

# State of Wisconsin \ Government Accountability Board

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JUDGE DAVID G. DEININGER  
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Director and General Counsel

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## MEMORANDUM

**DATE:** November 13, 2012

**TO:** Wisconsin School Board Clerks  
Wisconsin Municipal Clerks  
City of Milwaukee Election Commission  
Milwaukee County Election Commission  
Wisconsin County Clerks

**FROM:** Nathaniel E. Robinson  
Elections Division Administrator  
Government Accountability Board

**SUBJECT:** Guidance on the 2013 Spring Election Ballot Access Filing Deadlines  
**Please note this information when preparing Type A Notices**

The Government Accountability Board has received questions regarding the deadline for filing ballot access documents, which are due January 2, 2013, as the statutory deadline (first Tuesday in January) falls on January 1, a legal holiday. It has been brought to our attention that some school district administrative offices may be scheduled to be closed on January 2 as part of the school district's winter break. Also, some municipal clerks with part time hours may not have regular office hours on January 2.

Extensions to filing deadlines only apply to weekends (assuming the clerk does not hold regular Saturday office hours) and statewide legal holidays. Wis. Stat. §990.001(4)(b) and (c). Because January 2, 2013, does not fall on the weekend and is not a statewide legal holiday, the filing deadline for ballot access documents is 5 p.m. on January 2, 2013. Therefore, school district clerks and other filing officers for the Spring Election must have their offices open on January 2 or at minimum be available to receive ballot access documents for the Spring Election up to 5 p.m.

School Board Clerks as well as other local clerks must publish the Type A notice by the statutory deadline of November 27, 2012. If your offices are scheduled to be closed on January 2, the Type A notice must include information informing candidates and the public how ballot access documents may be filed on January 2, 2013. If the filing office is closed on that date, the Type A notice may provide information as to how the filing officer may be contacted to receive nomination papers and declaration of candidacy forms. Additionally, candidates may collect nomination petition signatures through 5 p.m. on January 2, 2013, because the statutory deadline for completing that act falls on a legal holiday.

Please note that a slightly different rule applies if an incumbent candidate fails to file the notification of non-candidacy and fails to submit required ballot access documents by January 2, 2013. All other candidates will be provided an additional 3 days to collect nomination petitions and file the required ballot access documents. The deadline for candidates in this situation will fall on Saturday, January 5, 2013. Because this deadline falls on a weekend, the deadline to file with clerks who do not have regular Saturday office hours will be extended to 5 p.m. on Monday, January 7, 2013. Nomination petition signatures will be considered valid, however, only if they are collected and dated through Saturday, January 5, 2013. In this case, nomination petition signatures collected after January 5 will not be considered valid. No extension applies for completing the act of signing nomination papers, because the

deadline for that act does not fall on a Sunday or Statewide legal holiday, as required by Wis. Stat. §990.001(4)(b).

Finally, the G.A.B. is producing a webinar for school district clerks that will cover election administration preparations for the Spring Election. The G.A.B. will have this available on our website next week and you will be receiving additional information when this is posted.

If you have any questions regarding this communication, please contact the G.A.B. HelpDesk at (608) 261-2028 or [GABHelpDesk@wi.gov](mailto:GABHelpDesk@wi.gov). Thank you.

cc: Kevin J. Kennedy  
Director and General Counsel  
Government Accountability Board

Ross Hein  
Elections Supervisor  
Government Accountability Board