

## CHAPTER 8

## NOMINATIONS, PRIMARIES, ELECTIONS

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**8.01 Method of nomination.** Candidates for elective office shall be nominated according to this chapter.

**8.02 Nomination paper circulation date.** Whenever a specific date is not given to begin circulation of nomination papers, the first day for circulation shall be the first day of the month one month prior to the month in which the filing deadline is scheduled. Signatures shall not be counted if signed and dated prior to the first day for circulation.

**8.03 Multiple nominations.** (1) The name of any person nominated to the same office by more than one party or primary or nominated for more than one office shall appear under the party first nominating him or under the office to which he was first nominated. If the double nomination is simultaneous, the person nominated, before the deadline for filing the certificate of nomination shall file a written statement with the same person with whom he files his certificate stating his party or office preference. If the candidate fails to select his party or office, his name shall be placed under either party or office, but cannot appear more than once. When a candidate is nominated on a ballot where his name appears and is also nominated on some other ballot by write-in, he shall not have a choice, but shall be a nominee of the party which printed his name on their ballot.

(2) Subsection (1) shall not apply when a candidate for the office of president or vice president of the United States is nominated for another elective office during the same election. If the candidate is elected president or vice president of the United States such election shall void his election to any other office. A special election shall be held to fill any office vacated under this subsection.

**8.04 Nomination paper signatures.** If any person signs nomination papers for 2 candidates for the same office in the same election at different times, the earlier signature is valid and the later signature shall be stricken. Any person who signs or circulates nomination papers for one candidate may later circulate nomination papers for another candidate for the same office in the same election if he changes his mind and intends to support the latter candidate.

**8.05 Nomination in towns and villages.** Every candidate for an elective office in a town or village shall be nominated under this section.

(1) CAUCUS (a) When nomination papers are not used, there shall be a caucus to nominate candidates. The governing body shall between December 15 and January 15 decide the date of the caucus. The date of the caucus may be established between the last Tuesday in January and the 3rd Tuesday in February. When possible, preference should be given to having the caucus on the 3rd Tuesday in February. If a primary is held on the day of the caucus, the caucus shall be held after the polls close.

(b) Whenever a caucus is held, the municipal clerk shall give notice of the time and date for the caucus by posting in his office and by one publication in a newspaper under ch. 985, at least 5 days before the date of the caucus.

(c) The town chairman or village president together with the municipal clerk shall serve as caucus officials. If the chairman or president is a candidate, he shall call for the election of officials to conduct the caucus. The officials shall be elected by acclamation or ballot as the meeting directs. The electors attending the meeting shall select 2 tellers to canvass the vote for each office at the caucus.

(d) Names of candidates shall be placed in nomination either by motion made and seconded

from the floor or by writing the candidate's name on a slip of paper distributed by the tellers to those electors attending the caucus. Only persons placed in nomination shall be voted on.

(e) Nominations shall be made for one office at a time. Candidates for the office of town supervisor when elected jointly and of village trustee shall be considered one office for purposes of nomination and election.

(f) Before balloting the caucus chairman shall announce the names of all candidates placed in nomination.

(g) The voting for each office shall be by ballot, but the caucus chairman may dispense with voting when only one or 2 persons are nominated for the same office.

(h) The 2 candidates receiving the highest number of votes cast for each office shall be nominated and certified by the caucus chairman and tellers to the municipal clerk. The certified names of the candidates shall be placed on the official ballots. If a town under s. 5.60 (6) elects its supervisors jointly, candidates equal to twice the number of positions to be filled, who receive the most votes, shall be nominated and certified.

(i) Village trustees, excluding the office of village president, shall be nominated together and at large. Candidates, equal to twice the number of positions to be filled, who receive the most votes, shall be nominated and certified.

(j) Any candidate nominated at a caucus who files a written declination of nomination within 5 days shall not be included on the official ballot.

**(3) TOWN NONPARTISAN PRIMARY.** (a) In lieu of sub. (1), the electors either by referendum or at the town meeting may provide for nomination of elective town office candidates at a nonpartisan primary conducted as provided in sub. (5). The nomination papers shall be signed by not less than 20 nor more than 100 electors of the town. The nomination papers shall be circulated not sooner than December 15 preceding the election and shall be filed with the town clerk not later than 5 p.m. the 3rd Tuesday in January.

(b) Notice shall be given under ss. 10.01 (2) (a) and 10.06 (2) (a).

(c) When this subsection is used, no additional candidates may be nominated under sub. (1).

(d) The question of adoption of the nonpartisan primary under this subsection may be submitted to the electors at any regular election held in the town or at a special election called for the purpose. When a petition signed by 20 electors of the town is filed with the town clerk so requesting, the question shall be submitted to a vote.

(e) Petitions requesting a vote on the question at a regular town election shall be filed no later

than 5 p.m. the last Tuesday in February. When the petition is filed, the clerk shall check its sufficiency. Whether at a regular or special election, the clerk shall give separate notice by one publication in a newspaper at least 5 days before the election.

(f) The ballot used for the referendum question shall be arranged under s. 5.60 (7) and shall ask: "Shall all candidates in the town of .... for elective town offices be nominated at a nonpartisan primary?"

