



CITY CLERK – CUSTOMER SERVICES

Candidate for Elected Office:

Good luck in your run for public office! Enclosed in this election packet are the following materials and information needed for the Spring 2016 Election. When you have decided to run for public office, file your declaration of candidacy and campaign registration statement with the clerk's office no later than 5:00 pm., on Tuesday, January 5, 2016. **Nomination papers may not be circulated before Tuesday, December 1st, 2015 and campaign registration forms should be filed prior to circulation of nomination papers.**

- City of Wausau Election Information 2016 (Districts 1-11)
- Elected Official Duties
- Ballot Access Check List for Municipal Candidates
- Declaration of Candidacy Form (GAB-162)
- Campaign Registration Statement (GAB-1)
- Contribution Limits for Local Office
- Nomination Papers (GAB-169) (*Make copies of these forms as needed.*) and Chapter GAB 2
- Chapter 12 of the WI Statutes ref: Prohibited Election Practices
- 1993 Wisconsin Act 173 Electioneering
- State Elections Board Memorandum dated July 1, 1997 regarding convicted felons running for or holding elective office in Wisconsin (*Memo is dated but still applicable.*)
- Code of Ethics for Public Officials and Employees
- GAB Data Availability and Data Quality
- Election Boundary Map
- Declaration of Non-Candidacy (*For incumbents who are not going to run again.*) If you decide not to run, return the candidate packet and submit Declaration of Non-Candidacy form to the City Clerk no later than 5:00 p.m., on Monday, December 28, 2015.

If you have any questions regarding the 2016 elections, please contact my office at 715-261-6620.

Sincerely,
CITY OF WAUSAU

Toni Rayala
City Clerk



CITY CLERK – CUSTOMER SERVICES

CITY OF WAUSAU ELECTION INFORMATION 2016

Spring Primary (if needed)	February 16, 2016
Spring Election	April 5, 2016
Partisan Primary	August 9, 2016
General Election	November 8, 2016

The following information is presented for those individuals who plan to run for the following public office(s):

- Alderperson in Districts 1 through 11
- Mayor
- Municipal Judge

1. Every citizen of the United States, age 18 years or older, who has resided in an election district for 28 days before any election where he/she offers to vote is an eligible elector and eligible candidate. Sec. 6.02 and 62.09 (2) of the Wisconsin Statutes

The first day for circulating nomination papers for the above offices is December 1, 2015. A candidate may circulate his or her own nomination papers. Sec. 8.10(2)(a), 8.10(3)(j) of the Wisconsin Statutes. The number of signatures needed on circulation papers is as follows:

	<u>Not Less Than</u>	<u>Not More Than</u>
Alderperson	20	40
Mayor	200	400
Circuit Court Judge	200	400

2. A person may sign as many nomination papers as there are vacancies for any office. Signatures on nomination papers for Alderpersons must be qualified electors in the particular City District in which the candidate seeks to represent.
3. The last day for filing with the City Clerk nomination papers, declaration of candidacy and campaign registration statements, for the above offices is not later than 5:00 pm (CST) on Tuesday, January 5, 2016. Sec. 8.10(2) of the Wisconsin Statutes
4. Every person who is a candidate for public office must file a registration statement with the City Clerk regardless of whether the candidate accepts contributions and/or makes disbursements. Sec. 8.21 of Wisconsin Statutes
 - a) Every candidate for the offices named herein shall file a pre-financial statement with the City Clerk no earlier than 14 days (February 2, 2016 for Primary & March 22, 2016 for Spring Election) and no later than 8 days (February 8, 2016 for Primary & March 28, 2016 for Spring Election) preceding the election date, showing all receipts and

disbursements in connection with his/her own campaign for election in the Spring Primary, if one is held, and in the Spring Election, unless exempt. Sec. 11.20 of Wisconsin Statutes

- b) You may be eligible for exemption from filing campaign finance reports. A registrant is eligible for exemption provided the registrant will not accept contributions, make disbursements or incur obligations in an aggregate amount of more than \$1000 in a calendar year or accept any contribution or cumulative contributions of more than \$100 from any single source during the calendar year except contributions by a candidate to his/her own campaign of \$1000 or less in a calendar year. Consult the Campaign Finance Instruction and Bookkeeping Manual to determine if you qualify for the exemption. Sec 11.05(2r) of Wisconsin Statutes

CITY OF WAUSAU

Toni Rayala
City Clerk

Chapter 2.04
ELECTED OFFICIALS ¹

Sections:

- 2.04.010 Mayor.
- 2.04.020 Common council.
- 2.04.030 Municipal Justice

2.04.010 Mayor. ² There shall be a mayor who shall be elected at the regular city election for a term of four years commencing on the third Tuesday of April in the year of his election.

The mayor shall devote his full time to discharge of his statutory duties as outlined by Section 62.09(8) of the Wisconsin Statutes and all other duties and responsibilities incident to his office. He shall engage in no other remunerative employment. (Ord. 61-4081 §1, 1968; prior code §2.01(1).)

The Mayor represents the residents of the City of Wausau and provides vision, leadership, and coordination of city services to ensure a high quality of life for all stakeholders. The Mayor is the Chief Executive Officer of the city and as such coordinates and administers the activities of the city and various boards, commissions, independent officers, presides at meetings of the council, and supervises the work of all city officers and employees. The Mayor represents the city in all gatherings where the city's presence is required and is responsible for the public relations and communication of the city.

The Mayor must be familiar with Statutes affecting city government such as the City Charter Law, Municipal Provisions, Municipal Borrowing, Taxation, Elections, Health, Traffic, Open Meetings Law, Police, Fire, Public Works, Airport, Zoning, Housing, Redevelopment, Water and Sewerage Utilities and Planning and has a statutory duty to make sure they are observed and enforced.

The Mayor is responsible for the development of initiatives that ensure Wausau's growth and success as a viable community. The Mayor's vision for the city helps guide the city's strategic plan. The plan, in turn, is the guide and direction for the activities of the entire administration supported by the department heads who report directly to the Mayor.

2.04.020 Common Council. There shall be one city alderperson from each of the eleven aldermanic districts who shall be elected at the regular city election for a term of two years commencing on the third Tuesday of April in the year of his/her election. A person may file for both the positions of city alderperson and county supervisor and be elected to both of those positions. (Ord. 61-4977 §1, 1997; Ord. 61-4622 §1, 1987.)

As the Legislative or Policy Making Branch of Municipal Government, alderpersons manage and control the city properties, finances and public services through the adoption of city ordinances, resolutions and policies. The council has the power to license, regulate, borrow money and levy taxes. Alderpersons represent the residents of their aldermanic district in the City of Wausau providing vision and leadership.

- 1.0 Statutory provisions pertaining to city officers are generally contained in Wisconsin Statutes 62.09
- 2.0 Section 2.04.010 was adopted by an unnumbered Charter Ordinance dated May 14, 1963
- 3.0 Section 2.04.010 was adopted by a Charter Ordinance #24 dated May 25, 2015.

2.04.030 Municipal Justice There shall be a municipal justice who shall be elected at the regular city election for a term of four years commencing on May of the year of the election

ELECTED OFFICIAL SALARY & BENEFITS

Aldersperson

Current Salary = \$ 5,355

Benefits: Retirement, can choose life insurance and deferred comp programs as well.

Mayor

Current Salary = \$74,851

Benefits: Retirement, Health, Dental, \$350/month auto allowance.

Municipal Judge

Current Salary = \$20,222.28

Benefits: Retirement, life insurance and deferred comp programs as well.

**BALLOT ACCESS CHECKLIST
FOR 2016 MUNICIPAL CANDIDATES
WHERE NOMINATION PAPERS ARE USED**



Each of the following forms must be completed and filed on time by candidates for municipal office in order for the candidate's name to be placed on the ballot at the February 16, 2016 Spring Primary and the April 5, 2016 Spring Election.

In the City of Milwaukee, the filing officer is the Milwaukee City Election Commission. In all other municipalities, the filing officer is the municipal clerk. Candidates should contact their filing officer for further information or to obtain any of the necessary forms.

Complete and submit a Campaign Registration Statement (GAB-1) to the filing officer no later than **5 p.m. on Tuesday, January 5, 2016.**

- New candidates should file a campaign registration statement as soon as intent to seek elective office is known and before funds are collected or spent. Wis. Stat. §§ 11.05(2g), 11.10(1).
- Continuing candidates should file an amended campaign registration statement indicating the office sought and the new primary and election dates.
- All candidates should file a campaign registration statement or amended statement **before** circulating nomination papers. A current form must be filed with the filing officer no later than **January 5, 2016**, or the candidate's name will not be placed on the ballot. Wis. Stat. §§ 8.10(5), 8.30(2).

Circulate and submit Nomination Paper for Nonpartisan Office (GAB-169) to the filing officer. Original nomination papers (no photocopies, faxes, or emailed documents) must be received by the filing officer no later than **5 p.m. on Tuesday, January 5, 2016**, or the candidate's name will not be placed on the ballot. Nomination papers may not be circulated before December 1, 2015. Wis. Stat. § 8.10(2),(3), Wis. Admin. Code GAB § 6.04(2).

The number of signatures required is as follows:

1 st Class Cities:	Citywide offices	1,500 - 3,000
	Aldersperson elected to district	200 - 400
2 nd and 3 rd Class Cities:	Citywide offices	200 - 400
	Aldersperson elected at large	100 - 200
	Aldersperson elected to district	20 - 40
4 th Class Cities:	Citywide offices	50 - 100
	Aldersperson elected to district	20 - 40
All village and town offices:		20 - 100

Complete and submit a Declaration of Candidacy (GAB-162) to the filing officer no later than **5 p.m. on Tuesday, January 5, 2016.** This form must be filed no later than January 5, 2016, or the candidate's name will not be placed on the ballot. If the form is faxed or emailed, the original document must follow, postmarked no later than January 5, 2016. Wis. Stat. §§ 8.10(5), 8.21, 8.30(4), Wis. Admin. Code GAB § 6.04.

Municipal judge candidates:

Complete and submit a Statement of Economic Interests (GAB-904) to the Government Accountability Board (G.A.B.), 212 East Washington Avenue, 3rd Floor, P.O. Box 7984, Madison, WI, 53707-7984, no later than **4:30 p.m. on Friday, January 8, 2016.** If this statement is not filed with the G.A.B. by January 8, 2016, the candidate's name will not appear on the ballot. Faxed forms are acceptable. Wis. Stat. §§ 8.10(5), 8.30(3), 19.43(4). Before December 1, 2015, the G.A.B. will mail *Statement of Economic Interests* forms to each incumbent whose office is up for election. Any time after December 1, 2015, a candidate may print the *Statement of Economic Interests* form and instructions from the G.A.B. website (<http://gab.wi.gov>).

IMPORTANT NOTE REGARDING STATEMENTS OF ECONOMIC INTERESTS:

A municipality may enact an ordinance establishing a code of ethics for public officials that may require a candidate for municipal office, *in addition to the office of Municipal Judge*, to file a **Statement of Economic Interests (GAB-904)**. The ordinance may also provide that failure to timely file a Statement of Economic Interests will prevent the candidate's name from being placed on the ballot. Wis. Stat. § 19.59(1m),(3)(b). Please contact the filing officer to learn if this requirement applies to you.

