

STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY

WISCONSIN DEMOCRACY CAMPAIGN,
[REDACTED]

PAUL GAGLIARDI, individually and as a
relator on behalf of the State of Wisconsin,
[REDACTED]

DEBORAH PATEL, individually and as a
relator on behalf of the State of Wisconsin,
[REDACTED]

Plaintiffs,

v.

ELON MUSK,
[REDACTED]

AMERICA PAC,
c/o Northwest Registered Agent LLC,
8401 Mayland Drive, Suite A
Richmond, VA 23294,

UNITED STATES OF AMERICA INC.,
c/o Registered Agent Solutions,
5301 Southwest Parkway,
Suite 400, Austin, TX 78735,

Defendants.

Case No. _____

Case Codes:

Declaratory Judgment 30701

Intentional Tort 30106

Other Injunction 30704

COMPLAINT

“We would not hold that a man may buy a public office, especially a most important and responsible judicial office, just as he would buy a horse at auction, that is, by offering to pay more for it than any other person is willing to pay.

“We can never give the sanction of this court to a doctrine so pernicious.”

State ex rel. Newell v. Purdy, 36 Wis. 213, 224–25 (1874).

Plaintiffs Wisconsin Democracy Campaign (WDC) and, individually and as relators on behalf of the State of Wisconsin, Paul Gagliardi, and Deborah Patel (Individual Plaintiffs and, collectively with WDC, Plaintiffs) bring this Complaint against Defendants Elon Musk, America PAC, and United States of America Inc.

INTRODUCTION

1. In the closing days of the 2025 Wisconsin Supreme Court election, Defendant Elon Musk, the world’s richest man, and his political organizations, Defendants America PAC and United States of America Inc., implemented a brazen scheme to bribe Wisconsin citizens to vote.

2. To effectuate this scheme, Defendants injected tens of millions of dollars into the electoral campaign, including by paying millions directly to Wisconsin voters, bribing them to vote.

3. Musk made his reasons for these actions clear: he wanted Judge Brad Schimel to defeat Judge Susan Crawford in the election.

4. As Musk told followers on X—the social media platform he owns—during an event where he appeared with Judge Schimel, “Please anyone, if you have

any friends, family in Wisconsin, send them a note and ask them to vote early for, um, Justice [*sic*] Schimel, and um, because this, actually, this election is gonna affect everyone in the United States.”

5. To engineer Judge Schimel’s victory, Musk and the other Defendants conspired to develop and implement their scheme to pay Wisconsin voters to vote.

6. First, Defendants paid or caused to be paid registered Wisconsin voters \$100 to sign a “Petition in Opposition to Activist Judges” (the Petition) and \$100 for each successful referral to another registered Wisconsin voter who signed the Petition.

7. Second, Defendants paid or caused to be paid millions of dollars in “award[s]” to Wisconsin voters. Musk stated that the \$1 million awards were “*in appreciation for you taking the time to vote.*”

8. Wisconsin law prohibits offering, giving, and/or promising to give any amount of money over \$1 to induce anyone to: (a) go to the polls, (b) vote, and/or (c) vote for a particular person.

9. By offering and paying Wisconsin citizens amounts far greater than \$1 to vote, Defendants violated Wisconsin’s election bribery law.

10. Defendants’ payments and offers of payment to Wisconsin voters, made with the clear intent to aid one candidate and induce Wisconsinites to vote, threatened the integrity of the election and damaged public confidence in the electoral system.

11. Defendants' election bribery also distorted the political process by transforming the elective franchise from a sacred, solemn, and priceless constitutional right into a tawdry display of economic might, complete with the allure of million-dollar awards to entice prospective Wisconsin voters.

12. Following the 2025 Wisconsin Supreme Court election, Musk has remained heavily involved in politics and provided additional funding to select politicians, including in Wisconsin.

13. Absent this Court's intervention, Defendants retain the power, capacity, and intent to repeat their unlawful conduct in future Wisconsin elections.

14. Plaintiffs had vested, particular, and unique interests in Wisconsin's 2025 Wisconsin Supreme Court election and will have such interests in Wisconsin's future elections.

15. Wisconsin law protects these interests.

16. Through this civil action, Plaintiffs seek to redress Defendants' unlawful conspiracy to commit election bribery and the public nuisance that they caused and to obtain declarations from this Court that Defendants' conduct, as described in this Complaint: (a) violated Wis. Stat. § 12.11(1m)'s prohibition on vote bribery and (b) violated Wis. Stat. § 945.02(3)'s prohibition on unauthorized lotteries, both in ways that infringed, and on replication would further infringe, upon Plaintiffs' legally protected interests. Plaintiffs also claim that Defendants' actions constituted an unlawful civil conspiracy and public nuisance in violation of Wis. Stat. § 823.02.

17. In addition, Plaintiffs seek injunctive relief barring Defendants from replicating any such unlawful conduct in relation to future Wisconsin elections.

PARTIES

18. Plaintiff Wisconsin Democracy Campaign (WDC) is a non-partisan, Wisconsin-based advocacy organization, organized under Wisconsin law and recognized as tax exempt under Section 501(c)(3) of the IRS Code.

19. The mission of WDC, as a leading non-profit, non-partisan, watchdog organization, is to advocate for and educate around transparency and accountability in government to create a just democracy.

20. As part of this mission, WDC expends resources—money, staff time, and its goodwill—to monitor, publicly report, and advocate for a reduction in, and regulations upon, the amount of money spent by individuals and corporations to influence Wisconsin elections.

21. WDC's headquarters are located at [REDACTED]
[REDACTED].

22. Plaintiff Paul Gagliardi (Gagliardi) is a registered, and regular, Wisconsin voter residing at [REDACTED].

23. Gagliardi regularly invests his time, money, and reputation into Wisconsin elections and specifically did so in connection with Wisconsin's spring 2025 Supreme Court election.

24. Gagliardi intends to continue this pattern of political activity in future elections.

25. Plaintiff Deborah Patel (Patel) is a registered, and regular, Wisconsin voter residing at [REDACTED].

26. Patel regularly invests her time, money, and reputation into Wisconsin elections and specifically did so in connection with Wisconsin's spring 2025 Supreme Court election.

