

# CANDIDATE BALLOT ACCESS PROCEDURES

## Nomination Papers

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## **Introduction**

Throughout Wisconsin, nomination papers and associated ballot access documents are the primary way for candidates to get their name on the ballot when seeking elected office. Following correct procedure when obtaining and submitting nomination paper signatures is crucial to ensure ballot placement for a candidate. Based on current election law, WEC staff has worked to aide candidates with guidance documents and direct candidate contact via phone and email.

Understandably, questions remain. This manual is meant to serve as a resource for both clerks and candidates who may have questions related to the ballot access process.

## **Candidate Eligibility**

Anyone who is giving consideration to becoming a candidate for elected office should be aware of the candidate eligibility requirements for that office. Every public office has its own conditions for candidate age, residency, and other special requirements. Eligibility requirements are codified in federal and state law, with the requirements of each office governed by the U.S. Constitution, Wisconsin Constitution, or Wisconsin State Statute. Questions on candidate eligibility for a specific office can be directed to the filing officer for that office.

In accordance with Article XIII, Section 3(2),(3) of the Wisconsin State Constitution, no person may hold any state or local elected office in Wisconsin if the person has been convicted of a felony in any court in the United States unless they have been pardoned of the conviction. Additionally, no person may have their name placed on the ballot for any state or local elected office in Wisconsin if they have been convicted of a felony in any court in the United States, unless they have been pardoned of the conviction. Candidates for federal office are not excluded from running due to a previous felony conviction.

## **Filing Officer**

The filing officer is the person to whom candidates submit their ballot access documents. These documents include nomination papers, declaration of candidacy, campaign registration statement, and, for state office and some local offices, a statement of economic interest. The level of government in which the candidate is seeking office determines who the filing officer will be.

For federal and state level office, the Wisconsin Elections Commission is the appropriate filing officer for nomination papers and declarations of candidacy. Wis. Stat. §§ 8.10(6)(a), 8.15(8)(a), 8.20(7). Campaign registration statements and statements of economic interest for state level office must be filed with the Wisconsin Ethics Commission. Candidates for county office should file their ballot access documents with the county clerk. Wis. Stat. §§ 8.10(6)(b), 8.15(8)(b), 8.20(7). Local offices in a city, village, or town use the municipal clerk for a filing officer. Wis. Stat. §§ 8.05(3), 8.05(4)(b), 8.10(6)(c). Finally, if seeking a school board seat, candidates file documents with the school district clerk. Wis. Stat. § 8.10(6)(d). Nomination papers are required to be submitted by the first Tuesday in January for spring elections. Wis. Stat. § 8.10(2)(a). June 1 is the filing deadline for November elections. Wis. Stat. § 8.15(1). Special election filing deadlines are dependent on the date that the special election is announced. Wis. Stat. § 8.50.

## **Ballot Access Checklists**

In an effort to make the nomination process as seamless as possible, WEC offers candidates a ballot access checklist for each election. Ballot access checklists detail all steps required in order to become an official candidate for office. Candidates are provided with information on the forms required to be submitted to gain ballot access, the required number of nomination paper signatures needed per office, and all relevant deadlines for submission. The checklists are separated into categories, each delineated with the prefix 'ELIS'. Below are four examples of checklists available for candidates. Others for county, federal, and additional state offices can be found on the WEC website.

### **ELIS-01**

ELIS-01 is a checklist for state level non-partisan candidates to be elected at a spring election. Candidates for office who would use this checklist include Circuit Court Judges, Appeals Court Judges, and Justice of the Wisconsin Supreme Court. The filing officer for these offices is the Wisconsin Elections Commission.

### **ELIS-05**

ELIS-05 is a checklist for school district offices. Candidates for school board throughout the state of Wisconsin can utilize this checklist throughout the process. School district clerks serve as the filing officer for school board seats and any other elected district office.

### **ELIS-07**

ELIS-07 serves as a checklist for municipal candidates in towns, villages, and cities where nomination papers are used. Anyone running for the offices of town or village board, city council, municipal clerk, or other elected municipal office can reference this checklist. These offices are nonpartisan and elected in a spring election. For municipal offices, the municipal clerk acts as the filing officer. In towns where the caucus system is used in place of nomination papers, candidates can contact their town clerk, the WEC or consult the caucus manual here: <https://elections.wi.gov/publications/manuals/caucus>.