(g) If a majority of the votes cast are in the affirmative, a nonpartisan primary, under sub. (5), shall thereafter be held to obtain candidates for elective town offices.

**(4) VILLAGE NONPARTISAN PRIMARY.** (a) A majority of the governing body of any village may provide under s. 8.11 (1) (a) and (b) that candidates for elective village office shall be nominated by a nonpartisan primary, under sub. (5). Determination of the governing body to provide for such primary under s. 8.11 (1) (a) shall be made not later than December 1 preceding the election.

(b) Nomination papers shall be signed by not less than 20 nor more than 100 electors of the village. The papers shall be circulated not sooner than December 15 preceding the election and shall be filed with the village clerk not later than 5 p.m. the 3rd Tuesday in January.

(c) Notice shall be given, under ss. 10.01 (2) (a) and 10.06 (2) (a).

(d) When this subsection is used, no additional candidates may be nominated under sub. (1).

**(5) WHEN PRIMARY IS HELD.** Towns and villages adopting the nonpartisan primary to nominate candidates, under subs. (3) and (4), shall hold a primary only when the number of candidates for an elective office in the municipality exceeds twice the number to be elected to the office. Those offices for which a primary has been held shall have only the names of candidates nominated at the primary appear on the official spring election ballot. When the number of candidates for an office does not exceed twice the number to be elected, their names shall be printed on the official ballot for the regular election without a primary.

**(6) MENOMINEE COUNTY.** In counties containing only one town candidates shall be nominated for the office of supervisors at large and by wards, and all applicable provisions of this section shall apply to their selection. In selecting the candidates for ward supervisor by caucus, the candidates for each ward shall be selected separately, and only those electors shall participate in each as are residents of that ward. Any ward candidate seeking nomination by the

circulation of nomination papers shall incorporate in his nomination papers a statement that the signers are qualified electors of that ward.

History: 1971 c. 304 s. 29 (2); 1973 c. 280.

**8.06 Special elections.** Towns, cities and villages may call special elections for any lawful purpose.

**8.10 Nominations for spring election.** (1) Candidates for office to be filled at the spring election shall be nominated by nomination papers, or by nomination papers and selection at the primary if a primary is held, except as provided for towns and villages under s. 8.05. Unless designated in this section or s. 8.05, the general provisions pertaining to nomination at the September primary apply.

(2) Nomination papers for offices to be filled at the spring election shall be circulated not sooner than December 15 preceding the election and shall be filed not later than 5 p.m. on the 3rd Tuesday in January.

(3) The nomination papers shall conform to the requirements for nomination papers for independent candidates for the general election, except that the number of required signatures shall be:

(a) For state offices, not less than 2,000 nor more than 4,000 electors;

(b) For judicial offices, not less than 200 nor more than 400 electors; except as provided in par. (c);

(c) For judicial offices and county executives in counties over 500,000 population, not less than 2,000 nor more than 4,000 electors;

(d) For supervisors in counties over 500,000 population, not less than 200 nor more than 400 electors;

(e) For supervisors in counties between 100,000 and 500,000 population, not less than 100 nor more than 200 electors;

(f) For supervisors in counties under 100,000 population, not less than 20 nor more than 100 electors;

(g) For city offices in 1st class cities, not less than 1,500 nor more than 3,000 electors for city-wide offices and not less than 200 nor more than 400 electors for aldermen elected from aldermanic districts.

(h) For city offices in 2nd and 3rd class cities, not less than 200 nor more than 400 electors for city-wide offices and not less than 20 nor more than 40 electors for aldermen elected from aldermanic districts.

(i) For city offices in 4th class cities, not less than 50 nor more than 100 for city-wide offices and not less than 20 nor more than 40 electors for aldermen elected from aldermanic districts.

(j) For other offices, not less than 20 nor more than 100 electors.

(4) All the signers on one sheet shall be from the same county when a candidate is to be elected by the electors of more than one county.

(5) Each candidate shall file with his nomination papers a sworn declaration that he will qualify for the office if he is elected.

(6) Nomination papers shall be filed:

(a) For state or judicial offices when the district comprises more than one county, in the office of the board.

(b) For offices to be voted for wholly within one county and for county supervisor, in the office of the county clerk.

(c) For city offices and other officers voted for exclusively within the municipality, except ward committeemen under s. 8.17 and county supervisors under par. (b), in the office of the municipal clerk.

(d) For school district offices to be voted for within more than one municipality, with the person designated by the school board as the filing official for their school district.

History: 1971 c. 304 s. 29 (1), (2); 1973 c. 280; 1973 c. 334 s. 57.

**8.11 Spring primary.** (1) CITY. (a) A primary may be held in any city for the nomination of candidates for city office. When a majority of all the members of the governing body of a city decide upon a spring primary for any specific election, they shall so provide not later than 3 days after the deadline for filing nomination papers.

(b) Any city may provide by charter ordinance, under s. 66.01, that whenever 3 or more candidates file nomination papers for a city office, a primary to nominate candidates for the office shall be held.

