

FILED
02-18-2022
Clerk of Circuit Court
Waukesha County
2021CV001710

STATE OF WISCONSIN CIRCUIT COURT WAUKESHA COUNTY

MICHAEL GABLEMAN, in his official capacity as
Special Counsel to the Wisconsin Assembly, **EX. REL**
WISCONSIN STATE ASSEMBLY

Petitioner

v.

SATYA RHODES-CONWAY, personally, and in her official capacity as mayor of Madison, Wisconsin, **MARIBETH WITZEL-BEHL**, personally, and in her official capacity as city clerk of Madison, Wisconsin, **ERIC GENRICH**, personally, and in his official capacity as mayor of Green Bay, Wisconsin, **CELESTINE JEFFREYS**, personally, and in her official capacity as city clerk of Green Bay, Wisconsin, **ANN JACOBS**, personally, and in her official capacity as Chair of the Wisconsin Elections Commission, **SARAH LINSKE**, personally, and in her capacity as an employee of the Wisconsin Elections Commission, **TRINA ZANOW**, personally, and in her capacity as Director of the Department of Enterprise Technology, **DAVID HENKE**, personally, and in his capacity as an employee of the city of Milwaukee, **HANNAH BUBACZ**, personally and in her capacity as an employee of the City of Milwaukee, **CORY MASON**, personally and in his capacity as mayor of the city of Racine, Wisconsin

Case No.: 2021-CV-1710

Respondents

AMENDED PETITION FOR WRIT OF ATTACHMENT

COMES NOW the Special Counsel, by and through his attorneys, and for his petition states:

NATURE OF AMENDMENT

1. That all previous allegations in the first petition are incorporated into

this petition.

2. That the Special Counsel's previous filing of the Committee on Campaign and Elections motion is incorporated into this amended petition by reference.

3. That the Special Counsel amends his petition to add respondents and seek enforcement of the legislative subpoenas issued and served upon the respondents.

4. That the Special Counsel asks this court to issue writs of attachments, ordering the respondents to attend investigatory interviews or depositions pursuant to duly issued legislative subpoenas on a date certain or issue writs for their arrest and incarcerate the respondents until they comply.

WEC/STATE RESPONDENTS

5. That Ann Jacobs is the chairwoman of WEC. She was served the subpoena attached as exhibit one.

6. That Sarah Linske is an employee of WEC. She was served the subpoena attached as exhibit two.

7. That Trina Zanow is the director of the Division of Enterprise Technology. She was served the subpoena attached as exhibit three.

8. That the Wisconsin Attorney General has stated that he represents these three defendants and that they will not comply with the legislative subpoena that was issued to them. See exhibit four, attached.

MILWAUKEE RESPONDENTS

9. That David Henke is an employee of the city of Milwaukee. He was served the subpoena attached as exhibit five.

10. That Hannah Bubacz is an employee of the city of Milwaukee. She was served the subpoena attached as exhibit six.

11. That the city attorney for Milwaukee has indicated that, even though these respondents were served, they refuse to comply with the legislative subpoena. See exhibit seven, attached.

RACINE RESPONDENTS

12. That the city of Racine was served the subpoena attached as exhibit eight.

13. That the city attorney for Racine indicated that it had such a person to produce, but that it refused to comply with the legislative subpoena. *See* exhibit nine, attached.

JURISDICTION AND VENUE

14. This Court has jurisdiction over the parties pursuant to Wis. Stat. § 13.31.

15. This Court has jurisdiction over the parties pursuant to Wis. Stat. § 885.12.

16. Venue is proper in this court pursuant to Wis. Stat. § 885.12 because the subpoena was to be returned and the deposition was to be attended in Waukesha County.

FACTS

17. That Sarah Linske failed to appear and testify as scheduled on February 14, 2022.

18. That Trina Zanow failed to appear and testify as scheduled on February 14, 2022.

19. That David Henke failed to appear and testify as scheduled on February 16, 2022.

20. That Hannah Bubacz failed to appear and testify as scheduled on February 16, 2022.

21. That a representative from the city of Racine failed to appear and testify as scheduled on February 16, 2022.

22. That Ann Jacobs failed to appear and testify as scheduled on February 18, 2022.

23. That the Wisconsin Election Commission has failed to provide documents required by the legislative subpoena. In the interests of resolving any dispute about documents, the Special Counsel has reduced the subpoenas to only request the following information, which cannot be obtained from any other sources:

23.1. All documents, letters, papers, electronic information, electronic data, or tangible items associated with the active directory for **WisVote** during the Requested Period.

23.2. A list, or if a list does not exist, all data related to, all persons on **WisVote** Systems who were reactivated as a voter or a person eligible to vote from a deactivated or inactive status during the Requested Period.

23.2.1. For all such persons, provide all documents, letters, papers, electronic information, electronic data, tangible

objects, and/or source code related to or concerning the reactivation.

23.3. A list, or if a list does not exist, all data related to or concerning, all persons on **WisVote Systems** detailed in number two who were deactivated as a voter or person eligible to vote during the Requested Period.

23.3.1. For all such persons, provide all documents, letters, papers, electronic information, electronic data, tangible objects, and/or source code related to or concerning the deactivation.

23.4. A list, or if a list does not exist, all data related to or concerning, all persons on **WisVote Systems** who were activated (as opposed to reactivated) as a voter or a person eligible to vote during the Requested Period.

23.4.1. For all such persons, provide all documents, letters, papers, electronic information, electronic data, tangible objects, and/or source code related to or concerning the activation.

23.5. A list, or if a list does not exist, all data related to or concerning, all persons on **WisVote Systems** detailed in number four who were deactivated as a voter or person eligible to vote for the time period during the Requested Period.

