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Law Forward Initiates Class Action Lawsuit Against the City of Madison and Dane County for Depriving 193 Residents of the Right to Vote in the Presidential Election

Law Forward, a nonprofit pro-democracy law firm, will be prosecuting a class action lawsuit on behalf of absentee voters in the City of Madison who were denied the right to vote in the 2024 presidential election. That litigation process commenced with the service of claims notices on the City of Madison and Dane County.

“Every vote counts, and every vote must be counted. But our clients were disenfranchised through no fault of their own,” said Scott Thompson, Staff Counsel, Law Forward. Our message today is clear: the right to vote must be protected. And when it is not, we’ll see you in court.”

According to a letter sent by the City of Madison’s Clerk’s Office to the Wisconsin Elections Commission, 193 absentee votes were discovered in sealed courier bags after the November 5, 2024, election — while there was still time for the votes to be counted and included in state’s final official canvass. But no action was taken, and all 193 voters were deprived of their right to vote.

“Many of these uncounted votes belonged to University of Wisconsin students in downtown Madison. The students were voting in their very first presidential election and perhaps one of the most consequential elections of their lives. Some of them had worked hard to turn out the vote during this election cycle. Although their votes were all cast diligently and properly, none of their votes were counted. The harm they suffered is significant and cannot be repaired,” said Jeff Mandell, General Counsel of Law Forward.

In election after election, anti-democracy forces have worked to toss Wisconsinites off the voter rolls, add roadblocks to the voting process, and even discard hundreds of thousands of validly cast absentee ballots. We are still investigating, but this does not appear to be the type of coordinated effort to toss out ballots like we saw in the 2020 presidential election. These officials have a long record of protecting voting rights, but this lawsuit sends a clear message to anyone seeking to interfere with a Wisconsinite’s right to vote: there will be a price to pay.

The notices served on the City and the County identify the harm to individual voters at \$175,000. As with other serious claims against municipalities, this exceeds the \$50,000 statutory cap on damages for claims against municipalities.

“We don’t know who our plaintiffs voted for. We don’t ask, and we don’t care. What is clear is that their right to vote in the 2024 general election was taken away. This was a very consequential election that had, and will continue to have, a very direct impact on their lives, so the deprivation of their fundamental right to participate, to have their votes counted, is a significant injury,” added Mandell.

Learn more about this case and others at LawForward.org.

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