

STATE OF WISCONSIN  
COURT OF APPEALS  
DISTRICT IV

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Case No.

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ATTORNEY GENERAL  
JOSH KAUL,

Plaintiff-Petitioner,

v.

ELON MUSK and AMERICA  
PAC,

Defendants-Respondents.

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**PETITION FOR SUPERVISORY WRIT AND MOTION  
FOR EMERGENCY TEMPORARY RELIEF**

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Petitioner Josh Kaul, Attorney General for the State of Wisconsin, by his undersigned counsel, files this petition for supervisory writ and moves the Court for emergency temporary relief prohibiting Respondents, Elon Musk and America PAC, from further promoting a million-dollar giveaway to attendees of a planned event on Sunday, March 30, 2025, and prohibiting Respondents from making any payments to Wisconsin electors to vote. The grounds for this motion are as follows:

1. On March 28, 2025, Attorney General Kaul filed a summons and complaint in Dane County Circuit court. A copy of the summons and complaint are attached as Exhibit A.

2. As alleged in the complaint, on March 27, 2025, Elon Musk posted on his X.com account a statement indicating that he intended to give away \$1 million to two electors “in appreciation for you taking the time to vote” at an event on Sunday, March 30, 2025, at an undisclosed location. Ex. A ¶ 5.

3. As of 11:57 pm on March 27, 2025, there were already 19.5 million views of Musk’s X.com post. The post was also widely reported by the news media. Ex. A ¶¶ 6–7.

4. As of 12:20 pm on March 28, 2025, Musk’s post was taken down and later replaced by a different post. Ex. A ¶¶ 15–16.

5. Neither Musk nor America PAC have announced that their plan to pay \$1 million to two Wisconsin electors on Sunday March 30, 2025, has been cancelled. Ex. A ¶ 17.

6. As stated in the complaint, Musk's public statement on March 27, 2025, demonstrates an intention to violate Wis. Stat. § 12.11(1m), which forbids anyone from offering or promising to give anything of value to an elector to induce the elector to go to the polls, vote or refrain from voting, or vote for a particular person. Ex. A ¶¶ 1, 19.

7. Wisconsin Stat. § 5.07 authorizes the attorney general to seek injunctive relief to prevent violations of Wis. Stat. § 12.11 from occurring.

8. In addition to filing a summons and complaint, Attorney General Kaul also filed a notice of motion and motion for temporary restraining order and temporary injunction, along with a brief and proposed order. Copies of those filings are attached as Exhibits B, C, and D.

9. The motion asked the circuit court to issue a temporary restraining order ex parte before the close of business on March 28, 2025, prohibiting Respondents from further promoting the million-dollar giveaway to attendees of the planned event on Sunday, March 30, 2025, and

prohibiting Respondents from making any payments to Wisconsin electors to vote. Ex. B at 2.

10. The Dane County case was randomly assigned to Judge Susan M. Crawford, who recused.

11. The Dane County case was then reassigned to Columbia County Circuit Court Judge Andrew W. Voigt.

12. Counsel for Respondents was made aware of the filing and was prepared to appear at a hearing on the motion for temporary restraining order.

13. Judge Voight refused to hear the motion for a temporary restraining order prior to the event on Sunday.

14. Attorney General Kaul now files a petition for supervisory writ and motion for emergency temporary relief to restrain and prohibit Respondents from taking any action in furtherance of a planned violation of Wis. Stat. § 12.11 on or before the event on Sunday, March 30, 2025.

15. For the court to grant a supervisory writ, a petitioner must establish that (1) an appeal is an inadequate remedy; (2) grave hardship or irreparable harm will result; (3) the duty of the trial court is plain and it has acted or will

in violation of that duty; and (4) the request for relief is made promptly and speedily. *State ex rel. Kalal v. Cir. Ct. for Dane Cnty.*, 2004 WI 58, ¶ 17, 271 Wis. 2d 633, 681 N.W.2d 110. The circuit court’s duty must be “non-discretionary,” but that does not mean the duty has to be “settled or obvious,” and duties can be plain even if novel. *State ex rel. DNR v. Wis. Ct. of Appeals, Dist. IV*, 2018 WI 25, ¶ 11, 380 Wis. 2d 354, 909 N.W.2d 114 (citation omitted).

16. While whether to grant a temporary restraining order or temporary injunction is generally left to a circuit court’s discretion, this case presents an extraordinary circumstance where the court’s duty to take some action to address the temporary restraining order or temporary injunction becomes non-discretionary. The duty that was plain was for the court to *take some action* on the motions prior to Sunday.

17. Without emergency relief from this Court, Respondents will be able to go forward with their illegal plan to pay voters for voting. Relief from this Court must come before Sunday.

18. Absent immediate action from this Court prior to the event publicized on Sunday, later court action would be meaningless, defeating the very reason for emergency temporary relief. Moreover, media attention in Wisconsin and nationally today has focused on consideration and analysis of whether this event and offer is illegal or not. To help ensure “[c]onfidence in the integrity of the electoral process” and the “orderly administration” of this election, it is critical that the Court address this matter prior to Sunday. *See Crawford v. Marion Cty. Election Bd.*, 553 U.S. 181, 196–97 (2008) (Stevens, J.) (plurality op.).

19. Attorney General Kaul, therefore, asks this Court to grant the petition for supervisory writ and issue emergency temporary relief prohibiting Respondents from further promoting a million-dollar giveaway to attendees of a planned event on Sunday, March 30, 2025, and prohibiting Respondents from making any payments to Wisconsin electors to vote. Alternatively, if this Court does not do so, Petitioner asks this Court to order the circuit court to grant that relief.

Dated this 28th day of March 2025.

Respectfully submitted,

JOSHUA L. KAUL  
Attorney General of Wisconsin

Electronically signed by:

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## **CERTIFICATE OF EFILE/SERVICE**

I certify that in compliance with Wis. Stat. § 801.18(6), I electronically filed this document with the clerk of court using the Wisconsin Appellate Court Electronic Filing System, which will accomplish electronic notice and service for all participants who are registered users.

A copy of this document and all attachments will be emailed to opposing counsel at the time of filing.

Dated this 28th day of March 2025.

Electronically signed by:

Karla Z. Keckhaver  
KARLA Z. KECKHAVER  
Assistant Attorney General