### **ELIS-09**

ELIS-09 is a ballot access checklist for candidates seeking state legislative office. This checklist is used by candidates for seats in the State Assembly or State Senate. WEC is the filing officer for these candidates.

## **Required Filings**

Candidates for elected office in Wisconsin are required to submit certain forms and documents in order for their name to appear on the ballot. These are called ballot access documents. It is crucial for candidates to submit their ballot access documents to the correct filing officer. If documents are given to the incorrect filing officer, there is no guarantee that they will be forwarded to the intended recipient in time to meet filing deadlines. For example, if a school board candidate mails

their declaration of candidacy to the municipal clerk on the day of the filing deadline, that clerk may be unable or unwilling to forward the document to the school district. Court decisions have determined that ballot access documents filed with the incorrect filing officer are not sufficient to qualify for ballot access.

There are four primary documents that must be filed by the deadline for a candidate to gain a place on the ballot.

### **Declaration of Candidacy (EL-162)**

Wis. Stat. § 8.21

The declaration of candidacy provides important candidate information to the filing officer. When filling out a declaration of candidacy, candidates are required to include their name, home address, their name as it will appear on the ballot, and the office for which they are a candidate. Please note that titles such as PhD, MD, etc. are not allowed in the name on ballot section. The name of the office being sought must be accurate and include any district, branch, or seat number, if applicable.

Prior to, or at the time of, submitting a declaration of candidacy to the filing officer, candidates must get the form notarized. When the candidate is ready to submit the declaration of candidacy, the original physical copy is hand-delivered or sent to the correct filing officer. An electronic copy of the form is acceptable only if it is followed by the physical copy and received by the filing officer on or prior to the date of the filing deadline. If any candidate information changes throughout the election period, such as a name or address change, the declaration can be amended by contacting the filing officer and submitting an amended form.

### **Nomination Papers (EL-168, EL-169)**

Wis. Stat. § 8.10(2), (3), Wis. Stat. § 8.15, Wis. Admin Code § EL 2.05

With the exception of locations where caucuses are held and some school board candidates, all candidates seeking elected office in Wisconsin must submit nomination papers as part of the ballot access process. School board candidates should confirm with their school board clerk or administrative office to determine whether nomination papers are required. To successfully complete nomination papers, candidates circulate signature petitions and collect a specific number of signatures, as required by law, from qualified electors residing in the jurisdiction or district they wish to serve. The period of circulation for an April election begins on December 1 and ends on the first Tuesday in January. For November general elections the circulation period is from April 15 to June 1.

### ***Number of Signatures Required***

Depending on the level of office, from municipal to federal, the minimum number of signatures required varies widely from 20-2,000. Please see below for examples

of signature requirements for candidates in several offices. For information on a specific office not listed below, reference the appropriate ELIS checklist on the WEC website.

**2,000-4,000:**

**Statewide Constitutional Offices (Wis. Stat. § 8.15(6)(a))**

**United States Senator (Wis. Stat. § 8.15(6)(a))**

**Justice of the Wisconsin Supreme Court (Wis. Stat. § 8.10(3)(a))**

**1,000-2,000:**

**Representative in Congress (Wis. Stat. § 8.15(6)(b))**

**Court of Appeals Judge (Wis. Stat. § 8.10(3)(am))**

**Circuit Court Judge (Milwaukee) (Wis. Stat. § 8.10(3)(c))**

**400-800:**

**State Senator (Wis. Stat. § 8.15(6)(c))**

**500-1,000**

**District Attorney-County population over 100,000**

**(Wis. Stat. § 8.15(6)(dm))**

**200-400:**

**Representative to the Assembly (Wis. Stat. § 8.15(6)(d))**

**Circuit Court Judge (Wis. Stat. § 8.10(3)(b))**

**District Attorney-County population of 100,000 or less**

**(Wis. Stat. § 8.15(6)(dm))**

***Filling out the Header***

The top portion of the nomination paper form, or the header, is where candidates enter information relevant to themselves, the election at which they will be a candidate, and the office they seek. Correctly filling out the top three lines of the nomination paper form is one of the most important things a candidate can do. If any of the boxes in the header are filled out incorrectly, electors might not be provided with all candidate and election information as required by law. A header that is incorrectly filled out also presents the possibility of challenges being issued to the validity of those nomination papers, resulting in the disqualification of all signatures on those pages.