27. Patel intends to continue this pattern of political activity in future elections.

28. Defendant Elon Musk is a multi-billionaire. He is widely reported to be the wealthiest individual in the world.

29. Musk is an adult resident of Texas whose last known address is [REDACTED].

30. Musk is the founder of Defendant America PAC (APAC).

31. Commonly referred to as a "Super PAC," APAC is a federally registered, independent, expenditure-only political committee organized under 52 U.S.C. Subtitle III Ch. 301.

32. APAC is also a Virginia nonstock corporation with a principal office address of [REDACTED].

33. APAC's registered agent for service of process is Northwest Registered Agent LLC, 8401 Mayland Drive, Suite A, Richmond, VA 23294.

34. Musk has contributed millions of dollars to APAC.

35. APAC defines its mission as “to support candidates who champion Secure Borders, Sensible Spending, Safe Cities, Fair Justice System, Free Speech and Self Protection.”

36. Defendant United States of America Inc. (USAI) is a Texas corporation, with a mailing address of [REDACTED].

37. USAI has contributed millions of dollars to APAC.

38. USAI’s registered agent for service of process is Registered Agent Solutions, 5301 Southwest Parkway, Suite 400, Austin, TX 78735.

39. On information and belief, Musk played a role in creating USAI.

40. On information and belief, Musk has contributed millions of dollars to USAI.

JURISDICTION AND VENUE

41. This Court has jurisdiction over the subject matter of this dispute pursuant to Article VII, Section 8 of the Wisconsin Constitution and Wis. Stat. § 753.03, which grant this Court subject matter jurisdiction over all civil matters within this State.

42. Jurisdiction over Defendants is conferred by Wis. Stat. § 801.05(1)(d), (3), and (4).

43. Venue is proper in Dane County because it is one of the counties in which the claim arose. Wis. Stat. § 801.50(2)(a). Alternatively, Dane County is the proper venue because it has been designated by Plaintiffs. Wis. Stat. § 801.50(2)(d).

FACTS

44. The principal facts of this dispute arose during the 12 days preceding the 2025 Wisconsin Supreme Court election.

45. Throughout the campaign, Defendants collectively made substantial expenditures to influence the 2025 Wisconsin Supreme Court election.

46. But in those final days, Defendants coordinated their activities and chose to use their ample funds to facilitate election bribery and a lottery, in clear violation of Wisconsin law.

March 20, 2025: The Petition

47. On March 20, 2025, APAC posted the Petition.

48. Although anyone throughout the country could sign, APAC offered registered Wisconsin voters a sweetener: \$100 to sign the Petition, as well as an additional \$100 for each successful referral to another registered Wisconsin voter who then signed the Petition.

49. To sign the Petition, a registered Wisconsin voter was required to provide APAC with their first and last name, email address, cell phone number, and mailing address.

50. There was no stated limit on how many referral bonus payments a registered Wisconsin voter could receive from APAC.

51. There was no actual limit on how many referral bonus payments a registered Wisconsin voter could receive.

52. The following is a true and correct copy of the language of the Petition and the \$100 offer(s):



Petition in Opposition to Activist Judges

Judges should interpret laws as written, not rewrite them to fit their personal or political agendas.

By signing below, I'm rejecting the actions of activist judges who impose their own views and demanding a judiciary that respects its role—interpreting, not legislating.

SPECIAL OFFER FOR WISCONSIN REGISTERED VOTERS

Sign this petition and get \$100. Refer a petition signer and get \$100.

Offer valid from time of posting through 11:59 PM on 4/1/2025. To be eligible, both the referrer and the petition signer must be registered voters of Wisconsin.

53. After APAC posted the Petition on its website, Musk promoted the Petition on the social media platform X (formerly known as Twitter), which he owns.

54. Per the website, the offer(s) expired at the end of Election Day, April 1, 2025.

55. Upon information and belief, APAC caused payments in the amount of \$100 to be issued to those registered Wisconsin voters who signed the Petition.

56. Upon information and belief, APAC caused payments, in the amount of \$100 per successful referral, to be issued to those registered Wisconsin voters who referred the Petition to other registered Wisconsin voters who then signed the Petition.

57. USAI disbursed these payments.

58. USAI transmitted the payments to the recipients via email.

59. The email transmitting payments from USAI states, “United States of America Inc. sent you a payment...”

60. The following is a true and correct copy, with the payee’s personal information redacted, of the substance of an email transmitting a payment from USAI to a signer of the Petition:

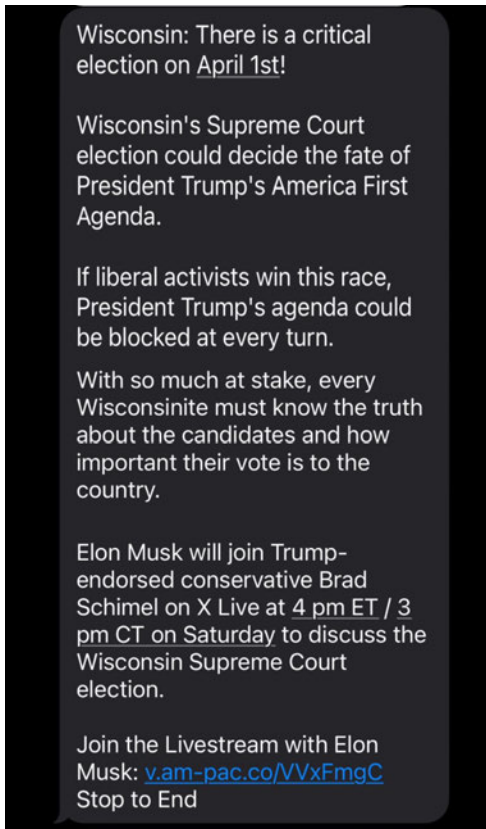


Thank you for being a part of the petition program and for filling out your vendor details. You can now print your check for in-person or mobile deposit.

[Click here to deposit this check](#)

March 22, 2025: The “X Live” Conversation

61. At least a portion of the registered Wisconsin voters who had already signed the Petition were sent the following text message announcing an “X Live” conversation to be held on Saturday, March 22, 2025:



62. On information and belief, this text message was sent at the direction of one or more Defendants.

63. On information and belief, the web address in the text message, v.am-pac.com/VVxFmgC, was hosted by or at the direction of APAC.

