FAIR ELECTION FUND REPORT
Wisconsin Election Commission's Administration of Wisconsin Elections 2024

The Fair Election Fund is a non-partisan public interest organization committed to promoting effective administration of elections in a transparent way that instills public confidence in electoral results. This is the fourth of multiple state reports evaluating the performance of the State in administering elections.

In conducting its Report on the Wisconsin Election Commission's ("WEC") election administration, The Fair Election Fund, in part, relied on the nonpartisan tenants proposed by the Carter-Baker Report. The Carter-Baker Report was released by a bipartisan commission in 2005 to address "Americans [] losing confidence in the fairness of elections" and to address other "problems of our electoral system." The Carter-Baker Report rightly proclaimed "[e]lections are the heart of democracy. They are the instrument for the people to choose leaders and hold them accountable…If elections are defective, the entire democratic system is at risk."

The Carter-Baker Report included over 80 recommendations to improved election administration in the United States. These recommendations encompass the Carter-baker Reports five pillars of an effective electoral system:

> **To build confidence, the Commission recommends a modern electoral system built on five pillars:(1) a universal and up-to-date registration list, accessible to the public; (2) a uniform voter identification system that is implemented in a way that increases, not impedes, participation; (3) measures to enhance ballot integrity and voter access; (4) a voter-verifiable paper trail and improved security of voting systems; and (5) electoral institutions that are impartial, professional, and independent.**

The Fair Election Fund evaluated these nonpartisan recommendations and created a modernized five-part analysis focused on the areas that have the greatest impact on the effective administration of elections, increasing transparency, and increasing voter confidence.

The Fair Election Fund Five-Part analysis:

1. **The administration of elections and enforcement of existing laws**
2. **The transparency of election process**
3. **The quality of the voter registration list**
4. **The impartial, professional, and independence of election administration**
5. **Leadership to Instill Confidence in Election Results**

Using this Five-Part Analysis, this report evaluates the WEC's performance in administering elections, and provides recommendations to improve the administration of elections, increase transparency, and increase voter confidence.

Executive Summary

Created by the Legislature, WEC is a nonpartisan agency tasked with implementing election laws, maintaining the state's voter registration system, and issuing guidance to local election officials. The Commission is composed of three members appointed by each of the two major political parties, with actions of the Commission requiring a majority vote. The Fair Election Fund's analysis of the WEC's election administration reveals serious and repeated failures that undermine public confidence in the integrity of Wisconsin elections. These include WEC exceeding its statutory authority, issuing guidance that directly conflicts with Wisconsin law, administering unlawful absentee voting practices, refusing to implement mandated procedures for appointing partisan election inspectors, and presiding over the use of noncompliant voter registration forms. These findings reflect a consistent pattern of administrative overreach, disregard for clear statutory mandates, and a troubling lack of accountability within the agency responsible for safeguarding the state's electoral process.

I. Administration of Elections and Enforcing Existing Laws

A. Counting Undated Ballots

The 2020 general election in Wisconsin was marked by an unprecedented increase in absentee voting. According to the Wisconsin Elections Commission (WEC), municipal clerks across nearly every jurisdiction in the state processed more absentee ballot requests than ever before—nearly 2 million statewide. In a post-election report, WEC acknowledged that the exponential increase in absentee voting "revealed public confusion about the process and differing opinions about previously obscure statutory provisions and administrative procedures." [1]

Among the most controversial practices to emerge during this period was the handling of incomplete absentee ballot witness certifications. Wisconsin law requires that an elector submitting an absentee ballot must do so in the presence of a witness who is an adult U.S. citizen. [2] The ballot envelope includes a certification that the witness must complete and sign, attesting under penalty of perjury to their identity and to the execution of the voting procedure.[3] State law mandates that the witness must also provide their address on the certification form. If this information is missing, the statute unequivocally provides that the ballot may not be counted**.**[4]

Wis. Stat. § 6.87(6d) does allow municipal clerks to return absentee ballots with incomplete or missing witness information to the voter, provided there is sufficient time for the elector to correct the defect and resubmit the ballot before polls close on Election Day. The law establishes this process as the only means of remedying such deficiencies.

