

14. "If an authority denies a written request in whole or in part, the requester shall receive from the authority a written statement of the reasons for denying the written request." *Id.* § 19.35(4)(b). Valid reasons for denial are limited to statutory exemptions, *id.* § 19.36, "[s]ubstantive common law principles," *id.* § 19.35(1)(a), or "specific demonstration[s] that there is a need to restrict public access at the time that the request" is made, *id.*
15. "Each authority shall make available for inspection and copying under s. 19.35(1) any record produced or collected under a contract entered into by the authority with a person other than an authority to the same extent as if the record were maintained by the authority." *Id.* § 19.36(3).

**FACTS**

**Background**


17. In the weeks following the election, and prior to certification on November 30, the results were scrutinized at multiple levels. Among other things, municipal, county, and state-level canvasses each reviewed and confirmed the results. In addition, over six days in November, county and municipal clerks directed the audit of more than 145,000 ballots.

18. Following a request from then-President Trump’s campaign on November 18, all ballots cast in Dane and Milwaukee Counties were recounted, resulting in a net gain of 87 votes for President Biden.

campaign could not “succeed in its effort to strike votes and alter the certified winner of the 2020 presidential election,” *Trump v. Biden*, 394 Wis. 2d 629, ¶ 32.


**The Assembly’s Investigation and the Role of Contractors**

21. Notwithstanding the recount and numerous election challenges, on May 26, 2021, Vos announced the Assembly planned to hire three former law enforcement officers and a supervising attorney to investigate the November 2020 election.

22. Vos sent a “mail ballot” to the Committee on Assembly Organization on May 28, 2021, which permitted members to vote, without a hearing, to “authorize[] the Speaker of the Assembly to hire legal counsel and employ investigators to assist the Assembly Committee on Campaigns and Elections in investigating the administration of elections in Wisconsin.” The mail ballot also stated: “Speaker Vos, on behalf of the Assembly, shall approve all financial costs and contractual arrangements for hiring legal counsel and investigators.”

23. In June, the Assembly retained Gableman as coordinating attorney to supervise the investigation, including by receiving investigative reports and keeping a weekly report of investigative findings. Gableman’s designated contacts under his independent contractor agreement are Vos and Steve Fawcett, counsel to Vos. The
Assembly agreed to pay Gableman $11,000 per month, with a term starting July 1, 2021. A copy of the fully executed Coordinating Attorney Independent Contractor Agreement signed by Vos and Gableman is attached hereto as pages A-000172–A-000175 to Exhibit U.

24. In June, the Assembly also contracted with at least two individual investigators to work with Gableman. Those investigators quit in or about the end of July, 2021.

25. Also at the end of July, Vos announced an expanded investigation and empowered Gableman to hire different or additional investigators. Vos has on several occasions indicated that Gableman makes key decisions regarding the investigation, including over hiring of consultants and private investigators, and whether to issue subpoenas and to whom.

26. On August 27, 2021, Vos sent another mail ballot to the Committee on Assembly Organization. It authorized “the Speaker of the Assembly to designate the legal counsel hired pursuant to the May 28, 2021, ballot adopted by the Committee on Assembly Organization, as special counsel to oversee an Office of Special Counsel. The special counsel shall direct an elections integrity investigation, assist the Elections and Campaign Committee, and hire investigators and other staff to assist in the investigation.”

27. The Committee on Assembly Organization adopted Vos's mail ballot and a budget for the OSC on August 30, 2021.

28. The Assembly has continued to pay Gableman $11,000 per month since the creation of the OSC. The Assembly also has paid directly to Gableman the funds allocated for hiring of additional investigators and staff.
American Oversight’s Requests

29. Since Vos first announced the election investigation in May 2021, American Oversight has submitted to Vos and Blazel open records requests regarding the role and activities of the contractors who the Assembly has engaged to perform work in furtherance of the investigation. In each of these requests, American Oversight specifically stated that “responsive records include records that were ‘produced or collected’ under any contract entered by [] Speaker Vos and/or the Wisconsin Assembly” pursuant to Wis. Stat. § 19.36(3).

30. Prior to the constitution of the OSC, American Oversight submitted seven requests for contractor records to Vos and Blazel (the “July and August Requests”). Those requests, dated July 20 or August 12, 2021, are the subject of litigation pending in the Dane County Circuit Court. See American Oversight v. Robin Vos et al., Dane County Case No. 2021-cv-002440. In that case, the Court ordered Vos, Blazel, and the Assembly to release contractor records through August 30, 2021, the date OSC was formally constituted, and stated with respect to records from after that date: “[T]hat’s a separate issue that will be addressed in a different matter.” Transcript of Motion Hearing at 35, American Oversight v. Robin Vos et al., Dane County Case No. 2021-cv-002440.

31. In September and October, American Oversight submitted to Vos and Blazel seven new requests for contractor records, each of which seeks substantive categories of information sought by American Oversight’s July and August requests, but for more recent time periods. American Oversight also submitted similar requests to Gableman as special counsel and overseer of the OSC. While those requests ask for the same general categories
of information as American Oversight’s requests to Vos and Blazel, they seek records directly from the OSC.

32. On September 15, 2021, American Oversight submitted three requests to each of Vos and Blazel jointly, and to Gableman. True and correct copies of these requests as submitted to Vos and Blazel are attached hereto as Exhibits A, C, and E. True and correct copies of these requests as submitted to Gableman are attached hereto as Exhibits B, D, and F.

33. Because they follow American Oversight’s previous requests for the same types of materials—and attempt not to seek duplicative records—each of the September requests seeks responsive records from August 12, 2021, through the date the search is conducted.

34. The first set of September requests seek contracts, invoices, plans, scope of work statements, and other documents related to the organization and structure of, and payment for, the investigation (the “September Organizing Materials Requests,” Exs. A & B).

35. The second set of September requests seek interim or final reports, analyses, or work product prepared by Gableman or other contractors in the course of conducting the investigation (the “September Work Product Requests,” Exs. C & D).

36. The third set of September requests seek communications between Gableman and others working on the election investigation and calendars for the investigators (the “September Communications Requests,” Exs. E & F).

37. On October 15, 2021, American Oversight submitted an additional request to each of Vos and Blazel jointly, and to the OSC, via Gableman (the “October External...
Communications Requests”). A true and correct copy of this request as submitted to Vos and Blazel is attached hereto as Exhibit G. A true and correct copy of this request as submitted to the OSC, via Gableman, is attached hereto as Exhibit H. The October External Communications Requests seek correspondence between OSC investigators and a specified list of recipients.

38. The October External Communications Requests seek responsive records from August 12, 2021, through the date the search is conducted for some individuals and entities, and for others, from June 1, 2021, through the date the search is conducted.

39. On October 26, 2021, American Oversight submitted to each of Vos and Blazel jointly, and to the OSC, via Gableman, follow-ups to the September requests (the “October Follow-up Requests”), seeking substantively the same categories of records as the September requests, but for the time period from September 15, 2021, through the date the search is conducted. True and correct copies of the October Follow-up Requests as submitted to Vos and Blazel are attached hereto as Exhibits I, K, and M. True and correct copies of the October Follow-up Requests as submitted to the OSC, via Gableman, are attached hereto as Exhibits J, L, and N.

40. In conjunction with its October requests to Gableman for records of the OSC, American Oversight made clear that its September requests, which had been submitted to Gableman via his consulting firm, “should be interpreted as specifically directed to the Office of Special Counsel in addition to Michael Gableman.”

