



WISCONSIN INSTITUTE FOR LAW & LIBERTY, INC.
330 East Kilbourn Avenue, Suite 725, Milwaukee, WI 53202-3141
414-727-WILL (9455)
Fax 414-727-6385
www.will-law.org

August 14, 2025

VIA U.S. MAIL and EMAIL: MaureenRiordan2@usdoj.gov

Ms. Maureen Riordan
Voting Section, Civil Rights Division
U.S. Department of Justice
4 Constitution Square
150 M Street NE, Room 8.923
Washington D.C. 20530

**RE: USDOJ June 17, 2025, Request for Information to the
Wisconsin Elections Commission Related to HAVA
Compliance**

Dear Ms. Riordan,

The Wisconsin Institute for Law & Liberty (“WILL”) is a private 501(c)(3) entity that advances the public interest in the rule of law, individual liberty, constitutional government, and a robust civil society through litigation, education, and participation in public discourse.

We have read your June 17, 2025, request for information to the Wisconsin Elections Commission (“WEC”) related to HAVA compliance and WEC’s July 2, 2025, response. We would like to thank the Voting Section for looking into these issues. We are sending you this letter to suggest some areas for potential follow-up questions that you might consider sending to WEC.

I. Coordination between WEC’s computerized statewide voter registration list and other state databases.

Your first question asked about coordination between WEC’s computerized statewide voter registration list and other state databases. In response, WEC provided some information regarding its coordination with the Wisconsin

Department of Transportation (“DOT”) and other agencies. As part of its coordination with DOT, WEC explained as follows:

Coordination with Wisconsin DOT occurs to compare voter registration information with DOT records. The online voter registration (OVR) process includes a real-time records check against DOT records. Wis. Stat. § 6.30(5). This OVR check verifies that a voter’s name, date of birth, license number, and residency match DMV records. If the OVR DMV check does not match, the voter is not permitted to register online. The OVR process is only available to voters with a Wisconsin DOT product. Registrations received on a paper application, either in person or by mail, are reviewed against DOT records in a separate process. (Emphasis added).

In its response, WEC points out that if the registration is done online, the voter’s registration information is matched against the DOT database and if the voter’s information does not match the DOT information, the person is not allowed to register. WEC goes on to state, however, that “Registrations received on a paper application either in person or by mail, are reviewed against DOT records in a separate process.”

Despite your request to describe the relevant procedures, WEC does not describe the “separate process” it uses for registration applications received in person or by mail. This is particularly important because, among other things, Wisconsin has same day voter registration, meaning that voters can both register and then immediately vote on election day.

We would suggest further questions to WEC as follows:

1. In each of the last 5 years, how many registration applications were submitted online versus by mail or in-person.
2. Is the information in a mailed or in-person application matched against the DOT database?
3. If the answer to Question No. 2 is “yes,” please explain that process in detail, including, but not limited to, when the match is done and by whom?
4. If the voter’s information in the mailed or in-person application does not match the DOT database, is the voter allowed to register?

5. If the voter is allowed to register even though the information is not a match and that is not discovered until after the person has registered, is the person's name automatically removed from the statewide voter registration list?
6. With respect to mailed or in-person registration applications, explain what role WEC plays and what role local municipal clerks play?
7. What steps does WEC take to make sure that the information provided by the voter for registration is compared to the DOT database on a uniform basis throughout the state?
8. How many voters currently on the statewide voter registration list have failed the check between the voter registration list and the DOT database, meaning that the information they supplied on their registration application does not match their DOT record and yet they remain registered to vote?

II. The Difference between Ineligible and Inactive Voters with respect to the statewide voter registration list.

In response to your Question 2, WEC says that "Voters identified as ineligible are **inactivated** in the database and removed from the voter rolls."

(Emphasis added)

We would suggest further questions as follows:

1. Explain what WEC does with the information that was on the voter registration list for voters who are "inactivated." Is it deleted from the WEC database or is something else done?
2. Can a voter who is "inactivated" become activated without reregistering to vote in the same fashion as new voter registrants must register?
3. Who can move a voter from inactive status to active status on the voter registration list and what is the procedure for doing so?

4. Each year for the last five years, how many voters have been moved from inactive status because they were deemed ineligible and then returned to active status?

III. Is WEC in charge of maintenance of the statewide voter registration list?

Your Question 3 asks about the process for removal of inactive voters from the voter registration list. In its response, WEC states that “Wisconsin law assigns local election officials many voter registration list maintenance responsibilities and provides the WEC only limited authority in specific circumstances.” By way of background, Wisconsin has approximately 1,850 municipal clerks (each of whom is a local election official under Wisconsin law).

We would suggest further questions as follows:

1. How does Meagan Wolfe, (the WEC Administrator and the chief State election official pursuant to Wis. Stat. 5.05(3g)) ensure that the statewide computerized voter registration list is maintained in a uniform and nondiscriminatory manner, as required by 52 USC 21083(a), if WEC only has limited authority over the list?
2. How is Wisconsin law consistent with 52 USC 21083(a) which requires the list to be defined, maintained, and administered **at the State level** if Wisconsin law assigns the list maintenance responsibility to the approximately 1,850 local clerks?

IV. Non-citizens on the voter registration list

Your Question No. 6 asks about the process by which registrants who are ineligible due to non-citizenship are *identified and removed* from the voter registration list.

WEC makes no effort to respond to the question as to how noncitizens are “identified” on the list because there is no process in Wisconsin for doing so. The DOT has a non-citizen database (because many non-citizens are provided with Wisconsin Drivers’ licenses and/or state ID’s). According to a report from PBS Wisconsin (<https://pbswisconsin.org/news-item/how-often-do-non-us->

[citizens-vote-in-wisconsin-elections/](#)), nearly 300,000 residents of Wisconsin who are not U.S. citizens were issued driver's licenses or State of Wisconsin ID cards from the Wisconsin Department of Motor Vehicles between 1999 and 2024.

We would suggest further questions as follows:

1. What steps has WEC taken to determine how many, if any, non-citizens are registered to vote?
2. Has WEC ever coordinated the statewide voter registration list with the DOT database, or any other state agency's database of non-citizens?

Ms. Riordan, we would again like to thank the Voting Section for looking into these issues and we would be happy to speak to anyone at the Voting Section about concerns and suggestions.

Sincerely,

WISCONSIN INSTITUTE FOR LAW & LIBERTY INC.



Lucas T. Vebber
Deputy Counsel