



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.

ASSEMBLY BILL 268**SECTION 1**

This bill provides that a complainant must be considered aggrieved for purposes of that right of appeal regardless of whether the complainant has suffered an injury to a legally recognized interest and that a complainant may appeal any commission order that dismisses the complaint or otherwise does not grant the relief requested in the complaint.

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

SECTION 1. 5.06 (8) of the statutes is amended to read:

5.06 (8) Any election official or complainant who is aggrieved by an order issued under sub. (6) may appeal the decision of the commission to circuit court for the county where the official conducts business or the complainant resides no later than 30 days after issuance of the order. Pendency of an appeal does not stay the effect of an order unless the court so orders. A complainant shall be considered aggrieved under this subsection regardless of whether the complainant has suffered an injury to a legally recognized interest and may appeal any order issued under sub. (6) that dismisses the complaint or otherwise does not grant the relief requested in the complaint.

(END)