

Defend Democracy Project

NEW REPORT

The Three Greatest Threats to Democracy in Wisconsin

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Democracy in Wisconsin is under attack by Donald Trump and his allies. This report describes the most dangerous of many ongoing efforts. We surveyed grassroots organizers, legal analysts, and academic experts to identify the key risks.

Our analysis found three primary threats that are intertwined. Election deniers are working at every level to disrupt the electoral process in Wisconsin, starting with a slate of bills, lawsuits, and initiatives predicated on baseless election conspiracy theories, aiming to constrict ballot access. Further, these ideologues are targeting state and local elections administrators in an effort to inundate election officials and dismantle the Wisconsin Elections Commission. Finally, in an effort to remove electoral checks and balances and seize control of election outcomes, MAGA loyalists are working to empower the state legislature to unilaterally nullify free and fair election results.

These threats are designed to overturn the will of American voters, which explains why Wisconsin is now one of the hardest states to vote in. Since 2020, Trump and MAGA Republicans in Wisconsin have made it harder to register to vote, and significantly more challenging to vote by-mail; voting in-person is more time-consuming and the people of Wisconsin will wait longer for results to come in. Election deniers are actively working to dismantle ballot access, obstruct elections administration, and challenge election results in order to consolidate power for decades to come.

Legislation Dismantling Ballot Access

Wisconsin Legislators Have Pushed Dozens of Bills Seeking To Politicize, Criminalize, & Interfere With State Elections. Wisconsin has [become the fourth-hardest state to vote in](#) as of September 2022, [plummeting past 9 other states](#) from its previous position as the 11th-hardest state to vote in during the 2020 cycle after it [effectively banned voter registration drives](#) and pre-registration, and enacted strict voter ID laws. Wisconsin legislators have [introduced](#) 38 bills — the most of any state legislature — during their latest legislative session, seeking to usurp control over election results, impose partisan ‘audits’, seize power over election responsibilities, create unworkable burdens in election administration, and impose disproportionate penalties. Nine of these extreme bills have passed the legislature since the 2020 election; seven have been vetoed and two were adopted this year.

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- **Seven Bills Vetoed This Year Would Have Significantly Altered Elections Administration.** This year alone, 7 voter suppression bills have been introduced in the state legislature, creating a blueprint for other policymakers in the state to suppress voters. Three of these, AB 1003, AB 1006, and AB 1046, would have allowed the legislature to [seize power over the Wisconsin Elections Commission](#) (WEC), requiring the WEC to submit copies of complaints, reports of [possible violations of election law](#), absentee ballot counts, and rule-making [guidance documents](#) to the state legislature. Another, AB 1004, would have [penalized retirement home employees](#) for helping occupants register for absentee voting. Several months after these bills were introduced, the conservative majority on the Wisconsin Supreme Court ruled that the Wisconsin Elections Commission [cannot allow retirement home employees](#) to help occupants access absentee voting, echoing the same conspiratorial rhetoric behind many of these bills.
- **Wisconsin Legislators Used Legislative Maneuvering To Evade The Governor's Veto on Restrictive Voter Laws.** The legislature managed to advance [two anti-voter joint resolutions](#) on constitutional amendments. In Wisconsin, amendments to the constitution must be adopted by two successive legislatures and then ratified by the electorate in a statewide election. The first, [JR 101](#), could amend the Wisconsin Constitution to [prohibit the use of certain types of expenditures](#) to fund election administration. The state currently grants “home rule authority” giving municipalities discretion over election funding, but JR 101 would further centralize state power over elections related to funding [on the basis of MAGA conspiracy theories](#). [SJR 84](#) would [bar](#) Wisconsin executives from using emergency federal funds for *any purpose*, including elections administration, [without the approval of the state legislature](#). Both joint resolutions managed to advance upon first consideration, evading Governor Tony Evers’ veto and allowing the state legislature to reconsider the amendments in 2023 — after the gubernatorial election.
- **Wisconsin Banned Absentee Envelope Completion Ahead of the Midterm Election, Evading The Governor's Veto.** In early September, a Wisconsin judge [banned ballot curing](#), ruling that state law does not allow election clerks to fill in missing information on witness certification envelopes that contain absentee ballots (like filling in a missing “WI” in “Milwaukee, WI,” for example). The ruling revives the parameters of [SJR 935](#), a bill [vetoed](#) in February that also would have prohibited clerks from completing missing or incorrect information on the envelopes. Both the lawsuit and bill are based on [debunked allegations](#) lobbied during the 2020 election, and both described the exact same legal mechanism for enforcement. Less than a week after the ruling, the Wisconsin Elections Commission informed all local election officials that envelope completion now [violates state law](#), banning the practice ahead of the midterm elections.

