

NOTICE OF OPEN AND CLOSED MEETING

Wisconsin Elections Commission

Special Meeting

Tuesday, May 14, 2024

8:00 A.M.

This meeting is being held via video teleconference only. Members of the public and media may attend online or by telephone. Please visit <https://elections.wi.gov/event/special-meeting-5142024> to view materials for the meeting. All public participants' phones/microphones will be muted during the meeting. Members of the public wishing to communicate to the Commissioners should email electioncomments@wi.gov with "Message to Commissioners" in the subject line.

Zoom information:

When: **May 14, 2024, 8:00 a.m.** Central Time (US and Canada)

Topic: **Meeting of the Wisconsin Elections Commission**

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/88013998978?pwd=TiizPTcAn8EvMK5RXTRums5zAv2VcA.0LzA3wRZMuvL2Z6Z>

Passcode: 304181

Or One tap mobile :

+13092053325,,88013998978#,,,,*304181# US

+13126266799,,88013998978#,,,,*304181# US (Chicago)

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

+1 309 205 3325 US, +1 312 626 6799 US (Chicago), +1 646 558 8656 US (New York), +1 646 931 3860 US, +1 301 715 8592 US (Washington DC), +1 305 224 1968 US, +1 669 444 9171 US, +1 689 278 1000 US, +1 719 359 4580 US, +1 720 707 2699 US (Denver), +1 253 205 0468 US, +1 253 215 8782 US (Tacoma), +1 346 248 7799 US (Houston), +1 360 209 5623 US, +1 386 347 5053 US, +1 507 473 4847 US, +1 564 217 2000 US

Webinar ID: 880 1399 8978

Passcode: 304181

International numbers available: <https://us06web.zoom.us/j/kom6sDs9>

NOTICE OF OPEN AND CLOSED MEETING

OPEN AND CLOSED SESSION AGENDA

- A. Call to Order
- B. Administrator’s Report of Appropriate Meeting Notice
- C. Approval of Previous Meeting Minutes
 - 1. April 11, 2024 1
- D. Discussion and Potential Action Related to the Wis. Stat. § 5.62(2)(a) Petition from the “No Labels Wisconsin” party for Ballot Status. 5
- E. Consideration and Approval of Ballot Proofs for the August and November, 2024, Elections. 8
- F. Discussion and Potential Action Related to HAVA Grant Fund Spending Plan. 16
- G. Discussion and Potential Action: UOCAVA Policy and Questions. 26
- H. Review and Possible Action on Agency Administrative Rules
 - 1. Emergency Polling Place Plan (Chapter EL 15)
 - 2. Certification And Training of Municipal Clerks (Chapter EL 12) 31
 - 3. Challenge Procedures for Nomination Papers and Declarations of Candidacy (Chapter EL 2) 45
 - 4. Uniform Instructions (Chapter EL 6) 86
- I. Discussion, Review, and Possible Action Related to the Uniform Instructions for Wisconsin Absentee Voters. 90
- J. Discussion and Potential Action Related to the Creation and Implementation of Section 7, (1) and (2), of Article III of the Wisconsin Constitution. 100

NOTICE OF OPEN AND CLOSED MEETING

K. Discussion, Planning and Scheduling for the June 10, 2024, Ballot Access Meeting.

102

L. Closed Session*

1. Approval of Previous Meeting Minutes

- **February 8, 2024**
- **March 20, 2024**
- **April 11, 2024**

2. Litigation Update and Consideration of Potential Litigation

3. Wis. Stat. § 5.05 Complaints

§ 19.85(1)(g) – The Commission may confer in closed session with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

§ 19.851 – The Commission’s deliberations concerning an investigation of any violation of the law under the jurisdiction of the Commission shall be in closed session.

M. Adjourn

**The Elections Commission will convene in open session but may move to closed session under Wis. Stat. § 19.85(1)(g) and Wis. Stat. § 19.851 and then reconvene into open session prior to adjournment of this meeting. This notice is intended to inform the public that this meeting will convene in open session, may move to closed session, and then may reconvene in open session. Wis. Stat. § 19.85 (2).*



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

Wisconsin Elections Commission
Special Teleconference Meeting
201 W. Washington Avenue, Second Floor
Madison, Wisconsin
6:30 p.m. April 11, 2024

Open Session Minutes

Present: Commissioner Marge Bostelmann, Commissioner Ann Jacobs, Commissioner Don M. Millis, Commissioner Carrie Riepl, Commissioner Robert Spindell Jr., and Commissioner Mark Thomsen, all by teleconference.

Staff present: Sharrie Hauge, Brandon Hunzicker, Robert Kehoe, Anna Langdon, Angela Sharpe, Riley Vetterkind, Riley Willman, Jim Witecha, and Meagan Wolfe, all by teleconference.

A. Call to Order

Commission Chair Millis called the meeting to order at 6:30 p.m. and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

Administrator Meagan Wolfe informed the Commission that the meeting was noticed in accordance with Wisconsin's open meetings laws.

C. Approval of Previous Meeting Minutes

a. March 20, 2024

MOTION: Approve the March 20, 2024 open session minutes.

Moved by Commissioner Riepl. Seconded by Commissioner Bostelmann.

Roll call vote:	Bostelmann:	Aye	Riepl:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Millis:	Aye	Thomsen:	Aye

Motion carried 6-0.

D. Discussion and Potential Action Related to the Recall Petition Pertaining to Assembly Representative Robin Vos, Including Review and Potential Decision-making on the Petition Challenges Filed by Assembly Representative Robin Vos.

Wisconsin Elections Commissioners

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

Staff Attorney Brandon Hunzicker reviewed the challenge filed against the recall petition. He summarized the staff's process of evaluating the individual challenges and their recommendation to the Commission.

Discussion.

Attorney Matthew Fernholz, representing the challenger, presented his arguments within the five-minute limit.

Discussion.

Attorney Michael Gableman, representing the petitioner, presented his arguments within the five-minute limit.

Discussion.

MOTION: After careful examination of all signatures submitted on the petition to recall Representative Vos, and after reviewing the challenge as described in this memo and within the attachments, the Commission finds that the petition contained 4,989 valid signatures from old AD 63, 3,053 valid signatures from new AD 33, and 5,472 valid signatures from new AD 66. The Commission finds that the petition is insufficient to call a recall election regarding old AD 63 because fewer than 25 percent of the number of electors who cast a vote for governor at the last election within that territory signed the petition. The Commission finds that the petition is insufficient to call a recall election regarding new AD 33 because fewer than 25 percent of the number of electors who cast a vote for governor at the last election within that territory signed the petition. The Commission finds that the petition is insufficient to call a recall election regarding new AD 66 because Representative was neither elected to that office, and is not the officeholder, nor resides within the district. Staff shall use this motion to create a certificate and shall attach the certificate to the petition materials and transmit those materials and the materials discussed during this meeting and transmit them to both parties, to allow the petitioner 5 days to amend the petition to correct any of its insufficiencies.

Moved by Commissioner Jacobs. Seconded by Commissioner Bostelmann.

Discussion.

AMENDMENT: End the first sentence after "old AD 63" and delete the rest of the sentence. Keep the second sentence. Delete the third and fourth sentences. Keep the fifth sentence.

Moved by Commissioner Thomsen. Seconded by Commissioner Riepl.

Discussion.

Roll call vote:	Bostelmann:	No	Riepl:	No
	Jacobs:	No	Spindell:	No
	Millis:	No	Thomsen:	Aye

Motion to amend failed 5-1.

The Commission voted on the original motion:

Roll call vote:	Bostelmann:	Aye	Riepl:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Millis:	Aye	Thomsen:	Abstain

Motion carried 5-0-1.

E. Discussion and Potential Action Pertaining to Candidate Use of Non-residential Address on Nomination Papers

Staff Attorney Angela Sharpe presented the legal analysis and recommended motion for this agenda item.

Discussion.

MOTION: The Wisconsin Elections Commission interprets Wis. Stats. §§ 8.10(2)(b) and 8.15(5)(a) to mean that nomination papers without a candidate’s residence (street) address are not substantially compliant, even if the candidate has demonstrated security concerns and attempts to verify their residence through other means. The Wisconsin Elections Commission will no longer grant exceptions to providing this required statutory element.

Roll call vote:	Bostelmann:	Aye	Riepl:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Millis:	Aye	Thomsen:	No

Motion carries 5-1.

F. Closed Session

MOTION: Adjourn into closed session pursuant to Wis. Stat. 19.85(1)(g).

Moved by Commissioner Bostelmann. Seconded by Commissioner Jacobs.

Roll call vote:	Bostelmann:	Aye	Riepl:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Millis:	Aye	Thomsen:	Aye

Motion carried 6-0.

The Commission moved into closed session at 7:53 p.m.

The Commission adjourned in closed session at 8:02 p.m.

####

April 11, 2024, Wisconsin Election Commission meeting minutes prepared by:

Anna Langdon, Help Desk Staff

June 10, 2024

April 11, 2024, Wisconsin Election Commission meeting minutes certified by:

Carrie Riepl, Commission Secretary

June 10, 2024

DRAFT



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

DATE: For the May 14, 2024, Commission Meeting
TO: Members, Wisconsin Elections Commission
FROM: Meagan Wolfe, Administrator
SUBJECT: No Labels Wisconsin Ballot Status Petition

Background

Wisconsin Statute § 5.62(2)(a) governs how a political party can achieve ballot status in Wisconsin through the petition process. Specifically, statute provides that:

...To qualify for a separate ballot under this paragraph, the political organization shall, not later than 5 p.m. on April 1 in the year of the partisan primary, file with the commission a petition requesting separate ballot status. The petition shall be signed by at least 10,000 electors, including at least 1,000 electors residing in each of at least 3 separate congressional districts.

On March 28, 2024, No Labels Wisconsin filed a petition conforming to the standards set by Wis. Stat. § 7.08(1)(a). Staff started a review of the filed petition after the April 2, 2024 Spring Election to determine if No Labels Wisconsin had enough signatures from the various congressional districts and to meet the 10,000 signature requirement.

No Labels Wisconsin Petition and Review

No Labels Wisconsin filed an estimated 26,000 signatures from the eight separate congressional districts throughout Wisconsin ahead of the April 1, 2024 filing deadline. The petition was subject to two rounds of review by staff before sufficiency could be determined. In total, staff reviewed over 3,000 petition pages, and found the following number of valid signatures in the respective congressional districts:

District	Number of Valid Signatures
Congressional District 1	3,351
Congressional District 2	5,008
Congressional District 3	9
Congressional District 4	4,450
Congressional District 5	3,638
Congressional District 6	2,772
Congressional District 7	14
Congressional District 8	3,393

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

TOTAL AMOUNT OF SIGNATURES FOUND	22,635
---	---------------

Recommended Motions

The Commission grants approval of ballot status for No Labels Wisconsin for the 2024 Partisan Primary and General Election. The Commission further approves No Labels Wisconsin to appear after the Wisconsin Green Party on partisan ballots pursuant to Wis. Stat. § 5.62(1)(a) and 5.64(1)(b).



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

DATE: For the May 14, 2024, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator

SUBJECT: 2024 Partisan Primary and General Election Ballot Templates

Samples of the ballot templates for the 2024 Partisan Primary and General Election accompany this memorandum and are submitted to the Wisconsin Elections Commission for consideration and approval.

These templates reflect the same ballot format and layout used in the 2022 Fall Election cycle. The Partisan Primary template includes a separate primary for the No Labels Wisconsin Party, for whom ballot access is under consideration at this meeting. Pending the Commission's decision on the No Labels Wisconsin petition, the templates can be updated or published in their current form. The current design continues to be acceptable to county clerks, voters, ballot printers, and equipment vendors.

Recommended Motion:

The Commission approves the ballot design presented by staff and directs staff to utilize the ballot design for the 2024 Partisan Primary and General Election.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Official Ballot

Partisan Office

November 5, 2024

Notice to Voters: If you are voting on Election Day, your ballot must be initialed by two election inspectors. If you are voting absentee, your ballot must be initialed by the municipal clerk or deputy clerk. Your ballot may not be counted without initials. (See end of ballot for initials).

Instructions to Voters	Congressional	Legislative and State (cont.)
<p>If you make a mistake on your ballot or have a question, ask an election inspector for help. (Absentee voters: contact your municipal clerk).</p> <p>To vote for a name on the ballot, make an "X" or other mark in the square next to the name like this: <input checked="" type="checkbox"/></p> <p>To vote for a name that is not on the ballot, write the name on the line marked "write-in."</p>	United States Senator Vote for 1	District Attorney Vote for 1
	<input type="checkbox"/> Candidate (party or statement of principle)	<input type="checkbox"/> Candidate (party or statement of principle)
	<input type="checkbox"/> Candidate (party or statement of principle)	<input type="checkbox"/> Candidate (party or statement of principle)
	<input type="checkbox"/> Candidate (party or statement of principle)	<input type="checkbox"/> Candidate (party or statement of principle)
	Write-in:	Write-in:
Federal	Representative in Congress District _____ Vote for 1	County County Clerk Vote for 1
<p>When voting for President and Vice President, you have one of two choices:</p> <ul style="list-style-type: none"> Vote for candidates on one ticket, <i>or</i> Write in names of persons on both write-in lines 	<input type="checkbox"/> Candidate (party or statement of principle)	<input type="checkbox"/> Candidate (party or statement of principle)
	<input type="checkbox"/> Candidate (party or statement of principle)	<input type="checkbox"/> Candidate (party or statement of principle)
	<input type="checkbox"/> Candidate (party or statement of principle)	<input type="checkbox"/> Candidate (party or statement of principle)
	Write-in:	<input type="checkbox"/> Candidate (party or statement of principle)
	Write-in:	Write-in:
<p>A write-in vote for only a vice presidential candidate will not be counted.</p>	Legislative and State State Senator District _____ Vote for 1	County Treasurer Vote for 1
	<input type="checkbox"/> Candidate (party or statement of principle)	<input type="checkbox"/> Candidate (party or statement of principle)
	<input type="checkbox"/> Candidate (party or statement of principle)	<input type="checkbox"/> Candidate (party or statement of principle)
	<input type="checkbox"/> Candidate (party or statement of principle)	<input type="checkbox"/> Candidate (party or statement of principle)
President/ Vice President Vote for 1	Write-in:	Register of Deeds Vote for 1
<input type="checkbox"/> President/ Vice President (party or statement of principle)	Representative to the Assembly District _____ Vote for 1	<input type="checkbox"/> Candidate (party or statement of principle)
<input type="checkbox"/> President/ Vice President (party or statement of principle)		<input type="checkbox"/> Candidate (party or statement of principle)
<input type="checkbox"/> President/ Vice President (party or statement of principle)		<input type="checkbox"/> Candidate (party or statement of principle)
<input type="checkbox"/> President/ Vice President (party or statement of principle)		<input type="checkbox"/> Candidate (party or statement of principle)
<input type="checkbox"/> President/ Vice President (party or statement of principle)	Write-in:	Write-in:
<input type="checkbox"/> President/ Vice President (party or statement of principle)	<input type="checkbox"/> Candidate (party or statement of principle)	
_____ / Write-in (President)	Continue voting at top of next column.	Page 1 of a 2-sided ballot. Ballot continues on other side.
_____ / Write-in (Vice President)		
Continue voting at top of next column.		

County (cont.)

**Surveyor
Vote for 1**

Candidate
(party or statement of principle)

Candidate
(party or statement of principle)

Candidate
(party or statement of principle)

Write-in:

**Official Ballot
Partisan Office
November 5, 2024
for**

Municipality and ward number(s)

Ballot issued by

Initials of election inspectors

Absentee ballot issued by

Initials of Municipal Clerk or Deputy Clerk

Certification of Voter Assistance

I certify that I marked or read aloud this ballot at the request and direction of a voter who is authorized under Wis. Stat. § 6.82 to receive assistance.

Signature of assistor

Official Ballot

Partisan Office and Referendum

November 5, 2024

Notice to voters: if you are voting on Election Day, your ballot must be initialed by two (2) election inspectors. If you are voting absentee, your ballot must be initialed by the municipal clerk or deputy clerk. Your ballot may not be counted without initials (see end of ballot for initials).

General Instructions	Congressional	Legislative and State (cont.)
<p>If you make a mistake on your ballot or have a question, ask an election inspector for help (absentee voters: contact your municipal clerk).</p> <p>To vote for a name on the ballot, fill in the oval next to the name like this: <input type="radio"/></p> <p>To vote for a name that is not on the ballot, write the name on the line marked "write-in" and fill in the oval next to the name like this: <input type="radio"/></p>	<p>United States Senator Vote for 1</p> <p><input type="radio"/> Candidate (party or statement of principle)</p> <p><input type="radio"/> Candidate (party or statement of principle)</p> <p><input type="radio"/> Candidate (party or statement of principle)</p>	<p>Representative to the Assembly District ____ Vote for 1</p> <p><input type="radio"/> Candidate (party or statement of principle)</p> <p><input type="radio"/> Candidate (party or statement of principle)</p> <p><input type="radio"/> Candidate (party or statement of principle)</p>
Federal		
<p>When voting for President and Vice President, you have one of two choices:</p> <ul style="list-style-type: none"> • Vote for candidates on one ticket, or • Write in names of persons on both write-in lines <p>A write-in vote for only a vice presidential candidate will not be counted.</p>	<p><input type="radio"/> write-in:</p> <p>Representative in Congress District ____ Vote for 1</p> <p><input type="radio"/> Candidate (party or statement of principle)</p> <p><input type="radio"/> Candidate (party or statement of principle)</p> <p><input type="radio"/> Candidate (party or statement of principle)</p> <p><input type="radio"/> write-in:</p>	<p><input type="radio"/> write-in:</p> <p>District Attorney Vote for 1</p> <p><input type="radio"/> Candidate (party or statement of principle)</p> <p><input type="radio"/> Candidate (party or statement of principle)</p> <p><input type="radio"/> Candidate (party or statement of principle)</p> <p><input type="radio"/> write-in:</p>
<p>President / Vice President Vote for 1</p> <p><input type="radio"/> President / Vice President (party or statement of principle)</p>	<p><input type="radio"/> Candidate (party or statement of principle)</p>	<p><input type="radio"/> Candidate (party or statement of principle)</p>
<p><input type="radio"/> President / Vice President (party or statement of principle)</p>	<p><input type="radio"/> write-in:</p>	<p><input type="radio"/> write-in:</p>
	Legislative and State	County
<p><input type="radio"/> President / Vice President (party or statement of principle)</p>	<p>State Senator District ____ Vote for 1</p>	<p>County Clerk Vote for 1</p>
<p><input type="radio"/> President / Vice President (party or statement of principle)</p>	<p><input type="radio"/> Candidate (party or statement of principle)</p>	<p><input type="radio"/> Candidate (party or statement of principle)</p>
<p><input type="radio"/> President / Vice President (party or statement of principle)</p>	<p><input type="radio"/> Candidate (party or statement of principle)</p>	<p><input type="radio"/> Candidate (party or statement of principle)</p>
<p><input type="radio"/> _____ write-in (President)</p>	<p><input type="radio"/> Candidate (party or statement of principle)</p>	<p><input type="radio"/> Candidate (party or statement of principle)</p>
<p><input type="radio"/> _____ write-in (Vice President)</p>	<p><input type="radio"/> write-in:</p>	<p><input type="radio"/> write-in:</p>
<p>Continue voting at top of next column.</p>	<p>Continue voting at top of next column.</p>	<p>Continue voting on back of ballot.</p>

Page 1 of 2-sided ballot. Ballot continues on other side. ➡

County (cont.)	Referendum	Official Ballot Partisan Office and Referendum November 5, 2024 for	
County Treasurer Vote for 1	To vote in favor of a question, fill in the oval next to "Yes," like this: <input type="radio"/>		
<input type="radio"/> Candidate (party or statement of principle)	To vote against a question, fill in the oval next to "No," like this: <input type="radio"/>		
<input type="radio"/> Candidate (party or statement of principle)	Level of government conducting referendum (State, tech college, county, municipal, school district)	_____ Municipality and ward number(s)	
<input type="radio"/> Candidate (party or statement of principle)	Question (number if necessary)	Ballot issued by _____	
<input type="radio"/> write-in:	Shall the...?	_____	
<input type="radio"/> write-in:	<input type="radio"/> Yes	_____	
Register of Deeds Vote for 1	<input type="radio"/> No	_____ Initials of election inspectors	
<input type="radio"/> Candidate (party or statement of principle)		Absentee ballot issued by _____	
<input type="radio"/> Candidate (party or statement of principle)		_____ Initials of Municipal Clerk or Deputy Clerk	
<input type="radio"/> Candidate (party or statement of principle)		_____ If issued by SVDs, both must initial	
<input type="radio"/> write-in:		Certification of Voter Assistance	
Surveyor Vote for 1		I certify that I marked or read aloud this ballot at the request and direction of a voter who is authorized under Wis. Stat. §6.82 to receive assistance.	
<input type="radio"/> Candidate (party or statement of principle)	_____ Signature of assistor		
<input type="radio"/> Candidate (party or statement of principle)	For Official Use Only		
<input type="radio"/> Candidate (party or statement of principle)	Inspectors: Identify ballots required to be remade:		
<input type="radio"/> write-in:	<input type="checkbox"/> Overvoted		
	<input type="checkbox"/> Damaged		
	<input type="checkbox"/> Other		
	If this is the Original Ballot , write the serial number here: _____	If this is the Duplicate Ballot , write the serial number here: _____	
Continue voting at top of next column.	_____ Initials of inspectors who remade ballot		

Official Primary Ballot

Partisan Office and Referendum

August 13, 2024

Notice to voters: if you are voting on Election Day, your ballot must be initialed by two (2) election inspectors. If you are voting absentee, your ballot must be initialed by the municipal clerk or deputy clerk. Your ballot may not be counted without initials (see end of ballot for initials).

General Instructions	Democratic Party Primary (cont.)	Republican Party Primary (cont.)
<p>If you make a mistake on your ballot or have a question, ask an election inspector for help (absentee voters: contact your municipal clerk).</p> <p>To vote for a name on the ballot, fill in the oval next to the name like this: <input type="radio"/></p> <p>To vote for a name that is not on the ballot, write the name on the line marked "write-in" and fill in the oval next to the name like this: <input type="radio"/></p>	County	County (cont.)
	County Clerk Vote for 1 <input type="radio"/> Candidate <input type="radio"/> write-in:	Register of Deeds Vote for 1 <input type="radio"/> Candidate <input type="radio"/> write-in:
	County Treasurer Vote for 1 <input type="radio"/> write-in:	Surveyor Vote for 1 <input type="radio"/> write-in:
Special Instructions for Voting in a Partisan Primary		STOP End Republican Party Primary
<p>In the Partisan Primary:</p> <ul style="list-style-type: none"> You may vote in only ONE party's primary If you choose a party, votes cast in that party will be counted. Votes cast in any other party will not be counted If you do not choose a party, and you vote in more than one party, no votes will be counted <p>You must vote for individual candidates</p>	Register of Deeds Vote for 1 <input type="radio"/> Candidate <input type="radio"/> write-in:	Constitution Party Primary
	Surveyor Vote for 1 <input type="radio"/> write-in:	<p><i>If you vote in this party's primary, you may not vote in any other party's primary.</i></p> <p style="text-align: center; background-color: #ccc;">Congressional</p> United States Senator Vote for 1 <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in:
Party Preference Section	Republican Party Primary	
<p style="text-align: center;">Choose a party in which to vote</p> <p>Fill in the oval next to your party choice, like this: <input type="radio"/> Choose only ONE</p> <input type="radio"/> Democratic <input type="radio"/> Republican <input type="radio"/> Constitution <input type="radio"/> Libertarian <input type="radio"/> Wisconsin Green <input type="radio"/> No Labels Wisconsin	<p><i>If you vote in this party's primary, you may not vote in any other party's primary.</i></p> <p style="text-align: center; background-color: #ccc;">Congressional</p> United States Senator Vote for 1 <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in:	Representative in Congress District _____ Vote for 1 <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in:
Democratic Party Primary	Representative in Congress District _____ Vote for 1 <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in:	Legislative and State
<p><i>If you vote in this party's primary, you may not vote in any other party's primary.</i></p> <p style="text-align: center; background-color: #ccc;">Congressional</p> United States Senator Vote for 1 <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in:	<p style="text-align: center; background-color: #ccc;">Legislative and State</p> State Senator District _____ Vote for 1 <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in:	State Senator District _____ Vote for 1 <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in:
Legislative and State	Representative to the Assembly District _____ Vote for 1 <input type="radio"/> Candidate <input type="radio"/> write-in:	Representative to the Assembly District _____ Vote for 1 <input type="radio"/> Candidate <input type="radio"/> write-in:
Legislative and State	Representative in Congress District _____ Vote for 1 <input type="radio"/> Candidate <input type="radio"/> write-in:	County
<p style="text-align: center; background-color: #ccc;">Legislative and State</p> State Senator District _____ Vote for 1 <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in:	<p style="text-align: center; background-color: #ccc;">County</p> County Clerk Vote for 1 <input type="radio"/> Candidate <input type="radio"/> write-in:	County Clerk Vote for 1 <input type="radio"/> Candidate <input type="radio"/> write-in:
Legislative and State	Representative to the Assembly District _____ Vote for 1 <input type="radio"/> Candidate <input type="radio"/> write-in:	County Treasurer Vote for 1 <input type="radio"/> Candidate <input type="radio"/> write-in:
<p style="text-align: center; background-color: #ccc;">Legislative and State</p> District Attorney Vote for 1 <input type="radio"/> Candidate <input type="radio"/> write-in:	County Treasurer Vote for 1 <input type="radio"/> Candidate <input type="radio"/> write-in:	Surveyor Vote for 1 <input type="radio"/> Candidate <input type="radio"/> write-in:
Legislative and State	District Attorney Vote for 1 <input type="radio"/> Candidate <input type="radio"/> write-in:	STOP End Constitution Party Primary
Democratic Party Primary continues at top of next column.	Republican Party Primary continues at top of next column.	Libertarian Party Primary begins on back of ballot.

