INSTITUTE FOR REFORMING GOVERNMENT

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WISCONSIN SUPREME COURT TERM IN REVIEW 2025

WISCONSIN'S NEW PROGRESSIVE MAJORITY TAKES CONTROL

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EXECUTIVE SUMMARY

Judicial elections have consequences. A progressive majority empowered with a strong sense of its own success now controls the Wisconsin Supreme Court, and their decisions during the 2024-25 term reflect the new majority's progressive philosophy. Despite another near-historicly low number of opinions issued, what follows is an analysis of what IRG considers to be ten decisions from the Court that are nevertheless likely to have a significant impact on state government operations. For purposes of better understanding the impact of the decisions, IRG has broken the cases down into six categories - legislative oversight, abortion, gubernatorial veto, election administration, religious liberty, and collective bargaining / Act 10. In addition, IRG highlights the case currently working its way through the appeal process that is likely to have the most significant impact on state operations during the next term - a challenge to the constitutionality of the signature reform of the Governor Walker Administration, 2011 Act 10.

ABOUT THE AUTHORS

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Jake brings a unique skill set to IRG by drawing on his years of experience as a lawyer, strategic advisor, and public official to navigate the intersection of law and policy. Throughout his career he has focused on government relations matters for both public and private sector clients, representing dozens of local units of government and handling administrative matters before WERC, DWD, ETF, DNR, DFI, DATCP and DPI.

Jake's diverse legal experiences have included practicing over a decade in private practice, including at two of Wisconsin's largest firms, serving as the Chief Legal Counsel at the Wisconsin Department of Natural Resources under Governor Scott Walker, as a policy advisor to a Wisconsin State Senator, and leading a groundbreaking litigation initiative at the Wisconsin Institute for Law & Liberty.

Jake is a graduate of the University of Wisconsin – Eau Claire, B.A., *summa cum laude*, 2005, the University of Wisconsin Law School, *cum laude*, 2008, the United States Air Force, Officer Training School, 2021, and the United States Air Force, The Judge Advocate General's Corps, 2022.

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FOREWORD

Judicial elections have *judicial* consequences: at the end of the day, a court is constrained by certain checks-and-balances and institutional norms and traditions. Though some judges across the country have seen fit to blow past many of these norms, the Wisconsin Supreme Court's new majority has not yet done so. It is confidently progressive but still operates within the forms and frameworks that constrain it, taking significant steps without going hog wild. The new majority has also limited its activism to the constitutional and civil aspects of its job; the progressive majority has not embraced an expansive view of the rights of criminal defendants as was evident during the prior progressive majority (from 2004 to 2008). Despite turning aside a few invitations to go even further, even faster, as discussed in more detail below, the Court was able to usher in an emboldened era of progressive governance by delivering on several key decisions that expanded the power of the executive branch at the expense of the Legislature. As a whole, several of these decisions represent the first major shift of the Court in a progressive direction since 2008.

Thus, on the one hand, there have been significant wins for progressives this term. These include decisions finding the implied repeal of Wisconsin's 1848 abortion ban (*Kaul v. Urmanski*); granting greater power to unelected bureaucrats to rule by informal guidance documents (*WMC v. DNR*); stopping citizens from acting to protect election integrity (*Brown v. WEC*); opening the door to expanded medical malpractice litigation by personal injury attorneys (*Hubbard v. Neuman*); and upholding Governor Evers' creative use of his partial veto to guarantee 400 years of education funding (*LeMieux v. Evers*). The progressive majority also issued a 4-vote concurrence (*SEIU v. UWHCA*) that was a direct attack on the textualist method of statutory interpretation that has restrained judicial activism in Wisconsin for two decades.

At the same time, the progressive majority has not lost all sense of the rule of law or the limits of political reality. The Court denied an attempt to unionize the UW Hospitals based on a plain reading of Act 10 (*SEIU v. UWHCA*); held in favor of the Legislature and against the Governor on a different creative use of his partial veto, this time on literacy funding (*Legislature v. DPI*); and declined to overrule a recent precedent the conservative majority set in Kaul v. Prehn in 2022 (*WEC v. LeMaheiu*). The progressive majority also declined to take up a petition from Planned Parenthood looking to establish a state constitutional right to abortion and a petition from Democrat megalawyer Marc Elias asking the Court to redraw the state's congressional maps. And the Court promptly - proactively - unanimously suspended Milwaukee County Circuit Court Judge Hannah Dugan from active judicial service when she was indicted on federal felony charges for allegedly aiding a criminal illegal alien in an attempted escape from federal immigration authorities. So though they are certainly progressive, they have not exercised their power with reckless abandon either.

And though pundits usually think of the Court as its four liberals (AW Bradley, Dallet, Karofsky, and Protasiewicz), its two conservatives (Ziegler and RG Bradley), and one conservative-leaning swing vote (Hagedorn), the Court consistently acted with broad, even unanimous majorities in two critical areas: separation of powers and criminal justice. The conservative justices see the separation of powers as an important limit on overall governmental power, while the liberal-leaning justices are happy to limit the power of Speaker Robin Vos to check Tony Evers and Josh Kaul (*Evers v. Marklein I*). The exception to this agreement was the Court's decision on the Joint Committee on Review of Administrative Rules *(Evers v. Marklein II*), where the Court divided into

its usual 4-3 blocs. Even there, however, the disagreements were largely over process, precedent, and the consistent application of legal principles.

The Court's progressives and conservatives also usually joined hands to reject appeals from criminal defendants. (e.g., *State v. Ramirez, State v. Molde, State v. Grady, State v. McAdory, State v. Stetzer*). Justices Karofsky and Protasiewicz are both former prosecutors, and Justice Dallet had a tough-on-crime reputation on the Milwaukee County Circuit Court bench–perhaps these influences explain the Court's current approach.

Just as the Court's opinions are important, so are some dynamics unfolding off the bench. Annette Ziegler's term as chief justice ended in the spring. The Court gave a short honorary tenure as chief to the retiring Ann Walsh Bradley before installing Jill Karofsky as the permanent chief for the balance of the two-year term. This will likely ameliorate some of the internal tension within the Court when the majority did not control the chief justice's seat, but will also remove one of the few internal checks on the progressive majority.

On her last day as chief, Ziegler released a heavily redacted report on the Wisconsin Supreme Court's own embarrassing leak of internal documents from its consideration of an abortion case. The outside audit condemned the Court's lack of diligence in handling documents, and revealed that Justice AW Bradley had a Hillary Clinton-style private server for sensitive documents, but did not identify–little less punish–the leaker.

The progressive majority was dealt an embarrassing blow when the U.S. Supreme Court unanimously slapped down their 4-3 decision in *Catholic Charities v. LIRC* from last term, in an opinion from liberal justice Sonia Sotomayor no less. Justice Sotomayor's decision cited extensively from Justice Rebecca Grassl Bradley's dissent.

