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Wisconsin Voters File Suit Against Fraudulent Wisconsin Electors

First case of its type seeks to hold unauthorized Trump electors legally accountable

Law Forward and Georgetown University Law Center's Institute for Constitutional Advocacy and Protection (ICAP) today filed suit in Wisconsin State Court against twelve individuals associated with a fraudulent slate of presidential electors who falsely sought to have their votes counted on January 6. Despite certified election results showing that Joe Biden and Kamala Harris had carried the state of Wisconsin in the 2020 presidential election, the fraudulent electors met in the state capitol on the day statutorily designated for the meeting of the Electoral College, cast their votes for Donald Trump and Mike Pence, and sent the false certification of their votes to the President of the U.S. Senate.

The actions of the fraudulent electors in Wisconsin and similar actions in other swing states were a necessary predicate to efforts to persuade Vice President Pence, as President of the Senate, to reject the electoral votes of the real electors in those states on January 6 and count the fraudulent electoral votes instead. Had the scheme succeeded, it would have overturned the legitimate results of the 2020 election. This marks the first suit in the nation filed against fraudulent electors.

"The individuals named in this case schemed to hijack Wisconsin's role in selecting the president of the United States and to override the will of the voters. We must hold them accountable for their illegal, unprecedented, and profoundly anti-democratic actions," said Jeff Mandell, President and Lead Counsel at Law Forward. "Supporters of a presidential candidate can and should campaign vigorously. But when the votes are counted, we come together as Americans and celebrate a peaceful, orderly transition of power. These fraudulent electors crossed a line. Their disregard for the law helped lay the groundwork for the insurrection of January 6th. We can't allow this to ever happen again."

The lawsuit is filed on behalf of two lawfully elected Wisconsin presidential electors and an additional Wisconsin voter. The defendants named in the suit are the ten fraudulent electors, along with two attorneys who helped orchestrate the illegal scheme. The filing alleges that by fraudulently assuming the office of elector despite certified election results indicating that they were not permitted to do so, the defendants illegally usurped the role of Wisconsin's rightful electors and undermined the legal authority of voters to choose which candidate will receive the state's electoral votes.

The suit seeks a judicial declaration that the defendants acted unlawfully when they falsely assumed the office of presidential electors for the State of Wisconsin, as well as an injunction both correcting the historical record and preventing them from engaging in similar violations in the future. The plaintiffs also ask the court to impose statutory fines and monetary damages.

“The actions of these fraudulent electors had real consequences,” said Mary B. McCord, Executive Director of ICAP and a Visiting Professor of Law at Georgetown University Law Center. “Their fraudulently submitted electoral votes fed into the false narrative that was relied on by those who violently attacked the U.S. Capitol on January 6, halting the counting of the legitimate Electoral College votes. As important as it is that we hold accountable those responsible for that attack, it’s just as vital that we demand accountability for those whose fraudulent activity undermined the electoral process and weakened our democracy.”

“We must have accountability for these fraudulent electors,” said Mel Barnes, staff attorney at Law Forward. “In America, the voters decide. If the public loses faith in this fundamental principle because officials who disagree with their choices are not held responsible for disregarding the will of the voters, that is toxic to our democracy.”

Today’s filing describes in detail how the defendants deliberately attempted to override Wisconsin’s recounted and certified election results, ignoring state and federal law as well as judicial rulings upholding the election results.

The full complaint can be found [here](#).

Law Forward is a nonprofit, nonpartisan organization that does impact litigation to protect and advance democracy in Wisconsin.

ICAP 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.

To arrange an interview with Jeff Mandell, Mary McCord, or Mel Barnes, contact LawForward@WestEndStrategy.com.

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