(c) Whenever electors, equal to at least 10% of the vote for governor in the city at the last general election, file petitions requesting a primary within 3 days after the deadline for filing nomination papers, there shall be a primary for any specific election.

(d) When the number of candidates for any city office does not exceed twice the number to be elected to the office, no primary shall be held for the office and the candidates' names shall be printed on the ballot for the ensuing election.

(2) MILWAUKEE COUNTY. A primary shall be held in counties over 500,000 population whenever there are more than twice the number of candidates to be elected to any judicial office within the county or to the county board of supervisors from any one district. A primary shall be held in municipalities in counties over 500,000 population whenever there are more than twice the number of candidates to be

elected to the board of school directors or board of education from any given area.

(3) **STATE.** A primary shall be held when there are 3 or more candidates for state superintendent, supreme court justice or for judge of the same branch of circuit or county court.

(4) **PRIMARY EXCLUSIVE.** Those offices for which a primary has been held shall have only the names of candidates nominated at the primary appear on the official spring election ballot.

(5) **COUNTY SUPERVISORS.** A primary shall be held in an election for county board supervisor whenever 3 or more candidates file nomination papers.

History: 1973 c. 118 s. 7; 1973 c. 243.

**8.12 Presidential preference vote.** (1) **SELECTION OF NAMES FOR BALLOT.** In each year in which electors for president and vice president are to be elected, the voters of this state shall at the spring election be given an opportunity to express their preference for the person to be the presidential candidate of their party.

(a) On the first Tuesday in February of said year, there shall be convened in the capitol a committee consisting of, for each political party recognized under s. 5.62, the state chairman of that state party organization, the national committeeman and the national committeewoman; the speaker and the minority leader of the assembly, and the president pro tempore and minority leader of the senate. This committee shall organize by selecting an eleventh member who shall be the chairman and shall determine, and certify to the board no later than on the Friday following the first Tuesday in February, the names of all candidates of the political parties recognized under s. 5.62 for the office of president of the United States. The committee shall have sole discretion that such candidates' candidacy is generally advocated or recognized in the national news media throughout the United States.

(b) No later than 5 p.m. on the first Tuesday in March of said year, any person seeking the indorsement by the national convention of a political party recognized under s. 5.62 for the office of president of the United States, or any group organized in this state on behalf of and with the consent of such person, may submit to the board a petition to have said person's name printed on the presidential preference ballot. Such petition shall be signed by a number of qualified electors equal in each congressional district to not less than 1,000 signatures nor more than 1,500 signatures. All signers on each separate petition shall reside in the same county.

(c) The board shall forthwith contact each person whose name has been placed in nomination under par. (a) and notify him that his name will be printed on the Wisconsin presidential preference ballot unless he files, no later than the last day in February of said year, with the board, a disclaimer stating without qualification that he is not and does not intend to become a candidate for the office of president of the United States at the forthcoming presidential election. The disclaimer may be filed with the board by registered mail, telegram or in person.

(d) Any proposed presidential candidate who does not file the disclaimer under par. (c) may, no later than 5 p.m. on the 2nd Tuesday in March, file with the board a full list of district and at-large delegates and alternates according to the number allotted or permitted this state's party organization by the national committee of the political party, but not less than two-thirds of the convention votes shall be allotted on an equal basis to congressional districts.

(2) **BALLOTS.** (a) The form of the official ballots shall be prescribed by the board under s. 5.60 (8).

(b) Except as otherwise provided in subs. (1) and (3) and s. 5.60 (8), the presidential preference vote election shall be noticed, held and conducted, and the results canvassed and returned, in the manner provided for judicial elections.

(3) **DELEGATES TO NATIONAL CONVENTION.** (a) No later than the last Monday in April following the presidential preference vote, the board shall notify each state party organization chairman under sub. (1) (a) of the results of the presidential preference vote cast within his party.

(b) If the presidential preference vote in any district or in the state at large is won by a write-in candidate or by a candidate who did not file a list of delegates under sub. (1) (d), or if in any district or in the state at large a plurality of the voters cast their ballots for "none of the names shown" or against the single name shown on the ballot, that state party organization shall select as many delegates or alternates as are allotted or permitted this state's party organization by the national committee of the political party, the method of selecting the delegates or alternates to be determined by the state party organization, but not less than two-thirds of the convention votes shall be allotted on an equal basis to congressional districts and these delegates and alternates shall be selected by the party organizations of each respective district. In executing the pledge under par. (c) 5, district delegates and district delegate alternates shall be bound by the outcome of the presidential preference vote in their respective districts, and

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the delegates and alternates representing the state at large shall be bound by the outcome of the total presidential preference vote in the state at large. The selection of delegates and alternates shall occur no earlier than the Tuesday after the last Monday in April following a presidential preference vote. The names of the suggested delegates and alternates pledged to a particular candidate shall be transmitted to that candidate for his approval no later than June 1, and the candidate shall notify the chairman of the state party organization of his disapproval of any delegate or alternate by June 5, and where the candidate has disapproved his suggested delegates and alternates, he shall file his own list of delegates and alternates, which shall become the official slate of the particular candidates, delegates and alternates to the national presidential convention. No person selected as a delegate or alternate shall qualify to attend the national convention of his political party unless he files with the state central committee of his political party a written declaration of acceptance, signed by himself, on a form prescribed by the board, and the state central committee deposits this declaration of acceptance in the office of the board no later than 5 p.m. on June 15.

