Part 2
Getting on the Ballot

Candidate Qualifications; Ballot Access Procedure; Ballot Access Challenges; Nomination by Caucus; Notifications of Noncandidacy; Write-In Candidate Registration

Every federal, state, and local office has qualifications that interested candidates must meet. To appear on the ballot, candidates seek ballot access, either by circulating and signing nomination papers or by being nominated at a caucus. Ballot access paperwork can be challenged if not completed correctly, or if the candidate is not qualified for the office they seek. Candidates can also receive votes, but not have their names printed on the ballot if they register as a write-in candidate by the deadline to do so.

Chapter 2.1: Qualifications for Office

All candidates must meet the office-specific qualifications and complete and file proper ballot access documents to appear on the ballot. **See Chapter 2.2** for Ballot Access Procedure.

This chapter outlines the specific requirements to appear on the ballot in Wisconsin.

Sec. 2.1.1: Federal Offices:

Federal candidates file with the Wisconsin Elections Commission.

Candidates who have been convicted of a felony are still eligible for federal office, even if they have not been pardoned. See Wis. Const. Art. XIII, § 3(2), (3), Wis. Stat. § 8.21(4)(a) (limiting the requirement to "state and local office").

President & Vice President:

A natural born citizen, at least 35 years old, and a resident of the United States for at least 14 years. U. S. Const. Art II § 1.

United States Senator

At least 30 years old, a citizen of the United States for at least 9 years, and an inhabitant of the state on Election Day. U. S. Const. Art. I § 3 ("when elected, be an Inhabitant of that State for which he shall be chosen"). U.S. Senators need not be an inhabitant of the state when circulating nomination papers or submitting ballot access paperwork.

Representative in Congress

At least 25 years old, a citizen of the United States for at least 7 years, and an inhabitant of the state on Election Day. Must also reside in their districts when they take office. U. S. Const. Art I § 2 ("when elected, be an Inhabitant of that State in which he shall be chosen"). Representative need not be a resident of his or her district at the time of filing nomination papers and a declaration of candidacy. 61 Atty. Gen. 155.

Sec. 2.1.2: State & Local Offices

The Wisconsin Constitution and state law specify the requirements needed for a candidate to qualify for state or local office. The text below compiles the legal requirements for each state and local office. It is always incumbent upon each candidate to certify that they meet the qualifications of the office they seek. See Wis. Stat. §§ 8.21(2)(b), (c).

Many state and local offices in Wisconsin require candidates to be "qualified electors" of their jurisdictions, either before they file ballot access paperwork, before election day, on election day, or at the time they take office. "Qualified elector" and "eligible elector" mean the same thing, and both refer to an individual who meets the proper voter eligibility requirements for a jurisdiction, including the residency requirement. Town of Washington v. City of Altoona, 73 Wis. 2d 250, 243 N.W.2d 404 (1976). Eligible electors are U.S. citizens, age 18 or older, who have resided in their jurisdiction for at least 28 consecutive days before an election. Accordingly, when the law requires a candidate to be a "qualified elector" on election day, the candidate must be a U.S. citizen, age 18 or older, who has lived in that jurisdiction at least 28 days prior to election day to be eligible. Additionally, qualified electors cannot be ineligible to vote for any of the reasons listed in Wis. Stat. § 6.03.

Qualifications for All State & Local Candidates

No candidate for state or local office is eligible for that office if they have been convicted of any misdemeanor that violates public trust, or any felony for which they have not been pardoned. Wis. Const. Art. XIII, § 3(2), (3), Wis. Stat. § 8.21(4)(a). Further, no one elected to Congress or "holding any office of profit or trust under the United States except postmaster, or under any foreign power" is eligible for a state or local office in Wisconsin. Wis. Const. Art. XIII § 3(1).

Sec. 2.1.3: Specific State-Level Office Qualifications

State-level candidates file with the Wisconsin Elections Commission.

In addition to the qualifications listed in Sec. 2.1.2, the following offices must meet additional qualifications:

Governor & Lt. Governor
A U.S. citizen, and a "qualified elector" of the state at the time of taking office. Wis. Const. Art. V § 2.

Attorney General
No additional qualifications required, other than those listed in Sec. 2.1.2.

Secretary of State
No additional qualifications required, other than those listed in Sec. 2.1.2.

Treasurer
No additional qualifications required, other than those listed in Sec. 2.1.2.

Superintendent
No additional qualifications required, other than those listed in Sec. 2.1.2.

State Senator or Representative to the Assembly
A resident of the state for one year before and a "qualified elector" of the district at the time of taking office. Article IV, Section 6, Wis. Constitution. See also 65 Atty. Gen. 159 (Representative need not be a resident of his or her district at the time of filing nomination papers and a declaration of candidacy).

Justice of the Supreme Court
A "qualified elector" of the state "at the time of election" and "an attorney licensed to practice law in this state [who has] been so licensed for 5 years immediately prior to election." Wis. Const. Art. VII §§ 10, 24.

Court of Appeals Judge
A "qualified elector" of the appeals court district "at the time of election" and "an attorney licensed to practice law in this state [who has] been so licensed for 5 years immediately prior to election." Wis. Const. Art. VII §§ 5(2), 10, 24.

Circuit Court Judge
A "qualified elector" of the circuit court district "at the time of election" and "an attorney licensed to practice law in this state [who has] been so licensed for 5 years immediately prior to election." Wis. Const. Art. VII §§ 7, 10, 24.

District Attorney
Licensed to practice law in Wisconsin and a resident of the prosecutorial unit (county) at the time of taking office. Wis. Stat. § 978.02

Sec. 2.1.4: County-Level Office Qualifications
County-level offices file either with the county clerk or county election commission. Multijurisdictional judicial candidates, in places that have enacted agreements under Wis. Stat. § 755.01(4), file with the county clerk of the county having the largest portion of the population in the jurisdiction served by the judge. Wis. Stat. § 8.10(6)(bm).

County Supervisor (Including Milwaukee County)
Qualified elector of district at the time of filing nomination papers. Wis. Stat. § 59.20(1)("elector of the supervisory district").

Other County-level Offices (Register of Deeds, Treasurer, etc.)
A qualified elector of the county at the time of filing nomination papers. Wis. Stat. § 59.20(1) ("elector of the county").

Sec. 2.1.5: Municipal-Level Office Qualifications
Municipal-level offices file either with the municipal clerk or city election commission.

Alderperson (Including City of Milwaukee)
A qualified elector of the city on Election Day, and aldermanic district "and actually residing therein." Wis. Stat. § 62.09(2)(a) ("elector of the city").

Other City Office (Including City of Milwaukee)
A qualified elector of the city on Election Day. Wis. Stat. §§ 62.09(2)(a) ("elector of the city"), 64.04(1).

Village Offices
A qualified elector of the village and residing in village on Election Day. Wis. Stat. § 61.19 ("no person not a resident elector in such village shall be elected to any office therein").

Town Offices
A qualified elector of the town at the time of taking office. Wis. Stat. § 60.30(2)(a) ("only an elector of the town may hold a town office"). Town Assessors must be certified under Wis. Stat. § 73.09 before taking office. Wis. Stat. § 60.30(2)(d).

Sec. 2.1.6: School District Office Qualifications
School district offices file with the school district clerk, not the municipal clerk.

School Board Member (At-Large)
A qualified elector of the school district at the time of filing a Declaration of Candidacy. Wis. Stat. § 120.05(1)(d) ("resident of the school district"), 120.06(2)(a) ("electors of the school district"), (6)(b)2. ("any qualified elector of the school district may file a sworn declaration of candidacy"), 120.06(7)(a).

School Board Member Representing an Apportioned Area
A qualified elector of the school district at the time of filing a Declaration of Candidacy and a "resident of the apportioned area" at the time of taking the oath of office. Wis. Stat. § 120.05(1)(d) ("resident of the school district"), 120.06(2)(b), (6)(b)2. ("any qualified elector of the school district may file a sworn declaration of candidacy"), 120.06(7)(a).

Chapter 2.2: Ballot Access Procedure

All candidates must go through an affirmative process to qualify to have their names placed on the ballot. This process is referred to as "ballot access." Candidates seek ballot access either by circulating and filing nomination papers or by being nominated by their local caucus. Major-party presidential and vice-presidential candidates are nominated by their party's national nominating conventions in presidential election years.

Sec. 2.2.1: Filing Officers

"Filing Officer" refers to the government official or entity responsible for accepting and reviewing ballot access paperwork, and making decisions about whether candidates are granted ballot access. Wis. Stat. § 5.02(4v).

Note: 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, instead of the school district clerk, on the day of the filing deadline, that clerk may be unable or unwilling to forward the document to the school district.

Commission as the Filing Officer

The Commission is the filing officer for all federal and state offices. Wis. Stat. §§ 8.10(6)(a) (nonpartisan offices), 8.15(8)(a) (partisan offices), 8.20(7) (independent offices). State office includes District Attorneys and Circuit Court Judges. Wis. Stat. § 5.02(23). The Commission is also the filing officer for seats on the metropolitan sewerage commission (if those seats are elected). Wis. Stat. § 8.10(6)(a).

County Clerk as the Filing Officer

The County Clerk or County Board of Elections Commissioners (Milwaukee) is the filing officer for county offices. Wis. Stat. §§ 8.10(6)(b) (nonpartisan offices), 8.15(8)(b) (partisan offices), 8.20(7) (independent offices).

Multijurisdictional judges file with the County Clerk or County Board of Elections Commissioners (Milwaukee) of the county composing of the largest portion of the population in the area served by the judge. Wis. Stat. § 8.10(6)(bm).

Municipal Clerk as the Filing Officer

The Municipal Clerk is the filing officer for most other local races, including citywide offices, alderpersons, and municipal judges entirely within the local jurisdiction. Wis. Stat. § 8.10(6)(c). Multijurisdictional judges file with the county clerk of the county composing of the largest portion of the population in the area served by the judge. Wis. Stat. § 8.10(6)(bm).

School District Clerk as the Filing Officer

The School District Clerk is the filing officer for school board races. Wis. Stat. § 8.10(6)(d).

Sec. 2.2.2: General Procedures

All candidates, regardless of office sought, must complete the ballot access paperwork required for the office. Ballot access must be granted by the filing officer, meaning the filing officer must take an affirmative step to place candidates on the ballot. For statutory support for this premise, see Wis. Stat. §§ 7.08(2), 7.10(2), 7.15(1)(h), 10.06, 120.06(7). In other words, if a filing officer determines that a candidate is not qualified for the office they seek, the action taken is to refuse to grant access, as opposed to removing a candidate from the ballot. Wis. Stat. § 8.30.

Most candidates are nominated for office through the filing of nomination papers. Wis. Stat. §§ 8.10 (nonpartisan candidates), 8.15 (partisan candidates), 8.20 (independent candidates), 8.50(3) (special elections). However, some towns and villages use the caucus procedure to nominate candidates for town or village office. Wis. Stat. § 8.05(1). For detailed information on caucus procedures, **see Chapter 2.4 on page 59.**

> **Best Practice:** The Commission maintains a number of Ballot Access Checklist resources on its website. Clerks should familiarize themselves with these checklists and make them available to candidates seeking office in their jurisdictions.

Table 3: How to Find Candidate Filing Checklists via Website Paths on Commission's Website

List	Office(s)	Website Pathway
ELIS-14	Federal Candidates	Candidates > Federal Candidates > Congressional offices
ELIS-9	Statewide and Legislative Offices	Candidates > State Candidates > Partisan
ELIS-1	State Non-Partisan Offices	Candidates > State Candidates > Non-Partisan
ELIS-16	County Partisan Offices	Candidates > Local Candidates > Partisan
ELIS-3	County Non-Partisan Offices	Candidates > Local Candidates > Non-Partisan
ELIS-6	Municipal Candidates – Caucus	Candidates > Local Candidates > Non-Partisan
ELIS-5	School District Candidates	Candidates > Local Candidates > Non-Partisan
ELIS-18	Multi-Jurisdictional Municipal Judge Candidates	Candidates > Local Candidates > Non-Partisan

Sec. 2.2.3: Ballot Access Documents Required for All Candidates

All candidates, regardless of the nomination procedure used, must file two documents:

- Campaign Finance Registration Statement (CF-1, CF-1L). Wis. Stat. § 11.0102(1).
- Declaration of Candidacy (EL-162). Wis. Stat. § 8.21.

Campaign Finance Registration Statement

A campaign registration statement is required to be filed with the Wisconsin Ethics Commission for state offices, and this form is filed online. Wis. Stat. § 11.0102(1). For local offices, the statement must be filed with the appropriate filing officer until December 1, 2027. After December 1, 2027, local candidates will file it directly with the Ethics Commission. *Id.*

Candidates who file nomination papers are required to file their CF-1 either before or with their Declaration of Candidacy. Wis. Stat. §§ 8.10(5) (nonpartisan candidates), 8.15(4)(b) (partisan candidates), 8.20(6) (independent candidates), 8.50(3) (special elections). Candidates nominated by caucus also file their CF-1 with their Declaration of Candidacy. Wis. Stat. § 8.05(1)(j).

Any candidate who is required to file a CF-1 and fails to do so by the deadline[1] cannot be placed on the ballot. Wis. Stat. § 8.30(2).

For questions related to the CF-1 or campaign finance, please contact the Wisconsin Ethics Commission at ethics@wi.gov, 608-266-8123, or the local filing officer.

Note: On December 1, 2027, local candidates will begin filing their CF-1s directly with the Wisconsin Ethics Commission instead of their local filing officer. Until then, local candidates should continue filing these forms with their local clerks.

1 Candidates are required to file their CF-1 as soon as practicable after they qualify as a candidate under Wis. Stat. § 11.0101(1). Wis. Stat. § 11.0202(1)(a).

Declaration of Candidacy

Candidates who file nomination papers must file their Declaration of Candidacy no later than the deadline provided for filing their nomination papers. Wis. Stat. § 8.21(1).

- Candidates nominated by caucus must file their Declaration of Candidacy no later than 5 p.m. on the fifth day after the notification is sent. Wis. Stat. § 8.05(1)(j).
- Candidates for U.S. president and vice president from parties that have received ballot status pursuant to Wis. Stat. § 5.62(1)(b) (also known as "major" political parties) are required to file a Declaration of Candidacy. Wis. Stat. § 8.21(1).

> **Best Practice: Wisconsin statutes do not provide a specific deadline for ballot status presidential candidates to file a Declaration of Candidacy, but the Commission advises that these candidates should file this form no later than 5 p.m. on the first Tuesday of September preceding a presidential election. See Wis. Stat. § 8.16(7).**

Any candidate who fails to file a Declaration of Candidacy by the deadline cannot be placed on the ballot. Wis. Stat. § 8.30(4).

Sec. 2.2.4: Additional Filing Requirements for Certain Offices

All state office candidates as well as Municipal judge candidates also need to submit a Statement of Economic Interests to the Wisconsin Ethics Commission in order to meet ballot access requirements. Wis. Stat. §§ 8.05(1)(j)3., 8.10(5), 8.15(4)(b), 8.20(6). Ballot Access Checklists indicate this requirement and the appropriate filing deadline. Forms and instructions are available from ethics.wi.gov or by contacting the Wisconsin Ethics Commission at 608-266-8123.

