# Fond du Lac County

## OFFICE OF THE DISTRICT ATTORNEY

**Eric J. Toney, District Attorney**
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March 30, 2022

## DISTRICT ATTORNEY AUTHORITY TO DEFEND ELECTON LAWS

Local elections are less than one week away. Many voters are concerned about ensuring all election laws are followed to protect our democratic process. We have amazing clerks across much of Wisconsin. We collectively want to ensure people have the right to vote and the ability to cast their ballot but it is equally important that all ballots in our state are treated and counted the same, regardless of which county the ballot is cast because elections are the cornerstone of democracy.

Wisconsin law allows district attorneys to defend Wisconsin election laws through Wis. Stat. §5.07:

> **5.07    Action to compel compliance.** Whenever a violation of the laws regulating the conduct of elections or election campaigns, other than a violation of the laws regulating campaign financing, occurs or is proposed to occur, the attorney general or the district attorney of the county where the violation occurs or is proposed to occur may sue for injunctive relief, a writ of mandamus or prohibition, or other such legal or equitable relief as may be appropriate to compel compliance with the law. No bond is required in such actions.

If anyone believes they have witnessed a violation of a Wisconsin election law or that a violation is planned, they should consult with their local district attorney on the filing of an injunction or other appropriate legal action to stop or prevent the alleged illegal activity from continuing or occurring. If any clerks have questions on the legality of any election related activities they should contact their local district attorney for guidance.

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