Wisconsin Officials Have Spent Months Working To Restrict Accessible Absentee Voting. With the help of Senator Ron Johnson (R), the state Supreme Court has [banned ballot](#)

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[drop boxes](#) ahead of the midterm elections – a 4-3 ruling against the [unanimous](#) advice of the bipartisan Wisconsin Elections Commission. The [lawsuit](#), *Teigen v. Wisconsin Elections Commission*, was brought by plaintiffs from the Wisconsin Institute for Law and Liberty, a conservative think tank that [published a report](#) six months earlier correlating turnout with ballot drop boxes – suggesting that Republican plaintiffs pursued the opportunistic lawsuit intending to deflate unfavorable turnout in future elections by banning drop boxes. Senator Ron Johnson (R) [filed an amicus brief](#) in the case, claiming without evidence that ballot drop boxes are “less secure and less trustworthy than election day voting,” and helping ensure that voters must deliver their [absentee ballots by mail or in-person](#) to their clerks.

- **Wisconsin Elected Officials Intend To Take Further Steps To Suppress Voter Turnout.** After the ruling, Wisconsin elected officials not only affirmed the ban, but have used future-oriented rhetoric to reference it, indicating strong intentions to take further steps to suppress voter turnout by threatening absentee voting in the near future. Senator Ron Johnson [called the ruling](#) “a big step in the right direction,” while House incumbents Rep. [Tom Tiffany](#) (R, WI-7) and Rep. [Glenn Grothman](#) (R, WI-6) called the ban a “good step in the right direction!” State-level officials reacted correspondingly; Assembly Speaker Robin Vos (R-Rochester) said the ruling was a “[giant step forward](#) in our efforts...” treating the order as a favorable preliminary step, not merely a one-off policy change.
- **The Wisconsin Supreme Court Ban Disenfranchises Disabled Voters.** Shortly after the ruling, the Department of Justice joined a federal lawsuit arguing that the state Supreme Court ruling [violates the Voting Rights Act and Americans with Disabilities Act](#) by banning ballot drop boxes. The four plaintiffs [successfully](#) argued that the new regulations [disenfranchise disabled voters](#) prompting the Wisconsin Elections Commission to release new guidance [protecting disabled absentee voters](#) through the midterm election cycle – but the guidance provides only temporary accommodations on a specific, predetermined basis, instead of a widely accessible voting option without administrative hurdles.

Trying To Hold Back Voting Rights From Formerly-Incarcerated Wisconsin Residents. In Wisconsin, individuals with uncompleted felony sentences are [barred from voting](#), disenfranchising an estimated [38,029 unincarcerated Wisconsin residents](#) who are on probation or parole. Current laws prevent tax-paying Wisconsin residents from exercising the right to vote long after re-integrating into society, and many people [remain under community supervision for decades](#). Felony disenfranchisement has racialized elements as well, with Black residents [comprising](#) 39% of the disenfranchised population, despite making up [just 12.4%](#) of Wisconsin residents.

Wisconsin Election Deniers Plan On Pushing Disinformation After the Midterm Elections To Spread Uncertainty. Election deniers are planning on pushing [weaponized](#)

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[recounts](#) if they lose the midterm elections this year, using them to spread [disinformation and uncertainty](#). Additionally, they plan on [inundating state and federal courts](#) based in Wisconsin with excessive litigation, fueling mass voter distrust in the outcome of elections.

Elected Officials Are Attacking The State's Election Administration

Local Wisconsin Election Officials Are Facing Pressure To Leave Office. Across Wisconsin, elections officials are [leaving office after facing harassment](#) over the 2020 election, which could have a chilling effect on personnel and challenge administration processes. One in six election officials have considered leaving their job due to threats of violence, and 77 percent say that they feel these [threats have increased](#) in recent years. The city of Madison was forced to pass an ordinance protecting poll workers from threats and harassment and [installed cameras and plexiglass](#) in its elections office. Likewise, Dane County officials have earmarked \$95,000 for “a new and more secure election center,” and the Wisconsin Elections Commission requested \$1.3 million to create an office of elections inspector general [tasked with fighting misinformation](#) and boosting public confidence in election results. Local officials have been shouted down at public meetings, harassed online, and faced [violent threats that often go unprosecuted](#). Following a wave of conspiracy-fueled threats, pro-Trump operatives have begun [flooding local offices](#) with hundreds of public records requests, seek to find evidence for Trump’s false claims and “gather intelligence” on voting machines. To make matters worse, insider threats against Wisconsin election officials are [unlikely to stop](#) in the near future.

