



## 2025 ASSEMBLY BILL 268

May 19, 2025 - Introduced by Representatives WITKE, NEYLON, ALLEN, O'CONNOR, PENTERMAN, MURPHY, ARMSTRONG, DITTRICH, MOSES, PIWOWARCZYK, KNODL, BRILL, BEHNKE, WICHGERS, KREIBICH and GOEBEN, cosponsored by Senators WANGGAARD and NASS. Referred to Committee on Campaigns and Elections.

1     **AN ACT to amend** 5.06 (8) of the statutes; **relating to:** the right of appeal for  
2             complainants aggrieved by decisions of the Elections Commission concerning  
3             the conduct of election officials.

---

### *Analysis by the Legislative Reference Bureau*

Under current law, any person eligible to vote in Wisconsin may file a complaint with the Elections Commission alleging that an election official serving the voter's jurisdiction has failed to comply with certain election laws or has abused his or her discretion with respect to the administration of such election laws. After investigation of a complaint, current law authorizes the commission to issue an order requiring an election official to conform his or her conduct to the law, restraining an election official from taking any action inconsistent with the law, or requiring an election official to correct any action or decision inconsistent with the law.

Additionally, current law authorizes any complainant who is aggrieved by an order of the commission on the complaint to appeal the commission's decision in court. The law does not specifically define the term "aggrieved" for purposes of this right of appeal. However, in *Brown v. Wisconsin Elections Commission*, 2025 WI 5, the Wisconsin Supreme Court held that a complainant not receiving a favorable decision from the Elections Commission on a complaint is aggrieved, and therefore has a right to appeal that decision in court, only if the complainant has suffered an injury to a legally recognized interest as a result of the decision.