Additionally, some municipalities may have an ethics ordinance under Wis. Stat. § 19.59(3)(b), requiring a Statement of Economic Interests to be filed with the local filing officer in order to achieve ballot status.

Best Practice: Municipal clerks who are unsure whether their municipality has an ethics statement requirement, should check with their municipal attorney. If a required statement is not filed by the deadline, the candidate's name cannot appear on the ballot. Wis. Stat. § 8.30(3).

Best Practice: Clerks should make "candidate packets" available for all prospective local candidates. All ballot access forms and checklists are available on the respective Wisconsin Elections Commission and Wisconsin Ethics Commission websites.

Candidate packets should include the following forms:

- Campaign Finance Registration Statement (CF-1). This form is available from the Wisconsin Ethics Commission.
- Declaration of Candidacy (EL-162)
- Nomination Paper for Nonpartisan Office (EL-169), if required
- Appropriate Ballot Access and Campaign Finance Checklists located on the Commission's website.

Sec. 2.2.5: Declarations of Candidacy

The Declaration of Candidacy is available on elections.wi.gov as Form EL-162.

Note: School District Candidates use the EL-162sd. Where the requirements below require specific language, that language is already included on the Commission's versions.

Review Procedure

Declarations of candidacy must be filled out correctly by the candidate, and may be filed by the candidate or by proxy. Wis. Admin. Code § EL 2.06(2)(a). The filing officer cannot accept a declaration of candidacy that does not contain all of the information required by Wis. Stat. § 8.21. Wis. Admin. Code § EL 2.06(3)(d).

Upon receipt of a completed declaration of candidacy, the filing officer should immediately review the filed papers to determine sufficiency. See Wis. Admin. Code § EL 2.06(3)(a).

Best Practice: Some filing officers choose to offer an initial review of declarations of candidacy as a courtesy to candidates. This initial review can be used to notify candidates of potential issues so they have the opportunity to remedy defects before the filing deadline. Candidates should understand that facial review is a courtesy only. Facial review is not binding, and will not serve as a defense to a challenge to their declaration of candidacy. Wis. Admin. Code § EL 2.06(3)(a). Candidates are solely responsible for the sufficiency of their declaration of candidacy. Wis. Admin. Code § EL 2.06(2)(a).

Any facially sufficient information which appears on a declaration of candidacy is entitled to a presumption of validity. Wis. Admin. Code § EL 2.06(3)(b). Information is facially sufficient when it is substantially compliant with proper format and does not have one or more elements of missing, illegible, or obviously incorrect information. Wis. Admin. Code § EL 2.05(1)(h). Unlike nomination papers, a declaration cannot be accepted if it is missing required information, even if there has been substantial compliance with the law. Wis. Admin. Code § EL 2.06(3)(d).

Requirements

- **The candidate's name.** Wis. Stat. § 8.21(2). The name must match the name used in the header of the candidate's nomination papers. Wis. Admin. Code § EL 2.06(4)(ar).
- The proper **title of the office** the candidate is seeking. Wis. Stat. § 8.21(2)(a). The name of the office must include the district, branch, or seat number as follows:
  - legislative offices: title and district number
  - district attorneys: title and county
  - circuit court offices: title, county, and branch number
  - municipal and school board offices: title and any district seat number. Wis. Admin. Code § EL 2.06(4)(b).
- A statement that the signer meets, or will at the time he or she assumes office meet, applicable age, citizenship, residency, or voting qualification requirements, if any, prescribed by the constitutions and laws of the United States and of this state. Wis. Stat. § 8.21(2)(b).

- A statement that the signer will otherwise qualify for the office if nominated and elected. Wis. Stat. § 8.21(2)(c).
- The candidate's name in the form that the candidate wishes the name to appear on the ballot. Wis. Stat. § 8.21(3). The preferred ballot name cannot contain the word "incumbent," include a professional title, or include an attempt to manipulate the electoral process. Wis. Admin. Code § EL 2.06(5)(b). An intended name containing a nickname or initial, middle name, or formal legal surname is permitted provided that it does not include quotation marks or parentheses. Wis. Admin. Code § EL 2.06(5)(b).
- The form must be notarized or signed by a person authorized to administer oaths. Wis. Stat. § 8.21(2). **See Chapter 2.3 on page 35** for examples of common challenges resolved by the Commission involving issues or defects with notarizations of declarations of candidacy.

State & Local Candidates Only

- A statement that the candidate has not been convicted of any misdemeanor designated under state or federal law as a violation of the public trust or any felony for which the candidate has not been pardoned. Wis. Stat. § 8.21(4)(a).
- The candidate's municipality of residence for voting purposes, and the street and number, if any, on which the candidate resides. Wis. Stat. § 8.21(4)(b). The residential address must include the street and number, and cannot be a post office box or other address at which the candidate does not reside. Wis. Admin. Code § EL 2.06(5)(a).

Note: Certain judicial candidates or judicial officers may have the line "Residence Certified with WEC" in lieu of their address if they have completed the certification of residence process with the WEC. Wis. Stat. § 8.10(8). Such candidates whose residence is certified are not required to list their residential address on their declaration of candidacy. Local filing officers should check with the Commission to confirm whether a candidate's address has been certified in order to be properly exempt.

Amending Declarations of Candidacy

If any information in a Declaration of Candidacy changes at any time after the original is filed, a state or local candidate must file an amended Declaration of Candidacy before the candidate assumes office or is defeated. Wis. Stat. § 8.21(6). The amended Declaration of Candidacy is filed with the same filing officer as the original. *Id.* If the Declaration of Candidacy that was filed by the filing deadline is later determined to be insufficient, an amended Declaration of Candidacy cannot cure the error(s). Wis. Stat. § 8.21(1) and (2). A Declaration of Candidacy will remain timely if the original Declaration was filed by the statutory deadline, even if an amended Declaration is filed. Wis. Admin. Code § EL 2.06(2)(b).

Correcting affidavits cannot correct or amend declarations of candidacy. Wis. Admin. Code § EL 2.06(3)(c).[2]

Sec. 2.2.6: Nomination Paper Procedure

Nomination papers are the primary method by which candidates in Wisconsin seek ballot access. Candidates circulate nomination papers within the jurisdiction represented by the office sought to collect the required number of signatures. All cities and some villages and towns use the nomination paper process. School board candidates should confirm with their school board clerk or administrative office to determine whether nomination papers are required and how many signatures are required. See Wis. Stat. §§ 8.10(3)(km), (ks), (3s), 120.06(6)(a).

The Commission maintains nomination form templates on its website. Candidates are free to use the template forms, and they may modify the header of the templates to contain their personal campaign information or graphics.

> **Best Practice: Candidates who modify the header of a nomination paper should ensure that it still conforms to all of the nomination paper header requirements of the office they seek.**

Candidates are responsible for the completeness, legibility, and accuracy of the information contained on their nomination papers. Wis. Admin. Code § EL 2.05(3)(a).

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2 See also EL 26-01, Kyle Schroeder v. Christine Hansen (Decided Jan. 13, 2026).

Nomination Papers for Partisan Office Candidates

- President of the United States
- Vice President of the United States
- U.S. Representative to Congress
- U.S. Senator
- Wisconsin Assembly Representative
- Wisconsin Senator
- Governor
- Lieutenant Governor
- Attorney General
- State Treasurer
- Secretary of State
- County Clerk
- District Attorney

Partisan races in Wisconsin appear on the Partisan Primary ballot and fall General Election ballot in even-numbered years. Wis. Stat. §§ 5.02(5), 5.02(12s). Partisan candidates file nomination papers either with their County Clerk or with the Commission. The form for partisan nomination papers is available on elections.wi.gov as EL-168.

Nomination papers for partisan office candidates may be circulated no sooner than April 15 preceding the general election, and may be filed no later than 5 p.m. on June 1 preceding the partisan primary. Wis. Stat. § 8.15(1).

Note: Independent candidates for president and vice president circulate nomination papers on a different timeline, though the procedure is largely the same. These candidates circulate nomination papers no sooner than July 1 and not later than 5 p.m. on the first Tuesday in August preceding a presidential election. Wis. Stat. § 8.20(8)(am).

Nomination Papers for Nonpartisan Office Candidates

- Superintendent of Public Instruction
- All Judicial Offices
- County Commissioners
- County Executive
- Comptrollers
- County Supervisors
- Mayor
- Village Trustee or Town Board Supervisor
- Alderperson
- School District Board Members

Nonpartisan races in Wisconsin appear on the Spring Primary ballot and Spring Election ballot every year. Wis. Stat. § 5.02(21), 5.02(22). Nonpartisan candidates file nomination papers with municipal clerks, school district clerks, county clerks, and with the Commission. The form for nonpartisan nomination papers is on elections.wi.gov as EL-169.

Nomination papers for nonpartisan office candidates may be circulated no sooner than December 1 preceding the election and no later than 5 p.m. on the first Tuesday in January preceding the election. Wis. Stat. § 8.10(2)(a). If the first Tuesday of January is a holiday, the nomination paper deadline is the next day. *Id.*

Filing Nomination Papers

In order to be timely filed, the original nomination papers must be in the physical possession of the filing officer by the statutory deadline. Wis. Admin. Code § EL 2.05(3)(b). No other format is acceptable. *Id.* Candidates are required to number their nomination papers before turning them in, but neither the absence of a page number nor incorrect or non-consecutive numbering will invalidate the signatures on that page. Wis. Admin. Code § EL 2.05(3)(c).

After a nomination paper has been signed, but before it has been filed, a signature may be removed by the signer or the circulator. Wis. Admin. Code § EL 2.05(4)(d). After nomination papers have been filed, no signature may be added or removed. *Id.* After a nomination paper has been filed, it may be amended, or an error or omission corrected, only through a valid correcting affidavit. *Id.*

> **Best Practice:** The filing officer should issue a receipt to the candidate or candidate's agent when nomination papers are filed. A sample Nomination Paper Receipt (EL-151) is available on elections.wi.gov.

Sec. 2.2.7: Nomination Paper Review: Procedure

Upon receipt of completed nomination papers, the filing officer should immediately review the filed papers to determine sufficiency. See Wis. Admin. Code § EL 2.05(4).

Best Practice: Some filing officers choose to offer an initial review of nomination papers as a courtesy to candidates. This initial review can be used to notify candidates of potential issues so they have the opportunity to remedy defects, including by submitting a correcting affidavit under Wis. Admin. Code § EL 2.05(5), before the filing deadline. However, header defects cannot be amended by affidavit after the paper has been circulated. Wis. Admin. Code § EL 2.05(5)(ag). A facial review before the filing deadline or correcting affidavit deadline is not required by statute or rule, and is separate from a filing officer's ultimate determination of sufficiency. Candidates should understand that facial review is a courtesy only. Facial review is not binding, and will not serve as a defense to a challenge to their nomination papers. Wis. Admin. Code § EL 2.05(4)(a)(2). Candidates are solely responsible for the sufficiency of their nomination papers. Wis. Admin. Code § EL 2.05(3)(a).

Any facially sufficient information which appears on a nomination paper is entitled to a presumption of validity. Wis. Admin. Code § EL 2.05(4)(b). Information is facially sufficient when it is substantially compliant with proper format and does not have one or more elements of missing, illegible, or obviously incorrect information. Wis. Admin. Code § EL 2.05(1)(h). The filing officer must accept the information as complete if there has been substantial compliance with applicable statutes and the administrative code, even if a required item of information on a nomination paper is incomplete. Wis. Admin. Code § EL 2.05(4)(c). Information is substantially compliant when it demonstrates intent to fully comply with the statute and that the purpose of the statute is shown to have been served. Wis. Admin. Code § EL 2.05(1)(r).

Nomination papers must be filled out correctly by the candidate. Wis. Admin. Code § EL 2.05(3)(a). It is also the candidate's responsibility to ensure that all text is legible.

The recommended first step of review for nomination papers is the candidate information in the header (top of form).

Best Practice: Review the header information first because if there is a defect in the header that cannot be cured, all of the signatures on that page are invalid.

All information concerning the candidate must be completed in full before circulating this form to obtain signatures of electors. Wis. Stat. §§ 8.10(2)(b) (nonpartisan candidates), 8.15(5)(a) (partisan candidates), and 8.20(2)(a) (independent candidates).

Reviewing the Header

Name of the Candidate

The candidate must provide their last name and first name. Wis. Admin. Code § EL 2.05(7)(c). They may provide a nickname or initial for their first or middle name. *Id.* In addition to their name, they may also provide a former legal surname. No other abbreviations or titles are permitted. *Id.* Wis. Stat. §§ 8.10(2)(b) (nonpartisan candidates), 8.15(5)(a) (partisan candidates), 8.20(2)(a) (independent candidates).

Best Practice: The candidate's name should be included as it will appear on the ballot.

Note: Nomination papers must be accepted even if they contain biographical data or campaign advertising. Wis. Admin. Code § EL 2.05(7)(e). The campaign finance disclaimers specified in Wis. Stat. § 11.1303(2) are not required on nomination papers. Wis. Admin. Code § EL 2.05(7)(e).

Candidate's (Physical) Residential (Street & Number) Address

The residential address must be the street address where the candidate resides; no other address is acceptable. Wis. Admin. Code § EL 2.05(7)(d). The candidate must also provide their voting municipality. *Id.* Wis. Stat. §§ 8.10(2)(b) (nonpartisan candidates), 8.15(5)(a) (partisan candidates), 8.20(2)(a) (independent candidates).

Note: Certain judicial candidates or judicial officers may have the line "Residence Certified with WEC" in lieu of their address if they have completed the certification of residence process with the WEC. Wis. Stat. § 8.10(8). Such candidates whose residence is certified are not required to list their residential address on their nomination papers. Local filing officers should check with the Commission to confirm whether a candidate's address has been certified in order to be properly exempt.

Candidate's Municipality for Voting Purposes

Candidates must provide their voting municipality in the header. Wis. Admin. Code § EL 2.05(7)(d). "Voting municipality" means where the candidate is eligible to vote on the date of signing. Wis. Admin. Code § EL 2.05(1)(s).

Candidate's Mailing Address

If the candidate's mailing address is different from their residential address, the mailing address must also be provided. Wis. Admin. Code § EL 2.05(7)(d), Wis. Stat. §§ 8.10(2)(c) (nonpartisan candidates), 8.15(5)(b) (partisan candidates), 8.20(2)(b) (independent candidates). If the full residential (physical) address is identical to the mailing address, the mailing address can be left blank. See Wis. Admin. Code § EL 2.05(7)(d).

Type & Date of Election

Wis. Stat. §§ 8.10(2)(b) (nonpartisan candidates), 8.15(5)(a) (partisan candidates), and 8.20(2)(a) (independent candidates). Incomplete or incorrect election dates can be found substantially compliant if the filing officer finds that signers could have determined the correct election date based solely upon information provided in the header. Wis. Admin. Code § EL 2.05(7)(b).

