

October 15, 2024

The Honorable Merrick B. Garland, Attorney General
Office of the Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

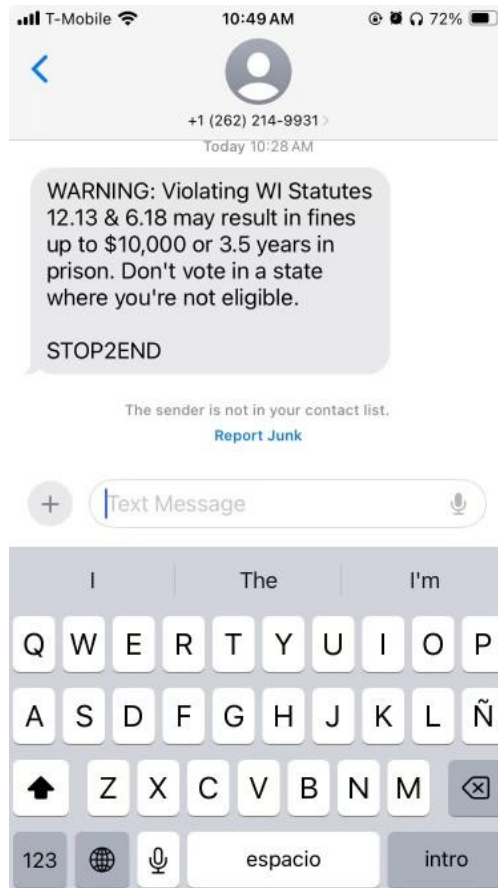
The Honorable Josh Kaul, Wisconsin Attorney General
Wisconsin Department of Justice
P.O. Box 7857
Madison, WI 53703 -7857

Dear Attorney General Garland and Attorney General Kaul,

We are sending this letter on behalf of the League of Women Voters of Wisconsin. Last week, thousands of young voters across Wisconsin received an anonymous threatening text message: “WARNING: Violating WI Statutes 12.13 & 6.18 may result in fines up to \$10,000 or 3.5 years in prison. Don’t vote in a state where you’re not eligible. STOP2END.” Without prompt investigation and action, the sender may continue its efforts to frighten eligible young voters into not voting. The League of Women Voters of Wisconsin¹ strongly urges the U.S. Department of Justice and the Wisconsin Office of the Attorney General to investigate, identify the source of the messages, and promptly take appropriate enforcement action against the perpetrators in order to protect Wisconsin’s voters.

Through reports from recipients, we have learned that on October 10, 2024, the text message was widely distributed across Wisconsin. The text looked like this:

¹ The League of Women Voters of Wisconsin is a nonpartisan, grassroots political organization that advocates for informed and active participation in government. The League believes that our democracy is strongest when every voice is heard, and in furtherance of this mission, it educates and encourages all eligible voters to register and exercise their right to vote.



The sender targeted young voters aged 18-25, including young staff members of the League of Women Voters of Wisconsin, and reached many voters who are part of the University of Wisconsin system.

Students who live and attend college in Wisconsin are allowed to choose whether to register to vote with their school address or their home address. But now many students and other young voters are fearful that they will face criminal prosecution if they register and exercise their right to vote—because of a malicious, inaccurate text sent by an anonymous party.

Federal law and Wisconsin law prohibit voter intimidation. Section 11(b) of the Voting Rights Act establishes that it is unlawful to “intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote.” 52 U.S.C. § 10307; *see also* 52 U.S.C. § 20511. Wisconsin has a similar law to protect voters from intimidation: “No person may personally or through an agent, by

abduction, duress, or any fraudulent device or contrivance, impede or prevent the free exercise of the franchise at an election,” or “by any act compel, induce, or prevail upon an elector either to vote or refrain from voting at any election for or against a particular candidate or referendum.” Wis. Stat. § 12.09(2) and (3).

That the messages were sent via text do not make them any less threatening or any less unlawful. *See, e.g., National Coalition on Black Civic Participation v. Wohl*, 661 F. Supp. 3d 78, 112-13 (S.D.N.Y. 2023) (robocalls to dissuade Black voters from voting by mail were “intimidating, threatening, or coercive . . . by warning of several specific and foreboding consequences of voting by mail,” including “negative criminal and legal consequences”). Indeed, the technology made the message more dangerous, as the sender was able to intimidate thousands of voters in a short period of time. And though the League of Women Voters of Wisconsin is undertaking swift action to attempt to reach young voters in the state and correct the disinformation in the text—at significant cost to its ongoing Get Out The Vote efforts—it likely will be impossible to identify, reach, and reassure all recipients.

Parties that commit voter intimidation should not be allowed to hide behind technology or benefit from the anonymity of texting. We urge your offices to promptly and thoroughly investigate these texts, make public the identity of the party or parties responsible for disseminating the texts, and take appropriate enforcement action against the perpetrators.

Sincerely,

Courtney Hostetler, Legal Director
John Bonifaz, President
Ben Clements, Chairman and Senior Legal Advisor
Amira Mattar, Counsel
Free Speech For People
48 North Pleasant Street, Suite 304
Amherst, Massachusetts 01002
(617) 244-0234
chostetler@freespeechforpeople.org

On behalf of the League of Women Voters of Wisconsin