



Office of the Special Counsel
Wisconsin State Assembly

BY ELECTRONIC MAIL ONLY

September 13, 2021

Gentlepersons,

Recently, I was appointed Special Counsel by the Wisconsin Assembly to investigate the November 3, 2020 election.

Last week, I sent to the Wisconsin Election Commission ("WEC") a notice of preservation of evidence. At a meeting held Thursday, September 9, 2021, WEC discussed my notice letter, and both the chairman and administrator of the commission stated that in fact it is you, as Clerk, who are responsible for any and all conduct, and consequences of such conduct, that occur in relation to the course and development and implementation of any and all procedures and policies concerning the administration of Wisconsin elections.

Furthermore, in response to the observations made by the chair and the administrator related in the preceding paragraph, counsel for WEC stated during that same meeting, that it is you as Clerk, who would be implicated in, and responsible for, any litigation stemming there from.

Pursuant to the obligations of your office under state and federal law, and pursuant to that part of the legislative oversight authority of the Wisconsin Assembly which has been vested in me, I hereby request that you and your office preserve any and all records and evidence relating to the November 3, 2020 election in Wisconsin, including but not limited to information retained on any and all voting machines. Such information includes, but is not limited to, metadata, router information, and/or access logs. Please take all necessary steps to comply with this request, including notifying all agents, assigns, and custodians of records.

Please forward to this office all information relating to any and all intentional or unintentional destruction of records between the November 3, 2020 election and the date of this notice, including otherwise routine software updates to election systems that might have in the past or will in the future corrupt or erase and/ or otherwise compromise relevant records, or which might obstruct examination and investigation.

Finally, I further request that each county clerk share this email with each municipal clerk in your county, as this letter and the requests herein are equally applicable to them. Those clerks will receive their own copy directly from me as soon as WEC provides my office with the necessary email addresses. In the meantime, I would very much appreciate your help in sharing this letter with them.

Michael J. Gableman