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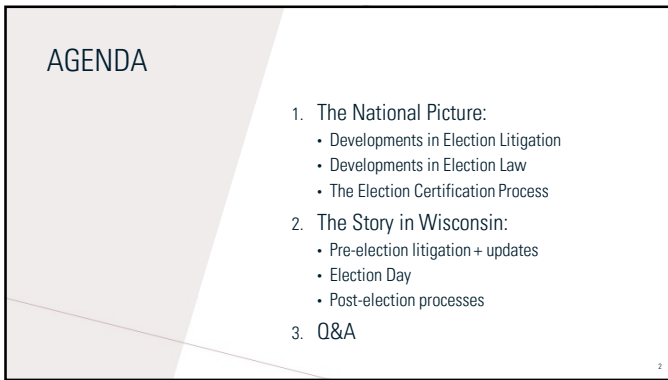
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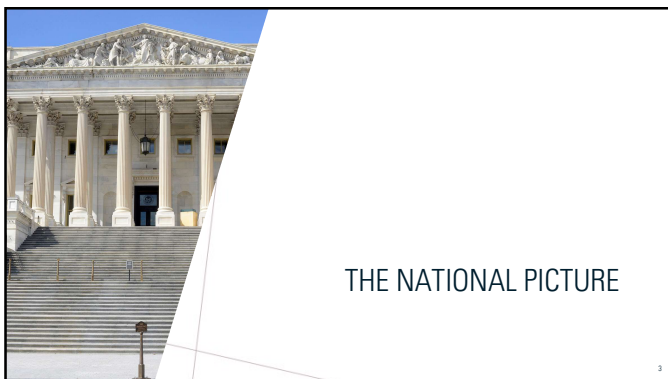
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# A FLOOD OF ELECTION LITIGATION

- Record numbers of election-related cases around the country in recent years
  - Compare 2018 (226 cases) to 2022 (407 cases): an 80% increase
  - 543 cases in 2020
  - Recent litigation levels are 4 or 5 times what was seen a generation ago.
- A large and growing share of these cases—about 70% in 2022—are in state courts.

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Bloomberg

**More Than 165 Lawsuits Are Already Shaping the 2024 US Presidential Election**

Pre-election fights preview an expected firestorm of legal challenges after the November vote

By Zoe Tillman and Raedeh Wahid  
October 15, 2024

Sample Footer Text

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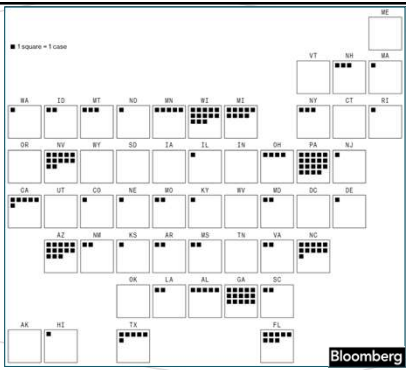
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Sample Footer Text

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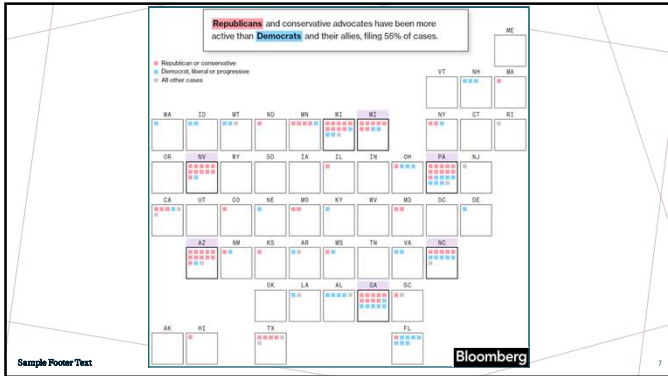
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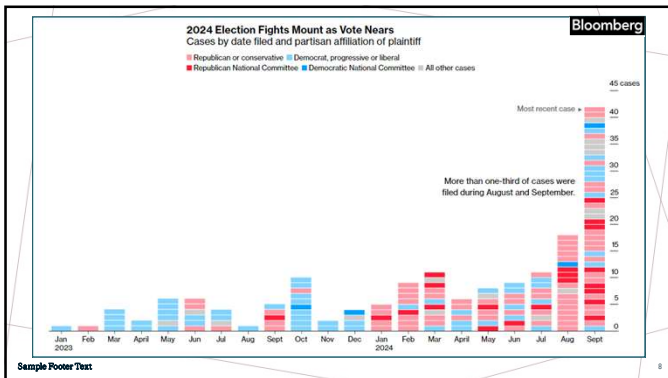
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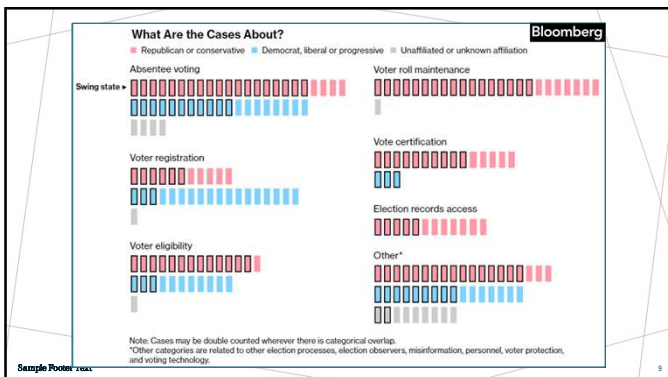
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## A SURGE OF NEW ELECTION LAWS & POLICIES

