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League of Women Voters Will Seek to Overturn Court's Order to Purge 234,000 Voters from the Rolls

PORT WASHINGTON – At a hearing on December 13, a state court in Ozaukee County, Wisconsin took the extraordinary and unprecedented step of ordering the Wisconsin Elections Commission to purge over 234,000 voters from the rolls immediately. The court also denied the League of Women Voters of Wisconsin's request to join an existing lawsuit as an intervening defendant.

"The League is very disappointed to not have been permitted to join in this case, and we respectfully disagree with the court's decisions today. Our intention to join the case was to ensure that voters are not removed from the list because of inaccurate and unreliable data, and that unfortunately is what was ordered today," said Erin Grunze, Executive Director of the League of Women Voters of Wisconsin. "We know Wisconsin can do better by its voters and that all eligible voters should not have to worry about being erroneously removed and having to re-register when they go to vote."

This case was filed on behalf of three voters from Washington, Ozaukee, and Waukesha Counties, and sought to require the Wisconsin Elections Commission to deactivate the registrations of 234,000 voters statewide if they do not respond within a mere 30 days to notices sent by the Commission in October confirming they currently live at the address where they are registered to vote.

"Given the Court's ruling, we are working on other options to halt this voter purge," said Jon Sherman, Senior Counsel at Fair Elections Center. "In rejecting the League's intervention, the Court did not hear arguments that would have avoided further legal violations. As a result, the Court's order today does not require the state to issue new notices to voters, even though the October notices failed to warn of deactivation."

Mr. Sherman added, "The order does not even comply with the very Wisconsin law at issue, in that it requires the immediate removal of voters who merely moved *within* a municipality." The state statute at issue provides that: "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.”

Wisconsin state law requires voter purges to be based on “reliable information” that voters have moved. However, due to many factors with how the state gathers voter information, particularly from Wisconsin DMV records, some voter roll maintenance is based on flawed, unreliable information, meaning many voters could find their registration revoked even if they have not moved to a new municipality or out of state, or already updated their registration to their new address.

When Wisconsin used this badly-flawed data to purge voter rolls in the 2017-2018 election cycle, three cities, including Milwaukee, reversed the purge entirely because so many errors were present in the data. New letters were sent to 234,039 registered voters in October 2019, which accounts for 7% of Wisconsin’s 3.3 million registered voters. The League is represented by Jon Sherman and Cecilia Aguilera at Fair Elections Center and Doug Poland at Rathje Woodward LLC in Madison.

Key legal documents filed by the League of Women Voters of Wisconsin can be found [here](#).

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The League of Women Voters of Wisconsin is a nonpartisan political organization that advocates for informed and active participation in government. There are 20 local Leagues throughout Wisconsin. More information at lwvwi.org.

[The Fair Elections Center](#) is a national nonpartisan voting rights and election reform 501c3 organization based in Washington DC whose mission is to use litigation and advocacy to remove barriers to registration and voting, particularly those disenfranchising underrepresented and marginalized communities, and to improve election administration.

*Doug Poland is an attorney at Rathje Woodward LLC with 25 years of experience in complex litigation. Mr. Poland served as lead trial counsel for plaintiffs who successfully challenged the Wisconsin Assembly legislative districts before three-judge federal court panels in 2012 and 2016, and is one of the members of the legal team that represented the respondents before the U.S. Supreme Court in *Gill v. Whitford*.*