

Wisconsin Institute for Law & Liberty: Asks WI Supreme Court to review stay in WEC case

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The News: The Wisconsin Institute for Law & Liberty (WILL) [filed a petition today](#) asking the Supreme Court of Wisconsin to review the stay issued by the Court of Appeals in a lawsuit against the Wisconsin Elections Commission (WEC). Known as a petition for supervisory writ, WILL is asking the Supreme Court to review the Court of Appeals' stay because the lower court failed to offer any reasoning or rationale.

The Quote: WILL President and General Counsel Rick Esenberg said, "The Court of Appeals is required to provide some explanation when issuing a stay. To date, the Court of Appeals has provided nothing. Whatever reasoning may follow, we're asking the Supreme Court to consider whether a stay is warranted at all."

Background: On January 13, the Wisconsin Supreme Court split 3-3 on whether to grant WILL's motion to bypass the Court of Appeals (Justice Dan Kelly recused). In the immediate aftermath, the Court of Appeals issued [a stay](#), halting Judge Malloy's December 17 court order requiring the Wisconsin Elections Commission to immediately comply with state law.

Recently, the Wisconsin Supreme Court unanimously concluded that the Court of Appeals must explain its stays. To date, the Court of Appeals has offered no reason or explanation for why it issued the stay in the WEC lawsuit.

Why It Matters: WILL [sued](#) the Wisconsin Elections Commission, on behalf of three Wisconsin voters, because the state agency was ignoring state law by leaving old and outdated voter registrations on the voter rolls. Judge Malloy's decision should remain in effect because Wisconsin deserves clean elections in 2020 and unelected bureaucrats at state agencies must understand that they cannot change state law and ignore a court order.

Read More:

- [“What You Need to Know About WILL’s Lawsuit Against the Wisconsin Elections Commission,”](#) January 7, 2020
- [“WILL Sues Wisconsin Elections Commission,”](#) November 13, 2019