Title of Office

Wis. Stat. §§ 8.10(2)(b) (nonpartisan candidates), 8.15(5)(a) (partisan candidates), and 8.20(2)(a) (independent candidates). The title of office must be listed along with any branch, district, or seat number that clearly identifies the office the candidate is seeking i.e., Town Board Supervisor number, if applicable; aldermanic district number if not an at-large seat. This portion will be valid if the filing officer finds that the signers could determine the office and district the candidate was pursuing based solely upon information provided in the header. Wis. Admin. Code § EL 2.05(7)(a).

Name of Jurisdiction or District in which Candidate Seeks Office
Wis. Stat. §§ 8.10(2)(b) (nonpartisan candidates), 8.15(5)(a) (partisan candidates), 8.20(2)(a) (independent candidates).

Examples: Town of Smith, Village of Jones, City of Green, Aldermanic District 1

Political Party of Candidate
If the race is for a partisan office, the header must include the political party of the candidate, or their statement of interest (for independent candidates). Wis. Admin. Code § EL 2.05(7)(f). If the race is for a non-partisan office, the header must not include the political party of the candidate. *Id.*

Reviewing Elector Signatures

Only eligible electors may sign nomination papers. An elector is anyone who is qualified to vote in the jurisdiction in which the candidate is seeking ballot access. Wis. Admin. Code § EL 2.05(1)(g). Electors need not be registered to vote in order to sign nomination papers.

State law requires each elector signing nomination papers to provide the following:

- Signature
- Printed name
- Address including street number and name
- Municipality for voting
- Date of signing

Each of these required components are discussed in greater detail below.

Each Row Should Contain the Following:

- **Signature of elector:** Wis. Stat. §§ 8.10(4)(b) (nonpartisan candidates), 8.15(2) (partisan candidates), 8.20(5) (independent candidates). An elector must sign his or her own name unless unable to do so because of a physical disability. Wis. Admin. Code § EL 2.05(6)(b). If an elector is unable to sign because of a disability, they must specifically authorize another person to sign on their behalf and be present when that person signs. *Id.*
    - **Signature and Printed Name Legibility:** If the filing officer cannot discern the signer's first and last name, after reviewing both the signature and printed name, it is illegible and should not be counted. Wis. Admin. Code § EL 2.05(6)(h)(6).

Note: A person may not sign nomination papers for his or her spouse, or on behalf of anyone else (except a signer with a disability who has requested assistance), even if they have been given power of attorney. Wis. Admin. Code § EL 2.05(6)(c).

- Signers must live within the circuit, county, district, or jurisdiction that the candidate seeks to represent, otherwise their signature is invalid. Wis. Admin. Code § EL 2.05(6)(h)(5).
- A signature must be counted when identical residential information or dates of signature for different electors are accurately indicated by ditto marks, another form of punctuation, or if an adjacent signer writes "same" or similar words to indicate that the residential information or signature dates are identical. Wis. Admin. Code § EL 2.05(6)(f).
- Signers must be 18 years of age when the nomination paper is signed. This is true even if the person will be 18 years old and eligible to vote at the date of the election. Wis. Admin. Code § EL 2.05(6)(h)(8).
- Signers must not have an adjudication of incompetency or limited competency, or otherwise not be a qualified elector at the time of signing. Wis. Admin. Code § EL 2.05(6)(h)(4). If the signatory becomes an unqualified elector after signing the nomination paper, the signature should not be struck because the signer was a qualified elector when they signed. *Id.*
- The death of a signer after a nomination paper has been signed does not invalidate the signature. Wis. Admin. Code § EL 2.05(6)(i).

- **The elector's printed name,** which must be legible. The signer's last name must be present. Wis. Admin. Code § EL 2.05(6)(h)(7). A nickname or initial cannot be used for a last name. *Id.* Wis. Stat. §§ 8.10(4)(b) (nonpartisan candidates), 8.15(2) (partisan candidates), 8.20(5) (independent candidates).
  - **Legibility:** If the filing officer cannot discern the signer's first and last name, after reviewing both the signature and printed name, it is illegible and should not be counted. Wis. Admin. Code § EL 2.05(6)(h)(6).

- **Elector's address, including street number and name.** Wis. Stat. §§ 8.10(4)(b) (nonpartisan candidates), 8.15(2) (partisan candidates), 8.20(5) (independent candidates). Wis. Admin. Code § EL 2.05(12). No signature can be counted if the address of the signer is missing or incomplete, or the municipality is abbreviated, unless the address can be determined by the information provided on the nomination paper. Wis. Admin. Code § EL 2.05(6)(h)(3). Neither apartment number nor state and ZIP code is required. *Id.*
- **Elector's Municipality for voting.** Wis. Stat. §§ 8.10(4)(b) (nonpartisan candidates), 8.15(2) (partisan candidates), 8.20(5) (independent candidates). Wis. Admin. Code § EL 2.05(12).
- **Elector's complete date of signing.** Wis. Stat. §§ 8.10(4)(b) (nonpartisan candidates), 8.15(2) (partisan candidates), 8.20(5) (independent candidates). Date of signature must be between the first day to circulate and the nomination paper filing deadline. Wis. Stat. §§ 8.10(2)(a) (nonpartisan candidates), 8.15(1) (partisan candidates), 8.20(8) (independent candidates).
    - No signature can be counted if the date of signature is missing, unless the date can be determined by reference to the dates of other signatures on the paper, including those dates above or below the signature. Wis. Admin. Code § EL 2.05(6)(h)(1). For example, if a signature line is missing a date, but all the other signatures on that page are of the same date, which is also the same date as when the circulator signed, it can be assumed that the signature line in question should also be that date.
    - No signature can be counted if the signature is dated after the date on which the qualified circulator signed the certification. Wis. Admin. Code § EL 2.05(6)(h)(2).

Reviewing the Circulator Certification

At the bottom of each nomination paper, there is a certification section that is completed by the person who collected the signatures. There are several required components of this section, and all should be reviewed when examining nomination paper sufficiency.

A nomination paper circulator must be eligible to vote in Wisconsin.[3] Wis. Stat. §§ 8.10(3), 8.15(4)(a), 8.20(3), as amended by 2025 WI Act 126.

Review the Certification of Circulator for the following:

- **Name of Circulator,** which must be legible. The circulator's last name must be present. Wis. Stat. § 8.15(4)(a)
  - Legibility: If the filing officer cannot discern the signer's first and last name, after reviewing both the signature and printed name, it is illegible and should not be counted. Wis. Admin. Code § EL 2.05(6)(h)(6).
- **Address of Circulator** (number and street). This must be a Wisconsin address. Wis. Stat. §§ 8.10(3), 8.15(4)(a), 8.20(3), as amended by 2025 WI Act 126. No signature on the page can be counted when the residency of the circulator cannot be determined by the information given on the nomination paper. Wis. Admin. Code § EL 2.05(6)(g).
- **Signature of Circulator.** Wis. Stat. § 8.15(4)(a). Wis. Admin. Code § EL 2.05(6)(g). Signature need not be legible if the circulator's first and last name can be determined in the printed name line. Wis. Admin. Code § EL 2.05(6)(h)(6).
- **Date of certification.** Date must be on or after the latest date of a signer. Wis. Stat. § 8.15(4)(a), Wis. Admin. Code § EL 2.05(6)(g), 2.05(8)(b).
- **Only one circulation per candidate per office permitted.** If the circulator has circulated nomination papers for two or more candidates for the same office in the same election and different times, the earlier papers are valid and the later papers are invalid. Wis. Stat. § 8.04. Circulators are only allowed to circulate for one candidate, even for at-large seats where voters can vote for more than one candidate. The administrative code makes an exception for signatories to sign the papers of more than one candidate in an at-large race, but not circulators. See Wis. Admin. Code § EL 2.05(6)(d).

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3 Law Change: 2025 Wisconsin Act 126 amended the circulator qualification statutes for nomination papers and election petitions to require all circulators to be qualified electors of Wisconsin. Previously, circulators were not required to be Wisconsin residents, and could still circulate if they were a U.S. citizen, at least 18 years old, and would be eligible to vote in Wisconsin if they were a resident.

Sec. 2.2.8: Counting Valid Signatures

The number of signatures required depends on the office sought.

> **Best Practice:** The number of signatures required for office should be included in the candidate packet for each office.

Candidates often submit more than the maximum number of signatures necessary, but it is not necessary for a filing officer to review every single one of them. See Wis. Admin. Code § EL 2.05(4)(a)(1). However, filing officers must continue to review as many signatures as the candidate submits to achieve the sufficient minimum number. Wis. Stat. §§ 8.10(7), 8.15(9), 8.20(10).

For example, Candidate A wishes to run for mayor in Badger City, which is a second-class city. Candidate A must submit 200–400 signatures for that office, so Candidate A submits 420. Clerk Clark reviews up to 400 signatures, but finds that only 190 of them are sufficient. State law directs that Clerk Clark must continue to review the remaining 20 signatures until the minimum threshold of 200 sufficient signatures is reached.

Only one signature per person for the same office is valid. Wis. Stat. § 8.04, Wis. Admin. Code § EL 2.05(6)(d). If there are duplicate signatures, the earlier signature is valid, and the later signature is invalid. Wis. Stat. § 8.04. Exception: Where an signer is entitled to vote for more than one candidate for the same office, they may sign the nomination papers of as many candidates for the same office as they are entitled to vote for at the election. Wis. Admin. Code § EL 2.05(6)(d). For these offices, duplicate signatures for different candidates should not automatically be rejected.

Table 4: Required Number of Signatures for Federal, State, and Local Partisan Offices

Office Sought	Signatures	Statute
U.S. President (Independent)	2,000 – 4,000	Wis. Stat. § 8.20(4)
Statewide Offices	2,000 – 4,000	Wis. Stat. § 8.15(6)(a)
U.S. Representative	1,000 – 2,000	Wis. Stat. § 8.15(6)(b)
State Senators	400 – 800	Wis. Stat. § 8.15(6)(c)
State Assembly Representatives	200 – 400	Wis. Stat. § 8.15(6)(d)
District Attorneys *Pop. Over 100,000*	500 – 1,000	Wis. Stat. § 8.15(6)(dm)
District Attorneys *Pop. Under 100,000*	200 – 400	Wis. Stat. § 8.15(6)(dm)
County Offices *Pop. Over 100,000*	500 – 1,000	Wis. Stat. § 8.15(6)(e)
County Offices *Pop. Under 100,000*	200 – 400	Wis. Stat. § 8.15(6)(e)

Table 5: Required Number of Signatures for State and Local Non-Partisan Offices

Office Sought	Signatures	Statute
Statewide Offices	2,000 – 4,000	Wis. Stat. § 8.10(3)(a)
Court of Appeals Judges	1,000 – 2,000	Wis. Stat. § 8.10(3)(am)
Judicial Offices *County Pop. Over 750,000*	1,000 – 2,000	Wis. Stat. § 8.10(3)(c)
All Other Judicial Offices	200 – 400	Wis. Stat. § 8.10(3)(b)
County Executives *Pop. Over 750,000*	2,000 – 4,000	Wis. Stat. § 8.10(3)(cm)
County Executives *Pop. between 100,000–750,000*	500 – 1,000	Wis. Stat. § 8.10(3)(d)
County Executives *Pop. Under 100,000*	200 – 400	Wis. Stat. § 8.10(3)(e)
Comptroller *Pop. At least 750,000*	500 – 1,000	Wis. Stat. § 8.10(3)(cm)
County Supervisors *Pop. At least 750,000*	200 – 400	Wis. Stat. § 8.10(3)(f)
County Supervisors *Pop. Between 100,000–750,000*	100 – 200 **Or 50–200 by ordinance*	Wis. Stat. § 8.10(3)(g) Wis. Stat. § 8.10(3m)
County Supervisors *Pop. Under 100,000*	20 – 100	Wis. Stat. § 8.10(3)(h)
Metro Sewage Commission *Pop. Over 1,000,000*	1,000 – 2,000	Wis. Stat. § 8.10(3)(hm)
Metro Sewage Commission *Pop. Between 200,000–1,000,000*	200 – 400	Wis. Stat. § 8.10(3)(hm)
Metro Sewage Commission *Pop. Under 200,000*	100 – 200	Wis. Stat. § 8.10(3)(hm)
1st Class Cities City Wide Offices	1,500 – 3,000	Wis. Stat. § 8.10(3)(i)

Office Sought	Signatures	Statute
1st Class Cities Alderpersons	200 – 400	Wis. Stat. § 8.10(3)(i)
1st Class Cities Board of School Directors	400 – 800	Wis. Stat. § 8.10(3)(i)
2nd and 3rd Class Cities City Wide Offices	200 – 400	Wis. Stat. § 8.10(3)(j)
2nd and 3rd Class Cities Alderpersons Elected by Alder District	20 – 40	Wis. Stat. § 8.10(3)(j)
2nd and 3rd Class Cities Alderperson Elected At-Large	100 – 200	Wis. Stat. § 8.10(3)(jm)
4th Class Cities City Wide Offices	50 – 100	Wis. Stat. § 8.10(3)(k)
4th Class Cities Alderperson	20 – 40	Wis. Stat. § 8.10(3)(k)
Village and Town Offices	20 – 100	Wis. Stat. § 8.10(3)(L)
School Board Member Territory within 2nd class city	100 – 200 *Or 20 – 100 by resolution	Wis. Stat. § 8.10(3)(km)1. Wis. Stat. § 8.10(3)(km)2.
School Board Member No territory in 1st or 2nd class city	20 – 100	Wis. Stat. § 8.10(3)(ks)

Sec. 2.2.9: Correcting Affidavits

Any insufficiencies, such as incorrectly dated signatures or inaccurate circulator information can be corrected with a correcting affidavit. Wis. Admin. Code § EL 2.05(5)(ag). However, correcting affidavits may not provide new or additional signatures or signature pages in addition to what was originally submitted to the filing official. Wis. Admin. Code § EL 2.05(5)(d).

Affidavits may be submitted by the circulator, the candidate, or a person who signed the nomination paper. Wis. Admin. Code § EL 2.05(5)(ag). The person giving the correcting affidavit must have personal knowledge of the correct information. *Id.* The WEC has templates for correcting affidavits available upon request.

The affidavit must be filed with the filing officer not later than 5 p.m. central time on the 3rd calendar day after the applicable statutory due date for when a challenge to nomination papers may be filed. Wis. Admin. Code § EL 2.05(5)(ar). If a correcting affidavit is submitted on a Saturday, Sunday, or legal holiday, it must be submitted via facsimile transmission or electronic mail directly to the filing officer. *Id.*

The filing officer must determine whether any correcting affidavit resolves the identified insufficiency. Wis. Admin. Code § EL 2.05(5)(c). If a correcting affidavit is accepted, it amends the affected nomination papers on its own, and it is not necessary for the filing officer to edit or mark the nomination papers to be consistent with the changes in the affidavit. Wis. Admin. Code § EL 2.05(5)(b).

Note: Nomination papers with insufficient headers cannot be cured by a correcting affidavit after the paper has been circulated. Wis. Admin. Code § EL 2.05(5)(ag).