Legislators Are Trying To Dismantle The Wisconsin Elections Commission And Replace It With Partisans. Since 2020, state legislators have fought to [take control](#) of Wisconsin’s elections apparatus. Though the state legislature designed and established the Wisconsin Elections Commission (WEC) in 2016 with an equal number of partisans, the same legislators have recently attempted to [directly take control of the state's elections](#) and attack the legitimacy of the WEC. Rep. Janel Brandtjen, chair of the Assembly Committee on Campaigns and Elections who asked former Vice President Mike Pence to delay certification in 2020, has [called the WEC](#) a “rogue agency.” MAGA legislators are still calling for the commissioners to be criminally charged for guidance they issued during the 2020 election cycle. She even joined Assembly leadership in [calling for](#) the WEC’s nonpartisan administrator to resign. Undeterred by vetoes by Governor Tony Evers, state legislators are pushing to give the Legislature’s Joint Finance Committee the [authority to cut staff and withhold funding](#) from the WEC if the committee determines it “failed to comply with any election law.”

Assembly Speaker Robin Vos Appointed An Election Conspiracy Sympathizer As Wisconsin Elections Commission Chair. To replace a retiring WEC commissioner, Wisconsin legislators [appointed](#) MAGA attorney Don Millis to the WEC – who was then [elected chair](#) by a vote of 5-1. Millis [previously served](#) on the WEC for less than a year, shortly after it was established by the GOP-controlled legislature in 2016. He has said that complaints about

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the 2020 election "should be investigated," and said he was "certainly interested in pursuing anything, any complaint, where there's an allegation of fraud or a violation of the law." During the appointment, Assembly Speaker Robin Vos [announced](#) that Millis backed using paper ballots, and opposed using touch-screen voting.

Elected Officials Have Threatened To Jail Election Workers. Assembly lawmakers [have attempted to jail](#) the chairwoman of the state Elections Commission, Racine's mayor, and other elected officials as part of their endless review of the 2020 presidential election. In Racine County, the sheriff is [seeking criminal charges](#) against five state election officials due a bipartisan WEC election guidance update amidst the deadly coronavirus pandemic. The district attorney [declined to prosecute](#), citing a lack of jurisdiction.

Lawsuits Challenging the 2020 Election Results Nearly Two Years Later

MAGA Republicans Are Pressuring Wisconsin Officials To 'Nullify' The 2020 Election. Trump and MAGA Republicans continue to pressure Wisconsin officials to overturn the 2020 election nearly two years after-the-fact. Earlier this year, Wisconsin Assembly Speaker Vos spent hours in a [closed-door meeting](#) with former Trump lawyer John Eastman, facing pressure to "[nullify the 2020 election](#) and reclaim the electors awarded to Biden" by certifying the election. When Speaker Vos refused to play along, Trump [berated him on social media](#), demanding he take advantage of "the amazing Wisconsin Supreme Court decision [banning ballot drop boxes]," and "decertify" Wisconsin's 2020 election results. Trump later [called him personally](#) asking to decertify the election, and escalated his efforts by endorsing Vos' primary challenger, [releasing a statement](#), "I feel certain he will do well if Speaker Vos doesn't move..." Vos narrowly overcame his primary challenge, but Trump [continues to pressure](#) Wisconsin legislators to nullify free and fair election results ahead of the midterms in November.

Extreme Legal Theories Place Wisconsin Elections At-Risk. This fall, the U.S. Supreme Court has agreed to hear a case that could allow the MAGA Wisconsin state legislature to enact unfettered voter suppression laws, draw egregious racial and partisan gerrymanders, and overturn presidential election results – even when Republicans lose.

- **Wisconsin Elected Officials Intend To Continue Gerrymandering Districts to Seize Power Without Majorities.** Wisconsin officials have a history of gerrymandering legislative districts to suppress the will of voters—the 2011 state legislative maps were recognized as [one of the worst partisan gerrymanders](#) in the country. A court also had to step in and [altered the assembly map for violating](#) the Voting Rights Act of 1965 (VRA). The ability of state courts to provide oversight of congressional district maps could change drastically with [Moore v. Harper](#), a redistricting case [headed to the Supreme Court](#) that will litigate a radical legal theory [opposed by](#) a conference made up of all 50 states' Supreme Court chief justices. This

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fringe doctrine is known as the “[independent state legislature](#)” (ISL) theory. In September, the conservative Wisconsin Voter Alliance nonprofit wrote an [amicus brief](#) supporting the theory, which would render the Wisconsin legislature unaccountable to state courts when it comes to rules for federal elections – shielding MAGA legislators from the checks and protections of our state constitution.

- **ISL Theory Threatens To Enable the Wisconsin State Legislature to Ignore the Popular Vote.** Worse still, they would be free to select presidential electors [regardless of the will of voters](#). In 2020, Trump campaign officials [oversaw efforts](#) to put forward a slate of ten [illegitimate Trump electors from Wisconsin](#), claiming to be “duly elected and qualified Electors.” A so-called independent Wisconsin legislature could unilaterally reject the popular vote and [send “alternative” elector](#) slates to the electoral college – undermining democracy without any judicial or executive oversight.