(c) The declaration of acceptance shall be in the form of an affidavit and shall contain the following information:

1. The name, residence and post-office address of the delegate or alternate delegate.
2. A statement that he is a qualified voter.
3. A statement that he will not withdraw his name before the holding of the national convention of his party.
4. A statement that he is affiliated with the political party which selected him as a delegate or alternate to its national political convention.
5. If a specific candidate for the office of president of the United States received the plurality of the votes cast in the presidential preference vote election, a pledge in the following form:

"As a delegate to the 19... national convention of the .... party I pledge myself to support the candidacy of .... as a candidate for the nomination for president by the .... party; that I will, unless prevented by the death of the candidate, vote for his candidacy on the first ballot; and vote for his candidacy on any additional ballot, unless released by said candidate, until said candidate fails to receive at least one-third of the votes authorized to be cast; and that, thereafter, I shall have the right to cast my convention vote according to my own judgment"

(d) The board shall forthwith certify to the credentials committee at the national convention of each party recognized under s. 5.62 a list of the

names of the delegates and alternates qualified to represent the party organization of this state by virtue of having complied with pars. (b) and (c).

(e) Any vacancy in an office of delegate or alternate to a national political party convention caused by the death, or inability for any reason to serve, of a delegate or alternate delegate shall be filled by the central committee of the political party organization entitled to make the original selection under par. (b), but no person selected to fill a vacancy under this paragraph shall be qualified to serve unless he executes the affidavit required under par. (c) 5.

History: 1973 c. 334 ss 16, 57.

**8.13 Commission city primary.** At the first primary after adoption of the commission form of government the 2 candidates for mayor and the 4 candidates for councilmen receiving the highest number of votes shall be nominated. At subsequent primaries the 2 candidates receiving the most votes for either office shall be nominated. Only the names of the nominees shall appear on the spring election ballot.

**8.15 Nominations for September primary.**

(1) Nomination papers shall be circulated not sooner than June 1 preceding the election and shall be filed not later than 5 p.m. on the 2nd Tuesday of July in those years when a September primary is held. Only those candidates for whom nomination papers containing the necessary signatures acquired within the allotted time and filed before the deadline shall have their names printed on the official September primary ballot.

(2) The signer of a nomination paper declares his intent to support the candidate named therein. Only one signature per person for the same office is valid. In addition to his signature, each signer shall list his residence, including the street and number, if any, and the date of signing.

(3) All signers on each separate nomination paper for all state offices, United States senators, congressmen, county offices and state legislators shall reside in the same county and in the district which the candidate named therein will represent, if elected.

(4)(a) The affidavit of a qualified elector stating his residence with street and number, if any, shall appear at the bottom of each nomination paper, stating he is personally acquainted with all the signers; he knows they are electors of the ward, aldermanic district, municipality or county, as the nomination papers require; he knows they signed the paper with full knowledge of its content; he knows their respective residences given; he knows each signer signed on the date stated opposite his name; and,

that he, the affiant, resides within the district which the candidate named therein will represent, if elected, and that he intends to support the candidate. The affidavit may be made by the candidate or any qualified elector.

(b) Each candidate shall file with his nomination papers, a declaration, sworn to before any officer authorized to administer oaths, that he is a resident of the district or county, if he is seeking an office elected on a district or county basis and he will qualify for office if nominated and elected. The nomination papers and the candidate's sworn declaration are valid with or without the seal impression of the authorized officer who administered the oath.

(5) Each nomination paper shall have substantially the following words printed at the top:

I, the undersigned, a qualified elector of the .... Ward, .... Aldermanic district, (Town, City, Village) of ...., County of ...., State of Wisconsin, representing the principles of the .... party, do hereby nominate ...., (include first and last name plus middle initial, or initial, middle and last name; the use of an initial for a first or middle name is optional, but no nicknames, abbreviations or titles), who resides at .... Street, (Town, City, Village) of ...., in the County of ...., and whose postoffice address is ...., Wisconsin, as a candidate for the office of ...., to be voted for at the primary to be held on the .... day of ...., 19...., as representing the principles of the above named party, and I declare that I intend to support the candidate named herein.

(6) The number of required signatures on nomination papers shall be as follows:

(a) For state-wide offices, not less than 2,000 nor more than 4,000 electors.

(b) For representatives in congress, not less than 1,000 nor more than 2,000 electors.

(c) For state senators, not less than 400 nor more than 800 electors.

(d) For representatives to the assembly, not less than 200 nor more than 400 electors.

(e) For offices representing less than a congressional district in area and for county offices, not less than 500 nor more than 1,000 electors in counties over 100,000 population and not less than 200 nor more than 400 electors in counties of 100,000 population or less.

(7) A candidate may not run in more than one party primary at the same time. No filing official shall accept nomination papers for the same person in the same election for more than one party.

(8) Nomination papers shall be filed:

(a) For state offices, United States senators, representatives in congress and members of the senate and assembly, in the office of the board.