Declaration of Candidacy

(See instructions for preparation on back)

FOR OFFICE USE ONLY

Is this an amendment?

Yes (if you have already filed a DOC for this election)

No (if this is the first DOC you have filed for this election)

I, _____, being duly sworn, state that
Candidate's name

I am a candidate for the office of _____
Official name of office - Include district, branch or seat number

representing _____
If partisan election, name of political party or statement of principle - five words or less (Candidates for nonpartisan office may leave blank.)

and I meet or will meet at the time I assume office the applicable age, citizenship, residency and voting qualification requirements, if any, prescribed by the constitutions and laws of the United States and the State of Wisconsin, and that I will otherwise qualify for office, if nominated and elected.

I have not been convicted of a felony in any court within the United States for which I have not been pardoned.¹

My present address, including my municipality of residence for voting purposes is:

				Town of <input type="checkbox"/> Village of <input type="checkbox"/> City of <input type="checkbox"/>
House or fire no.	Street Name	Mailing Municipality and State	Zip code	Municipality of Residence for Voting

My name as I wish it to appear on the official ballot is as follows:

(Any combination of first name, middle name or initials with surname. A nickname may replace a legal name.)

STATE OF WISCONSIN }
County of _____ } ss. _____
(County of notarization)

Subscribed and sworn to before me this _____ day of _____, _____.

(Signature of person authorized to administer oaths)

**NOTARY SEAL
NOT REQUIRED**

My commission expires _____ or is permanent.

Notary Public or _____
(Official title, if not a notary)

The information on this form is required by Wis. Stat. § 8.21, Art. XIII, Sec. 3, Wis. Const., and must be filed with the filing officer in order to have a candidate's name placed on the ballot. Wis. Stats. §§ 8.05 (1)(j), 8.10 (5), 8.15 (4)(b), 8.17 (2), 8.20 (6), 120.06 (6)(b).

¹ A 1996 constitutional amendment bars any candidate convicted of a misdemeanor which violates the public trust from running for or holding a public office. However, the legislature has not defined which misdemeanors violate the public trust. A candidate convicted of any misdemeanor is not barred from running for or holding a public office until the legislature defines which misdemeanors apply.

Instructions for Completing the Declaration of Candidacy

All candidates seeking ballot status for election to any office in the State of Wisconsin must properly complete and file a **Declaration of Candidacy**. This form must be **ON FILE** with the proper filing officer no later than the deadline for filing nomination papers or the candidate's name will not appear on the ballot. A facsimile will be accepted if the FAX copy is received by the filing officer no later than the filing deadline **and** the signed original declaration is received by the filing officer with a postmark no later than the filing deadline.

Information to be provided by the candidate:

- Type or print your name on the first line.
- The title of the office and **any district, branch, or seat number** for which you are seeking election must be inserted on the second line. *For legislative offices insert the title and district number, for district attorneys insert the title and the county, for circuit court offices insert the title, county and branch number, and for municipal and school board offices insert the title and any district or seat number.*
- Type or print the political party affiliation or principle supported by you in five words or less on the third line. *Nonpartisan candidates may leave this line blank.*
- **Felony convictions: Your name cannot appear on the ballot if you have been convicted of a felony in any court in the United States for which you have not been pardoned. Please see footnote on page 1 for further information with respect to convictions for misdemeanors involving a violation of public trust. These restrictions only apply to candidates for state and local office.**
- Your current address, including your municipality of residence for voting purposes, must be inserted on the fourth line. This must include your entire mailing address (**street and number, municipality where you receive mail**) and the name of the municipality in which you reside and vote (town, village, or city of ___). If your address changes before the election, an amended Declaration of Candidacy must be filed with the filing officer. Wis. Stat. § 8.21. *Federal candidates are not required to provide this information, however an address for contact purposes is helpful.*
- Type or print your name on the fifth line as you want it to be printed on the official ballot. You may use your full legal name, or any combination of first name, middle name, and initials, or nickname with last name.

Note: The Government Accountability Board has determined that, absent any evidence of an attempt to manipulate the electoral process, candidates are permitted to choose any form of their name, including nicknames, by which they want to appear on the ballot.

No titles are permitted. In addition, names such as “Red” or “Skip” are permitted, but names which have an apparent electoral purpose or benefit, such as “Lower taxes,” “None of the above” or “Lower Spending” are not permitted. It is also not permissible to add nicknames in quotes or parentheses. For example, John “Jack” Jones or John (Jack) Jones are not acceptable, but John Jones, Jack Jones or John Jack Jones are acceptable.

This form must be sworn to and signed in the presence of a notary public or other person authorized to administer oaths, such as a county or municipal clerk. Wis. Stat. § 8.21(2).

Information to be provided by the person administering the oath:

- The county of notarization.
- The date the Declaration of Candidacy was signed and the oath administered.
- The signature and title of the person administering the oath. If signed by a notary public, the date the notary's commission expires must be listed. *The notary seal is not required.*

All candidates for offices using the nomination paper process and all school district candidates must file this form with the appropriate filing officer no later than the deadline for filing nomination papers. Wis. Stats. §§ 8.10 (5), 8.15 (4)(b), 8.17 (2), 8.20 (6), 8.50 (3)(a), 120.06 (6)(b).

Candidates nominated for local office at a caucus must file this form with their municipal clerk within 5 days of receiving notice of nomination. Wis. Stat. § 8.05 (l)(j).

3. COMMITTEE TREASURER (Campaign finance correspondence is mailed to this address.)

Treasurer's Name	Telephone Number (residence)	
Address (number and street)	Telephone Number (employment)	
City, State and Zip Code	Treasurer Email Address	

4. PRINCIPAL OFFICERS OF COMMITTEE AND OTHER CUSTODIANS OF BOOKS AND ACCOUNTS

Attach additional listing if necessary. Indicate which officers or committee members are authorized to fill a vacancy in nomination due to death of candidate by an asterisk(*). This provision only applies to independent and local nonpartisan candidates. s.8.35, Stats.

NAME	MAILING ADDRESS	Email Address	Phone #	POSITION

5. DEPOSITORY INFORMATION

Name of Financial Institution	Account Number (Attach list of any additional accounts and deposit boxes, location, type and number, i.e., savings, checking, money market, etc.)
Address (number and street)	City, State and Zip Code

CERTIFICATION

TREASURER

I, _____ (print full name) certify the information in this statement is true, correct and complete.

Signature _____, Treasurer _____
Date _____

CANDIDATE (or recall petitioner)

I, _____ (print full name) certify the information in this statement is true, correct and complete, and that this is the only committee authorized to act on my behalf.

Signature _____, Candidate/Petitioner _____
Date _____

+++ EXEMPTION FROM FILING CAMPAIGN FINANCE REPORTS §11.05(2r), Wis. Stats. +++

You may be eligible for an exemption from filing campaign finance reports. Consult the Campaign Finance Instruction and Bookkeeping Manual to determine if the registrant qualifies for exemption.

This registrant is eligible for exemption. This registrant will not accept contributions, make disbursements or incur obligations in an aggregate amount of more than \$1,000 in a calendar year or accept any contribution or cumulative contributions of more than \$100 from a single source during the calendar year, except contributions by a candidate to his or her campaign of \$1,000 or less in a calendar year.

This registrant is no longer eligible to claim exemption.

Signature of Candidate or Treasurer _____ Date _____

CAMPAIGN REGISTRATION STATEMENT (GAB-1) INSTRUCTIONS

<u>Who Must Register</u>	<u>When</u>	<u>Where</u>
Candidates	As soon as they form the intent to run for office. Prior to raising or spending any funds, beyond those needed to open a bank account	Local office or referenda- with the local clerk (town, village, city, school) State office or statewide referenda – with the Government Accountability Board
Non-candidate committees	Before spending or taking in more than \$300	
Referenda committees	Before spending or taking in more than \$2,500	For a mix of state and local offices – with the Government Accountability Board

Completing a Registration Statement

Section 1: Candidate and Candidate Committee Information - Section 1 should be completed by candidate committees only.

- Campaign Committee Name – Any candidate that accepts a donation must have a committee. Any communication (flyers, newspaper ads, website) requires a disclaimer ‘Paid for by *Committee name, individual name, treasurer*’.
 - Candidates are only allowed one active committee for all state and local offices sought. If you are seeking multiple offices (town, county, school board), or plan to seek another office in the future, you may want to consider a generic committee name without the name of the office sought such as ‘Friends of ...’, or ‘Committee to Elect’. This will allow you to keep the same committee name for various offices.
 - Your committee name does not have to include your last name, but including your last name makes searching for your committee easier.

Section 2: Non-Candidate Committee Information - Section 2 should be completed by non-candidate committees only.

- A. Special Interest Committee (PAC)
 - PACs may receive money from individuals or other PACs, and contribute money directly to candidates. PACs may not accept money from corporations, including LLCs.
 - Committees intending to make only independent disbursements, without contributing to or coordinating with candidate committees, should register as an Independent Disbursement committee, letter F below.
 - A resident committee is based in Wisconsin and must report all receipts and expenses.
 - A non-resident committee is based outside of Wisconsin and must report only receipts from Wisconsin residents and expenses in Wisconsin state-level contests. A non-resident committee does not have to report cash balances. A non-resident committee must also file a GAB-40 form with the Wisconsin Secretary of State.
- B. Political Party Committee
 - To use the name of one of the recognized political parties in Wisconsin – Constitution, Democratic, Libertarian, or Republican, you must have permission from the state party.

- F. Independent Disbursement Committee
 - Committees making only independent disbursements may not contribute to or coordinate with candidate committees. These committees may accept unlimited contributions from individuals and from corporations. Before spending any money for or against a candidate, an Independent Disbursement committee must file a notarized GAB-6 Oath of Independent Disbursement stating whether they support or oppose the candidate.

Section 3. Campaign Treasurer - Section 3 should be completed by all committees.

All committees must name a treasurer. A Candidate may designate any elector to serve as their treasurer, or the candidate may serve as his/her own treasurer. It is important that the treasurer's name, complete address, telephone number and email address be provided on the registration statement and be kept current. **All notices and forms for campaign finance reports will be sent to this person at the address given in this section.** Failure to receive notice of the filing requirement does not exempt a candidate from the requirement to file the reports.

Item 4. Principal Officers of the Committee and Other Custodians of Books and Accounts (Optional)

If the committee has officers or other contacts besides the treasurer, they should be listed in Item 4. For a recall committee, the recall petitioner must be included here. The G.A.B. recommends that you provide more than one person's contact information.

Item 5. Depository Information (MANDATORY)

In some cases, banks may require a completed GAB-1 registration form to open a bank account. Your committee may register without a bank account, but the GAB-1 form must be amended **within 10 days** to report any change, including a new bank account number.

Failure to provide depository information **within 5 business days** of the first donation and before making any disbursements may disqualify a candidate for ballot placement. (Wis. Stats. §11.10(1))

In general, all committees must have and provide a campaign depository account number. One of three things must be entered here:

1. Separate Campaign bank account
 - This account may be used only for campaign funds
 - The bank may require an Employer Identification Number (EIN) from the IRS to open a committee account
2. Only Candidates may use a personal bank account
 - This is allowed only if the candidate is claiming the exemption from filing finance reports (under \$1,000 of receipts, under \$1,000 expenses, no more than \$100 from a single source)
3. Only Candidates are allowed to not have a bank account, but only if:
 - The candidate will receive no contributions and make no disbursements. No communications may be authorized or distributed. This includes in-kind contributions and expenses.
 - The candidate must claim exemption by checking the appropriate box on this form.
 - The candidate should add a hand-written statement to the form that he or she will spend no money.