And though the Wisconsin Supreme Court heard slightly more cases this year (around 22) than last year (only 14), these numbers are still incredibly low compared to historical averages (more like 50). As the chair of the State Bar's appellate section observed recently, "Practitioners are having to adjust their expectations and advise clients accordingly. Cases that typically would make for promising petitions – including those raising important issues of criminal procedure, statutory interpretation, and common law – now face much steeper odds of supreme court review. As a practical matter, the court of appeals has become the court of last resort for the vast majority of disputes."

The Court will likely continue in a period of change as its personnel continue to turn over: next as Ann Walsh Bradley steps off after three decades to be replaced by fellow liberal Susan Crawford. At its core, the Court's progressive majority is unafraid to exercise its power, but remains reluctant to get too far out ahead of the political center in Wisconsin.

Case	Vote	Majority (First Name Listed is Lead Author)	Dissent	Key Holding
Bureaucracy				
Evers v. Marklein	5-2	Karofsky, A.W. Bradley, Dallet, Protasiewicz and Hagedorn**	Ziegler and R. Bradley	Eliminated ability of JCRAR to pause, object to, or suspend administrative rules.
WMC v. Natural Resources Board	5-2	Protasiewicz, Karofsky, A.W. Bradley, Dallet and Hagedorn*	Ziegler and R. Bradley	Empowers bureaucrats to use guidance instead of traditional rulemaking; expands DNR's ability to enforce Spills Law without formal rulemaking.
Kaul v. Legislature	9-0	Hagedorn (unanimous)		Eliminated requirement that DOJ receive JFC approval before settling enforcement actions.
Abortion				
Kaul v. Urmanski	4-3	Dallet, Protasiewicz, A.W. Bradley and Karofsky*	Hagedorn, Ziegler and R. Bradley	1849 law banning abortion declared unconstitutional.
Gubernatorial Veto				
Legislature v. DPI	9-0	R. Bradley (unanimous)		The Governor's partial veto of a literacy bill was unconstitutional because it was not an appropriation bill.
LeMieux v. Evers	4-3	Karofsky, A.W. Bradley, Protasiewicz and Dallet*	Hagedorn, Ziegler and R. Bradley	The Governor did not exceed his partial veto authority by extending an education revenue limit increase from two to 402 fiscal years in the 2023-25 biennial budget.

* Concurring

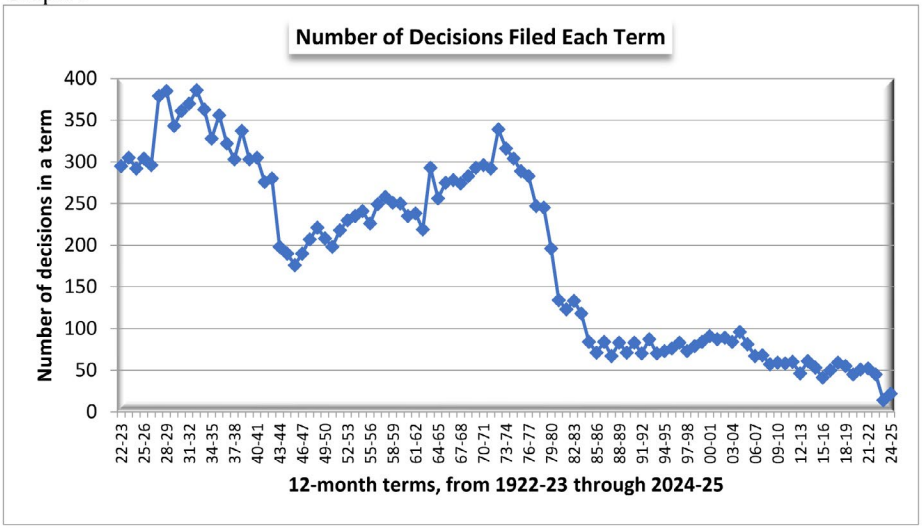
** Concurring in part and dissenting in part

Case	Vote	Majority (First Name Listed is Lead Author)	Dissent	Key Holding
Election Administration				
Brown v. WEC	4-3	Karofsky, A.W. Bradley, Protasiewicz and Dallet	Hagedorn, Ziegler and R. Bradley	Plaintiff lacked standing to seek judicial review of WEC's decision regarding Racine's in-person absentee voting procedures in 2022.
WEC v. LeMahieu	9-0	Ziegler, Karofsky, A.W. Bradley,* Protasiewicz, Dallet, Hagedorn, R. Bradley*		WEC does not have a duty to appoint a new administrator unless a vacancy exists, which was not the case as Wolfe was lawfully holding over.
Religious Liberty				
Catholic Charities v. LIRC	4-3	A.W. Bradley, Protasiewicz, Karofsky, Dallet	Hagedorn, Ziegler and R. Bradley	LIRC could tax church-affiliated charitable ministries because the social services were not "churchy"
	9-0	U.S. Supreme Court Sotomayor delivered the opinion for a unanimous Court. Thomas and Jackson filed concurring opinions.		
Collective Bargaining / Act 10				
SEIU Healthcare v. WERC	9-0	Hagedorn, Ziegler, Karofsky, A.W. Bradley, Protasiewicz, Dallet,* R. Bradley*		UW Hospitals is not required to engage in collective bargaining under the Wisconsin Employment Peace Act after enactment of Act 10.

* Concurring

** Concurring in part and dissenting in part

Graph 1



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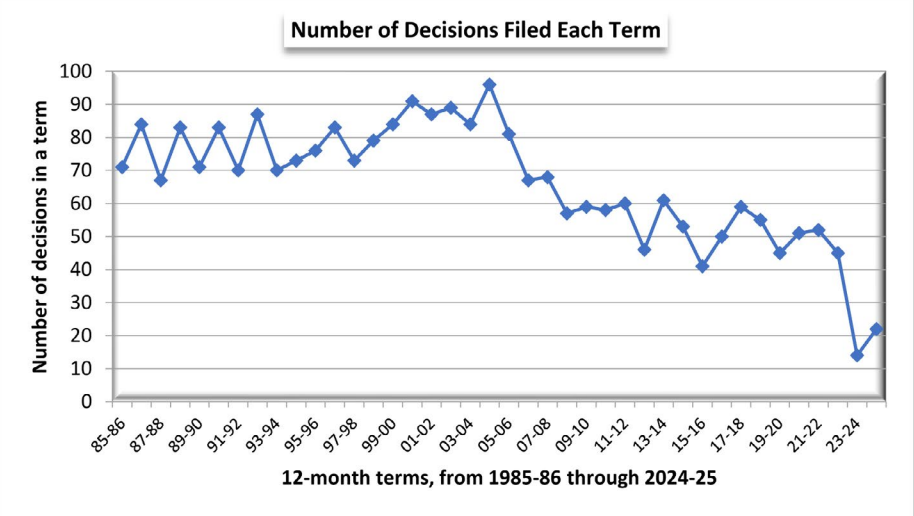