41. Collectively, the September and October requests are hereinafter referred to as “American Oversight’s Requests.”
**OSC's Improper Denial and Inadequate Response**

42. With one exception, the OSC did not individually acknowledge American Oversight's Requests. In the sole communication American Oversight has received from the OSC that specifically refers to any of the September or October requests, Zakory Niemierowicz, writing on behalf of the OSC, responded to the October External Communications Request on the same day it was submitted, stating in full: “We have received your latest open records request sent on October 15th, we acknowledge this request and will send a response letter once our personal [sic] in charge of open records responses [sic] returns to the office.”

43. Having not received acknowledgements of either the September requests or October Follow-up Requests and following public statements by Gableman suggesting that the OSC did not intend to release information regarding the election investigation, American Oversight wrote to Gableman on November 12, 2021, seeking confirmation that the OSC would respond to American Oversight’s Requests as soon as practical and without delay. A true and correct copy of that letter is attached hereto as Exhibit O. The OSC did not respond to that letter.

44. On December 3, American Oversight received an email from Mr. Niemierowicz stating the OSC was “confirm[ing] we have gathered everything responsive to your requests” and indicating it would be providing records the next day.

45. On December 4, American Oversight received another email from Mr. Niemierowicz stating in full:

   Good afternoon,
Attached are the open records for the Office of Special Counsel up until December 1st, 2021. Some documents that contain strategic information to our investigation will continue to be held [sic] until the conclusion of our investigation. If you have any questions or concerns please feel free to contact our office at coms@wispecialcounsel.org.

Very Respectfully,

Zakory Niemierowicz
WI Special Counsel

46. The email included links to three PDFs totaling 114 pages. Copies of Mr. Niemierowicz’s email and the produced records are attached hereto as Exhibit P (the “December 4 Partial Production”), with certain redactions and watermarking added by Petitioner. See Table 1.

47. Mr. Niemierowicz’s December 3 and 4 emails did not identify any specific American Oversight Request to which the OSC was purporting to respond.

48. The 114-page December 4 Partial Production excludes numerous records responsive to American Oversight’s Requests. Despite the OSC employing at least ten individuals in addition to Gableman, the December 4 Partial Production included almost no records reflecting communications between Gableman and those individuals. The December 4 Partial Production also included only minimal documents regarding the wide range of “evidence” the OSC allegedly has obtained or the activities of the OSC described in a report Gableman submitted to the Assembly Committee on Campaigns and Elections, which referred to “collect[ing] and review[ing] thousands of governmental and other documents” and “interview[ing] numerous witnesses.” See Office of the Special Counsel, First Interim Report (delivered to the Wisconsin State Assembly Nov. 10, 2021), https://www.wifraud.com/Content/files/InterimReportFINALSubmit.pdf.
49. On December 9, 2021, American Oversight wrote to Gableman raising the
deficiencies with the December 4 Partial Production, including that withholding records
because they “contain strategic information” is not a specific or valid justification for
denying a records request under Wisconsin law. American Oversight requested a response
by December 15. A true and correct copy of American Oversight’s letter is attached hereto
as Exhibit Q. OSC did not respond to American Oversight’s letter.

50. OSC has improperly withheld and delayed access to its records by asserting
that it will not produce records that “contain strategic information” “until the conclusion of
[its] investigation.” See Table 1. OSC’s indefinite withholding constitutes a denial, and is
unjustified under Wisconsin law.

Vos’s and Blazel’s Failure to Respond to American Oversight’s Requests for Contractor
Records

51. Vos acknowledged the September requests and the October External
Communications Request, but has not made any substantive response to those or any other
of American Oversight’s Requests. Vos has not acknowledged the three October Follow-up
Requests.

52. Blazel responded to the September requests on October 5, 2021. While Blazel
produced some records in response to the September Organizing Materials Request, his
response only includes records from his files and not from those of Gableman or any other
contractor. For the September Work Product and Communications Requests, Blazel
indicated that he “ha[s] no records that are responsive.” Copies of Blazel’s responses to the
September requests and produced records are attached hereto as Exhibits R-T, with bates
numbering and watermarking added by Petitioner.
53. On November 15, 2021, American Oversight wrote to Vos and Blazel regarding its requests for contractor records. Neither Vos nor Blazel responded to the issues raised in those letters.

54. On November 19, Blazel responded to the October Requests. Blazel produced some records in response to the October Organizing Materials and External Communications Requests, but again his responses only include records from his files and not from those of Gableman or any other contractor. For the remaining October Requests, Blazel indicated that he “ha[s] no records that are responsive.” Copies of Blazel’s responses are attached hereto as Exhibits U-X, with bates numbering and watermarking added by Petitioner. Exhibit U also includes an excerpt of the produced records.

55. None of Blazel’s responses reflect a search of files maintained by the Assembly’s contractors.

56. Like the OSC, Vos has asserted that he does not intend to provide information about the investigation until the investigation is completed. In a radio interview on or about October 19, 2021, Vos stated:

If you think about just the basic way an investigation is conducted, if the district attorney decides they’re going to try to find out who killed somebody on the street corner, they do not put out for public display, for everybody to read, who they’re talking to and who they’re investigating — giving an advantage to the people who actually committed the crime to avoid prosecution . . . . That’s exactly what would happen if we decided to put all the documents out.

Molly Beck, Wisconsin Assembly Speaker Robin Vos Says He Wants To Withhold Records on Taxpayer-Funded Election Review Until It’s Over, Milwaukee J. Sent. (Oct. 19, 2021),

57. Vos has recently stated that he does not know when the investigation will conclude. Laurel White, “We Don’t Know When It Will End”: Wisconsin Assembly Speaker Says Deadline for GOP-Backed Election Investigation is Unclear (Dec. 14, 2021), Wis. Public Radio, https://www.wpr.org/we-dont-know-when-it-will-end-wisconsin-assembly-speaker-says-deadline-gop-backed-election.

58. Respondents Vos, Blazel, and the Assembly have improperly withheld and delayed access to the Assembly’s contractors’ records, including records from Gableman, despite their clear obligation to provide such records “to the same extent as if the record[s] were maintained” by the Respondents. Wis. Stat. § 19.36(3). See Table 1.
<table>
<thead>
<tr>
<th>Request</th>
<th>Date Submitted</th>
<th>OSC's Response</th>
<th>Blazel's Response</th>
<th>Vos's Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>September Organizing Materials Requests (See Exs. A &amp; B.)</td>
<td>Sept. 15, 2021</td>
<td>December 4 Partial Production; improper denial as to “strategic information.” (See Ex. P.)</td>
<td>October 5 partial production; no records from contractors. (See Ex. R.)</td>
<td>None.</td>
</tr>
<tr>
<td>September Work Product Requests (See Exs. C &amp; D.)</td>
<td>Sept. 15, 2021</td>
<td>December 4 Partial Production; improper denial as to “strategic information.” (See Ex. P.)</td>
<td>October 5, no responsive records. (See Ex. S.)</td>
<td>None.</td>
</tr>
<tr>
<td>September Communications Requests (See Exs. E &amp; F.)</td>
<td>Sept. 15, 2021</td>
<td>December 4 Partial Production; improper denial as to “strategic information.” (See Ex. P.)</td>
<td>October 5, no responsive records. (See Ex. T.)</td>
<td>None.</td>
</tr>
<tr>
<td>October External Communications Requests (See Exs. G &amp; H.)</td>
<td>Oct. 15, 2021</td>
<td>December 4 Partial Production; improper denial as to “strategic information.” (See Ex. P.)</td>
<td>November 19 partial production; no records from contractors. (See Ex. U.)</td>
<td>None.</td>
</tr>
<tr>
<td>October Organizing Materials Requests (See Exs. I &amp; J.)</td>
<td>Oct. 26, 2021</td>
<td>December 4 Partial Production; improper denial as to “strategic information.” (See Ex. P.)</td>
<td>November 19 partial production; no records from contractors. (See Ex. V.)</td>
<td>None.</td>
</tr>
<tr>
<td>October Communications Requests (See Exs. M &amp; N.)</td>
<td>Oct. 26, 2021</td>
<td>December 4 Partial Production; improper denial as to “strategic information.” (See Ex. P.)</td>
<td>November 19, no responsive records. (See Ex. X.)</td>
<td>None.</td>
</tr>
</tbody>
</table>
59. American Oversight repeated its September and October Follow-up Requests in December 2021 (again requesting substantively the same records, from a more recent time period). Petitioner has not received a substantive response and is concerned that, without intervention from the Court, Respondents will continue to unlawfully withhold and indefinitely delay access to records to which American Oversight is entitled.

