

1993 Assembly Bill 248

Date of enactment: **April 12, 1994**
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1993 WISCONSIN ACT 266

AN ACT to amend 5.58 (1g) (c), 5.60 (1) (b) and (4) (c), 8.05 (1) (j), 8.10 (2) (a), 8.10 (5), 8.15 (1), 8.15 (4) (b), 8.20 (6), 8.20 (8) (a), 19.43 (4) and 120.06 (6) (b) and (8) (b) of the statutes, **relating to:** the procedure for nomination of candidates.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 5.58 (1g) (c) of the statutes is amended to read:

5.58 **(1g)** (c) The arrangement of candidates for school board seats shall be determined by the school district clerk or the executive director of the city board of election commissioners by the drawing of lots not later than the ~~7th day following the deadline for filing nomination papers or declarations of candidacy~~ 2nd Tuesday in January, or the next day if the first Tuesday is a holiday. The method of determining arrangement shall be the same as provided in s. 5.60 (1) (b). Sufficient space shall be provided on the ballot for write-in candidates.

SECTION 2. 5.60 (1) (b) and (4) (c) of the statutes are amended to read:

5.60 **(1)** (b) The board shall certify the candidates' names and designate the official ballot arrangement for candidates for state superintendent, justice, court of appeals judge, circuit judge, municipal judge elected under s. 755.01 (4) and, if commissioners are elected under s. 66.23 (11) (am), the metropolitan sewerage commission. The arrangement of names of all candidates on the ballot whose nomination papers are filed with the board shall be determined by the board by the drawing of lots not later than the ~~7th day following the deadline for filing nomination papers~~ 2nd Tuesday in January, or the next day if the first Tuesday is a holiday. Whenever a primary is held for an office, a 2nd drawing of all candidates for that office shall be held by or under the supervision of

the board not later than the 3rd day following the completion of the primary canvass to determine the arrangement of candidates on the election ballot.

(4) (c) The arrangement of candidates for school board seats shall be determined by the school district clerk or the executive director of the city board of election commissioners by the drawing of lots not later than the ~~7th day following the deadline for filing nomination papers or declarations of candidacy~~ 2nd Tuesday in January, or the next day if the first Tuesday is a holiday, if there is no primary, or not later than the 3rd day following the completion of the primary canvass if a primary is held.

The method of determining arrangement shall be the same as provided in sub. (1) (b). Sufficient space shall be provided on the ballot for write-in candidates.

SECTION 3. 8.05 (1) (j) of the statutes is amended to read:

8.05 **(1)** (j) The municipal clerk shall notify in writing each candidate whose name is certified as a nominee under par. (h) of his or her nomination. Upon receipt of the notice, each candidate shall file a declaration of candidacy in the manner prescribed by s. 8.21 with the municipal clerk making the notification no later than 5 p.m. on the 5th day after the notification is mailed or personally delivered to the candidate by the municipal clerk, except as authorized in this paragraph. If an incumbent whose name is certified as a nominee fails to file a declaration of candidacy within the time prescribed by this paragraph, each certified candidate for the office held by the incumbent, other than the incumbent, may file a declaration of candidacy no later than 72 hours after the latest

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time prescribed in this paragraph. If the candidate has not filed a registration statement under s. 11.05 at the time of the notification, the candidate shall file the statement with the declaration. A candidate for municipal judge shall also file a statement of economic interests with the ethics board under s. 19.43 (4) no later than 4:30 p.m. on the 5th day after notification of nomination is mailed or personally delivered to the candidate by the municipal clerk, or no later than 4:30 p.m. on the next business day after the last day for filing a declaration of candidacy whenever that candidate is granted an extension of time for filing a declaration of candidacy under this paragraph. Upon receipt of the declaration of candidacy and registration statement of each qualified candidate, and upon filing of a statement of economic interests by each candidate for municipal judge, the municipal clerk shall place the name of the candidate on the ballot. No later than the end of the 3rd day following qualification by all candidates, the municipal clerk shall draw lots to determine the arrangement of candidates' names on the spring election ballot.

