



# Wisconsin Elections Commission

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## MEMORANDUM

**DATE:** For the January 10, 2023 Commission Meeting  
**TO:** Members, Wisconsin Elections Commission  
**SUBJECT:** Ballot Access for the April 4, 2023 Spring Election and Special Election in Senate District 8

This memorandum presents a summary of important and noteworthy information about candidates requesting ballot access for the April 4, 2023 Spring Election and Special Election in Senate District 8.

### Summary

The nomination paper filing deadline for the 2023 Spring Election for the offices of Justice of the Supreme Court, Court of Appeals Judge in Districts I and IV, Circuit Court Judge in various counties, and for the Special Election in Senate District 8 was 5:00 p.m., Tuesday, January 3, 2023. The circulation period for nomination papers began on December 1, 2022.

A total of 79 candidates for state offices registered for all offices up at the April election, 72 of whom filed nomination papers with the Wisconsin Elections Commission. There are four candidates for Justice of the Supreme Court, two candidates for Court of Appeals Judge District I, one candidate for District IV, and 61 candidates for 49 circuit court judge positions in 29 counties.

The first set of nomination papers was filed on December 9, 2022, and eight sets of papers were filed on deadline day.

<b>Date Submitted</b>	<b>Sets of Papers Filed</b>
Week of December	1
Week of December 12-16	7
Week of December 19-23	23
Week of December 27-30 (4 working days)	33
January 3	8
	<b>72 Total</b>

Based upon the review by Commission staff, 12 offices are contested. The office of Justice of the Supreme Court, Grant County Circuit Court Branch 1, Oneida County Circuit Court Branch 1, and the special election in Senate District 8 are the state-level offices that will require a primary on February 21, 2023. Local municipalities and school districts may have primaries for local office or have referenda questions on the ballot as well.

*Wisconsin Elections Commissioners*

Don M. Millis, chair | Marge Bostelmann | Julie M. Glancey | Ann S. Jacobs | Robert Spindell | Mark L. Thomsen

Administrator  
Meagan Wolfe

### Notifications of Noncandidacy

The Notification of Noncandidacy may be filed by an incumbent who is not seeking re-election to the office he or she currently holds. If an incumbent fails to timely file the Notification of Noncandidacy by the second Friday before the filing deadline and does not file ballot access documents by the filing deadline, the filing deadline is extended 72 hours for any other candidate for that office. The extension does not apply to the incumbent. Wis. Stat. §8.10(2)(a). The second Friday before the January 3, 2023 filing deadline fell on December 23, 2022.

Staff reached out to incumbent officeholders to ensure that those who did not plan to stand for re-election filed a Notification of Noncandidacy by the deadline so that the ballot certification and preparation process was not delayed. Seven incumbent officeholders timely filed Notifications of Noncandidacy (see Attachment A). All other incumbents submitted nomination papers. Therefore, no extension of the filing deadline was required.

### Nomination Paper Review Process

Staff continues to use internal nomination paper review standards based on the requirements set forth in Wis. Stat. §§ 8.10 and 8.30 and Wis. Admin. Code Ch. EL 2 to determine if a candidate has filed a sufficient number of signatures to qualify for ballot access. Attached to this memorandum are the internal nomination paper review standards (Attachment C) and the relevant statutory provisions (Attachment D) used by staff when reviewing papers. Staff also relies on past decisions of the Commission and predecessor agencies when making recommendations to the Commission as to whether an error on a nomination paper is grounds for striking a signature or page of signatures. This body of precedent comes from Findings of Fact and Orders issued as a result of a challenge to nomination papers, or a compliance review complaint filed under Wis. Stat. § 5.06. Staff accepts all petitions under the presumption of validity as described in Administrative Code EL 2.05(4).

### Number of Nomination Paper Signatures Required

- Candidates for Justice of the Supreme Court must file a minimum of **2,000** valid signatures of qualified electors from Wisconsin to qualify for ballot access. Wis. Stat. § 8.10 (3)(a).
- Candidates for Court of Appeals Judge must file a minimum of **1,000** valid signatures of qualified electors from the district to qualify for ballot access. Wis. Stat. § 8.10 (3)(am).
- Candidates for Circuit Court Judge in counties over 500,000 in population (Milwaukee County) must file a minimum of **1,000** valid signatures of qualified electors from the district to qualify for ballot access. Wis. Stat. § 8.10 (3)(c).
- Candidates for circuit court in counties with a population of 500,000 or less must file a minimum of **200** valid signatures of qualified electors from the district to qualify for ballot access. Wis. Stat. § 8.10 (3)(b).
- Candidates for State Senator must file a minimum of **400** valid signatures of qualified electors from Wisconsin to qualify for ballot access. Wis. Stat. § 8.15 (6)(c).

Every nomination paper was reviewed separately by two staff members, and a determination regarding sufficiency was made within two business days of submission. All nomination paper submissions were found to contain a sufficient number of valid signatures. By the deadline for filing nomination papers on Tuesday, January 3, 2023 at 5:00 p.m., 27 candidates had also filed additional nomination papers to supplement their original filings.

#### Irregularities on Nomination Papers and Ballot Access Documents Not Affecting Ballot Status

The following irregularity was detected by staff during the nomination paper and ballot access document review process. Consistent with prior practice and decisions, staff believes these irregularities do not affect ballot access and did not strike signatures or reject filed documents due to these issues. Samples of these are in Attachments E.

1. Printed names of signers on nomination papers appear to be written by the circulator.

Staff continues to find printed names of signers and address information that appear to be in the same handwriting as the circulator, although there were fewer instances noticed during this filing period. Wis. Stat. § 8.10 (4)(b), requires the printed name and address information to be made by the signer of the petition, unless the signer requests assistance in signing or printing their name and address. Although staff encounters sporadic examples of this practice on many sets of papers, the most consistent examples over time involve circulators for candidates for Milwaukee County Circuit Court Judge, some of whom are judges themselves. This has been an ongoing trend since 2015, however, the number of incidents has dropped significantly in recent elections. As in past elections cycles, staff did not strike such signatures. Had staff struck the signatures for this reason, each candidate would still have sufficient signatures.

#### Statements of Economic Interests

All candidates timely filed the Statement of Economic Interests with the Wisconsin Ethics Commission.

#### Challenges to Nomination Paper Sufficiency

No challenge to ballot access was received by the deadline of 4:30 p.m. on Friday, January 6, 2022.

#### Candidates for Whom Staff Recommends Denial of Ballot Access

No candidates are recommended for denial of ballot access.

#### Candidates Recommended for Approval of Ballot Status

Staff recommends that the Commission certify ballot access for the 72 candidates listed as “approved” in Attachment B, Candidate Tracking by Office report.

#### **Recommended Motion:**

1. Staff recommends that the Commission certify ballot access for the 72 candidates listed as “approved” in Attachment B, Candidate Tracking by Office report.

- Attachments:
- A. List of Incumbents Who Filed a Notification of Noncandidacy
  - B. Candidate Tracking by Office Report
  - C. Internal Nomination Paper Review Standards
  - D. Relevant Statutory
  - E. Nomination Paper Samples