

Wisconsin Election Certification Processes and Guardrails

Certification, the statutory process by which officials sign off on the completion of election results, has historically been an uncontroversial postelection formality in Wisconsin and across the country. State law has long established that officials have a mandatory, nondiscretionary duty to certify elections.

Despite this well-settled law, states across the country faced a new phenomenon following the 2020 presidential election. Dozens of local [officials](#) nationwide refused or threatened to refuse to certify election results, often based on claims rooted in election denialism — the false idea that the 2020 election was stolen and that widespread fraud pervades our election system. These efforts [persisted](#) throughout the 2024 election cycle, evolving into a vehicle to express disagreement or doubt as to any aspect of an election, including the outcomes of downballot races.

Importantly, Wisconsin has not seen any recent attempts to disrupt the certification process. And attempts in other states have not succeeded, often because state courts and state officials have intervened to protect the certification process. Still, the threat remains that rogue officials in Wisconsin may attempt to interfere with the timely certification of this year's midterm election results.

Fortunately, Wisconsin officials have several legal tools available to respond to any certification issues that arise — and to help prevent them in the first place. These guardrails are detailed below.

Timeline for Canvassing and Certifying the 2026 General Election in Wisconsin

General Schedule

Following the **November 3, 2026** election, municipal clerks must report election returns to the county clerk no later than two hours after the votes are tabulated. Wis. Stat. § 7.51(4)(c). Municipal clerks must then deliver the tally sheets, ballots, and other election materials to the county clerk by 4 p.m. on the day after the election, **November 4, 2026** — or by 4 p.m. the following day, **November 5**, if the municipality uses a municipal board of absentee ballot canvassers to canvass absentee ballots. Wis. Stat. § 7.51(5)(b). Finally, municipal clerks must deliver any provisional ballots canvassed, along with amended returns and tally sheets, to the county clerk by 4 p.m. on the Monday after the election (**November 9, 2026**). Wis. Stat. § 7.51(5)(b).

The county boards of canvassers must convene by 9 a.m. on the Tuesday after the election (**November 10, 2026**) to conduct the county canvass. Wis. Stat. § 7.60(3). The county boards must deliver certified vote statements to the Wisconsin Elections Commission (WEC) by **November 17, 2026** (i.e., no later than 14 days after the election). Wis. Stat. § 7.60(4)-(5).

The WEC chairperson “shall publicly canvass the returns and make his or her certifications and determinations on or before” **December 1, 2026**. Wis. Stat. § 7.70(3)(a). In the case of elections for members of the U.S. House of Representatives, WEC shall prepare a certificate addressed to the House. Wis. Stat. § 7.70(5)(a). In the case of elections for U.S. Senators, WEC shall prepare a certificate for the governor’s signature, and the governor shall sign, affix the state seal to, and transmit the certificate to the president of the Senate. Wis. Stat. § 7.70(5)(a). The certificate also must be countersigned by the secretary of state. Wis. Stat. § 7.70(5)(a).

Recount Schedule

In Wisconsin, recounts take place prior to the final certification of election results. A candidate may seek a recount if the margin separating the winning and losing candidates is 1 percent or less. Wis. Stat. § 9.01(1)(5)b. Recount petitions must be filed no later than **5 p.m. on the third business day** after the last meeting day of a county board of canvassers determining the election for an office following canvassing of all valid provisional ballots. Wis. Stat. § 9.01(1)(a). Or, if more than one board of canvassers makes the determination, no later than **5 p.m. on the third business day** following the last meeting day of the last board of canvassers that makes a determination following canvassing of all valid provisional ballots. Wis. Stat. § 9.01(1)(a). If WEC or the WEC chairperson makes the determination for the office in question, any recount petition must be filed no later than **5 p.m. on the third business day** after WEC receives the last county canvassing statement for the election following canvassing of all valid provisional ballots. Wis. Stat. § 9.01(1)(a).

Upon receipt of a valid recount petition, county clerks must notify the proper board of canvassers. Wis. Stat. § 9.01(1)(ar)3. Likewise, whenever WEC receives a valid petition, it must “promptly” issue a recount order to the relevant county boards. Wis. Stat. § 9.01(1)(ar)3. County boards must convene no later than **9 a.m. on the third day after receipt of an order** and may adjourn for not more than one day at a time until the recount is complete, absent an extension from WEC. Returns from a recount ordered by WEC must be transmitted to the office of WEC no later than **13 days** from the date of WEC’s recount order. Wis. Stat. § 9.01(1)(ar)3. The

WEC chairperson must canvass the returns and declare the results no later than **9 a.m. on the third business day after receiving the recount results** (or by **December 1, 2026**, whichever is later). Wis. Stat. § 9.01(5)(c).