[1] Press Release, Wisconsin Elections Commission, *WEC Releases Analysis of November 2020 Election Data* (Jan. 29, 2021).
[2] Wis. State. § 6.87(4)(b).
[3] Wis. State. § 6.87(2).
[4] Wis. State. § 6.87(6)(d).

However, WEC issued guidance in 2020 that directly circumvented this law. Through materials posted on its website, WEC instructed municipal clerks on how to "rehabilitate" absentee ballot envelopes that lacked complete witness address information. Rather than directing clerks to return the ballot to the voter for correction, as the statute requires, WEC advised clerks that they could independently fill in the missing information. [5] According to WEC's published guidance, clerks could use "reliable information" such as personal knowledge, voter registration databases, or even information obtained via phone calls to voters or witnesses to supply the missing address.[6]

This guidance amounted to an unlawful delegation of power to local election officials, enabling them to alter a legally required certification document without the knowledge or consent of the voter or the witness. It also removed key safeguards designed to ensure that absentee ballots are verified and completed as prescribed by law, raising serious concerns about election integrity, chain of custody, and equal treatment of ballots across the state.

In 2022, following legal challenges from Wisconsin voters and the Legislature, a state circuit court issued a permanent injunction against WEC. The court ruled that WEC had violated state election law and was henceforth prohibited from advising, guiding, or instructing municipal clerks and election officials that they may add or correct information on absentee ballot witness certifications. The ruling reaffirmed the principle that election administration must adhere strictly to the procedures enacted by the Legislature, and that unelected administrators cannot rewrite the law through policy guidance.

This is a clear example of WEC ignoring state law. By exceeding its authority, WEC undermined the public trust that is essential to running fair elections. The court's intervention was not only a correction of unlawful conduct but also a necessary reminder that election officials must follow the law.

B. Absentee Ballot Sites

Under Wisconsin law, only the Milwaukee Common Council has the authority to designate alternate absentee ballot sites for in-person absentee ballot voting. Neither a municipal clerk nor board of election commissioners has the authority to determine whether to use or not use an alternate absentee ballot site after properly designated by the Common Council. Prior to the 2022 primary election, the deadline for a governing body of a Wisconsin municipality, like the Milwaukee Common Council, to elect to designate an alternate ballot site was June of 2022. Additionally, once an alternate absentee ballot site is elected, the designation "shall remain in effect until at least the day after the election."[7] Additionally, the statutory requirements of absentee ballot voting are so stringent that "with respect to matters relating to the absentee ballot process", any ballot "cast in contravention of the procedures specified in those provisions may not be counted" and "may not be included in the certified result of any election."[8]

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[5] Scott Bauer, *Wisconsin Elections Commission Deadlocks on Absentee Ballot Rule,* Mar. 9, 2022, available at https://www.wsaw.com/2022/03/09/wisconsin-elections-commission-deadlocks-absentee-ballot-rule/

[6] Spoiling Absentee Ballot Guidance (Oct. 19, 2020), available at https://www.supremecourt.gov/opinions/urls_cited/ot2020/20a66/20a66-12.pdf

[7] Wis. State. § 6.855(1).

[8] Wis. State. § 6.84(2).

On June 2022, the Mayor of Milwaukee signed a resolution that lists 27 locations with addresses scattered across the City of Milwaukee. However, rather than using all 27 locations as designated sites as required by law, the Milwaukee Elections Commission, a branch of WEC responsible for enforcing election laws at the local level, subsequently posted a notice on their website indicating only four locations that electors may request and vote an absentee ballot between Tuesday July 26 and Saturday August 6, 2022 during the hours of 9:00 a.m. and 6:00 p.m. The notice provided that at the remaining locations, in-person absentee voting will be available from "August 1-5, 2022 by appointment only", adding the requirement that voters must "provide explanation for why the other sites with regular hours are not able to accommodate the voter."

This procedure was not authorized by Wisconsin law. The Milwaukee Election Commission has no statutory authority to selectively determine which of the 27 designated locations would operate fully or limit access to others on an "appointment-only" basis. State law does not permit absentee ballot sites to function in this ad hoc manner, nor does it allow election officials to impose barriers to voter access at designated voting locations.