Candidates running for more than one elected office are only allowed one campaign depository account. All contributions and all disbursements for all offices must be run through the one account.

Certification

The candidate and committee treasurer must sign the original registration statement of a personal campaign committee or a support committee certifying that the information is true, correct, and complete, and that the committee is the only committee authorized to act on the candidate's behalf. For a recall committee, the recall petitioner and the treasurer must both sign. A candidate serving as his/her own treasurer only needs to sign once. Non-candidate committees require only the treasurer's signature. Amendments to the registration may be signed by either the candidate or treasurer. If there is a change in treasurer, the new treasurer should sign.

Exemption From Filing Campaign Finance Reports

All committees must file campaign finance reports, unless they check the box to claim exemption and remain within those limits.

- A non-candidate committee may not accept more than \$100 from any single source (individual or committee) in one calendar year.
- A candidate committee may not accept more than \$100 from any other single source (individual or committee) in a calendar year. The candidate may contribute up to \$1000 to their own committee.
- A committee may not spend more than \$1000 total in a calendar year.
- A referenda committee that does not accept contributions, make disbursements, or incur obligations of more than \$2,500 is not required to register or file campaign finance reports. Referenda committees over this threshold may not claim exemption – they must register and file all required reports.

If a committee on exempt status exceeds any of the limits listed above:

- The committee must immediately file an amended GAB-1 with the appropriate filing officer, revoking the exempt status.
- The committee must report all campaign finance activity back to the beginning of the calendar year. Any reports past their deadline that were not filed should be filed as soon as possible.

If a committee filed reports for the previous calendar year, and wishes to go on exempt status for the upcoming year, the committee must file a January Continuing report covering all activity through December 31st. Include an updated GAB-1 requesting exempt status for the upcoming year.

Amending a Registration Statement

When any of the information reported on the registration statement changes the statement must be amended by filing a new GAB-1. The candidate or treasurer must file the new GAB-1 within **10 days** of the change, checking the “yes” box at the top of the form to indicate that it is an amendment.

CONTRIBUTION LIMITS

FOR

LOCAL OFFICES

All candidates running for elected office must abide by contribution limits that vary depending on the office sought and the population of the district. The only contributor not subject to limits is the candidate contributing to his or her own election. To determine the limits for a candidate for local office, see the guidelines below and ***check with the local clerk to get the current and exact amounts.***

Contribution limitations apply cumulatively to the entire primary and election campaign in which the candidate participates, whether or not there is a contested primary election.

Limit on Contributions from an Individual - 11.26(1)(d), Stats.

The greater of \$250 or \$.01 times the number of inhabitants of the county, town, city, village or district according to the latest federal census, but not more than \$3,000. (Check with the filing officer.)

<u>Population in District</u>	<u>Maximum Contribution</u>
• Equal to or greater than 300,000	\$3,000
• Greater than 25,000 and less than 300,000	\$.01 times population
• Equal to or less than 25,000	\$ 250

If the candidate has claimed an exemption from filing campaign finance reports, the maximum contribution is \$100 per calendar year, regardless of the population. *The candidate's contributions to their own campaign 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.*

Limit on Contributions from a PAC or Other Candidate Committee - 11.26(2)(e), Stats.

The greater of \$200 or \$.0075 times the number of inhabitants of the county, town, city, village or district according to the latest federal census, but not more than \$2,500. (Check with the filing officer.)

<u>Population in District</u>	<u>Maximum Contribution</u>
• Equal to or greater than 333,334	\$2,500
• Greater than 26,667 and less than 333,334	\$.0075 times population
• Equal to or less than 26,667	\$ 200

If the candidate has claimed an exemption from filing campaign finance reports, the maximum contribution is \$100 in the calendar year, regardless of the population.

***** NOTE – As of 9/5/2014, the Federal District Court for the Eastern District of Wisconsin, in *CRG Network v. Barland et al.*, has issued a preliminary injunction against enforcement of Wis. Stats. §11.26(9). Enforcement of the 45% and 65% limits discussed below is on hold until there is a final decision in the case. *****

45% LIMIT - Total Contributions a Candidate May Receive from All Political Action Committees - 11.26(9)(b), Stats.

This is the maximum amount of contributions a candidate may receive from all PACs per campaign period. (Check with filing officer.)

Candidates in Milwaukee County:

- County Executive \$121,275
- Other Countywide Offices 48,521
- County Supervisor 7,763

Candidates in Milwaukee City:

- Mayor \$121,298
- City Attorney 72,776
- Other Citywide Offices 48,521
- Alderperson 7,763

Candidates in Other Counties:

- 45% of the greater of:
- a. \$1,075; or
 - b. 53.91% of annual salary for the office sought, rounded to nearest \$25; or
 - c. 32.35 cents per inhabitant of the jurisdiction or district.
 - d. The amount of a, b or c may not exceed \$43,125.

After calculation, the contribution limit is no less than \$483.75 and no more than \$19,406.

65% LIMIT - Total Contributions a Candidate May Receive From All Committees Including other Candidate Committees and Political Party Committees - 11.26(9)(b), Stats.

This is the maximum amount of contributions a candidate may receive from all political committees including candidate committees, political party and legislative campaign committees per campaign period. (Check with filing officer.)

Candidates in Milwaukee County:

- County Executive \$175,175
- Other Countywide Offices 70,086
- County Supervisor 11,213

Candidates in Milwaukee City:

- Mayor \$175,208
- City Attorney 105,121
- Other Citywide Offices 70,086
- Alderperson 11,213

Candidates in Other Counties:

- 65% of the greater of:
- a. \$1,075; or
 - b. 53.91% of annual salary for the office sought, rounded to nearest \$25; or
 - c. 32.35 cents per inhabitant of the jurisdiction or district.
 - d. The amount of a, b or c may not exceed \$43,125.

After calculation, the contribution limit is no less than \$698.75 and no more than \$28,031.

Remember – always check with the local clerk to get the current and exact amounts.

NOMINATION PAPER FOR NONPARTISAN OFFICE

Candidate's name; no titles may be used.			Street, fire, or rural route number; box number (if rural route); and name of street or road		
Name of municipality for <u>voting</u> purposes <input type="checkbox"/> Town <input type="checkbox"/> Village _____ <input type="checkbox"/> City _____ <small>(name of municipality)</small>	Name of municipality for <u>mailing</u> purposes	State WI	zip code	Type of election <input type="checkbox"/> spring <input type="checkbox"/> special	Election date
Title of office		Branch, district or seat number <input type="checkbox"/> Branch <input type="checkbox"/> District <input type="checkbox"/> Seat	Name of jurisdiction or district in which candidate seeks office		

I, the undersigned, request that the candidate, whose name and address are listed above, be placed on the ballot at the election described above as a candidate so that voters will have the opportunity to vote for him or her for the office listed above. I am eligible to vote in the jurisdiction or district in which the candidate named above seeks office. I have not signed the nomination paper of any other candidate for the same office at this election.

The municipality used for mailing purposes, when different than municipality of residence, is not sufficient. The name of the municipality of residence must always be listed.

Signatures of Electors	Printed Name of Electors	Street and Number or Rural Route <small>Rural address must also include box or fire no</small>	Municipality of Residence <small>Provide name of municipality</small>	Date of Signing
1.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
2.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
3.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
4.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
5.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
6.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
7.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
8.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
9.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
10.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	

CERTIFICATION OF CIRCULATOR

I, _____, (Name of circulator) certify: I reside at _____ (Circulator's residence - Include number, street, and municipality).

I further certify I am either a qualified elector of Wisconsin, or a U.S. citizen, age 18 or older who, if I were a resident of this state, would not be disqualified from voting under Wis. Stat. §6.03. I personally circulated this nomination paper and personally obtained each of the signatures on this paper. I know that the signers are electors of the jurisdiction or district the candidate seeks to represent. I know that each person signed the paper with full knowledge of its content on the date indicated opposite his or her name. I know their respective residences given. I intend to support this candidate. I am aware that falsifying this certification is punishable under Wis. Stat. § 12.13(3)(a).

(Date)

(Signature of circulator)

GAB-169 | Rev. 2014-04 | Government Accountability Board, P.O. Box 7984, Madison, WI 53707-7984 | 608-261-2028 | web: gab.wi.gov | email: gab@wi.gov

INSTRUCTIONS FOR PREPARING NOMINATION PAPERS FOR NONPARTISAN OFFICE

This is a sample nomination paper form. It conforms to the statutory requirements for nomination papers for nonpartisan office. All information concerning the candidate must be completed in full before circulating this form to obtain signatures of electors. All information concerning the signing electors and the circulator must be completed in full before filing with the appropriate filing officer. This form may be reproduced in any way. A candidate's picture and biographical data may also be added to this form. The Government Accountability Board has determined that no disclaimer or other attribution statement is required on nomination papers. Candidates are advised to send a sample of their completed form the filing officer for review before circulation.

Page Numbers – Number each page consecutively, beginning with “1”, before submitting to the filing officer. A space for page numbers has been provided in the lower right-hand corner of the form.

Candidate's Name - Insert the candidate's name. A candidate may use his or her full legal name, or any combination of first name, middle name, and initials or nickname with last name. The Government Accountability Board has determined that, absent any evidence of an attempt to manipulate the electoral process, candidates are permitted to choose any form of their name, including nicknames, by which they want to appear on the ballot.

No titles are permitted. In addition, names such as “Red” or “Skip” are permitted, but names which have an apparent electoral purpose or benefit, such as “Lower taxes,” “None of the above” or “Lower Spending” are not permitted. It is also not permissible to add nicknames in quotes or parentheses between first and last names. For example, John “Jack” Jones or John (Jack) Jones are not acceptable, but John Jones, Jack Jones or John Jack Jones are acceptable.

Candidate's Residence - If a candidate's municipality of residence is different from the municipality used for mailing purposes, both must be given. Indicate if the municipality of residence is a town, village, or city.

Date of Election - Insert the date of the election. If the nomination paper is being circulated for a spring election, the date is the first Tuesday in April. If the election is a special nonpartisan election, the date of the special election must be listed.

Title of Office - The name of the office must be listed **along with any branch, district, or seat number** that clearly identifies the office the candidate is seeking. If necessary, the name of the jurisdiction that identifies the office, such as Dane County Circuit Court Judge, Branch 3, must also be listed.

Name of Jurisdiction - The nomination papers must also indicate the municipality or jurisdiction in which the signing electors are qualified to vote, as it relates to the office sought by the candidate named on the nomination paper. For example, for a statewide office the jurisdiction is the State of Wisconsin. Others may be the county, town, village, city, aldermanic district, school district, or town sanitary district, as required.

