

Decertification Petition E-Mails From Your Legislators

On March 23, 2022, RPSC Chair wrote the following email to 4 Republican legislators who represent Sheboygan County:

From: ottenruss@reagan.com <ottenruss@reagan.com>
Sent: Wednesday, March 23, 2022 12:13 PM
To: Terry Katsma <terrykatsma@gmail.com>; Tyler Vorpapel <tvorpapel@gmail.com>; Devin LeMahieu <dlemahieu8@gmail.com>; Sen.Stroebe1 <Sen.Stroebe1@legis.wisconsin.gov>
Subject: Response to Decertification Petition from Sheboygan County Conservatives

Terry, Tyler, Devin, and Duey, last week Friday I emailed you a set of petitions supporting decertification from Sheboygan County conservatives. There were 126 signatures. These represent thousands of your constituents who voted for you to become our representatives. These petitions are consistent with the resolution from the RPSC caucus on February 5 calling for decertification. The vote at the caucus was nearly unanimous.

Yet, I have heard no response from any of you in the last 5 days. Would you please have the courtesy to provide your response to Paragraph 3 of the petition? And please do not send me a long, canned response from your office.

If I do not receive your response by tomorrow (Thursday) at 6:00PM, your lack of response will be a very loud message to the RPSC members that you do not represent our view in this crucial matter.

Russ Otten
RPSC Chair
(920)207-3894

On March 24, 2022, RPSC Chair received the following emails from those 4 legislators:

From: "Sen.Stroebe1" <Sen.Stroebe1@legis.wisconsin.gov>
Sent: Wednesday, March 23, 2022 5:43pm
To: "ottenruss@reagan.com" <ottenruss@reagan.com>
Subject: RE: Response to Decertification Petition from Sheboygan County Conservatives

Russ,

I apologize for not issuing a response to you or Ruth Luedtke in a more timely manner. I would be more than happy to address the third paragraph of the petition, which reads as follows:

“We, the undersigned, in light of the recent findings of Justice Gableman’s Report, which clearly states that there is more than enough evidence of fraudulent activity to alter the outcome of the presidential election in Wisconsin and recommends the decertification of the 10 electoral votes of Wisconsin, now demand that our State legislators support and take legislative action. For State Assemblymen Tyler Vorpapel and Terry Katsma, we demand that you force Rep. Robin Vos to take Rep. Tim Ramthun’s resolution AJR120 out of committee, bring it to a full Assembly vote, and then vote for it. For State Senators Devin LeMahieu and

Duey Stroebel, we demand that you introduce a resolution to the Senate that mirrors Rep. Ramthun's Assembly resolution, bring it to a full Senate vote, and then vote for it."

First off, I believe it is inaccurate to assert that Michael Gableman made a clear recommendation for the State Legislature to pursue decertification of Wisconsin's 10 electoral votes for the 2020 presidential election. [In his most recent report](#), Gableman [recommended](#) the Legislature "consider establishing processes for standardizing challenges both pre- and post-certification." In [Appendix II](#) of the report, Gableman went on to assert that "Wisconsin election law does not explicitly authorize the decertification of electors. But neither does it prohibit it." It is unwise to weaponize a gray area of the law when a chief aim of the election reform legislation I authored during this legislative session was to stop bad actors from weaponizing gray areas in the law to undermine the integrity of our elections. Gableman concludes by stating, "However, this action would not, on its own, have any other legal consequence under state or federal law. It would not, for example, change who the current President is."

Since December 2020, I have consistently informed the constituents who have reached out to my office that I do not believe the state legislature has the authority to unilaterally and retroactively decertify Wisconsin's electors for the 2020 presidential election (you can read the full text response I've issued to constituents on this topic [here](#)). I believe Gableman's analysis of Article II, Section 1, clause 2 of the U.S. Constitution (the plenary power of state legislatures to prescribe the procedure for the selection and certification of presidential electors) suffers from many of the same deficiencies that I had highlighted in similar legal analyses that were brought to my attention as early as October 2020. Simply put, all of the legal precedence relating to the state legislative authority over the selection and certification of presidential electors that Gableman cites involved the assent or involvement of another branch of government. In other words, Article II, Section 1 and the relevant case law do not grant absolute independence to state legislatures with regard to elector selection and certification.

Once the State Legislature used its plenary power under Article II, Section 1 to implement a process of popular selection of presidential electors (as opposed to state legislative selection) by way of legislation (which required the assent of the governor to be codified in statute), the only manner in which this delegation of authority could be altered or revoked is by way of statutory changes (i.e., the governor assenting to the amendment or repeal of the relevant statutes) or intervention of the judicial branch (e.g., a court ruling that alters or overturns the preliminary or final results of an election). While the State Legislature does hold the authority of prescribing election laws and the plenary power of prescribing the process for selecting and certifying electors, it does not hold the authority to prosecute and enforce the law.