64. On information and belief, the web address in the text message, v.am-pac.com/VVxFmgC, linked at the time to Defendant APAC's website and was created at the direction of one or more Defendants.

65. On information and belief, signers of the Petition received this text message because they had signed the Petition.

66. When clicked, the link included in the text opened the "X Live" conversation in a browser window.

67. Judge Schimel's campaign (@TeamSchimel) publicly announced the "X Live" conversation.

68. The following is a true and correct copy of the announcement from Judge Schimel's campaign:



69. Musk reposted the @TeamSchimel announcement to his own personal X account.

70. In reposting the @TeamSchimel announcement, Musk characterized the conversation as one that would be "addressing judicial activism broadly and the Wisconsin Supreme Court election specifically with Brad Schimel."

71. The following is a true and correct copy of Musk's repost:



72. Along with Musk and Judge Schimel, Wisconsin’s senior U.S. Senator, Ron Johnson, participated in the “X Live” conversation on March 22, 2025.

73. During the “X Live” conversation, Musk, Judge Schimel, and Senator Johnson all overtly promoted Judge Schimel’s candidacy for the Wisconsin Supreme Court.

74. A true and correct copy of the portion of public audio from the “X Live” conversation during which Musk, Judge Schimel, and Senator Johnson spoke is available at <https://app.box.com/s/eknyyo62geambcztnehu2etl1jdujncr>.

75. During the “X Live” conversation, Musk said:

[T]he reason I’m bringing this to people’s attention is because this really has implications for Wisconsin, but for the whole country. So that’s why I’m really urging—please anyone, if you have any friends, family in Wisconsin, send them a note and ask them to vote early for, um, Justice [sic] Schimel, and um, because this, actually, this election is gonna affect everyone in the United States, so um, reach out to your friends and family in Wisconsin, um, you know,

educate them as to the importance of this race. It might not seem important, but it's actually really important, and it could decide the fate of the country. So it's a big deal, and that's why I'm, you know, taking everyone's time to endorse Justice [sic] Schimel, and because—it's a big deal.

76. During the “X Live” conversation Musk also said, “Once again, everyone get your friends and family—text them, call them, and tell them to vote for Justice [sic] Schimel this week. Early vote, let's go.”

March 26-28, 2025: the First \$1,000,000 Payment

77. On March 26, 2025—four days after the X live conversation—APAC posted on its X account that a voter from Green Bay had become the “first \$1 Million spokesperson for signing our Petition...”

78. A true and correct copy of the of this announcement is included here (partially redacted):



From Green Bay, WI is the first \$1 Million spokesperson for signing our Petition In Opposition To Activist Judges.

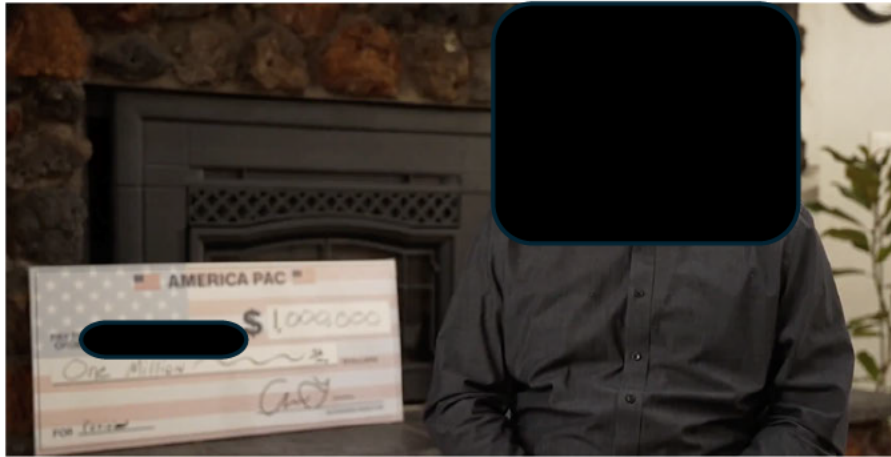
Stay tuned between now and April 1st for more surprise announcements from Wisconsin.

SIGN: petition.theamericapac.org

79. On March 28, 2025, America PAC posted a video featuring the first person to receive \$1 million (Recipient 1) after signing the Petition.

80. In the video, Recipient 1 states “Everyone should do what I did: sign the petition, refer your friends, get out and vote early for Brad Schimel.”

81. In the video, Recipient 1 poses in front of the \$1,000,000 check (the signer's name and likeness have been redacted below):



82. After displaying Recipient 1 in front of the \$1,000,000 check, the video transitions away from Recipient 1, and into text stating that Recipient 1 “earned” \$1 million for signing the Petition.

83. The video also displays the link to the Petition.

84. The following is a true and correct copy of the language displayed in the video (partially redacted):



85. On the same day it was published on X, March 26, 2025, Musk reposted APAC's announcement of the first \$1 million payment.

86. In his repost, Musk described the first \$1 million payment as an “award” and stated that the “[n]ext million dollar award will be announced in 2 days.”

87. The following is a true and correct copy of Musk’s repost (partially redacted):



88. Defendants did not announce a subsequent “million dollar award” in the two-day window referenced in the previous paragraph.

March 27, 2025: Announcement of the Green Bay Event

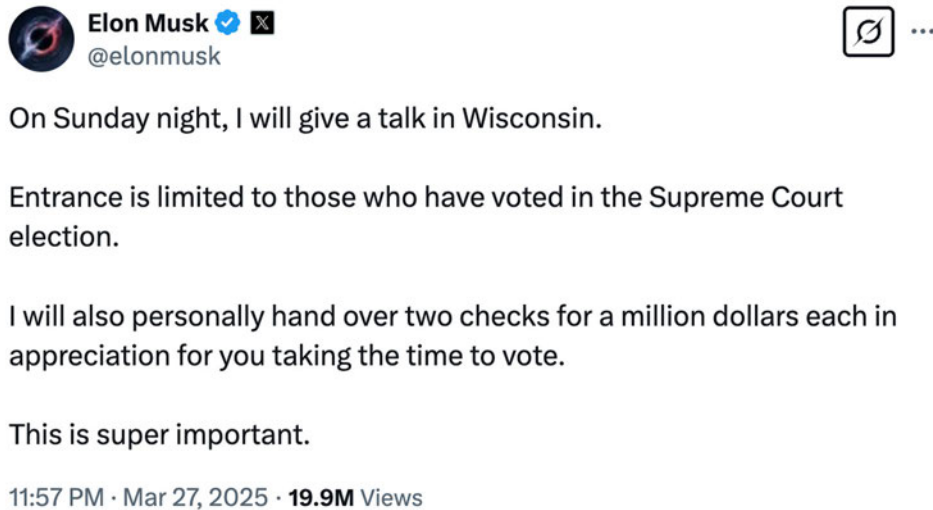
89. Shortly before midnight Central Time, on March 27, 2025, Musk announced on X that he would be speaking in Wisconsin at an event (the Event) on Sunday, March 30, 2025.