Sec. 2.2.10: Public Access of Ballot Access Paperwork

The timeline for filing ballot access challenges is a short one — just three calendar days — so filing officers must prioritize making nomination papers and declarations of candidacy available to the public as soon as they are filed. See Wis. Admin. Code § EL 2.07, 2.08.

Filing officers are required to make nomination papers available for public inspection, either physically or electronically, within one business day of when they are filed. Wis. Admin. Code § EL 2.07(2).

Best Practice: The easiest and quickest way to make nomination papers available to the public is to scan and upload nomination papers and declarations of candidacy and post them to a website where the public can access them at any time. If web access is not feasible, filing officers should take steps to ensure that the public can access filed ballot access paperwork in a timely fashion. Filing officers should plan for how they plan to make paperwork available to the public well before each filing deadline.

Sec. 2.2.11: Frequently Asked Questions

Q Can a candidate who has properly filed nomination papers and qualified for the ballot withdraw their nomination papers to remove their name from the ballot?

A Yes, but only candidates who file nomination papers with the Commission (excluding district attorneys), and only those who follow the specific process to do so, including paying the fee. Wis. Stat. § 8.35(1m)(a). Candidates wishing to withdraw must submit their request and pay the required fee to the Commission no later than the 7th business day before the June 10 preceding the partisan primary or no later than the 7th business day before the 4th Tuesday in August preceding the general election. Wis. Stat. § 8.35(1m)(a). The withdrawal of a candidate under this process will not affect the ballot order if the order has already been determined. Wis. Stat. § 8.35(1m)(c). The Commission will notify the county clerk if any candidates withdraw. Wis. Stat. § 8.35(1m)(d).

Local candidates may not withdraw their candidacy under Wis. Stat. § 8.35(1m).

State law states that any person who files nomination papers and qualifies to appear on the ballot may not decline nomination, unless they qualify to withdraw as described above. The name of that person shall appear upon the ballot except in the case of death of the person. Once an individual has filed nomination papers with a filing officer, and has qualified for ballot placement, nomination papers or other ballot access documents cannot be withdrawn to remove a person's name from the ballot. Wis. Stat. § 8.35(1).

Q Are incumbents required to file ballot access documents?

A Yes. All candidates including incumbents are required to file the appropriate ballot access documents for each election for which he or she is seeking office. Wis. Stat. §§ 8.10(2)(b), 8.15(5), 8.20(2)(a).

Q Where can I find residency requirements for candidates?

A Specific residency requirements and other minimum qualifications can be found within the governing statutes of the office sought. Information can also be found on the relevant candidate page on elections.wi.gov.

Q A prospective candidate wants to give me their Declaration of Candidacy for an election that is two years from now. Can I accept it?

A Yes. Make sure to follow protocol (give them a receipt of acknowledgement) and store it safely until that election.

Q It is not December 1st yet and a prospective candidate wants me to give him a Campaign Finance Registration Statement (CF-1). May I give it to him?

A Yes. As soon as a person takes a candidate action (files nomination papers, is nominated by a political party, receives a contribution), he or she is required to register as soon as practicable. Wis. Stat. § 11.0202(1)(a). Therefore, candidate packets, which include the Campaign Finance Registration Statement (CF-1), should be available for candidates at all times.

Q It is not December 1st or April 1st yet and a prospective candidate wants me to give him nomination paper form (EL-169). May I give it to him?

A Yes. A nomination paper form may be given to a prospective candidate at any time.

Best Practice: The EL-169 should be included in the candidate packet.

Q The filing officer is refusing to review my submitted nomination papers before the deadline. I am worried that I won't have enough time to get more signatures if I fall below the minimum. Are they required to review my nomination papers immediately?

A No. It is up to the discretion of the filing officer whether to do an initial review and when that review would take place. It is not a requirement of the filing officer to ensure that the minimum number of signatures is met.

Best Practice: Filing officers should review nomination papers as they are filed and reach out to any candidate who falls close to the minimum threshold. Candidates should submit more signatures than the minimum required in case of insufficiencies and challenges.

Q What if a candidate is campaigning before the Campaign Finance Registration Statement (CF-1, CF-1L) is filed?

A Failure of the candidate to file a Campaign Finance Registration Statement (CF-1) if they are collecting or spending money toward the campaign is a violation of campaign finance law and should be reported to the Wisconsin Ethics Commission. Wis. Stat. §§ 11.1400, 11.1401(1)(a).

Q What is the deadline to challenge a Declaration of Candidacy?

A Challenges to declarations of candidacy must be filed by 5 p.m. on the third calendar day after the declaration of candidacy filing deadline. Wis. Admin. Code § EL 2.08(2)(b). The challenge must be in the physical or electronic possession of the filing officer by 5 p.m. on the challenge deadline. *Id.* If a challenge is submitted on a Saturday, Sunday, or legal holiday, it must be submitted via facsimile transmission or electronic mail. *Id.*

Q If a candidate brings in paperwork to the filing officer, but the filing officer is not present, it is okay for to leave the paperwork with another staff person?

A Yes. State law does not require candidates to hand their paperwork directly to the filing officer. Each filing officer, however, should establish procedures in their office so that their staff are trained on how to properly accept ballot access paperwork.

Best Practice: The system should be the same for every single candidate so questions do not arise.

Q What happens if no candidates qualify for ballot placement?

A If no candidates properly complete and file ballot access documents in the time frame allotted, the ballot will contain only a space for a write-in candidate. **See Sec. 2.4.3: "Selecting Candidates at a Caucus" on page 62** for information on this topic with respect to the caucus nomination procedure.)

Q What should I do if I believe that an individual filing ballot access documents is a convicted felon?

A The restriction on convicted felon candidates only applies to candidates for state and local office, not federal candidates. Wis. Stat. § 8.21(4)(a). If it is brought to the filing officer's attention that a convicted felon has filed ballot access documents, the matter needs to be resolved in consultation with the municipal attorney or local counsel.

Best Practice: It is the position of the Wisconsin Elections Commission that the municipality should only act on information presented in the form of a sworn ballot access challenge, alleging that a candidate has been convicted of a felony and evidence is provided in support of that allegation. The municipal attorney or local counsel can assist the filing officer in verifying the basis of the challenge.

Once it has been determined that a candidate or an elected official has been convicted of a felony, the municipal attorney can assist the filing officer in determining whether the person's name should not be placed on the ballot

Best Practice: A formal notice should be sent to the candidate or elected official informing him or her of the filing officer's decision not to place his or her name on the ballot.

Q Should the filing officer check to make sure that no candidate has been convicted of a felony?

A The filing officer is not required to verify that every candidate for elected public office has not been convicted of a felony for which they have not been pardoned. The filing officer should rely on the sworn statement of the candidate on the Declaration of Candidacy. Wis. Stat. § 8.21(4)(a).

Q What if the filing officer's office is closed the first Tuesday in January for a holiday?

A If it is a state-recognized holiday, the deadline for filing ballot access documents is extended to the next business day. Wis. Stat. § 990.001(4)(b). **Note:** This only applies to state holidays, not county holidays or federal holidays that are not state holidays (such as Columbus Day and Veterans Day). If it is not, the filing officer must be available for candidates filing ballot access documents.

Q A candidate went to turn in my paperwork and the office was closed. The deadline to turn in paperwork is today. What do they do?

A The candidate should start by contacting anyone they can think of in the municipal or county government who might be able to get ahold of the filing officer. The candidate can also contact the Wisconsin Elections Commission at 608-266-8005 if they don't know who to call, and staff can assist the candidate by putting them in touch with local officials.

Chapter 2.3: Ballot Access Challenges

A ballot access challenge is a verified complaint brought against a proposed candidate. It alleges that the candidate's nomination papers or declaration of candidacy are insufficient or that the candidate is otherwise unqualified for the office sought. Wis. Admin. Code § EL 2.07(2), 2.08(2). Ballot access challenges are not specifically mentioned in statute, but statute does give the Commission the ability to establish administrative rules to determine the validity of nomination papers. Wis. Stat. § 8.07, and see generally Wis. Admin. Code Chapter 2. Accordingly, the rules and procedures authorizing and governing ballot access challenges are covered by administrative code.

Ballot access challenges are filed with the appropriate filing officer for the office the candidate seeks. Wis. Admin. Code § EL 2.07(2), 2.08(2). They are their own special type of complaint governed by the procedures in Wis. Admin. Code §§ EL 2.07, 2.08. They have different standards of review and deadlines than the other types of administrative complaints the Commission considers. Wis. Admin. Code § EL 2.07(2), 2.08(2).

Filing officers must make filed nomination papers and declarations of candidacy available for public inspection, either physically or electronically, within 1 business day of when they are filed. *Id.*

Sec. 2.3.1: Types of Ballot Access Challenges

There are two different types of ballot access challenges, each of which is discussed further below:

Nomination Paper Challenges: Brought by a challenger against a candidate's nomination papers.

Declaration of Candidacy and Candidate Qualification Challenges: Brought by a challenger against a candidate's declaration of candidacy, including the certifications on that document that the candidate is qualified for the office they seek.

Nomination Paper Challenges

The majority of ballot access challenges allege that the challenged candidate's nomination papers are insufficient in some way. Wis. Stat. § 8.07, Wis. Admin. Code § EL 2.07(5).

Nomination paper challenges usually allege one of three general areas of insufficiency:

- Issues with the nomination paper header
- Issues with the circulator certification statement
- Issues with individual signature line challenges

Declaration of Candidacy & Candidate Qualification Challenges

Since 2020, the Commission and local filing officers have received and decided ballot access challenges that allege that the candidate's declaration of candidacy was insufficient or that the candidate was otherwise ineligible for the office they sought. As of Apr. 1, 2026, the administrative code expressly addresses when and how these challenges can be brought and decided. Wis. Admin. Code § EL 2.08.

Declaration of candidacy challenges allege that the challenged candidate's declaration of candidacy is insufficient in some way. Wis. Admin. Code § EL 2.08(4).

Declaration of candidacy challenges usually allege one of three general areas:

- Issues with missing or incomplete candidate information
- Issues with missing or incomplete certification information
- Issues with the qualifications of a candidate

The new rule lists the specific grounds under which individuals can bring challenges to declarations of candidacy. Wis. Admin. Code § EL 2.08(4)(ag). The above three are just the most common.

Sec. 2.3.2: Filing Requirements & Deadlines

A challenge is a short, plain statement of the basis upon which the challenger seeks to invalidate any signatures on one or more nomination papers, or invalidate a declaration of candidacy. Wis. Admin. Code § EL 2.07(3)(ar), 2.08(2)(ar). All factual allegations upon which the challenge relies must be verified by on or more persons who certify that they possess personal knowledge of the facts alleged therein. *Id.* See Wis. Admin. Code § EL 2.07(1)(b)(7). Individuals other than the challenger may support a challenge with sworn affidavits or declarations pursuant to Wis. Stat. § 887.015. Wis. Admin. Code § EL 2.07(3)(ar), 2.08(2)(ar).

A brief or summary of the legal standards applicable to a challenge and their application to the alleged facts may be filed simultaneously with, or as a part of, the challenge pursuant to Wis. Stat. § 887.015. *Id.* The brief or summary need not be verified, but if it is prepared by an attorney, that attorney shall sign the brief and that signature shall meet the requirements of Wis. Stat. § 802.05. *Id.*

> **Best Practice: A challenger's legal representative may prepare and sign a legal brief in support of the challenge, but the actual verified challenge itself must be signed by the challenger.**

Deadline: Filing Challenge

Challenges must be filed by 5 p.m. on the third calendar day after the filing deadline for the challenged papers. Wis. Admin. Code § EL 2.07(3)(b), 2.08(2)(b). The challenge must be in the physical or electronic possession of the filing officer by 5 p.m. on the challenge deadline. *Id.* If a challenge is submitted on a Saturday, Sunday, or legal holiday, it must be submitted via facsimile transmission or electronic mail. *Id.* Challenges received after 5 p.m. on the challenge deadline shall not be accepted. *Id.*

The filing officer must make instructions for filing challenges electronically publicly available no less than 24 hours before the challenge deadline. Wis. Admin. Code § EL 2.07(3)(c)(1), 2.08(2)(c)(1). Challenges that are filed electronically must conform to those instructions. *Id.*

Filing challenges electronically

If the challenge and all supporting materials are filed in electronic form, the filing officer shall electronically transmit a copy of the challenge to the challenged candidate no later than 4 hours after the deadline for filing of the challenge complaint. Wis. Admin. Code § EL 2.07(3)(c)(1), 2.08(2)(c)(1).

Filing challenges in paper form

If the challenge and supporting materials are filed in paper form, the filing officer shall deliver a copy to the challenged candidate, either in paper or electronic form, no later than noon the day after the challenge is filed. Wis. Admin. Code § EL 2.07(3)(c)(2), 2.08(2)(c)(2).

Deadline: Notification of Challenge to Candidate

Regardless of how a challenge is filed, the filing officer must also provide the challenged candidate with a copy of the challenge, notice of the response deadline, notice of how and when the challenged candidate may file rebuttal, as well as notice that either Wis. Admin. Code § EL 2.07 or 2.08 govern the procedures for the type of ballot access challenge. Wis. Admin. Code § EL 2.07(3)(c)(3), 2.08(2)(c)(2).

> **Best Practice:** Send notice of the challenge to the affected candidate by email whenever possible. The Commission recommends that the filing officer get written or verbal confirmation from the candidate that they have received the challenge. This is especially important as challenge filing deadlines often fall on Friday afternoons. If a filing officer cannot contact the challenged candidate by email or phone to confirm receipt of the challenge, they should make arrangements to hire a process server to ensure that a copy of the challenge is delivered to the candidate's residence as provided on their Declaration of Candidacy.

Deadline: Candidate's Response to Challenge

A challenged candidate may submit a response to a challenge. Wis. Admin. Code § EL 2.07(3)(f), 2.08(2)(f). A response to a challenge is a short, plain statement of the basis upon which the challenged candidate asserts that any challenged nomination papers or declarations of candidacy are valid. Wis. Admin. Code § EL 2.07(3)(e), 2.08(2)(e). All factual allegations upon which the response relies must be verified by one or more persons who certify that they possess personal knowledge of the facts alleged therein. *Id.* Individuals other than the challenger may support a challenge with sworn affidavits. *Id.*

A brief or summary of the legal standards applicable to the challenged signatures or pages and the application of those legal standards to the alleged facts may be filed simultaneously with the response and any affidavits. *Id.* The brief or summary need not be verified, but if it is prepared by an attorney that attorney shall sign the brief and that signature shall meet the requirements of Wis. Stat. § 802.05(1).

Deadline

Responses must be filed by 5 p.m. on the third calendar day after the date the challenge was filed Wis. Admin. Code § EL 2.07(3)(f), 2.08(2)(f). The Response shall be in the physical or electronic possession of the filing officer by 5 p.m. on the response deadline. *Id.* If a challenge is submitted on a Saturday, Sunday, or legal holiday, it shall be submitted via facsimile transmission or electronic mail. *Id.* Responses received after 5 p.m. on the challenge deadline shall not be accepted. *Id.*

Deadline: Notification of Response to Challenger

If the candidate files a response, the filing officer must provide the response and any correcting affidavits to the challenger. If filed in electronic form, the filing officer must electronically transmit a copy of the materials to the challenger no later than 4 hours after the deadline for filing of the materials. If filed in paper form, the filing officer must deliver a copy of the materials to the challenger, either in paper or electronic form, no later than noon the day after the materials are filed. Wis. Admin. Code § EL 2.07(3)(f), 2.08(2)(f).