Libertarian Party Primary	Wisconsin Green Party Primary (cont.)	Referendum
<i>If you vote in this party's primary, you may not vote in any other party's primary.</i>	Legislative and State (cont.)	To vote in favor of a question, fill in the oval next to "Yes," like this: <input type="radio"/>
Congressional	District Attorney Vote for 1	To vote against a question, fill in the oval next to "No," like this: <input type="radio"/>
United States Senator Vote for 1	<input type="radio"/> Candidate	State
<input type="radio"/> Candidate	<input type="radio"/> write-in:	Question 1: "Delegation of appropriation power." Shall section 35 (1) of article IV of the constitution be created to provide that the legislature may not delegate its sole power to determine how moneys shall be appropriated?"
<input type="radio"/> Candidate	County	<input type="radio"/> Yes
<input type="radio"/> write-in:	County Clerk Vote for 1	<input type="radio"/> No
Representative in Congress District _____ Vote for 1	<input type="radio"/> Candidate	Question 2: "Allocation of federal moneys." Shall section 35 (2) of article IV of the constitution be created to prohibit the governor from allocating any federal moneys the governor accepts on behalf of the state without the approval of the legislature by joint resolution or as provided by legislative rule?"
<input type="radio"/> Candidate	<input type="radio"/> write-in:	<input type="radio"/> Yes
<input type="radio"/> write-in:	County Treasurer Vote for 1	<input type="radio"/> No
Legislative and State	<input type="radio"/> write-in:	
State Senator District _____ Vote for 1	Register of Deeds Vote for 1	
<input type="radio"/> write-in:	<input type="radio"/> write-in:	
Representative to the Assembly District _____ Vote for 1	Surveyor Vote for 1	
<input type="radio"/> Candidate	<input type="radio"/> Candidate	
<input type="radio"/> write-in:	<input type="radio"/> write-in:	
District Attorney Vote for 1	STOP End Wisconsin Green Party Primary	
<input type="radio"/> Candidate	No Labels Wisconsin Party Primary (Pending)	
<input type="radio"/> write-in:	<i>If you vote in this party's primary, you may not vote in any other party's primary.</i>	Official Primary Ballot Partisan Office and Referendum August 13, 2024 for
County	Congressional	_____
County Clerk Vote for 1	United States Senator Vote for 1	Municipality and ward number(s)
<input type="radio"/> Candidate	<input type="radio"/> Candidate	
<input type="radio"/> write-in:	<input type="radio"/> write-in:	Ballot issued by
County Treasurer Vote for 1	Representative in Congress District _____ Vote for 1	_____
<input type="radio"/> write-in:	<input type="radio"/> Candidate	_____
Register of Deeds Vote for 1	<input type="radio"/> write-in:	Initials of election inspectors
<input type="radio"/> write-in:	Legislative and State	Absentee ballot issued by
Surveyor Vote for 1	State Senator District _____ Vote for 1	_____
<input type="radio"/> Candidate	<input type="radio"/> Candidate	Initials of Municipal Clerk or Deputy Clerk
<input type="radio"/> write-in:	<input type="radio"/> write-in:	_____
STOP End Libertarian Party Primary	Representative to the Assembly District _____ Vote for 1	If issued by SVDs, both must initial
Wisconsin Green Party Primary	<input type="radio"/> Candidate	Certification of Voter Assistance
<i>If you vote in this party's primary, you may not vote in any other party's primary.</i>	<input type="radio"/> write-in:	I certify that I marked or read aloud this ballot at the request and direction of a voter who is authorized under Wis. Stat. §6.82 to receive assistance.
Congressional	District Attorney Vote for 1	_____
United States Senator Vote for 1	<input type="radio"/> write-in:	Signature of assistor
<input type="radio"/> Candidate	County	For Official Use Only
<input type="radio"/> Candidate	County Clerk Vote for 1	Inspectors: Identify ballots required to be remade:
<input type="radio"/> write-in:	<input type="radio"/> Candidate	<input type="checkbox"/> Overvoted
Representative in Congress District _____ Vote for 1	<input type="radio"/> write-in:	<input type="checkbox"/> Damaged
<input type="radio"/> Candidate	County Treasurer Vote for 1	<input type="checkbox"/> Other
<input type="radio"/> write-in:	<input type="radio"/> write-in:	
Legislative and State	Register of Deeds Vote for 1	If this is the Original Ballot , write the serial number here: _____
State Senator District _____ Vote for 1	<input type="radio"/> write-in:	If this is the Duplicate Ballot , write the serial number here: _____
<input type="radio"/> Candidate	Surveyor Vote for 1	_____
<input type="radio"/> Candidate	<input type="radio"/> write-in:	_____
<input type="radio"/> write-in:	STOP End No Labels Wisconsin Party Primary	Initials of inspectors who remade ballot
Wisconsin Green Party Primary continues at top of next column.	Continue voting at top of next column.	

Official Primary Ballot

Partisan Office and Referendum

August 13, 2024

Notice to voters: if you are voting on Election Day, your ballot must be initialed by two (2) election inspectors. If you are voting absentee, your ballot must be initialed by the municipal clerk or deputy clerk. Your ballot may not be counted without initials (see end of ballot for initials).

General Instructions	Democratic Party Primary (cont.)	Republican Party Primary (cont.)
	County	County (cont.)
<p>If you make a mistake on your ballot or have a question, ask an election inspector for help (absentee voters: contact your municipal clerk).</p> <p>To vote for a name on the ballot, fill in the oval next to the name like this: <input type="radio"/></p> <p>To vote for a name that is not on the ballot, write the name on the line marked "write-in" and fill in the oval next to the name like this: <input type="radio"/></p>	<p>County Clerk Vote for 1</p>	<p>Register of Deeds Vote for 1</p>
	<input type="radio"/> Candidate	<input type="radio"/> Candidate
	<input type="radio"/> write-in:	<input type="radio"/> write-in:
	<p>County Treasurer Vote for 1</p>	<p>Surveyor Vote for 1</p>
	<input type="radio"/> write-in:	<input type="radio"/> write-in:
Special Instructions for Voting in a Partisan Primary	Register of Deeds Vote for 1	STOP End Republican Party Primary
<p>In the Partisan Primary:</p> <ul style="list-style-type: none"> You may vote in only ONE party's primary If you choose a party, votes cast in that party will be counted. Votes cast in any other party will not be counted If you do not choose a party, and you vote in more than one party, no votes will be counted <p>You must vote for individual candidates</p>	<p><input type="radio"/> Candidate</p>	Constitution Party Primary
	<input type="radio"/> write-in:	<i>If you vote in this party's primary, you may not vote in any other party's primary.</i>
	Republican Party Primary	Congressional
Choose a party in which to vote	<i>If you vote in this party's primary, you may not vote in any other party's primary.</i>	United States Senator Vote for 1
Fill in the oval next to your party choice, like this: <input type="radio"/> Choose only ONE	Congressional	<input type="radio"/> Candidate
<input type="radio"/> Democratic	United States Senator Vote for 1	<input type="radio"/> write-in:
<input type="radio"/> Republican	<input type="radio"/> Candidate	Representative in Congress District _____ Vote for 1
<input type="radio"/> Constitution	<input type="radio"/> Candidate	<input type="radio"/> Candidate
<input type="radio"/> Libertarian	<input type="radio"/> Candidate	<input type="radio"/> write-in:
<input type="radio"/> Wisconsin Green	<input type="radio"/> write-in:	Legislative and State
<input type="radio"/> No Labels Wisconsin	Representative in Congress District _____ Vote for 1	State Senator District _____ Vote for 1
Democratic Party Primary	<input type="radio"/> Candidate	<input type="radio"/> Candidate
<i>If you vote in this party's primary, you may not vote in any other party's primary.</i>	<input type="radio"/> Candidate	<input type="radio"/> write-in:
Congressional	<input type="radio"/> write-in:	Representative to the Assembly District _____ Vote for 1
United States Senator Vote for 1	Legislative and State	<input type="radio"/> Candidate
<input type="radio"/> Candidate	State Senator District _____ Vote for 1	<input type="radio"/> write-in:
<input type="radio"/> Candidate	<input type="radio"/> Candidate	District Attorney Vote for 1
<input type="radio"/> Candidate	<input type="radio"/> Candidate	<input type="radio"/> Candidate
<input type="radio"/> write-in:	<input type="radio"/> write-in:	<input type="radio"/> write-in:
Representative in Congress District _____ Vote for 1	Representative to the Assembly District _____ Vote for 1	County
<input type="radio"/> Candidate	<input type="radio"/> Candidate	County Clerk Vote for 1
<input type="radio"/> write-in:	<input type="radio"/> write-in:	<input type="radio"/> Candidate
Legislative and State	District Attorney Vote for 1	<input type="radio"/> write-in:
State Senator District _____ Vote for 1	<input type="radio"/> write-in:	County Treasurer Vote for 1
<input type="radio"/> Candidate	County	<input type="radio"/> Candidate
<input type="radio"/> Candidate	County Clerk Vote for 1	<input type="radio"/> write-in:
<input type="radio"/> write-in:	<input type="radio"/> Candidate	<input type="radio"/> write-in:
Representative to the Assembly District _____ Vote for 1	<input type="radio"/> write-in:	Register of Deeds Vote for 1
<input type="radio"/> Candidate	County Treasurer Vote for 1	<input type="radio"/> write-in:
<input type="radio"/> write-in:	<input type="radio"/> Candidate	Surveyor Vote for 1
District Attorney Vote for 1	<input type="radio"/> write-in:	<input type="radio"/> Candidate
<input type="radio"/> Candidate	<input type="radio"/> write-in:	<input type="radio"/> write-in:
<input type="radio"/> write-in:	<input type="radio"/> write-in:	STOP End Constitution Party Primary
Democratic Party Primary continues at top of next column.	Republican Party Primary continues at top of next column.	Libertarian Party Primary begins on back of ballot.

Libertarian Party Primary	Wisconsin Green Party Primary (cont.)	Referendum
<i>If you vote in this party's primary, you may not vote in any other party's primary.</i>	Legislative and State (cont.)	To vote in favor of a question, fill in the oval next to "Yes," like this: <input type="radio"/>
Congressional	District Attorney Vote for 1	To vote against a question, fill in the oval next to "No," like this: <input type="radio"/>
United States Senator Vote for 1	<input type="radio"/> Candidate	Level of government conducting referendum (State, tech college, county, municipal, school district)
<input type="radio"/> Candidate	<input type="radio"/> write-in:	Question (number if necessary)
<input type="radio"/> Candidate	County	Shall the...?
<input type="radio"/> write-in:	County Clerk Vote for 1	<input type="radio"/> Yes
Representative in Congress District _____ Vote for 1	<input type="radio"/> Candidate	<input type="radio"/> No
<input type="radio"/> Candidate	<input type="radio"/> write-in:	
<input type="radio"/> write-in:	County Treasurer Vote for 1	
Legislative and State	<input type="radio"/> write-in:	
State Senator District _____ Vote for 1	Register of Deeds Vote for 1	
<input type="radio"/> write-in:	<input type="radio"/> write-in:	
Representative to the Assembly District _____ Vote for 1	Surveyor Vote for 1	
<input type="radio"/> Candidate	<input type="radio"/> Candidate	
<input type="radio"/> write-in:	<input type="radio"/> write-in:	
District Attorney Vote for 1	STOP End Wisconsin Green Party Primary	Official Primary Ballot Partisan Office and Referendum August 13, 2024 for
<input type="radio"/> Candidate	No Labels Wisconsin Party Primary (Pending)	
<input type="radio"/> write-in:	<i>If you vote in this party's primary, you may not vote in any other party's primary.</i>	_____
County	Congressional	Municipality and ward number(s)
County Clerk Vote for 1	United States Senator Vote for 1	Ballot issued by
<input type="radio"/> Candidate	<input type="radio"/> Candidate	_____
<input type="radio"/> write-in:	<input type="radio"/> write-in:	_____
County Treasurer Vote for 1	Representative in Congress District _____ Vote for 1	Initials of election inspectors
<input type="radio"/> write-in:	<input type="radio"/> Candidate	Absentee ballot issued by
Register of Deeds Vote for 1	<input type="radio"/> write-in:	_____
<input type="radio"/> write-in:	Legislative and State	Initials of Municipal Clerk or Deputy Clerk
Surveyor Vote for 1	State Senator District _____ Vote for 1	_____
<input type="radio"/> Candidate	<input type="radio"/> Candidate	If issued by SVDs, both must initial
<input type="radio"/> write-in:	<input type="radio"/> write-in:	Certification of Voter Assistance
STOP End Libertarian Party Primary	Representative to the Assembly District _____ Vote for 1	I certify that I marked or read aloud this ballot at the request and direction of a voter who is authorized under Wis. Stat. §6.82 to receive assistance.
Wisconsin Green Party Primary	<input type="radio"/> Candidate	_____
<i>If you vote in this party's primary, you may not vote in any other party's primary.</i>	<input type="radio"/> write-in:	Signature of assistor
Congressional	District Attorney Vote for 1	For Official Use Only
United States Senator Vote for 1	<input type="radio"/> write-in:	Inspectors: Identify ballots required to be remade:
<input type="radio"/> Candidate	County	<input type="checkbox"/> Overvoted
<input type="radio"/> Candidate	County Clerk Vote for 1	<input type="checkbox"/> Damaged
<input type="radio"/> write-in:	<input type="radio"/> Candidate	<input type="checkbox"/> Other
Representative in Congress District _____ Vote for 1	<input type="radio"/> write-in:	
<input type="radio"/> Candidate	County Treasurer Vote for 1	
<input type="radio"/> write-in:	<input type="radio"/> write-in:	
Legislative and State	Register of Deeds Vote for 1	
State Senator District _____ Vote for 1	<input type="radio"/> write-in:	
<input type="radio"/> Candidate	Surveyor Vote for 1	
<input type="radio"/> Candidate	<input type="radio"/> write-in:	
<input type="radio"/> write-in:	STOP End No Labels Wisconsin Party Primary	
Wisconsin Green Party Primary continues at top of next column.	Continue voting at top of next column.	



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

DATE: Prepared for the May 14, 2024 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Administrator

Prepared and Presented by:
WEC Staff

SUBJECT: HAVA Grant Funding Review

1. PURPOSE

The purpose of this agenda item is to obtain the Commission’s decision(s) regarding the acceptance and allocation of 2024 Help America Vote Act (“HAVA”) funds.

2. BACKGROUND

On April 16, 2024, the U.S. Elections Assistance Commission (“EAC”) sent an email to the Wisconsin Elections Commission (“WEC”) announcing Wisconsin’s HAVA grant award of \$1,000,000 with a 20% state match. This grant award is an extension of the HAVA grants previously awarded to the agency and the same terms apply. The intent and terms of the grant are to improve elections security in support of federal elections. The match means that over the next two years the state, and our municipalities and counties combined, would have to dedicate \$200,000 toward election security activities. Match funds are not required to be newly appropriated funds and may instead be existing budget efforts that are allocated to election security tasks.

The next step is to submit a Wis. Stat. § 16.54 request to the Wisconsin Department of Administration (DOA) asking for permission to accept the funds. Then, within 90 days of the packet being received from the EAC, each state is required to provide a two-to-three-page letter to the EAC that outlines, at a high level, how the state plans to use the new HAVA funds. The plan can be adapted and amended as necessary throughout the five-year term of the grant. The letter to the EAC was due on May 6, 2024, and WEC was granted an extension to June 1, 2024.

When federal funds are allocated to the WEC, staff perform a deliberate process to analyze potential uses for the money, based on the agency’s statutory responsibilities, federal requirements, and available resources. Staff first evaluate proposals that permit funds to be passed directly to

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Wisconsin counties and municipalities. This is consistent with the Commission’s past practice of distributing most federal funds directly to counties and municipalities. Since 2018, more than three-quarters of all federal dollars received by the WEC were allocated to local governments.

Figure 1. Federal Funds Recipients 2018-2023

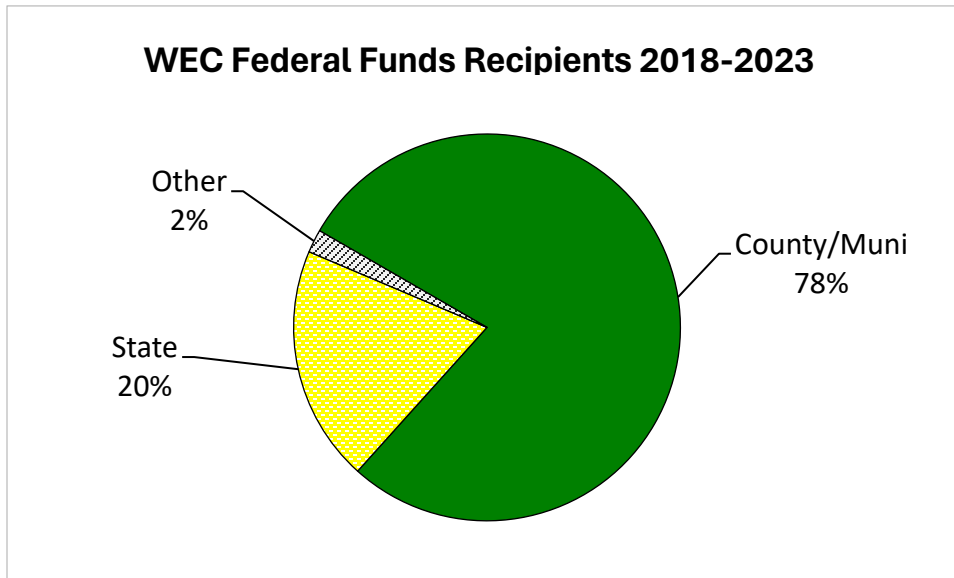


Figure 1 Definitions.

- County/Muni* – funds passed directly to counties, cities, villages, or towns through subgrants.
- State* – funds retained by the WEC for hardware, services, or temporary staffing.
- Other* – funds applied to unique statewide projects such as the deployment of multifactor authentication and endpoint monitoring.

Including CARES Act funds allocated to the Commission in 2020, the WEC has authorized more than \$13 million in subgrants to counties and municipalities in the last five years.

Figure 2. Subgrants Approved by the WEC 2018-2023

County & Municipal Subgrants Approved by the Wisconsin Elections Commission 2018-2023	Funds Authorized
2019 Election Security Subgrant for Municipalities	\$1,100,000.00
2020 CARES Subgrant for Counties	\$750,000.00
2020 CARES Subgrant for Municipalities	\$4,126,528.00
2020 HTTPS Election Security Subgrant for Counties	\$36,000.00
2020 Election Security Subgrant for Counties	\$3,875,658.00
2020 Election Security Subgrant for Municipalities	\$1,206,000.00
2022 Election Security Subgrant for Municipalities	\$1,000,000.00
2022-23 Election Security .gov Domain Subgrant	\$300,000.00
2023 Accessible Voting Equipment Subgrant for Municipalities	\$350,000.00
2023 Envelope Redesign Subgrant	\$600,000.00
TOTAL	\$ 13,344,186.00

Consistent with federal grant requirements, the Commission has also directed the majority of federal dollars to election security needs, as shown in Figure 3 below.

Figure 3. Federal Funds Allocations 2018-2023

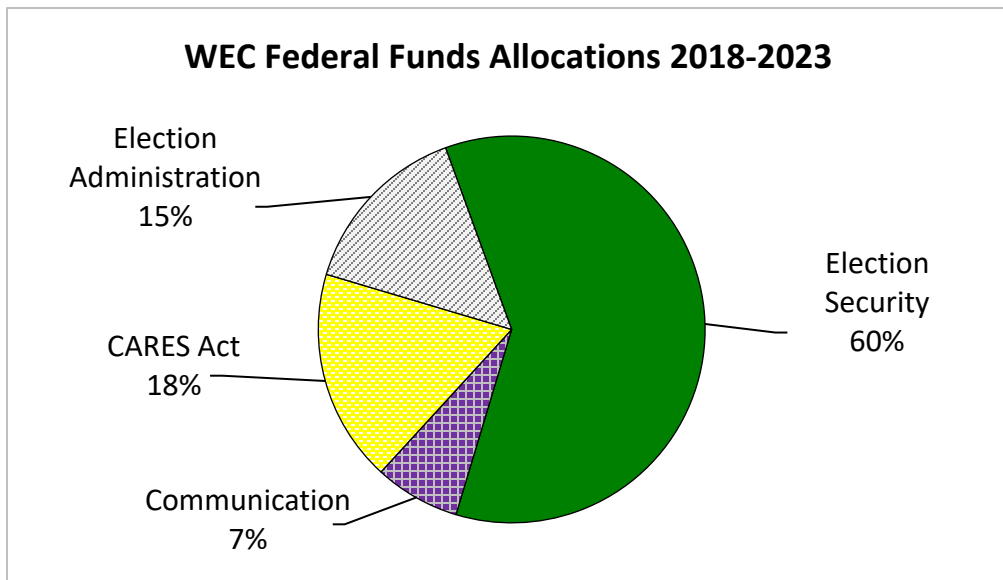


Figure 3 Definitions.

Election Security –election security hardware, software, or development.

CARES Act –projects as authorized through the CARES Act to include cleaning supplies, personal protective equipment, and supplies to support increased demand for absentee voting.

Election Administration –election administration processes including expanded post-election audit processes, intelligent mail bar code postage tracking, accessibility improvements, and WisVote development.

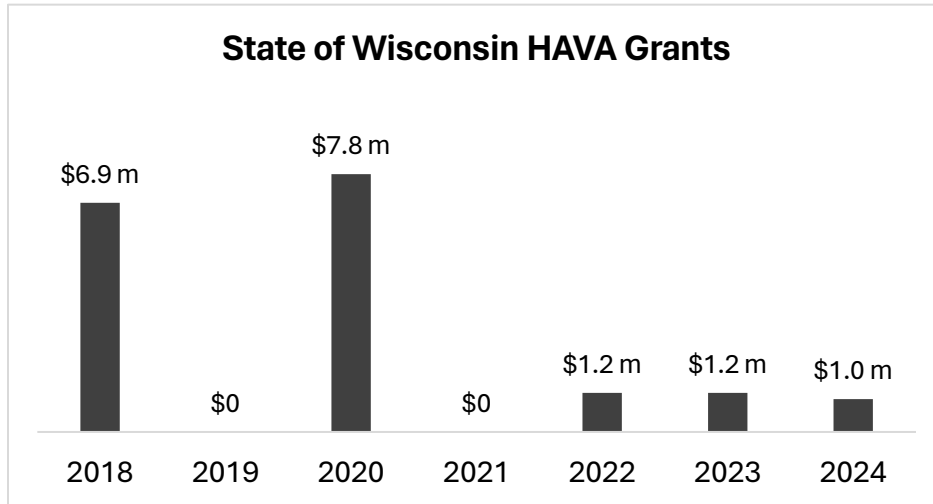
Communication –tools such as a clerk learning management system, website support and development, and professionally produced informational products.

In analyzing proposals for the use of 2024 funds, Commission staff applied five evaluation criteria to assess each idea. First, staff considered whether the proposed use of funds addressed a deficiency or otherwise urgent need in the election administration process. Proposals to remedy a shortcoming were favored. Second, staff assessed the local impact of proposals. Projects that positively impacted the largest number of jurisdictions, or the largest number of voters, were favored. Third, staff weighed the total cost of each proposal, recognizing that more costly options limit the ability of the Commission to adopt other ideas. Fourth, each proposal with an elections security component received modest favor. Finally, staff weighed whether any given proposal might otherwise reduce agency costs or improve staff efficiency.