**Candidate Name**

In the candidate's name field, the candidate should enter their full name as it will appear on the ballot. As with the declaration of candidacy, titles such as Mr., Mrs.,

Dr., PhD, etc., are not allowed. Nicknames are acceptable so long as the nickname has nothing to do with any sort of campaign stance and no quotation marks are used. For example, Peter “Maverick” Mitchell is not allowed because of the quotation marks. Likewise, Andre High Speed Rail Johnson is unacceptable due to the campaign stance taken. However, Reginald Red Forman would be allowed since the nickname has no quotes and no political views expressed.

#### Candidate Address

Candidates must list their residential address and their municipality of residence for voting purposes. If the candidate has a mailing address that is different than their residential address, this needs to be added as well. In the event that a candidate changes addresses during the nomination paper circulation period; the candidate should use nomination papers with that new address beginning on the first day they live there. Any nomination papers that were circulated when living at a previous address are considered valid, since the candidate resided at that address at the time of circulation.

#### Election Information

There are two boxes in the nomination paper header that provide for information specifically related to the election, the type of election and the election date. Type of election is a checkbox that is completed by the candidate. Options in this field include general, spring, and special. Candidates for nonpartisan office elected at the April spring election should choose “spring”. Candidates who are seeking partisan office found on the ballot at the November general election should check “general”. Any election that occurs outside of those normally scheduled or as the result of a vacancy should check “special”. The date of election should always be listed as the date of the final election, not the primary, even if a primary is expected.

#### Party Affiliation

Candidates for partisan office put the name of the party with which they are affiliated in this box. Candidates may choose from recognized political parties such as Constitution, Democrat, or Republican. A candidate who does not wish to be affiliated with any recognized political party may place a statement of principle in this box. A statement of principle is limited to five words. It may contain relevant information to a platform that the candidate will take such as “Seatbelts Save Lives”. A statement of principle may not include the name, in whole or in part, of a currently recognized political party. The party affiliation box is listed only on nomination papers for partisan office (EL-168). Any candidates seeking nonpartisan office do not need to list a party affiliation.

### Title of Office

The title of office should be listed as the proper, formal name of the office being sought by the candidate. Abbreviations or colloquialisms are not recommended as the full title of the office should be listed. Examples include: Representative in Congress, Representative to the Assembly, United States Senator, State Senator, Circuit Court Judge, Town Board Chair, School Board Member, etc. Any questions related to the title of a specific office can be directed to the filing officer or WEC.

### District or Jurisdiction

For certain offices, a district number or jurisdiction name is required. State Assembly and State Senate and other district numbers should be listed here. Any office with a specific jurisdiction, such as a Circuit Court Judge or a numbered school board seat should also be listed here. The final box of the header requires candidates to list the name of jurisdiction in proper format such as Madison Metropolitan School District, Assembly District 68, or Congressional District 7.

### ***Nomination Paper Signature Lines***

Qualified electors who support the candidacy of the person seeking office complete the signature lines of the nomination papers. Electors complete their portion of the nomination paper by providing their signature, printed name, residential address, municipality of residence, and the date on which they signed. An elector's address cannot be a P.O. Box. It must be their physical street address. Each elector is only allowed to sign nomination papers for one candidate per office. If an elector may vote for more than one candidate for the same office, they may sign nomination papers for as many candidates for the same office as the person is entitled to vote for at the election. EL 2.05(11). Nomination paper circulators should closely observe the signing process to ensure that each elector correctly provides all required information. Signature lines that are filled out incorrectly or are missing required information are often subject to challenge.