The Wisconsin Legislature expressly stated in statute and as the public policy of this state, that:

> Voting by absentee ballot is a privilege exercised wholly outside the traditional safeguards of the polling place. The legislature finds that the privilege of voting by absentee ballot must be carefully regulated to prevent the potential for fraud or abuse; to prevent overzealous solicitation of absent electors who may prefer not to participate in an election; to prevent undue influence on an absent elector to vote for or against a candidate or to case a particular vote in a referendum; or other similar abuses.[9]

Additionally, Wisconsin law gives the public an absolute right to access any polling place, municipal clerk office, or alternate absentee ballot site to observe the absentee ballot voting process.[10] By restricting voting at many designated sites to an "appointment-only" basis—and requiring voters to justify their requests—the Milwaukee Election Commission not only created unauthorized barriers to voting but also obstructed the public's ability to observe the absentee voting process as required by law.

Another significant issue concerns the political nature of one of the four in-person absentee voting sites that were not subject to appointment-only restrictions. Wisconsin law states that no alternate in-person absentee voting site may be established in a location that "affords an advantage to any political party."[11] Of the 27 sites designated by the Milwaukee Common Council, the Milwaukee Elections Commission selected only four to remain open for unrestricted absentee voting. One of those four sites is Good Hope Library. Good Hope Library is a building that is staffed and used by then Senator Lena C. Taylor (D-Milwaukee 4th Senate District). This selection raises serious questions about whether the Milwaukee Election Commission's decision to limit full access to

[9] Wis. State. § 6.84.
[10] Wis. State. § 7.41.
[11] Wis. State. § 6.855(1).

only four sites was politically motivated, especially given that one of those locations clearly benefits a then Democratic officeholder.

SECTION I: The Administration of Elections and Enforcement of Existing Laws
GRADE: . . . . . D-

II. The Transparency of the Election Process

The Wisconsin Supreme Court has consistently emphasized the fundamental importance of election integrity, holding that "protecting the integrity and reliability of the electoral process, as well as promoting the public's confidence in elections… are always exceedingly important." [12] In support of this principle, the Wisconsin Legislature has enacted clear statutory provisions granting the public broad rights to observe elections and related procedures. Under Wisconsin law, any member of the public is entitled to be present at polling places "for the purpose of observation of an election and the absentee ballot process." To ensure these rights, the law requires that observation areas be "so positioned" by the municipal clerk or chief inspector as to allow observers to "readily observe all aspects of the voting process." [13] These are mandatory requirements rooted in the Legislature's intent to preserve transparency and public oversight.

Despite these legal mandates, in 2024 the Milwaukee Elections Commission, a local body operating under the umbrella of the WEC, engaged in efforts to deny public access to election observation at polling locations throughout the City of Milwaukee. The Republican National Committee ("RNC") responded by filing a lawsuit seeking declaratory and injunctive relief, asserting that the Commission's conduct violated clear provisions of Wisconsin law governing public access to the voting process.[14]

Specific examples of this violation occurred across multiple polling sites. At the Serb Hall polling location, a venue capable of accommodating up to 2,000 individuals, the Milwaukee Elections Commission allowed only two observers total. Similarly, at the Good Hope Library and the Capitol Drive Voting Center, space was restricted to two and four observers, despite the fact that the facilities could easily have accommodated many more. Additional reports from the Washington Park and Tippecanoe polling locations confirmed that observation was similarly restricted to just two observers for the entire site, raising serious concerns about equal access and transparency across polling places.

In furtherance of this violation, the Milwaukee Elections Commission distributed guidance to chief inspectors stating that, "while most of our polling places are large enough to accommodate a few observers, there are a few that have very small voting rooms. These chief inspectors will limit the number of observers to two at a time, one from each political party." This guidance conflicts with Wisconsin law, which does not condition public observation rights on party affiliation, nor does it authorize limits on the number of observers based on generalized space concerns. Instead, the law

[12] *Milwaukee Branch of NAACP v. Walker*, 2014 WI 98, ¶ 73, 357 Wis. 2d 469, 504-05, 851 N.W. 2d 262, 279-80.
[13] Wis. State. § 7.41(1)-(2).
[14] *RNC v. City of Milwaukee Election Comm'n*, No. 2024CV008800 (Nov. 4, 2024).

obligates election officials to make reasonable accommodations to ensure that public observation is not merely symbolic, but functional and effective.

