

WISCONSIN ELECTIONS COMMISSION

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MEMORANDUM

TO: Wisconsin Municipal Clerks
City of Milwaukee Election Commission
Wisconsin County Clerks
Milwaukee County Election Commission

FROM: Meagan Wolfe, Interim Administrator

DATE: January 4, 2019

SUBJECT: 72-Hour Filing Extension Deadline Falling on the Weekend

Elections Commission staff has fielded numerous calls from clerks confronted with an extension of the filing deadline. A 72-hour extension of the filing deadline occurs when an incumbent fails to timely file a Notification of Noncandidacy and subsequently does not file ballot access documents for his or her current position by the filing deadline. Due to the filing deadline being on Wednesday this year rather than Tuesday, which was New Year's Day, the extension of the filing deadline for candidates other than the incumbent falls on Saturday, January 5. Clerks have asked if the 72-hour deadline can be delayed until Monday, January 7.

Bottom Line

When the ballot-access filing deadline is extended, and the deadline falls on a weekend or holiday (in this case, Saturday, January 5), the deadline for *submitting* nomination paper signatures, Campaign Registration Statement and Declaration of Candidacy is extended to the close of business on the next business day (Monday, January 7). However, the deadline for *obtaining* nomination paper signatures is the end of the 72-hour extension window; 5 p.m. on Saturday, January 5. No signature may be counted if dated later than January 5, 2019.

Justification

The ballot access filing deadline for the spring ballot is statutorily established as "the first Tuesday in January." Wis. Stat. § 8.10(2)(a). In anticipation of New Year's Day occasionally falling on the first Tuesday in January, the statute specifically provides that if the first Tuesday in January is a holiday, the deadline is extended to the next day. This year the deadline was pushed to Wednesday January 2. Candidates were able to collect signatures on January 2 for submission on January 2.

With respect to the 72-hour extension of the filing deadline, Wis. Stat. § 8.10(2)(a) does not provide that the deadline may be delayed due to a holiday or weekend. The deadline is postponed until Monday, January 7 solely by virtue of Wis. Stat. §. 990.001, which applies to the act of filing, not to the collection of signatures. A candidate taking advantage of the extension may file ballot access documents on Monday, the 7, but no signature may be counted if dated after Saturday, January 5.

If you have questions or comments, please contact the Help Desk at 608-261-2028 or elections@wi.gov.