

State Supreme Court rejects suit seeking to overturn election, have Legislature appoint electors

Posted on Saturday, Dec 5, 2020

A split state Supreme Court late this afternoon rejected a request to take original action in a suit seeking to block certification of the Nov. 3 election results and allow the Republican-controlled Legislature to appoint the state's presidential electors.

It is the third time in two days the court rejected an original action petition in suits seeking to reverse the results of Joe Biden's win in Wisconsin, including President Trump's bid to have the justices throw out more than 221,000 votes cast in heavily Dem Dane and Milwaukee counties.

Conservative Justice Brian Hagedorn again joined his three liberal colleagues in rejecting the petition.

He wrote some of the legal issues raised by the conservative Wisconsin Voter Alliance may be subject to further consideration in other circumstances. But he called the sought after remedy of nullifying the election the "most dramatic invocation of judicial power I have ever seen."

>> 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.](#)

"Judicial acquiescence to such entreaties built on so flimsy a foundation would do indelible damage to every future election," Hagedorn wrote. "Once the door is opened to judicial invalidation of presidential election results, it will be awfully hard to close that door again. This is a dangerous path we are being asked to tread."

Conservative Chief Justice Pat Roggensack wrote in her dissent that Hagedorn "has the cart before the horse" and taking original action is based on whether the legal issues presented are of statewide concern, not the remedies requested. She also

argued the court taking the case shouldn't be viewed as an endorsement of the remedy requested.

In an earlier court order rejecting the Trump campaign request for original action, Roggensack also suggested throwing out 221,000 ballots as the president requested "may be out of reach for a number of reasons."

"The Wisconsin Supreme Court should not walk away from its constitutional obligation to the people of Wisconsin for a third time," Roggensack wrote today in a dissent joined by fellow conservatives Rebecca Bradley and Annette Ziegler.

Read the [order](#).