

Wisconsin Institute for Law & Liberty: Sues Wisconsin Election Commission

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The News: Today, on behalf of three Wisconsin voters, the Wisconsin Institute for Law & Liberty (WILL) filed [a lawsuit](#) in Ozaukee County Circuit Court because the state agency is putting Wisconsin's election integrity at risk by intentionally ignoring state law to allow voter registrations at old addresses to remain active. The lawsuit is a result of the Wisconsin Election Commission dismissing a [complaint](#) made in October.

The Quote: WILL President and General Counsel Rick Esenberg said, "The Wisconsin Election Commission was warned in October that they were acting contrary to state law by allowing voter registrations at old addresses to remain active beyond 30 days. Instead of reversing course, the Wisconsin Election Commission has stubbornly doubled down. This lawsuit is about accountability, the rule of law, and clean and fair elections."

Background: Wisconsin must maintain accurate and up-to-date voter registrations precisely because our state has made it easy to vote and easy to register. Ensuring that voters are voting from the proper residence is critical because:

- The state has an obvious interest in only counting the ballots of eligible voters.
- It enfranchises voters by reducing the likelihood of lines and confusion at the polls.
- It allows election administrators with the ability to better plan for election day.

To this end, Wisconsin law has established procedures to ensure and maintain

accurate voter rolls. Wisconsin participates with 28 other states in the Electronic Registration Information Center (ERIC). ERIC flags “movers” – individuals who report an official government transaction from an address different than their voter registration address – to state election agencies.

The Wisconsin Election Commission first reviews the information on “movers” for accuracy and reliability. State law then provides specific direction to WEC on how to handle “movers” flagged by ERIC.

- WEC is to send a notice to the mover at the address of their voter registration.
- A voter has 30 days to affirm whether they still live at the address.
- If the voter affirms they live at the address – by returning the postcard or completing a brief form online – nothing happens.
- If the voter takes no action for 30 days, WEC is to change the voter’s registration status from eligible to ineligible.

But on June 11, 2019 the Wisconsin Election Commission decided, contrary to state law, that changes in eligibility for a voter flagged as a “mover” by ERIC will not occur for 12 to 24 months.

WILL filed a [complaint](#), on behalf of three Wisconsin voters, to the Wisconsin Election Commission on October 16, 2019 explaining how the adopted policy change is contrary to state law. WEC dismissed WILL’s complaint, without ever dealing with the merits.