The 126 signatures on the petition represents those 126 people, no more or less. 11 of these individuals appear to reside in the 20th Senate District. I don't mention this with the intention of downplaying the level of support for a decertification resolution, as I've received many contacts from constituents (between 100-150) expressing support for such an action. I weigh these contacts with what else I've heard from the roughly 178,000 constituents I represent.

To be clear, I do not believe we should put the problems that plagued the administration of the 2020 presidential election in the rearview mirror. In fact, I believe we should continue to investigate and verify these problems. However, I do believe the continued demands for the State Legislature to unilaterally overturn the results of the 2020 presidential election are counterproductive. Instead of continuing to drive a wedge in the Republican Party by chastising legislative leadership for not agreeing to take up what Gableman insinuates to be nothing more than a symbolic resolution, I believe it would be far more productive for Wisconsin conservatives to work together to ensure we fully capitalize on what is shaping up to be a prime opportunity to elect a Republican governor in November. In turn, this will put Republicans in the driver's seat to enact reforms that are sorely needed to prevent a repeat of November 2020.

Sincerely,

Sen. Duey Stroebel

From: "Terry Katsma" <terrykatsma@gmail.com>

Sent: Wednesday, March 23, 2022 8:20pm

To: ottenruss@reagan.com

Cc: "Tyler Vorpapel" <tvorpapel@gmail.com>, "Devin LeMahieu" <dlemahieu8@gmail.com>, "Darryl Carlson" <darryldcarlson@yahoo.com>

Subject: Re: Response to Decertification Petition from Sheboygan County Conservatives

I will not be endorsing the effort to decertify.

1. I took an oath to uphold the Wisconsin constitution (and US constitution). Legislative attorneys and other constitutional attorneys that I respect, such as Rick Esenberg from WILL do not see a path to decertification.

2. Of the 126 signors on the petition, I don't know the breakdown between the 26th or 27th assembly district. I don't know how many voters are in Sheb county. The population of the county is 115,300, assuming 65% are voting age, that would assume 74,750 voters. 126/74,750 assumes 0.0016 of the county voters signed the petition. How many people were aware of the petition, but chose not to sign it? I pay close attention to constituent comment and feedback. In the end, we are a representative democracy not a direct democracy.

3. It is time we (the county gop party) focus its unified attention on the fall election.....returning Ron Johnson, electing a repub Gov, and returning a strong Republican legislature, including the strong incumbents in leadership positions now living in and representing Sheboygan Co.

Terry Katsma

From: "Sen. LeMahieu" <Sen.LeMahieu@legis.wisconsin.gov>

Sent: Thursday, March 24, 2022 2:38pm

To: "ottenruss@reagan.com" <ottenruss@reagan.com>

Cc: "ruthmluedtke@gmail.com" <ruthmluedtke@gmail.com>

Subject: RE: Petitions to Decertify 11/3/20 Presidential Electoral Votes

Chairman Otten,

Thank you for reaching out to my office.

Throughout this session, the Senate has been focused on effective, meaningful solutions during this time of split government. We've effectively used our limited power to impact our state outside of the traditional legislative process to:

- Pass Senate Joint Resolution to repeal the statewide mask mandate
- Sue to end Governor Evers' shutdown of our economy
- Most recently won a U.S. Supreme Court decision on an appeal for summary reversal-- something exceedingly rare – to fight for our Legislative maps.

The reason these efforts were successful is because we researched the issue carefully, determined our strongest legal position, mapped out the strategy from start to finish, and chose the best, most effective course of action that would achieve the desired result. We always want to ensure we will win the fight

and position ourselves to win future fights for the benefit of the people of Wisconsin and the conservative cause.

We had the law, sound strategy, and the people of Wisconsin on our side in those winning efforts.

When it comes to the issue of decertification, our lawyers, constitutional scholars, and Michael Gableman himself all agree--decertifying the election would have no legal bearing and would not result in overturning the election. Here are some of the things that legal and constitutional scholars have publicly put forward:

- [Rick Esenberg](#), president of the Wisconsin Institute for Law and Liberty (WILL)
 - *"It can't be done."*
- [Jim Troupis](#), President Trump's attorney who headed up his Wisconsin litigation team following the 2020 election.
 - *"We can make up mythical arguments and what have you, and I talked repeatedly about this to my many, many friends who so fervently want to undo the election, and the answer is, constitutionally, in my opinion, we cannot do it," Troupis said.*
- [Legislative Council Memo](#) (Wisconsin Legislature's attorneys)
- Michael Gableman said decertification would **not** change anything:
 - *"However, this action (decertification) would not, on its own, have any other legal consequence under state or federal law. It would not, for example, change who the current President is." (page 136, [Second Interim Investigative Report](#))*
- James Bopp, Michael Gableman's private attorney:
 - *"[The election] is done and over. The only way to remove President Biden is by his death, resignation, impeachment or disability under the 25th Amendment." Testimony before the Assembly Committee on Elections, Chaired by Rep. Janel Brandtjen, March 24, 2022.*

The Senate cannot and will not move forward with a strategy we know to be ineffective and counter-productive. That would be a disservice to voters and provide false hope. However badly we want a different president, the Legislature cannot change who occupies the White House. To be clear, the Senate will not introduce or pass a resolution to decertify the election results.