(b) For offices to be voted for wholly within one county, except representatives in congress and members of the senate and assembly, in the office of the county clerk.

History: 1971 c. 304 ss 13, 29 (1), (2); 1973 c. 334 s. 57.

**8.16 Party candidates.** (1) The person who receives the greatest number of votes for an office on any party ballot at a primary shall be the party's candidate for the office, and his name shall so appear on the official ballot at the next election. A person who receives only write-in votes shall not be the party's candidate unless he receives 5% of the vote cast in the district for the party's gubernatorial candidate at the last general election and files a declaration that he will qualify as such, if elected, within 2 days after he receives notification of his nomination. The persons who receive the greatest number of votes respectively for the offices of governor and lieutenant governor on any party ballot at a primary shall be the party's joint candidates for the offices, and their names shall so appear on the official ballot at the next election.

(2) Nominees chosen at a national convention and under s. 8.18 (2) (c) by each party entitled to a September primary ballot shall be the party's candidates for president, vice president and presidential electors.

**8.17 Political party committees.** (1) At the September primary the party committeemen shall be elected. Counties over 500,000 population shall elect one committeeman for each political party from each aldermanic district and village. All other counties shall elect one committeeman for each political party from each ward.

(2) Nomination papers shall be in substantially the same form as those required under s. 8.15. Nomination papers shall be circulated no sooner than June 1 preceding the election and shall be filed in the office of the county clerk not later than 5 p.m. on the 2nd Tuesday of July in those years when a September primary is held. The number of required signatures shall be:

(a) For party committeeman from each aldermanic district and village in counties over 500,000 population, not less than 60 nor more than 100 electors.

(b) For party committeeman from each ward in 2nd, 3rd and 4th class cities, not less than 20 nor more than 40 electors.

(c) For committeeman in all other wards, not less than 20 nor more than 40 electors.

(3)(a) Only the names of persons filing nomination papers shall have their names printed on the ballots. There shall be no space provided for write-ins. When no candidate files nomination papers for party committeeman, the

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office shall not appear on the ballot for that party in that ward, aldermanic district or village and the vacancy shall be filled by the political party committee under ss. 7.38 (3) and 8.35.

(b) The county clerk shall arrange the names of candidates for committeemen in the proper party column for each ward, aldermanic district and village under s. 5.62.

(4) (a) Each elector may vote for his party committeeman by voting for one of the names on the ballot. No write-in vote or sticker applied for the office of party committeeman shall be counted.

(b) The results shall be returned as are other results of the September primary, but no write-in votes or stickers shall be counted. In counties over 500,000 population, whenever 2 or more candidates for party committeeman receive an equal number of votes, the ward official shall return the results and the county board of election commissioners shall break the tie during its canvass of the votes. Other ties for ward committeeman shall be determined by drawing lots at the ward where the tie occurs.

(c) The term of office of each committeeman elected shall be for 2 years.

(5) (a) The county committee of each political party shall consist of the duly elected or appointed committeemen residing in the county.

(b) Within 2 days after completion of the official September primary county canvass the chairman of each party committee shall call the first meeting of the county committee. The date for the meeting shall be set not less than 5 nor more than 15 days thereafter by giving at least 5 days' written notice to each member.

(c) At the first meeting, the county committee shall elect a chairman, secretary, treasurer and other officers or subcommittees deemed necessary.

1. In counties containing one or more assembly districts, the county committee shall also elect 2 persons from each assembly district as members of the congressional district committee.

2. In counties comprising an assembly district consisting of more than one county, each county shall elect one person as a member of the congressional district committee.

(d) The county committee chairman elected at the first meeting shall certify to the state central committee chairman the name and post-office address of each person elected to the congressional district committee.

(e) Additional county committee meetings may be called by the county chairman or upon written demand signed by a majority of the committee members. If the chairman fails to call a meeting of the committee within 3 days of the written demand, demanding members may

designate one of their number to call a meeting and preside. Any business transacted at the meeting shall have the same effect as a meeting called by the county chairman.

(f) Any county committee officer may be removed from office at any meeting of the committee called under par. (e) by a majority vote of those present and voting. Two-thirds of the members of the county committee constitute a quorum at a meeting for the removal of the officers.

(g) Any vacancy in any committee office shall be filled by the county committee, except that the county chairman may temporarily fill any vacancy.

(h) The county committee may appoint a committeeman for any ward, aldermanic district or village in which none was elected.

(i) Each committee and its officers shall have the powers usually exercised by committees and their officers.

(6) (a) Committees may be organized for any political subdivision, or legislative district as under sub. (5). The first meeting shall be called within 10 days pursuant to a written demand therefor signed by 25% or more of the members by at least 5 days' written notice to each member.

(b) Membership of committees under par. (a) shall consist of all duly elected or appointed committeemen residing in the subdivision or district, except that in congressional districts and legislative districts consisting of more than one county, the membership shall consist of the members of the congressional district committee elected under sub. (5) (c).

History: 1971 c. 304 s. 29 (1), (2); 1971 c. 336; 1973 c. 334.