CAUSES OF ACTION

COUNT 1 (AGAINST OSC)

Improper Denial and Withholding in Violation of the Wisconsin Open Records Law

60. Petitioner restates and re-alleges paragraphs 1 through 59 above as if fully set forth herein.

61. It is the declared public policy of the State of Wisconsin “that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them.” Wis. Stat. § 19.31. In keeping with that public policy, Wis. Stat. § 19.31 requires that the Open Records Law “shall be construed in every instance with a presumption of complete public access, consistent with the conduct of governmental business.” Further, “[t]he denial of public access generally is contrary to the public interest, and only in an exceptional case may access be denied.” Id.

62. The Open Records Law provides that “any requester has a right to inspect any record,” Wis. Stat. § 19.35(1)(a), subject to narrow and limited exceptions.

63. American Oversight is a “requester” as defined by the Open Records Law. See Wis. Stat. § 19.32(3).
64. American Oversight's Requests seek "records" as defined by the Open Records Law. See Wis. Stat. § 19.32(2).

65. Respondent OSC is an "authority" and "custodian" with respect to its own records as those terms are used in Wis. Stat. §§ 19.32(1) and 19.33.

66. Respondent OSC has flouted the Open Records Law and its "presumption of complete public access."

67. Respondent OSC has improperly withheld records responsive to American Oversight's Requests attached hereto as Exhibits B, D, F, H, J, L, and N, by partially denying those Requests on grounds they "contain strategic information."

68. Respondent OSC also has failed to "as soon as practicable and without delay, either fill [American Oversight's] request[s] or notify [American Oversight] of [its] determination[s] to deny the request[s] in whole or in part and the reasons therefor", and has delayed providing access to records. Wis. Stat. § 19.35(4).

69. Respondent OSC's denial of records that "contain strategic information" until the conclusion of the investigation is not sufficiently specific, and the Court should order the records to be produced immediately.

70. Respondent OSC's actions have caused and will continue to cause injury to American Oversight by depriving it and the public of their rights under the Open Records Law.
COUNT 2 (AGAINST VOS, BLAZEL, AND THE ASSEMBLY)

Improper Withholding of Contractor Records in Violation of the Wisconsin Open Records Law

71. Petitioner restates and re-alleges paragraphs 1 through 59 above as if fully set forth herein.

72. It is the declared public policy of the State of Wisconsin “that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them.” Wis. Stat. § 19.31. In keeping with that public policy, Wis. Stat. § 19.31 requires that the Open Records Law “shall be construed in every instance with a presumption of complete public access, consistent with the conduct of governmental business.” Further, “[t]he denial of public access generally is contrary to the public interest, and only in an exceptional case may access be denied.” Id.

73. The Open Records Law provides that “any requester has a right to inspect any record,” Wis. Stat. § 19.35(1)(a), subject to narrow and limited exceptions.

74. American Oversight is a “requester” as defined by the Open Records Law. See Wis. Stat. § 19.32(3).

75. American Oversight’s Requests seek “records” as defined by the Open Records Law. See Wis. Stat. § 19.32(2).

76. Respondents Vos, Blazel, and the Assembly are “authorities” and “custodians” for the records of the Assembly’s contractors as those terms are used in Wis. Stat. §§ 19.32(1) and 19.33, and are the proper recipients of requests for the records of their contractors who are not themselves authorities, WIReData, Inc. v. Village of Sussex, 2008 WI 69, ¶ 74, 310 Wis. 2d 397, 751 N.W.2d 736.
77. Gableman is at most a "custodian" but not an "authority" as those terms are used in Wis. Stat. §§ 19.32(1) and 19.33. Gableman and the staff of the OSC that are contractors or subcontractors of the Assembly are contractors of an authority as provided for in the Open Records Law. Id. § 19.36(3).

78. Respondents Vos, Blazel, and the Assembly have flouted the Open Records Law and its "presumption of complete public access."

79. Respondents Vos, Blazel, and the Assembly have improperly withheld records responsive to American Oversight's Requests attached hereto as Exhibits A, C, E, G, I, K, and M, and have failed to conduct an adequate search for records, including a search of their contractors' files.

80. Respondents Vos, Blazel, and the Assembly also have failed to "as soon as practicable and without delay, either fill [American Oversight's] request[s] or notify [American Oversight] of [their] determination[s] to deny the request[s] in whole or in part and the reasons therefor", and have delayed providing access to records. Wis. Stat. § 19.35(4).

81. Respondents' failure to provide contractor records violates Wis. Stat. § 19.36(3), and the Court should order the records to be produced immediately.

82. Respondents' actions have caused and will continue to cause injury to American Oversight by depriving it and the public of their rights under the Open Records Law.

WHEREFORE, for the foregoing reasons, Petitioner American Oversight respectfully requests this Court grant the following relief pursuant to Wis. Stat. §§ 19.31 et seq.:
A. An order declaring Respondents violated Wisconsin's Open Records Law, Wis. Stat. §§ 19.31 et seq.;

B. A mandamus order under Wis. Stat. § 19.37(1)(a) compelling Respondents to immediately produce to Petitioner copies of the requested records without further delay and improper withholdings;

C. An award to Petitioner for its reasonable attorneys' fees, damages of not less than $100, and Petitioner's other actual costs under § 19.37(2);

D. An order finding Respondents have acted arbitrarily and capriciously and awarding of punitive damages under Wis. Stat. § 19.37(3); and

E. Any other relief as the Court deems just and equitable.

Respectfully submitted this 20th day of December, 2021.

PINES BACH LLP

Electronically signed by:
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*Pro Hac Vice Admission pending

Attorneys for American Oversight, Petitioner
STATE OF WISCONSIN  CIRCUIT COURT  Branch _____  

DANE COUNTY

AMERICAN OVERSIGHT
1030 15th St. NW, B255
Washington, DC 20005

Petitioner,
v.

ASSEMBLY OFFICE OF SPECIAL COUNSEL
200 South Executive Drive, Suite 101
Brookfield, WI 53005,

ROBIN VOS, in his official capacity,
Wisconsin State Assembly Speaker
Room 217 West
State Capitol
PO Box 8953
Madison, WI 53708,

EDWARD BLAZEL, in his official capacity,
Office of the Assembly Chief Clerk
17 West Main St., Room 401
Madison, WI 53703, and

WISCONSIN STATE ASSEMBLY
State Capitol Building
Second Floor, West Wing
PO Box 8952
Madison, WI 53708,

Respondents.

