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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2021 Senate Bill 936**

**Senate Amendment 1**

### 2021 SENATE BILL 936

Senate Bill 936 makes various changes to election laws, including changes relating to complaints filed with the Wisconsin Elections Commission (WEC), reporting by WEC regarding complaints it receives, and post-election audits of voting equipment.

Under current law, any person may file a complaint with WEC alleging a violation of the election law chapters of the statutes, and also permits a voter to file a sworn complaint against an election official serving the voter's jurisdiction or district alleging that a decision or action of that official is contrary to law or constitutes an abuse of discretion. A voter cannot commence a court action contesting an election official's action unless the individual first files a complaint with WEC.

Senate Bill 936 requires WEC to resolve complaints it receives within 60 days, unless the members affirmatively approve one or more 60-day extensions. During that period, WEC must determine whether to dismiss the complaint, initiate an investigation, or grant the relief requested by the complainant by an affirmative two-thirds vote of the members. If WEC fails to dismiss a complaint by a two-thirds vote, then it must initiate an investigation or refer the matter to the Attorney General or to a district attorney. The bill also permits a person alleging that an action by WEC violates election law to file a sworn complaint and file a court action without first filing a complaint with WEC.

### SENATE AMENDMENT 1

Senate Amendment 1 alters the process for WEC to consider general complaints of election law violations and the process for WEC to consider sworn complaints against election officials. Under the amendment, when WEC receives a general election law violation complaint, it must determine by a two-thirds affirmative vote whether to grant the relief requested by the complainant. If WEC fails to grant the requested relief, to refer the matter to the Attorney General or district attorney, or to grant a 60-day extension, then WEC must dismiss the complaint.

The amendment further provides that when WEC receives a sworn complaint against an election official, it must determine by an affirmative two-thirds vote whether to grant the requested relief or extend the time for resolving the complaint by 60 days. If WEC fails to grant the requested relief or extend the time period, then WEC must dismiss the complaint.

### BILL HISTORY

Senate Amendment 1 was offered by Senator Bernier on February 22, 2022. On that date, the Senate adopted Senate Amendment 1 and passed the bill, as amended, on a vote of Ayes, 21; Noes, 12.

KBO:ksm