90. In this announcement (the First Announcement), Musk stated that at the Event he would “hand over two checks for a million dollars each in appreciation for you taking the time to vote.”

91. In the First Announcement, Musk stated that entrance to the Event would be limited to those who had voted in the Wisconsin Supreme Court election.

92. According to the publicly available view count on X, the First Announcement was viewed 19.9 million times.

93. The following is a true and correct copy of the First Announcement:



94. Musk later deleted the First Announcement.

95. After doing so, he posted a subsequent announcement (the Second Announcement) for the event.

96. In the Second Announcement, Musk “clarif[ied]” that “entrance is limited to those who have signed the petition in opposition to activist judges.”

97. According to the publicly available view count on X, the Second Announcement was viewed 2.5 million times.

98. The following is a true and correct copy of the Second Announcement:



On Sunday night, I will give a talk in Wisconsin.

To clarify a previous post, entrance is limited to those who have signed the petition in opposition to activist judges.

I will also hand over checks for a million dollars to 2 people to be spokesmen for the petition.

12:28 PM · Mar 28, 2025 · 2.5M Views

March 30, 2025: The Green Bay Event

99. On March 30, 2025, APAC and Musk hosted the Event in Green Bay, Wisconsin.

100. Prior to the Event, APAC required that those hoping to attend the Event fill out a registration form.

101. APAC posted the registration form online.

102. On information and belief, the registration form was posted on a website controlled by APAC.

103. The title of the registration form read, "Town Hall with Elon Musk."

104. Signing the Petition was a prerequisite for a member of the general public to gain access to the Event.


105. To complete the registration form, prospective attendees were also required to identify how they planned to vote in the 2025 Wisconsin Supreme Court election.

106. The registration form did not provide the option to indicate that a registrant would not be voting in the 2025 Wisconsin Supreme Court election.

107. A true and correct copy of the registration form, featuring the drop-down menu responses to the question “How do you plan to vote?” is copied here:

Town Hall with Elon Musk

Event Details:

Green Bay, WI 

Date: March 30, 2025

Time: 6:30 PM CT

Criteria to attend:

- [Entrance is limited to those who have signed the petition in opposition to activist judges.](#)

First Name * Last Name *

Email Address *

Cell Phone Number *

How do you plan to vote? *

✓ Select your voting plan

Already Voted

Early Vote

Absentee Ballot

Vote on Election Day

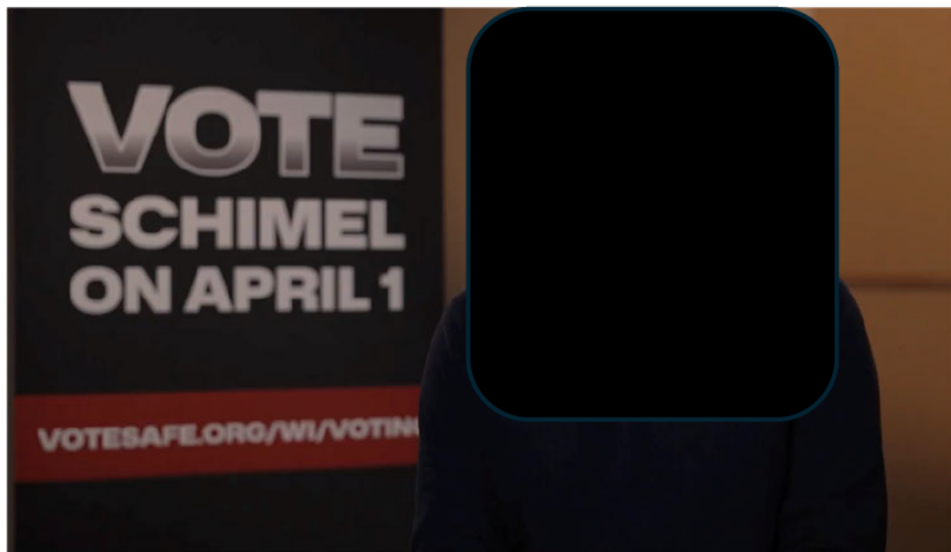
108. At the Event, Musk called two separate attendees onto the stage and handed each of them a \$1 million check. Both recipients were qualified Wisconsin voters who had already voted for Judge Schimel. (The recipients' names and likenesses have been redacted below.)



March 31, 2025: Advertising \$1,000,000 Awardees

109. On March 31, 2025, APAC posted a video to X featuring a person who received a \$1 million check at the Event (Recipient 2).

110. In the video, Recipient 2 speaks near a sign that reads, “VOTE SCHIMEL ON APRIL 1.”



111. A true and correct copy of that video is available for download at <https://app.box.com/s/3jdi9m6eh3xs373p2z9d8bilz4bfzmt5>.

112. During the video, Recipient 2 stated: “So, I was in the audience and my name was called as the recipient of a check for a million dollars, and I didn’t believe

it. I was nervous. I was shaking. And then I got up on stage and ... seeing it, and in person, I mean it was incredible because you never think that you're gonna receive things like this."

113. During the video, Recipient 2 stated: "I know how hard it is to get people to vote. What Elon is doing, by having these town halls, and bringing attention to everything, and having these petitions, he is motivating people to go out and vote in a way that hasn't been done before."