APPLICATION FOR ALTERNATIVE WRIT

Petitioner, American Oversight, by its attorneys, Pines Bach LLP, hereby applies to this Court for the immediate issuance of an alternative writ of mandamus ordering the

Respondents, Assembly Office of Special Counsel, Robin Vos, Edward Blazel, and the
Wisconsin Assembly, to produce records in response to American Oversight's September and October 2021 requests under the Open Records Law, Wis. Stat. § 19.31 et seq., or to appear before this Court and show cause to the contrary.

The grounds for this application are as set forth in the accompanying affidavit of Sarah Colombo and as follows:

1. An alternative writ of mandamus is "'[a] mandamus issued upon the first application for relief, commanding the defendant either to perform the act demanded or to appear before the court at a specified time to show cause for not performing it'." State ex rel. Milwaukee Police Assoc. v. Jones, 2000 WI App 146, ¶ 7 & n.7, 237 Wis. 2d 840, 615 N.W.2d 190 (quoting BLACK'S LAW DICTIONARY (7th Ed. 1999)).

2. "The usual practice, if a prima facie case is made out by the petition or application, is to issue an alternative writ of mandamus, directed to the person claimed to be under a duty to act, requiring the person, either to act or to show cause why the person should not be compelled to do so." 9 Wis. Pleading & Practice Forms, § 85.37 (5th Ed., June 2021 Update) (footnote omitted).

3. Courts can issue alternative writs of mandamus immediately in open records cases. See, e.g., ECO, Inc. v. City of Elkhorn, 2002 WI App 302, ¶ 6, 259 Wis. 2d 276, 655 N.W.2d 510 (court issued alternative writ on same day petition was filed); Jones, 237 Wis. 2d 840, ¶ 7 (court issued alternative writ on same day petition was filed); State ex rel. Richards v. Foust, 165 Wis. 2d 429, 431, 477 N.W.2d 608, 608 (1991) ("The Honorable Gerald C. Nichol issued an alternative writ of mandamus directing Foust to furnish Richards with access to the prosecutor's case file or show cause why access to the file should be denied."); State ex rel. Morke v. Donnelly, 155 Wis. 2d 521, 525, 455 N.W.2d 893, 895
(1990) ([T]he alternative writ of mandamus commanded that Donnelly either provide Morke with access to the requested public records or show cause for withholding the records.); see also, e.g., Alternative Writ of Mandamus, American Oversight v. Robin Vos et al., Dane County Case No. 2021-cv-002440 (Dkt. 38) (issuing alternative writ on day petition was filed in related open records case).

4. This Petition and the supporting affidavit and exhibits establish a prima facie case that Respondents have failed to perform their clear duties mandated by the Open Records Law.

5. The Open Records Law provides that “[e]xcept as otherwise provided by law, any requester has a right to inspect any record.” Wis. Stat. § 19.35(1)(a). It further provides that “[e]ach authority, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority’s determination to deny the request in whole or in part and the reasons therefor.” Id. § 19.35(4)(a).

6. The Open Records Law also requires an authority that denies a request in whole or in part to provide “a written statement of the reasons for denying the written request.” Id. § 19.35(4)(b). Valid reasons for denial are limited to statutory exemptions, id. § 19.36, “[s]ubstantive common law principles,” id. § 19.35(1)(a), or “specific demonstration[s] that there is a need to restrict public access at the time that the request” is made, id.

7. Regarding records of an authority’s contractor, the law provides, in relevant part, “[e]ach authority shall make available for inspection and copying under s. 19.35 (1) any record produced or collected under a contract entered into by the authority with a
person other than an authority to the same extent as if the record were maintained by the authority." Id. § 19.36(3) (emphasis added).

8. The proper recipient of a request for contractors’ records is the authority. WIREdata, Inc. v. Village of Sussex, 2008 WI 69, ¶ 74, 310 Wis. 2d 397, 751 N.W.2d 736.

9. The Wisconsin Assembly hired contractors in June 2021 to investigate the November 2020 election; the contractors included former Wisconsin Supreme Court justice Michael Gableman, retained as a supervising attorney, and individual investigators. (See, e.g., Exhibit U at A-000172–A-000175.)

10. At the end of July 2021, Vos announced an expanded election investigation and empowered Gableman to hire different or additional investigators. Vos has on several occasions indicated that Gableman makes key decisions regarding the investigation, including the hiring of consultants and private investigators, and whether to issue subpoenas and to whom.

11. On August 30, 2021, the Assembly Committee on Assembly Organization, by mail ballot, authorized “the Speaker of the Assembly to designate the legal counsel hired pursuant to the May 28, 2021, ballot adopted by the Committee on Assembly Organization, as special counsel to oversee an Office of Special Counsel. The special counsel shall direct an elections integrity investigation, assist the Elections and Campaign Committee, and hire investigators and other staff to assist in the investigation.”

12. Prior to the constitution of the Office of Special Counsel (“OSC”), American Oversight submitted seven requests for contractor records to Vos and Blazel. Those requests, dated July 20 or August 12, 2021, are the subject of litigation pending in the Dane County Circuit Court. See American Oversight v. Robin Vos et al., Dane County Case No. 2021-cv-
002440. (Colombo Aff., ¶ 11.) In that case, the Court ordered Vos, Blazel, and the Assembly to release contractor records through August 30, 2021, the date OSC was constituted. (*Id.*) The Court assumed for purposes of that hearing that the OSC would be the proper authority to receive requests after August 30, 2021, but stated with respect to records from after that date: “[T]hat’s a separate issue that will be addressed in a different matter.” Transcript of Motion Hearing at 35, *American Oversight v. Robin Vos et al.*, Dane County Case No. 2021-cv-002440 (Dkt. 58).

13. Since the creation of the OSC, American Oversight has continued to seek records regarding the activities of the Assembly’s contractors, including Gableman. In September and October, American Oversight submitted to Gableman, as special counsel and overseer of the OSC, seven new requests for records. (Colombo Aff., ¶¶ 3-5 & Exs. B, D, F, H, J, L, N.) Each request sought substantive categories of information similar to American Oversight’s July and August requests, but for more recent time periods. (*Id.* ¶ 11.) American Oversight also submitted similar requests to Vos and Blazel. (*Id.* ¶¶ 3-5 & Exs. A, C, E, G, I, K, M.)

14. Respondents, who each have an obligation to provide records in the possession of the OSC and its staff members, have not responded to these requests in compliance with the Open Records Law.

15. On December 4, 2021, American Oversight received an email from the OSC that granted Petitioner’s requests, with some redactions, as to 114 pages of documents provided in PDF format. The email, sent by OSC staff member Zakory Niemierowicz, also denied the requests in part, stating, “Some documents that contain strategic information to
our investigation will continue to be help [sic] until the conclusion of our investigation.” No further analysis or explanation was provided. *(Id. ¶ 7 & Ex. P.)*

16. For his part, Respondent Blazel has provided some limited records in his own possession with respect to some of the requests, but nothing Petitioner has received to date indicates that he has provided records of the Assembly’s contractors that were produced or collected under their contracts with the Wisconsin Assembly. *(Id. ¶ 9 & Exs. R-X.)* Respondent Vos has failed to respond to any of Petitioner’s requests. *(Id. ¶ 10.)*

17. The contract for Gableman includes creation and retention of various records as part of his duties. *(See, e.g., id. Ex. U at A-000172–A-000175.)*

18. Additionally, news reports generated during the periods for which Petitioner requested records show that Gableman has hired numerous staff over the period of the investigation and communicated with many other individuals. *(Id. ¶ 12 & Exs. Y-AA.)* Some of the limited records American Oversight have received to date confirm these reports. *(See, e.g., Ex. P.)*

19. News reports and other media also indicate Gableman is continuing his work on the election investigation and would have generated records, while also undertaking activities like attending rallies for partisan groups like the Rock County Republican Party *(e.g., id. ¶ 12 & Ex. Z), raising questions about the impartiality and integrity of the investigation.*

20. Vos recently stated that he does not know when the election investigation will conclude. *(Id. ¶ 12 & Ex. AA.)* The failure to produce requested records until the end of the investigation is thus indefinite.
21. The Open Records Law requires custodians to provide requesters with records “as soon as practicable and without delay.” Wis. Stat. § 19.35(4)(a).

