



# WISCONSIN STATE SENATE

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

## FOR IMMEDIATE RELEASE:

November 10, 2021

**Contact:** Senator Devin LeMahieu, 608-266-2056

**Contact:** Senator Chris Kapenga, 608-266-9174

**Contact:** Senator Kathy Bernier, 608-266-7511

## Senate Committee Issues Subpoena for Madison Election Records

*“The Madison City Clerk must provide the Legislature access to ballot certificates.”*

**MADISON** – Today, Senate Majority Leader Devin LeMahieu (R-Oostburg), Senate President Chris Kapenga (R-Delafield), and Chair of the Senate Committee on Elections, Election Process Reform and Ethics, Senator Kathleen Bernier (R-Chippewa Falls) [issued a subpoena](#) for withheld election records:

As part of the State Senate’s deliberate, evidence-based approach to addressing issues within election administration in Wisconsin, the Joint Legislative Audit Committee authorized a comprehensive audit of the November 2020 election in February of this year.

One shocking revelation from the [non-partisan Legislative Audit Bureau’s \(LAB\) report](#) was the failure of City of Madison Clerk, Maribeth Witzel-Behl, to comply with a lawful request for physical access to records. Out of the thirty municipalities surveyed by LAB auditors, only the City of Madison refused to allow nonpartisan auditors full access to their ballot certificates.

“At a bare minimum, all local, county and state government officials should respect the legal authority and integrity of the LAB,” **said Senate Elections Committee Chair Kathy Bernier.** “All did, with the exception of Madison. That decision cannot and will not stand.”

During a public hearing held by the Joint Legislative Audit Committee, State Auditor Joe Chrisman verified that he was not given access to the requested materials as part of the LAB audit released on October 22<sup>nd</sup>, and made it clear that he and his team would review the records when provided.

“Having to sign the third subpoena in the history of the Senate is not something I take lightly. It’s unfortunate and concerning that a few people running elections think they are more important than the electorate,” **said Senate President Chris Kapenga.** “I sign this with the full effect of the law behind it. We are not playing games, and there will be consequences if they don’t comply.”

[On October 27th, Senate Leadership directed the Senate Committee on Elections, Election Process Reform and Ethics to conduct an additional investigation](#) relating to the audit including the use of subpoenas to assist in obtaining access to election documents that were not provided to the LAB during its audit.

“The materials we demand in the subpoena belong to the people of Wisconsin,” **said Majority Leader LeMahieu.** “We need access to those records to continue the investigation on their behalf.”

These actions, based on findings of the audit, are part of the Senate’s deliberate, on-going efforts to restore full faith and confidence in the administration and results of our elections in Wisconsin.

###