Signatures and Printed Name of Electors - Only qualified electors of the jurisdiction or the district the candidate seeks to represent may sign the nomination papers. Each signer must also legibly print their name. Each elector's municipality of residence must be listed on the nomination paper along with the mailing address, including any street, fire or rural route number, box number (if rural route) and street or road name. The Street & Number or Rural Route section for each elector's address is split into two lines. The first line is for the street address. The second line is for the municipality for mailing purposes. The Municipality of Residence listed for each signing elector must clearly identify the town, village or city where the elector's voting residence is located. A post office box number alone does not show where the elector actually resides. The date the elector signed the nomination paper, including month, day and year, must be indicated. Ditto marks that follow correct and complete address or date information are acceptable. The circulator may add any missing or illegible address or date information before the papers are filed with the filing officer.

Signature of Circulator - The circulator should carefully read the language of the *Certification of Circulator*. **THE CIRCULATOR MUST PERSONALLY PRESENT THE NOMINATION PAPER TO EACH SIGNER. THE NOMINATION PAPER MAY NOT BE LEFT UNATTENDED ON COUNTERS OR POSTED ON BULLETIN BOARDS.** The circulator's complete address (**including municipality of residence**) must be listed in the certification. After obtaining signatures of electors, the circulator must sign and date the certification.

Other Instructions - Candidates and circulators should review Ch. GAB §§ 2.05, 2.07, Wis. Adm. Code.

- *Original* nomination papers must be in the physical custody of the appropriate filing officer by the filing deadline. A postmark on the filing deadline is **not** sufficient. Nomination papers **CANNOT** be faxed to the filing officer. Ch. GAB § 6.04(2), Wis. Adm. Code.
- Nomination papers with the required number of signatures must be filed with the appropriate filing officer **no later than 5:00 p.m.** on the first Tuesday in January (or the next day if the first Tuesday is a holiday) before the spring election. Special elections may have different filing deadlines. Check with the filing officer.
- In order for a candidate's name to be placed on the ballot, a candidate must file a *Campaign Registration Statement* (GAB-1), a *Declaration of Candidacy* (GAB-162), and *Nomination Papers* (GAB-169) containing the appropriate number of signatures for the office sought no later than the filing deadline. Wis. Stat. § 8.10(3). Candidates for state office and municipal judge must also file a statement of economic interests with the Government Accountability Board by the third business day after the nomination paper filing deadline. Wis. Stat. § 19.43. If any one of these required forms is not filed by the deadline, the candidate's name will not be placed on the ballot. Wis. Stat. § 8.30.
- If a candidate or circulator has any questions, he or she should contact the filing officer.

CHAPTER 2 GAB

GAB 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 and other legal requirements.

(2) In order to be timely filed, all nomination papers shall be in the physical possession of the filing officer by the statutory deadline. Each of the nomination papers shall be numbered, before they are filed, and the numbers shall be assigned sequentially, beginning with the number "1". Notwithstanding any other provision of this chapter, the absence of a page number will not invalidate the signatures on that page.

(3) The filing officer shall review all nomination papers filed with it, up to the maximum number permitted, to determine the facial sufficiency of the papers filed. Where circumstances and the time for review permit, the filing officer may consult maps, directories and other extrinsic evidence to ascertain the correctness and sufficiency of information on a nomination paper.

(4) Any information which appears on a nomination paper is entitled to a presumption of validity. Notwithstanding any other provision of this chapter, errors in information contained in a nomination paper, committed by either a signer or a circulator, may be corrected by an affidavit of the circulator, an affidavit of the candidate, or an affidavit of a person who signed the nomination paper. The person giving the correcting affidavit shall have personal knowledge of the correct information and the correcting affidavit shall be filed with the filing officer not later than three calendar days after the applicable statutory due date for the nomination papers.

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

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

(7) The filing officer shall accept nomination papers which contain biographical data or campaign advertising. The disclaimer specified in s. [11.30\(2\)](#), Stats., is not required on any nomination paper.

(8) An elector shall sign his or her own name unless unable to do so because of physical disability. An elector unable to sign because of physical disability shall be present when another person signs on behalf of the disabled elector and shall specifically authorize the signing.

(9) A person may not sign for his or her spouse, or for any other person, even when they have been given a power of attorney by that person, unless sub. [\(8\)](#) applies.

(10) The signature of a married woman shall be counted when she uses her husband's first name instead of her own.

(11) 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 is entitled to vote for at the election.

(12) A complete address, including municipality of residence for voting purposes, and the street and number, if any, of the residence, (or a postal address if it is located in the jurisdiction that the candidate seeks to represent), shall be listed for each signature on a nomination paper.

(13) A signature shall be counted when identical 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 certificate of circulator and does so after, not before, the paper is circulated. No signature may be counted when the residency of the circulator cannot be determined by the information given on the nomination paper.

(15) An individual signature on a nomination paper may not be counted when any of the following occur:

(a) The date of the signature is missing, unless the date can be determined by reference to the dates of other signatures on the paper.

(b) The signature is dated after the date of certification contained in the certificate of circulator.

(c) The address of the signer is missing or incomplete, unless residency can be determined by the information provided on the nomination paper.

(d) The signature is that of an individual who is not 18 years of age at the time the paper is signed. An individual who will not be 18 years of age until the subject election is not eligible to sign a nomination paper for that election.

(e) The signature is that of an individual who has been adjudicated not to be a qualified elector on the grounds of incompetency or limited competency as provided in s. [6.03\(3\)](#), Stats., or is that of an individual who was not, for any other reason, a qualified elector at the time of signing the nomination paper.

(16) After a nomination paper has been filed, no signature may be added or removed. After a nomination paper has been signed, but before it has been filed, a signature may be removed by the circulator. The death of a signer after a nomination paper has been signed does not invalidate the signature.

(17) This section is promulgated pursuant to the direction of s. [8.07](#), Stats., and is to be used by election officials in determining the validity of all nomination papers and the signatures on those papers.

History: Emerg. cr. 8-9-74; cr. [Register, November, 1974, No. 227](#), eff. 12-1-74; emerg. r. and recr. eff. 12-16-81; emerg. r. and recr. eff. 6-1-84; cr. [Register, November, 1984, No. 347](#), eff. 12-1-84; r. and recr. [Register, January, 1994, No. 457](#), eff. 2-1-94; [CR 00-153](#): am. (2), (4), and (14), r. (15), renum. (16), (17), and (18) to be (15), (16) and (17), and am. (15) (b) as renum., [Register September 2001 No. 549](#), eff. 10-1-01.

GAB 2.07 Challenges to nomination papers.

(1) The board shall review any verified complaint concerning the sufficiency of nomination papers of a candidate for state office that is filed with the board under ss. [5.05](#) and [5.06](#), Stats.; and the local filing officer shall review any verified complaint concerning the sufficiency of nomination papers of a candidate for local office that is filed with the local filing officer under s. [8.07](#), Stats. The filing officer shall apply the standards in s. [GAB 2.05](#) to determine the sufficiency of nomination papers, including consulting extrinsic sources of evidence under s. [GAB 2.05 \(3\)](#).

(2) (a) Any challenge to the sufficiency of a nomination paper shall be made by verified complaint, filed with the appropriate filing officer. The complainant shall file both an original and a copy of the challenge at the time of filing the complaint. Notwithstanding any other provision of this chapter, the failure of the complainant to provide the filing officer with a copy of the challenge complaint will not invalidate the challenge complaint. The filing officer shall make arrangements to have a copy of the challenge delivered to the challenged candidate within 24 hours of the filing of the challenge complaint. The filing officer may impose a fee for the cost of photocopying the challenge and for the cost of delivery of the challenge to the respondent. The form of the complaint and its filing shall comply with the requirements of ch. [GAB 20](#). Any challenge to the sufficiency of a nomination paper shall be filed within 3 calendar days after the filing deadline for the challenged nomination papers. The challenge shall be established by affidavit, or other supporting evidence, demonstrating a failure to comply with statutory or other legal requirements.

(b) The response to a challenge to nomination papers shall be filed, by the candidate challenged, within 3 calendar days of the filing of the challenge and shall be verified. After the deadline for filing a response to a challenge, but not later than the date for certifying candidates to the ballot, the board or the local filing officer shall decide the challenge with or without a hearing.

(3) (a) The burden is on the challenger to establish any insufficiency. If the challenger establishes that the information on the nomination paper is insufficient, the burden is on the challenged candidate to establish its sufficiency. The invalidity or disqualification of one or more signatures on a nomination paper shall not affect the validity of any other signatures on that paper.

(b) If a challenger establishes that an elector signed the nomination papers of a candidate more than once or signed the nomination papers of more than one candidate for the same office, the 2nd and subsequent signatures may not be counted. The burden of proving that the second and subsequent signatures are that of the same person and are invalid is on the challenger.

(c) If a challenger establishes that the date of a signature, or the address of the signer, is not valid, the signature may not be counted.

(d) Challengers are not limited to the categories set forth in pars. [\(a\)](#) and [\(b\)](#).

(4) The filing officer shall examine any evidence offered by the parties when reviewing a complaint challenging the sufficiency of the nomination papers of a candidate for state or local office. The burden of proof applicable to establishing or rebutting a challenge is clear and convincing evidence.

(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, the challenger may attempt to establish the geographical location of an address indicated on a nomination paper, by providing district maps, or by providing a statement from a postmaster or other public official.

History: Emerg. cr. 8-9-74; cr. [Register, November, 1974, No. 227](#), eff. 12-1-74; emerg. r. and recr. eff. 12-16-81; emerg. r. and recr. eff. 6-1-84; cr. [Register, November, 1984, No. 347](#), eff. 12-1-84; emerg. am. (1), (4) to (6), eff. 6-1-86; am. (1), (4) to (6), [Register, November, 1986, No. 371](#), eff. 12-1-86; r. and recr. [Register, January, 1994, No. 457](#), eff. 2-1-94; [CR 00-153](#): am. (2) (a) and (b), [Register September 2001 No. 549](#), eff. 10-1-01; reprinted to restore dropped copy in (2) (b), [Register December 2001 No. 552](#); correction in (1) made under s. [13.92 \(4\) \(b\) 7.](#), Stats., [Register April 2008 No. 628](#).

CHAPTER 12

PROHIBITED ELECTION PRACTICES

12.01	Definitions.	12.07	Election restrictions on employers.
12.02	Construction.	12.08	Denial of government benefits.
12.03	Campaigning restricted.	12.09	Election threats.
12.035	Posting and distribution of election-related material.	12.11	Election bribery.
12.04	Communication of political messages.	12.13	Election fraud.
12.05	False representations affecting elections.	12.60	Penalties.

NOTE: 2005 Wis. Act 451, which made major revisions to the election laws, including to Chapter 12, contains an extensive prefatory note explaining the changes.

Cross-reference: See definitions in s. 5.02.

12.01 Definitions. The definitions given under s. 11.01 apply to this chapter, except that a “candidate” includes candidates for national office.

History: 1973 c. 334; 1975 c. 93; 1977 c. 427; 1979 c. 89; 1983 a. 484.

12.02 Construction. In this chapter, criminal intent shall be construed in accordance with s. 939.23.

History: 1977 c. 427.

12.03 Campaigning restricted. (1) No election official may engage in electioneering on election day. No municipal clerk or employee of the clerk may engage in electioneering in the clerk’s office or at the alternate site under s. 6.855 during the hours that ballots may be cast at those locations.

(2) (a) 1. No person may engage in electioneering during polling hours on election day at a polling place.

2. No person may engage in electioneering in the municipal clerk’s office or at an alternate site under s. 6.855 during the hours that absentee ballots may be cast.

