

Wisconsin Institute for Law & Liberty: Wisconsin Election Commission violating state law

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The News: The Wisconsin Institute for Law & Liberty (WILL) filed a complaint with the Wisconsin Election Commission (WEC), on behalf of three Wisconsin voters, that argues the state agency is failing to follow state law on critical procedures that maintain accurate voter rolls. The Wisconsin Election Commission illegally altered policies that require specific action with regard to the eligibility of voter registrations for those who have changed their address.

Background: To maintain accurate voter registration data, 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's complaint, on behalf of three Wisconsin voters residing in Waukesha County, Washington County, and Ozaukee County, argues the state agency is acting in violation of state law. If WEC does not take immediate action on WILL's complaint, a lawsuit will be forthcoming.

The Quote: WILL President and General Counsel Rick Esenberg said, "State agencies comprised of political appointees and unelected staff do not have the authority to invent or amend policy contrary to state law. Whatever the intent of the Wisconsin Election Commission's action, it is illegal and must be remedied immediately."