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H.O.T. GOVERNMENT

H O N E S T O P E N T R A N S P A R E N T

OPEN LETTER TO RACINE COUNTY DISTRICT ATTORNEY PATRICIA HANSON

January 16th, 2022

Racine County District Attorney Patricia Hanson
Racine County Court House, 9th Floor
730 Wisconsin Ave.
Racine, WI 53403

Dear District Attorney Hanson,

You and your office received referred charges from the Racine County Sheriff's Office (RCSO) on or about November 3rd, 2021 concerning the following Wisconsin Elections Commission (WEC) Commissioners; Margret Bostelmann, Julie Glancey, Ann Jacobs, Dean Knudson, and Mark Thomsen. It has now been seventy-four (74) days since you received the referred charges from the RCSO and there is no action or official statement from you and your office concerning the prosecution of the crimes presented to you for prosecution.

The referred charges were as follows:

1. MISCONDUCT IN PUBLIC OFFICE IN VIOLATION OF WIS. STAT. § 946.12(2) (FELONY)
2. ELECTION FRAUD – ELECTION OFFICIAL ASSISTING WITH VIOLATIONS IN VIOLATION OF WIS. STAT. § 12.13(2)(B)7 (FELONY)
3. PARTY TO THE CRIME OF ELECTION FRAUD – RECEIVE BALLOT NON-ELECTION OFFICIAL IN VIOLATION OF WIS. STAT. § 12.13(3)(N) (MISDEMEANOR)
4. PARTY TO THE CRIME OF ELECTION FRAUD – ILLEGAL BALLOT RECEIPT IN VIOLATION OF WIS. STAT. § 12.13(3)(P) (MISDEMEANOR)
5. PARTY TO THE CRIME OF ELECTION FRAUD – SOLICIT ASSISTANCE IN VIOLATION OF WIS. STAT. § 12.13(3)(S) (MISDEMEANOR)

On November 10th, 2021 Racine County Sherriff Officer Lt. Michael Luell stated before the Wisconsin Assembly Committee on Campaigns and Elections; "A government that passes laws, is a

government that must follow the law". In parallel and in concert with Lt. Luell's statement to the Committee your duty as stated in Wisconsin Statute § 978.05(1) is the district attorney **shall**:

Criminal actions. Except as otherwise provided by law, prosecute all criminal actions before any court within his or her prosecutorial unit and have sole responsibility for prosecution of all criminal actions arising from violations of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 and from violations of other laws arising from or in relation to the official functions of the subject of the investigation or any matter that involves elections, ethics, or lobbying regulation under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, that are alleged to be committed by a resident of his or her prosecutorial unit, or if alleged to be committed by a nonresident of this state, that are alleged to occur in his or her prosecutorial unit unless another prosecutor is substituted under s. 5.05 (2m) (i) or 19.49 (2) (h) or this chapter or by referral of the elections commission under s. 5.05 (2m) (c) 15. or 16. or the ethics commission under s. 19.49 (2) (b) 13. or 14. For purposes of this subsection, a person other than an individual is a resident of a prosecutorial unit if the person's principal place of operation is located in that prosecutorial unit.

The use of the word "shall" makes it mandatory for you to prosecute all criminal actions and you have the further sole responsibility for the prosecution "of all criminal actions arising from violations of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 and from violations of other laws arising from or in relation to the official functions of the subject of the investigation or any matter that involves elections, ethics, or lobbying regulation under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19..."

The referred charges all stem from official functions of the Commissioners and the investigation into the same by the RCSO concerning violations of and stemming from Chapter 12 of the Wisconsin Statutes involving elections. This makes you solely responsible for the prosecution of these crimes that were referred to you well documented and supported by the RCSO, an action you have yet to engage in or act upon pursuant to the statutory duties of your office.

H.O.T. Government is well aware of the zeal your office has in prosecuting the most minor of criminal violations, i.e. Disorderly Conduct under Wisconsin Statute § 947.01, and yet it has failed to act as of yet on the serious charges of crimes committed by the WEC Commissioners. H.O.T. Government finds this extremely concerning and openly requests you act on these charges as you are required to under Wisconsin Statutes governing your office.

We stand for Honest, Open, and Transparent Government that is accountable to the people it governs by their consent.

Sincerely,

Jim McClain, Committee Chairman Prosecutorial Conduct