



Written by [James Murphy](#) on April 7, 2020

Wisconsin Supreme Court Overturns Governor's Order to Postpone Election

Just hours after Wisconsin Governor Tony Evers (D) ordered a postponement of in-person voting, the Wisconsin State Supreme Court stepped in and overruled the governor, voting 4-2 to allow the election to go forward today.

The vote was split along ideological lines, with Justice Daniel Kelly abstaining, as he is up for reelection today.

Earlier in the day, Evers made clear that the order would be his last attempt to postpone the election. "This will be the last avenue that we're taking," Evers told reporters. "There's not a plan B. There's not a plan C."

Previously, Evers insisted that he had no authority to postpone an election. The Democrat reversed that stance on Monday, the day prior to the election.

"Certainly, circumstances have changed," Evers said when asked about the flip-flop. "Clearly I believe that this falls under my ability to make sure the security of the people of Wisconsin ... is taken into account. And that's why I'm doing this today."

"I could not in good conscience allow any type of gathering that would further the spread of this disease and put more lives at risk," Evers said. "There is no sufficiently safe way to administer in-person voting tomorrow."

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Evers, who has faced intense pressure from state Democrats and various municipalities in the past few weeks to postpone the vote, claimed that his decision was based on science and not political expediency.

"The virus directs us as to what our decision-making is, not human beings, and clearly I am following the science, as I always have," Evers told Politico. "Given that, I felt that the governor is the one who has to step up and stand for those people that aren't having their voices heard."

But Republicans in the state legislature immediately challenged Evers and got the court involved. In a joint statement, House Speaker Robin Vos and Senate Majority Leader Scott Fitzgerald accused Evers of overstepping his authority.

"The clerks of this state should stand ready to proceed with the election," the GOP leaders said. "The governor's executive order is clearly an unconstitutional overreach."

"There's no question that an election is just as important as getting take-out food," the statement from Vos and Fitzgerald said. "Our Republic must continue to function, and the many local government





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positions on the ballot must be filled so that municipalities can swiftly respond to the crisis at hand.”

Wisconsin is the last state with an April primary that has chosen to stay with its original date. Other states have all postponed their elections until May or June because of the COVID-19 outbreak.

In related news, The U.S. Supreme Court [ruled on another Wisconsin election](#) issue on Monday. The high court overturned a district court ruling that absentee ballots postmarked after April 7 would still be counted as long as they were received by April 13.

In her dissent, Justice Ruth Bader Ginsburg said that the majority’s decision “boggles the mind.” She argued that the circumstances surrounding this election made an extension of the postmark deadline necessary.

“While I do not doubt the good faith of my colleagues, the Court’s order, I fear, will result in massive disenfranchisement. A voter cannot deliver for postmarking a ballot she has not received. Yet tens of thousands of voters who timely requested ballots are unlikely to receive them by April 7, the Court’s postmark deadline. Rising concern about the COVID-19 pandemic has caused a late surge in absentee ballot requests.”

Voting in Wisconsin is happening today, with many communities having consolidated polling places to as a result of shortages of poll workers due to fears of COVID-19. Milwaukee, the state’s largest city, has condensed in-person voting to just [five polling places](#) throughout the city. There are reports of [lines several blocks long](#) to cast a ballot in the city.

Doesn’t such consolidation promote the same gigantic crowds that Democrats were looking to avoid?

One thing that Democrats don’t like to admit in their drive to “enfranchise” voters is that [mail-in ballots](#) are much easier to fake than an in-person vote. A mail-in voting system or an on-line voting system would create massive opportunities for vote fraud.

Voting is too important to treat it like buying socks from Amazon or ordering a pizza.

The accusations of “disenfranchisement” because of the coronavirus echo the same ridiculous claims that requiring voters to show identification did. Upon serious scrutiny, they ring hollow. Nobody is disenfranchised by showing identification to vote, and the same goes for having to show up (or have their absentee ballot postmarked) on a specific day, coronavirus or not.



Image: [hermosawave/iStock/GettyImagesPlus](#)

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