

Federal judge rejects Trump attempt to overturn Wisconsin election results

Posted on Saturday, Dec 12, 2020

A federal judge on Saturday rejected President Trump's attempt to throw out Wisconsin's election results and allow the GOP-controlled Legislature to possibly appoint the state's electors.

Trump had argued decisions made in how the election was run usurped the Legislature's authority in urging U.S. District Judge Brett Ludwig to overturn the results.

But Ludwig ruled the record shows the selection of the presidential electors "was conducted in the very manner established by the Wisconsin Legislature."

Ludwig wrote it was "an extraordinary case" with a sitting president who lost reelection asking to set "aside the popular vote based on disputed issues of election administration" that could've been raised before the vote occurred.

>> WisPolitics is now on the State Affairs network. Get custom keyword notifications, bill tracking and all WisPolitics content. [Get the app or access via desktop.](#)

"This Court has allowed plaintiff the chance to make his case and he has lost on the merits. In his reply brief, plaintiff 'asks that the Rule of Law be followed.'" Ludwig wrote. "It has been."

It is the latest legal setback for Trump and his allies in their efforts to overturn Wisconsin's election results. The state Supreme Court has rejected taking original action in three suits. And a Racine County reserve judge rejected Trump's arguments in one of those cases once it was refiled in circuit court, though that case has been appealed to the state Supreme Court.

Ludwig is the second federal judge in Wisconsin to rule against the president and his allies after U.S. Judge Pamela Pepper earlier this week shot down a suit filed by former Trump attorney Sidney Powell. Meanwhile, the U.S. Supreme Court yesterday refused to hear a suit Texas filed seeking to overturn the results in Wisconsin and three other states.

The lawsuit argued the way Wisconsin ran its presidential election usurped the authority of the state Legislature and thus violated the “manner” lawmakers prescribed for appointing the state’s electors. The suit specifically targeted the use of drop boxes to collect absentee ballots, advice the Elections Commission gave to local clerks that they could fill in missing information for witnesses on absentee ballot envelopes and voters who claimed indefinitely confined status, which allowed them to avoid having to show a photo ID to vote.

The suit wanted the Legislature to decide a remedy.

But Ludwig wrote the president was conflating how the election was administered with the “manner” laid out in state law to award the state’s electors.

To find otherwise, he added, would mean anyone who loses a presidential election could “hire a team of clever lawyers, could flag claimed deviations from the election rules and cast doubt on the election results.”

What’s more, Ludwig ruled the Wisconsin Elections Commission was following the charge lawmakers gave the agency when it was created.

“In sum, far from defying the will of the Wisconsin Legislature in issuing the challenged guidance, the WEC was in fact acting pursuant to the legislature’s express directives,” he wrote.