

CANDIDATES

Summary

All candidates must meet certain qualification requirements, complete and file proper ballot access documents in order to gain a spot on the ballot. Municipal clerks serve as the filing officer for municipal offices. Therefore, the municipal clerk should keep detailed records of candidate filings and correspondence. Municipal offices are non-partisan and are up for election on the first Tuesday in April. If a primary is required, the primary is held on the third Tuesday in February preceding the spring election.

Qualifications for Office

All candidates must meet the residency requirements established for the office to which he or she is seeking election.

1. City Offices: A qualified elector* of the city and residing in city at the time of election.
2. Aldermanic Offices: A qualified elector* of the city and aldermanic district, and residing in the district at the time of election.
3. Village Offices: A qualified elector* of the village and residing in village at the time of election.
4. Town Offices: A qualified elector* of the town at the time of taking office, except an assessor who is appointed under §60.307, Wis. Stats.

*A qualified elector is defined in §6.02, Wis. Stats., as a U.S. citizen, 18 years of age or older, who has resided in the election district for at least 10 days before an election at which he or she offers to vote and who is not disqualified by virtue of one or more of the impediments described in §6.03, Wis. Stats.

Note: No person may hold any state or local elected office in Wisconsin if the person has been convicted of a felony in any court in the United States unless the person has been pardoned of the conviction. Additionally, no person may have his

or her name placed on the ballot for any state or local elective office in Wisconsin if the person has been convicted of a felony in any court in the United States unless the person has been pardoned of the conviction (Wis. Con. Art. XIII, §3(3)). Any person who falsely signs this statement could be convicted of a violation of §12.13(3)(a), (am), Wis. Stats.

Ballot Access Procedure

All candidates, regardless of office sought, must complete ballot access documents. Most candidates are nominated for office through the filing of nomination papers. However, some towns and villages use the caucus procedure to nominate candidates for town or village office. All candidates, regardless of the nomination procedure used, must file two documents:

1. Campaign Registration Statement (EB-1).
2. Declaration of Candidacy (EB-162).

If a candidate fails to file one or both of these forms with the municipal clerk by the deadline for filing nomination papers or by 5:00 p.m. on the fifth day after a candidate receives notification of nomination at a caucus, the clerk cannot place the candidate's name on the ballot.

Municipal judge candidates also need to submit a *Statement of Economic Interest* to the State Ethics Board in order to meet ballot access requirements. Ballot Access Checklists (EBIS-6, 7) for municipal candidates indicate this requirement and the appropriate filing deadline. Forms and instructions are available from the Ethics Board's website (<http://ethics.state.wi.us>) or by contacting the Ethics Board at 608-266-8123.

Additionally, some municipalities may have an ethics ordinance under §19.59(3)(b), Wis. Stats., requiring a *Statement of Economic Interest* to be filed with the local filing officer in order to achieve ballot status. If you are unsure whether your municipality has an ethics statement requirement, you should check with your municipal attorney. If the statement is not filed by the stated deadline, the candidate's name will not appear on the ballot.

Clerks should make "candidate packets" available for all prospective municipal candidates. All ballot access forms and checklists are available on the agency

website, or by contacting the State Elections Board. Candidate packets should include the following forms:

1. Campaign Registration Statement (EB-1).
2. Declaration of Candidacy (EB-162).
3. Nomination Paper for Nonpartisan Office (EB-169).
4. Appropriate Ballot Access and Campaign Finance Checklists (EBIS-6, 7, 8).

Campaign Registration Statement (EB-1)

Candidates may register (file a Campaign Registration Statement (EB-1)) at anytime, but not later than the deadline for filing nomination papers or not later than 5:00 p.m. on the fifth day after receipt of notification of nomination at a caucus. The Campaign Registration Statement (EB-1) must be accurate and complete.

Note: Campaign finance law requires a candidate to register as soon as the intent to be a candidate is known. Therefore, a candidate should register before engaging in campaign activity and before accepting contributions or making disbursements.

