

Sen. Nass: Wisconsin Elections Commission Fails to Comply with State Law - Again

Posted on Tuesday, Mar 2, 2021

>> **WisPolitics is now on the State Affairs network. Get custom keyword notifications, bill tracking and all WisPolitics content. [Get the app or access via desktop.](#)**

CONTACT: Sen. Steve Nass (608) 266-2635

Senator Steve Nass (R-Whitewater), Co-chair of the Joint Committee for Review of Administrative Rules (JCRAR), was outraged by the failure of the Wisconsin Elections Commission (WEC) to comply with state law regarding special voting deputies (SVDs) and the process for them going to nursing homes, residential care facilities and retirement homes to assist with absentee voting by residents of these facilities.

Today, the WEC knowingly issued another directive on SVDs for the April 6th Election that violates the law and ignores a lawful mandate given to the WEC by JCRAR (on February 11, 2021) to complete an emergency rule by March 13, 2021, before issuing any further directives.

“The Wisconsin Elections Commission and its staff can’t be bothered to follow the law even after being given a lawful mandate from the legislature through the statutory powers of JCRAR. It is shocking that the people responsible for protecting the integrity of our elections would so openly violate the law even after being told what they were doing was improper” Nass said.

In early February, Nass 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.

On February 11, 2021, JCRAR voted to mandate WEC comply with s. 227.01 (13) of the 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 a promulgated emergency rule within 30 days (by March 13, 2021). The JCRAR has the power to suspend parts or all provisions of any emergency rule submitted by a state agency.

“If the WEC doesn’t immediately rescind today’s directive, it will likely lead to further JCRAR actions against the agency and could lead to legal challenges for the WEC and municipal clerks,” Nass said.