### ***Certification of Circulator***

After each page has been completed, the person responsible for its circulation must sign the certification of circulator at the bottom. The circulator must complete a certification for each page they circulate. A successfully completed certification will include the circulator's name, address, the date on which the page was completed, and their signature. The circulator's address must list their street number, street name, and municipality. Anyone acting as a circulator for nomination papers must meet the standards of a qualified elector, though circulators do not need to be residents of the district in which the candidate seeks office. Circulators are allowed to gather nomination paper signatures for only one

candidate per office in each election. If a circulator collects signatures on nomination papers for more than one candidate, the earlier papers are valid, and the later papers are invalid. Wis. Stat. § 8.04. Candidates are not required to circulate their own nomination papers but may do so if they wish. Please note that signatures gathered after the Certification of Circulator section has been signed and dated may not be counted during the nomination review process.

### **Campaign Registration Statement (CF-1)**

Wis. Stat. § 11.0202(1)(a), Wis. Stat. §§ 8.10(5), 8.15(4)(b), 8.20(6)

A campaign registration statement is required to be filed with the Wisconsin Ethics Commission for state offices, and this form is filed online. For local offices, the statement must be filed with the appropriate filing officer. For questions related to the CF-1 or campaign finance, please contact the Wisconsin Ethics Commission at 608-266-8123 or the local filing officer.

### **Statement of Economic Interest (SEI)**

Wis. Stat. § 19.43(4), Wis. Stat. §§ 8.10(5), 8.15(4)(b), 8.20(6)

For some state and local level offices candidates must file a statement of economic interest. Where applicable, this form is filed online with the Wisconsin Ethics Commission or the appropriate filing officer. For questions related to a Statement of Economic Interest, please contact the Wisconsin Ethics Commission at 608-266-8123.

## **Tips for Successful Circulation**

1. **Circulators and Circulating:** Circulators are allowed to gather nomination paper signatures for only one candidate per office in each election. Wis. Stat. § 8.04. Nomination papers must be personally circulated by the circulator who signs each page. The circulator must witness the signature and nomination paper pages may not be left unattended in a public place for people to sign. This means that circulators may not leave them on the table in a break room, posted on a bulletin board, sitting on the bar at a local watering hole, etc. Wis. Stat. § 8.15(4)(a).
2. **Templates:** It is always recommended that candidates use a template which has the header properly completed for their nomination papers. Using a template ensures that all circulators will have identical sheets for collecting signatures. This can help clear up any issues that may be experienced if circulators were to be responsible for completing the header of the pages where the circulator may not use the correct nomination paper document or may incorrectly detail candidate information. Templates can and should be submitted to the filing officer prior to circulation to be reviewed for any errors.
3. **Number of Signatures:** WEC advises that candidates and circulators collect signatures

totaling well over the minimum number required for ballot placement. This presents the candidate with a buffer of signatures, should any individual signatures be deemed insufficient by the filing officer and protects against signatures being successfully challenged.

4. **Preparing to File:** Candidates should also ensure that each page has all of the required information completed prior to submission to the filing officer. A thorough review of the papers can quickly determine if any of the signatures need correction or if the circulator information is filled out improperly. Number the pages consecutively.

Reviewing all nomination paper pages also gives the candidate an opportunity to organize the petition prior to submission. Candidates should number every page and place pages with the highest number of “good” signatures on top of the stack. Partial pages should be placed toward the back. When submitting nomination papers to the filing officer, have a general estimate of the number of signatures contained on all pages.

## **What Happens Next?**

### Determining Sufficiency

Wis. Admin Code § EL 2.05

After candidates submit their nomination papers to the correct filing officer, they will be reviewed for sufficiency. The filing officer will review all headers, signatures, and circulator information to determine a final count of sufficient signatures. In their review, the filing officer will examine addresses and municipalities to ensure that they are in district. Filing officers also confirm that all dates written by signers are both within the circulation period and prior to or on the date which the circulator signed the certification. Signatures that are deemed insufficient are struck and deducted from the total number of signatures submitted. Any insufficiencies, such as incorrectly dated signatures or inaccurate circulator information can be corrected with a correcting affidavit for up to 3 days after the filing deadline. Wis. Admin. Code § EL 2.05(4)

Some reasons signatures may be deemed insufficient by a filing officer include:

