

WILL: Voter sues Wisconsin Elections Commission over unlawful delegation of power and duty

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On behalf of Robert Pellegrini, a registered Wisconsin voter and taxpayer, the Wisconsin Institute for Law & Liberty (WILL) [filed a lawsuit](#) against the Wisconsin Elections Commission (WEC) challenging WEC's abdication of its duties to investigate and decide complaints against local election officials. Instead of the six WEC Commissioners deciding those complaints, they have delegated the responsibility to staff.

The lawsuit alleges that the six WEC Commissioners are statutorily responsible for hearing and resolving complaints against local election officials and they cannot abdicate that duty by delegating it to anyone else. The suit is filed in the Waukesha County Circuit Court.

WILL Deputy Counsel, Lucas Vebber, stated, "It's absolutely absurd that the Wisconsin Elections Commission repeatedly refuses to take accountability. According to state law, it is the Commission's responsibility as a whole to respond to such complaints, not to assign the duty to another."

Robert Pellegrini, a registered Wisconsin voter and taxpayer from the Village of Hartland in Waukesha County, said, "I previously filed a complaint with WEC against my local village clerk. The WEC Administrator dismissed my complaint without input from the Commissioners themselves. The decision by the Administrator was reversed in Court, but I don't think I would have had to go to court if the Commissioners had reviewed and decided my complaint themselves."

In June 2021, WILL submitted a [complaint](#) to WEC on behalf of Robert Pellegrini

pursuant to [Wis. Stat. § 5.06](#). However, WEC Administrator Megan Wolfe dismissed Mr. Pellegrini's complaint, with no indication that the WEC Commissioners voted on or affirmatively approved of the decision. WILL discovered that Administrator Wolfe had done so under a broad policy adopted by the WEC Commissioners to pass on their authority to review and resolve *all* Wis. Stat. § 5.06 complaints. The lawsuit challenges this policy.

The [lawsuit](#) challenges WEC's ability to delegate its powers and duties under Wis. Stat. § 5.06. The statute requires WEC to decide complaints. Nowhere does the state law authorize the Commission to give its quasi-judicial role to the Administrator, WEC staff, or to anyone else.

WILL urges the court to order that WEC's abdication and delegation of its statutory duties is invalid. The suit seeks an injunction requiring WEC to decide future § 5.06 complaints by the WEC Commissioners voting on the decision before it is issued.