



# Wisconsin Elections Commission

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**DATE:** May 23, 2024

**TO:** State of Wisconsin Election Officials, Candidates, and Political Parties

**FROM:** WEC Staff

**SUBJECT:** Election, Ballot Access, and Ballot Access Challenge Considerations

The Wisconsin Elections Commission (“Commission”) is publishing this communication to address questions and planning considerations for election activity during the remainder of 2024. In addition to the 2024 Partisan Primary and General Elections, there will now be U.S. Congressional and Wisconsin State Senate Special Elections. This communication summarizes and relays decisions made by the six Wisconsin Elections Commissioners at their public meetings held on May 14 and May 16, 2024.

On May 14, 2024, Governor Tony Evers issued Executive Order #225 and Executive Order #226 pursuant to his authority under Wis. Stat. § 8.50. Executive Order #225 calls for a special election for the Fourth Senate District on July 30, 2024, to fill the seat vacated by former Senator Lena Taylor (D-Milwaukee). Executive Order #226 calls for a special election for the Eighth Congressional District on November 5, 2024, to fill the seat vacated by former U.S. Rep. Mike Gallagher (R-Wis.).

Some candidates may be interested in running in the special elections, the general elections, or both for each of these offices. The following information is relevant to those candidates and the parties they represent, and Wisconsin’s election officials should also take note of the various procedural and date implications.

## **Senate District 4**

The special election on July 30, 2024, will fill a state Senate term for Senate District 4 that ends on January 6, 2025.

Declarations of candidacy and nomination papers for the Senate District 4 special election must be filed with the Commission no later than 5:00 p.m. on Tuesday, June 4, 2024.

## **Congressional District 8**

The special election on November 5, 2024, will fill a U.S. representative term for the Eighth Congressional District that expires on January 3, 2025.

Declarations of candidacy and nomination papers for the Congressional District 8 special election must be filed with the Commission no later than 5:00 p.m. on Monday, June 3, 2024. The Commission decided on May 14 that the Commission office would be open for business on Saturday, June 8, and Sunday, June 9, but that it would not be open on Saturday, June 1, or Sunday, June 2.

*Wisconsin Elections Commissioners*

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

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Administrator  
Meagan Wolfe

June 1 is the statutory deadline for candidates to file nomination papers for the General Election. Because the Commission office will be closed and candidates will not be able to file their nomination papers on June 1, General Election candidates may file their nomination papers on the next business day, which is Monday, June 3. Wis. Stat. § 990.001(4)(c).

That same reasoning and timeline was later applied by the Commission to the Governor’s executive order concerning Congressional District 8. The application of § 990.001(4)(c) to the 5 p.m. June 1 deadline in Wis. Stat. § 8.15(1) for regular General Election candidates is identical to applying it to the June 1 deadline in the special election statute § 8.50(3)(a), which is the deadline for special elections held concurrently with the Partisan Primary and General Election. Because the Commission determined that the office will not be open on Saturday, June 1, all candidates with a June 1 filing deadline have the right to file their nomination papers on the next business day, which is June 3.

**Ballot Access & Election Timeline Considerations**

The Commission scheduled its ballot access meeting on June 10, 2024, which is the earliest date possible that accommodates challenge deadlines. The following is a comprehensive chart that can be used to account for all relevant deadlines, including the special and regularly scheduled elections. Please note that this chart lists the latest deadline dates, but that individual challenge periods will vary depending on when the initial document is filed (ex. a challenge filed on June 5 would lead to a response due date of June 8). The Commission encourages the filing of challenges and responses as early as possible.

