

# The Nass Report



## Wisconsin State Government and the 11th Senate District

December 8, 2020

### **UPDATE: Wisconsin's 2020 Presidential Election**

The disputed 2020 election for President of the United States is still undecided as numerous legal challenges progress in six states including Wisconsin. The legal challenges became necessary as individual citizens came forward with credible information of potential election fraud and complaints of election officials not properly following state election laws.

The lawsuits have been filed by a wide range of folks including individual citizens, the Trump Campaign, the national Republican Party, state Republican Parties and other organizations. All of the legal challenges attempt to obtain a fair and independent determination that only legally cast ballots are counted and the electors from each state that will participate in the Electoral College correctly represent the true will of the people in each state. In short, the goal of the court actions is to prevent illegal or improper conduct from deciding the outcome of the 2020 Presidential Election.

In Wisconsin, the Trump Campaign has filed claims in both the state and federal courts relating to the election process particularly in Dane and Milwaukee Counties. In Dane and Milwaukee Counties, the Trump Campaign has identified at least 206,000 ballots (mostly absentee ballots) that allegedly didn't comply with the specifics of state law. Initially, the state case was filed in the Wisconsin Supreme Court, but the justices ordered that the case first be heard at the circuit court level. That process is underway and a ruling from the circuit court is anticipated by the end of the week. Either way, it is likely the state case will eventually end up back at the State Supreme Court or possibly the U.S. Supreme Court over the weekend.

In the federal court, the Trump Campaign has filed a claim asking the court to order the Wisconsin Legislature to take back its improperly delegated duty under the U.S. Constitution to select the electors that will participate in the Electoral College on December 14, 2020. The legislature many years ago created Wisconsin State Statute 5.10, which ties the selection of electors to the Electoral College to the outcome of the Presidential election in the state. That statute doesn't contain any provisions for what would happen in the event of a contested election due to fraud or other improper activities in Wisconsin. The federal judge in this case is expected to issue a ruling by the end of the week. This case could also eventually be appealed to higher federal courts by early next week.

Just this morning, the State of Texas filed a lawsuit directly with the U.S. Supreme Court contesting the outcome of elections in Wisconsin, Georgia, Michigan and Pennsylvania because election officials in these states ignored both state and federal law. The failure of election officials to follow the law led to serious integrity issues with the results in each state, thus causing harm to other states including Texas. The remedy requested is for the 62 Electoral College votes currently certified from Wisconsin, Georgia, Michigan and Pennsylvania to be invalidated. It is unclear at this time if the U.S. Supreme Court will consider the request from Texas.

On Friday, December 11<sup>th</sup>, the Assembly Committee on Campaigns and Elections and the Senate Committee on Elections, Ethics and Rural Issues will conduct a joint public hearing to gather information on the serious allegations regarding the 2020 Presidential Election in Wisconsin. That joint hearing will commence at 10:00 a.m., in the State Capitol and will be streamed live on WisconsinEye at: <http://wiseye.org/live/>

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