



OFFICE OF THE DISTRICT ATTORNEY

Tim Gruenke, District Attorney
Emily E Ruud, Deputy District Attorney
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August 25, 2026

Re: State of Wisconsin v. Elon Musk,

This letter is written to explain the reasons why the State is declining to charge Elon Musk with any crimes based on a referral from The Wisconsin Elections Commission (WEC) identified as 25-37 and 25-45.

The facts are mostly undisputed that Elon Musk (or someone using his account) posted language on March 27, 2025, at 11:57 PM, that some construed as a bribe, contrary to Wis. Stat. §12.11(1m)(a)2. The post stated in pertinent part:

*"On Sunday night, I will give a talk in Wisconsin.
Entrance is limited to those who have voted in the Supreme Court Election.
I will also personally hand over two checks for a million dollars each in appreciation for you taking the time to vote."*

Within approximately twelve hours a subsequent post replaced and clarified that post by saying:

*"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."*

The first post could be seen as an offer to pay someone the possibility of winning a lottery at a town hall by voting. On the other hand, the first post could be seen as giving entry to a free town hall (nothing of value so not a bribe) and the money awarded was a pre-determined payment for people selected as "spokesmen," therefore not a reward for voting. Under either view, the second post apparently recognized that potential violation and corrected it.

Either way the first post is perceived, in the end nobody was paid anything of value for voting or promising to vote. Even if I could convince a jury that the original post was still a bribe, I do not believe that a jury would convict Elon Musk of a crime after considering the intent, the second post, and the fact nothing of value was ever given to anyone for voting for an incident occurring in March of 2025.

In the past, I have routinely worked with campaigns and candidates from both parties and non-partisan elections to correct any potential violations of election/campaign laws. In this case, without the famous name attached and the large dollar amounts involved, it is a simple case of a poorly worded statement that was corrected and brought into compliance with the law.

Because the original post was poorly worded and ambiguous about who would receive money, and the second post corrected the problem relatively quickly, I do not believe a jury would convict Elon Musk of a crime. Therefore, the State declines to charge Elon Musk in this matter.

Sincerely,

Tim Gruenke

Tim Gruenke
District Attorney