



Written by [James Murphy](#) on July 8, 2022

## Wisconsin Supreme Court Finds that Ballot Drop Boxes Are Illegal

The Wisconsin Supreme Court ruled Friday that election drop boxes are illegal under the state's election statutes. In a 4-3 ruling, the court ruled that the drop boxes, instituted in the midst of the COVID-19 pandemic for voting ease, violated Wisconsin law. Sixty-six of Wisconsin's 72 counties used such drop boxes in the 2020 general election.

The victory is seen as a massive win for election integrity advocates and a loss for those who might be tempted to cheat through a process known as ballot harvesting.



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The [decision](#) in the lawsuit, *Teigen v. Wisconsin Election Commission* upheld a Waukesha County Circuit Court's decision from January, which concluded that guidance issued by the Wisconsin Elections Commission (WEC) was "not permitted under Wisconsin law."

The Wisconsin Supreme Court referenced the Waukesha County case.

"The court declared the documents were administrative rules, which had not been properly promulgated, and, among other things, 'the use of [ballot] drop boxes, as described in the [documents], is not permitted under Wisconsin law unless the drop box is staffed by the [municipal] clerk and located at the office of the clerk or a properly designated alternate site under Wis. Stat. § 6.855."

The WEC issued guidance memos during the pandemic that stated that drop boxes could not only be used but be unstaffed and permanent. Since, under state rules, only an individual voter can deliver his or her ballot, either in person or by mail, the WEC's directions — e.g., "a family member or another person" could drop off ballots — were in error.

The WEC essentially argued that because state law didn't specifically prohibit the use of drop boxes, they must be legal.

"No defendant can point to any statute authorizing ballot drop boxes; instead, the defendants argue no statute expressly prohibits them. The absence of an express prohibition, however, does not mean drop boxes comport with 'the procedures specified' in the election laws," Justice Rebecca Bradley wrote in the majority opinion.

"We hold the documents are invalid because ballot drop boxes are illegal under Wisconsin statutes," wrote Rebecca Bradley. "An absentee ballot must be returned by mail or the voter must personally deliver it to the municipal clerk at the clerk's office or a designated alternate site."

In a concurring opinion, Justice Brian Hagedorn wrote: "Because WEC's memos conflict with these statutory directives, they are invalid."

In dissent, liberal Justice Ann Walsh Bradley called the illegal drop boxes "a simple and perfectly legal solution to make voting easier, especially in the midst of a global pandemic."



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“But it is apparently a bridge too far for a majority of this court, which once again rejects a practice that would expand voter participation,” Ann Walsh Bradley concluded.

Expanding voter participation is all well and good but it must be done in a legal manner – something which the WEC failed to do according to the majority.

“If the right to vote is to have any meaning at all, elections must be conducted according to law. Throughout history, tyrants have claimed electoral victory via elections conducted in violation of governing law,” Rebecca Bradley wrote.

Rebecca Bradley brought up “elections” in nations such as Saddam Hussein’s Iraq, North Korea and Syria as examples of places where elections are held in name only.

“Even if citizens of such nations are allowed to check a box on a ballot, they possess only a hollow right. Their rulers derive their power from force and fraud, not the people’s consent.”

Election integrity proponents were overjoyed by the decision: “This decision provides substantial clarity on the legal status of absentee ballot drop boxes and ballot harvesting. While the question of whether an agent may mail an absentee ballot remains open, Wisconsin voters can have confidence that state law, not guidance from the Wisconsin Elections Commission, has the final word on how Wisconsin elections are conducted,” Rick Esenberg of Wisconsin Institute for Law & Liberty told the *Epoch Times*.

Judicial Watch’s Tom Fitton called the decision “a historic vindication for Trump.”

Fitton also [declared](#): “The election results in the various battleground states were compromised by unlawful rules, changes that led to votes being counted that shouldn’t have been counted. State legislatures, the courts, and Congress failed to seriously grapple with these and other problems. Shameful.”

On the other hand, those who wish to preserve the ability to cheat in elections were predictably outraged. Twitter user Tony Hussein [called](#) the decision “a slap in the face for Wisconsin voters, making it harder to vote in the battleground state!”

It seems clear now that Democrats used the COVID-19 pandemic to issue election edicts that were never intended to be temporary. The Wisconsin Elections Commission — a supposedly bi-partisan entity — just got called out for doing just that.

President Donald Trump lost Wisconsin by only about 20,000 votes. What might the results have been if the election had been conducted legally?



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