114. During the video, Recipient 2 also stated: "Everybody needs to do what I just did: sign the petition, refer your friends, and go out to vote for Brad Schimel."

115. Near Recipient 2 for the duration of Recipient 2's recorded statement was a sign stating, "VOTE SCHIMEL ON APRIL 1" and directing viewers to <https://votesafe.org/wi/voting>, a website paid for by APAC that encouraged and provided individuals with information about how to register to vote in the election on April 1, 2025.

116. After Recipient 2's statement concludes, the video displays text that reads, "VOTE SCHIMEL ON APRIL 1."

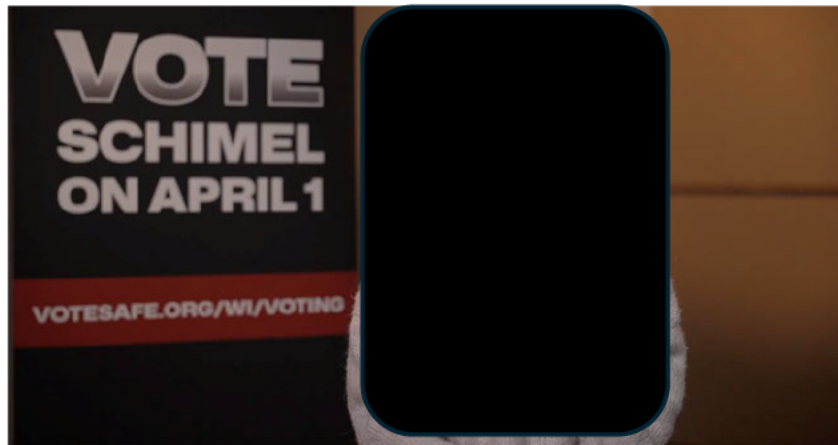
117. A true and correct copy of the text displayed at the end of Recipient 2's video is copied here:



118. APAC posted a second video on March 31, 2025, with the other Wisconsin voter (Recipient 3) who received a \$1 million check at the event.

119. A true and correct copy of that video is available for download at <https://app.box.com/s/2kjr1lyn152f4v8ousd5y31zwkvvdjbh>.

120. The second video begins with Recipient 3 situated near a sign that reads, “VOTE SCHIMEL ON APRIL 1.”



121. During the video, Recipient 3 stated: “I did exactly what Elon Musk told everyone to do: sign a petition, refer friends and family, vote, and now I have a million dollars.”

122. During the video, Recipient 3 also stated: “I signed the petition because we need to stop Susan Crawford and get Brad Schimel to win Wisconsin. April 1st is right around the corner, so we need to get everyone to get up and go vote for Brad Schimel.”

123. Near Recipient 3 for the duration of Recipient 3’s recorded statement was a sign stating, “VOTE SCHIMEL ON APRIL 1” and directing viewers to <https://votesafe.org/wi/voting>, a website paid for by APAC that encouraged and provided individuals with information about how to register to vote in the election on April 1, 2025.

124. After Recipient 3’s statement concludes, the video again displays text that reads, “VOTE SCHIMEL ON APRIL 1.”

125. A true and correct copy of the text displayed at the end of Recipient 3’s video is copied here:



The Consequences

126. In the immediate run-up to an election for statewide public office, Defendants attempted to transform a civic duty and constitutional right into a quid pro quo: the votes of Wisconsinites for money from the richest man on Earth.

127. Press coverage recognized the dangers that Defendants’ conduct posed to the state’s elections and judiciary. *See, e.g.*, Jill Colvin & Scott Bauer, *Is Elon Musk skirting election law in the Wisconsin Supreme Court race?*, Associated Press (Mar. 28, 2025), available at <https://apnews.com/article/wisconsin-supreme-court-petition-million-dollars-law-3501e3c50d6c55e585d67da6b5513208> (last visited June 9, 2025); Rex Huppke, *In Wisconsin Supreme Court Election, I’ll gladly take Musk’s \$1 million bribe!*, USA Today (Apr. 1, 2025) (“What’s the point of being the richest man in the world if you can’t impulse-buy an occasional democracy?”), available at <https://perma.cc/CCZ9-28YV>; Ari Berman, *Elon Musk’s Attempt to Buy the Wisconsin Supreme Court Reaches a New Low*, Mother Jones (Mar. 29, 2025), available at <https://perma.cc/KJU9-VNSM>; Andy Craig, *Yes, Elon Musk’s Vote-Buying Is Against the Law*, The Bulwark (Apr. 8, 2025), available at <https://perma.cc/RJE8-DLE5>.

128. Defendants’ unlawful conduct creates the risk that Wisconsin elections will become an open auction, where votes go to the preferred candidates of the highest bidders and the election outcome is determined by which candidate has a patron willing and able to pay the highest sum to Wisconsin voters.

129. In the context of an election for Wisconsin’s highest court, election bribery—providing more than \$1 to induce electors (that is, voters) to vote—undermines voters’ faith in the validity of the electoral system and the independence of the judiciary.

130. Such misconduct infringes upon the Plaintiffs’ (and all Wisconsinites’) interest in the “[m]aintenance of free government.” Wis Const. art. I, § 22.

131. As the framers of the Wisconsin Constitution recognized, this “blessing[] ... can only be maintained by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.” *Id.*

132. Indeed, state law protects this “blessing”—which all Wisconsinites share, and which Plaintiffs seek to vindicate—in numerous ways, including by a statute that prohibits election bribery.

133. The Supreme Court of Wisconsin has recognized that political campaign conduct suggesting bribery violates fundamental principles of governance. *See State ex rel. Newell v. Purdy*, 36 Wis. 213, 223–25 (1874).

134. “The evils of such a condition are of very grave import; and we are warned by the experience and the wisdom of centuries, to avoid them. When our elections to fill public offices cease to express the free, intelligent and unbiased judgment and choice of the electors; when they shall be controlled or materially influenced by pecuniary offers made by the candidates, whether to the electors, or to the municipality (which is but the aggregation of the electors)—a most vital condition of free government will be disregarded.” *Id.* at 224.