**8.18 Platform convention; state central committee.**

(1) Candidates for state offices and the senate and assembly nominated by each political party at the primary, and the holdover state senators of each political party shall meet in the state capitol at 10 a. m. on the first Tuesday in October of each year in which there is a presidential election.

(2) The purpose of the convention is to nominate one presidential elector from each congressional district and 2 electors from the state at large. The names of the nominees shall be certified immediately by the chairman of the state committee of each party to the chairman of the elections board.

History: 1973 c. 334.

**8.185 Write-in candidates for president and vice president.**

(1) The names of candidates for president and vice president may be written in, in the place provided, on the general ballot at the general election for choosing the president and vice president of the

United States. Write-in votes shall be listed as scattering unless the person whose name is written in has a list of presidential electors on file with the board in accordance with this section or unless the person whose name is written in has received more than 10% of the total vote cast in the ward.

(2) Any candidate for the office of president or vice president of the United States as a write-in candidate shall file a list of presidential electors and a declaration that he will qualify for the office, if elected, with the board no later than 4:30 p.m. on the 2nd Tuesday preceding the day of the general election to choose the president and vice president of the United States. The list shall contain one presidential elector from each congressional district and 2 electors from the state at large and the names of the candidates for president and vice president for whom they intend to vote, if elected. Each person who is listed as an elector shall file a declaration of acceptance of his nomination as an elector stating that he will qualify for the office, if elected. Such declaration shall be filed with the board no later than 4:30 p.m. on the 2nd Tuesday preceding the day of the general election to choose the president and the vice president of the United States. Compliance with this subsection may be waived by the board but only if the results of the general election indicate that write-in candidate for the office of president is eligible to receive the electoral votes of this state except for non-compliance with this subsection. In such event, the write-in candidate and his named presidential electors shall have until 4:30 p.m. on the Friday following the general election to comply with the filing requirements of this subsection.

(3) If more than one list of presidential electors is filed with the board by any write-in candidates for the offices of president and vice president of the United States, the first list filed shall be considered the valid list, provided that this list meets the additional requirements of this section.

(4) Any failure by a voter to write in the name of a candidate for the office of vice president of the United States on the general ballot shall not invalidate the vote for any candidate whose name is written in for the office of president of the United States.

History: 1971 c 304 s 29 (2); 1973 c 334 s 57

**8.19 Party name.** (1) The state central committee of any party polling less than 75,000 presidential votes in this state in the last election may change the name of the party. The new name may not duplicate that of an existing national party. A certificate of approval by the party's national committee which has been

certified by the national committee secretary, the state committee chairman and the state committee secretary shall be filed with the board.

(2) The new name shall take effect upon certification.

(3) Every political party entitled, under s. 5.62, to have its candidates on the September primary and general election ballots has exclusive right to the use of the name designating it at any election involving political parties. The board shall not certify nor the county clerk print the name of any person whose nomination papers indicate a party name comprising a combination of existing party names, qualifying words, phrases, prefixes or suffixes in connection with any existing party name.

History: 1973 c 334 s 57

**8.20 Nomination of independent candidates.** (1) Independent nominations may be made for any office to be voted for at any general or partisan special election.

(2) (a) Nomination is by nomination papers. The nomination paper forms shall contain the candidate's name in any combination of initials for the first and middle names, plus the last name, but no nicknames, abbreviations or titles; the office for which he is nominated; his residence and post-office address; and the party or principle he represents, if any, in 5 words or less. In the case of candidates for the offices of governor and lieutenant governor, the nomination paper forms shall so contain both candidates' names; the office for which each is nominated; the residence and post-office address of each; and the party they represent, if any, in 5 words or less.

(b) Nomination papers for presidential electors shall list one presidential elector from each congressional district and 2 electors from the state at large for electors and the candidates for president and vice president for whom they intend to vote, if elected.

(3) The affidavit of an elector under s. 8.15(4) shall be appended to each nomination paper.

(4) The number of required signatures on nomination papers for independent candidates shall be:

(a) For state-wide offices, not less than 3,000 nor more than 5,000 electors.

(am) For the offices of governor and lieutenant governor jointly, not less than 3,000 nor more than 5,000 electors.

(b) For representatives in congress, not less than 2,000 nor more than 3,000.

(c) For state senators, not less than 500 nor more than 1,000 electors.

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(d) For representatives to the assembly, not less than 300 nor more than 500 electors.

(e) For offices representing less than a congressional district in area and for county offices, not less than 1,000 nor more than 2,000 electors in counties over 100,000 population and not less than 300 nor more than 500 electors in counties of 100,000 population or less.

(f) For presidential electors intending to vote for the same candidates for president and vice president, not less than 3,000 nor more than 5,000 electors.

(5) Only one signature per person for the same office is valid. In addition to his signature, each signer shall list his residence, including the street and number, if any, and the date of signing. Signers of each separate nomination paper shall reside in the same county and in the district which the candidate named therein will represent, if elected.

(6) Each candidate shall file with his nomination papers a sworn declaration that he will qualify for the office, if elected.

(7) Nomination papers shall be filed in the office of the board for all statewide offices, representatives in congress, members of the senate and assembly and any districts or divisions including more than one county; or, in the office of county clerk for all other offices for only one county.