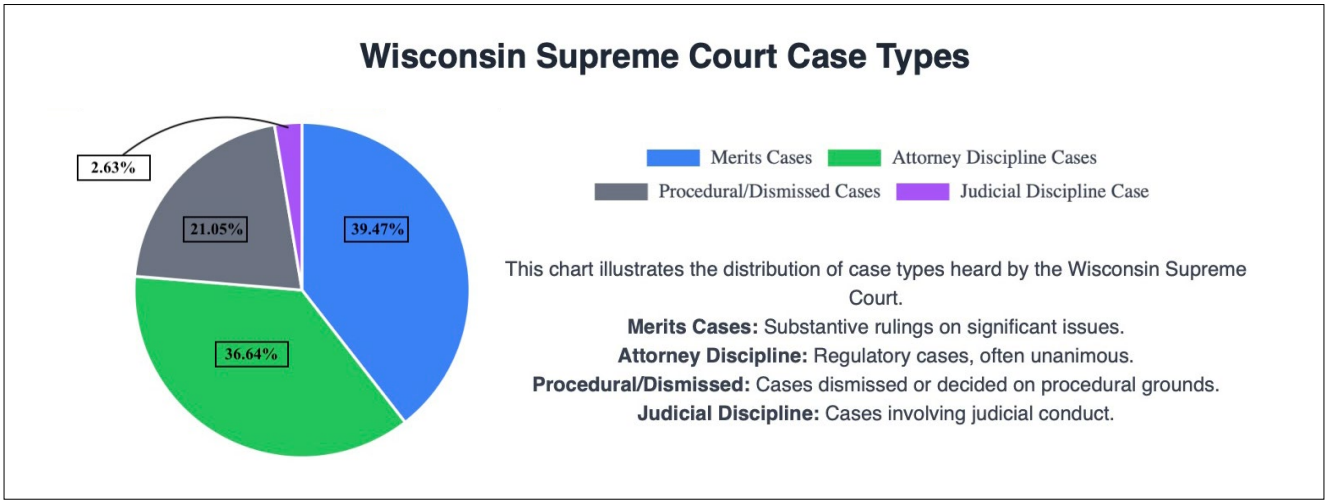

Special thanks to Marquette University Professor of History Alan Ball for his comprehensive analysis of the number of opinions issued by the Wisconsin Supreme Court. For his full analysis and additional data, please see the following link:
The Supreme Court's 2024-25 Term: Some Initial Impressions.

TONY EVERS V. HOWARD MARKLEIN (2025 WI 36)
"LIMITING JCRAR REVIEW"

WHAT IS THE CASE

At issue in this case were statutory provisions empowering the Joint Committee for Review of Administrative Rules (JCRAR). The Court examined whether JCRAR's authority to pause, object, indefinitely object, suspend, or repeatedly suspend administrative rules was constitutional or whether JCRAR's statutory authorites violate the Wisconsin Constitution's requirements of bicameralism and presentment, as Governor Evers argued.

In a 5-2 decision, the Court sided with the Governor, holding JCRAR's powers to halt rules were akin to lawmaking without proper constitutional procedure. In doing so, the Court declared several statutes unconstitutional, stripping the JCRAR of its power to pause, object to, or suspend administrative agency rules. The Court adopted the INS v. Chadha, 462 U.S. 919 (1983) standard set by the U.S. Supreme Court that established any legislative action altering legal rights and duties outside the legislative branch must adhere to the full bicameralism and presentment process.

This decision, which overruled prior precedents, affirmed that JCRAR's committee-level actions bypassed constitutional requirements for lawmaking. Consequently, the Legislature may only overturn regulations with a vote of both houses and the Governor's signature. Since the Governor controls the agencies that write the rules, the practical impact is that the Legislature will need partisan super-majorities to override the automatic veto of any such resolution.

WHY IT MATTERS

This decision fundamentally alters the balance of power between the executive and legislative branches, particularly concerning administrative rulemaking. By gutting JCRAR's authority, the Court has insulated significant regulatory actions from prompt and effective legislative oversight.

This shift concentrates more power in the executive branch and its unelected bureaucrats, enabling them to implement regulations, such as the conversion therapy ban and updated building codes at the heart of this case, without legislative oversight. While proponents argue it streamlines government and prevents a single committee from obstructing the will of the executive, critics contend it diminishes democratic accountability and removes a crucial check on agency power, potentially leading to unchecked executive overreach. The ruling is seen as a major victory for Governor Evers and a blow to the Republican-controlled Legislature, highlighting an ongoing power struggle within Wisconsin's government.

WHAT'S NEXT

Moving forward, Wisconsin state agencies and the Governor's administration will have greater autonomy in implementing and enforcing rules and regulations. This could lead to more efficient and quicker implementation of Governor Evers' policies, as they will no longer face legislative oversight. Areas like environmental protection, public health, and professional licensing will likely become tools to advance the Evers Administration's liberal agenda now that the Legislature cannot effectively pause or stop rulemaking.

While the Legislature can still influence rulemaking through the traditional lawmaking process (passing bills that go through both houses and the Governor), the reality is that the Governor will almost always side with his agencies which generated the contested rule. That means veto-proof legislative super-majorities are necessary for an effective check, which is highly unlikely in the current political environment.

The ruling is a victory for the Democratic Governor and a setback for the Republican-controlled Legislature, intensifying the ongoing power struggle. Future disagreements over administrative rules will likely be channeled into more litigation over rulemaking under the Administrative Procedure Act (Chapter 227).

Justice Karofsky, writing for the majority:

> ***"The ability of a ten-person committee to halt or interrupt the passage of a rule, which would ordinarily be required to be presented to the governor as a bill, is simply incompatible with Articles IV and V of the Wisconsin Constitution." (¶41).***

Justice Bradley dissenting:

> ***"The People never consented to be ruled by bureaucratic overlords." (¶101).***

WISCONSIN MANUFACTURERS AND COMMERCE, INC. V. WISCONSIN NATURAL RESOURCES BOARD (2025 WI 26)
"EXPANDING DNR AUTHORITY BY USE OF GUIDANCE DOCUMENTS"

WHAT IS THE CASE

The three issues presented in this case were (1) whether Wis. Stat. § 227.01(13) required the Department of Natural Resources (DNR) to promulgate rules for the following actions: identifying Perfluoroalkyl and Polyfluoroalkyl Substances (PFAs) and other emerging contaminants, issuing an interim decision informing participants in a DNR program that it would award only partial liability exemptions, and imposing a standard or threshold for reporting discharges of PFAs and other contaminants to the DNR; (2) whether Wis. Stat. § 227.10(1) required the DNR to promulgate rules before stating that emerging contaminants like PFAs satisfy the definition of "hazardous substance" under Wis. Stat. § 227.01(5); and (3) whether Wis. Stat. § 227.10(2m) precluded the DNR from enforcing a threshold for reporting a discharge of PFAs or other emerging contaminants without promulgating a rule. These issues arose from a dispute between the DNR and respondents Wisconsin Manufacturers and Commerce, Inc. (WMC) and Leather Rich, Inc., who argued that the DNR's actions constituted unpromulgated rules, which are invalid under Wisconsin law.

