

The January 6 Hearings: **Wisconsin** **Spotlight**

Background: The United States House Select Committee to Investigate the January 6th Attack on the United States Capitol (January 6 Select Committee) is holding oversight hearings in June 2022. It will present public testimony, evidence, and analysis relating to the January 6, 2021 attack, its run-up, and its aftermath. The attack and effort to undermine the will of the American voters did not happen in a vacuum. Fueled by [misinformation and lies about the 2020 election](#), many of the key actors involved and key actions taken that contributed to the attack originated from the states. After all, while elections are national events, they are run and led by the states.

The States United Democracy Center has created a series of state-by-state guides to the January 6 attack highlighting activities that sought to undermine our free, fair, and secure elections. The Wisconsin Spotlight includes events in the state leading up to the January 6 attack, participation by Wisconsin actors in relevant events and the attack itself, efforts in Wisconsin to discredit or reverse the outcome of the presidential election, and subsequent post-January 6 events.

I. EVENTS IN WISCONSIN LEADING UP TO JANUARY 6 ATTACK

Supporters of then-President Donald Trump held rallies throughout the country attempting to discredit the 2020 presidential election process and challenging the official election results, including in Wisconsin, despite lacking factual basis for their allegations.

- In the days after election day, November 3, 2020, Trump supporters protested outside the Wisconsin state capitol, “arguing amongst themselves about unsubstantiated claims of voter fraud[.]”¹ The Trump supporters were gathered there in part “because the president has spent the previous months, weeks and days falsely casting doubt on the validity of absentee ballots and the legitimacy of the results in the presidential election.”²

- On December 7, 2020, Robert Spindell, Jr., a member of the bipartisan Wisconsin Elections Commission (WEC), appeared at the “March for Trump” rally at the Wisconsin capitol.³ The WEC administers and enforces Wisconsin election law.⁴ At the rally, Spindell advanced allegations about election fraud in Wisconsin.⁵ MyPillow CEO Mike Lindell also headlined the rally and made unfounded allegations that “Trump lost Wisconsin because of issues with Dominion Voting System’s voting machines.”⁶
- On December 7, 2020, Texas Attorney General Ken Paxton filed a lawsuit to overturn the 2020 presidential election results in Georgia, Michigan, Pennsylvania, and Wisconsin.⁷ The U.S. Supreme Court rejected his case later that month and the State Bar of Texas has now pursued a complaint against Paxton, accusing him of professional misconduct relating to this litigation.⁸
- On December 14, 2020, as detailed further in Section III, 10 Republicans convened to “cast votes” claiming to be an alternate slate of electors for Trump in Wisconsin, which did not reflect the decision of the state’s voters.⁹
- Fifteen Republican Wisconsin state legislators (along with Republican legislators from Arizona, Georgia, Michigan, and Pennsylvania) signed a letter to Vice President Mike Pence, dated January 5, 2021.¹⁰ The letter urged Pence to delay the counting of electoral votes for at least 10 days to allow the state legislatures time to certify or decertify the election.¹¹
- The same lies and conspiracy theories that fueled the January 6 attack contributed to threatening and violent messages aimed at election officials, including in Wisconsin. These threats were launched over email, voicemails, texts, letters, social media, and in-person events including gathering outside election officials’ homes.¹² They often expressed false claims that the election was stolen.¹³

II. WISCONSIN ACTORS INVOLVED IN JANUARY 6 ACTIVITIES

The Washington Post compiled a [timeline](#) documenting how January 6, 2021 progressed from Trump's "Save America" rally on the White House Ellipse to the breach and attack on the U.S. Capitol. Just Security and Protect Democracy compiled a [primer](#) that organizes and distills the multiprong campaign to overturn the 2020 election results.

- Richard and Elizabeth Uihlein (owners of Uline shipping supply company in Pleasant Prairie, WI): The Uihleins contributed more than four million dollars to the Tea Party Patriots, whose members participated in the rally before the January 6 attack.¹⁴
- Derrick Van Orden (Congressional candidate in Wisconsin): He was present at the January 6 rally.¹⁵ Photos and video footage show him in what is reported to be a restricted area at the Capitol, which he has denied.¹⁶
- Indictments: At least eight people with Wisconsin ties have been charged for their involvement in the January 6 Capitol attack and their cases have been progressing through the courts: Conlin Weyer, Riley D. Kasper, David Charles Mish Jr., Michael Fitzgerald, Kevin Daniel Loftus, Joshua Munn, Abram Markofski, and Brandon Nelson.¹⁷

III. WISCONSIN'S FRAUDULENT PRESIDENTIAL ELECTORS SLATE¹⁸

- On December 14, 2020, groups of Republicans in Arizona, Georgia, Nevada, Michigan, New Mexico, Pennsylvania, and Wisconsin signed documents made to look official that represented the signatories as the duly authorized or potential alternate presidential electors for Trump, rejecting the will of the voters in their states.¹⁹ The actions of these fake electors are the possible subject of state and federal criminal probes.²⁰
- On December 14, 2020, Wisconsin Republicans met secretly in the Wisconsin capitol building and filled out paperwork designed to look official while being protected by armed security.²¹ Their meeting room was reserved by Scott Fitzgerald, who was then the Majority Leader of the Wisconsin State Senate and is now a member of the U.S. House of Representatives.²²
- After Trump's fake electors' submission was revealed, a formal complaint was lodged with the WEC. In March 2022, the WEC unanimously dismissed a complaint that the fake electors acted illegally.²³ Commissioner Spindell, himself one of Wisconsin's fake electors, voted on the complaint's dismissal rather than recuse himself. The WEC's dismissal of the complaint is subject to ongoing litigation.²⁴

