



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

June 4, 2025

Wisconsin Elections Commission
201 W. Washington Avenue
Madison, WI 53703
elections@wi.gov

The U.S. Election Assistance Commission
633 3rd Street NW, Suite 200
Washington, DC 20001
ckelliher@eac.gov

Re: State of Wisconsin elections violation under Help America Vote Act

Election Commissioners,

As the State of Wisconsin's chief election officials, you are required to follow federal laws, including the Help America Vote Act ("HAVA"). Ensuring election integrity is of the highest degree of importance for my administration at the Civil Rights Division of the Department of Justice. As the Supreme Court has recognized the preservation of the integrity of the election process is a compelling interest. *Brnovich v. Democratic Nat'l Comm.*, 594 U.S. 647, 647 (2021).

Section 21112 (Sec. 402) of HAVA requires that each state establish a state-based administrative complaint procedure to enable voters to file a complaint regarding a HAVA violation they may observe or experience while voting. Meeting this requirement is a condition of receiving HAVA funding from the federal government. Records indicate that to date, Wisconsin has received over \$77,000,000 in federal funding from the U.S. Election Assistance Commission.¹

Under HAVA, the administrative process is required to be:

- (1) Uniform and nondiscriminatory,
- (2) Allow any person who believes that there is a violation of any provision of subchapter III of HAVA (including a violation which has occurred, is occurring, or is about to occur) to file a complaint,
- (3) If the complainant requests, there shall be a hearing on the record,
- (4) If the state determines that there is a violation, it shall provide an appropriate remedy, and

¹ <https://www.eac.gov/funding-levels-by-state>

- (5) If the state determines that there is no violation, the state shall dismiss the complaint and publish the results.

Quite surprisingly, we have learned that the Wisconsin Elections Commission has refused to provide any administrative complaint process or hearing regarding HAVA complaints against the Commission. Rather, Wisconsin has decided to rely on a 2022 state court case opining that the Commission cannot police itself. (See attached letter).

These very actions by the Commission have left complainants alleging HAVA violations by the Commission without any recourse. The consequences were summarized by a federal judge who opined that the Commission's failure to provide a hearing to those who allege a HAVA complaint against the Commission are left without any decision or interpretation of the law. With no opportunity or means to appeal, complainants are left stranded with their grievances. *See Wis. Voter All. v. Millis*, 720 F. Supp. 3d 703.

We are hereby notifying the U.S. Election Assistance Commission of Wisconsin's failure to follow federal elections laws. Your actions justify a bar against the Wisconsin Elections Commission receiving any future funding from the U.S. Election Assistance Commission.

In addition to this formal notification, we fully expect that Wisconsin's Election Commission will immediately come into compliance with all federal election laws, including HAVA, forthwith. If you have any questions about this letter, please contact Deputy Assistant Attorney General of the Civil Rights Division, Michael Gates, at michael.gates2@usdoj.gov.

Regards,



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