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### **Legislative Bills AB268/SB270**

The League of Women Voters of Wisconsin (LWVWI) is OPPOSED to AB 268/SB 270. These bills aim to reverse the recent state Supreme Court decision of [Brown v. Wisconsin Election Commission \(WEC\) \(2025\)](#), on the threshold issue of standing, which is necessary for a court to resolve a case. Brown's complaint to the WEC was that Racine illegally used a mobile voting van for city residents to cast in-person absentee votes. He lost at the WEC, prevailed at the circuit court but on appeal to the Wisconsin Supreme Court, the court found that Brown did not have standing to appeal the WEC decision. AB268/SB270 aims to change the legal requirements for standing when one can appeal a WEC decision.

WI Statute Sec. 5.06 sets forth who may seek judicial review of WEC's decisions. Sec. 5.06 (8) reads in pertinent part: "Any election official or complainant who is aggrieved by an order issued under [§ 5.06(6)] may appeal the decision of the commission to circuit court" (emphasis added). The Court explained further that "To be aggrieved by a decision, one must have suffered an injury to a legally recognized interest as a result of the decision." This inquiry is often broken down into two questions: (1) Did the party suffer a threatened or actual injury because of the decision and (2) Is that injury recognized by law?

The Court found that Brown failed the first step of the standing inquiry in that he had not personally suffered (or will suffer) an injury because of the WEC's decision and thus was not aggrieved within the meaning of Sec. 5.06(8). In other words, he did not suffer some threatened or actual injury to *his right to vote* resulting from the WEC decision.

AB 268/SB270 aims to remove this standing requirement for appeals from a WEC decision and states the following: "A complainant must be 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 complaint may appeal any commission order that dismisses the complaint or otherwise does not grant the relief requested in the complaint."

The LWVWI opposes this proposed omission from the standing requirement of Sec. 5.05(6), because the bills infringe on the League of Women Voters of Wisconsin's position on voting rights and interference with election administration. The Wisconsin Supreme Court posited that the term "aggrieved" is often used in Wisconsin statutes granting parties the right to appeal certain decisions and that such language is to be interpreted consistently across statutes.

Accordingly, the inquiry for standing (the two-step process above) must be adhered to in all cases and cannot be written out of the law.

Adopting AB268/SB270 would undermine the long-standing criteria for the threshold standing requirement. The law of standing exists because it prevents the courts from becoming overburdened with ideological, speculative and political lawsuits. Because standing is the threshold requirement in all areas of law, there is no legitimate reason for the Legislature to exempt out appeals of WEC decisions from the foundational standing inquiry.

For all these reasons, the LWVWI opposes AB268/SB270.