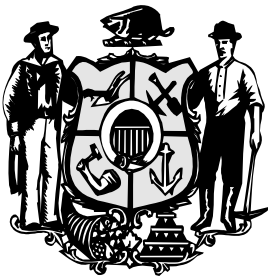


# PROCEDURES FOR NOMINATION OF CANDIDATES BY CAUCUS

For Use by Clerks

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## **Wisconsin State Elections Board**

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## **Introduction**

The caucus is a method that may be used by towns and villages for nominating candidates to be placed on the Spring Election ballot. The caucus is open to the public, but only qualified electors of the municipality may nominate and vote for candidates. A person is not required to be a registered voter in order to participate in the caucus. A caucus cannot be used for nominating candidates for the office of Town Sanitary District Commissioner. Nomination papers must be used by Town Sanitary Districts.

Any person who is a United States citizen, 18 years of age or older, who has resided within the municipality for at least 10 days before the caucus is a qualified elector. The voter list from a previous election may be used as an aid in determining if a person qualified as an elector in the municipality at the last election. Any person whose name does not appear on the voter list may be asked to provide some form of identification that lists the person's name, current address, and if necessary, date of birth.

There is no spring primary for town or village offices when the caucus system is used. However, there may still be a February primary conducted within the town or village for state, county or school district candidates.

## **When to Hold the Caucus**

Between December 1 and January 1 preceding a spring election, the governing body of a town or village using the caucus system for nominating candidates must decide the date on which the caucus will be held. The caucus must be held no sooner than the first Tuesday and no later than the last Tuesday in January. If possible, preference should be given to the last Tuesday in January. S. 8.05 (1)(a), Wis. Stats. NOTE: The caucus is not required to be held on a Tuesday.

## **Public Notice of the Caucus**

The municipal clerk must give proper public notice of the caucus. This is accomplished by posting a notice in the clerk's office and by publishing a notice in a newspaper at least 5 days before the date of the caucus. This notice must contain the location, date, and time of the caucus. S. 8.05 (1)(b), Wis. Stats. Where a newspaper is not published within the municipality, clerks can meet this publishing requirement by posting the notice of the caucus in at least three locations within the municipality. S. 10.05, Wis. Stats. When posting is used, the notices must be placed no later than 5 days before the date of the caucus. The notices must be posted in 3 places within the municipality where they are most likely to be seen by electors.

## **Who Presides at the Caucus?**

The caucus is conducted by the town board chairperson or the village president along with the municipal clerk, as long as the chairperson or president is not a candidate at the Spring Election. If the chairperson or president is a candidate, he or she must call for an election of officials to conduct the caucus. This can be done either by ballot or acclamation. The electors must also select two tellers to canvass the vote for each office to be nominated at the caucus. S. 8.05 (1)(c), Wis. Stats.

## **Procedures for Nomination**

Nominations are made separately for each office that will appear on the Spring Election ballot. This can be done in one of two ways: by taking nominations from the floor or by conducting a vote by secret ballot.

When nominations are taken from the floor, each nomination must receive a second. After each nomination is made and seconded, the caucus chairperson must ask, "Are there any more nominations?" and hearing none, must announce, "nominations are closed." S. 8.05 (1)(d), Wis. Stats.

If nominations are made by conducting a secret ballot, the tellers will distribute a piece of paper to each elector, which will serve as a ballot. The electors will be instructed to write in the name of his or her nominee for the office. The ballots will then be collected and tallied by the tellers.

Whichever method is used for making nominations, the names of the persons nominated will be announced by the caucus chairperson. A flip chart or chalkboard may be used to record the names of the nominees. Only those persons nominated will be voted on at the caucus, if voting is necessary.

**For those offices where only one person is to be elected**, and only one or two candidates are nominated, there is no need to conduct a vote. If more than two persons have been nominated, a vote must be conducted at the caucus to reduce the number of candidates to two. If a vote is required, the caucus chairperson will announce the names of all candidates. Each elector at the caucus is entitled to **vote for one** candidate. The **two candidates receiving the highest number of votes** are nominated and certified to the municipal clerk by the caucus chairperson and tellers. S. 8.05 (1)(f), (g), (h), Wis. Stats.