When pressed by the RNC's Election Integrity Director for a list of polling locations where these limitations would apply, the Executive Director of the Milwaukee Elections Commission admitted she could not provide specifics, instead asserting vaguely that such restrictions "may occur anywhere the space, access, number of voters, and other prevailing circumstances would require it as a reasonable limitation." This response underscores a troubling lack of transparency and accountability, suggesting that limitations on public oversight were being imposed without consistent standards or adequate justification.

Wisconsin law is explicit in its requirements: observer areas must be established within a certain distance of voting activities and positioned in such a way that all aspects of the voting process, including voter check-in, ballot issuance, and ballot box access, can be readily seen and heard. The statute does not authorize officials to arbitrarily cap the number of observers, nor does it permit them to use vague logistical concerns as a rationale for denying access. Yet, rather than rearranging polling stations or establishing multiple observation areas to ensure compliance with these legal obligations, the Milwaukee Elections Commission opted to restrict observation altogether in many cases.

This failure to accommodate lawful public oversight is more than a procedural misstep, it is a violation of voter trust and a breach of the Legislature's directive to administer elections with transparency. By imposing blanket limitations and refusing to take even minimal steps to facilitate broader access, the Milwaukee Elections Commission not only ignored statutory requirements but also undermined public confidence in the fairness and integrity of the electoral process.

SECTION II: The Transparency of Electoral Process

GRADE: C

III. The Quality of the Voter Registration List

A. Unlawful Voter Registration Form

Under Wisconsin law, the process of voter registration is governed by statutory requirements that define precisely what information must appear on voter registration forms. Wisconsin Stat. § 6.33(1) outlines these requirements and delegates the administrative task of form creation to WEC. However, as a statutory creation of the Legislature, WEC has no independent authority to modify, ignore, or override these requirements. Its responsibility is clear: any registration form WEC creates, approves, or disseminates must conform strictly to the content outlined by Wisconsin law.

Despite these clear obligations, WEC has used its administrative discretion to bypass statutory constraints. In 2023, Wisconsin residents were registering to vote using a version of the National Mail Voter Registration Form that WEC, through its Election Administration Manual, declared to

be approved for use. Yet this form was never properly approved under Wisconsin law and failed to include multiple statutory elements required by Wis. Stat. § 6.33(1).

Wisconsin citizen Richard Braun identified this legal violation and filed a formal complaint in state court. Braun's petition requested that WEC withdraw the unauthorized form and cease all activity that violated the governing statutes. The circuit court agreed. In a strongly worded decision, the court found that WEC had not only exceeded its legal authority but had "failed in its most basic [statutory] duty." [15] The court ordered WEC to formally withdraw the noncompliant form and rescind any related guidance suggesting its validity.

The violations were not minor oversights. Wisconsin law specifically requires voter registration forms to include, among other elements:

- A declaration of whether the registrant has resided in their ward or election district for the requisite number of consecutive days.
- Disclosure of any unpardoned felony convictions and current correctional status.
- A warning that falsifying information on the form constitutes a Class I felony.
- Identification and signature of the official who accepts the form.
- Designation of the ward, aldermanic district, and relevant electoral jurisdictions.
- Notation of how the form was received—by mail or electronically.
- A space for the clerk to record the elector's voter ID serial number.

Yet the WEC-approved form contained none of these legally mandated items. Instead, it went further astray by soliciting information that state law does *not* authorize WEC to collect—most notably the elector's race and political party affiliation. No Wisconsin statute permits, much less requires, the WEC to request such information, and no authority has been granted to the Commission to create new categories of voter data collection at its discretion.