HAVA grant award distributions to Wisconsin are inconsistent and entirely dependent upon the actions of the United States Congress. This year’s award is the smallest to-date, and thus somewhat limits options for use of the funds. For example, with a 2024 allocation of \$1 million, dividing funds amongst all Wisconsin counties and municipalities results in a per-jurisdiction share of barely \$500. Limiting a subgrant to municipalities, and weighting by population size, results in a median award of just \$164. This is an amount that might be individually appreciated but is unlikely to have any

lasting impact on Wisconsin elections. Thus, staff looked for options that might have more tangible and/or lasting benefits to a wide range of jurisdictions.

Figure 4. Wisconsin HAVA Grant Awards



3. PROPOSALS

WEC staff propose that the 2024 HAVA grant funds be allocated towards three project areas as follows.

Figure 5. Proposed Use of 2024 HAVA Funds

Proposed Program	Maximum Allocation
A. Subgrant Programs (.gov)	\$200,000
B. WisVote Clerk Training Environment	\$250,000
C. Badger Book Program Support	\$550,000
Total Grant Award	\$1,000,000

No single proposal directly benefits all jurisdictions, but each proposal provides a benefit to a substantial number of jurisdictions. Collectively, their impact is statewide, and would provide value to every single county and municipality in the state.

A. Subgrant Programs

Commission staff recommend allocating \$200,000 of 2024 HAVA grant funds towards renewal of the .gov subgrant program and acquisition of a software product to facilitate future subgrant management. As part of this request, staff ask for permission to incorporate residual funds from previous iterations of the .gov subgrant program total.

The .gov program dates to August 2021, when Commission staff began working with municipal and county partners to assist with the transition to more secure .gov email domains (*See August 25, 2021, clerk communication, Elections Security: Trusted Email Address Information*). The documentation outlined why a wi.gov or .gov email address is more trustworthy and secure for their locality as well as their constituents. The staff worked with the Wisconsin Department of Administration to create an interim process for local jurisdictions to establish the wi.gov domains. Additional documentation was provided outlining the steps needed to establish a federal .gov domain if that was preferred.

On January 11, 2022, the Commission authorized a \$600 per municipality subgrant to assist municipalities with the costs they were incurring transitioning to these .gov domains. Those costs included staff time, IT consultant fees and monthly email hosting. The approved subgrant allocation was \$300,000. The subgrant program included reimbursement of allowable costs incurred from August 24, 2021, to August 15, 2022, and the subgrant period closed on August 31, 2022.

On September 21, 2022, the Commission renewed the subgrant. The unspent funds from the first iteration were used for the extension. The subgrant program included reimbursement of allowable costs incurred from August 24, 2021, to January 31, 2024, and the subgrant period closed on January 31, 2024.

Figure 6. History of the .gov Domain Subgrant

.gov Domain Subgrant Statistics	
Total subgrant allocation 2021-2023	\$300,000
Total amount requested 2021-2023	\$201,994
Average request (396 total requests)	\$509
Unallocated funds (to be reallocated)	\$98,006

Between August 2021, and April 2023, WEC staff worked with almost 600 municipalities and counties, assisting them with setting up their wi.gov domain and/or processing their subgrant reimbursements. Many jurisdictions opted to work directly with CISA (the U.S. Cybersecurity and Infrastructure Security Agency) to establish .gov domains.

Because interest in the subgrant remains high, Commission staff propose reopening the subgrant period through calendar year 2025 and adding \$100,000 of 2024 HAVA funds to the remaining \$98,006 of unallocated funds. Thus, a total of \$198,006 would be made available for additional .gov subgrants.

Staff further request permission to modify grant terms to clarify that all costs associated with the transition to a .gov domain are eligible for reimbursement, to include the cost of maintaining the jurisdiction’s previous domain during transition. This is a common request and clarification by the Commission would eliminate any confusion.

Finally, Commission staff would like to pursue implementation of a subgrant tracking tool (*i.e.*, a grant management system) to simplify compliance for Wisconsin municipalities and allow more efficient and accurate tracking by Commission staff. As noted in Figure 2 above, the Commission has authorized more than \$13 million in subgrants over the past five years. These subgrant programs resulted in nearly 5,000 disbursements to nearly every county, city, village, and town in the State of Wisconsin. All these subgrants were processed manually by staff, using basic spreadsheets, email, and U.S. mail.

A subgrant tracking system could make the process simpler, less error-prone, and more seamless for the subgrantees. In addition, the review and approval, payment and federal reporting processes could be streamlined and standardized allowing staff to focus on other priorities. Thus, staff propose an allocation of not more than \$100,000 to procure and maintain a subgrant management system for at least the next three years.

In summary, funds allocated under this proposal are as follows:

Figure 7. Proposed Subgrant Programs Allocation

<u>Use</u>	<u>Amount</u>	<u>Source</u>
1) New .gov subgrant allocation	\$100,000	2024 HAVA Grant
2) Carryover .gov subgrant allocation	\$ 98,006	2021-2023 Unallocated Funds
-----	----	-----
3) Subgrant management system (multi-year subscription)	\$100,000	2024 HAVA Grant

If approved, Staff will establish the subgrant management system prior to reopening a new .gov subgrant window later in 2024.

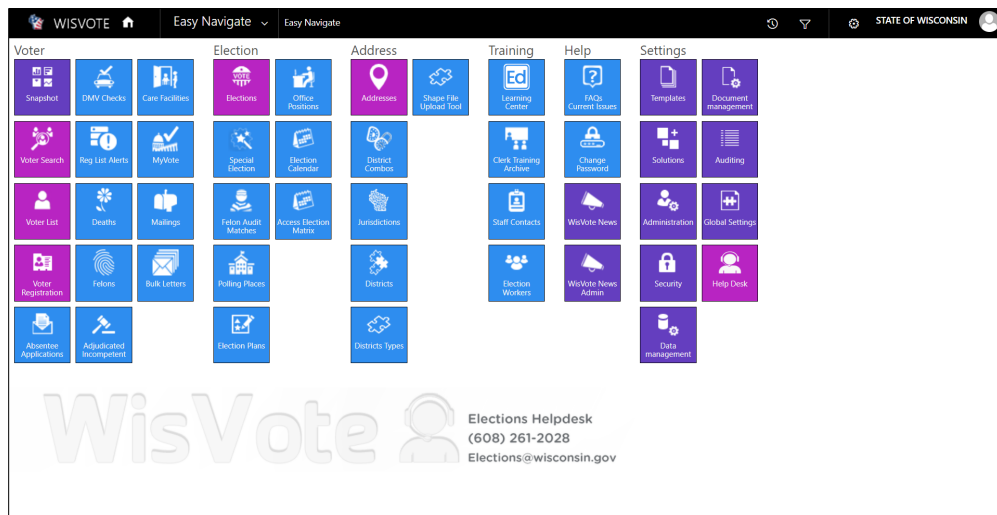
B. WisVote Clerk Training Environment

Commission staff recommend allocating \$250,000 of 2024 HAVA grant funds towards the creation and maintenance of a WisVote training environment for clerks and clerk staff over the next three (or more) years.

WisVote is Wisconsin’s voter registration and election administration system. Although it originated as only a registration database, the application’s capabilities have grown considerably over the years. The system today provides a variety of voter list maintenance functions, integration with the MyVote Wisconsin website, absentee ballot application tracking, polling place management tools, poll book generation, Badger Book integration, contest and candidate management, election day registration management, provisional ballot tracking, comprehensive election reconciliation, and a comprehensive GIS database. Put simply, WisVote is an enormously capable, but complex, system.

Municipal and County staff learn how to use WisVote through completion of a lengthy series of online training modules. The training modules possess some interactivity (in the form of quizzes) but are generally limited to simply showing the student how to navigate the system. They do not enable the student to **do** the tasks being taught. Upon completing training, new users must learn to navigate WisVote ‘on-the-job,’ by working with their jurisdiction’s real voter, ballot, candidate, and election records. This arrangement is not ideal, since new users are often afraid to make a mistake, and thus reluctant to explore the system without contacting WEC staff for additional training or input.

Figure 8. WisVote Easy Navigate home page



Many WisVote users have, therefore, asked the WEC to create a training version of WisVote. A training environment would match the appearance and functionality of the real thing, without carrying the risk that a user mistake could affect a real voter. There is precedent for this type of environment in many disciplines, and Commission staff already have experience developing and maintaining training and testing environments for internal development.

To create a training environment, Commission staff would build a separate system that would enable clerks to explore all WisVote functionality without interacting with real world data. The training environment would be distinguished from the ‘real’ WisVote in two ways:

- (1) the training environment would be moderately less capable of supporting high demand;
- (2) various highly recognizable visual cues to alert users they are in a training mode.

A WisVote training environment would not, in any way, directly interact with WisVote. Security measures would be at least equal to WisVote.

Because a training environment would use existing software, and require little new development, the only significant cost comes from the infrastructure required to support the system. All technical infrastructure necessary to maintain WisVote is hosted by the Department of Administration's Division of Enterprise Technology (DET), and the WEC pays monthly fees to DOA for these services. These costs are a significant fraction of the agency's total budget.

The infrastructure necessary to host a completely functional WisVote training environment, and support anticipated demand, costs an estimated \$5,608.08 per month, or \$67,296.96 per year. While DET fees may increase somewhat over time, it is equally possible that some efficiencies may be gained as the training environment matures. Thus, staff request the allocation of not more than \$250,000 to support the training environment for at least three, and possibly four, years of service.

If approved by the Commission, staff would likely not launch a WisVote training environment until after the 2024 General Election, due to workload considerations for both clerks and staff.

C. Badger Book Program Support

Commission staff recommend allocating \$550,000 of 2024 HAVA grant funds towards Badger Book program support functions. Since 2018, the Badger Book ePollbook program has grown more than ten-fold. Badger Books are now used by jurisdictions encompassing more than one million registered voters in the State of Wisconsin. Despite this tremendous growth – and continued high demand – only very limited funding has been allocated to the program. Consequently, the workload has significantly increased without a corresponding increase in program resources.

The disparity between program growth and available resources creates a noteworthy and negative impact on the agency's ability to support clerks and voters. On election day, nearly a third of the agency's staff is now devoted to supporting Badger Book requests for assistance. When a problem or opportunity for improvement is identified, the agency has no software developers devoted to Badger Book, and must redirect resources away from WisVote, MyVote, Canvass, and other agency systems. These challenges directly translate to slower customer service, reduced training, increased technical difficulties, and frustrated local officials.

This proposal, therefore, seeks to address two critical program needs: software development and clerk support.

Software development may be addressed through the addition of one programmer sourced through the state's IT development contract. The addition of just one engineer would represent a 25% increase in the agency's capabilities, and significantly improve the agency's ability to service all of the state's elections systems. Staff request an allocation of not more than \$225,000 to contract an additional software developer for a minimum of two years. Acquisition of additional development capability could begin almost immediately upon Commission funding approval.

Clerk support capabilities may be enhanced through the addition of project, limited-term, and contracted staff to provide both remote and regionally based training and technical support. The additional personnel would be dedicated to Badger Book support tasks and receive training to prepare them for this role. Regionally based trainers would increase training opportunities and speed up troubleshooting of technical problems, while additional remote personnel could handle common questions and free WEC staff for more complex matters. Staff request an allocation of not more than \$325,000 to acquire project, limited-term, and/or contracted clerk support personnel. Upon Commission funding approval, staff would begin development of this program for fielding in calendar year 2025.

D. Considered & Deferred

Commission staff considered, but deferred, more than a dozen other funding proposals for the 2024 HAVA grant. As discussed earlier in this memorandum, other subgrant opportunities were evaluated but rejected due to the size of this year's allocation. For example, clerks across the state are always seeking ways to fund new voting equipment, but the equipment is so costly that tens of millions of dollars would be necessary for any wide-reaching subgrant program. Likewise, computer equipment is continually in demand, but high costs prevent implementation of a statewide subgrant with the available funds.

Other proposals considered, but deferred, include:

- Regionally based technical support for Wisconsin municipalities that lack their own IT staff. This proposal addresses a consistent need but would be costly to implement.
- Modernizing the Access Elections web portal used by clerks to review accessibility audit reports and learn about accessible voting requirements. This project may be completed without the need for supplemental funds. It would also have only a limited impact on a handful of jurisdictions.
- Acquisition of additional accessibility hardware and supplies. Current demand for accessible voting equipment is met by available resources, however this remains an ongoing need to monitor in the future.
- Modernizing the Canvass Reporting System. This electronic system is aging but remains serviceable, so replacement is not urgent.
- Software tools to improve the tracking and processing of public records requests, formal complaints, and similar legal matters. This project is of modest cost relative to other needs and provides no direct benefit to local election officials.

These proposals were not rejected outright, and all will remain available for consideration if appropriate resources are available in the future. Staff ultimately assessed that just three proposals

represented the highest pay-off for funding in terms of need, local impact, costs, security, and efficiency. The three proposals are restated below in Figure 9.

Figure 9. Proposed Use of 2024 HAVA Funds

Proposed Program	Maximum Allocation
A. Subgrant Programs (.gov)	\$200,000
B. WisVote Clerk Training Environment	\$250,000
C. Badger Book Program Support	\$550,000
Total Grant Award	\$1,000,000

4. PROPOSED MOTIONS

Motion #1: The Commission directs WEC staff to submit a Wis. Stat. § 16.54 request to the Department of Administration requesting the acceptance of HAVA election security grant funds.

Motion #2: The Commission directs WEC staff to develop and implement the three proposed programs, as outlined above, to make use of the 2024 HAVA election security grant funds.

Motion #3: The Commission directs WEC staff to submit the 2024 HAVA Security Grant spending plan to the EAC outlining the concepts outlined above.

Motion #4: The Commission directs staff to reopen the Elections Security .gov Email Domain subgrant program, previously authorized on January 11, 2022, and to continue administration of the subgrant until December 1, 2025. This iteration of the subgrant will be funded with \$100,000 from 2024 HAVA grant funds plus the approximately \$98,000 of unallocated funds remaining from previous iterations of the subgrant program. Staff may modify grant terms to clarify that all costs associated with the transition to a .gov domain are eligible for reimbursement, to include the cost of maintaining the jurisdiction’s previous domain during transition. Staff are authorized to delay reopening of the subgrant window through the November 2024 General Election, but subgrant eligibility will remain retroactive to the original authorization date of January 11, 2022.



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

DATE: Prepared for the May 14, 2024, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Administrator

Prepared and Presented by:
WEC Staff

SUBJECT: UOCAVA Voting Report

1. PURPOSE

This informational report is intended to provide the Commission an overview of UOCAVA voting in Wisconsin, and to obtain the Commission’s guidance regarding the application of specific UOCAVA provisions in Wisconsin law.

2. BACKGROUND

The Uniformed and Overseas Citizens Absentee Voting Act is commonly referred to as UOCAVA. UOCAVA voters are U.S. citizens who are:

- Members of the Uniformed Services (Army, Navy, Marine Corps, Air Force, Coast Guard, United States Public Health Service Commissioned Corps, and National Oceanic and Atmospheric Administration Commissioned Corps) ¹
- Members of the Merchant Marines
- Eligible family members of the above
- U.S. citizens residing outside the U.S.

¹ This definition is derived from Wis. Stat. §6.22(1)(c), and by extension, the definition found in UOCAVA, neither of which have been updated yet to include the United States Space Force. That said, staff believe that UOCAVA must be applied to uniformed members of the United States Space Force as well. This contention is supported by more recently updated federal code definitions. For example, 5 U.S.C. § 2101 is the provision of United States Code that defines government organization and employees, specifically “civil service; armed forces; uniformed services.” This includes the United States Space Force in the definition of “armed forces.”

UOCAVA provides the federal legal basis for these citizens' absentee voting requirements for federal offices. In 2010, Congress amended UOCAVA with the Military and Overseas Voter Empowerment Act (MOVE), which imposed additional mandates on states. For example, the MOVE Act requires states to transmit absentee ballots to UOCAVA voters no later than 45 days before a federal election, when the request has been received by that date, except where the state has been granted a waiver by the U.S. Department of Defense (DoD).

The DoD's Federal Voting Assistance Program (FVAP) is charged with administering UOCAVA, and aids all Service members, their families, and overseas citizens to facilitate their ability to vote absentee from anywhere in the world. (www.fvap.gov) Wisconsin election officials work closely with DoD's FVAP to protect the rights of UOCAVA voters and safeguard their votes. Essential elements of this effort include:

- (1) All military and overseas voters may have their official ballot sent to them electronically, by e-mail or fax.
- (2) Military absentee electors do not have to register in order to vote in Wisconsin.
- (3) Overseas voters may register to vote and request an absentee ballot using the same Federal Post Card Application (FPCA) form.
- (4) All military and overseas voters who have requested to vote absentee may submit a special federal write-in absentee ballot (FWAB).
- (5) Local election officials track the status of all absentee ballots for military and overseas voters.
- (6) The Wisconsin Elections Commission has a special page on its website dedicated to providing information for military and overseas voters:
<https://elections.wi.gov/voters/military-and-overseas-voters>.
- (7) The Commission regularly updates local election officials on their responsibility to military and overseas voters. The Commission also regularly monitors local compliance.

The municipal clerk is the primary point of contact for military and overseas voters to enable them to fully participate in Wisconsin elections. The municipal clerk keeps a current list of all military and overseas voters. In cooperation with county clerks, municipal clerks also track the status of all absentee ballots for military and overseas voters using the statewide voter registration system.

3. PROGRAM OVERVIEW

A. MyVote Wisconsin Website Update

The MyVote Military and Overseas Voters information page has been redesigned to provide clearer information specific to each of the UOCAVA voter types. Commission staff and local officials receive many questions about UOCAVA voting, and voters are sometimes confused about the

different requirements for military, permanently overseas, and temporary overseas voting. Voters who fail to understand the provisions of UOCAVA might submit invalid absentee applications or otherwise make mistakes that hinder their ability to participate in an election.

To address the risk of voter confusion, the MyVote website was updated with a simple chart to clearly explain the differences between UOCAVA voter types, as shown in Figure 1 below. Each voter type (column header) is linked, so that a user may click on a type and learn more about the specific definitions, rights, and limitations applicable to each group. This new design enables users to see at a glance the differences between each voter type.

There are also additional features being developed to provide additional opportunities for clerks to review and verify military and overseas voter’s registration and absentee ballot applications.

Figure 1. MyVote Military & Overseas Voters Chart

Military and Permanent Overseas voters have special rules and additional options for voting. If you are a military or overseas voter, you are eligible to receive your absentee ballot electronically, including online through this website. Please select an option below.

	Active Duty Military	Permanently Overseas	Temporary Overseas
Can receive ballot by email/fax	✓	✓	✓
Eligible to download ballot through MyVote	✓	✓	
Requires voter registration before requesting ballot		✓	✓
Photo ID required to receive absentee ballot			✓
Voting eligibility	All contests	Federal contests only	All contests
Can use Federal Write-in Absentee Ballot (FWAB)	✓	✓	✓

<https://myvote.wi.gov/en-us/Military-Overseas-Voters>

B. Military List Maintenance

To ensure the accuracy of military voter records in Wisconsin, Commission staff and local election officials work together to update voter records as needed. Wis. Stat. § 6.22(6) requires each municipal clerk to maintain a list of all eligible military electors who reside in their municipality. The Wisconsin Elections Commission provides municipalities the means to identify military voters in WisVote and thus track military voters in their jurisdiction.

To further assist municipalities maintaining their military lists, Commission staff identify voters over the age of 62 who are still listed as military electors. Age 62 is the mandatory retirement age for most military personnel, as established by 10 U.S.C. § 1251 and individual service policies. Exceptions are permitted for flag officers (Generals and Admirals) and select occupations (such as permanent professors at the service academies). Although the total number of records is exceedingly small (most jurisdictions have none) a handful of new voters will appear each year as people over age 62.

The identified records are reported to municipal clerks, who then may take further steps to assess the accuracy of the voter's military status and, if necessary, update their records accordingly. This process does not affect an individual's eligibility to vote, and simply enables municipalities to maintain accurate lists under Wis. Stat. § 6.22(6). The process would also allow clerks to utilize a template letter created by the WEC which they can provide to voters who have designated themselves as military, to remind the voter of the statutory definition of military voter and to ensure that they qualify for the designation. The letter is very similar to a template letter clerks use to verify that voters qualify for indefinitely confined status. Finally, the process is consistent with Wis. Stat. § 6.22(4)(f), which requires municipal clerks to act when they receive reliable information that a voter is no longer a military elector.

C. UOCAVA Guidance for Clerks and Voters.

Commission staff regularly work with clerks and voters to ensure that information about voting processes is accurate and easy to understand. While state and federal laws regarding UOCAVA voting have not changed recently, both clerks and staff have sought clarification regarding guidance for voters and poll workers.

(1) Applicability of the Voter Registration Exemption for Military Voters

At the December 19, 2023, meeting, Commission staff outlined five general categories of proposed revisions to the Election Administration and Election Day manuals ahead of the start of the 2024 election cycle. The Commission addressed four of the categories during public meetings on December 19, 2023, January 24, 2024, and February 8, 2024. New editions of the manuals were approved and published with categories one through four implemented.

The fifth category essentially relates to a topic that the Commission did not consider during previous rounds of manual revisions: Whether military voters must vote absentee in order to be properly exempt from voter registration and proof of residence requirements.

Multiple statutory provisions support the conclusion that military electors can only be absentee voters. Military electors have their own specific section in Chapter 6, which is titled "Absentee voting for military electors." Wis. Stat. § 6.22. In the sub-section titled "Voting Procedure," the statute confirms that the ballots of military electors "...shall be marked and returned, deposited and recorded in the same manner as other absentee ballots." Wis. Stat. § 6.22(5).

Similarly, military voters "...may file an application for an absentee ballot..." Wis. Stat. § 6.22(2)(e). Within the proof of residence provision, military elector is more specifically defined, in part, as "a member of a uniformed service on active duty who, by reason of that duty, is absent from the residence where the member is otherwise qualified to vote..." Wis. Stat. § 6.34(1). In summary, no provision of Wisconsin law appears to contemplate a scenario whereby a military elector is not an absentee elector.

Clarifying that military electors must always be absentee electors is important to eliminate confusion at the polls on Election Day if military voters claim to be exempt from the voter registration and proof of residence requirements of same-day registration by virtue of their status as military service members. Simply put, if an elector registers to vote in-person on Election Day at their polling place, they do not meet the definition of a military elector because they are not voting via absentee ballot. While they may meet the service definition of a military elector in § 6.22(1), Wisconsin law is clear that military voters must vote absentee in order to be exempt from voter registration and proof of residence requirements.

4. PROPOSED MOTION

Motion #1: The Commission directs WEC staff to bring changes to WEC manuals and any draft guidance, consistent with the recommendation in section C.(1) of this memo, for the Commission's consideration and approval, at the June 27, 2024 meeting.



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

DATE: For the May 14, 2024, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Brandon Hunzicker, Staff Attorney

SUBJECT: EL 12 (Municipal Clerk Training) Rule Order, Economic Impact Analysis, and Draft Public Hearing Notice

Introduction:

This memo, concerning the Commission’s administrative rule updating Wis. Admin. Code EL 12 on Clerk Training, is in many ways identical to the election observer memo presented on March 20. The EL 12 rule is now in the same phase of promulgation that the observer rule was in last month, and this memo presents versions of the same documents presented at that meeting, and for the same reasons. Unlike the observer rule, the Commission’s scope statement for its EL 12 rule is set to expire on August 7, 2024, leaving only a small amount of time to carry out the remaining steps.

On April 19, staff published a draft of the EL 12 Clerk Training Rule Order and Economic Impact Analysis (EIA) and Fiscal Estimate as a clerk communication containing links to the documents on the Commission website and a description of how comments on the EIA could be submitted. A reminder about the EIA comment period was also included in the Commission’s newsletter. On Monday, April 22, a notice of a comment period on the EIA was published in the administrative register, which also contained links for the public to submit economic comments. Individuals were given until May 8 to provide any comments on the EIA. As of the date this memo was completed, May 6, the Commission had not received any comments. If any comments are received on May 7 or 8, they will be provided to the Commission as an appendix to this memo.

Staff now ask the Commission to consider the draft Rule Order, and draft EIA and Fiscal Estimate for submission to the Rules Clearinghouse. Staff also ask the Commission to consider a draft notice of submission to the Rules Clearinghouse and a draft notice of a public hearing and comment period. The Commission should consider whether it wishes to make any final changes to the Rule Order or the EIA.

Following this memo, in corresponding order, are attachments consisting of the Draft Rule Order, EIA and Fiscal Estimate, draft notice of submission to the Rules Clearinghouse, and draft notice of hearing and comment period.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Discussion:

1. Draft Rule Order and Economic Impact Analysis

In addition to the submission to the Legislative Council's Rules Clearinghouse, described in section 2 below, the EIA must also be submitted to the Department of Administration, the governor, and to the chief clerks of each house of the legislature. Wis. Stat. § 227.137(4). Before the Commission can submit the draft Rule Order and the EIA to the Rules Clearinghouse, it must finalize both documents.