Nominations for the offices of town supervisors elected to unnumbered seats, or nominations for the offices of village trustee should be considered together. If more than twice the number of candidates to be elected is nominated, a vote must be conducted to reduce the number of candidates to twice the number of seats to be filled. **Each elector at the caucus is entitled to vote for as many candidates as there are seats to be filled at the election.**

For example, if 3 village trustees are to be elected, each person can vote for 3 candidates. The 6 candidates who receive the most votes at the caucus will be nominated and certified to the municipal clerk by the caucus chairperson and tellers.

### **In Case of a Tie**

If two or more candidates receive an equal number of votes, but not the greatest number of votes, so that only one of the candidates with equal votes may advance to the election, the tie between the candidates with equal votes may be broken either by drawing lots or by conducting another vote. The method by which a tie is broken should be agreed upon at the beginning of the caucus.

### **Notification to Candidates of Nomination**

As soon as the nominated candidates are certified to the municipal clerk, the clerk is responsible for notifying the candidates, in writing, of their nomination. The clerk must also inform each candidate of the requirements to file a Campaign Registration Statement (EB-1) and a Declaration of Candidacy (EB-162). Ss. 8.05 (1)(j), 8.21, 11.05, Wis. Stats. Candidates for municipal judge must also be informed of the requirement to file a Statement of Economic Interests with the State Ethics Board. Ss. 8.05 (1)(j), 19.43(4), Wis. Stats. A copy of the Campaign Registration Statement (EB-1) and the Declaration of Candidacy (EB-162) should be provided by the clerk to each nominated candidate.

If any of the nominated candidates are present at the caucus, the municipal clerk can provide them with a written notice, the Campaign Registration Statement (EB-1), and the Declaration of Candidacy (EB-162). Because the candidates are to receive a notification of nomination in writing, it is suggested that the clerk prepare a notification form that can be completed at the caucus with the name of the candidate and the office to which he or she was nominated. The clerk should also prepare a receipt that can be dated and signed by the candidate stating that he or she received a written notice of nomination at the caucus. A sample Notification of Nomination and a sample Receipt of Notification of Nomination can be found at the end of this booklet.

If a candidate is not present at the caucus, the written notification, the Campaign Registration Statement (EB-1) and the Declaration of Candidacy (EB-162) should be delivered to the candidate as soon as possible. Delivery can be made in person or by mail. If the written notification is delivered in person, the clerk should use a prepared receipt that can be dated and signed by the candidate. If the notification is mailed, it should be sent by certified mail. Certified mail will provide the clerk with a receipt showing the date that the notification was mailed.

*It is important to have a receipt.* If the notification is *personally delivered*, the candidate has 5 days after the date personal delivery is made to file the necessary forms with the clerk. The 5-day period begins the day after the date indicated on the receipt.

If the notification is *mailed*, the candidate has 5 days after the date the notification was mailed to file the necessary forms with the clerk. The 5-day period begins the day after the date on which the notification was mailed (as indicated on the certified mail receipt). If the 5<sup>th</sup> day falls on a Sunday or a holiday, the deadline is 5:00 p.m. on the next business day.

### **Notification of Noncandidacy**

Legislation enacted in 1994 provides for an extension of the filing deadline for candidates if the present incumbent does not seek re-election and does not file a Notification of Noncandidacy (EB-163) with the filing officer.

*However*, the statutory provisions for the filing of Notices of Non-Candidacy do not appear to apply to the nomination of candidates by the caucus procedure. Those provisions are found in and only refer to the statutes governing nomination by nomination paper and nonpartisan primary.