- Since the 2020 election:
  - 78 restrictive voting laws in 30 states
  - 168 expansive laws in 41 states
- Myriad new administrative rules and regulations



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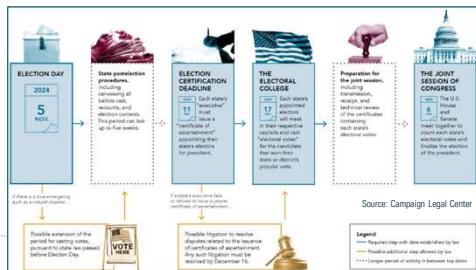
## ELECTION CERTIFICATION & THE ELECTORAL COUNT REFORM ACT

**npr**  
**Congress passes election reform designed to ward off another Jan. 6**  
 UPDATED DECEMBER 23, 2022 - 3:44 PM ET  
 Miles Parks

**VSA TODAY**  
**Congress made overturning elections harder, but there are still loopholes in the law**  
 Aysha Bagchi  
 USA TODAY  
 Published 5:01 a.m. ET Oct. 10, 2024 | Updated 10:34 p.m. ET Oct. 10, 2024

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## ELECTION CERTIFICATION & THE ELECTORAL COUNT REFORM ACT



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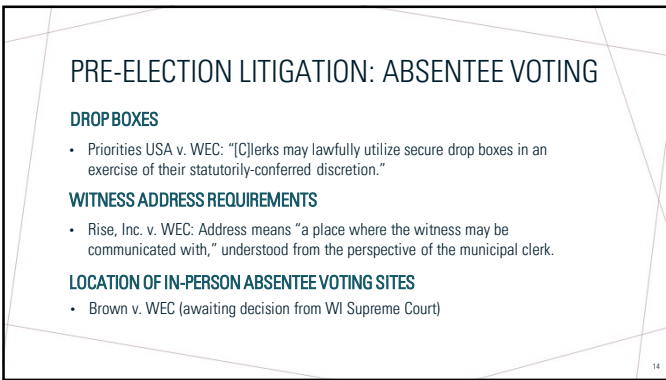
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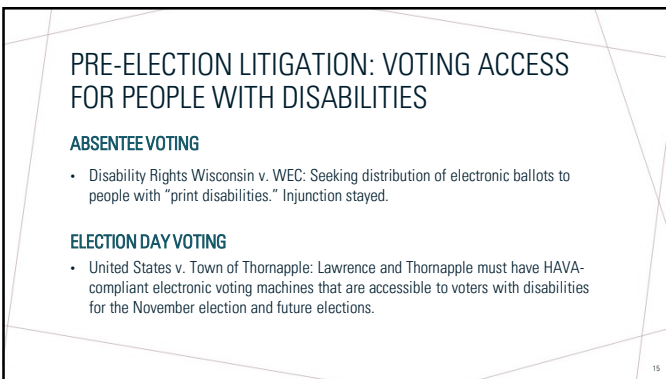
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## PRE-ELECTION LITIGATION: VOTER ROLLS

### CHALLENGES TO REGISTRATION LIST

- Eucke v. WEC (filed Sept. 30, 2024); Oldenburg v. WEC (IV) (filed Oct. 3, 2024)