In the aftermath of *Braun v. Wisconsin Elections Commission*, the court's judgment reinforced an essential constitutional principle: that no administrative agency, can override the will of the Legislature or act beyond the bounds of its statutory authority. The ruling was not just a rebuke of an unlawful form, it was a broader indictment of a commission that has repeatedly operated outside the lines of legal neutrality. Given this track record, WEC's ongoing role in voter list maintenance and election administration should be scrutinized not merely for competence, but for adherence to the law and fidelity to the principle of fair, impartial elections.

B. Voter Registration List Maintenance

In Wisconsin, any United States citizen who is a resident of the state is generally eligible to vote in the municipality where they reside, including by absentee ballot. [16] However, if a person moves to a new address in a different county within Wisconsin, or to another state, they are typically no

[15] *Braun v. Wis. Elections Comm'n*, No. 2022CV001336, Decision and Order (Wis. Cir. Ct. Waukesha Cnty. Sept. 2023).
[16] Wis. State. § 6.20.

longer permitted to vote in their previous municipality, unless the move occurred within 28 days of the election. [17]

To ensure the integrity of elections, prevent voter fraud, and maintain public trust in the electoral process, federal law requires states to keep accurate and up-to-date voter registration lists. These laws include provisions mandating the removal or inactivation of outdated or invalid registrations. This requirement is especially important in the context of absentee voting, where the risk of double voting or unauthorized ballot submission by third parties is heightened.

The Help America Vote Act (HAVA) requires each state to maintain a "single, uniform, official, centralized, interactive computerized statewide voter registration list" that is defined, maintained, and administered at the state level. [18] Under HAVA, states must also "remove the names of ineligible voters from the computerized list in accordance with State law." [19] While Wisconsin delegates primary responsibility for list maintenance to local election officials, WEC retains ultimate responsibility for overseeing voter registration list management and ensuring that municipalities comply with their statutory obligations. [20]

In 2024, three Wisconsin citizens submitted a formal request to the Milwaukee Elections Commission and subsequently filed a complaint in Milwaukee County Circuit Court, seeking enforcement of the state's voter registration maintenance requirements.[21] In May 2024, these citizens ran Milwaukee's list of active voter registrations—provided by WEC—through an automated screening system to identify registration issues. Each name and address on the list was evaluated using the United States Postal Service's ("USPS") Coding Accuracy Support System ("CASS"), which verifies address validity and current residency.

WEC itself relies on similar USPS data to maintain its voter registration list. However, the citizen-led review uncovered what it claimed to be "tens of thousands" of errors in the City of Milwaukee's active voter rolls.[22]

The group submitted a detailed Excel spreadsheet to the Milwaukee Elections Commission outlining over 50,000 allegedly invalid active registrations. Their analysis included:

- 2,250 active registrations linked to commercial addresses
- 24 registrations with incomplete addresses
- 32 registrations at addresses inaccessible to USPS delivery
- 13 registrations using the address of a USPS office instead of a residence
- 5,080 registrations where the voter no longer lived at the registered address
- 6,187 registrations where voters had filed USPS change-of-address forms indicating a permanent move out of state

[17] Wis. State. § 6.10(10).
[18] 52 U.S.C. § 21083(a)(l)(A);
[19] Wis. State. § 5.061.
[20] Wis. State. § 5.05.
[21] *Eucke v. City of Milwaukee Election Comm'n,* No. 2024CV007822 (Wis. Cir. Ct. filed Sept. 30, 2024).
[22] *Id*.

- 4,907 registrations where voters indicated a permanent move out of the country

The Milwaukee Elections Commission did not respond to the request. Litigation over this matter remains ongoing. As of April 5, 2025, the Milwaukee Elections Commission filed its latest brief with the Wisconsin Court of Appeals.

This ongoing dispute highlights shortcomings in Wisconsin's voter list maintenance practices, particularly at the local level. Despite clear federal and state mandates, the failure of election officials to investigate or act upon detailed, data-backed evidence of registration irregularities undermines the integrity of the electoral system. The lack of response from the Milwaukee Elections Commission to credible and specific allegations illustrates that without consistent enforcement and oversight, statutory safeguards for maintaining accurate voter rolls are rendered ineffective.