(b) 1. No person may engage in electioneering during polling hours on any public property on election day within 100 feet of an entrance to a building containing a polling place.

2. No person may engage in electioneering during the hours that absentee ballots may be cast on any public property within 100 feet of an entrance to a building containing the municipal clerk’s office or an alternate site under s. 6.855.

3. No person may engage in electioneering within 100 feet of an entrance to or within a qualified retirement home or residential care facility while special voting deputies are present at the home or facility under s. 6.875 (6).

(d) This subsection does not apply to the placement of any material on the bumper of a motor vehicle that is parked or operated at a place and time where electioneering is prohibited under this subsection.

(3) A municipal clerk, election inspector or law enforcement officer may remove posters or other advertising which is placed in violation of this section.

(4) In this section, “electioneering” means any activity which is intended to influence voting at an election.

History: 1973 c. 334; 1977 c. 427; 1979 c. 89; 1983 a. 484; 1993 a. 173; 2005 a. 451; 2011 a. 23; 2013 a. 159.

Violators may not be deprived of the right to vote, although penalties may follow. Constitutional issues are discussed. 61 Atty. Gen. 441.

12.035 Posting and distribution of election-related material. (1) In this section, “election-related material” means any written matter which describes, or purports to describe, the rights or responsibilities of individuals voting or registering to vote at a polling place or voting an absentee ballot at the office of the municipal clerk or an alternate site under s. 6.855.

(2) The legislature finds that posting or distributing election-related material at the polling place, at locations where absentee ballots may be cast, or near the entrance to such locations when voting is taking place may mislead and confuse electors about their rights and responsibilities regarding the exercise of the franchise and tends to disrupt the flow of voting activities at such locations. The legislature finds that the restrictions imposed by this section on the posting or distribution of election-related material are necessary to protect the compelling governmental interest in orderly and fair elections.

(3) (a) No person may post or distribute any election-related material during polling hours on election day at a polling place.

(b) No person may post or distribute any election-related material during polling hours on any public property on election day within 100 feet of an entrance to a building containing a polling place.

(c) No person may post or distribute any election-related material at the office of the municipal clerk or at an alternate site under s. 6.855 during hours that absentee ballots may be cast.

(d) No person may post or distribute election-related material during the hours that absentee ballots may be cast on any public property within 100 feet of an entrance to a building containing the office of the municipal clerk or an alternate site under s. 6.855.

(4) Subsection (3) does not apply to any of the following:

(a) The posting or distribution of election-related material posted or distributed by the municipal clerk or other election officials.

(b) The placement of any material on the bumper of a motor vehicle located on public property.

(5) A municipal clerk, election inspector, or law enforcement officer may remove election-related material posted in violation of sub. (3) and may confiscate election-related material distributed in violation of sub. (3).

History: 2005 a. 451.

12.04 Communication of political messages. (1) In this section:

(a) “Election campaign period” means:

1. In the case of an election for office, the period beginning on the first day for circulation of nomination papers by candidates, or the first day on which candidates would circulate nomination papers were papers to be required, and ending on the day of the election.

2. In the case of a referendum, the period beginning on the day on which the question to be voted upon is submitted to the electorate and ending on the day on which the referendum is held.

(b) “Political message” means a message intended for a political purpose or a message which pertains to an issue of public policy of possible concern to the electorate, but does not include a message intended solely for a commercial purpose.

(c) “Residential property” means property occupied or suitable to be occupied for residential purposes and property abutting that property for which the owner or renter is responsible for the

maintenance or care. If property is utilized for both residential and nonresidential purposes, “residential property” means only the portion of the property occupied or suitable to be occupied for residential purposes.

(2) Except as provided in ss. 12.03 or 12.035 or as restricted under sub. (4), any individual may place a sign containing a political message upon residential property owned or occupied by that individual during an election campaign period.

(3) Except as provided in sub. (4), no county or municipality may regulate the size, shape, placement or content of any sign containing a political message placed upon residential property during an election campaign period.

(4) (a) A county or municipality may regulate the size, shape or placement of any sign if such regulation is necessary to ensure traffic or pedestrian safety. A county or municipality may regulate the size, shape or placement of any sign having an electrical, mechanical or audio auxiliary.

(b) In addition to regulation under par. (a), a municipality may regulate the size, shape or placement of a sign exceeding 11 square feet in area. This paragraph does not apply to a sign which is affixed to a permanent structure and does not extend beyond the perimeter of the structure, if the sign does not obstruct a window, door, fire escape, ventilation shaft or other area which is required by an applicable building code to remain unobstructed.

(5) (a) The renter of residential property may exercise the same right as the owner to place a sign upon the property under sub. (2) in any area of the property occupied exclusively by the renter. The terms of a lease or other agreement under which residential property is occupied shall control in determining whether property is occupied exclusively by a renter.

(b) The owner of residential property may exercise the right granted under sub. (2) in any portion of the property not occupied exclusively by a renter.

(6) This section does not apply to signs prohibited from being erected under s. 84.30.

History: 1985 a. 198; 1993 a. 246; 2005 a. 451; 2009 a. 173.

12.05 False representations affecting elections. No person may knowingly make or publish, or cause to be made or published, a false representation pertaining to a candidate or referendum which is intended or tends to affect voting at an election.

History: 1973 c. 334; 1993 a. 175.

A violation of this section does not constitute defamation per se. *Tatur v. Solsrud*, 174 Wis. 2d 735, 498 N.W.2d 232 (1993).

12.07 Election restrictions on employers. (1) No person may refuse an employee the privilege of time off for voting under s. 6.76 or subject an employee to a penalty therefor.

(2) No employer may refuse to allow an employee to serve as an election official under s. 7.30 or make any threats or offer any inducements of any kind to the employee for the purpose of preventing the employee from so serving.

(3) No employer or agent of an employer may distribute to any employee printed matter containing any threat, notice or information that if a particular ticket of a political party or organization or candidate is elected or any referendum question is adopted or rejected, work in the employer’s place or establishment will cease, in whole or in part, or the place or establishment will be closed, or the salaries or wages of the employees will be reduced, or other threats intended to influence the political opinions or actions of the employees.

(4) No person may, directly or indirectly, cause any person to make a contribution or provide any service or other thing of value to or for the benefit of a candidate, political party or registrant under s. 11.05, with the purpose of influencing the election or nomination of a candidate to national, state or local office or the passage or defeat of a referendum by means of the denial or the threat of denial of any employment, position, work or promotion, or any compensation or other benefit of such employment, posi-

tion or work, or by means of discharge, demotion or disciplinary action or the threat to impose a discharge, demotion or disciplinary action. This subsection does not apply to employment by a candidate, political party or other registrant under s. 11.05 in connection with a campaign or political party activities.

History: 1973 c. 334; 1983 a. 484; 1991 a. 316; 2005 a. 451.

12.08 Denial of government benefits. No person may, directly or indirectly, cause any person to make a contribution or provide any service or other thing of value to or for the benefit of a candidate, political party or registrant under s. 11.05, with the purpose of influencing the election or nomination of a candidate to national, state or local office or the passage or defeat of a referendum by means of the denial or threat of denial of any payment or other benefit of a program established or funded in whole or in part by this state or any local governmental unit of this state, or a program which has applied for funding by this state or any local governmental unit of this state.

History: 1983 a. 484; 1985 a. 304.

12.09 Election threats. (1) No person may personally or through an agent make use of or threaten to make use of force, violence, or restraint in order to induce or compel any person to vote or refrain from voting at an election.

(2) No person may personally or through an agent, by abduction, duress, or any fraudulent device or contrivance, impede or prevent the free exercise of the franchise at an election.

(3) No person may personally or through an agent, by any act compel, induce, or prevail upon an elector either to vote or refrain from voting at any election for or against a particular candidate or referendum.

History: 1973 c. 334; 1991 a. 316; 2005 a. 451.

12.11 Election bribery. (1) In this section, “anything of value” includes any amount of money, or any object which has utility independent of any political message it contains and the value of which exceeds \$1. The prohibitions of this section apply to the distribution of material printed at public expense and available for free distribution if such materials are accompanied by a political message.

(1m) Any person who does any of the following violates this chapter:

(a) Offers, gives, lends or promises to give or lend, or endeavors to procure, anything of value, or any office or employment or any privilege or immunity to, or for, any elector, or to or for any other person, in order to induce any elector to:

1. Go to or refrain from going to the polls.
2. Vote or refrain from voting.
3. Vote or refrain from voting for or against a particular person.
4. Vote or refrain from voting for or against a particular referendum; or on account of any elector having done any of the above.

(b) Receives, agrees or contracts to receive or accept any money, gift, loan, valuable consideration, office or employment personally or for any other person, in consideration that the person or any elector will, so act or has so acted.

(c) Advances, pays or causes to be paid any money to or for the use of any person with the intent that such money or any part thereof will be used to bribe electors at any election.

(2) This section applies to any convention or meeting held for the purpose of nominating any candidate for any election, and to the signing of any nomination paper.

(3) (a) This section does not prohibit a candidate from publicly stating his or her preference for or support of any other candidate for any office to be voted for at the same election. A candidate for an office in which the person elected is charged with the duty of participating in the election or nomination of any person as a candidate for office is not prohibited from publicly stating or

pledging his or her preference for or support of any person for such office or nomination.

(b) This section does not apply to money paid or agreed to be paid for or on account of authorized legal expenses which were legitimately incurred at or concerning any election.

(c) This section does not apply where an employer agrees that all or part of election day be given to its employees as a paid holiday, provided that such policy is made uniformly applicable to all similarly situated employees.

(d) This section does not prohibit any person from using his or her own vehicle to transport electors to or from the polls without charge.

(e) This section does not apply to any promise by a candidate to reduce public expenditures or taxes.

History: 1973 c. 334; 1975 c. 93; 1983 a. 484; 1991 a. 316; 1993 a. 213.

There are constitutional limits on the state's power to prohibit candidates from making promises in the course of an election campaign. Some promises are universally acknowledged as legitimate, indeed indispensable to decisionmaking in a democracy. *Brown v. Hartlage*, 456 U.S. 45 (1982).

12.13 Election fraud. (1) ELECTORS. Whoever intentionally does any of the following violates this chapter:

(a) Votes at any election or meeting if that person does not have the necessary elector qualifications and residence requirements.

(b) Falsely procures registration or makes false statements to the municipal clerk, board of election commissioners or any other election official whether or not under oath.

(c) Registers as an elector in more than one place for the same election.

(d) Impersonates a registered elector or poses as another person for the purpose of voting at an election.

(e) Votes more than once in the same election.

(f) Shows his or her marked ballot to any person or places a mark upon the ballot so it is identifiable as his or her ballot.

(g) Procures an official ballot and neglects or refuses to cast or return it. This paragraph does not apply to persons who have applied for and received absentee ballots.

(h) Procures, assists or advises someone to do any of the acts prohibited by this subsection.

(2) ELECTION OFFICIALS. (a) The willful neglect or refusal by an election official to perform any of the duties prescribed under chs. 5 to 12 is a violation of this chapter.

(b) No election official may:

1. Observe how an elector has marked a ballot unless the official is requested to assist the elector; intentionally permit anyone not authorized to assist in the marking of a ballot to observe how a person is voting or has voted; or disclose to anyone how an elector voted other than as is necessary in the course of judicial proceedings.