- On May 17, 2022, two Wisconsin Biden electors and a voter filed a lawsuit against the fake Trump electors who attempted to cast electoral ballots for Trump in 2020, as well as two attorneys who aided their efforts.²⁵
- The following individuals served as fake electors in Wisconsin:²⁶ Andrew Hitt (former chair of the Republican Party of Wisconsin); Kelly Ruh (former alderperson in De Pere, Wisconsin); Carol Brunner (vice chair of Wisconsin's First Congressional District GOP); Edward Scott Grabins (chair of Dane County GOP); Bill Feehan (chair of the La Crosse County GOP); Robert F. Spindell, Jr. (member of the Wisconsin Election Commission); Kathy Kiernen (chair of Wisconsin's First Congressional District GOP); Darryl Carlson (executive director of No Better Friend Corp.); Pam Travis (vice chair Seventh Congressional District GOP and treasurer of the Wisconsin Federation of Republican Women); and Mary Buestrin (national committeeperson of the state GOP).

IV. POST-JANUARY 6 DEVELOPMENTS IN WISCONSIN

Wisconsin continues to be a hotbed of efforts to undermine nonpartisan election administration and spread disinformation about the 2020 presidential election results.

a. Prominent Anti-Democracy Visitors' Activities in the State

- John Eastman: On March 16, 2022, Eastman, a legal advisor to Trump, reportedly pressured Robin Vos, the speaker of the Wisconsin Assembly, in a closed-door meeting to decertify the state's 2020 electors. After that meeting with Speaker Vos, Eastman stated at an event at the Wisconsin capitol later that day that, "[t]he Wisconsin Legislature, therefore, in my view, not just up until Jan. 6 [2021], or inauguration, but today as well, has the ability to look at the assessment and say, you know, our election was illegally certified."²⁷
- Mike Lindell: The MyPillow CEO gave a speech at a June 2021 rally in New Richmond alleging Trump was the "real president" and promising that Trump would soon be reinstated to the presidency.²⁸ He also made the factually baseless claim that the voting machines in Wisconsin were attacked by China.²⁹

b. Known January 6 Select Committee Subpoenas to Wisconsin Actors

The January 6 Select Committee has “issued more than 100 subpoenas to lawmakers, internet and communications companies, Trump White House officials and others” including rally and event organizers.³⁰ Here are some examples of the Wisconsin actors that have received subpoenas from the committee.

- Andrew Hitt (former chair of state GOP): Hitt served as a fake elector and has been subpoenaed by the January 6 Select Committee.³¹
- Kelly Ruh (former alderperson in De Pere, Wisconsin): Ruh served as a fake elector and has been subpoenaed by the January 6 Select Committee.³²

c. Partisan Election Reviews

- Gableman investigation: In the summer of 2021, Speaker Vos hired Michael Gableman, a former justice of the Wisconsin Supreme Court with a controversial record, as special counsel to conduct an “investigation” of the 2020 election.³³ Commissioning a special counsel was unwarranted given that Wisconsin’s official presidential recount confirmed Biden’s victory³⁴ and the state’s nonpartisan Legislative Audit Bureau review also confirmed no widespread fraud or wrongdoing in the 2020 presidential election.³⁵
 - The Gableman “investigation” has not adopted transparent or comprehensive procedures, nor has it articulated its scope.³⁶ The investigators have issued legislative subpoenas to the WEC and others that suffered legal deficiencies, and many were later retracted.³⁷ One subpoena asked for copies of all election project files used by the major election equipment vendors in Wisconsin in 2020, which contained highly sensitive data not normally reviewed in a professional audit.³⁸
 - Gableman targeted the election grants from Center for Tech and Civic Life claiming without basis that grants were “election bribery” because it was used to increase Democratic turnout.³⁹ In reality, the grants were widely distributed to nearly 2,500 election departments across 49 states.⁴⁰
 - Gableman himself has engaged in partisan behavior that undermines his ability to lead an objective investigation. He has publicly called for the 2020 election to be “decertified,” and before he began his role as special counsel, he concluded that the election had been stolen.⁴¹ Since his appointment, Gableman has also been criticized for engaging in overtly partisan activities.⁴²
 - Trump advocated for the continuation of the Gableman investigation and Vos extended Gableman’s legislative contract.⁴³