SECTION III: The Quality of the Voter Registration List
GRADE: . . . . . D

IV. The Impartial, Professional and Independence of Election Administration

Election inspectors are the individuals authorized by statute to, among other things, work, oversee, and administer elections at polling places on Election Day and are a type of "election official," which is defined as "an individual who is charged with any duties relating to the conduct of an election."[23] Prior to November 30th of any odd-numbered year, the two major political parties, generally the Republican and Democratic Parties, may submit names of election inspector nominees. The municipal governing body then appoints election inspectors to a two-year term on or before December 31st of an odd-numbered year. State law requires appointment of election inspectors must be made from the lists of the nominees submitted by the political parties, as long as such nominees are made available by the political parties.[24]

In 2023, like all municipalities across the state, the City of Racine considers and appoints nominees submitted by the Republican Party of Racine County and the Democratic Party of Racine County. Shortly thereafter, each appointee is notified and asked to accept the position and file necessary paperwork. However, multiple individuals who were nominated, appointed, and had timely accepted the position of election inspector by filing the necessary paperwork were ultimately not contacted by the City of Racine to work or schedule work at any polling place in the City for the 2024 partisan primary. One applicant, Angela Bartzen, who was nominated by the city's Republican Party, reached out to the clerk in the spring of 2024 to inquire about attending training and when she might be scheduled to work at a polling location. Bartzen, was informed by the clerk that there were no more training sessions available and thus was never contacted to work at any polling location.[25]

[23] Wis. State. § 5.02(4e).
[24] Wis. State. § 7.30(4).
[25] Hendrickson v. City Clerk for the City of Racine, No. 2024CV001234 (Wis. Cir. Ct. Racine Cnty. filed Sept. 15, 2024).

In contrast to Bartzen's experience, City of Racine election inspectors were contacted in July of 2024 by the City Clerk to schedule work at polling locations and notify election inspectors of their assignments. Despite being qualified, nominated and appointed, Bartzen and 47 other individuals nominated by the Republican Party, were neither contacted by the City Clerk nor scheduled by the City Clerk to work as election inspectors for the 2024 partisan primary.

These individuals subsequently made a records request to the City of Racine asking for the list of election inspectors who were scheduled to work the 2024 partisan primary at polling locations. Categorized by political party, the following is the breakdown of election inspectors who actually worked at polling locations on August 13, 2024 in the City of Racine:

8 Republicans
7 Democrats
90 Unaffiliated

Wisconsin law makes clear that "all election inspectors" working poll locations "shall be affiliated with one of the 2 recognized political parties which received the largest number of votes for president, or governor in nonpresidential general election years."[26] Additionally, for so long as any nominees from either the Republican or Democratic political parties are available, "appointments may be made only from the lists of nominees submitted" by those political parties.[27] For example, WEC's "Election Administration Manual" provides as follows:

> If lists of nominees are received from the two dominant political parties before the November 30 of odd-numbered years deadline, the election inspectors must be appointed from the lists. If no nominations, or an insufficient number of names, are submitted, the board of election commissioner shall appoint qualified electors of the municipality without regard to party affiliation.[28]

Accordingly, the City Clerk is required to allow Republican and Democratic Party nominees, who were subsequently approved of or appointed, to serve as election inspectors before any unaffiliated individual is scheduled or allowed to serve as election inspectors. By failing to schedule appointed Republican nominees like Bartzen and others, while allowing a disproportionate number of unaffiliated inspectors to serve, the City Clerk's office violated clear statutory requirements. This action not only disregarded the law but also tilted the dynamic of polling site officials, undermining public confidence in the impartial administration of elections.

SECTION IV: Impartial, Professional and Independent Election Administration

GRADE . . . . . C-

[26] Wis. State. § 7.30(2)(a).
[27] Wis. State. § 7.30 (4)(c).
[28] Wis. Elec. Comm'n, Election Administration Manual, pp. 9-10. Aug. 2024.

