

# State of Wisconsin\Government Accountability Board

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## MEMORANDUM

**TO:** Wisconsin County Clerks  
Milwaukee County Election Commission  
Wisconsin Municipal Clerks  
Milwaukee City Election Commission  
Candidates, Political Parties and Other Interested Parties

**FROM:** Michael Haas  
Elections Division Administrator

**DATE:** March 15, 2016

**SUBJECT:** New Nomination Paper Forms and Common Challenges Manual

### Common Nomination Paper Challenges Manual

Attached is a new Manual which the Government Accountability Board (G.A.B.) recently approved and which is titled Common Nomination Paper Challenges. The Manual is based upon a staff memo which has been provided to the Board and posted in recent election cycles. The Manual is also posted as a Publication on the agency website at <http://www.gab.wi.gov/publications/manuals/common-nomination-paper-challenges>.

The Manual summarizes decisions which the G.A.B. and the former State Elections Board have made over the years after considering the most common challenges related to the form of nomination papers and other election petitions and the signatures included on those documents. The Manual addresses challenges to the header of the document as well as to individual signature and address issues, and the circulator's certification. While the Board and other filing officers are not necessarily bound by these prior precedents in considering specific factual circumstances, the Manual may be used as a guide in assessing challenges filed with the Board and local filing officers.

The Common Nomination Paper Challenges Manual is intended to have three purposes. First, the G.A.B. encourages all candidates to review the Manual so that they and their circulators may avoid errors which may affect the validity of nomination papers or individual signatures. Local filing officers are encouraged to inform candidates where they can locate the Manual. Second, local filing officers may use the Manual as a guide in reviewing nomination papers and resolving challenges that are filed. Third, the G.A.B. requests that any individuals who are considering filing a challenge with the Board or local filing officers review the Manual prior to proceeding with a challenge, to guide their decisions and to avoid the filing of a clearly frivolous challenge.

A very short timeframe exists for Board staff and local filing officers to review nomination papers, evaluate challenges, and determine whether a sufficient number of valid signatures have been filed. Both the challenger and the challenged candidate are permitted to file documentation and legal arguments regarding the validity of signatures. Board staff must evaluate those materials, complete legal analysis, and draft recommendations for the Board's consideration in a compressed time window so that the preparation of ballots is not delayed and meets the federal and state deadlines for ballot availability.

Challenges which are clearly unsupported by the law and by previous determinations require an unnecessary expenditure of scarce resources and only hamper the ability of Board staff and local filing officers to focus attention on the challenges which have a solid basis in the law.

Challenges made solely for the purpose of attempting to make political points and engage in political gamesmanship are an abuse of the process and may be deemed frivolous. Pursuant to Wis. Stat. § 5.05(2m)(c)2.a., the Board may, if it finds, by a preponderance of the evidence, that a challenge or complaint is frivolous, order the complainant to forfeit up to the greater of \$500 or the expenses incurred by the G.A.B. in investigating the complaint.

#### Revised Nomination Paper Forms

In addition to the new Manual, the Government Accountability Board has approved revisions to the format of the sample nomination papers published on the agency website. While the revisions are relatively minor, they are intended to clarify the required information in the header, in order to assist candidates in properly completing the forms and reduce the risk of errors made by candidates and circulators which may invalidate the nomination papers. Nomination papers are not invalid simply because they follow the format of the previous versions, but the G.A.B. recommends the use of the updated format.

Revisions have been made to the nomination paper formats for both partisan and nonpartisan candidates. Attached are revised versions of the following document which may also be found at the links below:

GAB-168 Nomination Paper for Partisan Office <http://www.gab.wi.gov/forms/GAB-168>

GAB-169 Nomination Paper for Nonpartisan Office <http://www.gab.wi.gov/forms/GAB-169>

If you have questions with respect to this memorandum, please contact the G.A.B. Help Desk at 608-261-2028 or [gabhelpdesk@wi.gov](mailto:gabhelpdesk@wi.gov).