2. Illegally issue, write, change or alter a ballot on election day.

3. Permit registration or receipt of a vote from a person who the official knows is not a legally qualified elector or who has refused after being challenged to make the oath or to properly answer the necessary questions pertaining to the requisite requirements and residence; or put into the ballot box a ballot other than the official's own or other one lawfully received.

4. Intentionally assist or cause to be made a false statement, canvass, certificate or return of the votes cast at any election.

5. Willfully alter or destroy a poll or registration list.

6. Intentionally permit or cause a voting machine, voting device or automatic tabulating equipment to fail to correctly register or record a vote cast thereon or inserted therein, or tamper with or disarrange the machine, device or equipment or any part or appliance thereof; cause or consent to the machine, device or automatic tabulating equipment being used for voting at an election with knowledge that it is out of order or is not perfectly set and adjusted so that it will correctly register or record all votes cast thereon or inserted therein; with the purpose of defrauding or

deceiving any elector, cause doubt for what party, candidate or proposition a vote will be cast or cause the vote for one party, candidate or proposition to be cast so it appears to be cast for another; or remove, change or mutilate a ballot on a voting machine, device or a ballot to be inserted into automatic tabulating equipment, or do any similar act contrary to chs. 5 to 12.

6m. Obtain an absentee ballot for voting in a qualified retirement home or residential care facility under s. 6.875 (6) and fail to return the ballot to the issuing officer.

7. In the course of the person's official duties or on account of the person's official position, intentionally violate or intentionally cause any other person to violate any provision of chs. 5 to 12 for which no other penalty is expressly prescribed.

8. Intentionally disclose the name or address of any elector who obtains a confidential listing under s. 6.47 (2) to any person who is not authorized by law to obtain that information.

(3) PROHIBITED ACTS. No person may:

(a) Falsify any information in respect to or fraudulently deface or destroy a certificate of nomination, nomination paper, declaration of candidacy or petition for an election, including a recall petition or petition for a referendum; or file or receive for filing a certificate of nomination, nomination paper, declaration of candidacy or any such petition, knowing any part is falsely made.

(am) Fail to file an amended declaration of candidacy as provided in s. 8.21 with respect to a change in information filed in an original declaration within 3 days of the time the amended declaration becomes due for filing; or file a false declaration of candidacy or amended declaration of candidacy. This paragraph applies only to candidates for state or local office.

(b) Wrongfully suppress, neglect or fail to file nomination papers in the person's possession at the proper time and in the proper office; suppress a certificate of nomination which is duly filed.

(c) Willfully or negligently fail to deliver, after having undertaken to do so, official ballots prepared for an election to the proper person, or prevent their delivery within the required time, or destroy or conceal the ballots.

(d) Remove or destroy any of the supplies or conveniences placed in compartments or polling booths.

(e) Prepare or cause to be prepared an official ballot with intent to change the result of the election as to any candidate or referendum; prepare an official ballot which is premarked or which has an unauthorized sticker affixed prior to delivery to an elector; or deliver to an elector an official ballot bearing a mark opposite the name of a candidate or referendum question that might be counted as a vote for or against a candidate or question.

(f) Before or during any election, tamper with voting machines, voting devices or automatic tabulating equipment readied for voting or the counting of votes; disarrange, deface, injure or impair any such machine, device or equipment; or mutilate, injure or destroy a ballot placed or displayed on a voting machine or device, or to be placed or displayed on any such machine, device or automatic tabulating equipment or any other appliance used in connection with the machine, device or equipment.

(g) Falsify any statement relating to voter registration under chs. 5 to 12.

(h) Deface, destroy or remove any legally placed election campaign advertising poster with intent to disrupt the campaign advertising efforts of any candidate, or of any committee, group or individual under ch. 11, or alter the information printed thereon so as to change the meaning thereof to the disadvantage of the candidate or cause espoused. Nothing in this paragraph restricts the right of any owner or occupant of any real property, or the owner or operator of any motor vehicle, to remove campaign advertising posters from such property or vehicle.

(i) Falsely make any statement for the purpose of obtaining or voting an absentee ballot under ss. 6.85 to 6.87.

12.13 PROHIBITED ELECTION PRACTICES

Updated 13–14 Wis. Stats. 4

(j) When called upon to assist an elector who cannot read or write, has difficulty in reading, writing or understanding English, or is unable to mark a ballot or depress a lever or button on a voting machine, inform the elector that a ballot contains names or words different than are printed or displayed on the ballot with the intent of inducing the elector to vote contrary to his or her inclination, intentionally fail to cast a vote in accordance with the elector's instructions or reveal the elector's vote to any 3rd person.

(k) Forge or falsely make the official endorsement on a ballot or knowingly deposit a ballot in the ballot box upon which the names or initials of the ballot clerks, or those of issuing clerks do not appear.

(L) When not authorized, during or after an election, break open or violate the seals or locks on a ballot box containing ballots of that election or obtain unlawful possession of a ballot box with official ballots; conceal, withhold or destroy ballots or ballot boxes; willfully, fraudulently or forcibly add to or diminish the number of ballots legally deposited in a ballot box; or aid or abet any person in doing any of the acts prohibited by this paragraph.

(m) Fraudulently change a ballot of an elector so the elector is prevented from voting for whom the elector intended.

(n) Receive a ballot from or give a ballot to a person other than the election official in charge.

(o) Vote or offer to vote a ballot except as has been received from one of the inspectors.

(p) Receive a completed ballot from a voter unless qualified to do so.

(q) Solicit a person to show how his or her vote is cast.

(r) Remove a ballot from a polling place before the polls are closed.

(s) Solicit another elector to offer assistance under s. 6.82 (2) or 6.87 (5), except in the case of an elector who is blind or visually impaired to the extent that the elector cannot read a ballot.

(t) Obtain an absentee ballot as the agent of another elector under s. 6.86 (3) and fail or refuse to deliver it to such elector.

(u) Provide false documentation of identity for the purpose of inducing an election official to permit the person or another person to vote.

(w) Falsify a ballot application under s. 6.18.

(x) Refuse to obey a lawful order of an inspector made for the purpose of enforcing the election laws; engage in disorderly behavior at or near a polling place; or interrupt or disturb the voting or canvassing proceedings.

(y) After an election, break the locks or seals or reset the counters on a voting machine except in the course of official duties carried out at the time and in the manner prescribed by law; or disable a voting machine so as to prevent an accurate count of the votes from being obtained; or open the registering or recording compartments of a machine with intent to do any such act.

(z) Tamper with automatic tabulating equipment or any record of votes cast or computer program which is to be used in connection with such equipment to count or recount votes at any election so as to prevent or attempt to prevent an accurate count of the votes from being obtained.

(ze) Compensate a person who obtains voter registration forms from other persons at a rate that varies in relation to the number of voter registrations obtained by the person.

(zm) Willfully provide to a municipal clerk false information for the purpose of obtaining a confidential listing under s. 6.47 (2) for that person or another person.

(zn) Disclose to any person information provided under s. 6.47 (8) when not authorized to do so.

(5) UNAUTHORIZED RELEASE OF RECORDS OR INVESTIGATORY INFORMATION. (a) Except as specifically authorized by law and except as provided in par. (b), no investigator, prosecutor,

employee of an investigator or prosecutor, or member or employee of the board may disclose information related to an investigation or prosecution under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 or any other law specified in s. 978.05 (1) or (2) or provide access to any record of the investigator, prosecutor, or the board that is not subject to access under s. 5.05 (5s) to any person other than an employee or agent of the prosecutor or investigator or a member, employee, or agent of the board prior to presentation of the information or record in a court of law.

(b) This subsection does not apply to any of the following communications made by an investigator, prosecutor, employee of an investigator or prosecutor, or member or employee of the board:

1. Communications made in the normal course of an investigation or prosecution.

2. Communications with a local, state, or federal law enforcement or prosecutorial authority.

3. Communications made to the attorney of an investigator, prosecutor, employee, or member of the board or to a person or the attorney of a person who is investigated or prosecuted by the board.

History: 1973 c. 334; 1975 c. 85, 93, 199; 1977 c. 427, 447; 1979 c. 89, 249, 260, 311, 357; 1983 a. 183 s. 45; 1983 a. 192 s. 304; 1983 a. 484 ss. 135, 172 (3), 174; 1983 a. 491; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1991 a. 316; 1999 a. 49; 2001 a. 16; 2003 a. 265; 2005 a. 451; 2007 a. 1; 2011 a. 23; 2013 a. 159.

Sub. (5) does not apply to district attorneys or law enforcement agencies. It only applies to the government accountability board, its employees and agents, and the investigators and prosecutors retained by the board, and the assistants to those persons. OAG 7–09.

12.60 Penalties. (1) (a) Whoever violates s. 12.09, 12.11 or 12.13 (1), (2) (b) 1. to 7. or (3) (a), (e), (f), (j), (k), (L), (m), (y) or (z) is guilty of a Class I felony.

(b) Whoever violates s. 12.03, 12.05, 12.07, 12.08 or 12.13 (2) (b) 8., (3) (b), (c), (d), (g), (i), (n) to (x), (ze), (zm) or (zn) may be fined not more than \$1,000, or imprisoned not more than 6 months or both.

(bm) Whoever violates s. 12.13 (5) may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

(c) Whoever violates s. 12.13 (3) (am) may be required to forfeit not more than \$500.

(d) Whoever violates s. 12.035 or 12.13 (3) (h) may be required to forfeit not more than \$100.

(2) (a) If a successful candidate for public office, other than a candidate for the legislature or a candidate for national office, is adjudged guilty in a criminal action of any violation of this chapter under sub. (1) (a) committed during his or her candidacy, the court shall after entering judgment enter a supplemental judgment declaring a forfeiture of the candidate's right to office. The supplemental judgment shall be transmitted to the officer or agency authorized to issue the certificate of nomination or election to the office for which the person convicted is a candidate. If the candidate's term has begun, the office shall become vacant. The office shall then be filled in the manner provided by law.

(b) If a successful candidate for the legislature or U.S. congress is adjudged guilty in a criminal action of any violation of this chapter under sub. (1) (a) committed during his or her candidacy, the court shall after entering judgment certify its findings to the presiding officer of the legislative body to which the candidate was elected.

(3) Any election official who is convicted of any violation of this chapter shall, in addition to the punishment otherwise provided, be disqualified to act as an election official for a term of 5 years from the time of conviction.

(4) Prosecutions under this chapter shall be conducted in accordance with s. 11.61 (2).

History: 1973 c. 334; 1975 c. 85; 1977 c. 418 s. 924 (18) (e); 1977 c. 427; 1979 c. 249, 311, 328; 1983 a. 484; 1985 a. 304; 1997 a. 283; 1999 a. 49; 2001 a. 109; 2005 a. 451; 2007 a. 1.