Instead of focusing on the issues and facing the evidence we have gathered of the serious abuses of our election laws (and our solutions), Democrats, Independents, and the media can easily dismiss our efforts by focusing on the calls to decertify. We could force the public to face the facts of election abuses instead of easily dismissing our integrity efforts using the stalking horse of decertification.

The Senate has been focused on solutions that will not only work, but will effectively expose Democrats' effort to cheat our system. People don't like cheaters. Voters don't vote for cheaters. If we focus on the solutions we have before us and expose Democrat efforts to abuse our laws and use Covid to cheat, then we will win.

Republicans have strong conditions to take back congress, the US senate, the state assembly, the state senate, and elect a new governor. Republicans would have full control of state government. But only if we win.

If we win in November, conservatives will get a reform-minded governor who will sign the Legislature's strong election integrity reforms into law. We will have real power. Power to make the changes we need to lock in election security measures and never suffer the abuses we did during the pandemic ever again.

If we lose legislative seats or if Governor Evers wins re-election, we are in the same place we are right now: no power to influence our election laws and no ability to prevent the abuses from happening again.

We want to win--resoundingly and unequivocally. We've all seen the damage that Joe Biden has done in just one year. The Legislature has blocked Tony Evers from doing much of the same damage here in Wisconsin, but we want to go on offense with a reform-minded governor and stronger legislative majorities.

Again, voting to decertifying the election would have no legal bearing and change nothing about the current occupant of the White House. However, it would serve to distract from Republican's winning message and empower Democrats to talk about something other than their failed policies, failed president, and disaster of a governor.

Tony Evers wants to talk about 2020 and "saving democracy". If we play on his field, we risk losing. If we force him to talk about inflation, rising gas prices, rising crime, defunding the police, and his disastrous administration, we win in a landslide.

We want to pound Democrats in November--at every level. We want them demoralized, defeated, and forced to confront the radical elements in their party that want socialism in America. We have the opportunity to stamp that out... for good... but only if we win.

If our party stays home and doesn't vote for Republicans in November, Democrats will win. They will retain power in the Governor's office and Attorney General's office. They will continue to push their big-government agenda and be emboldened to stretch their underhanded tactics even further.

If we defeat Democrats in November, I know that will not take away the brutal sting of losing Donald Trump or make up for the abuses of the 2020, but it will give our party and our state control over our future--to profoundly benefit the people of Wisconsin. And if we can win the Attorney General race, major candidates have already pledged to use the power of that office to investigate and prosecute those who violated election laws.

We are fighting and winning major battles for the conservative cause, at the highest levels, with the force and power of law that will fundamentally alter the political and legal landscapes. We want lasting victories, locked in law so that we can right past wrongs and guard against future attacks.

We are focused on beating Tony Evers and socialist Democrats. County Parties are a critically important part of that effort, and we need you on our side when the chips are down. We can achieve lasting gains if we win and change the law.

I know this was a long response, but you asked that my answer not be canned. I know together we can affect positive change in our county party, our state party, and for everyone in our state. Unified, we can change the future of the Wisconsin for the better.

Sincerely,

Devin LeMahieu

State Senator

9th District

www.senatorlemahieu.com

<https://www.facebook.com/senatordevin>

office: (608)266-2056

From: "Tyler Vorpapel" <tvorpapel@gmail.com>

Sent: Thursday, March 24, 2022 5:30pm

To: ottenruss@reagan.com

Cc: "Darryl Carlson" <darryldcarlson@yahoo.com>, "Devin LeMahieu" <dlemahieu8@gmail.com>, "Terry Katsma" <terrykatsma@gmail.com>

Subject: Re: Response to Decertification Petition from Sheboygan County Conservatives

Russ,

There is no way I will be supporting, pushing for, voting for decertifying of the electors from the 2020 presidential election.

1.) Gableman's investigation mostly surrounded the money from the Center for Tech and Civic Life. Just to remind you I was the author of a constitutional amendment prohibiting private funds from being used for election administration.

2.) I'm still waiting for the proof of "extensive voter fraud" thus far there have been some 45 cases referred to DA's for prosecution and about 25 cases that have been prosecuted including some self avowed Trump voters.

3.) I take seriously my oath to uphold the Wisconsin and US Constitution and there is no way to recall electors under the constitution.

4.) the 126 people who signed the petition represent 126 people not "thousands" i have been to numerous public events and have run into thousands of people, at things like chamber events, or in public and no one has brought up the 2020 election to me, especially recalling electors.

We need to move on from the 2020 election, it wasn't stolen, we need to focus on 2022. The Republican legislature has passed numerous bills to address issues that happened in 2020. It also seems like you aren't serious and I suspect would rather keep claiming "fraud" rather than allow things like the Monday count bill to become law, which would erase questions about Milwaukee County "ballot drops."

These are the same rules that Republican majority's in the assembly and senate were elected under and assembly republicans got more votes than trump. Move on.

-Tyler