



Wisconsin Elections Commission

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November 4, 2021

By Email

Senator Robert Cowles
Representative Samantha Kerkman

Re: Request for Attendance at 11/9/21 Audit Committee Hearing

Dear Senator Cowles:

Wisconsin Elections Commission (WEC) Administrator Meagan Wolfe has forwarded your request for her (or a WEC representative's) attendance next week before the Audit Committee to "offer comments on the audit findings and respond to questions from committee members."

As you are aware, the Legislative Audit Bureau (LAB) departed from its entire historic practice in refusing to permit the WEC to review the audit report in any form prior to its release. In fact, it was released to the legislature before being released to us. The purported reason for this departure was a baseless concern regarding open meetings laws. The WEC is well aware of such laws, complies with them, and like all other agencies would have been able to review the report and provide input. The LAB's supposed concern was bizarre and not founded in law or practice.

As a result of this refusal to permit us even the most cursory review, we are in a position of playing "catch up" on the 155-page report.

The WEC has adjusted its schedule to permit the full Commission to review the audit and its recommendations on December 1, 2021. We attempted to find an earlier date for that review, but unfortunately due to conflicting work obligations of the Commissioners, we could not secure an earlier date.

Commissioners have requested the opportunity to meet and confer regarding the Commission's formal response to the Audit. We were never informed that there was a deadline to do so. Your letter today, three business days before a scheduled hearing, does not allow time for the Commission to provide a formal response.

It should go without saying that many of the "recommendations" in the LAB report require the full Commission to meet. For example, only the Commission may direct the implementation of the Administrative Rule process. This is not something that is permitted to be initiated by staff – in fact they are specifically prohibited from doing so.

Any Commissioner or WEC staff member who would appear on November 9, 2021 would not be able to provide any answers to questions regarding the Commission's response to the audit, as no such response has been drafted. They would literally respond, "The Commission has not yet had the opportunity to meet and to issue its formal response."

Wisconsin Elections Commissioners

Ann S. Jacobs, chair | Marge Bostelmann | Julie M. Glancey | Dean Knudson | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

If the Audit Committee were to move its meeting to after the December 1, 2021 WEC meeting, Administrator Wolfe and I would be happy to come testify and answer the Committee's questions regarding the WEC's response. As you know, Administrator Wolfe has testified multiple times before legislative committees and will be well-prepared to do so after the December 1 meeting.

I recognize the public interest in this matter, and I certainly appreciate that the Committee wants to discuss the LAB's audit. However, the WEC simply is unable to provide the information you are seeking at this time. Had the regular audit process been followed – the process which has governed every other audit – this would not be the case. Unfortunately, that decision by the LAB has resulted in this situation. A brief adjournment of this hearing will allow for a complete and robust presentation to the Committee, one that I am confident will address any questions Committee members have.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ann Jacobs", with a stylized flourish at the end.

Ann S. Jacobs
Chair – Wisconsin Election Commission