Summary:

Scope of prohibition on electioneering at or near polling place on election day. Campaign signs placed on public property within 100 feet of the entrance to a polling place on election day are unlawful. Violative signs may be removed from public property. The mere presence of a candidate at or within 100 feet of the polling place is not prohibited, provided that the candidate does not engage in electioneering. Car-top carriers and campaign buttons bearing campaign messages at or within 100 feet of the polling place are prohibited. One who engages in electioneering should not be thereby disenfranchised. §12.03, Stats. (Issued to Richard J. Steffens, June 22, 1978)

This opinion was reviewed by the Government Accountability Board pursuant to 2007 Wisconsin Act 1 and was revised to reflect statutory changes to the distance from the polling place electioneering is prohibited and made the prohibition inapplicable on private property. 1993 Wisconsin Act 173; §12.03, Stats. The opinion below was reaffirmed by the Government Accountability Board on June 9, 2008 and fully incorporates the revisions directed by the G.A.B.

Opinion:

You have asked a number of questions about application of the prohibition on electioneering at or near the polling place in §12.03, Stats. That statute reads:

12.03 Campaigning restricted.

12.03(1) No election official may engage in electioneering on election day. No municipal clerk or employee of the clerk may engage in electioneering in the clerk's office or at the alternate site under s. 6.855 during the hours that ballots may be cast at those locations.

12.03(2)(a)1 No person may engage in electioneering during polling hours on election day at a polling place.

12.03(2)(a)2 No person may engage in electioneering in the municipal clerk's office or at an alternate site under s. 6.855 during the hours that absentee ballots may be cast.

12.03(2)(b)1 No person may engage in electioneering during polling hours on any public property on election day within 100 feet of an entrance to a building containing a polling place.

12.03(2)(b)2 No person may engage in electioneering during the hours that absentee ballots may be cast on any public property within 100 feet of an entrance to a building containing the municipal clerk's office or an alternate site under s. 6.855.

12.03(2)(b)3 No person may engage in electioneering within 100 feet of an entrance to or within a nursing home or qualified retirement home or community-based residential facility while special voting deputies are present at the home or facility.

12.03(2)(d) This subsection does not apply to the placement of any material on the bumper of a motor vehicle that is parked or operated at a place and time where electioneering is prohibited under this subsection.

12.03(3) A municipal clerk, election inspector or law enforcement officer may remove posters or other advertising which is placed in violation of this section.

12.03(4) In this section, "electioneering" means any activity which is intended to influence voting at an election.

Preliminarily the Board notes that questions of whether prohibited electioneering has taken place must be answered on a case-by-case basis, with an eye toward the primary purpose of the statute -- the protection of the polling place and polling process from disruption -and a recognition that the degree of potential disruption accompanying the activity in question should be weighed against constitutional rights which may accompany the activity. 61 Op. Atty. Gen. 441. Also, even if a person violates §12.03, Stats., and thereby becomes liable to penalties, he or she should not be deprived of the right to vote. With that in mind, the Board answers your questions as follows:

First, you ask whether campaign signs located on private property within 100 feet of the entrance to the polling place violate the statute.

Signs which advocate an election result come within the definition of "electioneering" above, but the prohibition of electioneering within 100 ft. of a polling place only applies on public property. §12.03(2)(b)1, Stats. The statute clearly authorizes removal of offending signs on public property. §12.03(3), Stats.

Your next question is whether a candidate's presence at or within 100 feet of the polling place violates the statute. You give two examples: a candidate who lives next door to the polling place and greets people from his front lawn as they pass to or from the polls, and a candidate who walks within the 100 foot area throughout election day, "without speaking unless spoken to."

The electoral process is generally public. Section 12.03 is penal, and should be strictly construed. Further, the mere presence of a candidate at or near the polls, without some act of soliciting votes, does not carry a significant potential for disruption. Hence the Board is of the opinion that the statute is not violated by a candidate's presence at or near the polls, unless he or she engages in some affirmative act of soliciting votes, such as distributing written campaign messages or verbally espousing his or her candidacy.

Finally, you ask whether the presence of car-top carriers or buttons carrying campaign messages at or within 100 feet of the polls is within the purview of §12.03, stats. The Board believes that the use of such items is an affirmative act of electioneering and is therefore proscribed within the subject area on election day. Of course, the statute should not be construed to discourage voting. If the only parking area near the polling place is within 100 feet of the polling place, a voter driving a car with a car-top carrier or bumper sticker should be allowed to park there, provided that the voter proceeds to cast his or her ballot and remove the car within a reasonable time.

Again the Board notes that, while a person violating the statute is subject to penalty for violation, §12.60, Stats., he or she should not be deprived of the right to vote. A would-be voter cannot be

required to remove buttons or car-top carriers in order to exercise the franchise. 61 Op. Atty. Gen. 441.

State of Wisconsin \ Elections Board

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KEVIN J. KENNEDY
Executive Director

MEMORANDUM

TO: County and Municipal Clerks

FROM: Kevin J. Kennedy, Executive Director
State Elections Board

DATE: July 1, 1997

SUBJECT: Effect of Constitutional Amendment Barring Convicted Felons from Running for or Holding Elective Office in Wisconsin

In November 1996, the electors of the State of Wisconsin ratified a constitutional amendment which bars any person, who has been convicted of a felony for which they have not been pardoned, or who has been convicted of a misdemeanor involving a violation of public trust for which they have not been pardoned, from holding a state or local office. As a result of the adoption of this constitutional amendment, which took effect on November 5, 1996, local election officials will have to address a number of questions relating to convicted felons who seek to run for office or who are elected to office.

The constitutional amendment deals with two different types of crimes. The first involves felony convictions. Any person convicted of a felony in any federal or state court in the United States is barred from running for state or local office in Wisconsin, unless that person has been pardoned.

The second involves misdemeanor convictions involving a violation of public trust. The term, "misdemeanor involving a violation of public trust," has not been defined by state law. Filing officers do not have to worry about individuals convicted of that category of crime until the term has been defined. At the present time, there is no such thing as a misdemeanor involving a violation of public trust.

The State Elections Board staff has revised the Declaration of Candidacy form (EB-162) to reflect this constitutional change. Any person seeking to be a candidate for state or local office must file a Declaration of Candidacy. That declaration contains a sworn statement that the person has not been convicted of any felony for which they have not been pardoned, or any misdemeanor involving a violation of public trust for which they have not been pardoned. Any person who falsely signs this statement could be convicted of a violation of S. 12.13(3)(a), (am), Wis. Stats. If a person seeking to become a candidate advises you that they have been convicted of a felony, your best approach is to advise them that they cannot be a candidate and discourage them from filing ballot access documents, including nomination papers, a Declaration of Candidacy and Campaign Registration Statement.

COUNTY AND MUNICIPAL CLERKS

July 1, 1997

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If it is brought to your attention that a person who is a convicted felon has filed ballot access documents, the matter needs to be resolved in consultation with your municipal or county attorney. It is the position of the State Elections Board that you should only act on information that has been presented to you, in the form of a sworn complaint, alleging that a person has been convicted of a felony and evidence is provided in support of that allegation. Your municipal attorney can assist you 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 you 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 that person of the filing officer's decision to remove his or her name from the ballot.

This change to Wisconsin law regarding candidate qualifications and the qualifications of elected public officials does not require the municipal clerk 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, setting forth allegations which establish that a candidate or elected official has been convicted a felony for which they have not been pardoned.

Portions of Wisconsin's
CODE OF ETHICS FOR PUBLIC OFFICIALS and EMPLOYEES PERTAINING to LOCAL
GOVERNMENT OFFICIALS and EMPLOYEES

19.59 Codes of ethics for Local Government Officials, Employees and Candidates.

(1) (a) No local public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated. A violation of this paragraph includes the acceptance of free or discounted admissions to a professional baseball or football game by a member of the district board of a local professional baseball park district created under subch. [III of ch. 229](#) or a local professional football stadium district created under subch. [IV of ch. 229](#). This paragraph does not prohibit a local public official from using the title or prestige of his or her office to obtain campaign contributions that are permitted and reported as required by ch. [11](#).

(b) No person may offer or give to a local public official, directly or indirectly, and no local public official may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the local public official's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the local public official. This paragraph does not prohibit a local public official from engaging in outside employment.

(br) No local public official or candidate for local public office may, directly or by means of an agent, give, or offer or promise to give, or withhold, or offer or promise to withhold, his or her vote or influence, or promise to take or refrain from taking official action with respect to any proposed or pending matter in consideration of, or upon condition that, any other person make or refrain from making a political contribution, or provide or refrain from providing any service or other thing of value, to or for the benefit of a candidate, a political party, any person who is subject to a registration requirement under s. [11.05](#), or any person making a communication that contains a reference to a clearly identified local public official holding an elective office or to a candidate for local public office.

(c) Except as otherwise provided in par. [\(d\)](#), no local public official may:

1. Take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest.

2. Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated.

(d) Paragraph [\(c\)](#) does not prohibit a local public official from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses, or prohibit a local public official from taking official action with respect to any proposal to modify a county or municipal ordinance.

(f) Paragraphs [\(a\)](#) to [\(c\)](#) do not apply to the members of a local committee appointed under s. [289.33 \(7\) \(a\)](#) to negotiate with the owner or operator of, or applicant for a license to operate, a solid waste disposal or hazardous waste facility under s. [289.33](#), with respect to any matter contained or proposed to be contained in a written agreement between a municipality and the owner, operator or applicant or in an arbitration award or proposed award that is applicable to those parties.

(g) 1. In this paragraph:

a. "District" means a local professional baseball park district created under subch. [III of ch. 229](#) or a local professional football stadium district created under subch. [IV of ch. 229](#).

b. "District board member" means a member of the district board of a district.

2. No district board member may accept or retain any transportation, lodging, meals, food or beverage, or reimbursement therefor, except in accordance with this paragraph.

3. A district board member may receive and retain reimbursement or payment of actual and reasonable expenses for a published work or for the presentation of a talk or participation in a meeting related to

processes, proposals and issues affecting a district if the payment or reimbursement is paid or arranged by the organizer of the event or the publisher of the work.

4. A district board member may receive and retain anything of value if the activity or occasion for which it is given is unrelated to the member's use of the time, facilities, services or supplies of the district not generally available to all residents of the district and the member can show by clear and convincing evidence that the payment or reimbursement was unrelated to and did not arise from the recipient's holding or having held a public office and was paid for a purpose unrelated to the purposes specified in subd. [3](#).

5. A district board member may receive and retain from the district or on behalf of the district transportation, lodging, meals, food or beverage, or reimbursement therefor or payment or reimbursement of actual and reasonable costs that the member can show by clear and convincing evidence were incurred or received on behalf of the district and primarily for the benefit of the district and not primarily for the private benefit of the member or any other person.

6. No district board member may intentionally use or disclose information gained in the course of or by reason of his or her official position or activities in any way that could result in the receipt of anything of value for himself or herself, for his or her immediate family, or for any other person, if the information has not been communicated to the public or is not public information.

7. No district board member may use or attempt to use the position held by the member to influence or gain unlawful benefits, advantages or privileges personally or for others.

8. No district board member, member of a district board member's immediate family, nor any organization with which the district board member or a member of the district board member's immediate family owns or controls at least 10% of the outstanding equity, voting rights, or outstanding indebtedness may enter into any contract or lease involving a payment or payments of more than \$3,000 within a 12-month period, in whole or in part derived from district funds unless the district board member has first made written disclosure of the nature and extent of such relationship or interest to the government accountability board and to the district. Any contract or lease entered into in violation of this subdivision may be voided by the district in an action commenced within 3 years of the date on which the government accountability board, or the district, knew or should have known that a violation of this subdivision had occurred. This subdivision does not affect the application of s. [946.13](#).

