

Chair Tusler, Vice-Chair Jacobson, and Honorable Members of the Assembly Committee on Judiciary:

The American Civil Liberties Union of Wisconsin appreciates the opportunity to provide testimony in support of Assembly Bill 701.

AB-701 would promote and protect the public's right to express their opinions in speech about matters of public concern, by deterring "SLAPP" lawsuits, also known as strategic lawsuits against public participation.

SLAPP suits are designed to intimidate, deter, and punish individuals for exercising their First Amendment right to speak out on issues impacting businesses and government actions. Some past examples include citizens being sued for testifying before their local elected officials about building permit and zoning change applications, expressing concerns about public education, and for reporting violations of environmental laws to regulatory agencies.

Those who file SLAPP suits do not sue to achieve a litigation outcome; rather, they file to silence their opposition, to remove a controversy from the public arena. A SLAPP suit can be so ruinously expensive and time-consuming to defend that an individual or organization agrees to self-censor if the suit is dropped. SLAPPs are one of the many ways powerful figures and institutions use the legal system to punish critics, silence journalists and whistle blowers, and stifle the flow of information and opinions protected by the First Amendment. A large, well-funded organization may be "SLAPPED," but more often, individuals or local media outlets with fewer resources are the victims of SLAPP suits.

This bill would create a robust anti-SLAPP law modeled after the Uniform Law Commission's Uniform Public Expression Protection Act ("UPEPA"), allowing a person being sued in a SLAPP suit to file a motion to strike the lawsuit if it arises from their constitutional right of petition or free speech in connection with a public issue. A defendant who prevails on a special motion to strike is entitled to attorney fees and costs.

Nationwide, 39 others states and the District of Columbia have already adopted anti-SLAPP statutes.¹ 14 of those states have specifically enacted UPEPA. It's important that every can speak truth to power without racking up crushing legal fees. We urge the committee to support this bill and ensure Wisconsinites have more protections to do so.

¹ "Anti-SLAPP Statutes: 2025 Report Card," Institute for Free Speech (Aug. 25, 2025), <https://www.ifs.org/anti-slapp-report/>. Following the publication of this state-by-state breakdown of anti-SLAPP laws, Michigan enacted an anti-SLAPP law modeled after the UPEPA in December 2025.