Staff have only a few minor redlined changes in the attached draft Rule Order (the Final Rule Order would be submitted to the Governor after the Commission makes any changes following Rules Clearinghouse review and public comments). Staff corrected the Commission's approval of the scope statement to show April 20, 2022, instead of December 1, 2022. Staff also added the proposed public hearing date of June 12, 2024 in section 13 of the draft rule order. Additionally, the Commission has the ability to make changes to the staff analysis on the first four pages of the Rule Order. The Commission has the ability to make changes to the draft rule text if any economic impact comments were received on the final day.

Staff must make a small adjustment to the EIA following the comment period. Staff updated section 2 of the Draft EIA to provide the date of May 14, 2024, and removed the word draft from the PDF, as this will be the final EIA, unless the Commission changes the rule to the extent a new EIA would be needed.

2. Submission to Legislative Council's Rules Clearinghouse and Public Hearing Notice

The Commission must submit the rule order and the economic impact analysis to the Legislative Council. Wis. Stat. § 227.15(1). It:

may not hold a public hearing . . . until after it has received a written report of the legislative council staff review of the proposed rule or until after the initial review period of 20 working days under sub. (2) (intro.), whichever comes first.

Id. The Commission must also prepare a notice under Wis. Stat. § 227.14(4m) concerning the submission of the proposed rule to the Legislative Council staff.¹ A draft notice in compliance with this statute is attached to this memo.

Along with the notice of submission to Legislative Council's Rules Clearinghouse, the Commission must submit a notice of public hearing and comment period under Wis. Stats. §§ 227.16 and 227.17. None of the exceptions within Wis. Stat. § 227.16(2) apply, and the Commission would be required to hold a public hearing on the EL 12 update. The notice for the hearing must be approved by the Commission, and the Commission must publish the notice in the Administrative Register, send it to the secretary of administration, and provide whatever notice it believes is necessary to interested persons. Wis. Stat. § 227.17(1) & (2m). Commission staff recommend publishing the notice on the Commission's

¹ The notice must state: "the date on which the proposed rule has been submitted to the legislative council staff for review, of the subject matter of the proposed rule, and of whether a public hearing on the proposed rule is required under s. 227.16, and shall identify the organizational unit within the agency that is primarily responsible for the promulgation of the rule. The notice shall also include a statement containing the identifying number of the statement of scope for the proposed rule assigned under s. 227.135 (3), the date of publication and issue number of the register in which the statement of scope is published, and the date of approval of the statement of scope by the individual or body with policy-making powers over the subject matter of the proposed rule under s. 227.135 (2). The notice shall be approved by the individual or body with policy-making powers over the subject matter of the proposed rule. The agency shall send an electronic copy of the notice to the legislative reference bureau, in a format approved by the legislative reference bureau, for publication in the register. On the same day that the agency sends the notice to the legislative reference bureau, the agency shall send a copy of the notice to the secretary of administration. Wis. Stat. § 227.14(4m).

website under the rules section and within the calendar, as well as publishing a clerk communication with a link to the notice.

Though the Commission cannot hold the hearing prior to receipt of comments from Legislative Council or the expiration of 20 business days, it “may give notice of a public hearing prior to receipt of the legislative council staff report.” Therefore, the Commission could approve a notice for a public hearing and comment period as required by Wis. Stats. §§ 227.16 and 227.17 to take place 21 working days after staff submit the rule order and economic impact analysis to the Legislative Council.

If the Commission approves the draft notice of submission to the Rules Clearinghouse for May 15, then it could also approve a notice for a public hearing and comment period with a hearing date no earlier than June 4. This timeline would simultaneously comply with the requirement to publish the notice at least 10 days prior to the hearing. Wis. Stat. § 227.17(2). A draft notice in compliance with Wis. Stat. § 227.17(3), containing also all documents that would be submitted to the Rules Clearinghouse, is attached to this memo. To avoid overlap with the ballot access period, staff recommend holding the hearing virtually via Zoom at 1 p.m. on Wednesday, June 12.

Recommended Motion: Staff shall update the draft Rule Order and finalize the EIA as directed by the Commission during this meeting. Staff shall finalize the draft notice for the hearing and comment period and the draft notice of submission to the rules clearinghouse as directed by the Commission during this meeting, and take all necessary steps to publish those notices in the administrative register and as needed to provide the public with notice of the hearing as directed during this meeting. Staff shall send the notice of hearing to the secretary of administration. Staff shall submit the EIA to the Department of Administration, the governor, and to the chief clerks of each house of the legislature. Staff shall submit the Draft Rule Order and EIA and Fiscal Estimate to the Legislative Council’s Rules Clearinghouse.

The statement of scope for this rule, SS 008-22, was approved by the Governor on February 3, 2022, published in Register No. 795A2 on March 14, 2022, and approved by the Wisconsin Elections Commission on April 20, 2022.

DRAFT ORDER OF THE STATE OF WISCONSIN ELECTIONS COMMISSION AMENDING RULES

The Wisconsin Elections Commission adopts an order to **amend** EL 12.01 (2), 12.01 (5), 12.02 (7).

Analysis Prepared by the Wisconsin Elections Commission

1. Statutes Interpreted: Sections 6.36, 7.15(1m), and 7.315(2), Stats.

2. Statutory Authority: Sections 5.05(1)(f), 7.315(2), and 227.11(2)(a), Stats.

3. Explanation of Agency Authority:

Section 5.05(1)(f), Stats., established the statutory authority and framework for regulation and administration of elections by the Commission. It states that:

The elections commission shall have the responsibility for the administration of chs. 5 to 10 and 12 and other laws relating to elections and election campaigns, other than laws relating to campaign financing. Pursuant to such responsibility, the commission may: . . . (f) Promulgate rules under ch. 227 applicable to all jurisdictions for the purpose of interpreting or implementing the laws regulating the conduct of elections or election campaigns, other than laws regulating campaign financing, or ensuring their proper administration.

Section 7.315(2) requires the Commission to:

by rule, prescribe requirements for, and the content of, training required of municipal clerks under s. 7.15 (1m). The commission may provide such training directly or arrange for such training to be provided by other organizations. The rules shall provide a method for notifying the relevant municipal governing body if a municipal clerk fails to attend required training.

Section 227.11(2)(a), Stats., authorizes an agency to promulgate rules interpreting the statutes administered by the agency, it states that:

[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.

4. Related Statutes or Rules:

Chapter EL 12, Wis. Adm. Code, establishes standards and procedures for the certification and training of municipal clerks. Section 6.36, Stats., requires the Commission to “compile and maintain electronically an official registration list” and Wisconsin election officials use this list to administer elections. The Commission has named this list WisVote, but the name could be changed in the future. Section 7.15(1m) established that clerk training periods “begin[] on January 1 of each even-numbered year and end[] on December 31 of the following year.”

5. Plain Language Analysis:

The Commission seeks to revise Ch. EL 12, Wis. Adm. Code, to:

- Correct the definition of election cycle.
- Clarify the name of the statewide voter registration system.
- Establish how municipality governing bodies are contacted by commission staff to notify them if municipal clerks have not met required training standards.

6. Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations:

The Help America Vote Act of 2002 allocated federal funds to states where that state’s chief executive and chief election official provided verification that the funds would be used to modernize election operations in predefined ways, and those requirements included the training of election officials, poll workers, and election volunteers (see § 101(b)(1)(D)).

7. If Held, Summary of Comments Received During Preliminary Comment Period and at Public Hearing on the Statement of Scope:

The commission held a virtual preliminary public hearing on the statement of scope on March 23, 2022. Thirteen members of the public attended the preliminary public hearing. No attendees provided testimony at the hearing. Comments were accepted through March 23, 2022. No written comments were received.

8. Comparison with Similar Rules in Adjacent States:

Illinois: The election cycle is defined as January 1 after a general election to the day of the next general primary or the day after a general primary to December 31 after the general election. The general election is the first Tuesday after the first Monday of November in even years. Illinois gives rules for a particular statewide voter registration system but does not specifically define or name their statewide voter registration system. County clerks are required to have a training course for election judges in Illinois, upon completion a certificate is granted. One judge from each major political party in each precinct must be certified, if this is not the case all judges in the precinct must be notified of this and the uncertified judges must undergo the training to be appointed. If they do not undergo the training, they are subject to removal from their position.

Michigan: The election cycle is the first day after the last general election to the next general election. The general election is the first Tuesday after the first Monday in November in an even numbered year, odd year general elections are held on the same day in odd years. Michigan defines their statewide voter

registration system as the “uniform voting system.” The director of elections must conduct election training schools for clerks in each county, if a clerk fails to have these school in their county the director of elections must conduct them in that county.

Minnesota: The election cycle is January 1 following a general election to December 31 of the next year. The general election is the first Tuesday after the first Monday in November in even years in some counties and in odd years in other counties. Minnesota defines their statewide voter registrations system as, “statewide registration system.” A municipal clerk must successfully complete election administration training during each election cycle, the clerk must provide proof to the county auditor of completion of this training in order to be certified.

Iowa: The general election is the first Tuesday after the first Monday in November of even years. Iowa law mentions a statewide voter registration system but does not give a specific name or definition to it. Commissioners are required to provide training courses for all election personnel and at least two personnel members must attend. Within 20 days following the general election the commissioner must file a document certifying that the training requirements were met.

9. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:

In October 2021, the Legislative Audit Bureau (LAB) published a report, 21–19, based on its evaluation of election administration containing recommendations for the Commission to consider during rule promulgation. On pages 9 and 10, the LAB recommended updating Wis. Admin Code Ch. EL 12 to reflect statutory changes made to municipal clerk training terms, to update the administrative rule to include the name of the statewide voter registration system, “WisVote,” and to specify how municipalities will be notified when clerk training requirements are not met. These proposed amendments are meant to conform with the recommendations from the LAB.

10. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report:

Naming the statewide voter registration system and redefining the election cycle will have no economic impact nor an effect on small business. The proposed rule amendment to provide notice of training deficiencies will have no impact on small business and a negligible economic impact as it would simply require municipalities to provide official mailing addresses to the Commission and read notices of training deficiencies.

11. Effect on Small Business (initial regulatory flexibility analysis):

The effect of the proposed rule amendments, and subsequent processes, will have no impact on small businesses. The administrative rule amendments pertaining to training cycles will simply bring the code into compliance with the training cycles that have already been implemented, thus having no impact upon clerks and elections inspectors, as well as local businesses or secondary parties. There are no increased commitments in time or training. The proposed rule amendment pertaining to the definition of the Statewide Voter Registration System will also serve to make existing code clearer, thus reducing the risk that any party trying to interpret the provision will find it difficult and/or contact Commission staff seeking clarification. The remaining changes will be implemented to ensure clerks are up to date in their training responsibilities.

12. Agency Contact Person:

Brandon Hunzicker
Wisconsin Elections Commission
201 West Washington Avenue
Madison, WI 53703
608-267-0714
brandon.hunzicker@wisconsin.gov

13. Place where comments are to be submitted and deadline for submission:

Written comments may be emailed to brandon.hunzicker@wisconsin.gov. While email is preferred, comments can also be mailed to P.O. Box 7984, Madison, WI 53703-7984. The deadline to submit comments concerning the Economic Impact Statement was May 8. The notice of a public hearing provides a deadline of June 12, 2024, to submit comments concerning the rule text.

RULE TEXT

SECTION 1. EL 12.02 is amended to read:

EL 12.01(2) “Election cycle” begins on January 1 of an ~~odd-numbered~~ even-numbered year and continues through December 31 of the following ~~even-numbered~~ odd-numbered year.

SECTION 2. EL 12.01(5) is amended to read:

EL 12.01(5) “Statewide Voter Registration System” is the election administration software application provided by the commission to enable local election officials to register voters, track absentee voting, and administer elections. Since 2016, the statewide voter registration system has been called “WisVote,” and the name may change in the future.

SECTION 3. EL 12.02(7) is amended to read:

EL 12.02(7) The governing body of any municipality whose municipal clerk fails to meet the training standards set out in this chapter shall be notified of that fact by the commission. The commission shall request the official municipal mailing addresses to which notices of training deficiencies will be sent and notify the top elected official in a particular municipality by first class mail within thirty days of the election cycle’s end. Municipalities shall provide the requested information to the Commission within 7 days of the request.

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected</p>	<p>2. Date May 14, 2024</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Wis. Admin. Code ch. EL 12, Certification and Training of Municipal Clerks</p>	
<p>4. Subject Certification and Training of Municipal Clerks</p>	
<p>5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S</p>	<p>6. Chapter 20, Stats. Appropriations Affected Wis. Stat. 20.510 Elections Commission</p>
<p>7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget</p>	
<p>8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input checked="" type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)</p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0</p>	
<p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>11. Policy Problem Addressed by the Rule In October 2021, the Legislative Audit Bureau (LAB) published a report, 21-19, based on its evaluation of election administration containing recommendations for the Commission to consider. On pages 9 and 10, the LAB recommended updating Wis. Admin Code Ch. EL 12 to reflect statutory changes made to municipal clerk training terms, to update the administrative rule to include the name of the statewide voter registration system, "WisVote," and to specify how municipalities will be notified when clerk training requirements are not met. These proposed rule amendments are meant to conform with the recommendations from the LAB and update EL 12 to show current statutory and terminological information.</p>	
<p>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. All Wisconsin municipal clerks were contacted via a clerk communication on the Commission's website and newsletter to solicit comments on the proposed rule.</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. N/A</p>	
<p>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) The effect of the proposed rule amendments, and subsequent processes, will have no impact on small businesses. The administrative rule amendments pertaining to training cycles will simply bring the code into compliance with the training cycles that have already been implemented, thus having no impact upon clerks and elections inspectors, as well as local businesses or secondary parties. There are no increased commitments in time or training. The proposed rule amendment pertaining to the definition of the Statewide Voter Registration System will also serve to make existing code clearer, thus reducing the risk that any party trying to interpret the provision will find it difficult and/or contact Commission staff seeking clarification. The remaining changes will be implemented to ensure clerks are up to date in their training responsibilities.</p>	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefits of implementing the proposed rule amendments are conformity with LAB recommendations and statutory changes made to municipal clerk training terms, public clarity as to the name of the statewide voter registration system, and improved communication regarding the training of municipal clerks. The alternative to implementing the proposed rule amendments would be maintaining the status quo in which EL 12 does not reflect the correct election cycle date, the name of the statewide voter registration system is not defined and there is no communication process for when municipal clerks fail to meet training standards.

16. Long Range Implications of Implementing the Rule

The election cycle and the name of the statewide voter registration system would be as amended as such until a new change to either was presented by the WEC. Municipalities would need to provide email addresses and receive communications from the WEC regarding municipal clerks failing to meet training standards. This would be a permanent change though relatively burdenless on municipalities.

17. Compare With Approaches Being Used by Federal Government

In the United States the election cycle is the day after the last general election to the day of the next general election. The general election is the first Tuesday after the first Monday in November of even years. The election cycle in Wisconsin is from January 1 of even years to December 31 of the following odd year. The other two proposed rule amendments have no comparison to any federal process.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: The election cycle is defined as January 1 after a general election to the day of the next general primary or the day after a general primary to December 31 after the general election. The general election is the first Tuesday after the first Monday of November in even years. Illinois gives rules for a particular statewide voter registration system but does not specifically define or name their statewide voter registration system. County clerks are required to have a training course for election judges in Illinois, upon completion a certificate is granted. One judge from each major political party in each precinct must be certified, if this is not the case all judges in the precinct must be notified of this and the uncertified judges must undergo the training to be appointed. If they do not undergo training, they are subject to removal from their position.

Michigan: The election cycle is the first day after the last general election to the next general election. The general election is the first Tuesday after the first Monday in November in an even numbered year, odd year general elections are held on the same day in odd years. Michigan defines their statewide voter registration system as the “uniform voting system.” The director of elections must conduct election training schools for clerks in each county, if a clerk fails to have these school in their county the director of elections must conduct them in that county.

Minnesota: The election cycle is January 1 following a general election to December 31 of the next year. The general election is the first Tuesday after the first Monday in November in even years in some counties and in odd years in other counties. Minnesota defines their statewide voter registrations system as, “statewide registration system.” A municipal clerk must successfully complete election administration training during each election cycle, the clerk must provide proof to the county auditor of completion of this training in order to be certified.

Iowa: The general election is the first Tuesday after the first Monday in November of even years. Iowa law mentions a statewide voter registration system but does not give a specific name or definition to it. Commissioners are required to provide training courses for all election personnel and at least two personnel members must attend. Within 20 days following the general election the commissioner must file a document certifying that the training requirements were met.

19. Contact Name

Brandon Hunzicker, Staff Attorney

20. Contact Phone Number

(608) 267-0714

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

There will be no economic or fiscal impact on small businesses from the implementation of this proposed rule.

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

N/A

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

N/A

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

N/A

5. Describe the Rule's Enforcement Provisions

N/A

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
-

Notice of Submittal of Proposed Rule to Legislative Council Rules Clearinghouse

On May 15, 2024, the Wisconsin Elections Commission submitted a proposed rule to the Wisconsin Legislative Council Clearinghouse pursuant to s. 227.15 (1), Wis. Stats.

Analysis

The proposed rule would amend Wis. Admin Code Chapter EL 12, relating to the certification and training of municipal clerks.

Statement of Scope

The scope statement for this rule, SS 008–22, was approved by the Governor on February 3, 2022, published in Register No. 794A1, on February 7, 2022, and approved by The Wisconsin Elections Commission by a unanimous vote on April 20, 2022.

Agency Procedure for Promulgation

A public hearing is required and will be held on June 12, 2024, at 1 p.m. on Zoom. Materials related to the proposed rule and the public hearing notice can be found on the Commission’s website at this link: <https://elections.wi.gov/draft-amendments-rule-chapter-el-12-training-certification-municipal-clerks>.

Agency Organizational Unit Primarily Responsible for Promulgating Rule

Wisconsin Elections Commission

Agency Contact Person

Brandon Hunzicker – Staff Attorney
brandon.hunzicker@wisconsin.gov
P.O. Box 7984, Madison, WI 53703-7984
608-267-0714

Notice of Hearing

The Wisconsin Elections Commission announces that Commission staff will hold a public hearing on a permanent rule to amend Wis. Admin Code Chapter EL 12 relating to the certification and training of municipal clerks at the time and place shown below.

Hearing Information

Date: Wednesday, June 12, 2024

Time: 1:00 p.m.

Location: *See below for virtual attendance options*

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/81634340259?pwd=jho0dTuWOSiYfmfsGrGcqXFqQmfQdg.3r8AGSycbNN8aQJd>

Passcode: 681764

Or One tap mobile: +13126266799,,81634340259# US (Chicago);
+16465588656,,81634340259# US (New York)

Or Telephone:

Dial(for higher quality, dial a number based on your current location): +1 312 626 6799 US (Chicago); +1 646 558 8656 US (New York); +1 646 931 3860 US; +1 301 715 8592 US (Washington DC); +1 305 224 1968 US; +1 309 205 3325 US; +1 253 215 8782 US (Tacoma); +1 346 248 7799 US (Houston); +1 360 209 5623 US; +1 386 347 5053 US; +1 507 473 4847 US; +1 564 217 2000 US; +1 669 444 9171 US; +1 689 278 1000 US; +1 719 359 4580 US; +1 720 707 2699 US (Denver); +1 253 205 0468 US.

Webinar ID: 816 3434 0259

International numbers available: <https://us06web.zoom.us/j/81634340259?pwd=jho0dTuWOSiYfmfsGrGcqXFqQmfQdg.3r8AGSycbNN8aQJd>

Accessibility

This meeting will include the option for captioning. Additional accessibility considerations may be available and can be requested by contacting elections@wisconsin.gov.

Appearances at the Hearing and Submittal of Written Comments

Anyone may attend the hearing and provide a perspective on the proposed rule. Oral comments will be limited to a 4 minute presentation per person.

The proposed rule may be reviewed at https://docs.legis.wisconsin.gov/code/scope_statements/all/008_22 and <https://elections.wi.gov/draft-amendments-rule-chapter-el-12-training-certification-municipal-clerks>. Please send written comments to brandon.hunzicker@wisconsin.gov no later than 4:30 p.m. Wednesday, June 12. Comments may also be submitted at <https://docs.legis.wisconsin.gov/code/chr/comment>, or mailed to:

Brandon Hunzicker
P.O. Box 7984
Madison, WI 53707-7984

Initial Regulatory Flexibility Analysis

The proposed rule will not have an effect on small businesses, as defined under s. 227.114 (1).

Notice of Possible Quorum

Wisconsin Elections Commission

Public Hearing Seeking Comment on Administrative Rule Scope Statement
Wednesday, June 12, 2024
1:00 p.m.

A quorum of the members of the Wisconsin Elections Commission may be present at the agency's public hearing seeking comment relating to a proposed rule concerning the certification and training of municipal clerks.

Notice is hereby given that the above gathering may constitute a meeting of the Wisconsin Elections Commission. However, no items are on an agenda for Commission consideration, nor will action be taken by the Commission.

Approved: May 14, 2024

/s/ _____
Carrie Riepl, Commission Secretary



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

DATE: For the May 14, 2024, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Prepared and Presented by:
Angela O'Brien Sharpe
Staff Attorney

SUBJECT: Second Drafts of Rulemaking:
Nomination Paper Challenge Procedure; SS 091-23, SS 092-23
Declaration of Candidacy Challenge Procedure: SS 089-23, SS 090-23

APPENDICES: **Appendix A:**
Revised EL § 2.05 – Treatment and Sufficiency of Nomination Papers
Revised EL § 2.07 – Challenges to Nomination Papers
Current, Original EL §§ 2.05, 2.07 (For Reference)

Appendix B:
New Provisions EL § 2.06 – Treatment and Sufficiency of Declarations of Candidacy
New Provisions EL § 2.08 – Challenges to Declarations of Candidacy

Introduction

On Dec. 19, 2023, the Commission approved scope statements SS 091-23 and SS 92-23 relating to the proposed emergency and permanent rulemaking for revising procedure for challenges to nomination papers, pursuant to Wis. Stats. §§ 227.135(2), 227.24(1)(e)1d. The Commission also approved scope statements SS 089-23 and SS 090-23 relating to the proposed emergency and permanent rulemaking for promulgating procedure for challenges to declarations of candidacy, pursuant to Wis Stats. §§ 227.135(2), 227.24(1)(e)1d.

On February 8, 2023, the Commission reviewed the first drafts of these administrative rules and provided feedback to staff. Subsequent to that public meeting, Chair Millis and Commissioner Jacobs each individually proposed additional edits and revisions to the rule text of 2.05 and 2.07 with the consultation of Commission legal counsel. Chair Millis and Commissioner Jacobs agreed with most of the text of the second draft of this proposed rulemaking. However, there are a few discussion points and decisions for the Commission to make as it considers the second draft of these rules.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Nomination Paper Challenge Rule Revisions – Appendix A

The nomination paper challenge procedure rule amends and revises the procedures currently promulgated within EL §§ 2.05 and 2.07 within the scope of SS 091-23 and SS 092-23.

Appendix A consists of the following materials:

- Revised EL § 2.05 – Treatment and Sufficiency of Nomination Papers
- Revised EL § 2.07 – Challenges to Nomination Papers
- Current, Original EL §§ 2.05, 207 (For Reference)

Explanation of Materials

The text of the rule drafts for revised EL §§ 2.05 and 2.07 can be interpreted according to the following:

- Text in **yellow highlight** indicates text for discussion by the Commission
- Underlined text indicates provisions that have been revised or edited from the original text.
- Completely unformatted text indicates the revised rule text is unchanged from the original. Please note that the unformatted text includes both verbatim language as well as summarized language that preserves the same meaning as the original text.

Summary of Revisions since February 8 Meeting

Since the February 8 Commission meeting, staff have worked closely with Commissioner Jacobs and Chair Millis regarding a series of revisions and edits to the drafts presented at this meeting. Many of these revisions addressed concerns and questions raised by the Commission at that meeting. Major portions of the draft were also reorganized for clearer structure.

Chair Millis and Commissioner Jacobs have both agreed to implement the revisions detailed in this section. A summary of the major changes¹ is as follows:

- I. **Expanded Definition Section** – The revised drafts for EL §§ 2.05 and 2.07 define 25 discrete terms, all of which are commonly used in the rule text. The original rule did not define any terms. Some of the defined terms incorporate existing statutory definitions (“Qualified Circulator,” “Elector,” “Header,” “Nickname,” “Business Day”), and some are based on other authorities, such as jury instructions (“clear, satisfactory, and convincing evidence”). Other definitions incorporate current staff practice and understanding (“Address,” “Certification,” “Filing Officer,” “Nomination Paper,” “Printed Name,” “Signature,” “Signer,” “Voting Municipality,” “Challenge,” “Response,” “Verified”). Finally, some terms are being defined for the first time because they are not currently defined by statute or administrative code (“Facially Sufficient,” “Substantial Compliance”).