In a 5-2 decision, the Court reversed the court of appeals, affirming the DNR's authority to enforce the Spills Law without formal rulemaking for every hazardous substance. The Court held that the DNR does not need to promulgate formal rules to classify PFAs as hazardous substances under the Spills Law, as its broad definition allows the DNR to apply it to emerging contaminants without rulemaking. The court held that DNR's statements on PFAS were guidance documents, not enforceable rules, rejecting claims by WMC that such actions required formal rulemaking under Wis. Ch. 227. The majority emphasized the DNR's authority to enforce reporting and remediation in real-time, while the dissent argued this approach denies property owners clear notice, undermining due process.

WHY IT MATTERS

The Court's ruling in *WMC v. WDNR* cements bureaucracy's ability to change the law as they see fit under the cover of "guidance documents" instead of going through the rulemaking process. Rulemaking ensures the opportunity for notice, public comment, and legislative oversight (although the Legislature's ability to exercise oversight over the rulemaking process has been weakened by *Evers v. Marklein*, discussed above). Conservatives have long lamented the use of guidance documents as a means by which executive branch agencies can issue directives to the regulated community (in particular in a state like Wisconsin, the manufacturing and agriculture sectors) without following formal rules that are tethered to statutory authority.

Recent Institute for Reforming Government polling shows that Wisconsinites want to rein in the power of the bureaucracy. When asked what was a greater threat to democracy, 49% of voters polled responded bureaucrats that exercise too much control over individuals' lives. In a different poll, when asked who they trust more to make decisions, 32% of voters responded with the Legislature with only 8% favoring bureaucrats.

WHAT'S NEXT

Regulatory certainty is vital for businesses, enabling long-term investments and decisions. For individuals, it means clear boundaries for government agency power, preventing overreach into their lives and property. Guidance documents that reach beyond their boundaries and create new rules of the road deny individuals and businesses the opportunity to be heard through the legislative process and create uncertainty when guidance can be issued at any time.

Justice Protasiewicz for the majority:

> ***"Wisconsin's Spills Law safeguards human health and the environment in real time by directly regulating parties responsible for a hazardous substance discharge. Responsible parties must, on their own initiative, immediately report a discharge to the DNR, restore the environment to extent practicable, and minimize the harmful effects on our air, lands, and waters." (¶63).***

Justice Bradley dissenting:

> ***"The majority's ongoing expansion of executive power makes its loosening of the statutory guardrails around agency action all the more dangerous." (¶89).***

IRG:

> ***"The liberal majority on the Wisconsin Supreme Court just handed over even more power to unelected bureaucrats. This ruling empowers bureaucrats at state agencies like the DNR to rule Wisconsinby letter and blog post, making important policy decisions while denying everyday citizens and the Legislature the opportunity to make their voices heard through the rulemaking process."***

KAUL V. WISCONSIN STATE LEGISLATURE (2025 WI 23)
"LIMITING LEGISLATIVE REVIEW OF DOJ SETTLEMENT AGREEMENTS"

WHAT IS THE CASE

The three issues presented in this case included (1) whether the statutory requirement that the Department of Justice (DOJ) obtain approval from the Joint Finance Committee (JFC) before settling civil enforcement actions and cases brought at the request of executive agencies violates the Wisconsin Constitution's separation of powers; (2) whether the power to settle these two categories of civil cases—civil enforcement actions and cases pursued at the direction of executive agencies—constitutes a core executive power, such that legislative interference (via JFC approval) is unconstitutional, or a shared power, where legislative involvement might be possible; and (3) whether the Legislature has a constitutionally rooted institutional interest (e.g., in revenue from settlements or policymaking) that justifies requiring JFC approval for settlements in these categories of cases.

In a constitutional challenge to a law that prohibits the DOJ from settling civil enforcement actions and cases DOJ brings at the request of executive-branch agencies unless and until the DOJ received the approval of the JFC, the Wisconsin Supreme Court unanimously reversed the Court of Appeals and reinstated the circuit court's ruling in favor of the DOJ, holding that "settling these two categories of cases is within the core powers of the executive branch" and thus JFC review violates the Wisconsin Constitution's separation of powers. *Kaul* at ¶3. In its opinion, the Court emphasized that the Legislature's interests in budgeting or policymaking do not justify control over settlement decisions. The Court reasoned that the statutory requirement for JFC approval is unconstitutional as applied to these two categories of cases.

WHY IT MATTERS

Blue-state attorneys general often use settlement funds like slush funds, directing money to favored constituencies and non-profit organizations. They also may enter into "sue and settle" agreements where left-wing activist legal organizations bring cases against blue-state agencies or attorneys general, who then agree that laws or policies are unconstitutional or otherwise unlawful, thus circumventing robust judicial review. This decision empowers the DOJ to settle environmental and consumer-protection cases without legislative oversight, giving it additional leverage on private companies accused of violations.

The case also sets a precedent that further empowers the executive at the expense of the Legislature, especially JFC. Given the Court's earlier decision on the Stewardship Program in *Evers v. Marklein I*, the decision on JCRAR in *Evers v. Marklein II*, and the Kaul decision discussed here, the Legislature is left without many of its traditional tools of oversight and accountability. And those that do remain are ripe for challenge under these new precedents.

WHAT'S NEXT

For Wisconsin's future, it means a more empowered executive branch in litigation matters, with greater flexibility to advance its political and policy agenda through settlements. It also sets the stage for continued legal and political battles as the Legislature seeks alternative ways to assert influence, especially in an era of divided government. This could lead to further legislative efforts to limit executive power through budget restrictions, statutory amendments, or even calls for constitutional amendments to redefine branch powers.

Justice Dallet, writing for the majority:

> ***"While undoubtedly the Legislature would be wise to account for all sources of income when determining the amount to tax in the coming year, it does not follow that the Legislature has a constitutional interest in controlling every executive function involving the collection of revenue, or even taxes." (¶33).***

> ***"[T]he Legislature may not step into the shoes of the executive branch or otherwise control executive decisions made within the statutory authority simply because exercising that authority has policy implications." (¶44).***

KAUL V. URMANSKI
(2025 WI 32)
"IMPLIED REPEAL OF 1849 ABORTION BAN"

WHAT IS THE CASE

The key questions before the Court were whether Wis. Stat. § 940.04(1), enacted in 1849, applies to consensual abortions or is limited to prohibiting feticide (the killing of a fetus without the mother's consent) or whether the 1849 law was impliedly repealed by comprehensive abortion legislation enacted over the last 50 years, including a 1985 law permitting abortions until fetal viability and other regulations governing the who, what, where, when and how of abortion procedures.

In a 4-3 decision, the Court ruled that Wis. Stat. § 940.04(1), an 1849 statute criminalizing the destruction of an unborn child, does not ban abortion due to implied repeal by comprehensive legislation enacted over the past 50 years. The Court held that the Legislature "impliedly repealed § 940.04(1) as to abortion, and that § 940.04(1) therefore does not ban abortion in the State of Wisconsin." *Kaul* at ¶2. The newer statutes, regulating abortion's "who, what, where, when, and how," were deemed to replace the near-total ban.