135. For Plaintiffs, and the State of Wisconsin, Defendants’ scheme threatened a free election, a “vital condition” upon which a free government relies. *Id.*

136. Moreover, Defendants’ actions undermined Plaintiffs’ (and all Wisconsinites’) constitutional right to be free from corruption and bribery. *See Wis Const. art. XIII, § 11.*

137. Plaintiff WDC's most elementary organizational interest, "a clean government, where people matter more than money," is also directly compromised by Defendants' scheme.

138. Similarly, this organizational interest will be compromised again when Defendants' illegal conduct is replicated.

139. Plaintiff Patel expended additional thousands of dollars, much more than she intended to expend before the Petition went live, in campaign contributions to counter Defendants' conspiracy to bribe and influence voters.

140. Individual Plaintiffs spent additional time campaigning to, similarly, attempt to counter Defendants' scheme.

141. Individual Plaintiffs will be forced into additional campaigning and campaign spending in response to Defendants' illegal conduct, when replicated in the future.

142. The right to vote is both necessary to protect, and a fundamental component of, a free government.

143. "[T]he right to vote ... is guaranteed by the fundamentally declared purpose of government." *State ex rel. McGrael v. Phelps*, 144 Wis. 1, 15, 128 N.W. 1041 (1910).

144. "[T]he right to vote is the right to participate in an electoral process that is necessarily structured to maintain the integrity of the democratic system." *Burdick v. Takushi*, 504 U.S. 428, 441 (1992).

145. Purchasing, or attempting to purchase, votes is so corrosive that it undermines the rights of all Wisconsin voters, including WDC's constituents and Individual Plaintiffs.

146. At bottom "[t]here is no reason defendant[s] should be permitted openly, notoriously, and flagrantly to violate our valid laws enacted for benefit of our people. The state would be weak indeed if it were powerless to prevent it." *State v. J. C. Penney Co.*, 48 Wis. 2d 125, 155, 179 N.W.2d 641 (1970).

147. That is particularly so in the context of an election, where illegal conduct threatens the very structure of Wisconsin's government.

The Risk of Future Unlawful Conduct

148. Following the Wisconsin Supreme Court election, Musk continued to remain involved in politics and spend money in support of select politicians. Hannah Knowles, *Musk to keep spending on politics despite Wisconsin loss, GOP doubts*, Washington Post (Apr. 2, 2025), available at: <https://www.washingtonpost.com/politics/2025/04/02/musk-spending-politics-republicans-campaigns/> (last visited June 9, 2025).

149. Earlier this year, Musk provided funding to select politicians who have criticized or threatened to impeach federal judges who have ruled against the Trump administration. Clara Ence Morse, *Elon Musk focuses donations on GOP lawmakers targeting judges*, Washington Post (Apr. 16, 2025), available at: <https://www.washingtonpost.com/technology/2025/04/16/elon-musk-campaign-donations-judges-impeach/> (last visited June 9, 2025).

150. Musk himself has criticized judges, calling federal Judge James Boasberg “a radical activist cosplaying as a judge” in a post on X. *See* <https://perma.cc/5JJR-4ZK6>.

151. Just last week, Musk touted the influence of his money in politics, posting on X, “Without me, Trump would have lost the election, Dems would control the House and the Republicans would be 51-49 in the Senate.” *See* <https://perma.cc/F4YG-4KFW>. Musk then posted a follow-up on X: “such ingratitude.” *See* <https://perma.cc/F97P-7KL2>.

152. Defendants’ scheme during the 2025 Wisconsin Supreme Court election was just the latest in a pattern of misconduct undermining the integrity of elections.

153. Before the 2024 United States presidential election, Defendants offered \$47 to individuals (in Wisconsin and across the country) who referred registered voters to sign the “Petition in Favor of Free Speech and the Right to Bear Arms.”

154. On October 6, 2024, Musk posted on X, “For every person you refer who is a swing state voter, you get \$47! Easy money.” *See* <https://perma.cc/9MKA-HVJQ>.

155. On October 20, 2024, Musk posted on X, “Every day, from now through Nov 5, @America PAC will be giving away \$1M to someone in swing states who signed our petition to support free speech & the right to bear arms!” *See* <https://perma.cc/F5Q6-B9ED>.

156. America PAC represented that it distributed \$1 million payments to several individuals. For example, on October 20, 2024, America PAC posted on X, “John received \$1 MILLION for signing America PAC’s petition to support Free

Speech & Right to Bear Arms[.] Every day from now until Election Day, one registered swing state voter who signs the petition will be selected to earn \$1 MILLION.” See <https://perma.cc/2ULC-FUU9>.

157. As the world’s richest person, Musk is uniquely positioned to continue to provide million-dollar “award[s]” to voters during campaigns.

158. On information and belief, Defendants intend to repeat the basic elements of this scheme to warp future elections in Wisconsin.

159. Taken as a whole, Defendants’ scheme during the 2024 presidential election, their conduct in the 2025 Wisconsin Supreme Court election, their continued involvement in electoral politics, Musk’s repeated attacks on the judiciary, and Defendants’ vast resources, demonstrate their intent, capacity, and power to repeat their actions during future Wisconsin elections, absent an order declaring their conduct unlawful and enjoining them from such conduct in the future.

CLAIMS FOR RELIEF

COUNT ONE

AGAINST ALL DEFENDANTS

Declaratory Judgment under Wis. Stat. § 806.04: Election Bribery

160. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

161. Election bribery is a Class I felony under Wisconsin law. Wis. Stat. §§ 12.11, 12.60(1)(a).

162. The election bribery statute, Wis. Stat. § 12.11, reads, in relevant part:

(1m) Any person who does any of the following violates this chapter:

- (a) Offers, gives, lends or promises to give or lend, or endeavors to procure, anything of value, or any office or employment or any privilege or immunity to,

or for, any elector, or to or for any other person, in order to induce any elector to:

1. Go to or refrain from going to the polls.
2. Vote or refrain from voting.
3. Vote or refrain from voting for or against a particular person.
4. Vote or refrain from voting for or against a particular referendum; or on account of any elector having done any of the above.

163. The statute defines “anything of value” to include “any amount of money, or any object which has utility independent of any political message it contains and the value of which exceeds \$1.” Wis. Stat. § 12.11(1).

164. Through the conduct described in this Complaint, Defendants offered, promised to give, and actually disbursed financial compensation in excess of \$1 to registered Wisconsin voters to induce them to go to the polls, vote, and/or vote for or against a particular person.