22. The OSC’s December 4, 2021, letter is an improper denial of the Petitioner’s request. Its statement that some records will be withheld until the conclusion of the investigation is a denial. See *WTMJ, Inc. v. Sullivan*, 204 Wis. 2d 452, 458, 555 N.W.2d 140, 142 (Ct. App. 1996) (holding a custodian’s choices in response to an open records request are to “comply or deny,” and “compliance at some unidentified time in the future, is not authorized by the open records law”).

23. Moreover, the letter’s withholding of records because they “contain strategic information to our investigation” is not a sufficiently specific or valid reason for denial. “If specific, sufficient reasons are not given, a writ of mandamus must be issued, compelling disclosure of the requested public record.” *Oshkosh Nw. Co. v. Oshkosh Library Bd.*, 125 Wis. 2d 480, 483, 373 N.W.2d 459, 461-62 (Ct. App. 1985).

24. Respondent OSC is required by state law to provide the records responsive to Petitioner’s September and October requests and has failed to do so.

25. Respondents Vos, Blazel, and the Wisconsin Assembly remain “authorities” for Petitioner’s requests for the records of their contractors associated with the OSC. Respondents Vos, Blazel, and the Wisconsin Assembly have a separate obligation in state law to provide the records that were “produced or collected” by those contractors as the individual contractors themselves are at most custodians of records, but not authorities. See Wis. Stat. § 19.36(3). Their failure to provide their contractors’ records responsive to Petitioner’s September and October requests violates that obligation.

26. The Court should grant Petitioner’s application for an alternative writ.
Respectfully submitted this 20th day of December, 2021.

PINES BACH LLP

Electronically signed by:
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Attorneys for American Oversight, Petitioner
STATE OF WISCONSIN                  CIRCUIT COURT                  DANE COUNTY

Branch ___

AMERICAN OVERSIGHT
1030 15th St. NW, B255
Washington, DC 20005

v.

Petitioner,

ASSEMBLY OFFICE OF SPECIAL COUNSEL
200 South Executive Drive, Suite 101
Brookfield, WI 53005,

ROBIN VOS, in his official capacity,
Wisconsin State Assembly Speaker
Room 217 West
State Capitol
PO Box 8953
Madison, WI 53708,

EDWARD BLAZEL, in his official capacity,
Office of the Assembly Chief Clerk
17 West Main St., Room 401
Madison, WI 53703, and

WISCONSIN STATE ASSEMBLY
State Capitol Building
Second Floor, West Wing
PO Box 8952
Madison, WI 53708,

Respondents.

ALTERNATIVE WRIT OF MANDAMUS
To: Assembly Office of Special Counsel, Speaker Robin Vos, Clerk Edward Blazel, and the Wisconsin Assembly:

It appears by the Petition of American Oversight, 1030 15th St. NW, B255, Washington, DC 20005, and the supporting affidavit of Sarah Colombo, now on file in the office of the clerk of the Circuit Court for Dane County, that Petitioner filed lawful open records requests with you pursuant to the Wisconsin Open Records Law, Wis. Stat. § 19.31, et seq., and, nevertheless, you have unjustifiably withheld and refused to release the records to which Petitioner is entitled, to the injury of Petitioner.

Therefore, so that speedy justice should be done on Petitioner's behalf,

YOU ARE HEREBY COMMANDED to, immediately on receipt of this writ, release the records responsive to Petitioner's request, or in the alternative to show cause to the contrary before this court, in Room [number of room] at the Dane County Courthouse, 215 S. Hamilton St., Madison, WI 53703 on [date of hearing] at [time of hearing], or as soon thereafter as counsel can be heard. You have received this writ. Return your execution of it, or provide a reason why you cannot or will not perform as commanded above.
AMERICAN OVERSIGHT
1030 15th St. NW
Suite B255
Washington, DC 20005

Petitioner,

v.

ASSEMBLY OFFICE OF SPECIAL COUNSEL
200 South Executive Drive, Suite 101
Brookfield, WI 53005,

ROBIN VOS, in his official capacity,
Wisconsin State Assembly Speaker
Room 217 West
State Capitol
PO Box 8953
Madison, WI 53708,

EDWARD BLAZEL, in his official capacity,
Office of the Assembly Chief Clerk
17 West Main St., Room 401
Madison, WI 53703, and

WISCONSIN STATE ASSEMBLY
State Capitol Building
Second Floor, West Wing
PO Box 8952
Madison, WI 53708

Respondents.

__________________________________________

AFFIDAVIT OF SARAH COLOMBO

STATE OF NEW YORK )
COUNTY OF KINGS )

Sarah Colombo, being duly sworn on oath, states as follows:

1. I am an attorney for the Petitioner in this matter, American Oversight.
2. I have personal knowledge of the information set forth in this affidavit.

3. On September 15, 2021, on behalf of American Oversight, I authored three open records requests to Robin Vos and Edward Blazel for records related to the work of individuals retained by the Wisconsin Assembly to conduct an investigation of the November 2020 election. These individuals included Michael Gableman. Citing Wis. Stat. § 19.36(3), the requests specifically sought "records that were 'produced or collected' under any contract entered by [ ] Speaker Vos and/or the Wisconsin Assembly." I also authored three similar requests to Consultare, LLC, c/o Michael Gableman. True and correct copies of the requests are attached hereto as follows:

**Exhibit A:** Request to Rep. Vos and Clerk Blazel for records relating to how the contractors are organized; tracking number WI-REP-21-1295

**Exhibit B:** Request to Consultare, LLC/Michael Gableman for records relating how the contractors are organized; tracking number WI-REP-21-1296

**Exhibit C:** Request to Rep. Vos and Clerk Blazel for contractor work product; tracking number WI-REP-21-1298

**Exhibit D:** Request to Consultare, LLC/Michael Gableman for contractor work product; tracking number WI-REP-21-1299

**Exhibit E:** Request to Rep. Vos and Clerk Blazel for internal contractor communications; tracking number WI-REP-21-1301

**Exhibit F:** Request to Consultare, LLC/Michael Gableman for internal contractor communications; tracking number WI-REP-21-1302

4. On October 15, 2021, on behalf of American Oversight, I authored an open records request to Robin Vos and Edward Blazel for records related to the work of individuals retained by the Wisconsin Assembly to conduct an investigation of the November 2020 election. These individuals included Michael Gableman. Citing Wis. Stat. § 19.36(3), the request specifically sought "records that were 'produced or collected' under
any contract entered by Speaker Vos and/or the Wisconsin Assembly." I also authored a similar request to the Office of Special Counsel ("OSC"), c/o Michael Gableman. True and correct copies of the requests are attached hereto as follows:

**Exhibit G:** Request to Rep. Vos and Clerk Blazel for external contractor communications; tracking number WI-REP-21-1437