Justices Hagedorn, Bradley, and Ziegler each authored separate dissents. Justice Hagedorn's dissent challenged the majority's application of the implied repeal doctrine. Justice Bradley's dissent rightly critiqued the majority for prioritizing personal and political values over accepted canons of statutory interpretation. Justice Ziegler's dissent underscored the judiciary's role within the separation of powers–the judiciary interprets the law; it does not create law.

WHY IT MATTERS

The U.S. Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization* overturned *Roe v. Wade*, eliminating the federal constitutional right to abortion. In response, pro-choice advocates in Wisconsin (and throughout the country) have turned to the courts to resolve one of the most contested public policy debates taking place in the state. Instead of allowing the Legislature to address the issue (to the extent it determined the statutory framework was inconsistent with the public's desire), the Court short circuited the process by relying on a rarely used judicial principle, applied to a historically unique set of circumstances.

The Court's majority opinion represents a significant deviation from the historical application of implied repeal review. The doctrine of implied repeal is a concept in statutory interpretation where courts can hold if a legislative body passes a new law (or laws) that run contrary to a previously passed law—without expressly repealing the prior law—passage of the most recent law can impliedly repeal the former. However, courts generally disfavor resolving cases via implied repeal, as courts give a strong presumption that the legislature is aware of its own laws and will not pass laws contrary to existing law without express repeal.

The majority's willingness to embrace a rarely used legal principle to advance a preferred policy outcome represents a dangerous precedent for other critical cases the court is likely to hear next term. While it is unlikely we will see a rash of decisions based on the concept of implied repeal, the Court is signaling a willingness to rely on various judicial principles to deliver key decisions for preferred special interests.

WHAT'S NEXT

Following the Court's decision, the restriction on abortion returns to the framework established in 2015 under Wis. Stat. § 253.107, criminalizing abortion 20 weeks post-fertalization. Interestingly, on the same day the Court issued its decision in *Kaul v. Urmanski*, the Court also issued an order in *Planned Parenthood of Wisconsin v. Urmanski*, a case where it initially granted review Therefore, any future action including claims similar to those presented in *Planned Parenthood of Wisconsin* will have to originate in circuit court and follow the standard appeal process (which can often take several years to culminate in a final decision from the state Supreme Court), or be started as a new original action at the Supreme Court level.

Chief Justice Korofsky Concurrence:

> ***"Under [Urmanski's] reading, the state may exert total control over one of the most intimate and personal decisions a woman may make. His interpretation strips women and pregnant people of the dignity and authority to make intimate and personal choices by exposing medical professionals who perform abortions to 15-year prison terms. There are no exceptions for rape, incest, fetal abnormality, or the health of the mother. Urmanksi's interpretation means a 12-year-old girl who is sexually assaulted by her father and becomes pregnant must carry that pregnancy and endure childbirth. It means that a pregnant person carrying a fetus diagnosed with fatal anencephaly must carry the pregnancy to term, knowing the baby will endure an excruciating and short life. And it means that a woman hemorrhaging from a placental abruption cannot receive abortion care until or unless it is an objective certainty that she is facing death—a certainty that may arrive too late to save her life. This is the world gone mad." (¶36).***

Justice Bradley dissenting:

> ***Not content with effacing the law, Chief Justice Jill Karofsky rewrites history, erases and insults women by referring to mothers as "pregnant people," slanders proponents of the pro-life perspective, and broadcasts dangerously false narratives about laws restricting abortion. Laden with emotion, steeped in myth, and light on the law, the concurrence reads as a parody of progressive politics rather than the opinion of a jurist." (¶74).***

> ***Abandoning venerable judicial norms of neutrality, the members of the majority render decisions in accordance with the "values" they espoused on the campaign trail." (¶77).***

Justice Ziegler dissenting:

Justice Ziegler strongly dissented, arguing the majority engaged in "a jaw-dropping exercise of judicial will, placing personal preference over the constitutional roles of the three branches of our state government and upending a duly enacted law." (¶60). She stated the majority was "compromised when it [came] to the issue of abortion." (¶60).

> ***In this dangerous departure from our constitutional design, our members of the court make up and apply their own version of implied repeal, failing to hew to any semblance of traditional judicial decision-making or jurisprudence." (¶60).***

IRG:

The progressive majority on the Wisconsin Supreme Court delivered on the campaign promises they made during their respective campaigns – overturning an abortion restriction they argued was inconsistent with their "values." Despite the majority claiming the application of implied repeal should remain "rare," it repeals the abortion ban, ignoring subsequent legislative acts that clearly take into account the statute. The new Karofsky Court has signaled they will go down a path of raw judicial power to achieve the results they desire.

WISCONSIN STATE LEGISLATURE V. WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION (2025 WI 27)
"GUBERNATORIAL PARTIAL VETO OF K-12 READING BILL"AGREEMENTS"

WHAT IS THE CASE

This case presented two main issues: (1) whether the Governor exceeded his partial veto authority by partially vetoing Senate Bill 971 (S.B. 971), given that S.B. 971 was not an appropriation bill and thus could only be vetoed in its entirely, and (2) whether JFC improperly withheld $50 million earmarked for literacy programs under 2023 Wisconsin Act 19 from the Wisconsin Department of Public Instruction (DPI), when the funds were appropriated to JFC's supplemental account and JFC exercised discretion to deny DPI's request.

The Court unanimously held that the Governor's partial veto of 2023 Senate Bill 971 (Act 100) was unconstitutional because it was not an appropriation bill, as it did not set aside public funds within its four corners, per the precedent in *Finnegan v. Dammann*, 220 Wis. 143 (1936). The Court also affirmed that the JFC did not improperly withhold $50 million earmarked for literacy programs, as the funds were legally appropriated to JFC under 2023 Wis. Act 19, not directly to the Wisconsin DPI. The Governor's veto, which altered S.B. 971 to consolidate funding accounts for broader literacy initiatives, was invalidated, restoring the bill to its original form. The Court declined to address DPI's claims that JFC's discretion violated constitutional appropriation powers, finding no legal basis to transfer the funds to DPI.

WHY IT MATTERS

The ruling affirms JFC's ability to manage the release of earmarked funds to state agencies, ensuring these funds will be used for the purpose for which they were specifically earmarked. Wisconsin ranks 34th nationally in early reading, adjusted for demographics. Groups like IRG, Decoding Dyslexia, and The Reading League spent years arguing that Wisconsin should copy leading literacy states like Mississippi, Massachusetts, and Florida to teach children how to read. Wisconsin joined much of the nation in doing so when it passed 2023's historic Act 20. However, DPI and the Governor have battled the Legislature on implementation: textbook choices, meeting critical teacher training deadlines, and what aspects of reading reform deserve funding priority.

WHAT'S NEXT

Broken political promises have blemished reading reforms, ultimately leaving schools to rack up bills with no refund. The Legislature now has the opportunity to pass updated Act 20 accountability measures and provide schools with significant funding for reading curriculum, teacher training, and screening tests. The literacy crisis is urgent. It is long past time to put children first.