### CITIZENSHIP DOCUMENTATION

- Cerny v. WEC (filed Aug. 16, 2024); Oldenburg v. WEC (II) (filed July 26, 2024)

### ACCESS TO REGISTRATION LIST

- Wis. Voter Alliance v. Secord (awaiting decision); Public Interest Legal Foundation v. Wolfe (litigation ongoing)

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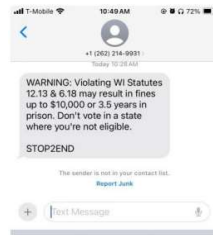
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## PRE-ELECTION LITIGATION: TBD

"The sender targeted young voters aged 18-25, including young staff members of the League of Women Voters of Wisconsin, and reached many voters who are part of the University of Wisconsin system."



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## ELECTION DAY

### POSSIBLE DISRUPTIONS TO VOTING

- Election observers
- Drop box surveillance or obstruction
- Emergencies

### POSSIBLE REMEDIES

- Removing election observers
- Extending polling hours
- Moving polling locations

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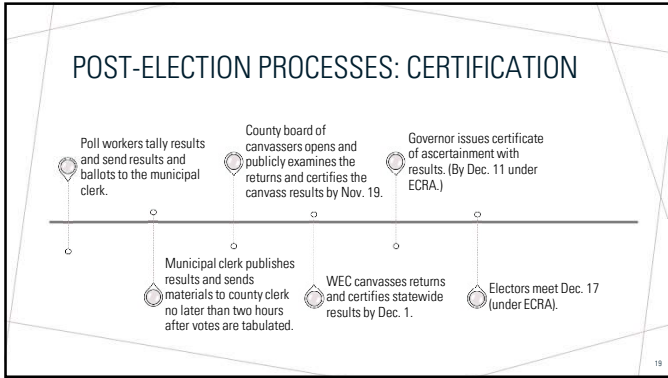
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### POST-ELECTION PROCESSES: RECOUNT

**KEY RULES (WIS. STAT. § 9.01)**

- No automatic recount.
- Candidate can only seek a recount if trailing by less than 1 percent.
- Recount petition due day after WEC receives last statement from county board of canvassers.
- Must prepay cost of recount unless difference in votes is no more than 0.25 percent.

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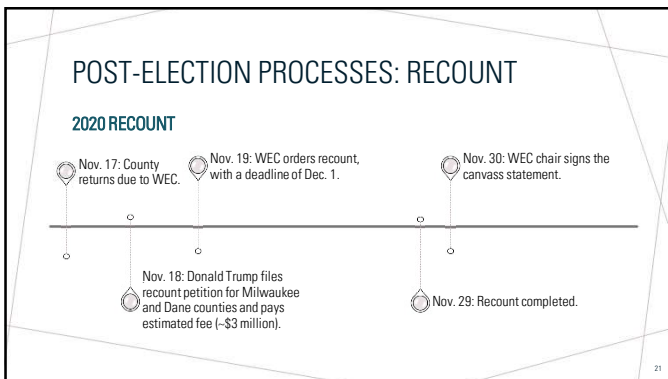
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## POST-ELECTION PROCESSES: LITIGATION

- Any candidate aggrieved by the recount can appeal to circuit court. Wis. Stat. § 9.01(6).
- Litigation may not be resolved before electors meet.
- Trump v. Biden, 2020 WI 91: "[Laches] is applied because the efficient use of public resources demands that a court not allow persons to gamble on the outcome of an election contest and then challenge it when dissatisfied with the results, especially when the same challenge could have been made before the public is put through the time and expense of the entire election process."

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## QUESTIONS?

Rob Yablon, Associate Professor, UW Law School,  
Faculty Co-Director, State Democracy Research Initiative

Bryna Godar, Staff Attorney, State Democracy Research Initiative

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## ELECTION MATTERS 2024

Safeguarding the Vote: Election Subversion Risks & Responses



FRIDAY, OCTOBER 18TH 4-5:15 PM CT

@ UW LAW SCHOOL, RM 2260

LIVE STREAM OPTION AVAILABLE

Join us for a panel discussion with leading election experts to learn the latest tactics aimed at subverting the 2024 presidential and state election processes, and how to respond. The panel will be moderated by UW Law School's Rob Yablon, with moderated responses by Bryna Godar.

Learn more & register: [go.wisc.edu/vktybe](https://go.wisc.edu/vktybe)



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