



DAVID CRAIG

STATE SENATOR

November 21, 2019

Administrator Meagan Wolfe
Wisconsin Elections Commission
212 East Washington Avenue, Third Floor
P.O. Box 7984
Madison, Wisconsin 53707-7984

Dear Administrator Wolfe,

On Thursday, October 10th, the Wisconsin Elections Commission (WEC) announced the mailing of letters to the approximately 234,000 individuals identified by the Electronic Registration Information Center (ERIC) as having potentially changed residences. In that announcement, WEC said: "Another important change from 2017 is that voters who get the mailing will not be automatically removed from the active voter list if they do not respond to the mailing within a month. Voters who are sent the 2019 movers mailing will remain on the active poll list until after the April 2021 Spring Election."

This decision was reached at the June 11, 2019 WEC when staff proposed in a memorandum to the Commission that:

"For the purposes of this process, staff is relying on Wis. Stat. § 6.361(1)(ae) compelling adherence to the ERIC membership agreement, Wis. Stat. § 6.50(3) which authorizes changes to voter registration status based on reliable information, and Wis. Stat. § 5.05(15) which makes WEC responsible for voter list maintenance. Neither the ERIC enabling statute, nor the ERIC Membership Agreement establish specific procedures or timelines for inactivating a registration of a voter who appears on the Movers List. The Legislature certainly may also establish a different approach with more specific procedures."

However, despite claiming the Legislature may establish more specific procedures with regard to the ERIC Movers List, in an earlier part of that same memorandum, you wrote:

"The ERIC Membership Agreement requires that participating states reach out to voters appearing on the list maintenance reports at least once a year. As an overview, staff recommends continuing to send postcards to voters identified by ERIC as in-state Movers each year. However, instead of deactivating their voter registrations within approximately 30 days under Wis. Stat. § 6.50(3), deactivation would take place between 12 months and 24 months, giving the Movers a chance to vote in both the General and following Spring Election."

Following a complaint filed by the Wisconsin Institute for Law and Liberty (WILL) that this decision was contrary to Wis. Stat. § 6.50(3) and other state laws, WEC issued a statement that it was

confident that it was in compliance with state laws. However, as you are aware Wis. Stat. § 6.50(3) requires:

Upon receipt of reliable information that a registered elector has changed his or her residence to a location outside of the municipality, the municipal clerk or board of election commissioners shall notify the elector by mailing a notice by 1st class mail to the elector's registration address stating the source of the information. All municipal departments and agencies receiving information that a registered elector has changed his or her residence shall notify the clerk or board of election commissioners. If the elector no longer resides in the municipality or fails to apply for continuation of registration within 30 days of the date the notice is mailed, the clerk or board of election commissioners shall change the elector's registration from eligible to ineligible status. Upon receipt of reliable information that a registered elector has changed his or her residence within the municipality, the municipal clerk or board of election commissioners shall change the elector's registration and mail the elector a notice of the change. This subsection does not restrict the right of an elector to challenge any registration under s. 6.325, 6.48, 6.925, 6.93, or 7.52 (5).

Given the importance of agencies following the law, I request that the WEC explain its decision not to comply with state statutes related to this matter.

I thank you for your prompt attention to this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "David Craig". The signature is fluid and cursive, with a large initial "D" and a stylized "C".

David Craig
State Senator
28th Senate District

Cc: Commissioner Marge Bostelmann
Commissioner Julie M. Glancey
Commissioner Ann S. Jacobs
Commissioner Dean Knudson
Commissioner Robert F. Spindell, Jr.
Commissioner Mark L. Thomsen