¹ In the interest of brevity, only the major changes are outlined in this memo. These rule drafts have been revised extensively from the original rules and should be reviewed in full for a full accounting of all changes.

- II. **New Challenge and Response Format** – In recent years, the Commission has received a variety of different challenge formats and styles because the original rule does not clearly outline the required components of a ballot access challenge or response. The revised rule requires challengers to file a short, plain statement explaining the basis of the challenge, with an option to also submit a brief or summary of the applicable legal standards. Candidates should then file a response that consists of a short, plain statement explaining why their paperwork is sufficient, and will also have the opportunity to submit a brief or legal summary. If the revised rule is promulgated, the Commission could also consider a new challenge form, templates, and a revised manual to assist challengers and candidates with understanding the new rules and what to file.
- III. **Addition of Challenger Rebuttal** – Under the original rule, a ballot access challenge is made up of two filings—a complaint by the challenger and a response from the candidate. The challenger does not get any further opportunity to refute factual allegations or legal assertions raised by the candidate unless 1) the filing officer decides to hold a meeting on the complaint, and 2) decides to let the challenger present at that meeting. Under the revised rule, the challenger would have the opportunity to submit a rebuttal within 24 hours of when the response is filed.
- IV. **Additional Challenge Processing Responsibilities** – The revised rule clarifies the role of the filing officer to codify best practices for enabling a smooth challenge process. First, the revised rule would require local filing officers to make filed nomination papers available to the public, either physically or electronically, within 1 business day of when they are filed. Second, the revised rule would require all filing officers to make instructions for filing challenges publicly available at least 24 hours in advance of the start of the circulation period. Third, the revised rule requires the filing officer to transmit an electronically-filed challenge to the candidate within 4 hours of the deadline for filing the challenged complaint, and by noon the day after a paper-filed challenge is received. Finally, the revised rule requires the filing officer to provide the candidate with notice of the response deadline, as well as notice that the challenge procedures are governed by EL Chapter 2.
- V. **Decision and Appeal** - The original rule does not address specific guidelines related to the filing officer's decision of a challenge, nor does it clearly describe the options available for appeal. The revised rule requires the filing officer to issue a written decision and signed order memorializing the decision, and specifies how challengers or candidates can use existing statutory procedures to appeal the ballot access decisions of filing officers.

Discussion

The Commission should consider and discuss the following provisions of rule text for revised EL §§ 2.05 and 2.07. Several of these edits have been flagged for discussion because Chair Millis and Commissioner Jacobs did not have a chance to review all proposals before the deadline for materials preparation, not necessarily because they disagree.

EL § 2.05 – Treatment and Sufficiency of Nomination Papers

- **2.05(1)(e)** – What type of evidence is clear, satisfactory, and convincing? Commissioner Jacobs proposed including “other reliable evidence.” Chair Mills proposed removing “other reliable evidence” because any evidence submitted would need to be sworn to by affidavit anyways.
- **2.05(1)(g)** – “Elector” is not a defined term in Chs. 5-10 and 12, or in the Commission’s administrative code. In defining it in this rule, Chair Millis proposed including cross-references to §§ 6.02 and 6.03 because those statutes offer a functional definition of elector by describing the qualifications and restrictions.
- **2.05(1)(q)** – “Substantial compliance” is not a defined term in Chs. 5–10 and 12, or in the Commission’s administrative code. The term comes from the requirement of §§ 8.10(2)(b) and 8.15(5)(a) which requires nomination papers to have “substantially” the information indicated by those statutes. This term is the basis for ballot access challenges—in reviewing a challenge, the Commission determines if there has been substantial compliance with the law. The Commission should decide how to define this term. Currently, there are three options staff are presenting before the Commission. Commissioner Jacobs proposed a definition that mirrors a definition of “substantial compliance” from an existing administrative provision from the fire code. Chair Millis directed staff to propose two alternate definitions, one derived from caselaw, and one based on a dictionary definition.
 - **Commissioner Jacobs Proposal:** “Substantial compliance” means an ample amount of the required activity was performed through a concerted effort aimed at total compliance with chs. 5–10 and 12. A determination of substantial compliance is obtained through a common-sense approach to evaluating whether enough effort was made to comply with the applicable statute or code requirements, notwithstanding minor errors or omissions. Substantial compliance is not a specific number or percent of compliance.
 - **Chair Millis Caselaw Proposal:** “Substantial compliance” means actual compliance in respect to every reasonable objective of the statute. Substantial compliance with a statute is not shown unless it is made to appear that the purpose of the statute is shown to have been served. What constitutes ‘substantial compliance’ with a statute is a matter depending on the facts of each particular case. *Joint School Dist. V. Joint County School Committee*, 26 Wis. 2d 437, 440, 132 N.W.2d 549 (Wis. 1965)².
 - **Chair Millis Dictionary Definition Proposal:** “Substantial compliance” means compliance with the substantial or essential requirements of something (as a statute or contract) that satisfies its purpose or objective even though its formal requirements are not complied with.³

² This case addressed whether a town committee substantially complied with a notice statute when it published a meeting notice in the local paper, which the town clerk read, instead of sending it to the town clerk.

³ Available at: <https://www.merriam-webster.com/legal/substantial%20compliance>.

- **2.05(4)(c)1.** – Chair Millis proposed adding clarification in the rule of what cannot be cured by a correcting affidavit. Staff accordingly drafted language consistent with current practice that defects in the header of a nomination paper may not be cured by a correcting affidavit.
- **2.05(4)(c)2.** – See “New Challenge Filing and Response Deadline” section as part of the discussion for revised EL § 2.07. That matter should be decided before addressing this discussion point.

EL § 2.07 – Challenges to Nomination Papers

- **2.07(01)(b)** – Chair Millis proposed adding a definition of “Business Day.” The term is used in EL § 2.07(1).
- **2.07(01)(e)** – Commissioner Jacobs proposed that a rebuttal affidavit could address arguments raised by the candidate. Chair Millis proposed editing “arguments” to “facts” since an affidavit can only speak to factual matters and cannot refute legal arguments.
- **2.07(1)** – Chair Millis proposed adding a provision that would require all filing officers to make nomination papers available soon after they are filed to ensure a smoother challenge process. When the Commission is the filing officer, staff scan and upload nomination papers to Badger Voters, which anyone can access electronically for free. This provision would require local filing officers to ensure that the public is able to access nomination papers soon after they have been filed.
- **2.07(2)(b)** – The Commission should decide whether “calendar days” includes weekends or official holidays. Section 990.001(4)(b), a statute that addresses statutory construction, states that if the last day in which an act to be done “falls on a Sunday or legal holiday the act may be done or the proceeding had or taken on the next secular day.” However, this definition would be interpreting an administrative rule, not a statute, and even if it were interpreting a statute, § 990.001(4)(b) offers discretion anyways to move the deadline. Any time a deadline that seems clear on its face—“three calendar days”—needs to be adjusted for a Sunday or holiday, there is risk that a party, staff, or a filing officer may miss the deadline due to a miscalculation. To better assist staff and filing officers with calculating and setting challenged deadlines, the rule should clarify that “calendar days” include weekends and official holidays. Staff believe the benefit of clarity in calculating challenge deadlines outweighs the drawback of requiring filing officers to process challenge materials on weekends or holidays.
- **New Challenge Filing and Response Deadlines [2.05(4)(c)2.; 2.07(2)(b); 2.07(2)(c)1.; 2.07(5)]**

Under the original rule, challenges cannot be filed until after the close of the circulation period. This existing practice has led to a narrow timeframe for the Commission and local filing officers to process and decide challenges. In June 2022, for example, Commission staff processed, reviewed and analyzed 11 ballot access challenges for which the Commission was the filing officer, and five additional challenges filed as appeals of local filing officer decisions. All of this work was completed within a 2-week period. Under the new rule, the challenge process would start as soon as a candidate filed their nomination papers with the filing officer. The timelines for

the challenge would stay the same, as would the timeline for the filing officer's decision. This new structure is intended to incentivize candidates to file their candidate paperwork earlier than the filing deadline to alleviate the workload of staff and local clerks. Right now, candidates have no incentive to file early because the earlier they file, the more time a challenger has to prepare and bring a challenge. The proposed revisions would eliminate this candidate concern. Consider the following example for how the new process would work:

Example: Candidate A is running for state senate. She files her nomination papers and declaration of candidacy on May 6, 2024. The deadline for someone to bring a challenge would be 3 calendar days from that date, May 9, 2024. Candidate A would then have 3 calendar days to file her response from when the challenge was filed, which would be May 12, 2024 at the latest. The challenger would then have 24 hours from when her response was filed to submit any rebuttal, May 13, 2024 at the latest. The filing officer and their staff would then have almost a month to review the challenge materials before making a ballot access decision ahead of the applicable deadline after the close of the filing period.

- 2.07(2)(i) – Chair Millis proposed that filing officers should not accept factual testimony during a ballot access challenge hearing unless they take steps to swear in the witness.

Recommended Motion 1: The Wisconsin Elections Commission directs staff to implement edits to the proposed rulemaking draft for SS 091-23 and SS 092-23 for emergency and permanent rulemaking relating to the nomination paper challenge procedure rule consistent with the discussion during the meeting, and to bring back a revised version of the rulemaking draft for Commission review and approval at an upcoming meeting.

Rule Format – Declaration of Candidacy Challenge Procedure Rule

The nomination paper challenge procedure rule creates new administrative rules within EL Ch. 2 within the scope of SS 089-23 and SS 090-23.

Chair Millis and Commissioner Jacobs have not yet had a chance to propose revisions or edits to new provisions EL §§ 2.06 and 2.08 for challenges to declarations of candidacy. However, staff revised the drafts of these rules to be consistent with the edits already proposed and discussed for the nomination paper challenge rules.

Declaration of Candidacy Challenge Rule Revisions – Appendix B

The nomination paper challenge procedure rule amends and revises the procedures currently promulgated within EL §§ 2.05 and 2.07 within the scope of SS 091-23 and SS 092-23.

Appendix B consists of the following materials:

- New Provisions EL § 2.06 – Treatment and Sufficiency of Declarations of Candidacy
- New Provisions EL § 2.08 – Challenges to Declarations of Candidacy

Explanation of Materials

The text of the rule drafts for revised EL §§ 2.05 and 2.07 can be interpreted according to the following:

- Sections in **yellow highlight** indicate these rule provisions are substantively different than their nomination paper challenge rule counterparts.
- Completely unformatted text indicates the revised rule text is unchanged from the revised nomination paper rule.

Summary of Major Differences:

- **2.06(2)(b)** – Declarations of Candidacy can be amended after the filing date. This is the exclusive way to essentially modify what’s on a DOC. Correcting affidavits cannot be submitted for DOCs.
- **2.06(3)(d)** – The DOC statute, § 8.21, does not have the “substantially the following” language of §§ 8.10(2)(b) and 8.15(5)(a), requiring substantial compliance for a DOC does not make sense and would not be supported by statute. The plain language of § 8.21 indicates that there are discrete requirements for sufficiency, the absence of any one of which would be fatal to the DOC’s sufficiency.
- The remainder of the major differences are substantive (i.e. the information on the form itself as well as the basis for challenges) to DOCs but the general approach is the same as the nomination paper rule.

Recommended Motion 2: The Wisconsin Elections Commission directs staff to implement edits to the proposed rulemaking draft for SS 089-23 and SS 090-23 for emergency and permanent rulemaking relating to the declaration of candidacy challenge procedure rule consistent with the discussion during the meeting, and to bring back a revised version of the rulemaking draft for Commission review and approval at an upcoming meeting.

Chapter EL 2 ELECTION RELATED PETITIONS

EL 2.05 Treatment and sufficiency of nomination papers.

- (1) Each candidate for public office has the responsibility to assure that his or her nomination papers are prepared, circulated, signed, and filed in compliance with statutory and other legal requirements.
- (2) In order to be timely filed, all nomination papers shall be in the physical possession of the filing officer by the statutory deadline. Each of the nomination papers shall be numbered, before they are filed, and the numbers shall be assigned sequentially, beginning with the number “1”. Notwithstanding any other provision of this chapter, the absence of a page number will not invalidate the signatures on that page.
- (3) The filing officer shall review all nomination papers filed with it, up to the maximum number permitted, to determine the facial sufficiency of the papers filed. Where circumstances and the time for review permit, the filing officer may consult maps, directories and other extrinsic evidence to ascertain the correctness and sufficiency of information on a nomination paper.
- (4) Any information which appears on a nomination paper is entitled to a presumption of validity. Notwithstanding any other provision of this chapter, errors in information contained in a nomination paper, committed by either a signer or a circulator, may be corrected by an affidavit of the circulator, an affidavit of the candidate, or an affidavit of a person who signed the nomination paper. The person giving the correcting affidavit shall have personal knowledge of the correct information and the correcting affidavit shall be filed with the filing officer not later than three calendar days after the applicable statutory due date for the nomination papers.
- (5) Where any required item of information on a nomination paper is incomplete, the filing officer shall accept the information as complete if there has been substantial compliance with the law.
- (6) Nomination papers shall contain at least the minimum required number of signatures from the circuit, county, district or jurisdiction which the candidate seeks to represent.
- (7) The filing officer shall accept nomination papers which contain biographical data or campaign advertising. The disclaimer specified in s. [11.1303 \(2\)](#), Stats., is not required on any nomination paper.
- (8) An elector shall sign his or her own name unless unable to do so because of physical disability. An elector unable to sign because of physical disability shall be present when another person signs on behalf of the disabled elector and shall specifically authorize the signing.
- (9) A person may not sign for his or her spouse, or for any other person, even when they have been given a power of attorney by that person, unless sub. (8) applies.
- (10) The signature of a married woman shall be counted when she uses her husband's first name instead of her own.

ORIGINAL TEXT – EL §§ 2.05, 2.07

(11) Only one signature per person for the same office is valid. Where an elector is entitled to vote for more than one candidate for the same office, a person may sign the nomination papers of as many candidates for the same office as the person is entitled to vote for at the election.

(12) A complete address, including municipality of residence for voting purposes, and the street and number, if any, of the residence, (or a postal address if it is located in the jurisdiction that the candidate seeks to represent), shall be listed for each signature on a nomination paper.

(13) A signature shall be counted when identical residential information or dates for different electors are indicated by ditto marks.

(14) No signature on a nomination paper shall be counted unless the elector who circulated the nomination paper completes and signs the certificate of circulator and does so after, not before, the paper is circulated. No signature may be counted when the residency of the circulator cannot be determined by the information given on the nomination paper.

(15) An individual signature on a nomination paper may not be counted when any of the following occur:

(a) The date of the signature is missing, unless the date can be determined by reference to the dates of other signatures on the paper.

(b) The signature is dated after the date of certification contained in the certificate of circulator.

(c) The address of the signer is missing or incomplete, unless residency can be determined by the information provided on the nomination paper.

(d) The signature is that of an individual who is not 18 years of age at the time the paper is signed. An individual who will not be 18 years of age until the subject election is not eligible to sign a nomination paper for that election.

(e) The signature is that of an individual who has been adjudicated not to be a qualified elector on the grounds of incompetency or limited competency as provided in s. [6.03 \(3\)](#), Stats., or is that of an individual who was not, for any other reason, a qualified elector at the time of signing the nomination paper.

(16) After a nomination paper has been filed, no signature may be added or removed. After a nomination paper has been signed, but before it has been filed, a signature may be removed by the circulator. The death of a signer after a nomination paper has been signed does not invalidate the signature.

(17) This section is promulgated pursuant to the direction of s. [8.07](#), Stats., and is to be used by election officials in determining the validity of all nomination papers and the signatures on those papers.

History: Emerg. cr. 8-9-74; cr. [Register, November, 1974, No. 227](#), eff. 12-1-74; emerg. r. and recr. eff. 12-16-81; emerg. r. and recr. eff. 6-1-84; cr. [Register, November, 1984, No. 347](#), eff. 12-1-84; r. and recr. [Register, January, 1994, No. 457](#), eff. 2-1-94; [CR 00-153](#): am. (2), (4), and (14), r. (15), renum. (16), (17), and (18) to be (15), (16) and (17), and am. (15) (b) as renum., [Register September](#)

ORIGINAL TEXT – EL §§ 2.05, 2.07

[2001 No. 549](#), eff. 10-1-01; correction in (7) made under s. [13.92 \(4\) \(b\) 7.](#), Stats., [Register June 2016 No. 726](#).

EL 2.07 Challenges to nomination papers.

(1) The elections commission shall review any verified complaint concerning the sufficiency of nomination papers of a candidate for state office that is filed with the elections commission under ss. [5.05](#) and [5.06](#), Stats.; and the local filing officer shall review any verified complaint concerning the sufficiency of nomination papers of a candidate for local office that is filed with the local filing officer under s. [8.07](#), Stats. The filing officer shall apply the standards in s. [EL 2.05](#) to determine the sufficiency of nomination papers, including consulting extrinsic sources of evidence under s. [EL 2.05 \(3\)](#).

(2)

(a) Any challenge to the sufficiency of a nomination paper shall be made by verified complaint, filed with the appropriate filing officer. The complainant shall file both an original and a copy of the challenge at the time of filing the complaint. Notwithstanding any other provision of this chapter, the failure of the complainant to provide the filing officer with a copy of the challenge complaint will not invalidate the challenge complaint. The filing officer shall make arrangements to have a copy of the challenge delivered to the challenged candidate within 24 hours of the filing of the challenge complaint. The filing officer may impose a fee for the cost of photocopying the challenge and for the cost of delivery of the challenge to the respondent. The form of the complaint and its filing shall comply with the requirements of ch. [EL 20](#). Any challenge to the sufficiency of a nomination paper shall be filed within 3 calendar days after the filing deadline for the challenged nomination papers. The challenge shall be established by affidavit, or other supporting evidence, demonstrating a failure to comply with statutory or other legal requirements.

(b) The response to a challenge to nomination papers shall be filed, by the candidate challenged, within 3 calendar days of the filing of the challenge and shall be verified. After the deadline for filing a response to a challenge, but not later than the date for certifying candidates to the ballot, the elections commission or the local filing officer shall decide the challenge with or without a hearing.

(3)

(a) The burden is on the challenger to establish any insufficiency. If the challenger establishes that the information on the nomination paper is insufficient, the burden is on the challenged candidate to establish its sufficiency. The invalidity or disqualification of one or more signatures on a nomination paper shall not affect the validity of any other signatures on that paper.

(b) If a challenger establishes that an elector signed the nomination papers of a candidate more than once or signed the nomination papers of more than one candidate for the same office, the 2nd and subsequent signatures may not be counted. The burden of proving that the second and subsequent signatures are that of the same person and are invalid is on the challenger.

ORIGINAL TEXT – EL §§ 2.05, 2.07

(c) If a challenger establishes that the date of a signature, or the address of the signer, is not valid, the signature may not be counted.

(d) Challengers are not limited to the categories set forth in pars. (a) and (b).

(4) The filing officer shall examine any evidence offered by the parties when reviewing a complaint challenging the sufficiency of the nomination papers of a candidate for state or local office. The burden of proof applicable to establishing or rebutting a challenge is clear and convincing evidence.

(5) Where it is alleged that the signer or circulator of a nomination paper does not reside in the district in which the candidate being nominated seeks office, the challenger may attempt to establish the geographical location of an address indicated on a nomination paper, by providing district maps, or by providing a statement from a postmaster or other public official.

History: Emerg. cr. 8-9-74; cr. [Register, November, 1974, No. 227](#), eff. 12-1-74; emerg. r. and recr. eff. 12-16-81; emerg. r. and recr. eff. 6-1-84; cr. [Register, November, 1984, No. 347](#), eff. 12-1-84; emerg. am. (1), (4) to (6), eff. 6-1-86; am. (1), (4) to (6), [Register, November, 1986, No. 371](#), eff. 12-1-86; r. and recr. [Register, January, 1994, No. 457](#), eff. 2-1-94; [CR 00-153](#): am. (2) (a) and (b), [Register September 2001 No. 549](#), eff. 10-1-01; reprinted to restore dropped copy in (2) (b), [Register December 2001 No. 552](#); correction in (1) made under s. [13.92 \(4\) \(b\) 7.](#), Stats., [Register April 2008 No. 628](#); correction in (1), (2) (b) made under s. [13.92 \(4\) \(b\) 6.](#), Stats., and correction in (1), (2) (a) made under s. [13.92 \(4\) \(b\) 7.](#), Stats., [Register June 2016 No. 726](#).

REVISED EL § 2.05 – TREATMENT AND SUFFICIENCY OF NOMINATION PAPERS

Chapter EL 2 – Election Related Petitions

Drafting History:

First Draft – January 2024

For Commission Consideration: February 8, 2024

ASJ Draft – 3/13/24

ABS Redraft – 4/11/24

ASJ Final Draft: 4/12/24

DM Draft – 4/24/2024

AB Redraft – 4/29/2024

Second Draft – May 2024

For Commission Consideration: May 14, 2024

EL 2.05 Treatment and Sufficiency of Nomination Papers

2.05(1) DEFINITIONS

2.05(1)(a) “Address” means the street and number, if any, and municipality for voting purposes, all of which must be accurate. Neither apartment number nor state and ZIP Code is required.

2.05(1)(b) “Affidavit” means a document sworn to before a person authorized to administer oaths, or a document declared pursuant to s. 887.15, Stats.

2.05(1)(c) “Certification” means a sworn statement, or declaration pursuant to s. 887.015, under applicable Wisconsin law confirming that the circulator met and complied with all requirements under s. 8.15(4)(a) Stats.

2.05(1)(d) “Qualified Circulator” has the meaning given by 5.02(16g), and means a qualified elector of this state or any U.S. citizen age 18 or older who, if he or she were a resident of this state, would not be disqualified from voting under s. 6.03.

2.05(1)(e) “Clear, satisfactory, and convincing evidence” is defined as in Wis JI-Civil 205 to mean evidence which when weighed against that opposed to it clearly has more

REVISED EL § 2.05 – TREATMENT AND SUFFICIENCY OF NOMINATION PAPERS

convincing power to a reasonable degree of certainty. A “reasonable certainty” means persuasion based upon a rational consideration of the evidence. Absolute certainty is not required, but a guess is not enough to meet this burden of proof. If Wis JI-Civil 205 is amended, the definition in this paragraph shall be interpreted to be consistent with that amendment. Clear, satisfactory, and convincing evidence cannot be shown by bare assertions unsupported by a sworn affidavit, declaration, or other reliable evidence.

2.05(1)(f) “Correcting Affidavit” as used in this rule shall include declarations pursuant to s. 887.015, Stats.

2.05(1)(g) “Elector” means an eligible voter of the State of Wisconsin, as determined by the qualifications of ss. 6.02 and 6.03, for the election in which the candidate is seeking ballot access.

2.05(1)(h) “Facially Sufficient” means that the information provided is substantially compliant with proper format and does not bear any indicia of facial invalidity. Indicia of facial invalidity means that at least one element of required information is missing, illegible, or obviously incorrect.

2.05(1)(i) “Filing officer” means the Wisconsin Elections Commission for any federal or state office or referendum, the county clerk for any county office or referendum, the municipal clerk or the board of election commissioners for a municipal office or referendum, and the school district clerk for a school board office or referendum.

2.05(1)(j) “Header” refers to the portion of the nomination paper required by ss. 8.10(2)(b) and 8.15(5)(a) that contains the candidate’s name; candidate’s residential address;

REVISED EL § 2.05 – TREATMENT AND SUFFICIENCY OF NOMINATION PAPERS

candidate’s municipality for voting purposes; candidate’s mailing address, including state and ZIP code, if different than their residential address; type of election; election date; office sought; name of jurisdiction or district in which candidate seeks office. If the race is for a partisan office, the header shall include the political party of the candidate. If the race is for a non-partisan office, the header shall not include the political party of the candidate.

2.05 (1)(k) “Local Filing Officer” means a filing officer other than the Wisconsin Elections Commission.

2.05(1)(l) “Nickname” has the meaning set forth in s. 5.02(12m), and means a familiar or shortened form of a proper name by which an individual is commonly known.

2.05(1)(m) “Nomination Paper” means a petition to collect eligible signatures from persons who wish to nominate a candidate for an upcoming election. Nomination Papers must meet the requirements set forth in ss. 8.10 and 8.15, Stats., and the administrative code.

2.05(1)(n) “Printed Name” means a handwritten name that is sufficiently legible, such that the signer’s name can be discerned by the filing officer.