23.5.1. For all such persons, provide all documents, letters, papers, electronic information, electronic data, tangible objects, and/or source code related to or concerning the deactivation.

23.6. Any and all documents pertaining to the identities of individual machines, computers, or electronic devices owned, leased, or operated for the purposes of a Wisconsin election by **WEC, the City of Green Bay, the City of Milwaukee, the City of Kenosha, the City of Racine, or the City of Madison** and its employees and agents that were present in the State of Wisconsin or that communicated with any person, machine, or computer within the State of Wisconsin during the Requested Period ("**Subject**

Devices"), including machine or computer name, machine or computer type, machine or computer serial number, software name, software type, software serial number, and persons to whom such machines and computers were sold, leased, or assigned.

23.7. Any and all communications located on any Subject Device during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:

23.7.1.1.1. David Becker

23.7.1.1.2. The Center for Election Innovation and Research (CEIR).

23.7.1.1.3. Electronic Registration Information Center (ERIC).

23.7.1.1.4. Election Official Legal Defense Network.

23.7.1.1.5. Any person or entity with the domain or email address containing "@electioninnovation.org"

23.7.1.1.6. Any person or entity with the domain or email address containing "@ericstates.org"

23.7.1.1.7. Any person or entity with the domain or email address containing "@eoldn.org"

23.7.1.1.8. The National Vote at Home Institute

23.7.1.1.9. Amber McReynolds

23.7.1.1.10. Hillary Hall

23.7.1.1.11. Michael Sptizer Rubenstein

23.7.1.1.12. Any person or entity with the domain or email address containing "@voteathome.org"

- 23.7.1.1.13. The Center for Tech and Civic Life, Inc. ("CTCL")
- 23.7.1.1.14. Tiana Epps-Johnson
- 23.7.1.1.15. Dennis Granadas
- 23.7.1.1.16. Quickbase, Inc.
- 23.7.1.1.17. Harrison Hersch
- 23.7.1.1.18. Any person or entity with the domain or email address containing "@quickbase.com"
- 23.7.1.1.19. States United Democracy Center, Inc.
- 23.7.1.1.20. Any person or entity with the domain or email address containing "@statesuniteddemocracy.org"
- 23.7.1.1.21. Power the Polls
- 23.7.1.1.22. Any person or entity with the domain or email address containing "@powerthepolls.org"
- 23.7.1.1.23. The Elections Group
- 23.7.1.1.24. Jennifer Morrell
- 23.7.1.1.25. Ryan Chew
- 23.7.1.1.26. Any person or entity with the domain or email address containing "@electionsgroup.com"
- 23.7.1.1.27. The Brennan Center for Justice at NYU Law
- 23.7.1.1.28. Elizabeth Howard
- 23.7.1.1.29. Any person or entity with the domain or email address containing "@nyu.edu"
- 23.7.1.1.30. Dominion Voting, Inc.

23.7.1.1.31. Phil Schmidt

23.7.1.1.32. Yvonne Cai

23.7.1.1.33. Any person or entity with the domain or email address containing “@dominionvoting.com”

23.7.1.1.34. Election Systems & Software, LLC

23.7.1.1.35. Any person or entity with the domain or email address containing “@essvote.com”

23.7.1.1.36. Center for Election Innovation & Research

23.7.1.1.37. Any person or entity with the domain or email address containing “@electioninnovation.org”

23.8. Any and all documents concerning or related to:

23.8.1. Money, negotiable instruments, funds, or anything of a monetary value related to or concerning any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in this subpoena.

CAUSE OF ACTION AND REQUESTED RELIEF

24. That the circuit court in which a witness’s attendance is required by legislative subpoena has the authority to enforce a legislative subpoena.

25. That the respondents have willfully failed to comply with a legislative subpoena.

26. That this court should order the respondents to comply with the subpoena by a date certain to be set by the court.

27. That, if the respondents fail to comply with the testimony as required by this court and the subpoena, issue a writ of attachment, and order the respondents to be incarcerated until such time as they comply.

28. That the State of Wisconsin has been damaged by the actions of the respondents. These damages include attorney's fees and costs.

29. The respondents should be ordered, joint and severally, to pay these fees and costs pursuant to Wis. Stat. § 885.11(1).

WHEREFORE the Special Counsel petitions this honorable court to enforce the legislative subpoenas, order the defendants to appear with commanded documents and give testimony, alternatively, to appear and show cause, and for all other just and proper relief to which he may be entitled.

*****VERIFICATION*****

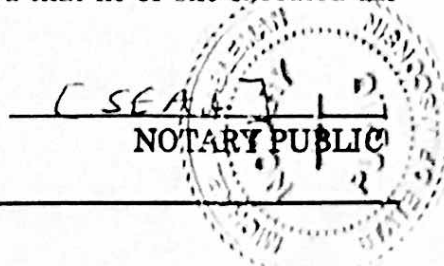
I, MICHAEL GABLEMAN, do hereby state, on oath, that the facts and information set forth above are true and correct to the best of my knowledge, information, and belief.

STATE OF WI)
) ss
COUNTY OF Waushara

[Signature]
MICHAEL GABLEMAN

ON THIS DAY, the Cust. for Petition personally appeared before me MICHAEL GABLEMAN, known well to me to be the person whose name is subscribed to the within instrument and acknowledged that he or she executed the same for the purposes therein contained.

My Commission Expires: 13 permanent



Respectfully Submitted,

electronically signed on 2/18/2022 by:



By: /S/ CLINTON W. LANCASTER

Clinton W. Lancaster, Pro Hac Vice
Ark. Bar. No.: 2011179

**OFFICE of the SPECIAL COUNSEL
to the WIS. ASSEMBLY COMM. on
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