The following information is required on each section of the Campaign Registration Statement (EB-1):

1. Section 1
 - a. The name and address of the candidate.
 - b. The title of the office the candidate is seeking in its proper form.
 - c. Any applicable district number or seat number.
 - d. The correct primary and election dates.
 - e. Party affiliation does not apply to municipal (nonpartisan) elections.
 - f. Contact information (although not required, it is recommended that the clerk obtain contact information)

2. Section 2

Not applicable to candidates. A committee, other than a candidate committee, that has spent more than \$25 dollars for a political purpose, is required to register by completing Sections 2, 3 and 5.

3. Section 3

A treasurer is required. If there is not a separate treasurer, the candidate is the treasurer.

4. Section 4

Not required unless there are principal officers and/or custodians of accounts.

Note: This section can be used to list persons authorized to fill a vacancy in nomination in the event of the death of the candidate.

5. Section 5

Depository information is required. A separate campaign account is required unless the candidate serves as treasurer of the campaign and is exempt* from filing campaign finance reports. In that case, a personal account may be used.

6. Certification

Must be signed by the candidate and treasurer (if there is a separate treasurer).

7. Exemption

If the candidate qualifies for exemption* from filing campaign finance reports, the appropriate box (“This candidate is eligible for exemption”) must be checked, and the candidate or treasurer must sign.

***Eligibility for Exemption:** Committees may be eligible for an exemption from filing campaign finance reports if campaign finance activity is low enough to meet all of the following criteria:

- a. The committee anticipates that it will not accept contributions, make disbursements, or incur loans and other obligations in an aggregate amount exceeding \$1,000 in a calendar year; AND
- b. The committee anticipates that it will not accept any contribution or cumulative contributions from a single source (other than the candidate) exceeding \$100 in a calendar year; AND
- c. The candidate or treasurer must sign and date the request for exemption on the campaign registration statement.

Committees on exemption may receive up to \$1,000 in a calendar year, and may spend up to \$1,000 in the same calendar year. The candidate’s

contributions do count toward the total receipts of \$1,000 or less in a calendar year. The \$100 limit on contributions from a single source does not apply to contributions from a candidate's personal funds for his or her own campaign. If the committee exceeds any of these thresholds, the committee is required to amend its registration statement to come off exemption and begin filing campaign finance reports.

Most candidates in municipal elections will qualify for exemption. Candidates who do not qualify for exemption should be directed to the *Campaign Finance and Bookkeeping* manual, which is available on the agency website or by contacting the State Elections Board. The clerk must provide campaign finance forms upon request.

Declaration of Candidacy (EB-162)

The Declaration of Candidacy (EB-162) may be filed at any time, but not later than the deadline for filing nomination papers or not later than 5:00 p.m. on the fifth day after receipt of notification of nomination at a caucus. A person who has been convicted of a felony cannot run for or hold public office unless he or she has been pardoned of the offense. The Declaration of Candidacy (EB-162) contains a certification that the candidate meets this requirement.

The following information is required:

1. The candidate's name.
2. The proper title of the office the candidate is seeking, including any applicable seat, branch or district number.
3. Party affiliation does not apply for municipal (nonpartisan) elections.
4. The candidate's name in the form that the candidate wishes the name to appear on the ballot.
5. The form must be notarized or signed by a person authorized to administer oaths.

Nomination Paper Procedure

All cities and some villages and towns use the nomination paper process.