2.05(1)(o) “Signature” means a tangible symbol made by a signer, or their designee as authorized by EL 2.05(8), that evidences the signing of a nomination paper.

2.05(1)(p) “Signer” means a person who chooses to place their signature and related information on a nomination paper to support a candidate seeking ballot access. No person under the age of 18 may sign nomination papers. Age is determined on the date of signature, not based on the date of the election.

REVISED EL § 2.05 – TREATMENT AND SUFFICIENCY OF NOMINATION PAPERS

2.05(1)(q) “Substantial compliance” means an ample amount of the required activity was performed through a concerted effort aimed at total compliance with chs. 5-10 and 12. A determination of substantial compliance is obtained through a common-sense approach to evaluating whether enough effort was made to comply with the applicable statute or code requirements, notwithstanding minor errors or omissions. Substantial compliance is not a specific number or percent of compliance.

2.05(1)(r) “Voting Municipality” means that municipality that a signer is eligible to vote in for an election held on the date of signing as determined by the filing officer.

2.05(2) PURPOSE. This section is promulgated pursuant to the direction of, and under the authority granted by, s. 8.07, Stats., and is to be used by filing officers in determining the validity of all nomination papers and the signatures and information on those papers.

2.05(3) FILING NOMINATION PAPERS

2.05(3)(a) Each candidate for public office bears responsibility for assuring that their nomination papers are prepared, circulated, signed, and filed in compliance with applicable statutory provisions and requirements under the administrative code.

2.05(3)(b) In order to be timely filed, all nomination papers shall be in the physical possession of the filing officer by the statutory deadline. Physical possession means the filing officer must have taken possession of the original nomination papers. No other format is acceptable.

REVISED EL § 2.05 – TREATMENT AND SUFFICIENCY OF NOMINATION PAPERS

2.05(3)(c) Each of the nomination papers should be numbered, before they are filed, and the numbers should be assigned sequentially, beginning with the number “1”. Notwithstanding any other provision of this chapter, neither the absence of a page number nor incorrect or non-consecutive numbering will invalidate the page or the signatures on that page.

2.05(4) SUFFICIENCY OF NOMINATION PAPERS, GENERAL

2.05(4)(a) The filing officer shall review all nomination papers filed with it, up to the maximum number permitted by the statute applicable to the relevant office, to determine the facial sufficiency of the papers filed. The filing officer shall utilize the procedure in ss. 8.10(7) and 8.15(9), Stats. for determining the maximum number of signatures necessary to establish whether the candidate has collected enough valid signatures. In determining facial sufficiency, the filing officer may consult maps, directories, and other extrinsic evidence to ascertain the correctness and sufficiency of information on a nomination paper, where circumstances and the time for review permit. Nothing in this provision shall constitute a defense against a challenge to the sufficiency of nomination papers. Facial review completed by a filing officer before the filing deadline is done as a courtesy only and does not bind a filing officer to a final determination of ballot access.

2.05(4)(b) Any facially sufficient information which appears on a nomination paper is entitled to a presumption of validity.

2.05(4)(c) Correcting Affidavits

2.05(4)(c)1. Notwithstanding any other provision of this chapter, errors or omissions in information contained in a nomination paper, committed by either a

REVISED EL § 2.05 – TREATMENT AND SUFFICIENCY OF NOMINATION PAPERS

signer or a circulator, may be corrected by an affidavit of the circulator, an affidavit of the candidate, or an affidavit of the signer. The person giving the correcting affidavit shall certify that they have personal knowledge of the correct information.

Defects in the header of a nomination paper may not be corrected by affidavit after the paper has been circulated.

2.05(4)(c)2. Any correcting affidavit shall be filed with the filing officer not later than 5 p.m. central time on the sixth calendar day after the nomination papers are filed with the appropriate filing officer. Correcting affidavits may be submitted electronically. If a correcting affidavit is submitted on a Saturday, Sunday, or legal holiday, it must be submitted via facsimile transmission or electronic mail directly to the filing officer.

2.05(4)(c)3. If a correcting affidavit is submitted, it amends the affected nomination papers on its own, and it is not necessary for the filing officer to edit or mark the nomination papers to be consistent with the changes in the affidavit.

2.05(4)(c)4. The filing officer shall determine whether any correcting affidavit resolves the identified error or omission.

2.05(4)(c)5. Correcting affidavits may not provide new or additional signatures or signature pages in addition to what was originally submitted to the filing official.

2.05(4)(d) Where any required item of information on a nomination paper is incomplete, the filing officer shall accept the information as complete if there has been substantial compliance with applicable statutes and the administrative code.

REVISED EL § 2.05 – TREATMENT AND SUFFICIENCY OF NOMINATION PAPERS

2.05(4)(e) After a nomination paper has been signed, but before it has been filed, a signature may be removed by the signer or the circulator. After a nomination paper has been filed, no signature may be added or removed. After a nomination paper has been filed, it may be amended, or an error or omission corrected, only through a valid correcting affidavit.

2.05(5) SUFFICIENCY OF NOMINATION PAPERS, SIGNATURE LINES

2.05(5)(a) Nomination papers shall contain at least the minimum required number of signatures from the circuit, county, district or jurisdiction which the candidate seeks to represent.

2.05(5)(b) The filing officer shall accept nomination papers which contain biographical data or campaign advertising. A nomination paper is substantially compliant if it does not contain the disclaimer specified in s. 11.1303(2).

2.05(5)(c) A signer shall sign his or her own name unless unable to do so because of physical disability. A signer unable to sign because of physical disability shall be present when another person signs on behalf of the signer and shall specifically authorize the signing.

2.05(5)(d) A person may not sign for his or her spouse, or for any other signer, even when they have been given a power of attorney by that signer, unless sub. (5)(c) applies.

2.05(5)(e)1. Except as provided in sub. (e)(2), only one signature per signer for the same office is valid.

REVISED EL § 2.05 – TREATMENT AND SUFFICIENCY OF NOMINATION PAPERS

2.05(5)(e)1.a. Where a signer is entitled to vote for more than one candidate for the same office, that signer may sign the nomination papers of as many candidates for the same office as the signer is entitled to vote for at the election.

2.05(5)(f) Each signature on a nomination paper shall be accompanied by the signer's address, printed name, and date of signature.

2.05(5)(g) A signature shall be counted when identical residential information or dates of signature for different signers are accurately indicated by ditto marks, another form of punctuation, or if an adjacent signer writes "same" or similar words to indicate that the residential information or signature dates are identical.

2.05(5)(h) No individual signature on a nomination paper may be counted if the signature is dated after the date that the circulator completed and signed the certification contained on the nomination paper. Any signature that is dated on or before the date of the circulator certification may be counted even if it appears on the same page as signatures dated after the circulator certification. The circulator shall provide their residential address. No signature on the page may be counted when the residential address of the circulator cannot be determined by the information given on the nomination paper. No signature may be counted if the date of circulator certification is incomplete or incorrect.

2.05(5)(i) An individual signature on a nomination paper may not be counted when any of the following occurs:

REVISED EL § 2.05 – TREATMENT AND SUFFICIENCY OF NOMINATION PAPERS

2.05(5)(i)1. The date of the signature is missing, unless the date can be determined by reference to the dates of any of the other signatures on the paper, including those dates above or below the signature.

2.05(5)(i)2. The signature is dated after the date on which the circulator signed the certification.

2.05(5)(i)3. The address of the signer is missing or incomplete, unless the address can be determined by the information provided on the nomination paper pursuant to 2.05(5)(h).

2.05(5)(i)3.a. If the signer has abbreviated the name of their municipality, the address is substantially compliant provided the municipality can be determined from other information contained on the nomination paper.

2.05(5)(i)3.b. Nicknames & Initials. If the signer has used a nickname or initials for their first or middle name, whether in their printed name or their signature, the printed name or signature is substantially compliant provided the printed name or signature complies with 2.05(5)(i)7. No nickname or initial is considered substantially compliant for the signer's last name.

2.05(5)(i)5. The signer has been adjudicated not to be a qualified elector on the grounds of incompetency or limited competency as provided in s. 6.03 (3), Stats., or was not, for any other reason, a qualified elector at the time of signing the nomination paper.

REVISED EL § 2.05 – TREATMENT AND SUFFICIENCY OF NOMINATION PAPERS

2.05(5)(i)6. The signer resides outside the circuit, county, district or jurisdiction that the candidate seeks to represent.

2.05(5)(i)7. Legibility. If the filing officer cannot discern the signer’s first and last name, after reviewing both the signature and printed name, it is illegible pursuant to s. 8.10 (4) (b) or s. 8.15 (2), Stats., and shall not be counted. The filing officer is not required to consult extrinsic sources of information to attempt to discern the signer’s name but may do so in their discretion if it assists in discerning a possible name.

2.05(5)(j) The death of a signer after a nomination paper has been signed does not invalidate the signature.

2.05(6) SUFFICIENCY OF NOMINATION PAPERS, HEADER.

2.05(6)(a) Office Title and District Designation. As to Office title and district designation, the header of a nomination paper is sufficient as long as the filing officer finds that the signers could determine the office and district the candidate was pursuing based solely upon information provided in the header.

2.05(6)(b) Election Date. When the date of the election is entirely missing from the header of any nomination paper, the filing officer shall not count any of the signatures on the page. Incomplete or incorrect election dates can be found substantially compliant as long as the filing officer finds that signers could have determined based solely upon information provided in the header that the nomination papers corresponded with the correct election date.

REVISED EL § 2.05 – TREATMENT AND SUFFICIENCY OF NOMINATION PAPERS

2.05(6)(c) Candidate Name. The candidate shall provide their last name and first name. They may provide a nickname or initial for their first or middle name. In addition to their name, they may provide a former legal surname. The candidate may not provide any other abbreviations or titles.

2.05(6)(d) Candidate Address. A candidate must provide their residential address, their mailing address, if different from their residential address, and their voting municipality in the header of each nomination paper. The residential address must be the street address where the candidate resides; no other address is acceptable in lieu of a residential address.

2.05(7) SUFFICIENCY OF NOMINATION PAPERS, OTHER ISSUES

2.05(7)(a) Failure to provide an indicator of a candidate's gender in the header does not invalidate any nomination papers.

2.05(7)(b) If the date of circulator certification is incomplete or incorrect, the nomination paper is not substantially compliant, and no signatures on that page may be counted, subject to EL 2.05(4)(c).

REVISED EL § 2.07 – CHALLENGES TO NOMINATION PAPERS

Chapter EL 2 – Election Related Petitions

Drafting History:

First Draft – January 2024

For Commission Consideration: February 8, 2024

ASJ Draft: March 14, 2024

ABS Redraft: April 11, 2024

ASJ Final Draft: April 12, 2024

DM Draft: April 24, 2024

ABS Redraft: April 29, 2024

Second Draft – May 2024

For Commission Consideration: May 14, 2024

EL 2.07 Challenges to Nomination Papers

2.07(01) DEFINITIONS.

2.07(01)(a) All definitions set forth in EL 2.05 are incorporated herein by reference.

2.07(01)(b) “Business Day” means any calendar day except Saturday and Sunday, and except the following business holidays: New Year’s Day, Martin Luther King Jr.’s Birthday, Washington’s Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving, and Christmas.

2.07(01)(c) “Challenge” means that filing before a filing officer made by a person or organization contesting the legal sufficiency of a candidate’s nomination papers.

2.07(01)(d) “Challenger” means the person or organization filing a challenge.

2.07(01)(e) “Rebuttal affidavit” means an affidavit submitted by a challenger addressing those arguments/facts raised by the challenged candidate in the candidate’s response to the challenge.

2.07(01)(f) “Rebuttal” means a filing or submission by the challenger addressing those arguments raised by the challenged candidate in the candidate’s response to the challenge.

REVISED EL § 2.07 – CHALLENGES TO NOMINATION PAPERS

2.07(01)(g) “Response” means a filing or submission by a challenged candidate to rebut the allegations made in a challenge.

2.07(01)(h) “Verified”: A document is verified when it is sworn to before a person authorized to administer oaths or declared pursuant to s. 887.015, Stats.

2.07(1) Any challenge to the sufficiency of nomination papers brought under this section shall be filed with the appropriate filing officer. The filing officer shall apply the standards in EL 2.05 to determine the sufficiency of nomination papers with the exception of EL 2.05(4)(b). **The filing officer shall make filed nomination papers available for public inspection, either physically or electronically, within 1 business day of when they are filed.**

2.07(2) PROCEDURE AND TIMELINE. Unless otherwise specified, this subsection contains the exclusive procedure by which challenges to nomination papers may be brought.

2.07(2)(a) Form of challenges to nomination papers. A challenge is a short, plain statement of the basis upon which the challenger seeks to invalidate any signature(s) on one or more nomination papers. All factual allegations upon which the challenge relies must be verified by one or more persons who certify that they possess personal knowledge of the facts alleged therein. Individuals other than the challenger may support a challenge with sworn affidavits or declarations pursuant to s. 887.015, Stats. A brief or summary of the legal standards applicable to a challenge and their application to the alleged facts may be filed simultaneously with, or as a part of, the challenge and any affidavits or declarations pursuant to s. 887.015, Stats. The brief or summary need not be verified, but if it is prepared

REVISED EL § 2.07 – CHALLENGES TO NOMINATION PAPERS

by an attorney, that attorney must sign the brief and that signature should meet the requirements of s. 802.05, Stats.

2.07(2)(b) Deadlines for filing a challenge. Any challenge shall be filed by 5 p.m. on the third calendar day after the challenged nomination papers are filed with the appropriate filing officer. The challenge must be in the physical or electronic possession of the filing officer by 5 p.m on the challenge deadline. If a challenge is submitted on a Saturday, Sunday, or legal holiday, it must be submitted via facsimile transmission or electronic mail. Challenges received after 5 p.m. on the challenge deadline shall not be accepted.

2.07(2)(c) Filing challenges to nomination papers.

2.07(2)(c)1. Filing challenges electronically to nomination papers. A challenger may choose to file a challenge electronically. The filing officer will make instructions for filing challenges electronically publicly available no less than 24 hours before the start of the circulation period. Challenges that are filed electronically must conform to those instructions. If the challenge and all supporting materials are filed in electronic form, the filing officer shall electronically transmit a copy of the challenge to the challenged candidate within 4 hours of the deadline for filing of the challenge complaint. Along with a copy of the challenge, the filing officer shall also provide the challenged candidate with notice of the response deadline, as well as notice that the procedures governing nomination paper challenges are covered by this chapter.

2.07(2)(c)2. Filing challenges in paper form to nomination papers. If the challenge and supporting materials are filed in paper form, the filing officer shall

REVISED EL § 2.07 – CHALLENGES TO NOMINATION PAPERS

deliver a copy to the challenged candidate, either in paper or electronic form, no later than noon the day after the challenge is filed. Along with a copy of the challenge, the filing officer shall also provide the challenged candidate with notice of the response deadline, as well as notice that the procedures governing nomination paper challenges are covered by this chapter.

2.07(2)(d) The challenge shall be established by clear, convincing, and satisfactory evidence, presented in the sworn challenge, an accompanying affidavit, or exhibits, which demonstrate that the nomination papers are not substantially compliant. The filing officer must review the evidence submitted when deciding the challenge.

2.07(2)(e) A response to a challenge is a short, plain statement of the basis upon which the challenged candidate asserts that any challenged signature(s) on one or more nomination papers, or the nomination papers themselves, are sufficient. All factual allegations upon which the response relies must be verified by one or more persons with personal knowledge of the facts alleged therein. Individuals other than the challenged candidate may support a response with additional affidavits (Correcting Affidavits). A brief or summary of the legal standards applicable to the challenged signatures or pages and the application of those legal standards to the alleged facts may be filed simultaneously with the response and any affidavits. The brief or summary need not be verified, but if it is prepared by an attorney that attorney must sign the brief and that signature should meet the requirements of s. 802.05(1), Stats.

2.07(2)(f) If the challenged candidate elects to file a response to the nomination papers, that response shall be filed by the candidate challenged by 5 p.m. of the third calendar day after the date the challenge was filed. The response must be in the physical or electronic

REVISED EL § 2.07 – CHALLENGES TO NOMINATION PAPERS

possession of the filing officer by 5 p.m. of the response deadline. If a response is submitted on a Saturday, Sunday, or legal holiday, it must be submitted via facsimile transmission or electronic mail. Responses received after 5 p.m. on the response deadline shall not be accepted. If the challenged candidate elects to file a response and/or any correcting affidavits electronically, the filing officer shall electronically transmit a copy of those materials to the challenger within 4 hours of the deadline for filing those materials; if the challenge and supporting materials are filed in paper form, the filing officer shall deliver a copy to the challenger, either in paper or electronic form, no later than noon the day after those materials are filed.

2.07(2)(g) If a challenged candidate files a response and/or one or more correcting affidavits, the challenger may file a short rebuttal brief and/or one or more rebuttal affidavits. If the challenger elects to file a rebuttal brief and/or rebuttal affidavits, those materials shall be filed by the challenger within 24 hours of the filing officer's transmission of the response and/or correcting affidavits. A rebuttal brief need not be verified, but if it is prepared by an attorney, that attorney must sign the brief and that signature should meet the requirements of s. 802.05, Stats. The rebuttal brief and/or rebuttal affidavits must be in the electronic possession of the filing officer within 24 hours from the filing officer's transmission of the response and/or any correcting affidavits. Any rebuttal brief and/or any rebuttal affidavits must be submitted via facsimile transmission or electronic mail. Paper copies of rebuttal briefs and/or rebuttal affidavits will not be accepted. Rebuttal briefs and/or rebuttal affidavits received after the applicable deadline shall not be accepted.

2.07(2)(h) After the deadline for filing any rebuttal brief and/or rebuttal affidavits, but not later than the date for certifying candidates to the ballot, the filing officer shall decide the

REVISED EL § 2.07 – CHALLENGES TO NOMINATION PAPERS

challenge. In deciding the challenge, the filing officer may elect to hold a hearing if the filing officer deems that such a hearing would assist them in adjudication of the challenge; however, a filing officer is not required to hold a hearing.

2.07(2)(i) Hearing. If the filing officer elects to hold a hearing, the procedures for the hearing shall accord with this section. The hearing should be noticed in advance and open to the public in compliance with ss. 19.81 - 19.98, Stats. The filing officer shall conduct the hearing in a manner that affords the same offered rights and opportunities to all parties. If the filing officer elects to accept oral presentations from the parties or their assigned representative, the same opportunity must be afforded to all parties. **Factual evidence should not be received at a hearing unless the filing officer elects to swear in witnesses, in which case all witnesses must be sworn in.**

2.07(3) BURDENS. The initial burden is on the challenger to establish any deficiency in the challenged candidate's nomination papers. If the challenger makes an initial showing by clear, satisfactory and convincing evidence that establishes one or more of the challenged candidate's nomination papers is deficient, the burden shifts to the challenged candidate to establish the sufficiency of their nomination papers by clear, satisfactory and convincing evidence.

2.07(4) BASIS FOR CHALLENGES. A challenge to the sufficiency of nomination papers may be brought on one or more of the grounds in this subsection. The challenge should specify one or more of the following ground or grounds:

2.07(4)(a) Signature Line. Any aspect of individual signature lines of signers may be challenged, including the form of the signature itself, the information provided by the signer, the signer's eligibility to sign the nomination paper, and the fact that a signer signed

REVISED EL § 2.07 – CHALLENGES TO NOMINATION PAPERS

one candidate’s nomination papers more than once or signed the nomination papers of more than one candidate for the same office. The filing officer should rely upon EL 2.05 when determining challenges to signature line. If a challenger establishes that the information provided by a signer is not substantially compliant, the signer’s signature may not be counted. The invalidity or disqualification of one or more signatures by a signer on a nomination paper does not necessarily affect the validity of any other signatures by signers on that nomination paper.

2.07(4)(b) Header. Any aspect of the header of the nomination paper, as defined by EL 2.05 (6). The filing officer should rely upon EL 2.05 when determining challenges to the header. If the filing officer sustains a challenge to the header of a nomination paper, none of the signatures on that page may be counted.

2.07(4)(c) Circulation. Any aspect of how a candidate circulated their nomination papers. A challenge may be brought against any aspect of how a circulator circulated a candidate’s nomination papers, including the signature, date of signature, certification, or eligibility of the circulator. A challenge brought against the certification includes a challenge that a circulator did not comply with any of the statements contained within the certification. The filing officer should rely upon EL 2.05 when determining challenges to the circulator of nomination papers. Improper circulation negates all signatures on any page that was not properly circulated and certified.

2.07(4)(d) Filing. Any aspect of how a candidate filed their nomination papers. Improper filing negates all signatures on nomination papers so filed.

2.07(5) DECISION OF FILING OFFICER. If the filing officer elects not to hold a hearing, the filing officer must promptly issue a written decision on the challenge and a signed order memorializing

REVISED EL § 2.07 – CHALLENGES TO NOMINATION PAPERS

their disposition of the challenge not later than the date for certifying candidates to the ballot. If the filing officer elects to hold a hearing and announces an oral ruling during that hearing, any party seeking to appeal from the filing officer’s adjudication of a challenge decided at the hearing may submit a proposed order, memorializing the filing officer’s ruling, to the filing officer for adoption and signature. The filing officer shall promptly transmit all signed orders to the challenger and the challenged candidate electronically. The filing officer may draft and sign their own order rather than using a version proposed by any party.

2.07(6) APPEAL. Any order of a local filing officer disposing of a challenge may be appealed to the commission pursuant to ss. 5.05 or 5.06, Stats. The party aggrieved by the filing officer’s decision shall notify the commission of its intent to appeal within 48 hours of receipt of the filing officer’s signed order. The commission administrator, in consultation with the commission chair, shall establish a briefing schedule that will allow for commission decision before the deadlines for ballot printing. Any signed order of the commission disposing of a challenge or adjudicating an appeal from a local filing officer’s order disposing of a challenge may be appealed to a circuit court pursuant to s. 5.06 (8), Stats.

EL § 2.06 – TREATMENT AND SUFFICIENCY OF DECLARATIONS OF CANDIDACY
EL § 2.08 – CHALLENGES TO DECLARATIONS OF CANDIDACY

Chapter EL 2 – Election Related Petitions

Drafting History:

First Draft – January 2024

For Commission Consideration: February 8, 2024

ABS Redraft: April 30, 2024

Second Draft: May 2024

For Commission Consideration: May 14, 2024

EL 2.06 Treatment and Sufficiency of Declarations of Candidacy

2.06(1) DEFINITIONS. Except as provided below, all applicable definitions from EL s. 2.05(1) are incorporated into this section.

2.06(1)(a) “Declaration of Candidacy” means a document that meets the requirements of s. 8.21, and is filed by any candidate, except a presidential elector, seeking local, state, or federal office.

2.06(2) FILING OF DECLARATION OF CANDIDACY

2.06(2)(a) Each candidate for public office has the responsibility to assure that his or her declaration of candidacy is prepared, sworn, signed and filed in compliance with statutory and other legal requirements.

2.06(2)(b) In order to be timely filed, all declarations of candidacy shall be in the physical possession of the filing officer by the statutory deadline. Physical possession means the filing officer must have taken possession of the original nomination papers. Emailed or faxed copies of declarations of candidacy will be accepted provided that the original, physical document was postmarked by the statutory deadline.

EL § 2.06 – TREATMENT AND SUFFICIENCY OF DECLARATIONS OF CANDIDACY

EL § 2.08 – CHALLENGES TO DECLARATIONS OF CANDIDACY

2.06(2)(b) An amended declaration of candidacy filed pursuant to s. 8.21(6) does not make the declaration of candidacy untimely filed so long as the original declaration of candidacy was filed by the statutory deadline.

2.06(3) SUFFICIENCY OF DECLARATION OF CANDIDACY, GENERAL

2.06(3)(a) The filing officer shall review all declarations of candidacy filed with it to determine the facial sufficiency of the declaration filed. Nothing in this provision shall constitute a defense against a challenge to the sufficiency of a declaration of candidacy. Facial review completed by a filing officer before the filing deadline is done as a courtesy only and does not bind a filing officer to a final determination of ballot access.

2.06(3)(b) Any facially sufficient information which appears on a declaration of candidacy is entitled to a presumption of validity.

2.06(3)(c) Errors in information contained in a declaration of candidacy may only be corrected by filing an amended declaration of candidacy. Declarations of candidacy cannot be amended by filing a correcting affidavit.

2.06(3)(d) Where any required item of information on a declaration of candidacy is incomplete, the filing officer shall accept the information as complete if the declaration of candidacy, on its face, meets the requirements of s. 8.21. This section does not apply if there are errors in the sworn certification made before any officer authorized to administer oaths.

EL § 2.06 – TREATMENT AND SUFFICIENCY OF DECLARATIONS OF CANDIDACY
EL § 2.08 – CHALLENGES TO DECLARATIONS OF CANDIDACY

2.06(4) **SUFFICIENCY OF DECLARATION OF CANDIDACY, CERTIFICATION INFORMATION.** In this section, “certification information” means the candidate’s name and the official name of the office sought.