165. Such conduct is prohibited in Wisconsin and violates Wis. Stat. § 12.11(1m)(a).

166. Such conduct caused harm to all Plaintiffs.

167. Defendants have demonstrated the intent, capacity, and power to repeat their actions during future Wisconsin elections.

168. Repetition of such conduct will cause additional harm to all Plaintiffs, specifically with regard to their interests in the maintenance of free government, free elections, free speech, their freedom from corruption and bribery, and their right to vote.

169. To avoid such harms, Plaintiffs seek clarity on the law in advance of perpetuation, by Defendants or anyone else, of Defendants’ unlawful scheme.

170. To avoid such harms, Plaintiffs seek clarity on the law in advance of their anticipated political and advocacy efforts.

171. Plaintiffs respectfully request that this Court declare that Defendant Musk's conduct, as described in this Complaint, violates Wis. Stat. § 12.11(1m)(a).

172. Plaintiffs respectfully request that this Court declare that Defendant APAC's conduct, as described in this Complaint, violates Wis. Stat. § 12.11(1m)(a).

173. Plaintiffs respectfully request that this Court declare that Defendant USAI's conduct, as described in this Complaint, violates Wis. Stat. § 12.11(1m)(a).

COUNT TWO
AGAINST ALL DEFENDANTS
Declaratory Judgment under Wis. Stat. § 806.04: Election Bribery

174. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

175. Election bribery is a Class I felony under Wisconsin law. Wis. Stat. §§ 12.11, 12.60(1)(a).

176. The election bribery statute, Wis. Stat. § 12.11, reads, in relevant part:

(1m) Any person who does any of the following violates this chapter:

...

- (c) Advances, pays or causes to be paid any money to or for the use of any person with the intent that such money or any part thereof will be used to bribe electors at any election.

177. Through the conduct described in this Complaint, Defendants advanced, paid, or caused to be paid, money with intent that such money, or a part thereof, would be used to bribe electors (that is, voters) in connection with the 2025 Wisconsin Supreme Court election.

178. Such conduct was intentional, and/or undertaken with deliberate disregard for the interests of Plaintiffs and/or Wisconsin law.

179. Such conduct is prohibited in Wisconsin and violates Wis. Stat. § 12.11(1m)(c).

180. Such conduct caused harm to Plaintiffs.

181. Defendants have demonstrated the intent, capacity, and power to repeat their actions during future Wisconsin elections.

182. Repetition of such conduct will cause additional harm to all Plaintiffs; specifically with regard to their interests in the maintenance of free government, free elections, free speech, their freedom from corruption and bribery, and their right to vote.

183. To avoid such harms, Plaintiffs seek clarity on the law in advance of perpetuation, by Defendants or anyone else, of Defendants' unlawful scheme.

184. To avoid such harms, Plaintiffs seek clarity on the law in advance of their anticipated political and advocacy efforts.

185. Plaintiffs respectfully request that this Court declare that Defendant Musk's conduct, as described in this Complaint, violates Wis. Stat. § 12.11(1m)(c).

186. Plaintiffs respectfully request that this Court declare that Defendant APAC's conduct, as described in this Complaint, violates Wis. Stat. § 12.11(1m)(c).

187. Plaintiffs respectfully request that this Court declare that Defendant USAI's conduct, as described in this Complaint, violates Wis. Stat. § 12.11(1m)(c).

COUNT THREE
AGAINST ALL DEFENDANTS
Declaratory Judgment under Wis. Stat. § 806.04: Unlawful Lottery

188. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

189. A lottery is an enterprise wherein for a consideration the participants are given an opportunity to win a prize, the award of which is determined by chance, even though accompanied by some skill. Wis. Stat. § 945.01(5)(a).

190. Consideration, as defined in Wisconsin law, means “anything which is a commercial or financial advantage to the promoter or a disadvantage to any participant.” Wis. Stat. § 945.01(5)(b).

191. Conducting a lottery is a Class B misdemeanor under Wisconsin law. Wis. Stat. § 945.02(3).

192. The lottery statute, Wis. Stat. § 945.02, reads, in relevant part:

Whoever does any of the following is guilty of a Class B misdemeanor:

...
(3) Conducts a lottery, or with intent to conduct a lottery, possesses facilities to do so.

193. Through the conduct described in this Complaint, Defendants conducted a lottery.

194. Wisconsin voters who signed the Petition, including Plaintiff Patel, provided valuable consideration to Defendants by, among other things, providing their personal information, including their first and last name, email address, cell phone number, and mailing address.

195. Defendants obtained valuable consideration from Wisconsin voters who signed the Petition, through, among other things, receipt of their personal information, the promotion of Musk and his social media platform, X, and other commercial benefits that Musk obtained and continues to obtain through his support of selected politicians.

196. Such conduct is prohibited in Wisconsin and violates Wis. Stat. § 945.02(3).

197. Such conduct caused harm to Plaintiffs.

198. Defendants have demonstrated the intent, capacity, and power to repeat their actions during future Wisconsin elections.

199. Repetition of such conduct during an election will cause additional harm to all Plaintiffs; specifically with regard to their interests in the maintenance of free government, free elections, free speech, their freedom from corruption and bribery, and their right to vote.

200. To avoid such harm, Plaintiffs seek clarity on the law in advance of perpetuation, by Defendants or anyone else, of Defendants' unlawful scheme.

201. To avoid such harms, Plaintiffs seek clarity on the law in advance of their anticipated political and advocacy efforts.

202. Plaintiffs respectfully request that this Court declare that Defendant Musk's conduct, as described in this Complaint, violates Wis. Stat. § 945.02(3).

203. Plaintiffs respectfully request that this Court declare that Defendant APAC's conduct, as described in this Complaint, violates Wis. Stat. § 945.02(3).

204. Plaintiffs respectfully request that this Court declare that Defendant USAI's conduct, as described in this Complaint, violates Wis. Stat. § 945.02(3).

