2021 SENATE RESOLUTION

Relating to: requiring the Legislative Audit Bureau to conduct an audit of the Office of Special Counsel.

Analysis by the Legislative Reference Bureau

This resolution directs the Legislative Audit Bureau to conduct an audit of the Office of Special Counsel, created by the Committee on Assembly Organization, and report its findings to the Wisconsin State Senate no later than June 1, 2022.

Whereas, the Committee on Assembly Organization created an Office of Special Counsel (OSC) on August 27, 2021, to investigate the 2020 general election; and

Whereas, the OSC has issued interim reports alleging misconduct during the 2020 general election, including possibly elections to the Wisconsin State Senate; and

Whereas, a Dane County Circuit Court ruled that the OSC improperly withheld records; and
Whereas, a Dane County Circuit Court found that the OSC engaged in “unconsidered and irrational conduct” when it ruled that the OSC is liable for punitive damages for its summary rejection of a records request; and

Whereas, the OSC’s mishandling of records suggests a serious and grave lack of accountability for public resources; and

Whereas, serious and legitimate questions have been raised about the OSC’s mission, the number of OSC staff, and accounting issues surrounding the OSC’s expenditure of taxpayer funds; now, therefore, be it

Resolved by the senate, That the Legislative Audit Bureau shall conduct an audit of the OSC and report its findings to the Wisconsin State Senate no later than June 1, 2022. The audit shall specifically address all of the following questions:

1. What are the terms of all contracts, written and verbal, between Special Counsel Michael Gableman and Speaker Robin Vos?
2. What documentation exists outlining the mission of the OSC?
3. Has the OSC or Special Counsel Gableman entered into other contracts relating to OSC activities?
4. What are the expenses that have been incurred and paid by the OSC?
5. What are the cash balances in all accounts maintained by the OSC?
6. Why has Special Counsel Gableman missed all deadlines in producing a formal report of the investigation’s findings?
7. How many people are employed by the OSC, and what were their hiring and termination dates as of March 1, 2022?
8. Is there documentation of OSC staff reimbursement payments for expenses, health insurance, retirement benefits, and other benefits?
9. What was the selection process for hiring OSC staff?
10. Were OSC staff working hours verified, and was there an accounting of the requirements for work performed?

11. What methods were used to retain, and upon request to make available, records relating to the activities of the OSC?

(END)