2.06(4)(a) In the candidate certification information section, a candidate must provide their name in the form specified under s. 8.10 (2) (b) for candidates for nonpartisan office or s. 8.15 (5) (a) or 8.20 (2) (a) for candidates for partisan office.

2.06(4)(b) In the official name of office line, a candidate must provide the named office required by s. 8.21(2)(a). The named office shall include the district, branch, or seat number.

2.06(4)(b)1. For legislative offices, the named office shall include the title and district number.

2.06(4)(b)2. For district attorneys, the named office shall include the title and the county.

2.06(4)(b)3. For circuit court offices, the named office shall include the title, county, and branch number.

2.06(4)(b)4. For municipal and school board offices, the named office shall include the title and any district seat number.

2.06(5) **SUFFICIENCY OF CANDIDATE ADDRESS AND NAME ON BALLOT**

EL § 2.06 – TREATMENT AND SUFFICIENCY OF DECLARATIONS OF CANDIDACY

EL § 2.08 – CHALLENGES TO DECLARATIONS OF CANDIDACY

2.06(5)(a) State and local candidates must provide their residential address and municipality for voting purposes. The residential address shall include the street and number, and cannot be a mailing address. This information is not required for federal offices.

2.06(5)(b) All candidates must include their name in the form in which it will appear on the ballot. The candidate’s preferred ballot name cannot contain the word “incumbent,” include a professional title, or include an attempt to manipulate the electoral process. An intended name containing a nickname or initial, middle name, or former legal surname is permitted, provided that it does not include quotation marks or parentheses.

2.08 CHALLENGES TO DECLARATIONS OF CANDIDACY

2.08(1) DEFINITIONS All applicable definitions from EL ss. 2.05(1), 2.06(1), and 2.07(1) are incorporated into this section.

2.08(2) PROCEDURE AND TIMELINE. Any challenge to the sufficiency of a declaration of candidacy brought under this section shall be filed with the appropriate filing officer. The filing officer shall apply the standards in EL 2.06 and s. 8.21 to determine the sufficiency of declarations of candidacy. Unless otherwise specified, this subsection contains the exclusive procedure by which challenges to declarations of candidacy may be brought. The filing officer shall make declarations of candidacy available for public inspection, either physically or electronically, within 1 business day of when they are filed.

2.08(2)(a) Form of challenges to declarations of candidacy. A challenge is a short, plain statement of the basis upon which the challenger seeks to invalidate a declaration of

EL § 2.06 – TREATMENT AND SUFFICIENCY OF DECLARATIONS OF CANDIDACY

EL § 2.08 – CHALLENGES TO DECLARATIONS OF CANDIDACY

candidacy filed by a candidate. All factual allegations upon which the challenge relies must be verified by one or more persons who certify that they possess personal knowledge of the facts alleged therein. Individuals other than the challenger may support a challenge with sworn affidavits or declarations pursuant to s. 887.015, Stats. A brief or summary of the legal standards applicable to a challenge and their application to the alleged facts may be filed simultaneously with, or as part of, the challenge and any affidavits or declarations pursuant to s. 887.015, Stats. The brief or summary need not be verified, but if it is prepared by an attorney, that attorney must sign the brief and that signature should meet the requirements of s. 802.05, Stats.

2.08(2)(b) Deadlines for filing a challenge. Any challenge shall be filed by 5 p.m. on the third calendar day after the challenged declaration of candidacy is filed with the appropriate filing officer. The challenge must be in the physical or electronic possession of the filing officer by 5 p.m. of the challenge deadline. If a challenge is submitted on a Saturday, Sunday, or legal holiday, it must be submitted via facsimile transmission or electronic mail. Challenges received after 5 p.m. on the challenge deadline shall not be accepted.

2.08(2)(c) Filing challenges to declarations of candidacy.

2.08(2)(c)1. Filing challenges electronically to declarations of candidacy. A challenger may choose to file a challenge electronically. The filing officer will make instructions for filing challenges electronically publicly available no less than 24 hours before the start of the circulation period. Challenges that are filed electronically must conform to those instructions. If the challenge and all supporting materials are filed in electronic form, the filing officer shall

EL § 2.06 – TREATMENT AND SUFFICIENCY OF DECLARATIONS OF CANDIDACY

EL § 2.08 – CHALLENGES TO DECLARATIONS OF CANDIDACY

electronically transmit a copy of the challenge to the challenged candidate within 4 hours of the deadline for filing the challenge complaint.

2.08(2)(c)2. Filing challenges in paper form to nomination papers. If the challenge and supporting materials are filed in paper form, the filing officer shall deliver a copy to the challenged candidate, either in paper or electronic form, no later than noon the day after the challenge is filed. Along with a copy of the challenge, the filing officer shall also provide the challenged candidate with notice of the response deadline, as well as notice that the procedures governing declaration of candidacy challenges are covered by this chapter.

2.08(2)(d) The challenge shall establish by clear and convincing evidence, presented in the sworn challenge, an accompanying affidavit, or exhibits, which demonstrate that the declaration of candidacy is insufficient pursuant to s. 8.21. The filing officer must review the evidence submitted when deciding the challenge.

2.08(2)(e) A response to a challenge is a short, plain statement of the basis upon which the challenged candidate asserts that their declaration of candidacy is sufficient pursuant to s. 8.21, Stats. All factual allegations upon which the response relies must be verified by one or more persons with personal knowledge of the facts alleged therein. Individuals other than the challenged candidate may support a response with additional affidavits. A brief or summary of the legal standards applicable to the challenged declaration of candidacy and the application of those legal standards to the alleged facts may be filed simultaneously with the response and any affidavits. The brief or summary need not be verified, but if it is

EL § 2.06 – TREATMENT AND SUFFICIENCY OF DECLARATIONS OF CANDIDACY

EL § 2.08 – CHALLENGES TO DECLARATIONS OF CANDIDACY

prepared by an attorney, that attorney must sign the brief and that signature should meet the requirements of s. 802.05, Stats.

2.08(2)(f) If the challenged candidate elects to file a response to the declaration of candidacy, that response shall be filed, by the candidate challenged, by 5 p.m. of the third calendar day after the date the challenge was filed. The response must be in the physical or electronic possession of the filing officer by 5 p.m. of the response deadline. If a response is submitted on a Saturday, Sunday, or legal holiday, it must be submitted via facsimile transmission or electronic mail. Responses received after 5 p.m. on the response deadline shall not be accepted. If the challenged candidate elects to file a response and/or any correcting affidavits electronically, the filing officer shall electronically transmit a copy of those materials to the challenger within 4 hours of the deadline for filing those materials; if the challenge and supporting materials are filed in paper form, the filing officer shall deliver a copy to the challenger, either in paper or electronic form, no later than noon on the day after those materials are filed.

2.08(2)(g) If a challenged candidate files a response, the challenger may file a short rebuttal brief and/or one or more rebuttal affidavits. If the challenger elects to file a rebuttal brief and/or rebuttal affidavits, those materials shall be filed by the challenger within 24 hours of the filing officer's transmission of the response. A rebuttal brief need not be verified, but if it is prepared by an attorney that attorney must sign the brief and that signature should meet the requirements of s. 802.05, Stats. The rebuttal brief and/or rebuttal affidavits must be in the electronic possession of the filing officer within 24 hours from the filing officer's transmission of the response. Any rebuttal brief and/or any rebuttal affidavits must be

EL § 2.06 – TREATMENT AND SUFFICIENCY OF DECLARATIONS OF CANDIDACY

EL § 2.08 – CHALLENGES TO DECLARATIONS OF CANDIDACY

submitted via facsimile transmission or electronic mail. Paper copies of rebuttal briefs and/or rebuttal affidavits will not be accepted. Rebuttal briefs and/or rebuttal affidavits received after the applicable deadline shall not be accepted.

2.08(2)(h) After the deadline for filing any rebuttal brief and/or rebuttal affidavits, but not later than the date for certifying candidates to the ballot, the filing officer shall decide the challenge. In deciding the challenge, the filing officer may elect to hold a hearing if the filing officer deems that such a hearing would assist them in the adjudication of the challenge; however, a filing officer is not required to hold a hearing.

2.08(2)(i) Hearing. If the filing officer elects to hold a hearing, the procedures for the hearing shall accord with this section. The hearing should be noticed in advance and open to the public in compliance with ss. 19.81 – 19.98, Stats. The filing officer shall conduct the hearing in a manner that affords the same offered rights and opportunities to all parties. If the filing officer elects to accept oral presentations from the parties or their assigned representative, the same opportunity must be afforded to all parties. Factual evidence should not be received at a hearing unless the filing officer elects to swear in witnesses, in which case all witnesses must be sworn in.

2.08(3) BURDENS. The initial burden is on the challenger to establish any deficiency in the challenged candidate's declaration of candidacy. If the challenger makes an initial showing by clear, satisfactory, and convincing evidence that establishes the declaration of candidacy is insufficient pursuant to s. 8.21, Stats., the burden shifts to the challenged candidate to establish the sufficiency of the declaration of candidacy by clear, satisfactory, and convincing evidence.

EL § 2.06 – TREATMENT AND SUFFICIENCY OF DECLARATIONS OF CANDIDACY

EL § 2.08 – CHALLENGES TO DECLARATIONS OF CANDIDACY

2.08(4) BASIS FOR CHALLENGES. An administrative challenge to the sufficiency of a declaration of candidacy may only be brought on one or more grounds in this subsection. The challenge should allege with specificity the ground or grounds of each challenge.

2.08(4)(a) Certification, Missing Information. A challenge may be brought if any of the information in the candidate certification section is missing or incomplete, including the candidate's name and the official name of the office.

2.08(4)(b) Certification, Qualifications. A challenge may be brought to the candidate's certification on the declaration of candidacy that they possess qualifications to run for the office identified. A challenge under this ground shall be limited to the sworn statements that are required by ss. 8.21(2) and 8.21(4), Stats. A challenge to sworn statements required by s. 8.21(4), Stats., shall only be brought against candidates for state and local office.

2.08(4)(c) Candidate Address. A challenge under this ground may only be brought against candidates for state and local office pursuant to ss. 8.21(4). A challenge may be brought if the present address, including the municipality for voting purposes, is missing, incomplete, or incorrect. A challenge may also be brought under this ground if this information is inconsistent with a candidate's nomination papers.

2.08(4)(d) Candidate Name on Ballot. A challenge may be brought if the name the candidate wishes to appear on the ballot is missing. A challenge may also be brought under this ground if this information is inconsistent with a candidate's nomination papers. A challenge may also be brought if the intended name of the candidate on the ballot contains the word "incumbent," includes a professional title, or includes an attempt to manipulate

EL § 2.06 – TREATMENT AND SUFFICIENCY OF DECLARATIONS OF CANDIDACY

EL § 2.08 – CHALLENGES TO DECLARATIONS OF CANDIDACY

the electoral process. This section cannot serve as a basis for a challenge if the candidate has provided a last name plus first name, nickname or initial, middle name, or former legal surname, provided the name does not otherwise violate this provision and also does not include quotation marks or parentheses.

2.08(4)(e) Sworn Statement. A challenge may be brought if the declaration of candidacy has not been sworn to before any officer authorized to administer oaths per ss. 8.21(2) and 8.21(5), Stats.

2.08(4)(f) Timeliness of Filing. A challenge may be brought if the declaration of candidacy was not timely filed pursuant to s. 8.21(1), Stats.

2.08(5) DECISION OF FILING OFFICER. If the filing officer elects not to hold a hearing, the filing officer must promptly issue a written decision on the challenge and a signed order memorializing their disposition of the challenge within 3 calendar days of the date for certifying candidates to the ballot. If the filing officer elects to hold a hearing and announces an oral ruling during that hearing, any party seeking to appeal from the filing officer's adjudication of a challenge decided at the hearing may submit a proposed order, memorializing the filing officer's ruling, to the filing officer for adoption and signature. The filing officer shall promptly transmit all signed orders to the challenger and challenged candidate electronically. The filing officer may draft and sign their own order rather than using a version proposed by any party.

2.08(6) APPEAL. Any order of a local filing officer disposing of a challenge may be appealed to the commission pursuant to ss. 5.05 or 5.06, Stats. The party aggrieved by the filing officer's decision shall notify the commission of its intent to appeal within 48 hours of receipt of the filing officer's signed order. The commission administrator, in consultation with the commission chair,

EL § 2.06 – TREATMENT AND SUFFICIENCY OF DECLARATIONS OF CANDIDACY
EL § 2.08 – CHALLENGES TO DECLARATIONS OF CANDIDACY

shall establish a briefing schedule that will allow for a commission decision before the deadlines before ballot printing. Any signed order of the commission disposing of a challenge or adjudicating an appeal from a local filing officer's order disposing of a challenge may be appealed to a circuit court pursuant to s. 5.06(8), Stats.

NEW PROVISIONS



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

DATE: For the **May 14, 2024**, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Presented by:
Angela O'Brien Sharpe, Staff Attorney

SUBJECT: **Updates on Emergency and Permanent Rulemaking:**
Mandatory Use of Uniform Instructions for Absentee Voting, SS 093-23, SS 094-23

ATTACHMENTS: **Attachment A** – Governor Evers Approval Letter

Introduction

On March 20, 2024, the Commission approved the final text of the proposed emergency and permanent rules relating to the mandatory use of uniform instructions for absentee voting. Updates for both the emergency and permanent rulemaking process are detailed below. There is no action for the Commission to take at this meeting for this administrative rule.

Procedural Updates – Emergency Rule

On April 11, 2024, staff submitted the proposed emergency rule to the Office of Governor Evers for final approval pursuant to Wis. Stat. § 227.24(1)(e)1g. On April 25, 2024, Governor Evers approved the proposed emergency rule pursuant to Wis. Stat. § 227.185. See **Attachment A**.

Staff intend to submit the proposed emergency rule order to the *Wisconsin State Journal* pursuant to Wis. Stat. § 227.24(1)(c) so that it can be published the same date it becomes effective—June 10, 2024. Before that date, staff will file the emergency rule order with the Legislative Reference Bureau, as well as the chief clerk of each house and to each member of the legislature. After the emergency rule is filed with the LRB, the final emergency rule, along with the fiscal estimate, will be published in the LRB Administrative Register.

Procedural Updates – Permanent Rule

Until this point, the procedure for the emergency and permanent rulemaking on this subject have been the same. However, the permanent rulemaking requires a few additional steps, the first of which is a comment period for the Economic Impact Analysis (EIA) for the rule. Since this is a procedural rule that will require clerks to take action they should already be taking, no economic impact on clerks, the public, or small businesses is expected.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

On Thursday, May 2, 2024, staff created a new webpage for the EL 6.05 administrative rule for uniform instructions so that clerks and members of the public could access the notice of the EIA comment period as well as a copy of the EIA itself. Notice of the EIA comment period was also provided to the Legislative Reference Bureau (LRB) to be printed in the Register on May 6, 2024. Staff also sent out a clerk communication informing them that the comment period for the EIA would run from May 2, 2024, to May 20, 2024. A clerk communication was warranted because the Commission must solicit comments on the economic impact of the proposed permanent rule and, if requested, coordinate with local governments on the EIA. Commission staff will accept written comments for the Uniform Instruction EIA until 5 p.m. on May 20, 2024.

Next Steps – Emergency and Permanent Rulemaking

For the June 27 Commission meeting, staff will prepare a summary of any comments received on the EIA for the permanent rule. Staff will also prepare the final rule order for the permanent rule for the Commission's approval before it is submitted to the Rules Clearinghouse. Staff intend to submit the final rule order to the Rules Clearinghouse within 45 days of when the emergency rule becomes effective so that the Commission can hold a single post-promulgation hearing for both the emergency and permanent rules. Wis. Stat. § 227.24(4).



Tony Evers

Office of the Governor | State of Wisconsin

April 25, 2024

By Electronic Mail Only

Dear Secretaries and Agency Heads:

On this day, I approved the following statements of scope pursuant to Wis. Stat. § 227.135(2):

- A statement of scope by the Public Service Commission, submitted April 4, 2024, relating to standards for gas service (Wis. Admin. Code ch. PSC 134); and
- A statement of scope by the Department of Agriculture, Trade and Consumer Protection, submitted April 9, 2024, relating to producer led watershed protection grants (Wis. Admin. Code ch. ATCP 52); and
- A statement of emergency scope by the Department of Agriculture, Trade and Consumer Protection, submitted April 8, 2024, relating to providing crop insurance premium rebates for planting cover crops (Wis. Admin. Code ch. ATCP 52); and
- A statement of emergency scope by the Department of Agriculture, Trade and Consumer Protection, submitted April 8, 2024, relating to creating a commercial nitrogen optimization pilot program (Wis. Admin. Code ch. ATCP 52); and
- A statement of scope by the Department of Agriculture, Trade and Consumer Protection, submitted April 8, 2024, relating to pesticide use and control (Wis. Admin. Code ch. ATCP 29); and
- A statement of scope by the Department of Public Instruction, submitted April 10, 2024, relating to the out-of-state pathway for educator licensure (Wis. Admin. Code ch. PI 34); and
- A statement of emergency and permanent scope by the Department of Public Instruction, submitted April 10, 2024, relating to bilingual-bicultural supplemental licenses (Wis. Admin. Code ch. PI 34).

On this day, I approved the following proposed administrative rule pursuant to Wis. Stat. § 227.185:

- A proposed emergency rule by the Elections Commission, submitted April 11, 2024, relating to mandatory use of uniform instructions for absentee voting (Wis. Admin. Code ch. EL 6).

Please direct any questions about this letter to my policy director, Katie Domina.

Sincerely,

A handwritten signature in black ink that reads "Tony Evers". The signature is written in a cursive, flowing style.

Tony Evers
Governor

cc: Mel Barnes, chief legal counsel (mel.barnes@wisconsin.gov)
Katie Domina, policy director (katherine.domina1@wisconsin.gov)
DOA State Budget Office (SBOAdminRules@spmail.wi.gov)
Carl Bryan, DPI (Carl.Bryan@dpi.wi.gov)
Kara Koonce, PSC (kara.koonce@wisconsin.gov)
Bradford Steine, DATCP (bradford.steine1@wisconsin.gov)
Angela O'Brien, Elections Commission (angela.obrien@wisconsin.gov)



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

DATE: For the May 14, 2024, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Administrator

Prepared and Presented by:
Riley Willman
Election Administration Supervisor

SUBJECT: Uniform Instructions for Wisconsin Absentee Voters: Spanish Translations

1. Background

At its Dec. 19, 2023, meeting, the Wisconsin Elections Commission (“the Commission”) prescribed the final draft versions of the revised Uniform Instructions for Wisconsin Absentee Voters pursuant to Wis. Stat. § 6.869. These instructions were compiled to provide information that was designed to maximize the likelihood that voters complete the absentee ballot and certificate envelope properly and timely, and then ensure compliant return to their municipal clerks. The instructions cover regular voters, military and overseas (“UOCAVA”) voters, and voters served by central counting facilities. At its March 20, 2024, meeting, the Commission addressed one small update to the UOCAVA instructions, specifically contemplating by-mail UOCAVA voting procedures in a fourth, separate version.

2. New Forms

The next and likely final phase in the progression of approving and prescribing the Uniform Instructions for Wisconsin Absentee Voters is for the Commission to finalize the Spanish language versions of the Standard (EL-128s), Central Count (EL-128ccs), and UOCAVA (EL-128us and EL-128ups) uniform instructions.

Draft versions of each of these uniform instruction documents are included in your meeting packets as Appendices A-D. The translations in these documents were drafted and reviewed by Commission staff members who are fluent in the Spanish language, and then further reviewed and vetted by the City of Milwaukee’s Spanish language consultant to ensure the accuracy and compliance of the content. Staff are confident that these uniform instruction materials are now ready for publication, and they will serve to assist a broader portion of Wisconsin’s voting

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

population. The substance of the Spanish language instructions is identical to the English versions. The Commission staff members who translated and reviewed the Spanish language versions of the uniform instructions are competent to translate from English into Spanish, and certified that the translation of the uniform instructions is true and accurate to the best of their abilities.

3. Proposed Motion

The Wisconsin Elections Commission approves and prescribes the Spanish language versions of the Uniform Instructions for Wisconsin Absentee Voters (EL-128, EL-128cc, EL-128u, and EL-128up), as shown in Appendices A-D for all voter classifications and absentee voting process types. Staff are directed to update all Commission resources with this guidance and to notify clerks of this change.

Obtener ayuda

Si necesita ayuda para leer o llenar su papeleta o sobre de devolución, puede solicitar la asistencia de cualquier persona que no sea su empleador o un representante de su sindicato. **La persona que le asista puede también ser su testigo.** Explicarle cómo llenar su papeleta o sobre de devolución no constituye "asistencia".

Con su sobre de devolución	Con su papeleta
<ul style="list-style-type: none">• Si alguien firma su sobre de devolución en su representación, asegúrese de que también firme en la sección <i>Certificación del ayudante</i>.• La persona que le asista puede también ser su testigo.	<ul style="list-style-type: none">• La persona que le asista también debe firmar en la sección <i>Certificación del ayudante</i>.• La persona que le asista puede leerle su papeleta o llenar su papeleta, pero no puede decirle por quién votar.

Daños y errores de la papeleta

Si comete un error al llenar su papeleta o al completar el sobre de devolución, **póngase por favor en contacto con su secretario municipal.** El secretario también puede aclarar dudas sobre cómo solicitar una nueva papeleta y devolverla si usted comete un error.



Puede encontrar su información de contacto abajo o al escanear el código QR.

myvote.wi.gov/es-es/MyMunicipalClerk

Identificación del votante con fotografía

• Si ha recibido su papeleta es porque una copia de su identificación con fotografía ya está archivada o porque ha sido exentado de ese requerimiento. Usted no necesita proporcionar otra copia de su identificación con fotografía a menos que se lo indique su secretario municipal.

Si tiene alguna pregunta, póngase por favor en contacto con su secretario municipal.

Información de contacto del secretario municipal

(Nombre del secretario municipal)

(Nombre del municipio)

Teléfono:

Email:

Fax:

Información para contactar al funcionario electoral estatal Comisión Electoral de Wisconsin

Centro de asistencia: (608) 261-2028
Email: elections@wi.gov



Verifique el estatus de la devolución de su papeleta, encuentre información para votantes y más en MyVote.wi.gov/es-es/

Instrucciones para votantes que votan usando voto ausente en Wisconsin

EL-128s | Rev 05-2024 | Wisconsin Elections Commission, P.O. Box 7984, Madison, WI 53707-7984
| (608) 261-2028 | elections.wi.gov | elections@wi.gov

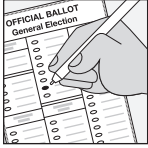
Instrucciones para los votantes ausentes de Wisconsin (para municipios de recuento central)



RASO 1 Lea y siga las instrucciones en su papeleta
Los errores pueden impedir que se cuenten sus votos.

RASO 2 Debe votar su papeleta en presencia de un testigo adulto.

- Marque su papeleta en presencia de su testigo.
- Su testigo no puede decirle por quién o qué votar y no puede ver las opciones que usted elija en su papeleta.



¿Quién puede ser testigo?

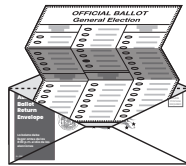
- Un testigo debe ser ciudadano estadounidense y tener al menos 18 años.
- Para votantes militares o en el extranjero, su testigo debe tener al menos 18 años, pero no es necesario que sea ciudadano estadounidense.
- Un testigo puede ser un amigo, cónyuge, familiar, vecino, etc.

¿Quién no puede ser testigo?

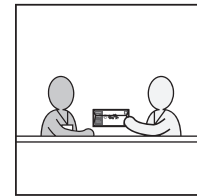
- Un candidato en la papeleta electoral para esta elección

Si tiene dificultad encontrando un testigo o tiene preguntas sobre el requisito de testigos, comuníquese con su secretario municipal.

RASO 3 Vuelva a doblar su papeleta votada y colóquela dentro del sobre de devolución.



RASO 4 Selle el sobre en presencia de su testigo.



Asegúrese de que su sobre está completamente sellado

RASO 5 Rellene las secciones requeridas del sobre.