**COUNT FOUR
AGAINST ALL DEFENDANTS
Civil Conspiracy**

205. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

206. A conspiracy is a combination of two or more persons acting together to accomplish some unlawful purpose or to accomplish some lawful purpose by unlawful means. *See Thomas ex rel. Gramling v. Mallett*, 2005 WI 129, ¶168, 285 Wis. 2d 236, 701 N.W.2d 523 (internal quotation marks omitted); Wis. Civ. Jury Instr. 2800, available at <https://wileawlibrary.gov/jury/civil/>.

207. The essence of a conspiracy is a combination or agreement to violate or disregard the law.

208. Each Defendant is an independent “person” under Wisconsin law. Wis. Stat. § 990.01(26).

209. Musk, APAC, and USAI acted together to accomplish independent unlawful purposes. Those purposes were:

- a. to commit election bribery under Wis. Stat. § 12.11(1m)(a), as described under Count One;
- b. to commit election bribery under Wis. Stat. § 12.11(1m)(c), as described under Count Two; and

- c. running an unlawful lottery under Wis. Stat. § 945.02(3), as described under Count Three.

210. *In the alternative*, Musk, APAC, and USAI acted together to accomplish political activity by unlawful means. Those means were:

- d. election bribery under Wis. Stat. § 12.11(1m)(a) as described under Count One;
- e. election bribery under Wis. Stat. § 12.11(1m)(c) as described under Count Two; and
- f. running an unlawful lottery under Wis. Stat. § 945.02(3) as described under Count Three.

211. Such conduct caused harm to Plaintiffs, specifically with regard to their interests in the maintenance of free government, free elections, free speech, their freedom from corruption and bribery, and their right to vote.

**COUNT FIVE
AGAINST ALL DEFENDANTS
Public Nuisance in the Name of the State Under Wis. Stat. § 823.02**

212. Plaintiffs restate and reallege all preceding paragraphs as if fully set forth herein.

213. Under Wis. Stat. § 823.02, “[a]n action to enjoin a public nuisance may be commenced and prosecuted in the name of the state, either by the attorney general on information obtained by the department of justice, or upon the relation of a private individual, ... having first obtained leave therefor from the court.”

214. Plaintiffs have filed, contemporaneously with this Complaint, a motion asking the court for leave to proceed on behalf of the State under Wis. Stat. § 823.02.

215. “A public nuisance is a condition or activity which substantially or unduly interferes with the use of a public place or with the activities of an entire community.” *Physicians Plus Ins. Corp. v. Midwest Mut. Ins. Co.*, 2002 WI 80, ¶21, 254 Wis. 2d 77, 646 N.W.2d 777 (footnote omitted).

216. Defendants’ conduct substantially or unduly interfered with the activities of a public place and/or with the activities of an entire community (namely, Wisconsin’s democracy) when Defendants conspired to commit election bribery and to run an illegal lottery in advance of the 2025 Wisconsin Supreme Court election.

217. In particular, Defendants’ conduct substantially or unduly interfered with Wisconsin’s democratic process of electing a Justice.

218. Defendants’ conduct continues to substantially or unduly interfere with Wisconsin’s democracy.

219. In addition, “repeated violation of criminal statutes constitutes per se a public nuisance.” *State v. H. Samuels Co.*, 60 Wis. 2d 631, 637, 211 N.W.2d 417 (1973).

220. Defendants’ conduct repeatedly violated criminal statutes.

221. As a result, Defendants’ actions constitute a *per se* public nuisance.

222. Defendants have demonstrated the intent, capacity, and power to repeat these criminal actions during future Wisconsin elections.

223. Wisconsin will hold elections for Justices every spring from now through 2030 and then frequently in the years thereafter. Wisconsin also holds elections for partisan offices in the fall of every even-numbered year.

224. Without adjudication here, Defendants (as well as other actors with vast resources) will be emboldened to interfere in future Wisconsin elections just as they interfered with the 2025 Wisconsin Supreme Court election.

225. Plaintiffs respectfully request that this Court declare that Defendants' conduct, as described in this Complaint, constituted, and continues to constitute, a public nuisance.

226. Plaintiffs respectfully request that this Court abate said nuisance and enjoin Defendants from conduct which constituted, and continues to constitute, a public nuisance.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter an order:

- (1) Declaring that Defendants' conduct violated Wis. Stat. § 12.11(1m)(a);
- (2) Declaring that Defendants' conduct violated Wis. Stat. § 12.11(1m)(c);
- (3) Declaring that Defendants' conduct violated Wis. Stat. § 945.02(3);
- (4) Finding that Defendants engaged in a civil conspiracy to violate Wis. Stat. §§ 12.11(1m)(a), (c), and 945.02(3);
- (5) Finding that Defendants' conduct constituted a public nuisance;
- (6) Enjoining Defendants from all such conduct in the future;
- (7) Awarding Plaintiffs damages to the extent supported by law;

- (8) Awarding Plaintiffs attorneys' fees and costs; and
- (9) Granting such other relief as may be just and proper.

Dated: June 10, 2025.

Electronically signed by Jeffrey A. Mandell

Jeffrey A. Mandell (SBN 1100406)
Scott B. Thompson (SBN 1098161)
Rachel E. Snyder (SBN 1090427)
LAW FORWARD, INC.
222 W. Washington Avenue, Suite 680
Madison, WI 53703
608-285-2485
jmandell@lawforward.org
sthompson@lawforward.org
rsnyder@lawforward.org

Electronically signed by Norman Eisen

Norman Eisen *
Spencer Klein*
Pooja Chaudhuri*
DEMOCRACY DEFENDERS FUND
600 Pennsylvania Avenue SE
Suite 15180
Washington, DC 20003
202-594-9958
norman@statedemocracydefenders.org
spencer@statedemocracydefenders.org
pooja@statedemocracydefenders.org

Electronically signed by Trisha Anderson

John C. Quinn*
HECKER FINK LLP
350 Fifth Avenue, 63rd Floor
New York, NY 10118
212-763-0883
jquinn@heckerfink.com

Trisha Anderson*
Dillon H. Grimm*
HECKER FINK LLP
1050 K Street NW
Suite 1040
Washington, DC 20001

212-763-0883
tanderson@heckerfink.com
dgrimm@heckerfink.com

Counsel for Plaintiffs
Wisconsin Democracy Campaign,
Paul Gagliardi, and Deborah Patel

* *Pro hac vice* application forthcoming