For Immediate Release

Contacts:
Law Forward, Stephanie Miller, 920-470-4618
ICAP, Maria Duarte Villa, 202-661-6535

Wisconsin's 2020 Fraudulent Electors Acknowledge Their Votes Were Used in Effort to Undermine a Presidential Election, Settle with Plaintiffs

Madison, WI- Today, Law Forward, Georgetown University Law Center's Institute for Constitutional Advocacy and Protection (ICAP), and Stafford Rosenbaum LLP announced an historic settlement agreement that partially resolves the case of *Penebaker et al v. Hitt et al*., pending in the Circuit Court for Dane County, Wisconsin. That agreement, outlined below, includes a public statement from the elector defendants acknowledging that their votes, cast at the behest of the Trump Campaign and the Republican Party of Wisconsin, were used as part of an effort to overturn the results of the 2020 election and disrupt the peaceful transition of presidential power.

This lawsuit was the first of its kind in the nation, using civil law to redress the defendants' unlawful actions, including by falsely assuming the office of presidential electors for the State of Wisconsin. As part of the settlement, all 10 individuals who met at the State Capitol on the day designated by law for the meeting of the Electoral College, purported to cast their votes for Donald J. Trump and Michael R. Pence, and falsely signed papers certifying that they were Wisconsin's lawful presidential electors, have agreed not to serve as electors in the next election and not to sign such a certification in any future election in which are not the duly certified electors under state law. As part of the settlement and litigation, the plaintiffs are authorized to publish 577 pages of discovery materials, including emails and text exchanges revealing the how these events transpired in Wisconsin, that we will be making available to the public.

"Americans believe in democracy and the idea that the people choose their leaders through elections. The defendants' actions violated those bedrock principles. We brought this case to ensure that they are held accountable," said Jeff Mandell, Partner at Stafford Rosenbaum LLP and Law Forward Board President. "Wisconsin voters have been awaiting accountability for 3 years, and it is beyond time to hold those who perpetrated this scheme responsible for their actions. This settlement agreement provides one piece of that accountability and helps ensure that a similar effort to subvert our democracy will never happen again."

"The fraudulent certification of Electoral College ballots that the Elector Defendants signed and submitted to then-Vice President Pence was at the heart of the effort by Donald Trump and his allies to overturn the election results at the Joint Session of Congress on January 6," said Mary McCord, Executive Director of ICAP. "That effort provided the narrative that thousands of Americans used to justify the attack on the U.S. Capitol that day. Today's settlement helps ensure this will not be repeated in future presidential elections."

Under the terms of the settlement, Defendants Andrew Hitt, Robert F. Spindell, Jr., Bill Feehan, Kelly Ruh, Carol Brunner, Edward Scott Grabins, Kathy Kiernan, Darryl Carlson, Pam Travis, and Mary Buestrin agreed to transmit the following statement to the same public officials and government offices that receive votes from the Electoral College:

> *On December 14, 2020, in compliance with requests received from the Trump campaign and the Republican Party of Wisconsin, we met at the Wisconsin State Capitol and executed a document titled "Certificate of the Votes of the 2020 Electors from Wisconsin." That document stated, in part, that we were "the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Wisconsin." The Elector Defendants took the foregoing action because they were told that it was necessary to preserve their electoral votes in the event a court challenge may later change the outcome of the election in Wisconsin. That document was then used as part of an attempt to improperly overturn the 2020 presidential election results.*
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> *The duly elected presidential electors for the State of Wisconsin for the 2020 presidential election were: Meg Andrietsch, Shelia Stubbs, Ronald Martin, Mandela Barnes, Khary Penebaker, Mary Arnold, Patty Schachtner, Shannon Holsey, Tony Evers, and Benjamin Wikler. We hereby reaffirm that Joseph R. Biden, Jr. won the 2020 presidential election and that we were not the duly elected presidential electors for the State of Wisconsin for the 2020 presidential election.*
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> *We oppose any attempt to undermine the public's faith in the ultimate results of the 2020 presidential election. We hereby withdraw the documents we executed on December 14, 2020, and request that they be disregarded by the public and all entities to which they were submitted*

As part of the settlement, the Elector Defendants have also agreed to several restrictions:

- None of the Elector Defendants will ever serve as a presidential elector or participate in the execution or transmission of electoral votes, in any U.S.

presidential election featuring Donald J. Trump.

- None will ever again engage in the execution or transmission of documents claiming to be certificates of electoral votes for Wisconsin unless duly certified under state law. Each of the Elector Defendants has pledged full cooperation with ongoing or future Department of Justice investigations related to interference with the 2020 presidential election or the certification of electoral votes on January 6, 2021.
- They have agreed to cooperate fully with the Plaintiffs in this civil action, provided that no further claims related to the 2020 election are brought against them.
- Finally, all of them have committed to not violating state or federal election laws in the future.

Two attorneys for the Trump campaign are also named defendants in this litigation. The claims against those defendants, James R. Troupis and Kenneth Chesebro, remain ongoing in this case.

Scott Thompson, Staff Counsel at Law Forward, said, "Today's settlement underscores the importance, and certainty, of accountability for those who seek to overturn the will of the electors and ignore our nation's democratic ideals. This is a significant step forward, and we look forward to litigating this case to completion."

Law Forward is a pro-democracy, nonpartisan nonprofit organization using impact litigation, the administrative process, and public education to protect and advance Wisconsin's fundamental democratic principles and commitment to clean and open government. For more information, visit www.LawForward.org.

The Institute Constitutional Advocacy and Protection is a nonprofit, nonpartisan institute within Georgetown University Law Center that uses strategic legal advocacy to defend constitutional rights while working to restore confidence in the integrity of our governmental institutions. For more information, visit www.law.georgetown.edu/icap/.

Stafford Rosenbaum LLP is a full-service law firm with offices in Madison and Milwaukee, Wisconsin. Among other practices, Stafford has a renowned team of attorneys practicing in the area of election and political law. More information is available at www.staffordlaw.com.