
Supreme Court of Wisconsin

FILED

09-03-2026

CLERK OF WISCONSIN
SUPREME COURT

No. 2026AP1168

BOTHFELD V. WIS. ELECTIONS COMM'N

L.C.#2025CV2432

September 3, 2026

The Court has entered the following order:

Intervening defendants, a group of Congressmen and individual voters (collectively, the “Congressmen”), move for my recusal. The Congressmen argue that my campaign statements and donations to my campaign require my recusal under the Fourteenth Amendment Due Process Clause and Wisconsin law. Alternatively, they urge me to decline to participate in this case.

The Congressmen moved for my recusal at a prior stage in this proceeding, when this court was deciding whether it would assign a three-judge panel under WIS. STAT. §§ 801.50(4m) and 751.035. I denied that motion in an order dated November 25, 2025. *See Bothfeld v. WEC*, No. 2025XX1438, unpublished order (Wis. Nov. 25, 2025) (order of Protasiewicz, J.) (“November 25, 2025 Order”).

The Congressmen acknowledge that their current motion is “nearly identical” to their previous motion, and they do not respond to my previous order or offer any new arguments that would cause me to change my decision.¹ Because the Congressmen’s arguments remain the same and only the posture has changed, my November 25, 2025

¹ In my previous order, I noted that the Congressmen “d[id] not ask me to overrule or modify my *Clarke* recusal decision.” *See* November 25, 2025 Order, at 4 n. 12 (citing *Clarke v. WEC*, 2023 WI 66, 409 Wis. 2d 249, 995 N.W.2d 735). In their current motion, the Congressmen note that their argument “necessarily includes a request” to overrule my *Clarke* recusal decision—and my November 25, 2025 Order—“for all the reasons articulated in th[eir] Motion.” Even so, I stand by my analysis in my *Clarke* recusal decision and November 25, 2025 Order.

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Order applies with near equal force to their current request.² For the reasons stated in that order, neither the Due Process Clause nor Wisconsin law require my recusal, and I reject the Congressmen's invitation to decline to participate in this case. I have once again reviewed the motion, the response, the campaign statements at issue, the cited authorities, and my prior recusal orders. *See* November 25, 2025 Order, at 2–4 & nn. 8–9, 12 (citing prior orders). I again determine that I can, in fact and appearance, act impartially in this case. For these reasons, I deny the current motion.

IT IS ORDERED that the Motion to Recuse Justice Janet C. Protasiewicz filed by the Congressmen is denied.

Samuel A. Christensen
Clerk of Supreme Court

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² In section II.A of my November 25, 2025 Order, I noted that the Congressmen made no argument related to the panel-appointment question then before the court. I acknowledge that this argument no longer applies under the current posture.