Justice Bradley writing for a unanimous Court:

> ***"To classify bills that only indirectly affect appropriations as appropriation bills would "extend the scope of the constitutional amendment far beyond the evils it was designed to correct." (¶21).***

> ***"This court has no authority to interfere with the legislature's choices to structure legislation in a manner designed to insulate non-appropriation bills from the governor's exercise of the partial veto power." (¶29).***

IRG:

For a unanimous Wisconsin Supreme Court to affirm that Tony Evers's use of his veto pen was unconstitutional, it's clear that the overuse of his pen is running out of time. The Institute for Reforming Government was proud to join the fight for our kids by pushing smart reforms that will bring our kids back to the top.

LEMIEUX V. EVERS (2025 WI 12)
"GUBERNATORIAL PARTIAL VETO RESULTING IN 402-YEAR REVENUE INCREASE"

WHAT IS THE CASE

The primary issue in this case was whether Governor Evers exceeded his partial veto authority under Article V, Section 10(1) of the Wisconsin Constitution when he modified the 2023-25 biennial budget bill. The Governor used his partial veto power to expand an education revenue limit increase from two fiscal years to 402 fiscal years by striking words and digits from the bill.

In a 4-3 decision, the Court held Governor Evers did not exceed his partial veto authority by extending an education revenue limit increase from two to 402 fiscal years in the 2023-25 biennial budget. The vetoes, according to the majority, complied with established "deletion veto" principles, specifically that the remaining text formed a "complete, entire, and workable law" and did not create new words or sentences. The Court rejected arguments to apply a "write-in veto" principle, which is limited to reducing appropriation amounts, to this case. The Court rejected petitioners' claims that the vetoes violated Wis. Const. Art. V, § 10(1)(b) and (c), as they involved striking words and digits, not creating new words or sentences. Justice Hagedorn dissented, arguing the vetoes unconstitutionally allowed the Governor to create new policy and increase taxes each year for the next 400 years, undermining the Legislature's lawmaking authority. The majority noted the Legislature could address such vetoes through new legislation or constitutional amendments.

WHY IT MATTERS

The Governor of Wisconsin wields one of the most powerful veto pens in the country. Used as intended, it can be a powerful tool to restrain the growth of government, especially in huge bills that roll together thousands of policy and spending items. Citizens rightly loathe the federal government's use of omnibus bills that Congress votes through in the middle of the night without even reading. The partial veto is an important guard against that type of bad policymaking.

However, the partial veto can be abused in ways that actually *increase* the size and scope of government, rather than restraining it. That's what happened here, when Governor Evers used his pen to unilaterally create a 400-year budget increase in spending. That sort of action seems laughably wrong, but this Supreme Court majority has upheld it. In doing so, the Court has given the Governor free reign to rewrite bills, supplanting the elected legislature with a governor who can write new laws one digit, number, or letter at a time.

The decision also runs contrary to the desires of the people of Wisconsin. Twice in recent decades, in 1990 and again in 2008, the people voted to modify the constitutional text to stop "Frankenstein vetoes" and "Vanna White vetoes." Though those modifications may not technically prohibit what Governor Evers did here, his

creative use of the pen is certainly contrary to the common-sense expectations of the people expressed in these two recent plebiscites on this topic.

WHAT'S NEXT

As IRG explained in its amicus brief filed in the case, in 1931, Governor Philip La Follette became the first governor to exercise the partial veto authority, doing so on two occasions. But Governor La Follette's most significant partial veto was the one he never made. In his veto message to that year's budget bill, Governor La Follette noted that the bill reduced the appropriation to the University of Wisconsin from the prior budget. He observed that vetoing the reduced appropriation would have allowed UW's funding to continue at the prior budget's higher level.

Governor La Follette authored a thoughtful veto message explaining that using the partial veto power to increase public spending would be unconstitutional. From 1931–1987, no governor attempted to use the partial veto power to increase public spending or taxation. Unfortunately, governors from both parties have since ignored the precedent established in 1931 and abused the partial veto authority. In light of the Court's decision, Wisconsin governors will be tempted to creatively use their partial veto authority to greatly expand state spending.

Read IRG's amicus brief.

Justice Hagedorn in dissent:

> ***"According to the majority, one option [for lawmaking] looks like this: The legislature passes a bill in both houses and sends it to the governor. The governor then takes the collection of letters, numbers, and punctuation marks he receives from the legislature, crosses out whatever he pleases, and—presto!—out comes a new law never considered or passed by the legislature at all. And there you have it—a governor who can propose and enact law all on his own." (¶41).***

IRG:

The Wisconsin Supreme Court's liberal majority is demonstrating just how reckless it will be with Wisconsinites' taxpayer dollars and constitutional freedoms. By allowing Gov. Evers to unilaterally increase funding for 400 years, the Wisconsin Supreme Court is not only giving a blank check to bureaucrats, but empowering Gov. Evers and future governors to wholesale rewrite laws passed by the State Legislature.

BROWN V. WISCONSIN ELECTIONS COMMISSION (2025 WI 5)
"STANDING TO SEEK JUDICIAL REVIEW OF WEC DECISIONS"

WHAT IS THE CASE

The primary issue in this case was whether Kenneth Brown had standing to seek judicial review of a Wisconsin Elections Commission (WEC) decision regarding in-person absentee voting procedures implemented by the Racine City Clerk during the August 2022 primary election.

In a 4-3 decision, Justice Karofsky, writing for the majority, held that Kenneth Brown lacked standing to seek judicial review of WEC's decision regarding Racine's in-person absentee voting procedures in 2022. The Court held that Brown did not demonstrate a personal injury to a legally recognized interest caused by WEC's dismissal of his complaint, as required by Wis. Stat. § 5.06(8). Brown argued that the Racine City Clerk's use of alternate voting sites and a mobile election unit violated election laws, but the majority found no evidence that these actions directly harmed him. Dissenting justices, including Rebecca Grassl Bradley, argued that Wis. Stat. § 5.06(1) grants voters a legal right to enforce election law compliance, and Brown's complaint should have been sufficient to establish standing.

WHY IT MATTERS

Election officials throughout Wisconsin are entrusted to administer elections in compliance with state law. When election officials conduct elections in violation of state law, swayed election outcomes may occur and public confidence in election results can weaken. Current law allows a voter to file a complaint with WEC if they allege their local election official violated the law. WEC investigates complaints raised by voters and decides if action is necessary to correct unlawful election administration.

The aggrieved party in the WEC ruling may appeal the commission's decision in court; however, *Brown* asserts that a party can only appeal the WEC ruling in court if the party suffers personally from the ruling (i.e. a voter deemed ineligible to vote; a candidate deemed ineligible for ballot access). As a result, voters will not be able to appeal WEC challenges related to unlawfully loose application of election laws, as no direct voter disenfranchisement occurred. The Court in *Brown* highlighted a potential theory of vote dilution that a party could raise but declined to say if such a theory would grant a right to appeal.

