

TO: All Legislators

FROM: Senator Van Wanggaard

Representative Bob Wittke

RE: Co-Sponsorship of LRB 2418 & LRB 2885 – Relating to the right of appeal for complaints aggrieved by decisions of the Wisconsin Elections Commission concerning the conduct of election officials.

DEADLINE: **Thursday, May 8 2025**

In February, the Wisconsin Supreme Court issued its ruling in ***Brown v. Wisconsin Elections Commission***. As a result of the ruling in ***Brown***, it is virtually impossible for a citizen to appeal a decision of the Wisconsin Elections Commission (WEC).

In ***Brown***, Brown filed a complaint with WEC that the City of Racine’s “Mobile Election Unit,” or “voting van” violated the requirements of Wisconsin’s alternate absentee ballot site law. WEC declined to find probable cause that the voting van violated the law. Brown then appealed the WEC decision under Wis. Stat. §5.06(8), which allows a “complainant who is aggrieved by a [WEC decision to] appeal the decision” in circuit court.

The Court ruled that Brown did not have standing to bring the appeal as he was not directly, personally, “injured to a legally recognized interest.” As a result, he was not “aggrieved” by the WEC decision and could not appeal WEC’s decision in circuit court.

The result of this decision means that only a person who is DIRECTLY impacted by a WEC decision (or lack of decision) may appeal the decision. For example, a candidate for office may appeal a WEC decision only after they are “injured” (i.e. lost an election, or had an adverse decision by WEC). Similarly, if a person was specifically harmed by an election decision (e.g. denied the opportunity to vote, or not being placed on a ballot), he or she could appeal the WEC decision. An appeal is no longer available if a complainant seeks WEC guidance to have the law enforced, or to seek clarification of election law.

This bill is narrowly drafted to ensure that a party who does not receive the relief he or she seeks from WEC may appeal the decision to the circuit court under Wis. Stat. §5.06(8), as was intended when the law was drafted.

If you would like to sign onto these bills, please contact Senator Wanggaard’s office (6-1832) or Representative Wittke’s office (9163), by Thursday May 8, 2025. All authors will be added to both bills unless otherwise requested.