

State of Wisconsin \ Government Accountability Board

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MEMORANDUM

DATE: November 17, 2014

TO: Wisconsin County Clerks
Wisconsin Municipal Clerks
Milwaukee County Election Commission
City of Milwaukee Election Commission

FROM: Michael Haas
Elections Division Administrator

SUBJECT: Nomination Paper Printed Name Requirement

This memorandum provides guidance for local election officials implementing the new requirement that signers of nomination papers and other election petitions include a legible printed name.

2013 Act 160 created a new requirement for individuals who sign nomination papers of a candidate or other election petitions. In the statutory sections related to nomination papers of candidates for each election, Act 160 inserted language stating that “. . . 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” Similar language was included in Wis. Stat. §8.40 which relates to other election petitions.

While reviewing nomination papers of candidates for the 2014 General Election, G.A.B. staff encountered some practical difficulty in determining an objective standard for a legibly printed name. For example, some signatures were clearly legible but the “printed name” may have been written in cursive, or included some letters that were not separated, as a dictionary definition of “printed” might require.

Based upon this experience as well as the stated legislative intent of 2013 Act 160 and related administrative rules, the Government Accountability Board has developed standards and guidance for local election officials charged with reviewing nomination papers and other election petitions. 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. At its meeting of October 28, 2014, the Board directed its staff and local filing officers to apply the following standards to determine the sufficiency of signatures on nomination papers and other election petitions:

1. The filing officer shall confirm that the signer has completed information in both the "Signature" box and the "Printed Name" box of the nomination paper or other election petition. The signature may be marked as the signer customarily marks his or her signature, including by using an "X" or by using either traditional printed letters or a handwritten signature. Similarly, the signer's printed name is not required to include only letters that are separated from one another.
2. If the filing officer can discern no part of the signer's name, after reviewing both the signature and the printed name, it should be deemed illegible and the signature should not be counted.
3. After reviewing both the signature and printed name of a signer, if the filing officer can discern a possible name, but may not be certain of the exact spelling of the name, the printed name is deemed legible and the signature shall be counted if otherwise valid.
4. The filing officer is not required to consult extrinsic sources of information (voter registration records, telephone directories, etc.), but may do so if it assists the filing officer in discerning a possible name.
5. The signer must print his or her name, and the signer must execute a correcting affidavit if the printed name is missing or insufficient for the signature to be counted. However, a circulator may print the name of a signer with a disability who requests such assistance.

While these standards will continue to require some subjective judgment by filing officers, these standards accurately capture the intent of 2013 Act 160 and do not require a hyper-technical application of the phrase "legibly print." In reviewing nomination papers and other election petitions, G.A.B. staff and local filing officers will be able to apply a common sense approach which does not eliminate legible names simply because letters in a printed name are connected or cross over one another. In essence, the printed name requirement is used to clarify or complete a signature which may not be legible or readable, not to invalidate signatures on the basis of a name failing to meet a literal definition of "printed."

The G.A.B. staff's complete analysis of the printed name requirement, and its recommendation to the Board is attached and may also be viewed at http://gab.wi.gov/sites/default/files/event/74/open_session_complete_packet_with_agenda_pdf_93728.pdf, starting on page 15 of the October 28, 2014 Board meeting materials. If you have any further questions regarding the above information, please contact the G.A.B. Help Desk at (608) 261-2028, or gabhhelpdesk@wi.gov.