Deadline: Challenger Rebuttal

If the candidate files a response and one or more correcting affidavits, the challenger may file a short rebuttal brief and one or more rebuttal affidavits. Any rebuttals and rebuttal affidavits must be filed electronically by the challenger, and the materials must be in the electronic possession of the filing officer within 24 hours of the filing officer's transmission of the response or correcting affidavits. Whenever the rebuttal deadline would occur after 10 a.m. on the deadline for the filing officer to certify the names of candidates to appear on the ballot, the deadline to file the rebuttal is changed to be 10 a.m. on that day. Paper copies and late submissions will not be accepted. Wis. Admin. Code § EL 2.07(3)(g), 2.08(2)(g).

A rebuttal brief need not be verified, but if it is prepared by an attorney, that attorney shall sign the brief and that signature shall meet the requirements of Wis. Stat. § 802.05. Wis. Admin. Code § EL 2.07(3)(g), 2.08(2)(g).

Sec. 2.3.3: Burdens of Proof

The initial burden is on the challenger to establish any deficiency in the challenged candidate's nomination papers. Wis. Admin. Code § EL 2.07(3)(d), 2.07(4), 2.08(2)(d), 2.08(3). If the challenger makes an initial showing by clear, satisfactory, and convincing evidence that establishes one or more of the challenged candidate's nomination papers is deficient, the burden shifts to the challenged candidate to establish the validity of their nomination papers by clear, satisfactory, and convincing evidence. *Id.*

"Clear, satisfactory, and convincing evidence" means evidence which when weighed against that opposed to it clearly has more convincing power to a reasonable degree of certainty. Wis. Admin. Code § EL 2.05(1)(e). A "reasonable certainty" means persuasion based upon a rational consideration of the evidence. *Id.* Absolute certainty is not required, but a guess is not enough to meet this burden of proof. *Id.* Clear, satisfactory, and convincing evidence cannot be shown by bare assertions that are unsupported by a sworn affidavit or declaration. *Id.*

Sec. 2.3.4: Reviewing the Challenge

A ballot access challenge may challenge the validity of a candidate's nomination papers or a candidate's declaration of candidacy.

In a nomination paper challenge, filing officers must apply the standards Wis. Admin. Code § EL 2.05 to determine the validity of nomination papers. Wis. Admin. Code § EL 2.07(2). In a declaration of candidacy challenge, filing officers must apply the standards in Wis. Admin. Code § EL 2.06 and Wis. Stat. § 8.21. Wis. Admin. Code § EL 2.08(2)(ag).

As a starting point in both kinds of challenges, recall that it is the candidate's responsibility to ensure that his or her nomination papers and/or declaration of candidacy are prepared and ultimately filed in compliance with applicable statutory provision and requirements under the administrative code. Wis. Admin. Code § EL 2.05(3)(a), 2.06(2)(a). This means candidates are also responsible for the work — and potential mistakes — of individuals who are circulating nomination papers or filing a declaration of candidacy on their behalf. *Id.*

Challengers and candidates often submit evidence in support of the challenge or in opposition to any challenge. Filing officers must examine this evidence as part of the challenge if it is offered. Wis. Admin. Code § EL 2.07(3)(d), 2.08(2)(d).

Hearings

A hearing is not required. Wis. Admin. Code § EL 2.07(3)(h), 2.08(2)(h). Filing officers may elect to hold a hearing if they determine that a hearing would assist them in the adjudication of the challenge. *Id.*

If the filing officer elects to hold a hearing, the hearing shall be noticed in advance, per Wis. Stat. § 19.84, and open to the public, per Wis. Stat. §§ 19.83, 19.88, 19.89, and 19.90. Wis. Admin. Code § EL 2.07(3)(i), 2.08(2)(i). The filing officer must conduct the hearing in a manner that affords the same offered rights and opportunities to all parties. *Id.* This includes oral presentations by the parties or their assigned representative, if the filing officer elects to accept oral presentations. *Id.* Factual evidence being offered as oral testimony shall not be received at a hearing unless the filing officer elects to swear in witnesses, in which case all witnesses shall be sworn in. *Id.*

Sec. 2.3.5: Deciding the Challenge & Appeals

Issuing Decision

When there is no hearing, the filing officer shall promptly issue a written decision on the challenge and a signed order memorializing their disposition of the challenge not later than the date for certifying candidates to the ballot. Wis. Admin. Code § EL 2.07(6), 2.08(5).

When there is a hearing and the filing officer announces an oral ruling during that hearing, any party seeking to appeal from the filing officer's adjudication of a challenge decided at the hearing may submit a proposed order, memorializing the filing officer's ruling in writing, to the filing officer for adoption and signature. *Id.*

The filing officer shall promptly transmit all signed orders to the challenger and the challenged candidate electronically. *Id.* The filing officer may draft and sign their own order rather than using a version proposed by any party. *Id.*

Deadlines

The filing officer shall decide the challenge after the deadline for filing any rebuttal brief and rebuttal affidavits, but not later than the date for certifying candidates to the ballot. Wis. Admin. Code § EL 2.07(3)(h), 2.08(2)(h).

Deadline: Filing Extension

In the event an extension is necessary for any office pursuant to Wis. Stat. §§ 8.10(2) (a), 8.15(1), or 8.20(8)(a), the prior deadlines do not apply. Instead, the filing officer must calculate the deadlines for the challenge, response, and rebuttal under this paragraph. The filing officer must calculate the total number of hours between the extended filing deadline and 10 a.m. on the day of the deadline for the filing officer to certify the names of candidates to the ballot. The filing officer must then divide that number by 2 so that there is an equal number of hours allotted to file a challenge and file a response. From each of these totals, the filing officer shall subtract an equal number of hours to form a rebuttal deadline, which shall not exceed 24 hours. The filing officer must communicate the deadlines to the public by all reasonable methods as soon as they know an extension will be necessary. The communication must include the specific office that was extended, and must specify that the extension challenge deadlines are for that office only. Wis. Admin. Code § EL 2.07(3)(j), 2.08(2)(j).

Example: For the office of Circuit Court Judge of Brewer County, the current incumbent did not file a notification of candidacy, and also did not file nomination papers by the statutory deadline of January 6, 2026 (second Tuesday in January).

Extended Deadline to File Nomination Papers: Jan. 9 (Fri) at 5 p.m.

- Remaining Hours on Jan 9 – **7** (between 5 p.m. and midnight)
- Two Full Days (Jan. 10 and Jan. 11) – **48** Hours total
- Hours on Jan. 12 – **10** hours between midnight and 10 a.m.
- Total Hours: **65**
    - 65 divided by two is 32.5. Take 10 hours off each of those halves and we are left with:
        - Challenge Deadline: 22.5 Hours after 5 p.m. on Jan. 9 – 3:30 p.m.
        - Response Deadline: 22.5 Hours after Challenge is Filed
        - Rebuttal Deadline: 20 Hours after Response is Received

Appeal

Any order of a local filing officer disposing of a challenge may be appealed to the commission pursuant to Wis. Stat. §§ 5.05 or 5.06. Wis. Admin. Code § EL 2.07(7), 2.08(6). The party aggrieved by the filing officer's decision shall notify the commission of its intent to appeal within 48 hours of receipt of the filing officer's signed order. *Id.* The commission administrator, in consultation with the commission chair, must establish a briefing schedule that will allow for commission decision before the deadlines for ballot printing. *Id.* Any signed order of the commission disposing of a challenge or adjudicating an appeal from a local filing officer's order disposing of a challenge may be appealed to a circuit court. *Id.*

Sec. 2.3.6: Common Ballot Access Challenges

The Commission and its predecessor agencies have analyzed numerous types of challenges and developed a consistent methodology for resolving the most common challenges that have been filed. This portion of the manual should help candidates and political parties concentrate their efforts on challenges with a supportable legal basis, and reduce the filing of frivolous challenges or those involving legal issues which have been well settled. This portion is also intended to serve as a resource for local filing officers to learn how the Commission has interpreted similar issues in ballot access challenges.

While challenges are not limited to those described in the administrative rules, there are three general categories of challenges:

- **Challenges to the header** of the nomination papers that may result in declaring all signatures contained on nomination papers using that header to be invalid
- **Challenges to the circulator's certification** that also may result in declaring all signatures contained on the affected pages to be invalid
- **Challenges to individual signatures** that do not affect the validity of other signatures on the nomination papers. Wis. Admin. Code § EL 2.07(5).

This portion of the manual summarizes previous decisions of the State Elections Board, the Government Accountability Board and the Wisconsin Elections Commission related to the most common challenges to nomination papers and declarations of candidacy. It is intended to itemize and consolidate previous decisions which state and local filing officers may rely on as guidance

regarding the general legal questions and principles involved. However, the facts of individual circumstances and challenges vary, and the application of these principles must be determined on a case-by-case basis.

General Process Challenges

Nomination papers and declarations of candidacy must be filed by the statutory deadlines governing each election, and they must be filed properly. "Each candidate for public office has the responsibility to ensure that his or her nomination papers are prepared, circulated, signed, and filed in compliance with statutory provisions and requirements under the administrative code." Wis. Admin. Code § EL 2.05(3)(a).

Blurry, Obscured, or Illegible Nomination Paper Language

Q **Challenge: Portions of the header certification language, or circulator certification language, are blurry, obscured, or illegible as the result of bad photocopying, water damage, excessive wrinkling or creasing, or other obstructions.**

A **Analysis:** Candidates have the responsibility to ensure their nomination papers are prepared correctly, including ensuring that the critical certification language is present and legible for their signatories and circulators. Wis. Admin. Code § EL 2.05(3)(a).

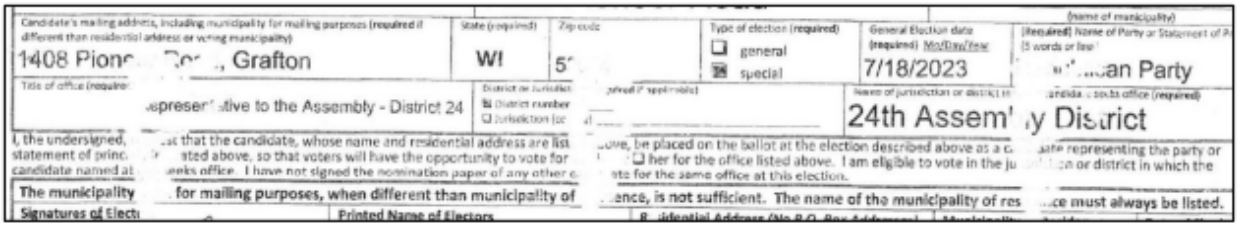
If a few non-critical words are obscured, the page may still be substantially compliant under Wis. Admin. Code § EL 2.05(4)(c) depending on how much of the information was preserved and visible to the signatories. As long as each essential point within the certification language is preserved and legible, the nomination papers are substantially compliant even if there are words missing or obscured.

Example: In the nomination paper header on the following page, poor photocopying caused visual distortions that obscured several words in the header. However, the Commission determined that the header still substantially complied with the law because it was not so obscured or defective that any required piece of information was completely missing.[4]

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4 The Commission's interpretation in this case was affirmed in litigation. *Hess v. Wis. Elections Comm'n*, 413 Ws. 2d 285, 11 N.W.3d 201 (Wis. Ct. App.), *overruled on other grounds by Brown v. Wis. Elections Comm'n*, 2025 WI 5, 414 Wis. 2d 601, 16 N.W.3d 619.

Figure 1: Obscured Header



Nomination Papers or Challenge Materials were Not Timely Filed

Q **Challenge: A candidate arrived at the filing officer's building at 4:55 p.m., but by the time she got into the building, it was 5:02 p.m. before the filing officer took physical possession of the nomination papers.**

A **Analysis:**

Statute specifies that the nomination paper filing deadlines are as follows:

- First Tuesday in January by 5 p.m. for Spring Election.
- June 1 by 5 p.m. for the General Election.
- First Tuesday in August by 5 p.m. for independent presidential candidates.
- By 5 p.m. on the specified filing deadline for special elections. Wis. Stat. §§ 8.10(2)(a), 8.15(1), 8.20(8)(am), and 8.50(3)(a).

Papers are timely filed so long as they are in the physical possession of the filing officer by 5:00:00 p.m. on the day of the deadline. See e.g. Wis. Admin. Code § EL 2.05(5)(ar).

5 p.m. means 5 p.m. on the dot, and any nomination papers received after 5:00:01 p.m. are untimely filed. This interpretation was confirmed by the Brown County Circuit Court upon litigation filed by an independent presidential candidate who filed his nomination papers with the Commission at 5:00:14 p.m. and was considered untimely. See Kanye West et al v. Wisconsin Elections Commission, Case No. 2020CV000812, (Brown County Circuit Court, Sept. 11, 2020) (decision denying plaintiffs' relief).

Best Practice: Plan ahead for nomination paper filing deadlines. Make sure that all doors are unlocked prior to 5 p.m., and consider posting a staff member in the lobby of the building. It is also a best practice to video record the window between 4:55 and 5:00 p.m. to create a time-stamped record of when candidates arrive to avoid factual disputes of when papers were submitted.

Important: Timely filed is not the same as sufficiently filed. Nomination papers may still be rejected due to other insufficiencies even if they are received in a timely manner. The filing officer determines the sufficiency of nomination papers, not the individual tasked with accepting the paperwork in the office.

Q **Challenge: The complaint filing, or the response filing, for a ballot access challenge were untimely filed, and should not be accepted or considered.**

A **Analysis:** Challenges to nomination papers must be filed "by 5 p.m. on the 3rd calendar day" after the deadline to file the nomination papers. Wis. Admin. Code § EL 2.07(3)(b). The response to the challenge must be filed "by 5 p.m. of the 3rd calendar day" after the date the challenge was filed. Wis. Admin. Code § EL 2.07(3)(f).

Delays caused by technology or circumstances outside the candidate's control do not exempt parties from these deadline requirements for challenge filings. See Wis. Admin. Code § EL 6.04(4) ("any document which is filed by facsimile process or by email process under this rule shall be considered received at the time of transmission as recorded and entered by the receiving equipment by the filing officer's staff when the facsimile copy or email copy is delivered to the filing officer's offices"). Candidates and challengers should take extreme care not to leave their filings until the last minute in case of any unexpected issues.

Declaration of Candidacy Challenges

As of April 1, 2026, the Commission now has administrative rules specific to declaration of candidacy sufficiency standards and challenges to the declaration of candidacy itself. See Wis. Admin. Code § EL 2.06, 2.08.

