

# WILL: WILL appeals WEC complaint over illegal Racine election van

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**The News:** The Wisconsin Institute for Law & Liberty (WILL) filed an [appeal](#) against the City Clerk of Racine, arguing that the utilization of mobile voting sites throughout the community violates Wisconsin state law governing alternate absentee ballot sites.

The City of Racine utilized an unlawful mobile voting van in both the primary and general elections this year to conduct in-person absentee voting. WILL previously filed a complaint with the Wisconsin Election Commission (WEC) on behalf of a Racine voter requesting that WEC require Racine to follow applicable state laws that prevent mobile voting sites and ensure that the sites selected do not grant a partisan advantage. WEC's Administrator dismissed the complaint and WILL is now appealing that decision to the Racine County Circuit Court.

**The Quote:** WILL Deputy Counsel, Anthony LoCoco, said, "Racine's abuse of alternate absentee ballot sites circumvents multiple statutory safeguards on the collection of absentee ballots. The WEC Commissioners failed to take action and delegated the matter to the WEC Administrator who declined to enjoin Racine's illegal behavior. Further, although WILL's complaint was filed in August, the WEC Administrator did not issue her decision on the matter until in-person absentee voting for the 2022 general election was essentially completed which meant that WILL could not appeal the decision until after the November general election was over. We are confident that a court will put an end to Racine's egregious practices."

**Background:** Wisconsin State Law (Wis. Stat. § 6.855) provides that the office of the municipal clerk is the default location "to which voted absentee ballots shall be returned by electors for any election." But there may be circumstances when the clerk's office is unavailable for early, in person absentee voting. In those cases, the

clerk may designate an alternate absentee ballot site or sites; but under state law, “[t]he designated site shall be located as near as practicable to the office of the municipal clerk or board of election commissioners and no site may be designated that affords an advantage to any political party.” Additionally, where alternate sites are being used, “no function related to voting and return of absentee ballots that is to be conducted at the alternate site may be conducted in the office of the municipal clerk or board of election commissioners.”

The Racine City Clerk, however, provided for 21 alternate absentee ballot locations (not centrally located but scattered throughout the city) and the majority of which provided an advantage to the Democratic Party because they were located in the most Democratic parts of the City. She also allowed absentee voting at City Hall; and voting was not done in buildings or fixed locations, but in a mobile vehicle at temporary locations.

All of this is documented in a WILL analysis and is against state law. Wisconsin law contemplates that voting will occur in fixed locations like buildings and not in cars, vans, or buses. Racine’s use of an election van is inconsistent with this principle. Alternative absentee ballot sites must be located in buildings as near to the clerk’s office as possible, cannot confer partisan advantage, and must be the exclusive site for the collection of ballots throughout an election. The Racine City Clerk violated each of these requirements.

WILL [urges](#) the court to put an end to Racine’s illegal ballot collection practices.

### **Read More:**

- [Complaint](#), December 1, 2022
- [Previous WILL Analysis and Policy Brief](#), December 1, 2022
- [Exhibit A](#), December 1, 2022
- [Exhibit B](#), December 1, 2022
- [Exhibit C](#), December 1, 2022
- [Exhibit D](#), December 1, 2022
- [Exhibit E](#), December 1, 2022
- [Exhibit F](#), December 1, 2022
- [Exhibit G](#), December 1, 2022
- [Exhibit H](#), December 1, 2022
- [Exhibit I](#), December 1, 2022