

Sen. Nass: WEC tells legislature to pound sand - directs clerks to violate absentee ballot law, Nass calls on legislative leaders to seek immediate court injunction against WEC

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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 in response to the decision of the Wisconsin Elections Commission (WEC) to in essence ignore the statutorily authorized actions of JCRAR to suspend Emergency Rule 2209 issued by 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[state statute 227.26 (2) (d), Stats.], takes effect immediately and means all provisions of this emergency rule are no longer in effect. WEC announced today it will continue to tell municipal clerks they can ignore state law.

“The commissioners and staff of WEC have a lengthy history of ignoring state elections law by issuing rogue guidance to municipal clerks and election workers. However, their actions in the last 12 hours can only be described as absolute lawlessness by directing municipal clerks to continue curing absentee ballot certifications in direct violation of state law.

I have asked my leadership to immediately take legal action to obtain a court order to compel WEC's compliance with state law regarding absentee ballot certification procedures.

I am also calling on all municipal clerks and election workers to comply with the specifics of state law regarding the procedure for correcting absentee ballot certifications. Anyone that follows the WEC guidance could be exposing themselves to both civil and criminal liability for violating state law.

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."