



Wisconsin Elections Commission

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DATE: September 17, 2024

TO: Wisconsin Municipal Clerks
Wisconsin County Clerks
City of Milwaukee Election Commission
Milwaukee County Elections Commission

FROM: Wisconsin Elections Commission Staff

SUBJECT: Ballot Access Litigation Update: Follow Up to the Sept. 9, 2024, Clerk Communication

Commission staff would like to provide an additional update regarding ongoing litigation against the Commission, as it pertains to ballot printing and distribution processes:

Robert F. Kennedy, Jr. v. WEC et al. (24-CV-2653) (Dane County Circuit Court)
- Status: Dane County Circuit Court Issued an Oral Ruling on September 16, 2024.

- In an oral ruling from the bench on Monday, September 16, 2024, Judge Stephen Ehlke affirmed that state law does not permit the Commission to remove Mr. Kennedy's name from the ballot, and that Mr. Kennedy did not meet his burden to justify the extraordinary relief of applying stickers or otherwise obscuring or removing his name from Wisconsin ballots.
- Plaintiff, Robert F. Kennedy, Jr., unsuccessfully brought this action arguing that the Commission is required to remove his name from Wisconsin ballots. He requested this removal on August 23, 2024, but the Commission determined that he was precluded from being removed from the ballot at that late stage.
- Additionally, the court rejected Mr. Kennedy's constitutional claims and affirmed the Commission's interpretation of Wis. Stat. § 8.35(1). Thus, because Mr. Kennedy filed nomination papers and otherwise qualifies to appear on the ballot, he may not decline nomination, regardless of any written request to do so. Robert F. Kennedy, Jr., and Nicole Shanahan's names will both remain on Wisconsin ballots for the offices of President and Vice President of the United States.
- **Please Note:** While the oral ruling of the circuit court is final, and a signed order will be issued, Mr. Kennedy may still appeal this decision. If that occurs, the Commission will notify clerks immediately.

Please contact the WEC Help Desk at 608-261-2028 or elections@wi.gov if you have any additional questions.

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