

Lawsuit against GOP operatives accused in fake presidential electors scheme filed in Wisconsin



Then President-elect Donald Trump speaks during a rally at the Wisconsin State Fair Exposition Center in West Allis, Wisconsin, in December 2016. Two Wisconsin Democratic electors and a voter on Tuesday sued Republicans who attempted to cast electoral ballots for Trump in 2020 despite Joe Biden's victory in the battleground state.

(CNN) — Some of the electors for President Joe Biden in the 2020 election have sued in Wisconsin state court the Republican operatives, politicians and attorneys who allegedly orchestrated a fraudulent scheme to put forward an alternate slate of fake electors for Donald Trump.

[The lawsuit](#) was filed on Tuesday by two of the Biden electors from that state, as well as a Wisconsin voter, who allege that the defendants engaged in an illegal conspiracy.

The complaint [alleges that the scheme](#) -- in which supporters of the former President sent fake certificates declaring Trump won states he

had actually lost -- "caused permanent and irreparable damage to the country's political institutions generally, and to representative government in Wisconsin specifically."

"By spreading false allegations of widespread fraud, the scheme undermined -- and continues to undermine -- Wisconsin voters' faith in the integrity of their elections, and citizens' belief in the legitimacy of their government's authority," the plaintiffs said in the complaint, filed in Dane County Circuit Court.

The lawsuit is the first of its kind to seek accountability for those involved in a fake elector plot, according to the organizations spearheading it -- the Wisconsin-based nonprofit Law Forward and Georgetown University Law Center's Institute for Constitutional Advocacy and Protection. However, legal experts say the lawsuit is a longshot that will face major procedural hurdles in court.

The plaintiffs are seeking damages as well court orders declaring that the defendants acted unlawfully and blocking them from fraudulently putting themselves forward as presidential electors in a future election.

The two attorneys named as defendants did not respond to requests for comment, nor did several of the operatives and politicians put forward as fraudulent Wisconsin electors for whom contact information could be found.

The complaint alleges that they engaged in a civil conspiracy that "violated a number of civil and criminal laws," including a Wisconsin law setting out the process for choosing electors, another state law making it a felony to falsely assume to act as public officer and federal law prohibiting the corrupt obstruction of an official proceeding.

They are also accused violating the Wisconsin Constitution and a Wisconsin public nuisance law that would entitle the plaintiffs to damages.

The complaint pointed to the ongoing, [investigation into the 2020 election](#) in Wisconsin backed by Republican state lawmakers and the [push to decertify the 2020 results](#).

"These calls for decertification are well on their way to reaching the mainstream, and they will only grow louder as the next presidential election approaches. So too will support for the contention incorrect as a matter of law that state legislatures have plenary power to choose presidential electors, regardless of the outcome of the popular vote," the complaint said.

Legal experts told CNN they were skeptical of the lawsuit's chances. "A lot of what the plaintiffs complain about didn't result in particularized harm to these particular plaintiffs," said Michael Morley, the Sheila M. McDevitt Professor at Florida State University's College of Law.

He said the court might conclude that, whatever dispute there was over who should be put forward as electors after the 2020 election, it was settled years ago. Morley added that, if a court dismissed this lawsuit, "that should not be taken as a vindication of anything that the defendants did."

Franita Tolson, vice dean and professor at the University of Southern California Gould School of Law, also said that the injury alleged by the plaintiffs was too speculative for the suit to be successful.

"In reality, the fraudulent electors caused damage to Wisconsin as a polity rather than to these particular plaintiffs, making it unlikely that a

court will find that they have standing to bring this lawsuit," she said in an email.

"Frustration that state and federal officials have failed to hold the fraudulent electors responsible for their actions is not enough to confer standing on these plaintiffs," she added.