4/15/2024	General Election – Start Nomination Paper Circulation
5/14/2024	CD8 – Start Nomination Paper Circulation SD4 – Start Nomination Paper Circulation
6/3/2024	General Election – Nomination Papers Due 5:00 p.m. CD8 – Nomination Papers Due 5:00 p.m.
6/4/2024	General Election – Begin Ballot Access Challenge Period CD8 – Begin Ballot Access Challenge Period SD4 – Nomination Papers Due 5:00 p.m.
6/5/2024	SD4 – Begin Ballot Access Challenge Period
6/6/2024	General Election – Ballot Access Challenges Due 4:30 p.m. General Election – Extended Nomination Paper Due Date* 5:00 p.m. * “Extended” Dates for the Purposes of this Memo Refer to Races in Which the Incumbent Failed to File Nomination Papers and a Declaration of Candidacy. CD8 – Ballot Access Challenges Due 4:30 p.m.
6/7/2024	SD4 – Ballot Access Challenges Due 4:30 p.m. General Election – Extended Ballot Access Challenge Period Begins
6/9/2024	General Election – Ballot Access Challenge Responses Due 4:30 p.m. CD8 – Ballot Access Challenge Responses Due 4:30 p.m. General Election – Extended Ballot Access Challenges Due 4:30 p.m.
6/10/2024	General Election – Ballot Access Challenge Rebuttals Due 9 a.m. CD8 – Ballot Access Challenge Rebuttals Due 9 a.m. SD4 – Ballot Access Challenge Responses due 9 a.m.; Rebuttals due 2 p.m.
6/10/2024	WEC Ballot Access Meeting – 10 a.m.
6/12/2024	General Election – Extended Ballot Access Responses Due 9 a.m.; Rebuttals Due 2 p.m.
7/2/2024	SD4 – Primary Election
7/11/2024	SD4 – State Certification of Primary Election Results
7/30/2024	SD4 – Special Election
8/13/2024	Partisan Primary Election CD8 – Primary Election

8/17/2024	SD4 – State Certification of Special Election Results
8/22/2024	CD8 – State Certification of Primary Election Results
8/28/2024	State Certification of Partisan Primary Election Results
11/5/2024	General Election CD8 – Special Election
11/23/2024	CD8 – State Certification of Special Election Results
12/1/2024	State Certification of General Election Results

**Candidates Interested in Running in Both Special Elections and General Elections**

Candidacy for the special elections for Senate District 4 and Congressional District 8 will be treated as a separate candidacy from the full-term offices that will be on the November General Election ballot. This means that candidates for the special elections will need to file a separate declaration of candidacy and circulate and submit separate nomination papers. Candidates for state senate must collect not less than 400 nor more than 800 signatures from electors. Wis. Stat. § 8.15(6)(c). Candidates for representatives in Congress must collect not less than 1,000 nor more than 2,000 signatures from electors. Wis. Stat. § 8.15(6)(b).

State law does not preclude an elector from signing nomination papers for the same candidate for both the special election and the general election. However, candidates interested in running for both offices must still collect the required number of signatures for each office. If a candidate files nomination papers and a declaration of candidacy for the November General Election, that will not automatically grant them ballot access for the corresponding special election.

Candidates interested in running in both Special Elections and General Elections should take care to ensure that the header of their nomination papers is consistent with each election. Nomination papers filed that do not reflect the correct election type or election date will likely not be substantially compliant with Wis. Stat. § 8.15(5)(a), and the header cannot be changed after signatures are collected.

**NOMINATION PAPER FOR PARTISAN OFFICE**

Candidate's name (required); no titles may be used.		Candidate's residential address (required) <i>No P.O. box addresses</i> Street, fire, or rural route number; box number (if rural route); and name of street or road		Candidate's municipality for voting purposes (required). <input type="checkbox"/> Town of _____ <input type="checkbox"/> Village of _____ <input type="checkbox"/> City of _____ (name of municipality)	
Candidate's mailing address, including municipality for mailing purposes (required if different than residential address or voting municipality)	State (required) <b>WI</b>	Zip code	Type of election (required) <input type="checkbox"/> general <input type="checkbox"/> special	General Election date (required) Mo/Day/Year	(Required) Name of Party or Statement of Principle (5 words or less)
Title of office (required)	District or Jurisdiction (required if applicable) <input type="checkbox"/> District number _____ <input type="checkbox"/> Jurisdiction (county) _____		Name of jurisdiction or district in which candidate seeks office (required)		