- Racine Sheriff investigation: After the 2020 election, Racine County Sheriff Christopher Schmaling was forwarded a complaint filed with the WEC regarding voting in nursing homes.⁴⁴ On October 28, 2021, 10 months after receiving the complaint, the sheriff announced his conclusion that WEC commissioners violated the law when they directed local clerks not to send special voting deputies into nursing homes to help residents vote during the pandemic.⁴⁵ The district attorney declined to prosecute citing a lack of jurisdiction.⁴⁶
- Decertification: State representative Timothy Ramthun (R-Campbellsport) introduced a resolution calling for decertification of the 2020 Wisconsin presidential results. Ramthun is running for the Republican nomination to be governor and hosting rallies based on a platform that the 2020 election can be and should be decertified.⁴⁷ Eastman provided Ramthun with a memo, dated December 30, 2021, that claimed that there was sufficient cause to “warrant the Wisconsin Legislature taking back its plenary power” and even “adopting a slate of electors itself” at any time, even more than a year after the election.⁴⁸ At a March 2022 legislative hearing an attorney for Gableman admitted there is no legal means of decertifying the state’s 2020 presidential election results: “[I]t’s over then — can’t go back. There is no mechanism, no provision, no anything that would have any practical legal effect[.]”⁴⁹
- Dismantling the WEC: Since the 2020 election cycle, Republican legislators and candidates for office have harnessed election disinformation narratives that have spread about the WEC’s role in election administration and enforcement to call for the abolishment of the WEC and a transfer of its duties to the elected secretary of state.⁵⁰ In recent decades, Republicans have repeatedly changed the entity in charge of election administration and enforcement and some constituencies are concerned about bringing election administration under a partisan entity given the current political polarization within Wisconsin.⁵¹

d. Legislation to Change Pennsylvania's Election Laws

- Legislators on both sides of the aisle in Wisconsin have introduced numerous election and voting rights bills during the legislative session on a variety of topics: absentee voting procedures, drop boxes, private funding for election administration, voting access for indefinitely confined voters, WEC policies and guidance, voter registration procedures and list maintenance, voter identification laws, in-person voting procedures, criminalization of election procedures and conduct, and the redistricting process.⁵² There has not been a bipartisan consensus within the legislature on election and voting reforms, and the governor has vetoed the election legislation that did reach his desk during the 2021-22 legislative term.⁵³
- Since the 2020 presidential election and the January 6 attack, state legislatures across the country have considered a wide range of bills that would increase the risk of election subversion—that the purported outcome of the election does not reflect the choice of the voters. State by state, legislatures have moved to seize power from professional, non-partisan election administrators and to subject the running of elections to partisan influence and disruption. For more information about Wisconsin's election subversion legislation, please see States United's [2021](#) and [2022](#) report, written and published in collaboration with Protect Democracy and Law Forward.

d. Election Deniers Running for Wisconsin Statewide Office

Election Deniers are running for key constitutional offices in Wisconsin that have a role (or may in the near future)⁵⁴ in election administration and enforcement.⁵⁵ The state's primary will be held on August 9, 2022.

Election Denier Gubernatorial Candidates

- Rebecca Kleefisch (R): [Election Denier](#)
- Adam Fischer (R): [Election Denier](#)
- Timothy Ramthun (R): [Election Denier](#)
- Tim Michels (R): [Election Denier](#)

Election Denier Attorney General Candidates

- Karen Muller (R): [Election Denier](#)

Election Denier Secretary of State Candidates

- Justin Schmidtka (R): [Election Denier](#)
- Jay Schroeder (R): [Election Denier](#)

ADDITIONAL RESOURCES FROM THE STATES UNITED DEMOCRACY CENTER

[Countering Lies about the 2020 Presidential Election](#)

[A Democracy Crisis in the Making 2021](#) and [2022](#) reports

[Guide to Counting Electoral College Votes and The January 6, 2021 Meeting of Congress](#)

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This document was prepared by the States United Democracy Center.

The States United Democracy Center is a nonpartisan organization advancing free, fair, and secure elections. We focus on connecting state officials, law enforcement leaders, and pro-democracy partners across America with the tools and expertise they need to safeguard our democracy. For more information, visit www.statesuniteddemocracy.org.

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- ⁴ About the Wisconsin Elections Commission. (n.d.). *Wisconsin Elections Commission*. <https://elections.wi.gov/about>.
- ⁵ See note 3.
- ⁶ See note 3.
- ⁷ Liptak, A. (2020, December 11). Texas files an audacious suit with the Supreme Court challenging the election results. *The New York Times*. <https://www.nytimes.com/2020/12/08/us/politics/texas-files-an-audacious-suit-with-the-supreme-court-challenging-the-election-results.html>.
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- ¹¹ Letter to Vice President Michael R. Pence. (2021, January 5). *The Wisconsin Examiner*. <https://wisconsinexaminer.com/wp-content/uploads/2021/01/Letter-to-Pence-1.pdf>; Timm, C. (2021, January 5). Fact check: No, Pence can't overturn the election results. *NBC News*. <https://www.nbcnews.com/politics/donald-trump/fact-check-no-pence-can-t-overturn-election-results-n1252869>.
- ¹² O'Kane, C. (2020, December 7). Dozens of armed "stop the steal" protesters threaten Michigan Secretary of State outside her house. *CBS News*. <https://www.cbsnews.com/news/michigan-protest-jocelyn-benson-secretary-of-state/>.
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