Elementos requeridos

VOTANTE

Su información de votante
(Es posible que ya se haya completado)

Firma

TESTIGO

Firma

Nombre

Dirección

Solicitud y certificado oficial de voto ausente

1 SECRETARIO o VOTANTE debe rellenar

Información del Votante

Nombre de ciudad: _____
 Nombre de estado: _____
 Nombre (apellido, nombre, segundo nombre) _____
 Dirección _____
 Condado _____ Ciudad _____
 Testado _____ Código postal _____ N° de precinto _____ Distrito _____

2 EL VOTANTE debe rellenar esta parte

Yo, el testigo oyo firmante, sujeto a las sanciones de § 12.40(3)(g), Wis. Stats., por declaraciones falsas, que:

- Soy residente del distrito municipal en el Condado del estado de Wisconsin indicada aquí O tengo derecho a votar en tal circunscripción o distrito municipal en las elecciones indicadas aquí
- No voy a votar en ningún otro lugar en estas elecciones
- No puedo o no quiero presentarme en el lugar de votación del distrito el día de las elecciones, o he cambiado mi residencia dentro del estado de un distrito o condado menos de 28 días antes de las elecciones
- He marcado la papeleta sin marcar al testigo y, en presencia de ninguna otra persona, he marcado la papeleta y la he sellado y sellado en este sobre de forma que nadie, excepto yo mismo y un asistente en virtud del artículo § 17(5), si he solicitado asistencia, pueda saber cómo he votado
- He solicitado esta papeleta y este es el original o una copia de dicha solicitud

Firma del Votante _____
 Certificación del ayuntamiento (si procede)
 Certifico que el votante es capaz de firmar su nombre debido a una discapacidad y que he firmado el nombre del votante a petición e indicación del votante.

Firma del Ayudante _____

3 EL TESTIGO debe rellenar esta parte

Yo, el testigo oyo firmante, sujeto a las sanciones por declaraciones falsas del Wis. Stats. § 12.40(3)(g), certificado que:

- Soy ciudadano estadounidense adulto
- Soy el asistente autorizado del votante y el procedimiento de votación se llevó a cabo según lo establecido
- No soy candidato a ningún cargo de la papeleta electoral (excepto en el caso de un secretario municipal en funciones)
- No solicito ni acepto el electo que votara a favor o en contra de ningún candidato o medida

Firma del Testigo _____
 Nombre y Apellidos del Testigo _____
 Dirección del Testigo (número, calle, ciudad) _____

RASO 6 Regrese su papeleta.

A menos que sea un votante con una discapacidad, debe entregar personalmente su propia papeleta y debe ser recibido a tiempo para ser entregado a su lugar de conteo de papeletas **a más tardar a las 8:00 p.m. el día de la elección.**

- Devuélvela por correo. Espere al menos **una semana** para que la papeleta llegue a su secretario municipal.
- Entréguela en la oficina de su secretaria municipal.
- Déjela en su ubicación de conteo central.
- Los votantes con discapacidades tienen derecho a Asistencia en la devolución de una papeleta de voto en ausencia. El asistente del votante puede ser cualquier persona que no sea el empleador del votante, un agente que no sea el empleador, un representante de su sindicato, o un candidato en la papeleta electoral.

Obtener ayuda

Si necesita ayuda para leer o llenar su papeleta o sobre de devolución, puede solicitar la asistencia de cualquier persona que no sea su empleador o un representante de su sindicato. **La persona que le asista puede también ser su testigo.** Explicarle cómo llenar su papeleta o sobre de devolución no constituye "asistencia".

Con su sobre de devolución	Con su papeleta
<ul style="list-style-type: none">• Si alguien firma su sobre de devolución en su representación, asegúrese de que también firme en la sección <i>Certificación del ayudante</i>.• La persona que le asista puede también ser su testigo.	<ul style="list-style-type: none">• La persona que le asista también debe firmar en la sección <i>Certificación del ayudante</i>.• La persona que le asista puede leerle su papeleta o llenar su papeleta, pero no puede decirle por quién votar.

Daños y errores de la papeleta

Si comete un error al llenar su papeleta o al completar el sobre de devolución, **póngase por favor en contacto con su secretario municipal.** El secretario también puede aclarar dudas sobre cómo solicitar una nueva papeleta y devolverla si usted comete un error.



Puede encontrar su información de contacto abajo o al escanear el código QR.

myvote.wi.gov/es-es/MyMunicipalClerk

Identificación del votante con fotografía

• Si ha recibido su papeleta es porque una copia de su identificación con fotografía ya está archivada o porque ha sido exentado de ese requerimiento. Usted no necesita proporcionar otra copia de su identificación con fotografía a menos que se lo indique su secretario municipal.

Si tiene alguna pregunta, póngase por favor en contacto con su secretario municipal.

Información de contacto del secretario municipal

(Nombre del secretario municipal)

(Nombre del municipio)

Teléfono:

Email:

Fax:

Información para contactar al funcionario electoral estatal Comisión Electoral de Wisconsin

Centro de asistencia: (608) 261-2028
Email: elections@wi.gov



Verifique el estatus de la devolución de su papeleta, encuentre información para votantes y más en MyVote.wi.gov/es-es/

Instrucciones para los votantes ausentes militares y en el extranjero de Wisconsin (correo)



RASO 1 Lea y siga las instrucciones en su papeleta
Los errores pueden impedir que se cuenten sus votos.

RASO 2 Debe votar su papeleta en presencia de un testigo adulto.

- Marque su papeleta en presencia de su testigo.
- Su testigo no puede decirle por quién o qué votar y no puede ver las opciones que usted elija en su papeleta.



¿Quién puede ser testigo?

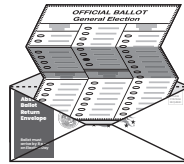
- Para votantes militares o en el extranjero, su testigo debe tener al menos 18 años, pero no es necesario que sea ciudadano estadounidense.
- Un testigo puede ser un amigo, cónyuge, familiar, vecino, etc.

¿Quién no puede ser testigo?

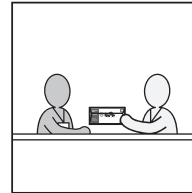
- Un candidato en la papeleta electoral para esta elección

Si tiene dificultad encontrando un testigo o tiene preguntas sobre el requisito de testigos, comuníquese con su secretario municipal.

RASO 3 Vuelva a doblar su papeleta votada y colóquela dentro del sobre de devolución.



RASO 4 Selle el sobre en presencia de su testigo.



Asegúrese de que su sobre está completamente sellado

RASO 5 Rellene las secciones requeridas del sobre.

Elementos requeridos

VOTANTE

Su información de votante
(Es posible que ya se haya completado)

Fecha de nacimiento*

Firma

*Solamente votantes militares o que viven permanentemente en el extranjero.

TESTIGO

Firma

Nombre

Dirección

Official Absentee Ballot Certificate & Application

CLERK or EMPLOYER (Employment Bureau) MILITARY (overseas)

Initiate Here >>> (with PO requirement)

1 CLERK or VOTER must complete this part

Voter Information

City Name: _____ Election Date (mm/dd/yyyy)

Village Name: _____

Town Name: _____

Name (Last, First, Middle) _____

Street Address _____

County _____ City _____

State _____ Zip _____ Ward _____ Ass. Dist. _____

2 VOTER must complete this part

I certify, subject to the penalties for false statements of Wis. Stat. § 12.00(1)(b), that:

- I am a resident of the ward or of the at-large district of the municipality in the county of the state of Wisconsin indicated hereon.
- OR I am entitled to vote in the ward or at-large district of the election indicated hereon.
- I am not voting at any other location in this election.
- I am unable or unable to appear at the polling place in the ward on Election Day, or I have changed my residence within the state from one ward to another less than 28 days before the election.
- I displayed the ballot unmarked to the witness and in the presence of no other person marked the ballot and enclosed and sealed it in this manner that no one but myself and an assistant under my supervision, if applicable, could know how I voted.
- I requested the original or a copy of that request.

X (Date of Birth) _____

Voter Signature _____ (mm/dd/yyyy)

Certification of Assistant (if applicable)
I certify that the voter is unable to sign their name due to a disability and that I signed the voter's name at the election and request of the voter.

Assistant Signature _____

3 WITNESS must complete this part

I, the undersigned witness, subject to the penalties for false statements of Wis. Stat. § 12.00(1)(b), certify that:

- I am at least 18 years old.
- The above statements are true and the voting procedure described is observed.
- I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk).
- I did not solicit or advise the elector to vote for or against any candidate or measure.

WITNESS REQUIRED

X _____

Witness Signature _____

Witness Printed Name _____

Witness Address (Number, Street Name, City) _____

RASO 6 Franqueo

Coloque suficientes estampillas en el sobre exterior. Si usted es militar en servicio activo, puede depositar su papeleta en un consulado estadounidense para que sea enviada sin costo.

RASO 7 Regrese su papeleta.

- Su papeleta debe ser recibida con suficiente tiempo para que pueda ser entregada en su casilla de votación o centro de conteo central **a más tardar a las 8:00pm el día de la elección.**
- Envíe su papeleta. Permita que pase suficiente tiempo para que llegue a su destino.
- Si no puede utilizar un servicio público de correos, considere alternativas comerciales.

Las papeletas en ausencia no pueden ser regresadas por correo electrónico o fax.

Su papeleta no será contada a menos que incluya toda esta información.

Obtener ayuda

Si necesita ayuda para leer o llenar su papeleta o sobre de devolución, puede solicitar la asistencia de cualquier persona que no sea su empleador o un representante de su sindicato. **La persona que le asista puede también ser su testigo.** Explicarle cómo llenar su papeleta o sobre de devolución no constituye "asistencia".

Con su sobre de devolución	Con su papeleta
<ul style="list-style-type: none">• Si alguien firma su sobre de devolución en su representación, asegúrese de que también firme en la sección <i>Certification of Assistant.</i>• La persona que le asista puede también ser su testigo.	<ul style="list-style-type: none">• La persona que le asista también debe firmar en la sección <i>Certification of Assistant.</i>• La persona que le asista puede leerle su papeleta o llenar su papeleta, pero no puede decirle por quién votar.

Daños y errores de la papeleta

Si comete un error al llenar su papeleta o al completar el sobre de devolución, **póngase por favor en contacto con su secretario municipal.** El secretario también puede aclarar dudas sobre cómo solicitar una nueva papeleta y devolverla si usted comete un error.



Puede encontrar su información de contacto abajo o al escanear el código QR.

myvote.wi.gov/es-es/MyMunicipalClerk

Identificación del votante con fotografía

• Si ha recibido su papeleta es porque una copia de su identificación con fotografía ya está archivada o porque ha sido exentado de ese requerimiento. Usted no necesita proporcionar otra copia de su identificación con fotografía a menos que se lo indique su secretario municipal.

Si tiene alguna pregunta, póngase por favor en contacto con su secretario municipal.

Información de contacto del secretario municipal

(Nombre del secretario municipal)

(Nombre del municipio)

Teléfono:

Email:

Fax:

Información para contactar al funcionario electoral estatal Comisión Electoral de Wisconsin

Centro de asistencia: (608) 261-2028
Email: elections@wi.gov



Verifique el estatus de la devolución de su papeleta, encuentre información para votantes y más en MyVote.wi.gov/es-es/

Instrucciones para los votantes ausentes militares y en el extranjero de Wisconsin (correo electrónico y fax)



- PASO 1**
Imprima su papeleta y el certificado de papeleta en ausencia que recibió de su secretario municipal.
- PASO 2**
Lea y siga las instrucciones en su papeleta
 Los errores pueden impedir que se cuenten sus votos.
- PASO 3**
Debe votar su papeleta en presencia de un testigo adulto.
 - Marque su papeleta en presencia de su testigo.
 - Su testigo no puede decirle por quién o qué votar y no puede ver las opciones que usted elija en su papeleta.

¿Quién puede ser testigo?

- Para votantes militares o en el extranjero, su testigo debe tener al menos 18 años, pero no es necesario que sea ciudadano estadounidense.
- Un testigo puede ser un amigo, cónyuge, familiar, vecino, etc.

¿Quién no puede ser testigo?

- Un candidato en la papeleta electoral para esta elección

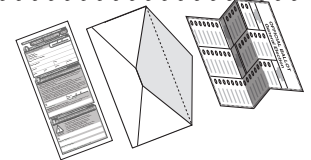
Si tiene dificultad encontrando un testigo o tiene preguntas sobre el requisito de testigos, comuníquese con su secretario municipal.

- PASO 4**
Doble e inserte la papeleta
 Doble la papeleta y colóquela dentro de un sobre regular y sin ventana. Incluya toda la boleta. Si la boleta fue enviada en dos páginas, regrese ambas páginas, incluyendo la papeleta que contiene la firma del secretario municipal.

Selle el sobre en presencia de su testigo.

- PASO 5**
Rellene las secciones requeridas del sobre.

- PASO 6**
Fije el certificado
 Utilice pegamento o cinta adhesiva para fijar el certificado en el sobre que contiene su papeleta.



- PASO 7**
Coloque el sobre con el certificado en un sobre más grande y rotúlelo con el nombre y dirección de su secretario municipal.

- PASO 8**
Franqueo
 Coloque suficientes estampillas en el sobre exterior. Si usted es militar en servicio activo, puede depositar su papeleta en un consulado estadounidense para que sea enviada sin costo.

- PASO 9**
Regrese su papeleta.
 - Su papeleta debe ser recibida con suficiente tiempo para que pueda ser entregada en su casilla de votación o centro de conteo central **a más tardar a las 8:00pm el día de la elección.**
 - Envíe su papeleta. Permita que pase suficiente tiempo para que llegue a su destino.
 - Si no puede utilizar un servicio público de correos, considere alternativas comerciales.

Elementos requeridos

VOTANTE

Su información de votante
(Es posible que ya se haya completado)

Fecha de nacimiento*

Firma

*Solamente votantes militares o que viven permanentemente en el extranjero.

TESTIGO

Firma

Nombre

Dirección

Official Absentee Ballot Certificate & Application

1 CLERK or VOTER must complete this part

Voter Information

City Name: _____ Election Date (mm/dd/yyyy): _____

Village Name: _____

Town Name: _____

Name (Last, First, Middle): _____

Street Address: _____

County: _____ City: _____

State: _____ Zip: _____ Ward: _____ Ald. Dist: _____

2 VOTER must complete this part

I certify, subject to the penalties for false statements of Wis. Stat. § 12.85(1)(b), that:

- I am a resident of the ward of the administrative district of the municipality in the county of the state of Wisconsin indicated hereon OR I am entitled to vote in the ward or administrative district at the election indicated hereon.
- I am not voting at any other location in this election.
- I am unable or unwilling to appear at the polling place in the ward on Election Day, or I have changed my residence within the ward from one ward to another less than 28 days before the election.
- I displayed the ballot unmarked for the witness and in the presence of no other person marked the ballot and enclosed and sealed it in this envelope in a manner that no one but myself and an assistant under my supervision could know how I voted.
- I requested 2 copies of this ballot and I am depositing one copy of this request.

X _____ Date of Birth: _____/_____/_____
 Voter Signature (mm/dd/yyyy)

 Certification of Assistant (if applicable)
certify that the voter is unable to sign their name due to a disability and that I signed the voter's name at the election and request of the voter.

 Assistant Signature

3 WITNESS must complete this part

I, the undersigned witness, subject to the penalties for false statements of Wis. Stat. § 12.85(1)(b), certify that:

- I am at least 18 years old.
- The above statements are true and the voting procedure was executed as stated.
- I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk).
- I did not solicit or advise the elector to vote for or against any candidate or measure.

X _____
 Witness Signature

 Witness Printed Name

 Witness Address (Number, Street Name, City)

Su papeleta no será contada a menos que incluya toda esta información.

Obtener ayuda

Si necesita ayuda para leer o llenar su papeleta o sobre de devolución, puede solicitar la asistencia de cualquier persona que no sea su empleador o un representante de su sindicato. **La persona que le asista puede también ser su testigo.** Explicarle cómo llenar su papeleta o sobre de devolución no constituye "asistencia".

Con su sobre de devolución	Con su papeleta
<ul style="list-style-type: none">• Si alguien firma su sobre de devolución en su representación, asegúrese de que también firme en la sección <i>Certification of Assistant</i>.• La persona que le asista puede también ser su testigo.	<ul style="list-style-type: none">• La persona que le asista también debe firmar en la sección <i>Certification of Assistant</i>.• La persona que le asista puede leerle su papeleta o llenar su papeleta, pero no puede decirle por quién votar.

Daños y errores de la papeleta

Si comete un error al llenar su papeleta o al completar el sobre de devolución, **póngase por favor en contacto con su secretario municipal.** El secretario también puede aclarar dudas sobre cómo solicitar una nueva papeleta y devolverla si usted comete un error.



Puede encontrar su información de contacto abajo o al escanear el código QR.

myvote.wi.gov/es-es/MyMunicipalClerk

Identificación del votante con fotografía

• Si ha recibido su papeleta es porque una copia de su identificación con fotografía ya está archivada o porque ha sido exentado de ese requerimiento. Usted no necesita proporcionar otra copia de su identificación con fotografía a menos que se lo indique su secretario municipal.

Si tiene alguna pregunta, póngase por favor en contacto con su secretario municipal.

Información de contacto del secretario municipal

(Nombre del secretario municipal)

(Nombre del municipio)

Teléfono:

Email:

Fax:

Información para contactar al funcionario electoral estatal Comisión Electoral de Wisconsin

Centro de asistencia: (608) 261-2028
Email: elections@wi.gov



Verifique el estatus de la devolución de su papeleta, encuentre información para votantes y más en MyVote.wi.gov/es-es/



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

DATE: Prepared for the May 14, 2024, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Prepared and Presented by:
Jim Witecha, WEC Chief Legal Counsel

SUBJECT: Implementation of Section 7, (1) and (2), of Article III of the Wisconsin Constitution

1. Purpose

The purpose of this memorandum is to provide a necessary update to the Wisconsin Elections Commission (“Commission”) on recent events pertaining to the ratification and implementation of Section 7, (1) and (2), of Article III of the Wisconsin Constitution. This memo will also detail potential options for future Commission consideration.

2. Background

At the April 2, 2024, Spring Election, the voters of Wisconsin approved two referenda to amend the Wisconsin Constitution:

- **QUESTION 1: “*Use of private funds in election administration.*”** Shall section 7 (1) of article III of the constitution be created to provide that private donations and grants may not be applied for, accepted, expended, or used in connection with the conduct of any primary, election, or referendum?”
- **QUESTION 2: “*Election officials.*”** Shall section 7 (2) of article III of the constitution be created to provide that only election officials designated by law may perform tasks in the conduct of primaries, elections, and referendums?”

According to Wis. Stat. § 7.70(3)(h), “...Whenever a constitutional amendment or other statewide validating or ratifying referendum question which is approved by the people does not expressly state the date of effectiveness, it shall become effective at the time the chairperson of the commission or the chairperson's designee certifies that the amendment or referendum question is approved.”

These two referenda were ratified, and the subsequent constitutional amendments became effective, after Commission Chair Don Millis conducted the state canvass and certification meeting on April 24, 2024. Commission staff have received many questions, comments, concerns, and recommendations related to the interpretation and implementation of these constitutional provisions. These requests have come from election officials, municipal attorneys, and others requesting that the Commission provide clarification on the meaning and requirements of the new provisions.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

100

Commission staff now wish to advise the Commission on these matters and seek guidance on how, if at all, the Commission wishes to proceed.

3. Commission Considerations

Before discussing potential future action, it is important to note that Wisconsin Attorney General (“AG”) Josh Kaul has already received a request for an AG Opinion related to this topic. That submission to the AG may result in the necessary clarification regarding how to implement these constitutional provisions. The AG Opinion option includes the benefit of soliciting and potentially incorporating public comment before publication: [AG Opinion Requests | Wisconsin Department of Justice \(state.wi.us\)](https://www.wisconsin.gov/justice/agopinion).

Staff recommend that the Commission refrain from taking action on questions of implementation of these two amendments until the AG Opinion process concludes. Regardless of the outcome of the AG Opinion, the Commission still retains the following options, both now, and in the future:

- *No Action*: The Commission may not be inclined to provide details or clarification related to constitutional language and requirements.
- *Issue Guidance*: The Commission could consider, and possibly approve, non-binding guidance relating to its interpretation of the constitutional requirements, or at least their relationship to Wis. Stat. Chapters 5-10 and 12.
- *Complaint/Opinion*: Make the appropriate determinations, if any, based solely on any complaint or advisory opinion request properly before the Commission, if and when those would be filed.
- *Admin Rule*: Direct staff to begin the administrative rule promulgation process, in an effort to provide binding clarity and information related to these constitutional provisions. If possible, this option would likely require staff to research whether an agency has the ability to promulgate rules based on constitutional authority, and/or determine whether the amendments are sufficiently tied to Wis. Stat. Chapters 5-10 and 12 in a way that provides a basis for rulemaking.
- *Other*: Any other option the Commission may direct for consideration.

This memorandum was largely designed to be informational. As such, no action or motion is being recommended. Staff advise that the Commission wait and examine any potential future AG Opinion before independently proceeding with other options. This would give the Commission an opportunity to peruse that opinion, and confer with elections officials and other interested stakeholders, before determining if any additional action is warranted. That said, the agenda for this meeting is noticed for potential action. The Commission may direct staff as it sees fit, even if that is simply to carry out initial research into these or any other options.



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

DATE: For the May 14, 2024, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Brandon Hunzicker, Staff Attorney

SUBJECT: June 10, 2024, Ballot Access Challenge Response Deadline

Introduction

On November 9, Commission staff sent a communication to Wisconsin's county clerks explaining that because the June 1 Partisan Primary nomination paper filing deadline falls on a Saturday this year, Wis. Stat. § 990.001(4)(c) requires the WEC to accept nomination papers on Monday, June 3. Staff seek direction concerning how to administer the challenge period, which includes deadlines falling on, and potentially after June 10, which is the Commission's deadline under Wis. Stat. § 10.06(1)(h) for sending its ballot arrangement decision to county clerks. Staff propose a challenge response deadline of no later than 9 am on June 10 for any challenge response that is due on June 10. Any response deadline later in the day would not allow the Commission to consider the response before voting on the challenge.

Separately, if there is an extension of time allowed due to an incumbent's failure to file a declaration of non-candidacy, the Commission may need to meet again on the evening of June 13 to address any challenges and responses. Staff will make every effort to ensure candidates file their declarations of non-candidacy if they do not intend to run, or intend to run in a district with a different number than their current district.

Discussion

The Commission is in a difficult position regarding its statutory and rule deadlines for ballot access challenges. Because the agency does not have official office hours on Saturday, June 1, anyone seeking to turn in nomination papers may do so on the next business day, which in this case is Monday, June 3. Wis. Stat. § 990.001(4)(c). Turning to Wis. Admin. Code § EL 2.07(2)(a), which provides a three calendar-day deadline to file a challenge, any challenge to a nomination paper filed on June 3 would be June 6. Wis. Admin. Code § EL 2.07(2)(b) provides three calendar days for a response, which would land on Sunday, June 9. Applying Wis. Stat. § 990.001(4)(b), which applies specifically to Sunday, anyone with this deadline could perform the act of filing the response on the next business day, which is June 10, the date of the Commission meeting and statutory deadline.

Generally, staff have made 4:30 pm, the end of official office hours, the deadline to submit a document that must be filed on a given day. However, in this case, that would mean that the Commission could receive a filing after it has voted on ballot access for candidates. Due to the conflict between statutory and rule deadlines, staff propose applying a 9 am deadline to any response that is due on June 10. Moving the deadline to 9 am does not

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

102

present any detriment to a candidate who is being challenged. The normal period for filing a response to a challenge is three days, and in this case a candidate would have three days, plus an extra evening and morning. A deadline of 9 am will provide Commission staff with enough time to review the response and send it to the Commission before the meeting begins at noon.

Unfortunately, there is also a chance that some filings may be subject to a 72-hour extension due to an incumbent failing to file a declaration of non-candidacy by May 24. Wis. Stat. § 8.15(1). Since the failure to file, which is the triggering event, would not take place until June 3, the deadline for filing nomination papers would move to Thursday June 6. The challenge filing deadline would then move to Sunday, June 9, which moves to Monday, June 10 under § 990.001(4)(b). And the response would then be due on Thursday, June 13, three days after the Commission is required to determine ballot access. If any challenges allowed to be received on June 10 are received, the Commission will need to meet again to determine ballot access for those offices on the evening of June 13 after the response deadline.

Staff seek to be proactive in reminding all incumbent candidates that their district numbers may have changed, and thus that they may need to file a declaration of non-candidacy for the district of their old district number in addition to filing nomination papers for their new districts. Staff will follow up with incumbent candidates who have filed a declaration of candidacy in a district with a different number from the one they are currently holding. Staff hope that these efforts will result in few extensions.

Recommended Motion:

Staff shall apply a 9 am deadline for any response to a challenge that is due on June 10. Regarding any extension of time due to an incumbent not filing nomination papers and failing to file a declaration of non-candidacy, the deadline to file a challenge is 4:30 pm June 10, and the deadline to file a response is 4:30 pm on June 13. Staff shall provide all incumbents with a template declaration of non-candidacy and, if applicable, shall send reminders to candidates to file them before the deadline of May 24.