Wisconsin Elections Commission

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Frequently Asked Questions Regarding Recall of Congressional, County, and State Officials

To assist reporters inquiring about the recall process for congressional, county, and state officials, the Wisconsin Elections Commission has compiled answers to the frequently asked questions below. In addition to this resource, we recommend you consult the Commission's recall manuals, available at the following link: https://elections.wi.gov/resources/manuals/recall-manuals

If you have more questions, please email electionspio@wisconsin.gov

The members of the Commission plan to meet at 8 a.m. on Tuesday, March 12 to discuss the recall petition. The meeting notice is available at https://elections.wi.gov/event/special-meeting-3122024

What is the deadline for filing a recall petition?

The completed petition must be filed no later than 5:00 p.m. on the 60th day after the date of filing a recall registration statement. Any signature dated either before the date of registration or more than 60 days after the registration date is invalid. If the deadline for submitting the petition falls on a weekend or holiday, the petition must be filed by the next business day, but valid signatures may not be dated outside of the 60-day circulation window.

Because the deadline falls on a weekend, the petition to recall Rep. Robin Vos must be filed no later than 5:00 p.m. on Monday, March 11.

How many signatures are needed to successfully petition for a recall election of a state representative?

The petition must contain the signatures of qualified electors equal to at least 25% of the vote cast for the office of Governor at the last General Election held within the same district or jurisdiction as that of the officeholder, per Wis. Stat. § 9.10(1)(b).

Where can I find the number of votes cast for governor, by jurisdiction, in the last General Election?

The 2022 General Election Results available on the WEC's election results page (https://elections.wi.gov/elections/election-results) contains the following file that details the gubernatorial election results by congressional, state Assembly, and state Senate district: "2022 Governor by reporting unit with Congressional, State Senate, Assembly district.xlsx".

Where are the rules for recall petitions outlined?

The statutory provisions for recalling state, county, congressional, legislative, and judicial elected officials are provided in Wis. Stat. § 9.10 and Wis. Admin. Code Ch. EL 2.

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

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Does the Wisconsin Elections Commission have further rules or precedent about how to carry out the recall process?

Please refer to the WEC's recall manuals and Wisconsin administrative code, mentioned above.

Who determines whether recall petition signatures are accepted?

The six members of the bipartisan Commission make the determination on whether the recall petition is sufficient.

Can someone challenge a recall petition?

Yes. Within 10 days after a recall petition is offered for filing with the appropriate filing officer, the officeholder can challenge the sufficiency of the recall petition. The challenge must be made in the form of a written, sworn complaint and filed with the filing officer who received the recall petition. Wis. Stat. § 9.10(3)(b). and Wis Admin. Code EL Ch. 2.

Once a recall petition is filed, the WEC will post images of the petition signatures online at our badgervoters.wi.gov website for public viewing, free of charge.

If a recall petition is sufficient, who orders the recall election?

The WEC would call any potential recall elections for state and federal offices.

If a recall petition is sufficient, when would the recall election and primary (if necessary) take place?

The recall election would be held on the Tuesday of the 6th week commencing after the date on which the certificate of sufficiency is filed.

If more than two people compete for the office, a recall primary will be held on the date originally set for the recall election. The recall election will then be held on the Tuesday of the fourth week after the recall primary. The two candidates receiving the highest number of votes in the recall primary will be certified to appear on the ballot in the recall election.

What does the timeline for the recall process look like once a recall petition is filed?

The filing officer is required to determine the sufficiency of the petition within 31 days after the petition is filed, and after the conclusion of any challenge. Wis. Stat. § 9.10(3)(b).

Can the Commission's determination of the recall petition's sufficiency or insufficiency be appealed?

Within 7 days after an official determines the sufficiency or insufficiency of a recall petition, the petitioner or the officer against whom the recall petition is filed may file a writ of mandamus or prohibition with the circuit court for the county where the recall petition was filed.

Is there a maximum amount of recall signatures that the petitioner is allowed to file?

No.

How often do recalls happen?

The Wisconsin Historical Society has provided a brief history of Wisconsin recalls, available at this link: https://www.wisconsinhistory.org/Records/Article/CS2581