

WISCONSIN ELECTIONS COMMISSION

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MEMORANDUM

DATE: December 18, 2018

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

FROM: Elections Administration Team
Wisconsin Elections Commission Staff

SUBJECT: Clarification on Spring Ballot Access Filing Deadlines

The Wisconsin Elections Commission (WEC) has received several calls and emails from clerks requesting clarification of the 2019 Spring Election ballot access filing deadlines.

For Spring Elections, Wis. Stat. § 8.10(2)(a) states that candidates are to file ballot access documents ([Nomination Papers](#), [Declaration of Candidacy](#), and [Campaign Registration Statement](#)) with the appropriate filing officer no later than 5:00 p.m. on the first Tuesday in January. In 2019, the first Tuesday in January falls on January 1, which is New Year's Day. Because January 1, 2019 is a legal holiday, the deadline by which ballot access documents must be received is moved to 5:00 p.m. on Wednesday, January 2, 2019, as outlined in Wis. Stat. § 990.001(4)(b).

Candidates for state office or municipal judge are also required to file a [Statement of Economic Interests](#), which is due three days after the deadline for the other ballot access documents. Due to this statutory deadline falling on a Saturday, candidates must file their Statement of Economic Interests no later than 4:30 p.m. on Monday, January 7, 2019. For more information about the Campaign Registration Statement or the Statement of Economic Interests, please contact the Wisconsin Ethics Commission (ethics@wi.gov or 608-266-8123).

Following is a summary of the deadlines for the Spring Election candidate filing period:

Filing Timeline

- The deadline for filing Nomination Papers and a Declaration of Candidacy (EL-162) is 5:00 p.m. on Wednesday, January 2, 2019.
- The deadline for filing a Statement of Economic Interests (if applicable) is 4:30 p.m. on Monday, January 7, 2019.

Challenge Timeline

- The deadline by which filing officers must receive challenges to nomination papers, normally three calendar days following the nomination paper filing deadline, will be the close of business on Monday, January 7, 2019, due to January 5, 2019 falling on a Saturday [per Wis. Stat. § 990.001(4)(c)].
- The deadline by which the filing officer must arrange to deliver a copy of the challenge to the challenged candidate is within 24 hours of receipt of the challenge, or no later than Tuesday, January 8, 2019.
- The deadline by which a challenged candidate must file a verified response with the filing officer is within three calendar days of the challenge being filed, or no later than the close of business on Thursday, January 10, 2019 for any challenges filed on Monday, January 7, 2019. If a challenge is filed on January 2, 3 or 4, the response deadline will be the close of business on Monday, January 7, 2019 due to response deadlines otherwise falling on a weekend day.
- The deadline by which WEC and other filing officers must finalize the certification of candidates, normally the second Tuesday in January, is Friday, January 11, 2019. WEC staff will issue a communication certifying candidates for state office immediately following the Commission meeting that morning. To facilitate ballot preparation, if there will not be a primary for any state office, WEC staff will communicate that to clerks following the filing deadline on Wednesday, January 2, 2019.

Please note that an incumbent may file a [Notification of Noncandidacy \(EL-163\)](#) by 5:00 p.m. this Friday, December 21, 2018. If an incumbent does not file a notification of noncandidacy by that deadline and does not file nomination papers by the filing deadline, then the filing deadline for all other candidates for the office is extended by 72 hours, pursuant to Wis. Stat. § 8.10(2). Because the extended deadline would fall on a weekend in 2019, that deadline will be 5:00 p.m. on Monday, January 7, 2019. For any nomination papers filed under the extended deadline, the deadline for filing challenges is the close of business on Thursday, January 10, 2019. The deadline for filing responses to challenges is the close of business on the third calendar day after a challenge has been filed but is extended to the next business day if the deadline falls on a weekend day.

An incumbent who files a notification of noncandidacy may later decide to file nomination papers. In that case there is no extension of the filing deadline for other candidates.

For further information, please see the published 2019 Calendar of Election Events on the agency website: <https://elections.wi.gov/publications/2019-election-events-calendar>.

Guidance on the [nomination paper review process](#) can be found on the WEC website. For further information about the nomination paper challenge process, please reference [Wis. Adm. Code EL Chs. 2 and 20](#) or the [WEC Common Nomination Paper Challenges manual](#).

Please contact the Elections Help Desk at (608) 261-2028 or elections@wi.gov if you have further questions or concerns.