Challenges to Candidate Qualifications

Q **Challenge: A challenger wants to challenge the candidate's general qualifications for office.**

A **Analysis:** This is a permissible ground for a declaration of candidacy challenge, but must be limited only to the certifications that candidates are required to make under Wis. Stat. § 8.21. Wis. Admin. Code § EL 2.08(4)(b). When completing and submitting a declaration of candidacy, a candidate is certifying that they meet, or will meet, the applicable age, citizenship, residency, or voting qualification requirements for the office sought, and that they will otherwise qualify for the office if nominated or elected. Wis. Stat. § 8.21(2)(c). State and local candidates are required to make additional certifications, including that they have not been convicted of disqualifying criminal offenses. Wis. Stat. § 8.21(4)(a).

Example: In 2024, an independent candidate for U.S. President filed nomination papers with the Commission. A challenger claimed he did not meet the constitutional requirements for that office because he had not been born in the United States. The candidate conceded that he was not a natural born citizen. The Commission voted to sustain the challenge to exclude the candidate and his running mate from the ballot under Wis. Stat. § 8.30(4) because he did not meet the qualifications for the office he sought, even though he had certified to them on the declaration of candidacy. The candidate's name was not placed on the ballot.[5]

5 See EL 24-81, *Michael Hoffman v. Shiva Ayyadurai*.

Issues with Notarization on Declaration of Candidacy

Q Challenge: The candidate's notarization was completed in another state, and did not confirm to that state's notary requirements.

A Analysis: Wisconsin law provides that a notarial act performed in another state "has the same effect under the law of this state as if performed by a notarial officer" of Wisconsin. Wis. Stat. § 140.11(1). Wis. Stat. § 140.26 includes all authorized notaries within Chapter 140, including out of state notaries. Accordingly, the failure of an out of state notarial officer to perform a duty or meet a requirement does not invalidate a notarial act performed by the out of state notarial officer.[6]

Q Challenge: The candidate's spouse completed the notarization of the declaration of candidacy.

A Analysis: A spouse may not notarize any documents for their partner in Wisconsin. Wis. Stat. § 140.04(2) provides, "a notarial officer *may not perform a notarial act with respect to a record to which the officer or the officer's spouse or domestic partner is a party* or in which either of them has a direct beneficial interest. A notarial act *performed in violation of this subsection is voidable*." (Emphasis added). If the candidate did not file an amended declaration of candidacy by the appropriate deadline, this is an incurable error and the candidate cannot be placed on the ballot.[7] The candidate was not placed on the ballot.

Candidate Information (Header Portion of Paper)

None of the information in the header of the nomination paper (i.e., candidate's name, candidate's residential address, candidate's municipality for voting purposes, candidate's mailing address, type of election, election date, office sought, and name of jurisdiction or district in which candidate seeks office), may be altered, amended, corrected or added after circulation of the nomination paper. Wis. Admin. Code § EL 2.05(5)(ag). See Wis. Stat. §§ 8.10(2)(b), 8.15(5)(a), 8.20(2)(a) (requiring certain information to appear in the header of nomination papers). This is the nomination information that each signatory saw and relied upon in deciding to sign the paper in support of placing the candidate's name on the ballot, and therefore cannot be changed.

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6 See EL 24-80, *David Strange v. Cornel West et al*.

7 See *Kyle Schroeder v. Christine Hansen* (EL 26-01)

Office Title & District Designation

Q Challenge: Irregularities in the name of the office as required by Wis. Stat. §§ 8.10(2)(b), 8.15(5)(a), 8.20(2)(a).

A Analysis: The Commission has typically allowed for variances in listing the office name, such as "Assembly," "State Representative," "State Assembly," plus the district number. Abbreviations are common such as "AD" for "Assembly District" or "SD" for "Senate District." The Commission determined that the papers were substantially compliant as long as the electors could determine the office and district the candidate was pursuing by the information provided in the nomination paper heading. Wis. Admin. Code § EL 2.05(7)(a). Additionally, where the title or district designations are illegible or in the incorrect boxes, the Commission has found these pages to substantially comply when the required information could be determined elsewhere in the nomination paper heading.

However, the Commission has consistently interpreted "name of office" to require the district or jurisdiction number necessary to identify the office. Wis. Stat. §§ 8.10(2)(b), 8.15(5)(a), 8.20(2)(a). "State Assembly" alone, for example, would not be substantially compliant, as it is missing the district number that identifies that office. Likewise, circuit court judges must identify the branch number of the office they are seeking.

Election Date

Q Challenge: Incomplete or missing date of election as required by Wis. Stat. §§ 8.10(2)(b), 8.15(5)(a), 8.20(2)(a).

A Analysis: When a date of election is completely missing from the header, the Commission has sustained the challenge and struck all the signatures on those pages. When a date is listed but incomplete or incorrect (e.g., using the date of the primary, not indicating the year, indicating the month and year but not the day, indicating an incorrect date, or incorrectly indicating "general" as the type of election on the petition heading), the date can be found substantially compliant if there was sufficient notice to signers to determine the correct election date based solely upon information provided in the header. Wis. Admin. Code § EL 2.05(7)(b).

Candidate Address

Q **Challenge: The candidate has not specified a municipality for voting purposes.**

A **Analysis:** This is now required by Wis. Admin. Code § EL 2.05(7)(d).

Q **Challenge: The space in the header for candidate street number, fire number, rural route number, box number if a rural route and street name is blank.**

A **Analysis:** When the candidate's basic address information (number and name of street) is blank in the header, the Commission has approved the challenge and struck the signatures on those pages. Wis. Admin. Code § EL 2.05(7)(d) and Wis. Stat. §§ 8.10(2)(b) and (c), 8.15(5)(a) and (b), and 8.20(2)(a) and (b). A residential address means the street and number, if any, and municipality for voting purposes, all of which must be accurate. Wis. Admin. Code § EL 2.05(1)(a).

Best Practice: If a candidate's residential address contains an apartment number or unit number, and that number is missing from the header, the filing officer should assess whether the nomination paper is still substantially compliant with the law. If the rest of the address is complete, leaving off an apartment number or unit number likely means there is still substantial compliance unless the challenger demonstrates that the residence cannot be determined. Leaving off an apartment number usually means the header is still substantially compliant because it still contains the street, number, and municipality of where the candidate lives. In rare cases, lack of an apartment number could raise questions over where the candidate actually resides, and accordingly, whether they meet the residency requirement for the office sought. In that circumstance, the challenger bears the burden of demonstrating how the missing apartment number affected whether signatories knew where the candidate resides.

Q Challenge: A candidate has listed inconsistent mailing addresses on their nomination papers and declaration of candidacy.

A Analysis: These types of challenges are fact-intensive inquiries, and should always be handled on a case-by-case basis. The filing officer may, but is not required to, consult extrinsic sources of information, such as seeking information on how mail is handled in the municipalities listed. Wis. Admin. Code § EL 2.05(3).

In some instances, USPS can confirm that overlaps exist in ZIP codes, and mail delivered to either municipality is interchangeable. In instances where two different addresses (usually differing municipalities) refer to the same physical location, the challenge should not be sustained.

Where the two addresses are totally different, and cannot be explained by overlapping ZIP codes, the filing officer should examine whether the candidate has met the legal requirements to provide correct address information. If they have not, the challenge should be sustained.

Candidate Certification

Q Challenge: The candidate has not completed the gender identification checkbox in the candidate certification statement.

A Analysis: Gender identification is not required in the header of nomination papers. Wis. Admin. Code § EL 2.05(8)(a).

Candidate Dates of Circulation

Q Challenge: The candidate circulated nomination papers prior to the date he or she filed a campaign registration statement or declaration of candidacy.

A Analysis: The Commission has dismissed these challenges. Candidates are not required to file campaign registration statements prior to circulating nomination papers.

Wis. Stat. §§ 8.10(5), 8.15(4)(b), 8.20(6) provide that if a candidate has not filed a campaign registration statement prior to the time of filing nomination papers, "the candidate shall file the statement with the papers." Wis. Stat. § 8.21(1) provides that each candidate shall file a declaration of candidacy "no later than the latest time provided for filing nomination papers."

Circulator Information

Circulator Address

Q Challenge: The circulator's address, required by Wis. Stat. §§ 8.10(3), 8.15(4)(a), or 8.20(3) is insufficient because it is missing the municipality of residence.

A Analysis: The circulator must include their residential address, including their voting municipality, for it to substantially comply with the statutory and administrative code requirements. See Wis. Admin. Code § EL 2.05(6)(g). Signatures cannot be counted when the nomination paper lacks the circulator's address. The only exception is when the circulator's residential address could be determined by the information on the nomination paper. For example, signatures may be counted when the circulator's residence is not included, but the circulator is the candidate and the candidate has included their residential address in the header of the nomination paper.

Q Challenge: The circulator's address, required by Wis. Stat. §§ 8.10(3), 8.15(4)(a), or 8.20(3) is insufficient because the circulator has not indicated type of municipality of residence (e.g., "Town of" or "City of").

A Analysis: Staff has recommended dismissing these challenges. Wis. Stat. § 8.15(4)(a) (which both 8.10(3) and 8.20(3) incorporate) states in the relevant portion that "the certification of a qualified circulator stating his or her residence with street and number, if any, shall appear at the bottom of each nomination paper, stating he or she personally circulated the nomination paper and personally obtained each of the signatures." There is no separate requirement that the circulator indicate the type of municipality of residence.

Circulator Date and Signature

Q Challenge: The date of certification is incomplete or incorrect, as required by Wis. Stat. §§ 8.10(3), 8.15(4)(a), or 8.20(3).

A Analysis: A circulator may correct date errors in their certificate via a correcting affidavit filed with the filing officer no later than 5 p.m. on the 3rd calendar day after the deadline to file a challenge. Wis. Admin. Code § EL 2.05(5)(ag).

Correctable date errors include the circulator failing to sign or otherwise complete the certificate, or entering inadvertently erroneous data (for instance: the circulator dated the certificate before circulation, not after). If the circulator has not corrected these errors by affidavit by the correction deadline, the challenge must be approved and the signatures on those pages struck.

Elector Signatures

Only one signature per person for the same office is valid. Wis. Stat. §§ 8.10(4)(b), 8.15(2), 8.20(5), Wis. Amin Code § EL 2.05(6)(d). In addition to his or her signature, in order for the signature to be valid, each signer of a nomination paper shall legibly print his or her name in a space provided next to his or her signature and shall list his or her municipality of residence for voting purposes, the street and number, if any, on which the signer resides, and the date of signing. Wis. Stat. §§ 8.10(4)(b), 8.15(2), 8.20(5). Wis. Admin. Code § EL 2.05(6)(e).

Multiple Signatures

Q **Challenge: The elector has signed nomination papers for more than one candidate for the same office.**

A **Analysis:** Only the elector's first signature is valid. See Wis. Stat. §§ 8.10(4)(b), 8.15(2), 8.20(5), Wis. Admin. Code § EL 2.05(6)(d). Where the elector has signed another candidate's papers prior to the signature on the challenged papers, the later signatures should be struck. **Exception:** Where an elector is entitled to vote for more than one candidate for the same office, they may sign the nomination papers of as many candidates for the same office as they are entitled to vote for at the election. *Id.* For these offices, duplicate signatures for different candidates should not automatically be rejected.

Signature

Q **Challenge: The elector has "signed" with a printed name.**

A **Analysis:** There is no requirement that a signature needs to be in cursive or script. Wis. Admin. Code § EL 2.05(6)(b) requires that the elector "sign his or her own name." Wis. Admin. Code § EL 2.05(1)(p) defines "signature" as a "tangible symbol … that evidences the signing of a nomination paper." The rule does not require that the signature be made in cursive.

Q **Challenge: The elector's signature is illegible.**

A **Analysis:** There is no requirement that a signature must be legible, and individual signers may mark their signatures in a wide variety of ways (e.g., by marking an "X"). *Id.*

Printed Name

Q **Challenge: The elector's printed name is illegible or in cursive.**

A **Analysis:** The statutory requirement is that "…in order for the signature to be valid, each signer of a nomination paper shall legibly print[8] his or her name in a space provided next to his or her signature…" Wis. Stat. §§ 8.10(4)(b), 8.15(2), 8.20(5).

If the filing officer cannot discern the signer's first and last name, after reviewing both the signature and printed name, it is illegible and should be struck. Wis. Admin. Code § EL 2.05(6)(h)6. The filing officer may, but is not required to, consult extrinsic sources of information if it assists in discerning a possible name. *Id.* If the printed name is illegible, but the signer's full first and last name are legible in their signature, the name should not be struck.

Best Practice: A filing officer can correctly discern a signer's name even if it is not spelled correctly. For example, "Michale" is perfectly discernible as "Michael."

Signatory Address

Wis. Stat. §§ 8.10(4)(b), 8.15(2), 8.20(5) require that an elector who signs a nomination paper "shall list his or her municipality of residence for voting purposes, the street and number, if any, on which the signer resides." In order for the signature to be valid, the address must be complete or otherwise determinable by the information provided on the nomination paper. Wis. Admin. Code § EL 2.05(6)(h)(3). A signature should not be invalidated due to an abbreviated municipality or absence of an apartment number or ZIP Code. *Id.* Errors in which the elector used an address or listed a municipality which does not reflect his or her actual residence or wrote an incomplete address may be corrected by the elector or by the circulator in a correcting affidavit filed by the correction deadline. Wis. Admin. Code § EL 2.05(5).

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8 The phrase "legibly print" was added to the existing statutes by 2013 Wisconsin Act 160. The legislative record emphasized that the purpose of Act 160 was to preserve the ability of opposing candidates to identify petition signers in order to consider filing challenges, and not to reject signatures that were legible.

Q Challenge: The elector's address is not a valid address or does not exist because the challenger couldn't find it on MyVote or using commercial third-party websites.

A Analysis: Only registered voters' addresses will be searchable on MyVote. MyVote is not a database of all existing residential addresses in the state. Signatories need not be registered voters in order to sign, they just need to be eligible electors. Wis. Stat. §§ 8.10(2)(b), 8.15(5)(a), and 8.20(2)(a). Without more, the fact that a signatory's address does not return a result in MyVote does not establish clear, convincing, and satisfactory evidence that the address does not exist.

Challenges that addresses are not valid and do not exist based on other evidence, including commercial third-party websites, should be examined on a case-by-case basis. In some circumstances, certain evidence may be sufficient to meet the challenger's burden of insufficiency. In those cases, the burden would then shift to the candidate to demonstrate that the address is valid. These types of challenges are often fact-intensive.

Q Challenge: The elector's address as written is not a valid residential address because the elector has written down the wrong municipality. For example, the elector's house is located in Exampleville but they put down Mailville because that's how USPS formulates their address when delivering mail.

A Analysis: The law requires signatories to list their "municipality for voting purposes," in addition to other required fields. Wis. Stat. §§ 8.10(4)(b), 8.15(2), 8.20(5). "Voting municipality" means the municipality in which the signer is eligible to vote at the date of signing. Wis. Admin. Code § EL 2.05(1)(s). The Commission's nomination paper template labels this field as "Municipality of Residence," and further instructs "check the type and write the name of your municipality for voting purposes." Municipality for voting purposes and municipality of residence refer to the physical location of the residence and the municipal jurisdiction in which it resides. In the example above, the Mailville address formulation is a mailing address, and is insufficient to meet the legal requirements for elector address. Accordingly, signatures should be struck on this ground.