Because a Notice of Noncandidacy is of no effect in caucus procedures, **if an incumbent is not nominated at the caucus**, no 72 hour extension will apply even if the incumbent did not file a Notice of Noncandidacy

If an **incumbent nominated at the caucus** fails to return the completed Campaign Registration Statement (EB-1) and Declaration of Candidacy (EB-162) within 5 days after receiving written notification by personal delivery, or within 5 days after the date written notification was mailed, the deadline for filing the forms by other candidates nominated at the caucus for that office will be extended an additional 3 days. The extension applies whether or not the incumbent has filed a Notification of Noncandidacy. **The 3-day extension does not apply to the incumbent.**

S. 8.05(1)(j), Wis. Stats.

An incumbent may voluntarily file a Notification of Noncandidacy to put everyone, especially the clerk, on notice that he or she will not be a candidate at the upcoming spring election. For this reason, the municipal clerk may want to send the Notification of Noncandidacy form to all incumbent officeholders whose term of office is up at the next election. However, the candidate is not required to complete and file the Notification of Noncandidacy, and neither the filing, nor the non-filing has any legal effect.

### **Qualifications for Ballot Placement of Candidates**

In order to qualify for ballot placement, each candidate nominated at the caucus is required to complete and file the two forms listed below. The candidate must file these forms with the municipal clerk no later than 5 days after receiving a written notice that he or she has been nominated for office. (See previous section.)

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

A candidate for municipal judge must also file a Statement of Economic Interests with the State Ethics Board no later than 4:30 p.m. on the 5<sup>th</sup> day after receiving written notification that he or she has been nominated. This form may be obtained from the State Ethics Board, 44 E. Mifflin Street, Suite 601, Madison, WI 53703-2800, (608) 266-8123, <http://ethics.state.wi.us/>.

If a candidate fails to file any of the required forms within 5 days after receipt of written notification, the candidate does not qualify for ballot placement and the clerk cannot place the candidate's name on the ballot. Ss. 8.05 (1)(j), 8.21, 8.30(2), (3), Wis. Stats. When a candidate fails to file the required forms on time, the clerk should treat that failure as a declination of nomination. If no candidates for an office qualify for ballot placement, the ballot will contain only a space for a write-in candidate.

### **Selecting Order of Candidates on the Ballot**

No later than the end of the third day following the qualification of candidates, the municipal clerk must conduct a drawing of lots for each office to determine the order in which the candidates' names will be placed on the Spring Election ballot. S. 8.05 (1)(j), Wis. Stats.

### **Reconvening the Caucus**

The town board chairperson or the village president may reconvene the caucus to correct a procedural error. The caucus can also be reconvened to nominate a candidate for a position for which no candidate was nominated at the original caucus, or when no candidate nominated at the original caucus qualifies for a position. The reconvened caucus must be held within 10 days of the date of the original caucus, and public notice must be given in the same manner as notice of the original caucus. S. 8.05 (1)(k), Wis. Stats.

For further information, contact an elections specialist at the State Elections Board at (608) 266-8005 or [seb@seb.state.wi.us](mailto:seb@seb.state.wi.us)

Prepared by:

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## S A M P L E

### NOTICE OF NOMINATION AT CAUCUS

I, \_\_\_\_\_, clerk of the (Town or Village)  
*(insert name of town or village clerk)*  
of \_\_\_\_\_, certify that \_\_\_\_\_  
*(insert name of town or village)* *(insert name of nominee)*  
was nominated for the office of \_\_\_\_\_,  
*(insert name of office and district or number, if any)*  
at the caucus held on \_\_\_\_\_.  
*(insert date of caucus)*

A Campaign Registration Statement (EB-1) and a Declaration of Candidacy (EB-162) are enclosed with this notification. These forms must be completed by the nominee and returned to the clerk's office within five days of receipt of this written notification.

Date \_\_\_\_\_  
*(insert date of issuing notice)*

\_\_\_\_\_  
*(Signature of Town or Village Clerk)*

## S A M P L E

# RECEIPT OF NOTICE OF NOMINATION

Written notice of nomination at the caucus was received by me on

\_\_\_\_\_  
(insert date of receipt)

I understand that my name will appear on the ballot ***only if*** the Campaign Registration Statement (EB-1) and Declaration of Candidacy (EB-162) forms, enclosed with this notice, are completed by me and filed with the municipal clerk by

5:00 p.m. on \_\_\_\_\_.  
(insert date of filing - 5 days after this receipt)

\_\_\_\_\_  
(Signature of Nominee)