1. Nomination Papers for Nonpartisan Office (EB-169) containing sufficient signatures for the office sought must be filed, along with the Campaign Registration Statement (EB-1) and Declaration of Candidacy (EB-162), not

later than 5:00 p.m. on the first Tuesday in January for the Spring Election (if the first Tuesday in January is a holiday, the deadline is the next business day)

2. Nomination papers may not be circulated before December 1st in the year preceding the Spring Election.
3. Nomination papers must be filled out correctly. In order to be sufficient, the following information is required for each section.
 - a. Candidate Information (top of form): All information concerning the candidate must be completed in full before circulating this form to obtain signatures of electors, including:
 - i. Name of the Candidate as it will appear on the ballot;
 - ii. Candidate's residence (if a candidate's municipality of residence is different from the municipality used for mailing purposes, both must be given);
 - iii. Date of Election;
 - iv. Title of Office (must be listed along with any branch, district, or seat number that clearly identifies the office the candidate is seeking);
 - v. Name of jurisdiction or district in which candidate seeks office.
 - b. Signatures of Electors: Each signature entry must contain the signer's name, complete address including municipality, and the date of signature.
 - c. Certification of Circulator (bottom of form): After obtaining signatures of electors, the circulator must sign and date the certification, certifying that he or she personally presented the nomination paper to each signer. The circulator's complete address (including municipality of residence) must be listed in the certification.
4. Upon receipt of completed nomination papers, the municipal clerk should immediately review the filed papers to determine sufficiency. See Elections Board Administrative Code, ElBd 2.05, available on the agency website, for rules and direction for reviewing nomination papers.
5. The number of signatures required depends on the office sought. See the Ballot Access Checklist for Municipal Candidates (EBIS-7).

6. The municipal clerk should issue a receipt to the candidate or candidate's agent when nomination papers are filed. A sample Nomination Paper Receipt (EB-151) is available by contacting the State Elections Board

Nomination by Caucus Procedure

The specific procedure for nomination by caucus is detailed in the publication, *Caucus Procedures for Towns and Villages*, which is available on the agency website or by contacting the State Elections Board.

1. Only towns and villages may use the nomination by caucus procedure.
2. In addition to being nominated at the caucus, candidates must file the Campaign Registration Statement (EB-1) and the Declaration of Candidacy (EB-162), not later than 5:00 p.m. on the fifth day after receipt of notification of nomination at the caucus.
3. Notification of nomination by caucus can be sent by certified mail or personally delivered. If personally delivered, the candidate should sign a receipt indicating that notification was received. Sample Notice of Nomination at Caucus and Receipt of Notice of Nomination are included in the *Caucus Procedures for Towns and Villages* manual, which is available on the agency website or by contacting the State Elections Board.

Notification of Noncandidacy

An incumbent officeholder who does not intend to run again for the position he or she currently holds should file a Notification of Noncandidacy (EB-163). This alerts the public and potential candidates that the incumbent does not intend to run for re-election.

During November before the spring election, the filing officer should remind each incumbent to file a Notification of Noncandidacy (EB-163) if they do not wish to seek re-election. The Notification of Noncandidacy (EB-163) is used in municipalities using nomination papers.

Filing Deadlines

1. The Notification of Noncandidacy (EB-163) is due the second Friday before the deadline for filing nomination papers.

2. If an incumbent candidate fails to file a Notification of Noncandidacy (EB-163) on time, and does not file the appropriate documents to qualify for the ballot on time:
 - a. The deadline for filing ballot access documents is extended 72 hours for that office.
 - b. This means that anyone, except the incumbent, can file the required ballot access documents and sufficient nomination papers within the extension period and qualify for placement on the ballot.

Filing of the Notification of Noncandidacy (EB-163) has no effect when candidates are nominated by the caucus procedure.

Filing Officers & Record-Keeping

Municipal clerks serve as the filing officers for the following elected offices:

1. City Clerk: Mayor, City Clerk, Treasurer, Alderperson, any other elected city offices.
2. Village Clerk: Village President, Trustee, Clerk, Treasurer, Municipal Judge, any other elected village offices.
3. Town Clerk: Chairperson, Supervisor, Clerk, Treasurer, Assessor, Constable, Municipal Judge.

Note: Multi-jurisdictional municipal judges file with the county clerk of the largest portion of the jurisdiction served by the judge.

Note: The Milwaukee City Board of Election Commissioners serves as the filing officer for all City of Milwaukee offices, including school board.