Q Challenge: The elector's address is missing an apartment number.

A Analysis: A signature should not be invalidated because an apartment number is not included. Wis. Admin. Code § EL 2.05(6)(h)(3).

Q Challenge: The elector's address is missing the municipality designation or the elector has checked a box in error.

A Analysis: The Commission has advised candidates and challengers that a signatory's failure to check the correct box to indicate "Town, Village or City" is not a basis for disqualifying a signature unless a challenger can show that the given address is outside the subject jurisdiction or district.

For instance, the challenger needs to show that a given address has to be in the Village of X, not in the Town of X and, therefore is outside District Y. The signatory's error or omission in checking a box on a form, without more, is not sufficient evidence for a challenge.

Q Challenge: The elector's address is incomplete because the elector has abbreviated the name of the municipality.

A Analysis: If the municipality can be determined by other information contained on the nomination paper, a challenge to a signature that includes an abbreviated municipality name should be rejected. Wis. Admin. Code § EL 2.05(15)(c).

For instance, the municipality of "WFB" was determined by the mailing address to indicate "Whitefish Bay," or "Gtown" was determined by the ZIP code to indicate "Germantown."

Q Challenge: The elector has used a P.O. Box, or other commercial courier address, as his or her address.

A Analysis: The plain text of the statute requires signatories to provide the "street and number on which they reside." Wis. Stat. §§ 8.10(4)(b), 8.15(2), 8.20(5). See also Wis. Admin. Code § EL 2.05(1)(a). Accordingly, a challenge should be sustained and signatures struck in instances where the signatory has provided a P.O. Box address instead of a residential address. This guidance also applies if the challenger meets the burden to show that the address provided is a mailing address of a commercial courier, such as FedEx or UPS.

Q Challenge: The signer lives outside the candidate's district.

A Analysis: A challenger's bare assertion, without more, of the signer's non-residency is not sufficient to sustain the challenger's burden of proof, which is clear, convincing and satisfactory evidence. Wis. Admin. Code § EL 2.07(3)(d), 2.07(4). A complaint challenging the eligibility of a signatory to a nomination paper based on the signer's non-residency can be accompanied by reference to MyVote Wisconsin or "Who is My Legislator?" web searches, by a map of the district demonstrating that the address is outside the district, or by a signed statement from the election official, (municipal clerk or deputy clerk), whose responsibility it is to determine the residency of electors of the district. Time permitting, Commission staff, or local filing officers, may attempt to verify the location of the address via MyVote Wisconsin and WisVote.

Signature Date

Q Challenge: The date of the elector's signature, as required by Wis. Stat. §§ 8.10(4)(b), 8.15(2), 8.20(5), is incomplete or missing.

A Analysis: An incomplete or missing date can survive an incomplete date challenge if "the date can be determined by reference to the dates of any of the other signatures on the paper, including those dates above or below the signature." Wis. Admin. Code § EL 2.05(6)(h)(1). For example, if a signature line is missing a date, but all the other signatures on that page are of the same date, which is also the same date as when the circulator signed, it can be assumed that the signature line in question should also be that date.

Q Challenge: The elector's signature is dated after the date of the circulator's certification.

A Analysis: A signature may not be counted if it is dated after the date of the certificate of the circulator. Wis. Admin. Code § EL 2.05(6)(h)(2).

Pre-Filled Signatory Information

Q **Challenge: It appears as if the municipality of residence and date of signature columns were pre-filled, or all filled out by the same person in the signatory information section.**

A **Analysis:** The law states that, in order for a signature to be valid, "each signer of a nomination paper shall legibly print his or her name in a space provided next to his or her signature and shall list his or her municipality of residence for voting purposes, the street and number, if any, on which the signer resides, and the date of signing." Wis. Stat. §§ 8.10(4)(b), 8.15(2), and 8.20(5). The Commission has taken the position that the signatory is only required to print their name and sign. Nothing in the statutes cited above requires that the signatory be the one to write the other required information, such as their address, municipality, and date of signing.

Chapter 2.4: Nomination by Caucus

Sec. 2.4.1: Introduction

The caucus is a method that may be used by towns and villages for nominating local candidates to be placed on the Spring Election ballot.

- The caucus is open to the public, but only qualified voters of the municipality may nominate and vote for candidates.
- A person is not required to be a registered voter in order to participate in the caucus.
- Caucuses cannot be used for nominating candidates for the office of Town Sanitary District Commissioner or Multi-Jurisdictional Municipal Judge.
- Candidates for these offices must use nomination papers.

There is no spring primary for town or village offices when candidates are nominated by caucus. However, there may still be a spring primary held within the municipality for state, county, or school district office.

Table 6: Caucus Timeline

Timeline	Requirement
Between Dec 1 and Jan 1 preceding spring election	Decide caucus date
Five days before caucus	Publish/post public notice
Between Jan 2 and Jan 21	Hold caucus • If Jan. 21 falls on weekend, deadline is extended • Preference should be given to holding caucus on Jan. 21
Day of caucus	Either complete filing paperwork at caucus or send out by mail the next day
Five days after caucus	Deadline for candidate paperwork filing Deadline for posting reconvene notice IF caucus needs to be reconvened
Eight days after caucus	Deadline for extended filing IF nominated incumbent fails to file Deadline for clerk to draw lots for ballot order (11 days if filing deadline was extended)
10 days after caucus	Deadline for reconvening caucus IF reconvention was needed

Sec. 2.4.2: Preparing for a Caucus

Timing: When to Hold the Caucus

- Between December 1 and January 1 preceding a spring election, the governing body of a town or village nominating candidates by caucus must decide the date on which the caucus will be held.
- The caucus must be held between January 2 and January 21.
- The deadline to hold a caucus is not extended if January 21 falls on a weekend.
- When possible, preference should be given to having the caucus on January 21. The caucus is not required to be conducted on a Tuesday.[9]

9 Wis. Stat. § 8.05 (1)(a).

Public Notice of the Caucus

The municipal clerk must give proper public notice of the caucus by posting a notice in the clerk's office and publishing a notice in a newspaper at least five days before the date of the caucus. This notice must contain the location, date, and time of the caucus.[10] If a newspaper is not published within the municipality, clerks can meet the publishing requirement by posting the notice of the caucus in at least three locations within the municipality.[11] The clerk must post these no later than five days before the date of the caucus. The notices should be where they are most likely to be seen by voters, or in one location within the municipality and on the municipality's website.

Caucus Personnel

Town Chairperson/Village President

The caucus is conducted by the town board chairperson or the village president as long as they are not a candidate at the Spring Election.

What If They are a Candidate?

If the chairperson or president is a candidate, they must call for an election of officials to conduct the caucus. This can be done either by ballot or acclamation (voice vote).

Municipal Clerk

The municipal clerk serves in an administrative capacity and usually takes the minutes.[12]

Tellers

The voters must also select two tellers to canvass the vote for each office to be nominated at the caucus.[13]

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10 Wis. Stat. § 8.05 (1)(b).

11 Wis. Stat. § 10.05.

12 The Commission recommends that clerks keep a sign-in sheet of all attendees so they can be contacted if the caucus is reconvened.

13 Wis. Stat. § 8.05 (1)(c).

Sec. 2.4.3: Selecting Candidates at a Caucus

Who May Nominate Candidates at a Caucus?

Only qualified voters of the municipality may nominate and vote for candidates at a caucus.

Qualified voters are:

- United States citizen
- Eighteen years of age or older
- Resided within the municipality for at least 28 days before the caucus

The voter list from a previous election or voter information from MyVote may be used as an aid in determining if a person qualified as a voter in the municipality at the last election. Any person whose name does not appear on the voter list or on MyVote may be asked to provide documentation that they are a qualified voter of the municipality.[14] Any qualified voter of the municipality may nominate themselves as a candidate for office.

Candidate Eligibility

A candidate does not have to be a qualified voter or resident of the village or town **at the time of the caucus.** A candidate may be nominated for more than one municipal office. There is no requirement that a candidate be a registered voter in the municipality.

Villages

A candidate for a village office must be a qualified voter and a resident of the village **by the time of the election**.[15]

Towns

A candidate for a town office must be a qualified voter of the town **at the time of taking office**, except an assessor appointed under Wis. Stat. § 60.307.

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14 For more information on valid proof of residence documents, consult the document "Proof of Residence (POR) vs. Proof of Identification (POI)" available at elections.wi.gov.

15 Wis. Stat. § 61.19.

Table 7: Residency Requirements and Timing

Type of Candidate	Nomination Requirements	Qualified voter/resident at time of caucus?	Required to be registered voter?	May be nominated for multiple offices?
Village	Qualified voter and an actual resident of the village at the time of election.	No	No	Yes
Town	Qualified voter of the town at the time of taking office.	No	No	Yes

Procedures for Nomination

Nomination Method

Nominations can be made separately for each office that will appear on the Spring Election ballot. This can be done in one of two ways, either **by taking nominations from the floor** ("acclamation" or voice vote) or by **conducting a vote by secret ballot.**

The chairperson should announce the method to be used before asking for nominations, in case there are objections to using that nomination method.

Note: Incumbents must be nominated at the caucus and follow the same ballot access procedures as any other municipal candidate. Incumbents are not automatically nominated or placed on the ballot.

Floor Nominations

When nominations are taken from the floor, each nomination must receive a second. After each nomination is made and seconded, the caucus chairperson must ask, "Are there any more nominations?" and if hearing none, must announce, "Nominations are closed."[16] The chairperson should ensure that all eligible attendees have the opportunity to nominate a candidate if they wish to do so.

16 Wis. Stat. § 8.05 (1)(d).

Secret Ballot Nominations

If nominations are made by secret ballot, the tellers will distribute a piece of paper to each voter, which will serve as a ballot. The voters will be instructed to write in the name of his or her nominee for the office. The ballots will then be collected and tallied by the tellers.

Selecting Candidates

After nominations are made, the caucus chairperson should announce the names of the nominees. They may use a flip chart or chalkboard to record these names. If voting is necessary, only these nominees will be voted on at the caucus.

Offices with a Single Candidate

For offices where only one person is to be elected and no more than two candidates are nominated, there is no need to conduct a vote. If more than two persons have been nominated, the chairperson should conduct a vote at the caucus to reduce the number of candidates to two. If a vote is required, the caucus chairperson will announce the names of all candidates. Each voter at the caucus may vote for one candidate. The two candidates receiving the highest number of votes are nominated and certified to the municipal clerk by the caucus chairperson and tellers.[17]

Offices with Multiple Seats

Nominations for the offices of town supervisors elected to unnumbered seats should be considered together with nominations for the offices of village trustee. If there are nominations for more than twice the number of candidates to be elected, conduct a vote to reduce the number of candidates to twice the number of seats to be filled. Each voter at the caucus *may* vote for as many candidates as there are seats to be filled at the election.

Example: If three village trustees are to be elected, each person can vote for three candidates. The six candidates who receive the most votes at the caucus will be nominated and certified to the municipal clerk by the caucus chairperson and tellers.

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17 Wis. Stat. §§ 8.05 (1)(f), (g), (h).

In Case of a Tie

If two or more candidates receive an equal number of votes, but not the greatest number of votes, so that only one of the candidates with equal votes may advance to the election, the tie between the candidates with equal votes may be broken either by drawing lots or by conducting another vote.[18]

Sec. 2.4.4: After the Nomination is Decided

Notify Candidates of Their Nomination

As soon as the nominated candidates are certified by the chairperson and tellers to the municipal clerk, the clerk is responsible for notifying the candidates, in writing, of their nomination.

The clerk must also inform each candidate of the requirements to file:

- Campaign Registration Statement (CF-1L).[19]
- Declaration of Candidacy (EL-162).[20]
- Candidates for municipal judge must also be informed of the requirement to file a Statement of Economic Interests with the Wisconsin Ethics Commission.[21]

A copy of the Campaign Registration Statement (CF-1L) and the Declaration of Candidacy (EL-162) should be provided by the clerk to each nominated candidate.[22]

If any of the nominated candidates are present at the caucus, the municipal clerk can provide them with a written notice, the Campaign Registration Statement (CF-1L), and the Declaration of Candidacy (EL-162). Because the candidates are to receive a notification of nomination in writing, it is suggested that the clerk prepare a notification form that can be completed at the caucus with the name of the candidate and the office to which he or she was nominated. The clerk should also prepare a receipt that can be dated and signed by the candidate stating that he or she received a written notice of nomination at the caucus. **A sample Notification of Nomination and Receipt of Notification of Nomination can be found at the end of this chapter.**

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18 The chairperson should decide upon the method by which a tie is broken at the beginning of the caucus.

19 Wis. Stat. §§ 11.0202, 11.0203.

20 Wis. Stat. §§ 8.05 (1)(j), 8.21.

21 Wis. Stat. §§ 8.05 (1)(j), 19.43(4).

22 Except for the CF-1L, the forms mentioned in this chapter are available on elections.wi.gov. For the CF-1L form, please contact the Wisconsin Ethics Commission.

If a candidate is not present at the caucus, the written notification, the Campaign Registration Statement (CF-1L) and the Declaration of Candidacy (EL-162) should be delivered to the candidate as soon as possible. Delivery can be made in person or by mail. If the written notification is delivered in person, the clerk should use a prepared receipt that can be dated and signed by the candidate. If the notification is mailed, it should be sent by certified mail. Certified mail will provide the clerk with a receipt showing the date that the notification was received by the candidate.

Best Practice: Get a Receipt

Clerks can deliver required notifications and forms in person or by mail.

If the written notification is delivered in person, the clerk should use a prepared receipt that can be dated and signed by the candidate.

If the notification is mailed, it should be sent by certified mail. Certified mail will provide the clerk with a receipt showing the date that the notification was received by the candidate.

It is important to have a receipt. If the notification is personally delivered, the candidate has five days after the date personal delivery is made to file the necessary forms with the clerk. The five-day period begins the day after the date indicated on the receipt.

