

CORPORATION COUNSEL

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September 3, 2021

State Rep. Janel Brandtjen
State Capitol, PO Box 8952
Madison, WI 53708-8952

RE: OUR RESPONSE TO YOUR ELECTION RELATED COUNTY CLERK SUBPOENA

Rep. Brandtjen:

We have received and reviewed the Subpoena you issued to Brown County Clerk Patrick W. Moynihan, Jr. on August 6, 2021, and the Brown County Corporation Counsel is now issuing this response on his behalf.

We have concluded that said Subpoena is invalid and unenforceable for, in part, the reasons set forth in the two recent Memos issued by the nonpartisan Wisconsin Legislative Council, primarily due to the lack of necessary signatures on the Subpoena.

In addition, Brown County has received no contact whatsoever from your office regarding how you propose that Clerk Moynihan pay for the significant unbudgeted costs that would be incurred if he were to comply with your Subpoena as written, nor has any procedure been put forth by your office that would allow Clerk Moynihan to comply with said Subpoena, while at the same time complying with his duty to preserve the integrity of the election by retaining custody and control over ballots, machines and other election related original documents and materials located in Brown County that you have requested.

Please feel free to reach out to the Corporation Counsel Office should you wish to discuss this matter further, or if you have any related questions, comments or concerns.

Thank you for your inquiry regarding this matter.

Very Truly Yours,



David P. Hemery, Brown County Corporation Counsel
WI Bar Number: 1033291