The municipal clerk is responsible for receiving and retaining forms associated with candidates. The clerk shall create a separate file for each candidate. The following forms should be maintained in the candidate's file and kept for the applicable retention period:

1. Campaign Registration Statement (EB-1)

2. Declaration of Candidacy (EB-162)
3. Nomination Paper for Nonpartisan Office (EB-169) (if applicable)
4. Nomination Paper receipts (if applicable)
5. Receipt for Caucus Notification (Certified Mail or In-Person) (if applicable)
6. Campaign Finance Report (EB-2), if required
7. Correspondence

A retention schedule entitled “Destruction of Election Materials” can be found on pages 125-126 of this manual.

Frequently Asked Questions

1. Are incumbents required to file ballot access documents?

Yes. All candidates including incumbents are required to file the appropriate ballot access documents for each election for which he or she is seeking office.

2. It isn't December 1st yet and a prospective candidate wants me to give him a Campaign Registration Statement (EB-1). May I give it to him?

Yes, absolutely. As soon as a person decides to be a candidate, he or she is required to register. Therefore, candidate packets, which include the Campaign Registration Statement (EB-1), should be available for candidates at all times.

3. What if a candidate is campaigning before the Campaign Registration Statement (EB-1) is filed?

Failure of the candidate to file a Campaign Registration Statement (EB-1) before soliciting votes or spending or accepting money toward the campaign is a violation of campaign finance law, and should be reported to the district attorney. If the district attorney decides to pursue the complaint, the candidate may be subject to forfeiture.

However, failure to file a Campaign Registration Statement (EB-1) as soon as the intent to be a candidate is known does not affect the candidate's ballot access as long as the Campaign Registration Statement (EB-1) is filed by the filing deadline.

4. *What happens if no candidates qualify for ballot placement?*

If no candidates properly complete and file ballot access documents in the time frame allotted, the ballot will contain only a space for a write-in candidate. (See *Caucus Procedures for Towns and Villages* for information on this topic with respect to the caucus nomination procedure).

5. *What should I do if I believe that an individual filing ballot access documents is a convicted felon?*

If it is brought to the filing officer's attention that a convicted felon has filed ballot access documents, the matter needs to be resolved in consultation with the municipal attorney. It is the position of the State Elections Board that the municipality should only act on information presented in the form of a sworn complaint, alleging that a candidate has been convicted of a felony and evidence is provided in support of that allegation. The municipal attorney can assist the filing officer in verifying the basis of the complaint.

Once it has been determined that a candidate or an elected official has been convicted of a felony, the municipal attorney can assist the filing officer in removing the person's name from the ballot or take appropriate steps to have the person removed from office. A formal notice should be sent to the candidate or elected official informing him or her of the filing officer's decision to remove his or her name from the ballot.

6. *Should I, as clerk, check to make sure that no elected official or candidate has been convicted of a felony?*

No. The municipal clerk is not required to verify that every elected official or candidate for elected public office has not been convicted of a felony for which they have not been pardoned. The clerk should rely on the sworn statement of the candidate on the Declaration of Candidacy. No action should be taken unless there is evidence in the form of a sworn complaint as described above.

7. *What if our office is closed the first Tuesday in January for a holiday?*

The deadline for filing ballot access documents is extended to the next business day.

List of Related Forms and Publications

All forms and publications are available on the agency website or can be ordered from the State Elections Board.

Forms

EB-1: Campaign Registration Statement
EB-2: Campaign Finance Report
EB-151: Nomination Paper Receipt
EB-162: Declaration of Candidacy
EB-163: Notification of Noncandidacy
EB-169: Nomination Paper for Nonpartisan Office
Notice of Nomination at Caucus
Receipt of Notice of Nomination
EBIS-6 & EBIS-7: Ballot Access Checklists for Municipal Candidates
EBIS-8: Campaign Finance Checklist for Municipal Offices
Statement of Economic Interest (<http://ethics.state.wi.us>)

Manuals

Campaign Finance and Bookkeeping
Caucus Procedures for Towns and Villages

