



# WISCONSIN LEGISLATURE

P.O. Box 7882 • Madison, WI 53707-7882

December 14, 2020

Governor Tony Evers  
P.O. Box 7863  
Madison WI 53707  
DELIVERED ELECTRONICALLY

Dear Governor Evers:

The American people must possess both faith and confidence that elections conducted in our country are fair, free, open and credible. Anything less than full confidence undermines the very foundation of our republic.

The Wisconsin Assembly Committee on Campaigns and Elections and the Senate Committee on Elections, Ethics and Rural Issues conducted an extensive hearing on December 11, 2020. The committees heard from expert witnesses and demonstrated the existence of real, substantial misconduct and illegalities in the November 3<sup>rd</sup> election.

Unfortunately, after hearing evidence presented during Friday's committee hearing, there is clear, irrefutable evidence that there were irregularities in the administration of Wisconsin's presidential election.

Based upon the testimony heard, we contest the decision to have electors from Wisconsin participate in the national Electoral College until all legal actions and matters outlined below have been resolved.

As a result of the hearing, three things are clear:

- 1) The chair of the Wisconsin Elections Commission (WEC) violated state law by unilaterally certifying the presidential results, which the governor then improperly forwarded to the United States government<sup>1</sup>;
- 2) The illegal certification by the chair of the WEC occurred two full weeks before certification is required by law<sup>2</sup>, before a statutorily required audit of voting machines was conducted, and before lawfully brought legal challenges to alleged elections violations were concluded;
- 3) Because of this pre-mature certification, serious questions about the validity of administration and the results of the 2020 election have yet to be answered.

The Wisconsin Legislature has exercised its authority<sup>3</sup> to establish election administration procedures. State agencies and individual officials may not ignore or unilaterally alter these procedures.

At the public hearing or in statements provided to the committee, evidence was brought forward that demonstrated numerous instances of disregard of the law. Some examples include:

- Contrary to state law, absentee ballots were counted that did not contain the mandatory clerk initials;

- Contrary to state law, absentee ballots were counted in cases when the clerk was required but did not verify photo ID;
- The county clerks in Wisconsin's two largest counties encouraged (and eventually had to rescind) voters to violate state law and improperly assert they were indefinitely confined;
- Instances of illegal ballot harvesting conducted by the city of Madison;
- Absentee ballots that were missing the required witness address were counted;
- The mayor of Green Bay illegally altered the central count voting site without authorization from elections officials;
- Elections observers in Milwaukee County were not permitted to have the legally required access to view the recount and handling of ballots and envelopes;

In closing, due to the credible and irrefutable evidence brought to the committee, we believe there are problems within our election system that need to be addressed in order to restore voter confidence.

Sincerely,



Rep. Ron Tusler  
Elections Committee Chair  
3<sup>rd</sup> Assembly District



Rep. Joe Sanfelippo  
Elections Committee Vice Chair  
15<sup>th</sup> Assembly District



Rep. Shae Sortwell  
Elections Committee Member  
2<sup>nd</sup> Assembly District



Rep. Janel Brandtjen  
Elections Committee Member  
22<sup>nd</sup> Assembly District



Rep. Dave Murphy  
Elections Committee Member  
56<sup>th</sup> Assembly District

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<sup>1</sup> 770 (5) (b) For presidential electors, the commission shall prepare a certificate showing the determination of the results of the canvass and the names of the persons elected, and the governor shall sign, affix the great seal of the state, and transmit the certificate by registered mail to the U.S. administrator of general services. The governor shall also prepare 6 duplicate originals of such certificate and deliver them to one of the presidential electors on or before the first Monday after the 2<sup>nd</sup> Wednesday in December.

<sup>2</sup> In 2020, the "first Monday after the 2<sup>nd</sup> Wednesday in December" would be Monday, December 14<sup>th</sup>. The Chair of the Elections Commission certified the results and the Governor submitted them on Monday, November 30<sup>th</sup>.

<sup>3</sup>Article 1, Section 4 of the Wisconsin Constitution.