**Exhibit H:** Request to OSC/Michael Gableman for external contractor communications; tracking number WI-EXT-21-1438

5. On October 26, 2021, on behalf of American Oversight, I authored three open records requests to Robin Vos and Edward Blazel for records related to the work of individuals contracted by the Wisconsin Assembly to conduct an investigation of the November 2020 election. These individuals included Michael Gableman. Citing Wis. Stat. § 19.36(3), these requests specifically included "records that were 'produced or collected' under any contract entered by [ ] Speaker Vos and/or the Wisconsin Assembly." I also authored three similar requests to the OSC, c/o Michael Gableman. True and correct copies of the requests are attached hereto as follows:

**Exhibit I:** Request to Rep. Vos and Clerk Blazel for records relating to how the contractors are organized; tracking number WI-REP-21-1493

**Exhibit J:** Request to OSC/Michael Gableman for records relating to how the contractors are organized; tracking number WI-EXT-21-1494

**Exhibit K:** Request to Rep. Vos and Clerk Blazel for contractor work product; tracking number WI-REP-21-1495

**Exhibit L:** Request to OSC/Michael Gableman for contractor work product; tracking number WI-EXT-21-1496

**Exhibit M:** Request to Rep. Vos and Clerk Blazel for internal contractor communications; tracking number WI-REP-21-1497

**Exhibit N:** Request to OSC/Michael Gableman for internal contractor communications; tracking number WI-EXT-21-1498
6. On November 12, 2021, on behalf of American Oversight, I sent a letter to Michael Gableman regarding American Oversight's outstanding open records requests to the OSC. A true and correct copy of this letter is attached hereto as Exhibit O.

7. On December 4, 2021, American Oversight received an email from Zakory Niemierowicz of the OSC with links to 114 total pages of records. A true and correct copy of the email and records, with redactions in blue from the OSC and a watermark and redactions in black from American Oversight, is attached hereto as Exhibit P.

8. On December 9, 2021, on behalf of American Oversight, I sent a letter to the OSC and Michael Gableman identifying deficiencies in the OSC's December 4, 2021, response. A true and correct copy of the letter is attached hereto as Exhibit Q.

9. In October and November, 2021, I received various emails and letters from Clerk Blazel's office responding to my earlier requests, none of which indicate any attempt to obtain records from the Assembly's contractors. They are attached hereto as follows:

   **Exhibit R**: October 5, 2021, email and records, with a watermark and page numbers from American Oversight, responding to WI-REP-21-1295

   **Exhibit S**: October 5, 2021, email responding to WI-REP-21-1298

   **Exhibit T**: October 5, 2021, email responding to WI-REP-21-1301

   **Exhibit U**: November 19, 2021, letter, and excerpt of records with a watermark and page numbers from American Oversight, responding to WI-REP-21-1437

   **Exhibit V**: November 19, 2021, letter responding to WI-REP-21-1493

   **Exhibit W**: November 19, 2021, letter responding to WI-REP-21-1495

   **Exhibit X**: November 19, 2021, letter responding to WI-REP-21-1497

10. Rep. Vos has not responded to the requests at Exhibits A, C, E, G, I, K, or M.
11. Prior to submitting the above-referenced requests, American Oversight submitted seven requests for contractor records to Rep. Vos and Clerk Blazel. Those requests, dated July 20 or August 12, 2021, are the subject of litigation pending in the Dane County Circuit Court. See American Oversight v. Robin Vos et al., Dane County Case No. 2021-cv-002440. In that case, the Court ordered Vos, Blazel, and the Assembly to release contractor records through August 27, 2021, the date OSC was constituted. The parties later agreed that this date should be adjusted to the August 30, 2021, and the Court issued a written order with the adjusted date. The September and October 2021 requests referenced above are continuations of the July and August 2021 requests.

12. News reports during the periods covered by the above-referenced requests indicated that Michael Gableman and other individuals associated with the OSC were being paid for and working on the investigation during this time. Rep. Vos has also stated to the media that he is not sure when the election investigation will end. True and correct copies of some of these reports are attached hereto as follows:

**Exhibit Y:** Patrick Marley, A who’s who guide to the Republican review of Wisconsin’s 2020 presidential election, Milwaukee J. Sentinel (updated Dec. 17, 2021, 10:44 AM),

**Exhibit Z:** Patrick Marley, Gableman touts Kleefisch’s run for governor, asks for support in keeping his election review going, Milwaukee J. Sentinel (updated Dec. 14, 2021, 2:18 PM),

**Exhibit AA:** Laurel White, 'We don’t know when it will end': Wisconsin Assembly Speaker says deadline for GOB-backed election investigation is unclear, Wis. Public Radio, Dec. 14, 2021, https://www.wpr.org/we-dont-know-when-it-will-end-wisconsin-assembly-speaker-says-deadline-gop-backed-election
Subscribed to and sworn before me this 20 day of December, 2021.

Notary Public, State of New York

My commission expires: 05 11 2021

ALEKSANDRA PARADOWSKI
NOTARY PUBLIC, State of New York
No. 01PA6324707
Qualified in Kings County
Commission Expires May 11, 2023
VIA EMAIL

Edward Blazel
Assembly Chief Clerk
17 West Main Street, Room 401
Madison, WI 53703
ted.blazel@legis.wisconsin.gov

Representative Robin Vos
Speaker, Wisconsin State Assembly
State Capitol, Room 217 West
P.O. Box 8953
Madison, WI 53708
Rep.Vos@legis.wisconsin.gov

Re: Public Records Law Request

Dear Chief Clerk Blazel and Speaker Vos:

Pursuant to Wisconsin’s public records law, Wis. Stat. §§ 19.31–19.39, American Oversight makes the following request for copies of records.

On May 26, 2021, Wisconsin State Assembly Speaker Robin Vos indicated that the legislature would hire three former law enforcement officers and a supervising attorney to investigate the November 2020 election.\(^1\) Since the time of this announcement, Speaker Vos has expanded the scope of the investigation, appointing former Wisconsin Supreme Court justice Michael Gableman as “special counsel,” and gaining Assembly approval to spend at least $676,000 in public funds, including budgeting for five investigators and $325,000 for a data analysis contractor.\(^2\) Speaker Vos also has indicated that he is willing to authorize subpoenas requested by Michael Gableman.\(^3\)

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1030 15th Street NW, Suite B255, Washington, DC 20005 | AmericanOversight.org

EXHIBIT A
American Oversight seeks records with the potential to shed light on the Wisconsin Assembly’s investigation of the November 2020 election, including regarding the role and activities of contractors who are performing work in furtherance of that investigation.

**Requested Records**

American Oversight requests that Speaker Vos and the Wisconsin Assembly produce the following records “as soon as practicable and without delay”:\(^4\)

All records substantively described in the request identified as WI-REP-21-1116\(^5\) from the period after that request was submitted—*i.e.*, from August 12, 2021, through the date of the search. For clarity, the records requested are reproduced, with modifications to account for newly identified information, as follows:

1. A complete copy (including any attachments) of any contract, sub-contract, amendment, memorandum of understanding, or other written agreement (A) between the Wisconsin Assembly and individuals or entities associated with the legislature’s investigation of the November 2020 election related to the planning, preparation, or execution of the investigation, including but not limited to agreements with former justice Michael Gableman or any individual or entity designated or engaged as an investigator, including, but not limited to Steven Page, and (B) between any of the individuals or entities named above in item 1(A) of this request and any assistants, consultants, counsel, formal or informal advisors, temporary workers, or unpaid volunteers, as well as any external sources of funds.

2. A complete copy (including any attachments) of any resume, bid, project proposal, cost or time estimate, scope of work, application form, or other document submitted to any of the individuals or entities named in item 1 of this request, as well as any records regarding the solicitation and evaluation of any bids or proposals.