V. Leadership to Instill Confidence in Election Results

WEC was established in 2016 following the dissolution of the Government Accountability Board ("GAB"), a body once composed of six retired judges appointed by the Governor. The GAB was explicitly nonpartisan in nature and operated with the stated goal of "enhancing representative democracy by ensuring the integrity of the electoral process." [29] However, the Legislature had growing concerns that this model of "nonpartisanship" was, in reality, masking political bias behind a facade of neutrality. In response, the Legislature opted to create a new body—the WEC—rooted in balanced partisanship rather than independence. The new commission was designed with three Republican and three Democratic commissioners, each appointed by different executive and legislative authorities, to maintain fairness by ensuring no one party held sway. [30]

Yet in practice, this structure has proven to be deeply flawed. The very balance intended to promote bipartisanship has instead entrenched division, gridlock, and overt partisanship. The WEC's even partisan split means that decisions are often driven by political interest rather than legal clarity or voter equity. Far from building public trust, the Commission's structure has fostered increasing skepticism about its impartiality and undermined confidence in the electoral process, particularly when it comes to controversial or high-stakes decisions.

A notable example came during the 2020 presidential election cycle. That year, WEC staff blocked the Green Party's presidential candidates, Howie Hawkins and Angela Walker, from appearing on the general election ballot. [31] This decision, made not through a formal vote of the Commission, but by unelected staff, prompted a legal challenge. The Green Party filed a petition with the Wisconsin Supreme Court to overturn the decision. In a narrow 4-3 ruling, the Court upheld the Commission's action. However, the dissenting justices raised serious concerns: they emphasized that the candidates had met all statutory requirements for ballot access and condemned the exclusion as both procedurally flawed and substantively unjust. The dissent argued that the decision, carried out by anonymous staffers rather than the commissioners themselves, constituted an abuse of process that undermined the very foundation of electoral fairness.

This incident was not just a bureaucratic misstep, it struck at the heart of voter confidence. By preventing a qualified third-party ticket from appearing on the ballot, WEC effectively deprived voters of a legitimate choice, casting doubt on the integrity of the electoral process and exacerbating partisan mistrust. The perception, if not the reality, of partisanship within the Commission continues to erode faith in Wisconsin's election administration, especially in an era of heightened political polarization.

In an attempt to promote accountability and legal oversight, the Legislature included a statutory mechanism allowing voters to file formal complaints if they believe an election official has acted

[29] Wis. Gov't Accountability Bd., *2013-2015 Biennial Report*, perma.cc/62U7-8CBM.
[30] *See* Wis. State. § 15.61(1)(a).
[31] *Hawkins v. Wis. Elections Comm'n*, 2020 WI 75 ¶ 1, 393 Wis. 2d 629, 948 N.W. 2d 877.

unlawfully or abused their discretion.[32] These complaints can cover a wide range of election-related issues—from candidate qualifications and ballot preparation to the conduct of elections themselves. If a voter is dissatisfied with WEC's response to a complaint, they have the right to challenge the decision in court.[33] While this process theoretically provides a check on improper conduct, it does little to address the root issue: a fundamentally partisan and politically deadlocked commission that has repeatedly failed to inspire public confidence.

Taken together, the structure and actions of the Wisconsin Elections Commission reveal a body that is not meaningfully independent or consistently neutral. Instead, WEC has become a partisan battleground whose decisions often reflect the political divide rather than a commitment to fair, transparent, and lawful elections. In the context of ongoing election law disputes and the increasing frequency of close, contested races, this deeply politicized structure poses a threat to the integrity and credibility of Wisconsin's electoral system.

SECTION V: Leadership to Instill Confidence in Election Results

GRADE C

[32] Wis. Stat. § 5.06(1).
[33] Wis. Stat. § 5.06(2).

WISCONSIN ELECTIONS COMMISSION

PERFORMANCE SUMMARY

SECTION I: The Administration of Elections and Enforcement of Existing Laws

GRADE: . . . . . ….D+

SECTION II: The Transparency of Electoral Process

GRADE: C

SECTION III: The Quality of the Voter Registration List

GRADE: . . . . . D

SECTION IV: Impartial, Professional and Independent Election Administration

GRADE: . . . . . C-

SECTION V: Leadership to Instill Confidence in Election Results

GRADE: C

OVERALL GRADE: . . . . . D+