

# Sen. Nass: JCRAR suspends WEC emergency rule on absentee ballot certification curing

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Senator Steve Nass (R-Whitewater), Co-chairman of the Joint Committee for Review of Administrative Rules (JCRAR), released the following statement announcing the JCRAR voted 6-4 to suspend Emergency Rule 2209 issued by the Wisconsin Elections Commission (WEC), relating to the correcting of absentee ballot certifications.

JCRAR's action to suspend Emergency Rule 2209, pursuant to state law [state statute 227.26 (2) (d), Stats.], takes effect immediately and means all provisions of this emergency rule are no longer in effect.

***“Once again, the Wisconsin Elections Commission has exceeded the provisions of state law and acted in violation of the limited delegation of authority granted to it by the legislature. Current state law makes clear that if an absentee ballot certification is missing elements, it can only be corrected by the voter or the voter’s witness.***

***The WEC emergency rule improperly authorized municipal clerks to make corrections to the absentee ballot certifications without the knowledge of***

***the voter or the voter's witness. Further, the WEC emergency rule also mandates municipal clerks to take certain actions in processing the incomplete absentee ballot certifications directly in conflict with the optional language in state law.***

***Finally, state law makes abundantly clear that any absentee ballot certification that contains a missing address for the witness, shall not be counted. The WEC emergency rule was an attempt to circumvent state law."***