



# The Challenge Process for Candidate Nomination Paperwork in Wisconsin

## What is a nomination paper challenge?

A nomination paper challenge is a verified statement or complaint that alleges a candidate's nomination papers are insufficient, and that such insufficiency causes an individual to have less than the minimum number of signatures required to be placed on the ballot for the office for which they are running. The process for filing a nomination paper challenge is contained in the Wisconsin Administrative Code § EL 2.07. Nomination paper requirements for nonpartisan and partisan office are contained in Wis. Stat. §§ 8.10, 8.15 and 8.30 and Wis. Admin. Code § EL 2.05. As part of a nomination paper challenge, individuals could also challenge other candidate qualifications and required paperwork, which if accepted, could cause a candidate to be deemed ineligible for ballot placement under Wis. Stat. § 8.30. Candidates that file nomination papers are also required to file a campaign registration statement, declaration of candidacy and in some cases a statement of economic interests. For more information regarding common challenges and how issues have been decided previously, please review the "[Common Nomination Paper Challenges](#)" manual on the Wisconsin Elections Commission website.

## How can someone view candidate nomination papers or other ballot access documents?

A copy of candidate nomination papers and ballot access documents, such as the declaration of candidacy, may be requested from the filing officer. In the case of municipal and county offices, the filing officer may charge the requestor for paper copies of requested documents. Requests for state-level candidate nomination papers should be made through the [Badger Voters website](#). Requests for state-level ballot access documents, other than nomination papers, should be made to Wisconsin Elections Commission helpdesk.

## Who may challenge a candidate's eligibility, nomination papers, or other ballot access documents?

Anyone who has valid information that content contained in the papers or other ballot access documents violates the rules or state statutes applying to those documents may file a challenge. The burden of proof is on the challenger to establish any insufficiency, and if the challenger establishes the information is insufficient, the burden shifts to the challenged candidate to establish sufficiency.

## How is a challenge filed?

A sworn complaint listing the insufficiencies and citing the statutes/rules that are violated must be submitted in writing to the filing officer for the office the candidate in question filed for. A template for a sworn affidavit can be found in the Elections Administrative Code [EL 20.30\(2\)](#) but is not required to be used. The complaint must be filed with the filing officer within 3 calendar days of the nomination paper filing deadline.

## Who is the "filing officer"?

The filing officer is the person/office with whom candidate paperwork is filed for a specific office. At a municipal or county level it is the municipal or county clerk; for state and federal offices, it is Wisconsin Elections Commission. For example, town board candidates would file with their municipal clerk, county executive candidates file with their county clerk and candidates for state offices such as Representative to the Assembly or Governor would file with the Wisconsin Elections Commission.

## What happens when a challenge is filed?

The filing officer notifies the candidate whose papers or eligibility are being challenged and arranges for a copy of the challenge to be provided within 24 hours of the challenge being filed.

A verified or sworn response to the challenge must be filed by the candidate to the filing officer within 3 calendar days<sup>1</sup> of the challenge being filed. A verified or sworn response must be notarized or otherwise sworn before an official authorized to administer oaths in accordance with Wis. Stat. §887.01.

The filing officer decides the challenge\* before the candidate certification deadline using the evidence provided by the two parties.

The filing officer issues a decision regarding the outcome of the complaint. This decision will serve as record for any potential appeals, along with any other materials submitted as part of the challenge process.

*\*Municipal and county filing officers may reach out to Wisconsin Elections Commission for guidance regarding a challenge. However, Commission staff will not make the determination on behalf of or with the filing officer because an appeal of the decision would be reviewed by the Commission.*

## What if the challenger or the candidate does not agree with the decision from the filing officer?

The challenger or candidate may file an appeal of the filing officer's decision. If the filing officer is at the municipal or county level, the appeal would be made to the Wisconsin Elections Commission through the submission of a written, sworn statement or the [EL 1100 Elections Complaint Form](#). For more information about filing the appeal, see Wis. Stat. [§ 5.06](#) which provides guidelines about complaints and which the Commission is required to use during the appeals process as well. The appeal must be filed no later than 10 days after the party knew, or should have known, about the violation of law or abuse of discretion by the filing officer. Wis. Stat. §5.06(3). For complaints about ballot access decisions it is recommended that any such complaints be filed immediately, so that the appeal may be heard prior to ballot printing and distribution deadlines.

If the filing officer is Wisconsin Elections Commission, the challenger or candidate may choose to file an appeal with the circuit court for the county where the official conducts business or the complainant resides. Any such appeal must be filed no later than 30 days after the decision order is issued by WEC. Wis. Stat. §5.06(8).

## What if my question wasn't answered here?

More information regarding challenges to nomination papers can be found in the following locations:

Elections Administrative Code [2.07](#): "Challenges to nomination papers"

Wisconsin Elections Commission "Challenger Procedures Memo" and "Challenged Candidate Memo", published on the WEC website ([elections.wi.gov](http://elections.wi.gov)) for each election and typically found with the candidate nomination tracking reports.

Chapter 8 of the Wisconsin State Statutes prescribes the ballot access filing requirements for candidates for each office and type of election.

Speak to an Elections Administration Specialist by calling Wisconsin Elections Commission at 608-261-2028 or by emailing [elections@wi.gov](mailto:elections@wi.gov).

<sup>1</sup> If the deadline falls on a Sunday, the response may be filed the next day. (See Wis. Stat. §990.001(4)(b))