



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

DATE: September 27, 2024

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

FROM: The Wisconsin Elections Commission

SUBJECT: **Litigation Update: *Kennedy v. WEC***¹
RE: Ballot Access; Ballot Preparation; RFK, Jr. Withdrawal

On September 27, 2024, the Wisconsin Supreme Court dismissed the appeal of Robert F. Kennedy, Jr., and agreed with the circuit court that he was not entitled to a temporary injunction. The Court determined that Mr. Kennedy had not presented sufficient argument to meet his burden to show that the circuit court abused its discretion. The Court did not decide the merits of the case because it heard the matter on a limited appeal of the circuit court's denial of the injunction.

The immediate effect of the decision is that while the case will return to the circuit court for further litigation, the risk of clerks needing to reprint ballots or affix stickers covering up Mr. Kennedy's name is over. When the case returns to circuit court, it will operate under the normal timelines of other lawsuits of its type, and it is extremely unlikely that a final decision will be reached before election day.

Accordingly, it is almost certain that Mr. Kennedy's name will remain on the ballot in Wisconsin, and any votes cast for him will be tallied as part of the state's election results. This is the status quo under which clerks should operate, and any change in that status quo caused by subsequent litigation will be communicated to clerks immediately.

If you have additional questions, please email elections@wi.gov.

¹ 2024 WI 37 Wisconsin Supreme Court Appeal Number: 2024AP001872