(8) (a) Nomination papers for independent candidates for any office to be voted upon at a general election may be circulated no sooner than August 1 preceding the election and shall be filed not later than 5 p.m. on the 3rd Tuesday in September.

(b) Nomination papers for independent candidates for any office to be voted upon at a partisan special election shall be circulated and filed as provided in s. 8.50 (3) (a).

(9) Persons nominated by nomination papers without party designation shall be placed on the official ballot to the right or below the party candidates in their own column designated "Independent". If the candidate's name already appears under a party it shall not be listed again.

History: 1971 c. 242, 304; 1973 c. 334 s. 57.

**8.25 General elections.** (1) **PRESIDENTIAL ELECTORS.** By general ballot at the general election for choosing the president and vice president of the United States there shall be elected as many electors of president and vice president as this state is entitled to elect senators and representatives in congress. A vote for the president and vice president nominations of any party is a vote for the electors of the nominees.

(2) **UNITED STATES SENATOR.** One senator to serve in the United States congress shall be chosen at the general election in 1962 and every 6

years thereafter and another in 1964 and every 6 years thereafter.

(3) **REPRESENTATIVE IN CONGRESS.** One representative to serve in the United States congress shall be chosen from each congressional district at the general election held in each even-numbered year.

(4) **CONSTITUTIONAL OFFICERS; TERMS.** (a) A governor, lieutenant governor, secretary of state, treasurer and an attorney general shall be elected at the general election in 1970 and quadrennially thereafter. A state superintendent shall be elected on the first Tuesday in April 1917 and quadrennially thereafter.

(b) The regular full term of office of the state superintendent commences on the first Monday of July, and the regular full term of each other officer enumerated in par. (a) commences on the first Monday of January, next succeeding his election.

**8.30 Refusal to accept nomination papers.** The official with whom nomination papers are required to be filed may refuse either to accept the nomination papers for filing or to place the candidate's name on the ballot:

(1) If the nomination papers are not prepared, signed and executed, as required under this chapter;

(2) If it conclusively appears, either on the face of the nomination papers offered for filing, or by admission of the candidate or otherwise, that the candidate is ineligible to be nominated or elected;

(3) If elected the candidate could not qualify for the office sought within the time allowed by law for qualification because of age, residence or other impediment.

**8.35 Declining nomination, vacancies after nomination.** (1) Any person nominated to office may decline the nomination by delivering to his filing official a written, signed and acknowledged declination. The declination paper shall be filed for any municipal or county office not later than 5 p.m. 2 days after the canvass is complete, whether or not there is a primary for that office; or, not later than 5 p.m. one week after the primary or the deadline for filing nomination papers for districts of more than one county and state offices.

(2) If a vacancy occurs after nomination due to declination, death, or any other cause, the vacancy may be filled by the proper political party or committee for all partisan offices. Similar vacancies for municipal and nonpartisan county offices may be filled within 2 days by the personal campaign committee or, if the candidate had none, by the governing body of the municipality or county.

(2m) Notwithstanding sub. (2), if a vacancy occurs after nomination in the office of state representative to the assembly in counties having a population of 500,000 or more, it shall be filled by the senatorial district committee.

(3) Whenever a nominee dies after the ballots are printed, and no nomination is made under this section, the votes cast for the deceased shall be counted and returned. If he receives a majority, the vacancy shall be filled as in the case of a vacancy occurring by death after election.

(4) When a candidate is appointed to fill a vacancy under this section, the funds remaining in the former candidate's depository after payment of the former candidate's lawful campaign debts, if any, shall be: a) donated to his local or state political party if he was a partisan candidate or donated to the charitable organization of his choice or the charitable organization chosen by his next of kin if he is deceased, or if no choice is made returned to the donors on a pro rata basis; or b) if he was a nonpartisan candidate, donated to the charitable organization of his choice or the charitable organization chosen by his next of kin if he is deceased; or c) if no choice is made, returned to the donors on a pro rata basis, with contributions which cannot be identified donated in accordance with a) or b). A petitioner or personal representative may make the choice under a) or b) where c) applies. The transfer shall be reported to the appropriate filing officer in a special report submitted by the former candidate's campaign treasurer. If the former candidate is deceased and was serving as his own campaign treasurer, his petitioner or personal representative shall file the report. The report shall include a complete statement of all contributions, disbursements and incurred obligations pursuant to s. 11.06 (1) covering the period from the day after the last date covered on the former candidate's most recent report to the date of disposition. The newly appointed candidate shall file his report at the next appropriate interval under s. 11.20 after his appointment. The appointed candidate shall include any transferred funds in his first report. Any person who violates this subsection may be punished as provided under s. 11.60 or 11.61.

History: 1973 c 334

**8.50 Special elections.** Unless otherwise provided, this section applies to filling vacancies in the United States senate and house of representatives, executive and legislative state offices and county offices. In addition to filling vacancies in public office by appointment, vacancies may be filled by election under this section, but no special election shall be held after September 1 preceding the general election

unless it is held on the same day as the general election. If the special election is held on the day of the general election, the primary, if any, for the special election shall be held on the day of the primary for the general election.

