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Lawyers Who Conceived and Executed the 2020 Fake Elector Scheme Agree Not to Participate in a Similar Scheme in Any Future Presidential Election

In Settling Lawsuit Against Them, James Troupis and Kenneth Chesebro Provide Documents Showing Their Roles in the Scheme

Madison, WI- Today, Law Forward, Georgetown University Law Center's Institute for Constitutional Advocacy and Protection (ICAP), and Stafford Rosenbaum LLP announced another historic settlement in their litigation over the fraudulent electors scheme to overturn the 2020 Presidential election, *Penebaker et al v. Hitt et al*. The settlement agreements resolve the case against the two remaining defendants: Trump's Wisconsin campaign attorney, James Troupis, and legal adviser, Kenneth Chesebro. This comes after the 10 fraudulent electors admitted to their conduct and its repercussions in a settlement agreement with plaintiffs announced last [December](#).

In settling the case brought on behalf of legitimate Wisconsin presidential electors and voters, the plaintiffs obtained the agreement of both Troupis and Chesebro not to participate in a similar scheme in any future presidential election. Both men also provided troves of previously hidden emails, text messages, and other documents showing that:

- Troupis and Chesebro conceived of the fraudulent electors scheme just days after the November 3 election;
- Troupis shared the scheme, and legal memos he requested from Chesebro, with Trump campaign officials at the national level, who eagerly sought to implement it in other swing states beyond Wisconsin;
- At the Trump campaign's request, Troupis instructed Chesebro to prepare electoral college documents for Trump campaign officials in other states;
- The Troupis-Chesebro plan was not just a contingency in case litigation resulted in Trump being declared the winner in any of the swing states; rather, *the scheme was implemented to use the fraudulent ballots to create chaos on January 6, regardless of whether litigation was successful, thereby creating an opportunity to overturn the results of the election;* and
- Troupis and Chesebro were involved in last-ditch efforts through January 6 to place the fraudulent electoral votes from Wisconsin into the hands of the Vice President.

The resolution of this litigation provides much-needed transparency into how the fraudulent electors scheme was conceived and developed, and it exposes the key



roles both Troupis and Chesebro played not only in executing the scheme in Wisconsin, but also around the nation.

“Troupis and Chesebro orchestrated an egregious and unprecedented scheme to undermine the will of the voters, in Wisconsin and beyond,” said Jeff Mandell, Partner at Stafford Rosenbaum LLP and Law Forward Board President. “This case was the first to seek accountability for those individuals who tried to overturn the will of Wisconsin voters. Through this litigation, we have been able to reveal the details of the scheme and those who were responsible, to ensure this never happens again.”

This lawsuit was the first litigation of its kind in the nation and sought a judicial declaration that the defendants acted unlawfully when they falsely assumed the office of presidential electors for the State of Wisconsin.

“James Troupis has largely hidden his role in the fraudulent electors scheme until today; the documents being made public as part of this settlement show for the first time that he was a driving force behind developing and implementing the fraudulent electors scheme with Kenneth Chesebro,” said Mary McCord, ICAP Executive Director and Visiting Professor of Law at Georgetown University Law Center. “The settlements shine light on the blatant effort to overturn the results of the 2020 election.”

Under the terms of the settlement, Defendants Troupis and Chesebro are prohibited from participating in the execution or transmission of electoral college votes by presidential electors whose candidate has not been certified the winner under state law, without an express provision indicating that the ballots are contingent on successful litigation that would change the outcome of the election in the state. The ballots certified and transmitted by the 10 Wisconsin Trump-Pence electors in 2020 contained no such contingency, and were the basis for efforts to overturn the results on January 6.

The settlements with Troupis and Chesebro come on the heels of a settlement in December with the defendants who acted as Wisconsin’s fraudulent electors, whereby they also agreed to a number of restrictions, including to never serve as presidential electors or participate in the execution or transmission of electoral votes in any U.S. presidential election featuring Donald J. Trump.

“Transparency and accountability are the themes that drove this lawsuit from day one. This settlement accomplishes those goals,” said Scott Thompson, Staff Counsel at Law Forward. “By publishing these documents and restricting the defendants from submitting fake votes again we are providing Wisconsinites with the transparency and accountability they deserve. Today is a win for our democracy.”

The settlement agreements and documents produced by Troupis and Chesebro can be accessed [here](#). The settlement agreement and documents produced by the 10 elector defendants can be accessed [here](#).



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The Institute for Constitutional Advocacy and Protection is a nonprofit, nonpartisan institute within Georgetown University Law Center that uses strategic legal advocacy to defend constitutional rights while working to restore confidence in the integrity of our governmental institutions. For more information, visit <https://www.law.georgetown.edu/icap/>.