Notification of Noncandidacy (EL-163)

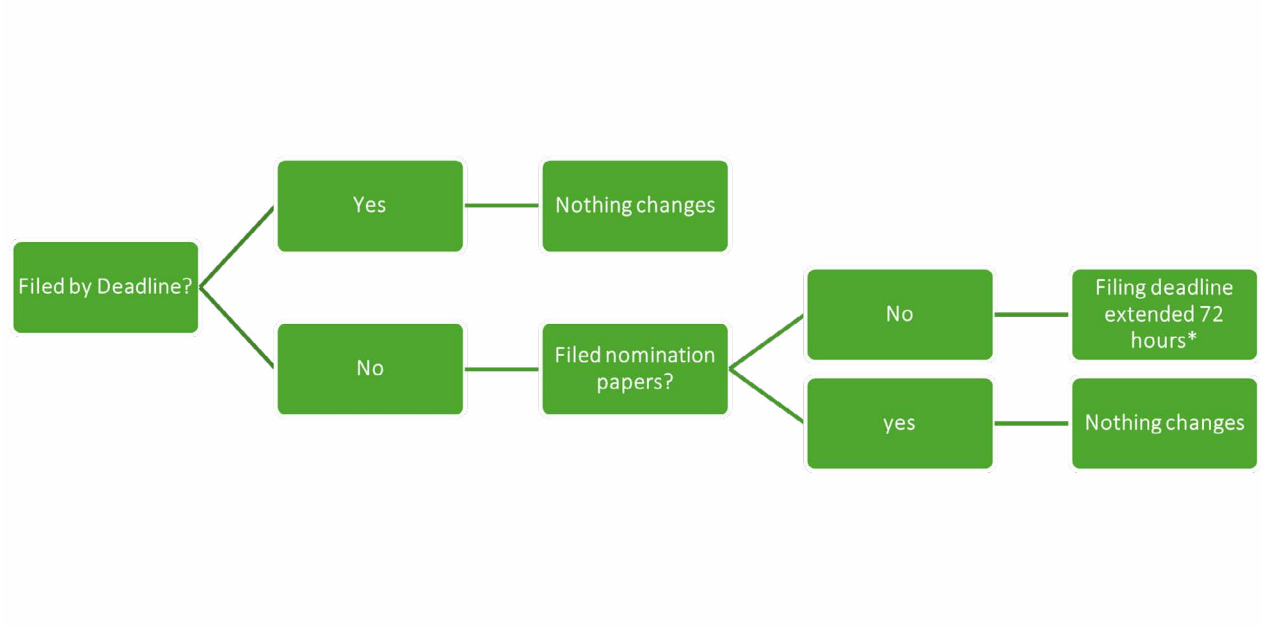
An incumbent is required to file a notification of non-candidacy to put everyone, especially the clerk, on notice that they do not intend to be a candidate at the upcoming spring elections. For this reason, the clerk may want to send the Notification of Noncandidacy form to all incumbent officeholders whose term of office is up the next election.

If a filing officer receives a notification of noncandidacy from an incumbent, the filing officer is required to promptly post public notice of that fact on their website, or, if they do not have a website, they can post that information in at least three different locations within the jurisdiction.

In addition, if an incumbent fails to file a declaration of candidacy by the filing deadline of five days after the notification of nomination after a caucus, the filing officer is required to post that information on their website or in three locations withing the jurisdiction. **See Figure 2** below.

In jurisdictions where caucus is used, if an incumbent is nominated at caucus but does not file either a notification of noncandidacy or a declaration of candidacy by 5:00 p.m. on the fifth day after notification of their nomination from the caucus, the filing deadline for that office is extended by 72 hours after the original deadline for all candidates certified at caucus except the incumbent.[23]

Figure 2: Notification of Noncandidacy



*For everyone except incumbent.

23 Wis. Stat. § 8.05(1)(j)2., 8.05(1)(j).

Qualifications for Ballot Placement of Candidates

In order to qualify for ballot placement, each candidate nominated at the caucus is required to complete and file the two forms listed below. The candidate must file these forms with the municipal clerk no later than 5:00 p.m. on the fifth day after receiving written notification that they have been nominated for office. The municipal clerk or someone appointed by the clerk must be available until 5:00 p.m. on the fifth day following the candidate's receipt of the written notice.

- Campaign Registration Statement (CF-1L)
- Declaration of Candidacy (EL-162)

A candidate for municipal judge must also file a Statement of Economic Interests with the Wisconsin Ethics Commission no later than 4:30 p.m. on the fifth day after receiving written notification that he or she has been nominated.

If a candidate fails to file any of the required forms within five days after receipt of written notification, the candidate does not qualify for ballot placement and the clerk cannot place the candidate's name on the ballot.[24] When a candidate fails to file the required forms on time, the clerk should treat that failure as declining nomination. If no candidates for an office qualify for ballot placement, the ballot will contain only a space for a write-in candidate. The number of write-in lines on the ballot must match the number of seats to be filled, so a "vote for two" contest would have two write-in lines.[25]

Selecting Order of Candidates on the Ballot

No later than the end of the third day following the qualification of candidates, the municipal clerk must conduct a drawing of lots for each office to determine the order in which the candidates' names will be placed on the Spring Election ballot.[26] The drawing of candidate order does not require a public meeting notice.[27]

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24 Wis. Stat §§ 8.05 (1)(j), 8.21, 8.30(2), (3).

25 Clerks are encouraged to remind candidates of the filing requirement as the deadline approaches to avoid allegations that the requirements were not clear.

26 Wis. Stat. § 8.05 (1)(j).

27 Candidates may attend, but the clerk is not required to notify or invite them to the drawing. Municipal clerks should document the drawing of ballot order in writing and to not conduct the drawing alone.

Reconvening the Caucus

The town board chairperson or the village president may reconvene the caucus to correct a procedural error. The caucus can also be reconvened to nominate a candidate for a position for which no candidate was nominated at the original caucus, or when no candidate nominated at the original caucus qualifies for a position. The reconvened caucus must be held within 10 days of the date of the original caucus, and public notice must be given in the same manner as notice of the original caucus. Wis. Stat. § 8.05 (1)(k).

The reconvened caucus may be held after January 21, as long as that day is within 10 days of the original caucus and proper notice has been given. The only office(s) addressed at a reconvened caucus are those where a procedural error occurred or where there were no nominations. The clerk must notify the attendees of the original caucus to inform them if the caucus is reconvened. For further information, contact an elections administration specialist at the Commission at (608) 261-2028 or elections@wi.gov.

Sec. 2.4.5: Frequently Asked Questions

Q Does Wisconsin's photo ID law apply to caucus procedures?

A No. The attendee may need to provide some type of documentation that proves he or she is a qualified voter of the municipality in order to nominate candidates.

Q Can members of the governing body nominate candidates?

A Yes. Any qualified voter of the municipality may nominate candidates at the caucus.

Q Can a person who was nominated at the caucus but not selected run as a registered write-in candidate?

A Yes. Any qualified voter can run as a registered write-in candidate.

Q If a candidate fails to submit the required documents by the deadline, can a person who was nominated but not selected be chosen as a replacement?

A Not automatically. The caucus would have to be reconvened to take nominations for that office.

Q What is a teller?

A A teller is a person selected at the caucus to count the votes if necessary.

Q What if the clerk is not available on the deadline to receive the ballot documentation through 5:00 p.m. on the fifth day?

A The clerk should appoint someone to be available through the deadline. This person must be prepared to conduct the tasks the clerk would on ballot documentation.

Q What if the municipal clerk is on the ballot?

A The municipal clerk can be present at the caucus and nominate candidates. The clerk's duties at the caucus are only administrative.

Q Is the clerk required to notify candidates that their name will not be on the ballot due to not submitting the required documentation by the filing deadline?

A No, but it's recommended that the clerk inform candidates if they fail to qualify for ballot status.

Notification of nomination by caucus can be sent by certified mail or personally delivered. If personally delivered, the candidate should sign a receipt indicating that notification was received. **Sample Notice of Nomination at Caucus** and **Receipt of Notice of Nomination** are included on the following pages. Wis. Stat. § 8.05 (1)(j).

Sec. 2.4.6: Appendix I: Sample Notice of Nomination at Caucus

SAMPLE

Notice of Nomination at Caucus

I, _____, clerk of the (Town or Village) of
(insert name of village or town clerk)

_____, certify that _____
(insert name of town or village) (insert name of nominee)

was nominated for the office of _____,
(insert name of office and district or number, if any)

at the caucus held on _____.
(insert date of caucus)

A Campaign Registration Statement (CF-1) and a Declaration of Candidacy (EL-162) are enclosed with this notification. These forms must be completed by the nominee and returned to the clerk's office within five days of receipt of this written notification.

Date _____

_____

(Signature of Town or Village Clerk)

(Rev. 2025-2026)

Sec. 2.4.7: Appendix II: Receipt of Notice of Nomination

Receipt of Notice of Nomination

I understand that my name will appear on the ballot only if the Campaign Registration Statement (CF-1) and Declaration of Candidacy (EL-162) forms, enclosed with this notice, are completed with me and filed with the municipal clerk by 5:00 p.m. on

_____.

(insert date of filing – 5 days after this receipt)

Chapter 2.5: Notification of Noncandidacy

An incumbent officeholder who does not intend to run again for the position they currently holds can file a Notification of Noncandidacy (EL-163) with the appropriate filing officer. This alerts the public and potential candidates that the incumbent does not intend to run for re-election. Wis. Stat. §§ 8.05(1)(j)2. (caucus nominations), 8.10(2)(a) (spring election candidates), 8.15(1) (partisan election candidates), 8.20(8)(a) (independent candidates), 120.06(6)(b)3, 120.06(6)(b) (school district candidates).

> **Best Practice:** While incumbent officeholders are not legally required to file a Notification of Noncandidacy, incumbents who know they will not seek reelection should still file an EL-163 with their filing officer for smoother ballot access and nomination processes.

Clerks are required to promptly provide public notice of all Notification of Noncandidacy information received from incumbents on the municipal, county, or school district internet site or by posting notice in three places if no internet site is maintained. Wis. Stat. §§ 8.05(1)(j)2m., 8.10(2)(am), 8.15(1m), 8.20(8)(ae), 120.06(6)(b)3m.

> **Best Practice:** During November before the Spring Election and March before the Fall Election, the filing officer should remind each incumbent to file a Notification of Noncandidacy (EL-163) if they do not intend to seek re-election to the office they currently hold. The Notification of Noncandidacy (EL-163) is used in municipalities using nomination papers.

Incumbents in nomination paper jurisdictions who have filed a Notification of Noncandidacy by the deadline retain the option of filing nomination papers for ballot access or running as a write-in candidate for the office. Wis. Stat. §§ 8.05(1)(j)2m., 8.10(2)(am), 8.15(1m), 8.20(8)(ae), 120.06(6)(b)3m.

In jurisdictions where caucus is used, if an incumbent is nominated at caucus but does not file a declaration of candidacy by 5:00 p.m. on the fifth day after notification of their nomination from the caucus, the filing deadline for that office is extended by 72 hours after the original deadline for all candidates certified at caucus except the incumbent. Wis. Stat. § 8.05(1)(j)2.

Sec. 2.5.1: Filing Deadlines

- For nomination paper jurisdictions, the deadline for filing a Notification of Noncandidacy (EL-163) is the second Friday before the deadline for filing nomination papers. Wis. Stat. §§ 8.10(2)(a) (spring election), 8.15(1) (partisan primary), and 8.20(8)(a) (independent candidates).
- For nomination paper jurisdictions, if an incumbent candidate fails to file a Notification of Noncandidacy (EL-163) on time and does not file the appropriate documents to qualify for the ballot on time:
  - The deadline for filing ballot access documents is extended by 72 hours for that office.
  - This means that anyone, except the incumbent, can file the required ballot access documents and sufficient nomination papers within the extension period and qualify for placement on the ballot.
- For jurisdictions who nominate candidates by caucus, if an incumbent whose name is certified as a nominee fails to file a declaration of candidacy by the applicable deadline, and also fails to file written notification that they do not intend to be a candidate, the deadline for each certified candidate, except the incumbent, to file a declaration of candidacy is extended 72 hours after the latest time allowed to file a declaration of candidacy. Wis. Stat. §§ 8.05(1)(j)2., 8.05(1)(j)(2m).

Sec. 2.5.2: Frequently Asked Questions

Q Can an incumbent file a Notification of Noncandidacy, change their mind, and still run for reelection?

A Yes. The non-candidacy form is non-binding, so the incumbent could change their mind and decide to run.

Q Our district lines have changed. Some of the incumbent officeholders have been redistricted out of their current district and/or have had their district's number change because of the update. What does the Notification of Noncandidacy look like for them?

A The incumbents should file a Notification of Noncandidacy for their current district unless they plan to move into the new district and run again for the same office.

Q Is an electronic copy sufficient for a Notification of Noncandidacy, or should the filing officer require the physical original?

A The Wisconsin Elections Commission accepts electronic receipt as sufficient for Notification of Noncandidacy.

Q An incumbent would like to run for a different office within the same municipality/county. Do they still file a Notification of Noncandidacy?

A Yes. If the incumbent does not plan to seek another term for the office they currently hold, they should file a Notification of Noncandidacy.

Q The incumbent officeholder was appointed to fill a vacancy for the remainder of a term but does not intend to run for the office. Do they still need to file a Notification of Noncandidacy to prevent an extension of the deadline?

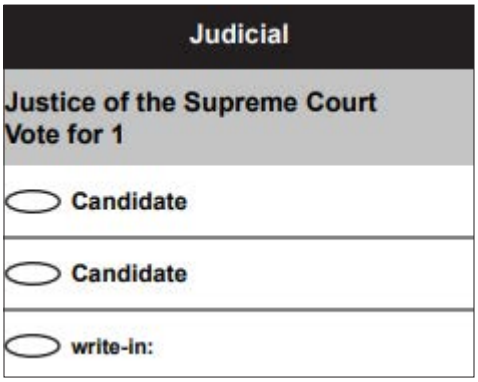
A Yes.

Chapter 2.6: Write-In Candidates

A write-in candidate is someone who does not circulate nomination papers, is not nominated at caucus, and whose name does not appear printed on the ballot. All offices that appear on all ballots are required to have a line for write-in candidates. See generally Wis. Stat. §§ 5.58, 5.60, 5.62, 5.64, 5.65, 5.82. Voters can write whatever candidate or name they choose as write-in vote, but most write-in votes can only be counted if the write-in candidate has filed the necessary paperwork by the applicable deadline, which is discussed below.

In this chapter, a "registered write-in candidate," means a candidate who has filled out the necessary paperwork by the correct deadline. Except in a few unique circumstances, only votes for registered write-in candidates may be counted. In other words, if someone wants to cast a write-in vote for Bucky Badger, they are free to write that on the ballot. But the vote will only count if Bucky Badger became a registered write-in candidate by the appropriate deadline.

Figure 3: Example of how a write-in line appears on an optical scan ballot



A candidate who wishes to run as a registered write-in must file a Campaign Finance Registration Statement (CF-1 for state candidates, CF-1L for local candidates) with the appropriate filing officer before collecting or spending any money on the campaign and no later than 12:00 p.m. on the Friday preceding the election. Wis. Stat. §§ 7.50(2)(em), 11.0202(1)(a).

Important Law Change: As of December 1, 2027, the Wisconsin Ethics Commission will become the filing officer for local candidates filing a CF-1L. 2025 Wisconsin Act 7, amending 2023 Wisconsin Act 126. Until that date, write-in candidates for local office will continue to file their reports with the local filing officer. If the candidate has already filed a CF-1 with the filing officer and subsequently decides to run as a write-in, the Commission recommends that the candidate submit a short written statement to the filing officer reflecting their intent to run as a write-in.

In general, votes cast for write-in candidates who have not filed a campaign registration statement cannot be counted. Wis. Stat. § 7.50(2)(em). **See Chapter 14.21** for detailed guidance on how to count write-in votes.

Best Practice: The Commission, and other filing officers, post the names of registered write-in candidates online ahead of Election Day. The Commission recommends that clerks prepare a list of registered write-in candidates for use on Election Day if a voter asks to see it. The Commission does not recommend that clerks post this list at the polling place, or direct voters' attention to it as doing so could be seen as inadvertently electioneering in support of one of the write-in candidates.