

REPUBLICAN

NATIONAL COMMITTEE

September 26, 2024

VIA E-Mail And Overnight Mail

Wisconsin Elections Commission
201 West Washington Avenue
Second Floor
P.O. Box 7984
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elections@wi.gov

Re: Absentee Ballots Being Sent to Inactive Voters

Dear Commission:

Recent data provided the Commission to the Republican National Committee (“RNC”) reveals that clerks have already sent more than 1,000 absentee ballots to ineligible voters—including hundreds of deceased voters—with that number growing exponentially by the day. This matter requires prompt attention by the Commission and election officials across Wisconsin to ensure the security of the general election.

RNC has reviewed absentee ballot data provided by the Commission as of September 26, 2024. According to that data, 1,208 voters in “inactive” status have requested absentee ballots for the upcoming general election. This number includes 456 deceased persons. As of September 26, 1,033 ballots have been sent out to inactive voters.

Requests	Voter Status	Voter Status Reason
10	Inactive	Administrative Action
456	Inactive	Deceased
3	Inactive	Felon
633	Inactive	Merged
86	Inactive	Moved
4	Inactive	Movers List
15	Inactive	Undeliverable Mailing
11	Inactive	Voter Request
1,208	Inactive	Total

1,033	Inactive	Ballot Sent Date Before 9/26/2024
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The Commission is charged under Wisconsin law with maintaining a voter registration list consisting of “electors that are properly registered to vote.” Wis. Stat. §§ 6.36(1)(a) and 5.02(17). It is the RNC’s understanding that voter labeled “inactive” on the registration list is the functional equivalent of being an “ineligible” voter under Wisconsin law. See, e.g., Wis. Stat. § 6.50(4) (“The municipal clerk or board of election commissioners shall change the registration of deceased electors from eligible to ineligible status....”).

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It is RNC's further understanding that such voters are ineligible to receive absentee ballots. See Wis. Stat. § 6.86(2m)(a) ("[T]he clerk shall not send an absentee ballot for an election if the elector's name ... no longer appears on the list in eligible status."). Yet, it appears that more than a thousand such voters have already received absentee ballots, with many thousands more at risk of receiving ballots in the coming weeks.

Particularly troublesome is the data showing that deceased individuals have requested and received absentee ballots. Also troubling is the number of inactive voters in "merged" status—e.g., a voter file created at an old address being merged with a new file for a new address—potentially receiving multiple ballots through both their inactive voter file and their new active voter file.

The RNC requests the Commission's answers to the following questions:

- **Are voters designated as "inactive" in the database legally permitted to request and/or receive absentee ballots?**
- **If the answer is yes, please provide the relevant legal authorities and explain the functional difference between an active voter and an inactive voter.**
- **If the answer is no, how have more than 1,000 inactive voters, including deceased individuals, requested and received absentee ballots for the 2024 general election?**
- **What actions will the Commission take to prevent (1) inactive / ineligible voters from requesting and receiving absentee ballots, (2) the counting of ballots cast by an inactive / ineligible voter, and (3) voters from receiving and casting multiple ballots through active and inactive voter files?**

The general election is currently underway and time is of the essence. Please provide responses to these questions by **close of business on Friday, September 27**. The RNC thanks the Commission for its prompt attention to these important questions. We are prepared to take any legal action necessary to protect the security of the election.

Respectfully submitted,

/s/ Jonathan Moseley

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