WHAT'S NEXT

In light of *Brown*, 2025 Assembly Bill 268 was introduced by Republican state legislators to amend Wis. Stat. § 5.06(8) to allow all WEC decisions to be appealable by the losing party, regardless of whether the party suffered direct personal harm from the decision. AB 263 is currently moving through committee and received a public hearing on June 3 2025. Governor Evers has not made a public statement on whether he would sign this legislation into law.

Justice Karofsky, writing for the majority:

> ***"Aggrieved' is a term of art that we have consistently said requires an injury to a legally recognized interest when used in a statute governing appeals. We take care to reiterate that the bar for demonstrating injury is low." (¶13).***

Justice Bradley dissenting:

> ***"The majority sidesteps the plain language of the text in favor of its own, elects to 'discover hidden meanings' in § 5.06, and produces a 'gratuitously roundabout and complex' interpretation at odds with our recent precedent." (¶40).***

WISCONSIN ELECTIONS COMMISSION V. LEMAHIEU (2025 WI 4)
"WEC DUTY TO APPOINT HOLD-OVER ADMINISTRATOR"

WHAT IS THE CASE

The Court addressed a dispute over whether WEC has a duty to appoint a new administrator after the expiration of Meagan Wolfe's four-year term on July 1, 2023. The Court unanimously affirmed the circuit court's decision in part, holding that Wis. Stat. § 15.61(1)(b)1 does not impose a duty on WEC to appoint a new administrator unless a vacancy exists, which was not the case as Wolfe was lawfully holding over, per *State ex rel. Kaul v. Prehn* (2022 WI 50). The case was remanded to vacate a permanent injunction, as WEC did not seek its continuation. Concurring opinions highlighted tensions regarding *Prehn*, with Justice Ann Walsh Bradley questioning its reasoning but applying it, while Justice Rebecca Grassl Bradley defended *Prehn* and criticized inconsistent judicial approaches.

WHY IT MATTERS

The Wisconsin State Senate is charged with confirming appointments for numerous executive branch appointees, including the administrator of *WEC. Recent decisions in WEC v. LeMahieu* and *State ex rel. Kaul v. Prehn* allow political appointees to serve beyond their term if the executive branch or state senate refuses to vacate their post.

This case is also an interesting exercise in respect for precedent by the progressive majority. *Prehn* was a 4-3 decision by the then-extant conservative majority, with all three progressives then on the Court in dissent. Yet here, given the opportunity to overturn *Prehn*, the progressive majority retained and applied it. This fidelity to precedent in this instance is curious given the progressive majority's decision to overturn precedent last term in the redistricting case and this term in *Evers v. Marklein II* (the JCRAR case).

WHAT'S NEXT

Following the Court's ruling in this case, Republican leaders in the state senate issued the following statement:

> *We are disappointed that the court disagreed with our interpretation of the statute that would have subjected Meagan Wolfe to further legislative oversight. Instead, by refusing to reappoint an administrator, three liberal commissioners have decided that Wisconsinites do not get a say in who administers our elections. Senate Republicans will continue to do everything we can to ensure that Wisconsin has free and fair elections and restore integrity to the process.*

Press Release, Sen. LeMahieu & Sen. Felzkowski, Joint statement on court ruling (Feb. 7, 2025)

Future legislative proposals could amend state law to limit the ability for holdover appointees to remain in their positions beyond the length of their term; however, no new legislation has been introduced at this point in time.

Justice Ziegler, writing for the majority:

> ***"Before this court, the legislators argue that WIS. STAT. § 15.61(1)(b)1 places a duty on WEC to appoint a new administrator to replace Wolfe because her term ended on July 1, 2023, and that the circuit court erred by denying a writ of mandamus compelling WEC to appoint a new administrator. We disagree." (¶15).***

Justice Bradley concurring:

> ***"Have the Prehn dissenters changed their minds or developed respect for the doctrine of stare decisis? Not likely. Although they join the majority opinion, Justice Ann Walsh Bradley, joined by Justices Rebecca Frank Dallet and Jill J. Karofsky double down on their disdain for Prehn, attempting to rewrite the majority opinion in this case to their liking . . ." (¶41).***

CATHOLIC CHARITIES BUREAU, INC. V. WISCONSIN LABOR & INDUSTRY REVIEW COMMISSION (2024 WI 13)
"U.S. SUPREME COURT REVERSAL OF WISCONSIN RELIGIOUS TEST"

WHAT IS THE CASE

The Wisconsin Supreme Court decided *Catholic Charities* in 2024. The U.S. Supreme Court reviewed that decision and reversed it in 2025. Because of what that reversal tells us about the Wisconsin Supreme Court, we include it as an important part of this term in review.

The Catholic Diocese of Superior in Northern Wisconsin operates its social service ministries through its charitable arm, a separately incorporated entity named the Catholic Charities Bureau. This bureau, in turn, operates separately incorporated sub-entities that deliver different specific services, whether housing for the low-income elderly or support for people with disabilities. Several sub-entities sought an exemption to Wisconsin's unemployment tax offered to religious organizations. In a 4-3 decision last year, the Wisconsin Supreme Court held a state agency could tax church-affiliated charitable ministries because the social services were not "churchy" enough–in other words, the same social services could be provided by a secular group. The liberal majority found that Catholic Charities had to pay taxes even though it is an integrated ministry of the Catholic Diocese of Superior. Had the Wisconsin Supreme Court's decision not been reversed, ministries that serve individuals with physical and developmental disabilities would have been required to start paying taxes to the state Department of Workforce Development.

The United States Supreme Court unanimously held that the Wisconsin Supreme Court's application of the state's unemployment tax exemption violated the First Amendment's Religion Clauses. In an opinion authored by Justice Sonia Sotomayor, the Court reversed the Wisconsin Supreme Court's decision denying Catholic Charities Bureau a tax exemption available to religious entities under Wisconsin law on the grounds that they were not "operated primarily for religious purposes" because they neither engaged in proselytization nor limited their charitable services to Catholics violated the First Amendment. Justices Thomas and Jackson filed concurring opinions emphasizing the church autonomy doctrine and a function-based interpretation of the Federal Unemployment Tax Act's religious-purposes exemption, respectively.

WHY IT MATTERS

The United States Supreme Court's decision unanimously overturning the Wisconsin Supreme Court in *Catholic Charities* underscores just how far the liberal majority on the Wisconsin Supreme Court is willing to go to implement its "values" via judicial decisions. The decision stands as an important reminder of the risk associated when a court attempts to implement a religious test on the religious activities of tax-exempt entities (even within the context of providing social services).

WHAT'S NEXT

To remand a case means that a higher court, such as the United States Supreme Court, sends the case back to a lower court (in this case, the Wisconsin Supreme Court or a lower state court) for further proceedings or action consistent with the higher court's ruling. While the Supreme Court decision was welcomed by those who wish to preserve religious liberty and the ability of tax-exempt religious organizations to continue providing critical social services, most state supreme court decisions are not accepted for review by the United States Supreme Court. Wisconsinites should not expect poorly reasoned decisions from the progressive majority of the Wisconsin Supreme Court to be reversed by the nation's high court. Moreover, the Wisconsin Supreme Court is the highest and final authority on the meaning and interpretation of the state constitution and state statutes, so many of its decisions are not reviewable by the U.S. Supreme Court because they do not present a federal question.