**(1) SPECIAL ELECTION ORDER AND NOTICES.**

(a) When there is to be a special election, the special election for governor shall be ordered by the attorney general; the special election for county clerk shall be ordered by the sheriff; the special election for any other county office shall be ordered by the county clerk; all other special elections shall be ordered by the governor. When the governor or attorney general issue the order, it shall be filed and recorded in the office of the board. When the county clerk or sheriff issue the order, it shall be filed and recorded in the office of the county clerk.

(b) Notice of any special election shall be given upon the filing of the order under par. (a) by publication in a newspaper under ch. 985. If the special election includes more than one county, the board shall give notice as soon as possible to the county clerks and publish one notice. Upon receipt of notice from the board, or when the special election is for a county office, the county clerk shall give notice as soon as possible to all municipal clerks and publish 2 notices. The notices shall include the provisions of par. (c) and be a type A notice under ch. 10 in substantially the form prescribed by the board.

(c) The order and notice shall specify the office to be filled, the name of the officer before the vacancy, how the vacancy occurred, the expiration date of the remaining term of office, the date of the election, the earliest date for circulating and deadline for filing nomination papers, and the area involved in the election.

(d) When the primary includes more than one county, the board shall transmit to each county clerk at least 15 days before the special primary a certified list of all persons for whom nomination papers have been filed in its office. Immediately upon receipt of the certified list, the county clerk shall prepare his ballots. For a county special election, the county clerk shall certify the candidates and prepare the ballots. The county clerk shall publish 2 type B notices in a newspaper under ch. 10. As soon as possible after the primary, the county clerk shall certify the candidates and prepare the ballots for the following special election, and shall publish 2 type B notices in a newspaper under ch. 10.

**(2) DATE OF SPECIAL ELECTION.** (a) The date for the special election shall be not less than 55 nor more than 70 days from the date of the order except when the special election is held on the day of the general election.

(b) The primary shall be on the day 4 weeks before the day of the special election except when

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the special election is held on the same day as the general election the special primary shall be held on the same day as the general primary or if the special election is held concurrently with the spring election, the primary shall be held concurrently with the spring primary. Notwithstanding par. (a), if a special election is held concurrently with the spring election, the date for the special election shall be not less than 69 nor more than 84 days from the date of the order.

**(3) NOMINATION AND PRIMARY.** (a) Nomination papers shall be circulated no sooner than the day the order for the special election is filed and shall be filed not later than 5 p.m. 18 days before the day of the special primary. Nomination papers for independent candidates for an office to be voted upon at a partisan special election may be circulated no sooner than 14 days prior to the day of the special primary and shall be filed not later than 5 p.m. 7 days after the day of the special primary.

(b) The provisions for September primaries under s. 8.15 are applicable to all primaries held under this section.

**(4) REGULATIONS ON SPECIAL ELECTIONS.** (a) A vacancy in the office of United States senator shall be filled under s. 17.18(2).

(b) A vacancy in the office of representative in congress occurring after July 1 but before the 3rd Tuesday in September preceding a general election shall be filled at the general election. Any vacancy occurring before July 1 or after the 3rd Tuesday in September before a general election may be filled at a special election. If no special election is held the vacancy shall be filled at the next general election.

(d) A vacancy in any other elective state office, occurring more than 6 months before the expiration of the current term, may be filled at a special election held not later than September 1 preceding the next general election or on the day of the general election.

(e) Any vacancy in the office of state senator may be filled by election as a vacancy in the office of United States senator is filled, except as provided by this subsection. Any vacancy in the office of state senator or representative to the

assembly occurring before February 1 the first year of his term shall be filled as promptly as possible by special election. Any vacancy in the office of state senator or representative to the assembly occurring after the close of the last regular session of the legislature held during his term shall be filled only if a special session of the legislature is called during the remainder of the term. The special election to fill the vacancy shall be ordered, if possible, so the new member may participate in the special session.

(f) A vacancy in the office of judge or justice occurring on or before December 31 shall be filled, if a judge, at the succeeding spring election; or, if a justice, at the first judicial election when no other justice is to be elected. A vacancy in the office of judge occurring after December 31 shall be filled at the judicial election the next year. A vacancy in the office of justice shall be filled at the next judicial election if no other justice is to be elected.

(g) Whenever through neglect or failure to choose either a member of the congress or legislature at a general election or any county officer who should have been chosen at the election, a special election may be held to fill the vacancy but no special election shall be held for any school or county officer after the time when his term would have commenced had he been elected at the proper April or November election.

(h) Whenever the right to office of any person listed in par. (g) ceases before the commencement of the term of office to which elected, a special election may be held to fill the vacancy.

(i) When the governor so directs, a special election shall be held to fill any vacancy not provided for in this section. This paragraph does not apply to judicial offices.

**(5) CAMPAIGN FINANCE LAWS.** All laws and rules adopted pursuant to ch. 11 governing campaign finance and reporting, including all deadlines for filing reports and statements, are applicable to special elections, except as otherwise specifically provided.

History: 1971 c. 1, 40; 1973 c. 334 ss. 22, 57; 1973 c. 336