3. Records identifying or referring to the scope of the investigative authority of the Assembly’s investigators or their agents, including but not limited to authority regarding compelling witnesses, issuing subpoenas, or making referrals to the Wisconsin Department of Justice, the U.S. Department of Justice or its subcomponents, or any other law enforcement agency.

4. Any project plans or other documents detailing the steps or procedures to be followed in each aspect of the investigation, including but not limited to:

\(^4\) Wis. Stat. § 19.35(4)(a).

\(^5\) To be clear, the August 12, 2021 request referenced above seeks records from the period of July 19, 2021, through the date the search is conducted. This request seeks the same types of records from August 12, 2021, through the date the search is conducted. See https://www.americanoversight.org/document/public-records-request-to-wisconsin-assembly-seeking-records-regarding-election-investigation/wi-rep-21-1116.
records regarding identifying, prioritizing, and investigating "potential irregularities and/or illegalities," including a complete copy of any reports of alleged irregularity or wrongdoing; protocols, guidelines, or scripts for contacting and interviewing witnesses; records describing investigative methodology, equipment, or supplies; or guidelines for ensuring the safe handling and privacy of confidential voter information and ballot equipment.

5. A complete copy (including any attachments) of any invoice received from or records reflecting any payment made to former justice Michael Gableman, Steven Page, or any other investigators or individuals contracted by the Wisconsin Assembly or by Michael Gableman, in connection with their services to the Wisconsin Assembly.

6. Any criteria, schedule, or other guidelines for the completion of work product related to the investigation, including, but not limited to, interim updates to the Assembly and the construction and presentation of a final report of findings.

This request seeks records in addition to, and not duplicative of, records previously sought by American Oversight. In all cases, responsive records include records that were "produced or collected" under any contract entered by the Speaker Vos and/or the Wisconsin Assembly.  

Fee Waiver Request

In accordance with Wis. Stat. § 19.35(3)(e), American Oversight respectfully requests that the records be produced without charge. Providing American Oversight with a waiver of fees is in the "public interest" because American Oversight will, in accordance with its organizational mission, make the records available to the public without charge. These disclosures will likely contribute to a better understanding of relevant government procedures by the general public.

American Oversight's work is aimed solely at serving the public interest. As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest. Rather, American Oversight's mission is to serve the public by promoting transparency in government, educating the public about government activities, and ensuring the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public

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6 Wis. Stat. Ann. § 19.36(3) ("Each authority shall make available for inspection and copying under s. 19.35(1) any record produced or collected under a contract entered into by the authority with a person other than an authority to the same extent as if the record were maintained by the authority.").

7 See generally News, American Oversight, https://www.americanoversight.org/blog; State Investigations, American Oversight, https://www.americanoversight.org/states; see, e.g., State Government Contacts with Voting-Restriction Activists, American Oversight,
website⁸ and promotes their availability on social media platforms, such as Facebook and Twitter.⁹

The public has a significant interest in the Wisconsin Assembly’s investigation of the November 2020 election.¹⁰ Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including the role of contractors in conducting the Assembly’s investigation. American Oversight is committed to transparency and makes the responses agencies provide to public records requests publicly available, and the public’s understanding of the government’s activities would be enhanced through American Oversight’s analysis and publication of these records.

American Oversight asks that if its request for a fee waiver is denied in whole or in part, that you contact us prior to incurring any costs.

Guidance Regarding the Search & Processing of Requested Records

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the term “record” in its broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. No category of material should be omitted from search, collection, and production.

Please search all locations and systems likely to have responsive records regarding official business. You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts. Emails conducting government business sent or received on the personal account of the authority’s officer or employee constitutes a record for purposes of Wisconsin’s public records laws.¹¹


¹⁰ See supra, notes 1 & 2.
In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

American Oversight expects that you have ensured all responsive records and records relevant to this request and your compliance with it are retained as required by Wisconsin law. Please take all appropriate steps to ensure that no such records are deleted by the agency before the completion of processing for this request. If records potentially responsive or relevant to this request, or your compliance with it, are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

**Conclusion**

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Sarah Colombo at records@americanoversight.org or (202) 869-5244. Also, if American Oversight’s

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19 Wis. Stat. § 19.36(6).
request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Sarah Colombo  
Sarah Colombo  
on behalf of  
American Oversight
VIA EMAIL

Consultare, LLC
c/o Michael Gableman, President
P.O. Box 510145
New Berlin, WI 53151
mgableman@yahoo.com

Re: Public Records Law Request

Dear Michael Gableman:

Pursuant to Wisconsin's public records law, Wis. Stat. §§ 19.81–19.89, American Oversight makes the following request for copies of records.

On May 26, 2021, Wisconsin State Assembly Speaker Robin Vos indicated that the legislature would hire three former law enforcement officers and a supervising attorney to investigate the November 2020 election. Since the time of this announcement, Speaker Vos has expanded the scope of the investigation, appointing former Wisconsin Supreme Court justice Michael Gableman as “special counsel,” and gaining Assembly approval to spend at least $676,000 in public funds, including budgeting for five investigators and $825,000 for a data analysis contractor. Speaker Vos also has indicated that he is willing to authorize subpoenas requested by Michael Gableman.

American Oversight seeks records with the potential to shed light on the Wisconsin Assembly’s investigation of the November 2020 election, including regarding the role and activities of contractors who are performing work in furtherance of that investigation.

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Requested Records

American Oversight requests that Speaker Vos and the Wisconsin Assembly produce the following records “as soon as practicable and without delay”:\(^4\)

All records substantively described in the request identified as WI-EXT-21-1119\(^5\) from the period after that request was submitted—i.e., from August 12, 2021, through the date of the search. For clarity, the records requested are reproduced, with modifications to account for newly identified information, as follows:

1. A complete copy (including any attachments) of any contract, sub-contract, amendment, memorandum of understanding, or other written agreement (A) between the Wisconsin Assembly and individuals or entities associated with the legislature’s investigation of the November 2020 election related to the planning, preparation, or execution of the investigation, including but not limited to agreements with former justice Michael Gableman or any individual or entity designated or engaged as an investigator, including, but not limited to Steven Page, and (B) between any of the individuals or entities named above in item 1(A) of this request and any assistants, consultants, counsel, formal or informal advisors, temporary workers, or unpaid volunteers, as well as any external sources of funds.

2. A complete copy (including any attachments) of any resume, bid, project proposal, cost or time estimate, scope of work, application form, or other document submitted to any of the individuals or entities named in item 1 of this request, as well as any records regarding the solicitation and evaluation of any bids or proposals.

3. Records identifying or referring to the scope of the investigative authority of the Assembly’s investigators or their agents, including but not limited to authority regarding compelling witnesses, issuing subpoenas, or making referrals to the Wisconsin Department of Justice, the U.S. Department of Justice or its subcomponents, or any other law enforcement agency.

4. Any project plans or other documents detailing the steps or procedures to be followed in each aspect of the investigation, including but not limited to: records regarding identifying, prioritizing, and investigating “potential irregularities and/or illegalities,” including a complete copy of any reports of alleged irregularity or wrongdoing; protocols, guidelines, or scripts for contacting and interviewing witnesses; records describing investigative

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\(^4\) Wis. Stat. § 19.35(4)(a).
\(^5\) To be clear, the August 12, 2021 request referenced above seeks records from the period of July 19, 2021, through the date the search is conducted. This request seeks the same types of records from August 12, 2021, through the date the search is conducted. See https://www.americanoversight.org/document/public-records-request-to-contractor-michael-gableman-seeking-records-regarding-election-investigation/wi-ext-21-1119.
methodology, equipment, or supplies; or guidelines for ensuring the safe handling and privacy of confidential voter information and ballot equipment.