**Challenged Candidates May Submit Rebuttal to the Commission for Ballot Access Challenges**

At the May 16, 2024, meeting, the Commission unanimously passed a motion permitting a nomination paper challenger to also file a final rebuttal for any ballot access challenge for which the Commission is the filing officer. Any candidate facing a challenge to their nomination papers may submit a response to the challenge filed by the challenger, and the challenger may then file a rebuttal, as long as the rebuttal is received before 9 a.m. on June 10, 2024, with exceptions applying to the SD4 candidates and candidates with extended deadlines (See the chart above). Challengers submitting a rebuttal must serve the rebuttal upon the candidate electronically, and if unable to do so, must explain to the Commission why they could not do so. Commission staff are available to answer questions about the timing and procedures for filing rebuttals to ballot access challenges.

**Counting Votes**

Commission staff understand that a Special Election and a General Election for the same office may confuse voters. Voters are permitted to cast a vote in the Special Election and the General Election, even if that means

voting for the same candidate in each race. In other words, a vote for Candidate A in the Special Election will not invalidate a vote for Candidate A in the General Election, and vice versa.

Please be advised that in a partisan primary, cross-votes are generally not permitted in the same election. Cross-votes at the General Election, however, are generally permitted.

Consider the following examples for possible counting votes scenarios for these elections:

- Candidates A1, A2, B1, and B2 wish to run in both the Special Election and General Election for Senate District 4. At the primary on July 2, 2024, voters would choose either A1/A2 OR B1/B2 OR a registered write in for the remainder of the 2024 term. At the Partisan Primary on August 13, 2024, voters would again choose either A1/A2 OR B1/B2 OR a registered write in for the full term **but** they would not be bound or committed to whoever they voted for on July 2. Let's say Candidate A1 won the primary for the Special Election, and Candidate B1 won the primary for the General Election. At the July 30 Special Election, voters would choose between Candidate A1 and Candidate B1 for the remainder of the term until January 1, 2025. Then, at the November 5 General Election, voters would choose between Candidate A1 and Candidate B1 for the full term.
- Candidates C1, C2, D1, and D2 wish to run in both the Special Election and General Election for Congressional District 8. On August 13, 2024, voters would vote in the partisan primary for **both** the Special Election and the General Election. Voters must choose to vote for C1/C2 OR D1/D2, or a registered write-in, in either primary, but they would be permitted to vote for the same candidate in each election. So, a voter supporting C1 would cast 1 vote for C1 for the Special Election primary and 1 vote for C1 for the General Election primary on the same ballot. A voter can still only choose one party's primary to vote in, but they may do so for each type of election on the ballot. So, a voter could vote for C1 in the Special Election primary, but for D2 in the general election primary. Let's say Candidate C2 won the primary for the Special Election, and Candidate B2 won the primary for the General Election. At the November 5 General Election, voters would choose between C2 OR D2 for the remainder of the 2024 term, AND between C2 or D2 for the full term beginning in January 2025. At the General Election, voters would be permitted to cross-vote and could vote for C2 for the special election AND D2 for the full term.

### **Ballot Templates and Additional Information**

The Commission unanimously voted at its May 16, 2024, meeting to implement and hold the Senate District 4 and Congressional District 8 Special Elections called for in Governor Evers' Executive Orders. The Commission also unanimously approved the proposed ballot templates for all special and regular elections during the remainder of the year. All templates can be viewed on the agency's website: <https://elections.wi.gov/forms>.

The Commission has also asked agency staff to draft an explanatory insert that will be made available at the polls and placed inside outgoing absentee mailer envelopes for the primaries and elections in Congressional District 8. This explanatory insert will explain to voters that they may vote in both the special and regular primaries and elections for Congressional District 8. The Commission plans to approve the insert at its June 10, 2024, meeting and distribute it shortly thereafter.

If you have any questions, please contact the WEC Help Desk at [elections@wi.gov](mailto:elections@wi.gov), or 608-261-2028.