Authority to Prevent and Respond to Certification Abuses

State Officials Can Issue Opinions and Guidance

WEC has statutory authority to issue guidance documents and advisory opinions on issues such as certification. Wis. Stat. §§ 5.05(6a), 227.112.

The attorney general is likewise required to issue a written opinion “upon all questions of law submitted to him or her by the legislature, either house thereof or the senate or assembly committee on organization, or by the head of any department of state government.” Wis. Stat. § 165.015(1). The attorney general also has an obligation to advise district attorneys and corporation counsel upon request. Wis. Stat. §§ 59.42(1)(c), 165.25(3). Finally, WEC may request opinions from the attorney general under some circumstances. Wis. Stat. § 5.05(6a)(a)4.

State Officials and Other Affected Parties Can Bring an Enforcement Action

Wisconsin law gives WEC clear statutory authority to take action if a county clerk fails to send a certified statement of the county’s election results: “If any county clerk fails or neglects to forward any statements, the commission chairperson or the chairperson’s designee may require the clerk to do so immediately, and if the statements are not received . . . **by the 11th day** after any other election [aside from the primary and presidential elections], the commission chairperson or the chairperson’s designee shall immediately notify the county clerk, in writing, that failure to immediately forward the statements constitutes a violation of law that will result in an immediate enforcement action” brought by WEC. Wis. Stat. § 7.70(1)(b).

If WEC does not receive the statements **within one day** after written notice is delivered to the county clerk, WEC “shall **immediately** initiate an enforcement action . . . to obtain the statements in the circuit court for that county.” Wis. Stat. § 7.70(1)(b). Under state law, that enforcement action may include “injunctive relief, a writ of mandamus or prohibition, or other such legal or equitable relief as may be appropriate to enforce any law regulating the conduct of elections . . . or ensure its proper administration.” Wis. § 5.05(1)(d).

In addition to WEC’s authority to bring an enforcement action, a mandamus action brought by other affected parties, such as the attorney general, the relevant district attorney, an aggrieved candidate, or affected voters, can compel an official to perform a ministerial duty required by law. See, e.g., Wis. Stat. § 5.07. The Wisconsin Supreme Court has long acknowledged that officials have a ministerial, nondiscretionary duty to canvass and certify elections by the statutory deadlines for purposes of a mandamus action. *State ex rel. Husting v. State Bd. of Canvassers*, 150 N.W. 542, 547, 551–52 (Wis. 1915); *Att’y Gen. ex rel. Bashford v. Barstow*, 4 Wis. 567, 794–800 (1855).

Courts Have Tools to Enforce Court Orders If an Official Still Refuses to Certify

If a certifying official refuses to comply with a mandamus order, the party that obtained the order may seek contempt sanctions. Wis. Stat. §§ 785.01(1), 785.02. The district attorney of a county, the attorney general, or a special prosecutor appointed by the court may seek punitive sanctions. Wis. Stat. § 785.03(1)(b).

State Officials Can Impose Penalties Against Rogue Certifying Officials

Refusing to certify an election could violate several state laws and/or result in criminal charges. See, e.g., Wis. Stat. §§ 12.13(2)(a), 12.13(2)(b)(4).

An election official who is convicted of violating Wisconsin’s election code is also statutorily “disqualified to act as an election official” for five years after the time of conviction. Wis. Stat. § 12.60(3).

District attorneys generally have authority to prosecute violations of the election code, as well as other criminal conduct that takes place within their jurisdictions. Wis. Stat. §§ 11.1401(2), 12.60(4). The attorney general has the authority to investigate crimes that are “statewide in nature, importance or influence,” which should include violations of the election code and misconduct in public office statute arising from certification abuses. Wis. Stat. § 165.70(1)(a).

Finally, WEC has the authority to investigate complaints alleging violations of the election code. It can prosecute alleged civil violations and refer alleged criminal violations to the appropriate prosecutors. Wis. Stat. § 5.05(2m).

Additional Resources

- Brennan Center, [“Election Certification: How to Strengthen State Frameworks”](#) (June 17, 2025)
- Brennan Center, [“The Roadmap to the Official Count”](#) (October 26, 2020)
- Campaign Legal Center, [“What is Election Certification?”](#) (October 8, 2024)
- Citizens for Responsibility and Ethics in Washington, [Election Certification Under Threat](#) (August 15, 2024)
- Lauren Miller Karalunas, [“How State and Local Election Certification Works”](#) (July 30, 2024)
- Protect Democracy, [“Election Certification, Explained”](#) (July 24, 2024)
- Protect Democracy, [Election Certification Is Not Optional](#) (March 2024)