9. No former district board member, for 12 months following the date on which he or she ceases to be a district board member, may, for compensation, on behalf of any person other than a governmental entity, make any formal or informal appearance before, or negotiate with, any officer or employee of the district with which he or she was associated as a district board member within 12 months prior to the date on which he or she ceased to be a district board member.

10. No former district board member, for 12 months following the date on which he or she ceases to be a district board member, may, for compensation, on behalf of any person other than a governmental entity, make any formal or informal appearance before, or negotiate with, any officer or employee of a district with which he or she was associated as a district board member in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge which might give rise to a judicial or quasi-judicial proceeding which was under the former member's responsibility as a district board member within 12 months prior to the date on which he or she ceased to be a member.

11. No former district board member may, for compensation, act on behalf of any party other than the district with which he or she was associated as a district board member in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge which might give rise to a judicial or quasi-judicial proceeding in which the former member participated personally and substantially as a district board member.

(1m) In addition to the requirements of sub. [\(1\)](#), any county, city, village or town may enact an ordinance establishing a code of ethics for public officials and employees of the county or municipality and candidates for county or municipal elective offices.

(2) An ordinance enacted under this section shall specify the positions to which it applies. The ordinance may apply to members of the immediate family of individuals who hold positions or who are candidates for positions to which the ordinance applies.

(3) An ordinance enacted under this section may contain any of the following provisions:

(a) A requirement for local public officials, other employees of the county or municipality and candidates for local public office to identify any of the economic interests specified in s. [19.44](#).

(b) A provision directing the county or municipal clerk or board of election commissioners to omit the name of any candidate from an election ballot who fails to disclose his or her economic interests in accordance with the requirements of the ordinance.

(c) A provision directing the county or municipal treasurer to withhold the payment of salaries or expenses from any local public official or other employee of the county or municipality who fails to disclose his or her economic interests in accordance with the requirements of the ordinance.

(d) A provision vesting administration and civil enforcement of the ordinance with an ethics board appointed in a manner specified in the ordinance. A board created under this paragraph may issue subpoenas, administer oaths and investigate any violation of the ordinance on its own motion or upon complaint by any person. The ordinance may empower the board to issue opinions upon request. Records of the board's opinions, opinion requests and investigations of violations of the ordinance may be closed in whole or in part to public inspection if the ordinance so provides.

(e) Provisions prescribing ethical standards of conduct and prohibiting conflicts of interest on the part of local public officials and other employees of the county or municipality or on the part of former local public officials or former employees of the county or municipality.

(f) A provision prescribing a forfeiture for violation of the ordinance in an amount not exceeding \$1,000 for each offense. A minimum forfeiture not exceeding \$100 for each offense may also be prescribed.

(4) This section may not be construed to limit the authority of a county, city, village or town to regulate the conduct of its officials and employees to the extent that it has authority to regulate that conduct under the constitution or other laws.

(5) (a) Any individual, either personally or on behalf of an organization or governmental body, may request of a county or municipal ethics board, or, in the absence of a county or municipal ethics board, a county corporation counsel or attorney for a local governmental unit, an advisory opinion regarding the propriety of any matter to which the person is or may become a party. Any appointing officer, with the consent of a prospective appointee, may request of a county or municipal ethics board, or, in the absence of a county or municipal ethics board, a county corporation counsel or attorney for a local governmental unit an advisory opinion regarding the propriety of any matter to which the prospective appointee is or may become a party. The county or municipal ethics board or the county corporation counsel or attorney shall review a request for an advisory opinion and may advise the person making the request. Advisory opinions and requests therefor shall be in writing. It is prima facie evidence of intent to comply with this section or any ordinance enacted under this section when a person refers a matter to a county or municipal ethics board or a county corporation counsel or attorney for a local governmental unit and abides by the advisory opinion, if the material facts are as stated in the opinion request. A county or municipal ethics board may authorize a county corporation counsel or attorney to act in its stead in instances where delay is of substantial inconvenience or detriment to the requesting party. Except as provided in par. [\(b\)](#), neither a county corporation counsel or attorney for a local governmental unit nor a member or agent of a county or municipal ethics board may make public the identity of an individual requesting an advisory opinion or of individuals or organizations mentioned in the opinion.

(b) A county or municipal ethics board, county corporation counsel or attorney for a local governmental unit replying to a request for an advisory opinion may make the opinion public with the consent of the individual requesting the advisory opinion or the organization or governmental body on whose behalf it is requested and may make public a summary of an advisory opinion issued under this subsection after making sufficient alterations in the summary to prevent disclosing the identities of individuals involved in the opinion. A person who makes or purports to make public the substance of or any portion of an advisory opinion requested by or on behalf of the person waives the confidentiality of the request for an advisory opinion and of any records obtained or prepared by the county or municipal ethics board, the county corporation counsel or the attorney for the local governmental unit in connection with the request for an advisory opinion.

(6) Any county corporation counsel, attorney for a local governmental unit or statewide association of local governmental units may request the board to issue an opinion concerning the interpretation of this section. The board shall review such a request and may advise the person making the request.

(7) (a) Any person who violates sub. [\(1\)](#) may be required to forfeit not more than \$1,000 for each violation, and, if the court determines that the accused has violated sub. [\(1\) \(br\)](#), the court may, in addition, order the accused to forfeit an amount equal to the amount or value of any political contribution, service, or other thing of value that was wrongfully obtained.

(b) Any person who violates sub. [\(1\)](#) may be required to forfeit not more than \$1,000 for each violation, and, if the court determines that a local public official has violated sub. [\(1\) \(br\)](#) and no political contribution, service or other thing of value was obtained, the court may, in addition, order the accused to forfeit an amount equal to the maximum contribution authorized under s. [11.26 \(1\)](#) for the office held or sought by the official, whichever amount is greater.

(8) (a) Subsection [\(1\)](#) shall be enforced in the name and on behalf of the state by action of the district attorney of any county wherein a violation may occur, upon the verified complaint of any person.

(b) In addition and supplementary to the remedy provided in sub. [\(7\)](#), the district attorney may commence an action, separately or in conjunction with an action brought to obtain the remedy provided in sub. [\(7\)](#), to obtain such other legal or equitable relief, including but not limited to mandamus, injunction or declaratory judgment, as may be appropriate under the circumstances.

(c) If the district attorney fails to commence an action to enforce sub. [\(1\) \(a\)](#), [\(b\)](#), or [\(c\)](#) to [\(g\)](#) within 20 days after receiving a verified complaint or if the district attorney refuses to commence such an action, the person making the complaint may petition the attorney general to act upon the complaint. The attorney general may then bring an action under par. [\(a\)](#) or [\(b\)](#), or both.

(cm) No complaint alleging a violation of sub. [\(1\) \(br\)](#) may be filed during the period beginning 120 days before a general or spring election, or during the period commencing on the date of the order of a special election under s. [8.50](#), and ending on the date of that election, against a candidate who files a declaration of candidacy to have his or her name appear on the ballot at that election.

(cn) If the district attorney for the county in which a violation of sub. [\(1\) \(br\)](#) is alleged to occur receives a verified complaint alleging a violation of sub. [\(1\) \(br\)](#), the district attorney shall, within 30 days after receipt of the complaint, either commence an investigation of the allegations contained in the complaint or dismiss the complaint. If the district attorney dismisses the complaint, with or without investigation, the district attorney shall notify the complainant in writing. Upon receiving notification of the dismissal, the complainant may then file the complaint with the attorney general or the district attorney for a county that is adjacent to the county in which the violation is alleged to occur. The attorney general or district attorney may then investigate the allegations contained in the complaint and commence a prosecution.

(d) If the district attorney prevails in such an action, the court shall award any forfeiture recovered together with reasonable costs to the county wherein the violation occurs. If the attorney general prevails in such an action, the court shall award any forfeiture recovered together with reasonable costs to the state.

History: [1979 c. 120](#); [1981 c. 149](#); [1981 c. 335 s. 26](#); [1983 a. 166 s. 16](#); [1991 a. 39, 269](#); [1995 a. 56, 227](#); [1999 a. 167](#); [2001 a. 109](#); [2003 a. 39](#); [2007 a. 1](#).

Additional information about the data request process is available on our website: <http://gab.wi.gov/clerks/svrs/voter-data>. Per §6.36(6) and Wisconsin Administrative Code §GAB 3.50, the price for data from the Statewide Voter Registration System (SVRS) is **\$25 plus \$5 per 1,000 voters** (rounded to the nearest thousand) with a maximum charge of \$12,500. To receive a cost estimate, please submit the completed GAB-361 form by e-mail, fax or mail, using the contact information at the top of the page.

Requestor's Contact Information (Please Print Clearly)

Name: _____

Phone (with Area Code): _____ Email: _____

Address: _____

City: _____ State: _____ Zip: _____ Today's Date: _____

How would you like to receive the data (select all that apply – you will receive the file on disc by mail unless declined):

- I decline a CD-ROM via email (if possible)
 via FTP (please call for details) Call for pick up disc from Office

For the Jurisdiction or District checked below:

- State of Wisconsin
 U.S. Congressional District number _____
 State Senatorial District number _____
 State Assembly District number _____
 County of _____
 City Town Village of _____ (Municipality - also designate the county above)
 School District: _____
 Common Union Unified First-Class (also designate the county/counties above)
 County Supervisory District number _____ (also designate the county above)
 Aldermanic/Village Supervisory Dist. # _____ (also designate the municipality above)
 Other _____

For Official Use Only
Tracking ID: _____
Estimate: _____
Voter Count: _____
Quote Date: _____
Email Sent: _____
CD Sent: _____

SCOPE OF REQUEST

- All registered voters in the jurisdiction/district.
 Voters from only a specific election (since September 2006): _____
 Polling places by reporting unit (wards at the same polling place listed together) - specify election(s): _____

 Absentees [Note: Some municipalities do NOT use SVRS to manage absentees]
Select: Permanent Absentees (Currently Registered as Permanent Absentee or requested for the calendar year)
 Absentees (includes Permanent) from specific election(s): _____
 Weekly Absentee (includes Permanent) Requests (specify the election): _____
 Other _____

FOR OFFICE USE ONLY

NOTIFICATION OF NONCANDIDACY

I, _____, state that I am currently the
(please print name)

incumbent officeholder for the office listed below.

I will not be a candidate for this office at the next election. I understand that the timely receipt* of this notice will avoid an extension of the deadline for filing ballot access documents.

TITLE OF OFFICE: _____
(print current office, including district #, if any)

NEXT ELECTION DATE: _____

SIGNATURE: _____

DATE OF SIGNING: _____

**Notification must be received by the proper filing officer no later than 5:00 p.m. on the 2nd Friday preceding the deadline for filing ballot access documents to avoid an extension of time for filing such papers.*

The information on this form is filed in accordance with §§.8.05(1)(j), 8.10(2)(a), 8.15(1), 8.20(8)(a), 120.06(6)(b), Wis. Stats. This form is prescribed by the Government Accountability Board, 212 East Washington Avenue, 3rd Floor, P.O. Box 7984, Madison, WI 53707-7984, (608) 266-8005, FAX (608)267-0500, <http://gab.wi.gov> Email: gab@wi.gov.