Justice Sotomayor, writing for a unanimous Court:

> ***"The Wisconsin Supreme Court's application of §108.02(15)(h)(2) imposed a denominational preference by differentiating between religions based on theological lines. Because the law's application does not survive strict scrutiny, it cannot stand." (p2).***

Justice Thomas concurring:

> ***"The Court concludes that the latter holding of the Wisconsin Supreme Court unconstitutionally discriminates against Catholic Charities and its subentities. I agree and join the Court's opinion in full. I write separately because, in my view, the Wisconsin Supreme Court's first holding was also wrong." (p1).***

> ***"By failing to defer to the Bishop of Superior's religious view that Catholic Charities and its subentities are an arm of the Diocese, the Wisconsin Supreme Court violated the church autonomy doctrine." (p. 14).***

Justice Jackson concurring:

> ***"[T]he Wisconsin Supreme Court's application of that exemption has created a constitutional problem: The State treats church-affiliated charities that proselytize and serve co-religionists exclusively differently from those that do not." (p. 1).***

SERVICE EMPLOYEES INTERNATIONAL UNION HEALTHCARE WISCONSIN V. WISCONSIN EMPLOYMENT RELATIONS COMMISSION (2025 WI 29)

"OBLIGATION OF UW HOSPITALS TO ENGAGE IN COLLECTIVE BARGAINING"

WHAT IS THE CASE

The central issue in this case was whether the Authority was required to engage in collective bargaining under the Wisconsin Employment Peace Act (Peace Act) after the enactment of 2011 Wisconsin Act 10 (Act 10).

Here, the Wisconsin Supreme Court held that the University of Wisconsin Hospitals and Clinics Authority is not required to engage in collective bargaining. This decision clarifies the impact of **Act 10**, which, in 2011, explicitly removed the Authority from the Wisconsin Employment Peace Act's definition of "employer" and eliminated various collective bargaining provisions previously applied to it. The Court's opinion emphasizes that statutory history, including past amendments, is an intrinsic and essential component of interpreting a statute's plain meaning. This outcome means that the Authority's employees do not have the statutory right to collective bargaining under the Peace Act, as those requirements were intentionally ended by the Legislature. The concurring opinions debated statutory interpretation methods, with Justice Dallet advocating for a more "holistic" approach and Justice Bradley defending a text-focused framework.

WHY IT MATTERS

This case directly impacts collective bargaining rights of employees at the University of Wisconsin Hospitals and Clinics Authority. Prior to Act 10, these employees were represented by the SEIU and engaged in collective bargaining. Act 10 explicitly removed references to the Authority as a covered employer in the Peace Act and deleted the requirement for it to engage in collective bargaining.

WHAT'S NEXT

The Court's decision means that the collective bargaining rights that existed prior to Act 10 will not be restored under the current statutory framework. The ruling reinforces the legislative changes brought about by Act 10, solidifying the limitations on collective bargaining for certain public and quasi-public entities in Wisconsin. It suggests that any future changes to restore collective bargaining rights for Authority employees would need to come through new legislative action, not judicial reinterpretation of existing statutes.

While the specific outcome of the case on collective bargaining is clear, the concurring opinions signal a continuing and vigorous debate within the Wisconsin Supreme Court on the proper methodology for statutory interpretation.

Justice Bradley concurring:

> ***"[Justice Dallet's] push to dismantle the guardrails of textualism in favor of a vague and malleable 'holistic' approach to statutory interpretation—an interpretive method embraced mostly by far-left progressive jurists—would remove any remaining constraints on judicial overreach." (¶36).***

ABBOTSFORD EDUCATION ASSOCIATION V. WISCONSIN EMPLOYMENT RELATIONS COMMISSION
"THE CONSTITUTIONALITY OF ACT 10"

WHAT IS THE CASE

This case is currently pending before the Wisconsin Court of Appeals. We expect that whichever side loses there will be an appeal to the Wisconsin Supreme Court. Because this case strikes at the heart of Act 10, we include it as an update for those interested in the Wisconsin courts.

The petitioners assert that Act 10 imposes severe burdens on "general" employees, restricting their bargaining rights to base wages (capped by the consumer price index), eliminating impasse resolution processes, limiting agreement durations to one year, subjecting them to annual recertification elections requiring 51% of all eligible voters (not just those voting), and prohibiting payroll deduction of union dues. "Public safety" employees, in contrast, are not subject to these restrictions. The petitioners highlight that the "public safety" classification itself is arbitrary, excluding some employees who perform clear public safety functions (e.g., Capitol Police, state correctional officers) while including others (e.g., state motor vehicle inspectors).

After years of lawsuits that upheld Act 10, a Dane County judge declared Act 10 violates the state constitution. The Dane County circuit court's decision striking down Act 10 is currently on appeal before District II. The judge has stayed his decision, i.e., put on a temporary pause while that appeal is heard, because of the disruption that repeal would cause. A federal appeals court has already upheld Act 10 on this same legal theory, regarding the differential treatment of first responders from other types of public employees (*Wisconsin Education Association v. Walker*, 705 F.3d 640 (7th Cir. 2013)). The plaintiffs are asking the court to ignore the federal court ruling and adopt the same theory as a matter of state constitutional law.

WHY IT MATTERS

A reversal of Act 10 would be devastating to Wisconsin's schools. According to a report from the Wisconsin Institute for Law & Liberty, restoring collective bargaining for teacher salaries could cost districts and the state nearly $650 million annually, eliminating employee contributions to retirement would cost districts and the state about $422 million annually, and eliminating employee contributions to healthcare would cost districts and the state about $560 million annually. That amounts to about $2,000 per student in additional costs.

As a result of the financial costs, districts would be faced with painful decisions. According to one superintendent interviewed by WILL, "if the unions would recertify and we return to the old CBA format, we likely would lose our ability to use the following strategies for hiring and retaining high quality staff: offering higher compensation for hard to fill positions, offering merit pay and the ability to bonus outstanding efforts

by employees, offering to compensate for specific continuing education, and the ability to assign teachers to special leadership roles."

The executive director of the Wisconsin Association of School Boards echoed these concerns, commenting if Judge Frost's decision remains in place, it provides no additional resources to school districts, but requires school districts to bargain over wages, hours and conditions of employment. As national NAEP results show Wisconsin students have not recovered from the pandemic, the stakes are high.

WHAT'S NEXT

The Frost case is working its way through the appellate system. The Wisconsin Supreme Court declined immediately hearing the case, instead allowing the Court of Appeals to weigh in. It is likely that the Wisconsin Supreme Court will eventually hear the case.

IRG:

The Wisconsin Supreme Court could overturn a decade of progress in public education with a single decision overturning Act 10, which would handcuff locally elected school boards from managing their schools. Overturning Act 10 would bring Wisconsin students backward in a time when our students are struggling.

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