



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-3038/1
JK:skw

2023 SENATE BILL 292

May 15, 2023 - Introduced by Senators JACQUE, BALLWEG, NASS, QUINN and STROEBEL, cosponsored by Representatives ALLEN, MAXEY, ARMSTRONG, BODDEN, BRANDTJEN, GUSTAFSON, MURPHY and BEHNKE. Referred to Committee on Shared Revenue, Elections and Consumer Protection.

1 **AN ACT** *to renumber and amend* 5.06 (1); and *to create* 5.06 (1) (b) and 5.06
2 (1) (c) of the statutes; **relating to:** filing a complaint with the Elections
3 Commission.

Analysis by the Legislative Reference Bureau

Under current law, whenever a voter believes that an election official has acted contrary to law, or failed to act in accordance with the law, in performing his or her duties, the voter may file a written sworn complaint with the Elections Commission. However, the voter must be a voter in the jurisdiction or district in which the alleged action or inaction occurred. This bill allows an adult child or parent of a voter to file a written sworn complaint with the commission on behalf of a voter regardless of whether the adult child or parent is a voter in the jurisdiction or district in which the alleged action or inaction occurred. In addition, under the bill, whenever a voter believes that a person has engaged in prohibited election practices in the voter's jurisdiction or district, such as impersonating a registered voter or voting more than once in the same election, the voter may file a written sworn complaint with the commission. The bill also allows an adult child or parent of the voter to file a complaint regardless of whether the adult child or parent is a voter in that jurisdiction or district.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SENATE BILL 292**SECTION 1**

1 **SECTION 1.** 5.06 (1) of the statutes is renumbered 5.06 (1) (a) and amended to
2 read:

3 5.06 (1) (a) Whenever any elector of a jurisdiction or district served by an
4 election official believes that a decision or action of the official or the failure of the
5 official to act with respect to any matter concerning nominations, qualifications of
6 candidates, voting qualifications, including residence, ward division and
7 numbering, recall, ballot preparation, election administration or conduct of elections
8 is contrary to law, or the official has abused the discretion vested in him or her by law
9 with respect to any such matter, the elector, or the elector's adult child or parent, as
10 provided under par. (b), may file a written sworn complaint with the commission
11 requesting that the official be required to conform his or her conduct to the law, be
12 restrained from taking any action inconsistent with the law or be required to correct
13 any action or decision inconsistent with the law or any abuse of the discretion vested
14 in him or her by law. The complaint shall set forth such facts as are within the
15 knowledge of the complainant to show probable cause to believe that a violation of
16 law or abuse of discretion has occurred or will occur. The complaint may be
17 accompanied by relevant supporting documents. The commission may conduct a
18 hearing on the matter in the manner prescribed for treatment of contested cases
19 under ch. 227 if it believes such action to be appropriate.

20 **SECTION 2.** 5.06 (1) (b) of the statutes is created to read:

21 5.06 (1) (b) The adult child of an elector or that elector's parent may file a
22 written sworn complaint under par. (a) on behalf of the elector, regardless of whether
23 the adult child or parent is an elector of the jurisdiction or district where the alleged
24 decision, action, or inaction occurred.

25 **SECTION 3.** 5.06 (1) (c) of the statutes is created to read:

SENATE BILL 292**SECTION 3**

1 5.06 (1) (c) Whenever an elector believes that a person has engaged in
2 prohibited election practices under ch. 12 in the elector's jurisdiction or district, the
3 elector may file a written sworn complaint with the commission requesting that the
4 commission investigate the alleged violation or refer the matter to the district
5 attorney of the county where the alleged violation occurred or to the attorney general.
6 The adult child of an elector or that elector's parent may file a written sworn
7 complaint under this paragraph on behalf of the elector, regardless of whether the
8 adult child or parent is an elector of the jurisdiction or district where the alleged
9 violation under ch. 12 occurred.

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(END)