

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

RESOLUTION CREATING COMMITTEE RULES FOR THE IMPLEMENTATION OF 2021 ASSEMBLY RESOLUTION 15

WHEREAS the Committee was directed by 2021 Assembly Resolution 15 (hereafter, “the Resolution”) to investigate the administration of Wisconsin’s elections, focusing in particular on elections conducted after January 1, 2020.

WHEREAS the Special Counsel was appointed by the Speaker of the Assembly to direct an elections integrity investigation, assist the Campaigns and Elections Committee, and hire investigators and other staff to assist in the investigation.

WHEREAS the Committee and the Special Counsel have been thwarted in carrying out their duties to fulfill the Resolution by a noncompliant State agency, State employees, municipalities, city officials, special interest groups, and others.

WHEREAS the Committee is empowered by Wis. Stat. § 13.45(5) to adopt such rules for the conduct of its business as are necessary.

WHEREAS the Committee finds it necessary to adopt rules to implement and carry out the Resolution.

THEREFORE, IT IS RESOLVED that the Committee, by a quorum of its members, does pass, create, and promulgate the following Committee Rules for the Implementation of the Resolution.

1. The Committee may act through the Office of the Special Counsel in carrying out the Resolution.
2. The Office of the Special Counsel may act as empowered by the Speaker to assist in carrying out the Resolution.
3. The Committee may have public hearings in which persons testify under oath and the penalty of perjury.
4. The Committee may, by a simple majority, permit the Office of the Special Counsel to question persons or witnesses testifying before the Committee. The questions by the Office of the Special Counsel permitted by this paragraph shall be in addition to any questions asked by the members of the Committee and in no manner shall preclude members of the Committee from questioning any person or witness.
5. The Committee or the Office of the Special Counsel may compel the production of documents, tangible items, and intangible items by use of a legislative subpoena.
6. The Committee or the Office of the Special Counsel may compel the appearance of a person to give testimony in open or closed Committee sessions by use of a legislative subpoena.
7. The Committee or the Office of the Special Counsel may compel the appearance of a person to give testimony, under oath, in open or closed depositions by use of a legislative subpoena.
8. The Office of the Special Counsel shall take depositions in a closed, non-public setting when the Special Counsel is using a deposition to do any of the following:

- A. Considering the performance evaluation data of any public employee over which the Committee has jurisdiction or exercises responsibility.
 - B. Deliberating the investing of public funds or conducting other specified public business in which competitive or bargaining reasons require a closed session.
 - C. Considering financial, medical, social or personal histories, or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or
 - D. Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.
9. All depositions conducted by the Special Counsel shall be stenographically or electronically recorded and reduced to a transcript. In addition to stenographic or electronic recordation, the Special Counsel may video record any deposition. All transcripts shall be retained by the Special Counsel and produced to the Committee or the Speaker at the conclusion of the Special Counsel's investigation or the issuance of a final report.
10. The Committee or the Office of the Special Counsel may, in thier sole discretion, permit witnesses to testify remotely by video, Zoom, Switch, etc.

11. All deposition transcripts shall be made subject to open records at the conclusion of the investigation of the Special Counsel or upon the issuance of a final report.
12. During open or closed hearings before the Committee, the Committee may utilize members of their offices and staff, a member of the Office of the Special Counsel, experts, or technical advisors during any hearing. The members, staff, experts, or technical advisors may be present and observe the hearing provide direct advice to an interested Committee member, Committee member's staff, the Special Counsel, or member of the Office of the Special Counsel.
13. During any open or closed depositions taken by or before the Office of the Special Counsel, the Special Counsel may, in his sole discretion, utilize members of the Committee's offices and staff, a member of the Office of the Special Counsel, experts, or technical advisors during any hearing. The members, staff, experts, or technical advisors may be present and observe the hearing provide direct advice to the Special Counsel or member of the Office of the Special Counsel.
14. The Special Counsel may delegate the taking of depositions or questioning of witnesses to any member of his office that he deems suitable and appropriate. If such delegation is to occur at or during a public or closed hearing before the Committee, then such delegation shall be approved by either the Chairwoman of the Committee or a majority of a quorum of the Committee.
15. Any person testifying before the Committee or the Office of the Special Counsel may attend the deposition with an attorney of the witness's choosing. However, the attorney may not answer for the witness, instruct the witness on the manner in which he or she is to answer a question, instruct the witness on the words to provide the

Committee or Office of Special Counsel in response to a question, interfere with the question-and-answer process, make objections, or disrupt the hearing or deposition. Nothing in this paragraph shall be construed as prohibiting the witness's attorney from consulting with a witness about his or her answer and advising the witness not to answer on the basis of the right against self-incrimination. Provided, however, that a witness who utilizes the rights inherent in the Fifth Amendment to the United States Constitution or Article 1, § 8 of the Wisconsin Constitution must clearly and unequivocally invoke the right in response to a question from the Committee or the Office of the Special Counsel.

APPROVED, AUTHORIZED, AND IMPLEMENTED BY:

BY: _____
REP. BRANTJEN, **Chair**

Signed at
_____,
Wisconsin on this _____ **DAY**
of **DECEMBER, 2021.**

BY: _____
REP. SANFELIPPO, **Vice Chair**

Signed at
_____,
Wisconsin on this _____ **DAY**
of **DECEMBER, 2021.**

BY: _____
REP. TUSLER, **Member**

Signed at
_____,
Wisconsin on this _____ **DAY**
of **DECEMBER, 2021.**

BY: _____
REP. THIESFELDT, **Member**

Signed at
_____,
Wisconsin on this _____ **DAY**
of **DECEMBER, 2021.**

BY: _____
REP. MURPHY, **Member**

Signed at
_____,
Wisconsin on this _____ **DAY**
of **DECEMBER, 2021.**

BY: _____
REP. ROZAR, **Member**

Signed at
_____,
Wisconsin on this _____ **DAY**
of **DECEMBER, 2021.**

BY: _____
REP. SPREITZER, **Member**

Signed at
_____,
Wisconsin on this _____ **DAY**
of **DECEMBER, 2021.**

BY: _____
REP. SUBECK, **Member**

Signed at
_____,
Wisconsin on this _____ **DAY**
of **DECEMBER, 2021.**

BY: _____
REP. EMERSON, **Member**

Signed at
_____,

Wisconsin on this _____ DAY
of DECEMBER, 2021.