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Unlikely Allies Unite Across Party Lines to Back Fusion Voting Lawsuit

Wisconsin's minor parties, business leaders and civil liberties advocates are also joining the growing list of organizations and entities supporting the effort to restore fusion voting

MADISON, Wis. — Few things unite Wisconsin Republicans and Democrats and third parties these days. Restoring fusion voting to state elections is turning out to be one of them.

Former Republican Senate Majority Leader Dale Schultz and former Democratic Dane County Sheriff Dave Mahoney are both named plaintiffs in the lawsuit that would overturn the state's century-old ban of fusion voting. Fusion voting was once prevalent in Wisconsin (as well as the rest of America) and allowed smaller political parties to cross-nominate or "fuse" with major-party candidates that came closest to their own views and values. Fusion voting was a big part of the story of the formation in Ripon, Wisconsin of the Republican Party. **Six amicus briefs from an odd bedfellows list of entities and organizations have just been filed in state court backing United Wisconsin's lawsuit.**

"What began as a result of simply listening to and hearing the frustration over being left out of the political process from our friends and neighbors has grown into a full-fledged movement," said Schultz, co-chair of United Wisconsin. "I've been around and part of Wisconsin politics a long time, and I don't recall seeing anything quite like this with as broad of support. It's giving people hope at a time when we could all use some."

Former U.S. Representatives Steve Gunderson and Reid Ribble, two Wisconsin Republicans, along with former House Majority Leader Dick Gephardt (D-MI) and Congressman Dave Trott (R-MI), filed a brief arguing the ban has helped fuel the polarization, gridlock and eroding public trust straining American democracy.

Wisconsin's business leaders and civil liberties communities are on board too. Wisconsin Business Leaders for Democracy, a nonpartisan group of business leaders from industries across the state, argues in its brief that the ban is an anticompetitive distortion of the political marketplace — "decidedly broken" — in the group's words. The ACLU of Wisconsin Foundation also filed in support, pointing to Wisconsin's eroding trust in the two-party system as a sign it's time for a change.



Also on board are some of Wisconsin's minor parties, The Libertarian Party of Wisconsin and the Wisconsin Working Families Party — organizations that rarely agree on anything — filing a joint amicus brief arguing the fusion ban makes it “impossible for a serious minor party to grow into an electoral force in the State.”

The briefs were filed from mid-June through early this month. Each of the amici curiae filed in support of United Wisconsin makes a different and complimentary argument:

- **Former U.S. Representatives Richard Gephardt (D-Mo.), David Trott (R-Mich.), and Wisconsinites Steven Gunderson (R) and Reid Ribble (R):** “America is in the midst of a democratic crisis” of polarization, gridlock and declining trust that fusion voting could help ease.
- **Libertarian Party of Wisconsin & Wisconsin Working Families Party:** the fusion ban makes it “impossible for a serious minor party to grow into an electoral force in the State.”
- **Wisconsin Business Leaders for Democracy:** the ban is an anticompetitive market distortion; “the marketplace of political competition is decidedly broken.”
- **Political scientists Seth Masket (Univ. of Denver), Nolan McCarty (Princeton) and Hans Noel (Georgetown):** courts should evaluate the ban's effect on parties' associational rights, not just individual candidates.
- **Historians Peter Argersinger, Dale Baum, Corey Brooks, Colin Gordon, Ira Katznelson, Michael Kazin and J. Morgan Kousser:** 19th-century anti-fusion laws “had serious anti-democratic effects” that a modern ban repeats.
- **Drexel University law professor Tabatha Abu El-Haj, with the ACLU of Wisconsin Foundation:** the 1997 Timmons v. Twin Cities Area New Party ruling's two-party-stability rationale “has not held up.”

Read More

Read about the case and access all court filings [here](#).

United Wisconsin is a group of Wisconsinites from across the political spectrum working to change the state's politics. Learn more at unitedwisconsin.org.