5. A complete copy (including any attachments) of any invoice received from or records reflecting any payment made to former justice Michael Gableman, Steven Page, or any other investigators or individuals contracted by the Wisconsin Assembly or by Michael Gableman, in connection with their services to the Wisconsin Assembly.

6. Any criteria, schedule, or other guidelines for the completion of work product related to the investigation, including, but not limited to, interim updates to the Assembly and the construction and presentation of a final report of findings.

This request seeks records in addition to, and not duplicative of, records previously sought by American Oversight. In all cases, responsive records include records that were "produced or collected" under any contract entered by the Speaker Vos and/or the Wisconsin Assembly.⁶

**Fee Waiver Request**

In accordance with Wis. Stat. § 19.35(3)(e), American Oversight respectfully requests that the records be produced without charge. Providing American Oversight with a waiver of fees is in the "public interest" because American Oversight will, in accordance with its organizational mission, make the records available to the public without charge. These disclosures will likely contribute to a better understanding of relevant government procedures by the general public.

American Oversight's work is aimed solely at serving the public interest. As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest. Rather, American Oversight's mission is to serve the public by promoting transparency in government, educating the public about government activities, and ensuring the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media.⁷ American Oversight also makes materials it gathers available on its public

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⁶ Wis. Stat. Ann. § 19.36(3) ("Each authority shall make available for inspection and copying under s. 19.35(1) any record produced or collected under a contract entered into by the authority with a person other than an authority to the same extent as if the record were maintained by the authority.").

website\(^8\) and promotes their availability on social media platforms, such as Facebook and Twitter.\(^9\)

The public has a significant interest in the Wisconsin Assembly’s investigation of the November 2020 election.\(^10\) Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including the role of contractors in conducting the Assembly’s investigation. American Oversight is committed to transparency and makes the responses agencies provide to public records requests publicly available, and the public’s understanding of the government’s activities would be enhanced through American Oversight’s analysis and publication of these records.

American Oversight asks that if its request for a fee waiver is denied in whole or in part, that you contact us prior to incurring any costs.

**Guidance Regarding the Search & Processing of Requested Records**

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the term “record” in its broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

Please search all locations and systems likely to have responsive records regarding official business. **You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts.** Emails conducting government business sent or received on the personal account of the authority’s officer or employee constitutes a record for purposes of Wisconsin’s public records laws.\(^11\)

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records.\(^12\) If it is your position that a document contains non-exempt

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\(^10\) *See supra*, notes 1 & 2.


\(^12\) Wis. Stat. § 19.36(6).
segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

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Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Sarah Colombo at records@americanoversight.org or (202) 869-5244. Also, if American Oversight’s request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Sarah Colombo
Sarah Colombo
on behalf of
American Oversight
VIA EMAIL

Edward Blazel
Assembly Chief Clerk
17 West Main Street, Room 401
Madison, WI 53703
ted.blazel@legis.wisconsin.gov

Representative Robin Vos
Speaker, Wisconsin State Assembly
State Capitol, Room 217 West
P.O. Box 8953
Madison, WI 53708
Rep.Vos@legis.wisconsin.gov

Re: Public Records Law Request

Dear Chief Clerk Blazel and Speaker Vos:

Pursuant to Wisconsin’s public records law, Wis. Stat. §§ 19.31–19.39, American Oversight makes the following request for copies of records.

On May 26, 2021, Wisconsin State Assembly Speaker Robin Vos indicated that the legislature would hire three former law enforcement officers and a supervising attorney to investigate the November 2020 election.¹ Since the time of this announcement, Speaker Vos has expanded the scope of the investigation, appointing former Wisconsin Supreme Court justice Michael Gableman as “special counsel,” and gaining Assembly approval to spend at least $676,000 in public funds, including budgeting for five investigators and $225,000 for a data analysis contractor.² Speaker Vos also has indicated that he is willing to authorize subpoenas requested by Michael Gableman.³

American Oversight seeks records with the potential to shed light on the Wisconsin Assembly’s investigation of the November 2020 election, including regarding the role and activities of contractors who are performing work in furtherance of that investigation.

**Requested Records**

American Oversight requests that Speaker Vos and the Wisconsin Assembly produce the following records “as soon as practicable and without delay”:

All records substantively described in the request identified as WI-REP-21-1120 from the period after that request was submitted—i.e., from August 12, 2021, through the date of the search. For clarity, the records requested are reproduced, with modifications to account for newly identified information, as follows:

A complete copy (including any attachments) of any interim reports, analyses, notifications, or other work product produced or collected by individuals or entities under contract to investigate the November 2020 election or allegations of voter fraud or misconduct from previous elections (including but not limited to former justice Michael Gableman or any individual or entity designated or engaged as an investigator, including, but not limited to Steven Page) in connection with the legislature’s investigation of the November 2020 election.

This request seeks records in addition to, and not duplicative of, records previously sought by American Oversight. In all cases, responsive records include records that were “produced or collected” under any contract entered by the Speaker Vos and/or the Wisconsin Assembly.

**Fee Waiver Request**

In accordance with Wis. Stat. § 19.35(3)(e), American Oversight respectfully requests that the records be produced without charge. Providing American Oversight with a waiver of fees is in the “public interest” because American Oversight will, in accordance with its organizational mission, make the records available to the public without charge.

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5 To be clear, the August 12, 2021 request referenced above seeks records from the period of July 19, 2021, through the date the search is conducted. This request seeks the same types of records from August 12, 2021, through the date the search is conducted. See https://www.americanoversight.org/document/public-records-request-to-wisconsin-assembly-seeking-work-product-from-election-investigation/wi-rep-21-1120.
6 Wis. Stat. Ann. § 19.36(9) (“Each authority shall make available for inspection and copying under s. 19.35(1) any record produced or collected under a contract entered into by the authority with a person other than an authority to the same extent as if the record were maintained by the authority.”).
These disclosures will likely contribute to a better understanding of relevant government procedures by the general public.

American Oversight’s work is aimed solely at serving the public interest. As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight’s financial interest. Rather, American Oversight’s mission is to serve the public by promoting transparency in government, educating the public about government activities, and ensuring the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.

The public has a significant interest in the Wisconsin Assembly’s investigation of the November 2020 election. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including the role of contractors in conducting the Assembly’s investigation. American Oversight is committed to transparency and makes the responses agencies provide to public records requests publicly available, and the public’s understanding of the government’s activities would be enhanced through American Oversight’s analysis and publication of these records.

American Oversight asks that if its request for a fee waiver is denied in whole or in part, that you contact us prior to incurring any costs.

**Guidance Regarding the Search & Processing of Requested Records**

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the term “record” in its broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone

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10 See supra, notes 1 & 2.
messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. No category of material should be omitted from search, collection, and production.

Please search all locations and systems likely to have responsive records regarding official business. You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts. Emails conducting government business sent or received on the personal account of the authority's officer or employee constitutes a record for purposes of Wisconsin's public records laws.\(^\text{11}\)

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records.\(^\text{12}\) If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

American Oversight expects that you have ensured all responsive records and records relevant to this request and your compliance with it are retained as required by Wisconsin law. Please take all appropriate steps to ensure that no such records are deleted by the agency before the completion of processing for this request. If records potentially responsive or relevant to this request, or your compliance with it, are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American


\(^{12}\) Wis. Stat. § 19.36(6).
Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Sarah Colombo at records@americanoversight.org or (202) 869-5245. Also, if American Oversight’s request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Sarah Colombo
Sarah Colombo
on behalf of
American Oversight