

WILL files suit against Evers' extended mask mandate

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The conservative Wisconsin Institute for Law & Liberty has asked a Polk County judge to issue an injunction preventing enforcement of Gov. Tony Evers' extended mask mandate and related public health emergency.

The group on Monday argued Evers has exceeded his authority by declaring three separate public health emergencies all stemming from the same pandemic. WILL argued that guvs need legislative approval to extend their powers beyond the 60-day window allowed under state law for a health emergency and cannot declare "serial emergencies without the Legislature's approval."

The filing comes as Wisconsin ranked fourth in the nation for the most COVID-19 cases in the past seven days, according to the CDC. The Badger State is behind only Texas, California and Florida, the most populated states in the nation.

"There is no 'it still exists' or 'it got worse' exception to the statute," the brief argues.

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Evers spokeswoman Britt Cudaback knocked the filing in light of the surge in COVID-19 cases.

"It is irresponsible and dangerous for Republicans and their allies to see these trends and double down on preventing the governor from keeping people safe," she said. "While Republicans ignore the alarming case increases we are seeing across our state, Gov. Evers will continue doing everything he can to prevent the spread of COVID-19 in Wisconsin."

The group had already challenged Evers' July public health declaration, which

served as the foundation for his original mask mandate. But it didn't ask for an injunction halting enforcement of either.

The group's request for an injunction comes after Evers declared a new public health emergency last week and added an extended mask mandate.

As part of Monday's filing, WILL argued the state's cases have continued to rise even after the mandate. Public health officials have attributed that to several factors, including: a relaxation of social distancing; college students returning to campus and declining to follow guidelines to limit the spread of COVID-19; and a fatigue over wearing masks and other precautions.

Read the motion:

<https://www.wispolitics.com/wp-content/uploads/2020/09/200928Motion.pdf>

Read the brief:

<https://www.wispolitics.com/wp-content/uploads/2020/09/200928Brief.pdf>