



Written by [Jessica Marie Baumgartner](#) on March 31, 2021

Wisconsin Supreme Court Overturns State Mask Mandate, but County and City Mandates Still Hold

On Wednesday, March 31, the Wisconsin Supreme Court ended Governor Tony Evers' mask mandate on the premise that he extended the policy, originally instituted in late July 2020, unlawfully. The court decided 4-3 that the democratic leader of the state cannot issue repeated emergency declarations without the approval of the state legislature, which is Republican-controlled.

State Supreme Court Justice Brian Hagedorn stated in his majority opinion, "Whether the policy choices reflected in the law give the governor too much or too little authority to respond to the present health crisis does not guide our analysis. Our inquiry is simply whether the law gives the governor the authority to successively declare states of emergency in this circumstance."

Wisconsin state law only allows the governor to issue mandates during public-health emergencies for a period of 60 days or less. Anything beyond that, without permission of the legislature, is considered an abuse of power.

Governor Evers responded to the ruling: "Since the beginning of this pandemic, I've worked to keep Wisconsinites healthy and safe, and I've trusted the science and public health experts to guide our decision making. Our fight against COVID-19 isn't over — while we work to get folks vaccinated as quickly as we can, we know wearing a mask saves lives, and we still need Wisconsinites to mask up so we can beat this virus and bounce back from this pandemic."

City and county mask mandates are still in place throughout parts of Wisconsin. Dane County, Rock County, and many other [areas](#) are continuing to require masks locally, as are national business chains.

This most recent action by the Wisconsin Supreme Court is one of many being taken across the country after a long year of states determining the fate of their constituents' freedom during the COVID-19 pandemic, which has been a point of contention between federal, state, and local officials in many areas. This victory comes just after a federal judge ruled against restrictions on how many people can attend religious services in [Washington, D.C.](#) Nevertheless, many feel that the rights of Americans across many states are not being restored fast enough, as many court proceedings have been stalled and legal battles restricted regarding COVID-19 mandates.

The Wisconsin Supreme Court ruling is indeed a victory, but only one step in securing the rights of Wisconsin citizens. It is an example for the rest of the country, particularly for states that retain mask



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mandates. Litigation is necessary to overturn these orders.

March has been a big month for restoring people's rights amid the COVID-19 hysteria. Texas lifted its mask mandate on March 10. On the 16th, Wyoming Governor Mark Gordon declared that he has no further plans to reinstate the state's mask [mandate](#) after it expired. Meanwhile, in Florida, Governor Ron DeSantis is working to overturn local mask mandates that directly contradict his [policies](#).

As of today, there are currently 18 states without a mask mandate — Alaska, Arizona, Florida, Georgia, Idaho, Iowa, Mississippi, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming — and that number is growing.



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