

# Wisconsin Supreme Court declares absentee ballot drop boxes illegal, questions validity of 2020 election

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The Wisconsin Supreme Court banned the use of election ballot drop boxes Friday. In a 5–4 ruling the court decided that absentee ballots may only be delivered to an election office and that they must be delivered by the voting person themselves. The ruling comes just a month before the August 9 primary elections in Wisconsin.

Advocates for the elderly and disabled have sharply criticized the ruling, noting that it will make it far more difficult for these groups to cast their ballots. While the ruling does not bar someone else from helping mail the ballot, this method has also been attacked by Republicans and may be targeted by lawmakers or the court next.

The Wisconsin ruling is the latest in a long line of attacks on voting rights by Republican legislatures and courts following the defeat of former President Donald Trump in the 2020 election. Following his electoral loss, Trump and his fellow coup plotters in the Republican Party invented false claims of massive voter fraud, targeting ballot drop boxes and mail-in ballots in particular.

Joining in these unsubstantiated allegations, Republican legislators in 39 states have proposed nearly 400 bills with restrictive provisions on voting. So far, 18 states have passed 34 laws imposing restrictions on the right to vote since the start of 2021. Additional laws include provisions that make it easier for partisan interference to tamper with how elections are conducted and determined, opening the door for Republicans to disrupt or undermine the electoral process.

Fundamentally, the Republican assault on absentee voting is an attack on the democratic rights of the working class. The Republicans are using false claims of fraud to restrict voting options, impose partisan interference in elections and roll back decades of voting rights won by the working class through bitter struggle.

In this particular case, there are notable parallels to how the far-right majority of the US Supreme Court has based its efforts to roll back democratic rights and regulations on big business.

In both the court's rulings overturning *Roe v. Wade* and curtailing the Environmental Protection Agency's (EPA) ability to regulate the fossil fuel industry, the court argued that any right or regulatory power not explicitly enumerated by law is effectively invalid.

In the EPA's case, the Supreme Court's conservative majority claimed that the regulator did not have the specific authority to regulate power plants as an industry and that only Congress could create such regulations.

The Wisconsin Supreme Court is making the same argument. In the ruling, the conservative majority argued that the Wisconsin Election Commission (WEC) did not have the explicit authority from the state legislature to establish hundreds of ballot drop boxes and regulate ballot submission protocols.

In her opinion, Justice Rebecca Bradley wrote, "WEC's staff may have been trying to make voting as easy as possible during the pandemic, but whatever their motivations, WEC must follow Wisconsin statutes. Good intentions never override the law."

The 114-page decision also featured bizarre references to Shakespeare and hip-hop artist Kanye West. Bradley quoted West's 2010 album "My Beautiful Dark Twisted Fantasy," saying "No one man should have all that power," and Shakespeare's play "Henry IV," comparing the WEC directing county election offices to offer ballot drop boxes to the dictates of a tyrant.

"When the 'mouth' of an employee at the WEC supplants the legislature of Wisconsin, we are left with 'sore' or 'stinking' laws, irredeemably infected by their promulgation in violation of the constitution by an

executive branch agency, and impervious to correction by our constitutional lawmakers,” wrote Bradley in the decision.

This counters the decision of *Trump v. Biden* by the Wisconsin Supreme Court in 2020 that rejected the claims of the Trump campaign that Wisconsin’s balloting system was illegal and so 220,000 votes should be placed on hold or struck.

Throughout her 2022 opinion, Bradley argues that *Trump v. Biden* should be overruled and frequently states that the ballots cast under the WEC’s pandemic guidance are illegal.

The ruling itself only applies to the legality of the WEC’s election guidelines, not retroactively to the validity of the 2020 election results. However, it is possible that additional lawsuits or legislative action may challenge the legitimacy of the 2020 election results in Wisconsin using this ruling.

Trump himself seized on the decision, calling for Wisconsin Assembly Speaker Robin Vos to overturn the 2020 election results. “It’s now up to Robin Vos to do what everybody knows must be done. We need FAIR and HONEST Elections in our Country,” said Trump. “Speaker Robin Vos has a decision to make! Does Wisconsin RECLAIM the Electors, turn over the Election to the actual winner (by a lot!), or sit back and do nothing as our Country continues to go to HELL?”

Vos has publicly supported the court ruling but has not yet come out in support of retroactively declaring Trump the true winner of the presidential election in his state.

Trump also spoke on the ruling during a rally in Anchorage, Alaska, saying “Thank you very much ... to the Supreme Court of Wisconsin... A court was finally willing to do something and say it like it is.”

He also referred to drop boxes as “illegal” and that “I call them unlock boxes, because you just unlock them and dump in the votes.”

Christina Bobb, an attorney and supporter of Trump’s legal challenges to the election results, told the conservative Right Side Broadcasting Network that she believed the ruling could lead to a Trump takeover after the midterms.

She suggested that Republican victories in Congress and state legislatures could result in states withdrawing their 2020 electors for Biden. This would then result in resolutions sent to Congress calling for the reinstatement of Trump as president, which a Republican-led Congress could approve.

Such a move would be patently illegal and

unconstitutional, but it must be stressed that bourgeois legality is crumbling beneath the weight of the global crisis of capitalism. Despite the claims of the Wisconsin Supreme Court that laws must be upheld to the letter, these far-right justices are increasingly demonstrating a willingness to support a fascist coup to reinstate Donald Trump as president.

Rebecca Bradley is a far-right ideologue appointed by the arch-conservative Republican Governor Scott Walker. Before her appointment she was head of the far-right Wisconsin Federalist Society. While in college she wrote articles disparaging homosexuals, drug addicts and those suffering from AIDS.

The events in Wisconsin expose and invalidate the pathetic and cowardly Democratic Party, which has refused to mount any serious defense against the rise of fascism within the Republican Party. It has consistently attempted to channel popular resistance behind its own self-serving electoral campaigns, which have failed to result in any progressive outcome.

Now the very right to vote is in question, and the Republican Party and its judges are preparing the ground for a second Trump coup that would not only challenge the results of an election but depose a democratically-elected government.

Even if the Republicans fail to secure a majority in the 2022 elections, it is entirely plausible that they will cry voter fraud again and attempt to reinstate Trump anyway. The fight against fascism cannot be placed into the hands of the same decaying bourgeois institutions that are pledging their allegiance to Trump and fascist insurrection.

Only the working class, with a revolutionary program for socialism, can combat these fascist forces and defend democratic rights in a country plagued by war and capitalist crisis.



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