- Missing or incomplete dates of signers
- Illegible information required by statute
- Signers live out of district
- Incomplete address information of signer
- Missing circulator information
- Pages or signatures dated after the Certification of Circulator
- Missing or incorrect information in the header

## Challenges to Nomination Papers

Wis. Admin Code § EL 2.07

Within three days of the deadline for filing nomination papers, those papers may be challenged with the filing officer. Challenges often come from other candidates but may come from interested individuals or groups outside the district of a specific election. The goal of a nomination paper challenge, generally speaking, is to deduct signatures from a competing candidate's total count. Challenges must be in the form of a notarized document with pertinent information attached reflecting the reason for the challenge. If applicable, individual signature lines and the specific information being challenged should be itemized and included as part of the challenge documentation.

When a challenge is received by the filing officer, the challenged candidate is notified of the challenge within 24 hours. Challenged candidates then have 3 calendar days from the date the challenge was filed to respond to any challenge. Once all documentation is received from both the challenging party and challenged candidate, the filing officer has sole discretion to determine the merits of the challenge(s). The filing officer will make determinations to individual signature lines being challenged so it is possible for challenges to be partially successful but not result in disqualifying enough signatures to remove the challenged candidate from the ballot.

If the challenge is accepted, the filing officer deducts any signatures or pages related to the challenge from the challenged candidate's final count. If the challenge is not accepted, no further action is taken by the filing officer. Challenges may be appealed to the Wisconsin Elections Commission in the form of a verified complaint related to the initial filing officer's decision. Elections Commission decisions can be appealed to a Circuit Court within thirty days. More information on challenges can be found in the WEC Common Challenges Manual (<https://elections.wi.gov/publications/manuals/common-nomination-paper-challenges>).

Some common reasons for challenges include:

- Election date
- Title of office
- Candidate address
- Circulator date and signature
- Multiple signatures from a single person
- Signer address out of district
- Date of signature

Please note that the periods for filing correcting affidavits and challenges run at the same time. Candidates and challengers cannot assume that the initial number of signatures accepted as valid will remain the same until all correcting affidavits and challenges are processed. In order for candidates to avoid challenges and for challengers to determine which challenges are likely to be upheld or rejected, the WEC encourages both candidates and potential challengers to review the

*Common Nomination Paper Challenges Manual* located at this link:  
<https://elections.wi.gov/publications/manuals/common-nomination-paper-challenges>

## **Frequently Asked Questions**

*What is a filing officer?*

The filing officer is the person to whom ballot access documents are submitted.

*What documents are required to be filed to get on the ballot?*

Ballot access documents, in most cases, are: Nomination papers, declaration of candidacy, and campaign registration statement. Some Judicial, State and Local offices also require the submission of a statement of economic interests.

*What is the filing deadline?*

The filing deadline is the first Tuesday in January for offices to be elected in April. Wis. Stat. § 8.10(2)(a). For offices to be elected in November, the filing deadline is June 1. Wis. Stat. § 8.15(1)

*Is there a way to track the process after my documents have been submitted?*

Please see the Candidate Tracking by Office Report on the WEC website.

*How does a candidate remove their name from the ballot after submitting all of their paperwork?*

Any person who files nomination papers and qualifies to appear on the ballot cannot withdraw their name from the ballot after filing. The name of that person shall appear upon the ballot except in case of death of the person. Wis. Stat. § 8.35(1).

*What is a correcting affidavit?*

A correcting affidavit is a verified document that allows for the correction of errors on nomination papers that were committed by either a signer or circulator. Wis. Admin. Code §EL 2.05(4)

*What happens if a circulator signs and dates the certification before collecting signatures?*

If this occurs, any signatures obtained after the date the form was signed by the circulator will be invalid. A timely correcting affidavit can be submitted to amend the errors.

*How many nomination papers is someone allowed to circulate?*

For a single office in an election, circulators may collect signatures for only one candidate. Wis. Stat. § 8.04.

*How many nomination papers may a voter sign?*

Voters may sign nomination papers totaling the number of candidates they are allowed to vote for. In a “vote for 1” office, voters may only sign on candidate’s nomination papers. In a “vote for 2” office, voters may sign nomination papers of 2 candidates.