

El. Bd. Op. 86-2 (Reaffirmed 2/25/08)

Summary:

JOINT NOMINATION PAPERS: the Elections Board will not accept as valid nomination papers that list on one nomination paper the names of all candidates of the same party seeking state office and will not accept party certifications of the names of persons nominated at the party's convention for state office. §§8.15(1) and (3), Stats. (Issued to Mr. Dennis Boyer, April 30, 1986.)

This opinion was reviewed by the Government Accountability Board pursuant to 2007 Wisconsin Act 1 and was reaffirmed on February 25, 2008.

Opinion:

You request the Board's opinion about two questions concerning nomination papers. You essentially ask:

1. Will the Board accept as valid a nomination paper that lists on one nomination paper the names of all candidates of the same party seeking state office?
2. Will the Board certify for ballot placement the Labor-Farm candidates who are certified by the party as the candidates who are duly nominated at the party's convention?

The answer to both questions is no.

The Board does not have the authority to accept such nominations for ballot placement. §§8.15(1) and (3), Stats. The legislature's prescribed nomination procedures do not authorize either joint nominations or convention nominations. If these procedures are to be changed, the legislature would have to make the changes, or, in the alternative, a court of competent jurisdiction would have to conclude that the state's present procedures are unconstitutional. If a court decides the present procedures are unconstitutional, the court may enter an appropriate order.