

# Kelly, considering another bid for court, says SCOWIS took swing and miss at election cases

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Former Supreme Court Justice Dan Kelly is sure another run in 2023 would go better than the one in 2020 for one reason — there's no presidential primary on the ballot next spring.

Kelly, who lost a bid two years ago to retain his seat on the bench, has been working toward another run for the court in 2023, when fellow conservative Pat Roggensack is leaving the bench.

Kelly was at the GOP state convention on Friday working the crowd. He lost his 2020 bid to retain his seat by more than 162,000 votes to liberal Jill Karofsky.

Still, he stressed in an interview with WisPolitics.com that the 693,000 votes he pulled normally would be sufficient to win a Supreme Court race. Brian Hagedorn won the 2019 race for an open seat on the court with just more than 606,000 votes.

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“The results speak for themselves in that any other year, that would've been a really solid win,” he said.

Kelly, who was originally appointed to the Supreme Court by former Gov. Scott Walker in 2016, has done work for the conservative Institute for Reforming Government since leaving the bench. He also said he's been consulting with the Republican National Committee on election integrity.

After he left, the state Supreme Court handled a series of election-related suits, including former President Trump's unsuccessful effort to overturn Wisconsin's

results.

Kelly said he saw nothing in the evidence that was presented that would have justified reversing Joe Biden's win of Wisconsin's electoral votes. But he believes the court "ducked" on issues it should've addressed.

The court in a 4-3 decision ruled Trump had waited too long to file his challenge to various policies that were used to administer Wisconsin's election. That includes some that had been in place during 2016, when Trump won the state.

"I think substantively they took a swing and a miss on some questions they should've answered," Kelly said. "I don't think there was anything that occurred in 2020 based on the evidence that was presented to them that would have changed the result as to who won Wisconsin. There wasn't evidence presented to the court that would have allowed them to do something like that."

Kelly and Hagedorn split on some high-profile cases while they were both on the court. That includes some sharp criticisms in footnotes to their writings for the court.

In recent weeks, Kelly has been publicly vocal about his criticism of Hagedorn, who he says isn't a "reliable justice."

"There are a number of cases where for the life of me I read his decisions and his reasoning and I can't figure out how he gets from the law to the conclusion," Kelly said. "Something else is informing his decision or his analysis. But it's not the law."