

Sen. Nass: Joint committee to force Wisconsin Elections Commission to comply with state law, WEC has no authority to prohibit SVDs from going to residential care facilities.

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Senator Steve Nass (R-Whitewater), Co-chair of the Joint Committee for Review of Administrative Rules (JCRAR), announced action to compel the Wisconsin Elections Commission (WEC) to stop issuing directives to local municipal clerks prohibiting special voting deputies (SVDs) from going to nursing homes, residential care facilities and retirement homes to assist with absentee voting by residents of these facilities. Senator Nass also released a legal opinion from the Wisconsin Legislative Council making clear that “state law does not empower the Elections Commission to waive” a statutory requirement that local clerks must dispatch SVDs to these facilities.

“The Wisconsin Elections Commission and its staff have been issuing improper directives to local municipal clerks that raise serious questions regarding the integrity of absentee voting by residents of residential care facilities across the state. The law on SVDs and the absentee ballot process for residents of residential care facilities is crystal clear. The WEC has been issuing directives it has no authority to under the law,” Nass said.

Nass noted that JCRAR will be meeting in executive session on February 11th to vote on mandating WEC to comply with s. 227.01 (13) Wisconsin Statutes, which would require the agency to show statutory authority for such directives or cease issuing the directives for lack of legal authority. If WEC believes it has the authority for SVD

directives, then the agency must submit an emergency rule within 30 days. The JCRAR has the power to suspend parts or all provisions of any emergency rule submitted by a state agency.