

ORDER
OF THE
STATE ELECTIONS BOARD

Relating to nomination papers and also relating to challenges to the sufficiency of nomination papers.

Pursuant to the authority vested in the state of Wisconsin elections board by ss. 8.07 and 227.014 (2)(a), Stats., the elections board hereby proposes to repeal and recreate its rules interpreting ss. 8.10, 8.15, 8.17, 8.20, 8.50, 120.06, and 120.43, Stats., and also to create a rule interpreting ss. 8.10, 8.15, 8.15, 8.17, 8.20, 8.50, 120.06, and 120.43, Stats., as follows:

EL.BD. 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 requirements.

(2) The state elections board or the appropriate filing officer shall review all nomination papers filed with it, up to the maximum number required, to determine the facial sufficiency of the papers filed.

(3) Any information which appears on a nomination paper is entitled to a presumption of validity.

(4) Where any required item of information on a nomination paper is incomplete, the filing officer will accept the information as complete if there has been substantial compliance with the law.

(5) In order to be timely filed, all nomination papers shall be in the physical custody of the appropriate filing officer by the statutory deadline.

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

(7) An elector shall sign his or her own name unless unable to do so because of physical disability.

(8) 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 entitled to vote for at the election.

(9) The signature of a married woman shall be counted if she uses her husband's first name instead of her own. A person may not sign for his or her spouse.

(10) The municipality of residence, including post office address and the date of signing, shall be listed for each signature on a nomination paper.

(11) The signature shall not be counted if the address of the signer is missing or incomplete, unless residency can be determined by the information provided on the nomination paper.

(12) A signature shall not be counted if the date of the signature is missing, unless the date can be determined by reference to the dates of other signatures on the paper or the date of the notarization on the affidavit of circulator.

(13) A signature shall be counted if similar 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 affidavit of circulator under oath.

(15) No signature on a nomination paper shall be counted unless the official administering the oath to the circulator signs the affidavit. The title of the person administering the oath along with the expiration date, if any, of the commission should be listed on the affidavit. The official seal of the person administering the oath is not required on the nomination paper.

(16) The filing officer may accept nomination papers which contain biographical data or campaign advertising if the papers are of reasonable size and contain the proper attribution statement as specified in s. 11.30 (2), Stats.

(17) These standards shall apply to all nomination papers which are filed pursuant to ss. 8.10, 8.15, 8.17, 8.20, 8.50, 120.06, and 120.43, Stats.

SECTION 2. El.Bd. 2.07 is created to read:

El.Bd. 2.07 CHALLENGES TO NOMINATION PAPERS. (1) The state elections board shall review any verified complaint concerning the sufficiency of nomination papers that is filed with the board under ss. 5.05 (3), and 5.06, Stats.

(2) Any challenge to the sufficiency of a nomination paper shall be filed within three business days after the filing deadline for the challenged nomination papers.

(3) The burden is on the challenger to establish any insufficiency. If the information on the nomination paper appears insufficient, the burden is on the candidate to establish its sufficiency.

(4) The board shall examine any evidence offered by the parties when reviewing the complaint.

(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, or the county stated on the nomination paper, the board may attempt to ascertain the geographical location of an address indicated on a nomination paper by reviewing district maps, registration and poll lists, atlases, plat maps, or consulting with the postmaster or other public officials as the board deems appropriate.

(6) Where a challenged petition does not contain an indication that a notary commission expires at a time certain, or is of a permanent nature, the staff of the state elections board shall contact the secretary of state to determine the validity of the notary commission.

These rules will take effect on December 1, 1984.

Dated: October 19, 1984

SEAL

/S/Kevin J. Kennedy

KEVIN J. KENNEDY
Executive Secretary
State Elections Board



State of Wisconsin \ ELECTIONS BOARD

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Gary J. N. Aamodt
Chairman

Kevin J. Kennedy
Executive Secretary

October 19, 1984

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Revisor of Statutes
Bureau

Mr. Gary L. Poulson
Assistant Revisor
Revisor of Statutes Bureau
411 West, State Capitol
Madison, WI 53702

Dear Mr. Poulson:

This letter informs you that both the senate and assembly have taken no action within 30 days after receiving El.Bd. 2.05 and 2.07, Wis. Adm. Code, the proposed permanent rules to amend the present rules about nomination papers. In the light of this action, Kevin J. Kennedy, executive secretary of the Elections Board, issued the order to adopt the amendment to these rules.

The original and a copy of Mr. Kennedy's order are enclosed. Please publish them at your earliest convenience to become effective December 1, 1984.

If you have any questions, please contact me.

Thank you for your cooperation.

Sincerely,

STATE ELECTIONS BOARD


Kevin B. Cronin
Legal Counsel

Encs.