SECTION 4. 8.10 (2) (a) of the statutes is amended to read:

8.10 (2) (a) Nomination papers for offices to be filled at the spring election shall may be circulated ~~not no~~ sooner than December 1 preceding the election and shall may be filed ~~not no~~ later than 5 p.m. on the first Tuesday in January preceding the election, or the next day if Tuesday is a holiday, except as authorized in this paragraph. If an incumbent fails to file nomination papers and a declaration of candidacy by the time prescribed in this paragraph, all candidates for the office held by the incumbent, other than the incumbent, may file nomination papers no later than 72 hours after the latest time prescribed in this paragraph. No extension of the time for filing nomination papers applies if the incumbent files written notification with the filing officer or agency with whom nomination papers are filed for the office which the incumbent holds, no later than 5 p.m. on the 2nd Friday preceding the latest time prescribed in this paragraph for filing nomination papers, that the incumbent is not a candidate for reelection to his or her office, and the incumbent does not file nomination papers for that office within the time prescribed in this paragraph.

SECTION 4m. 8.10 (5) of the statutes is amended to read:

8.10 (5) Nomination papers shall be accompanied by a declaration of candidacy under s. 8.21. If a candidate has not filed a registration statement under s. 11.05 at the time he or she files nomination papers, the candidate shall file the statement with the papers. A candidate for state office or municipal judge shall also file a statement of economic interests with the ethics board under s. 19.43 (4) no later than 4:30 p.m. on the 3rd day following the last day for filing nomination papers under sub. (2) (a), or no later than 4:30 p.m. on the next business day after

the last day whenever that candidate is granted an extension of time for filing nomination papers under sub. (2) (a).

SECTION 5. 8.15 (1) of the statutes is amended to read:

8.15 (1) Nomination papers shall may be circulated ~~not no~~ sooner than June 1 preceding the general election and shall may be filed ~~not no~~ later than 5 p.m. on the 2nd Tuesday of July ~~in those years when a preceding the September primary is held, except as authorized in this subsection.~~ If an incumbent fails to file nomination papers and a declaration of candidacy by 5 p.m. on the 2nd Tuesday of July preceding the September primary, all candidates for the office held by the incumbent, other than the incumbent, may file nomination papers no later than 72 hours after the latest time prescribed in this subsection. No extension of the time for filing nomination papers applies if the incumbent files written notification with the filing officer or agency with whom nomination papers are filed for the office which the incumbent holds, no later than 5 p.m. on the 2nd Friday preceding the latest time prescribed in this subsection for filing nomination papers, that the incumbent is not a candidate for reelection to his or her office, and the incumbent does not file nomination papers for that office within the time prescribed in this subsection. Only those candidates for whom nomination papers containing the necessary signatures acquired within the allotted time and filed before the deadline may have their names appear on the official September primary ballot.

SECTION 5g. 8.15 (4) (b) of the statutes is amended to read:

8.15 (4) (b) Nomination papers shall be accompanied by a declaration of candidacy under s. 8.21. If a candidate for state or local office has not filed a registration statement under s. 11.05 at the time he or she files nomination papers, the candidate shall file the statement with the papers. A candidate for state office shall also file a statement of economic interests with the ethics board under s. 19.43 (4) no later than the end of 4:30 p.m. on the 3rd day following the last day for filing nomination papers under sub. (1), or no later than 4:30 p.m. on the next business day after the last day whenever that candidate is granted an extension of time for filing nomination papers under sub. (1).

SECTION 5r. 8.20 (6) of the statutes is amended to read:

8.20 (6) Nomination papers shall be accompanied by a declaration of candidacy under s. 8.21. If a candidate for state or local office has not filed a registration statement under s. 11.05 at the time he or she files nomination papers, the candidate shall file the statement with the papers. A candidate for state office shall also file a statement of economic interests with the ethics board under s. 19.43 (4) no later than the end of 4:30 p.m. on the 3rd day following the last day for filing nomination papers under

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sub. (8) (a), or no later than 4:30 p.m. on the next business day after the last day whenever that candidate is granted an extension of time for filing nomination papers under sub. (8) (a).

SECTION 6. 8.20 (8) (a) of the statutes is amended to read:

8.20 (8) (a) Nomination papers for independent candidates for any office to be voted upon at a general election or September primary and general election, except president, vice president and presidential elector, may be circulated no sooner than June 1 preceding the election and may be filed not no later than 5 p.m. on the 2nd Tuesday in of July preceding the September primary, except as authorized in this paragraph. If an incumbent fails to file nomination papers and a declaration of candidacy by 5 p.m. on the 2nd Tuesday of July preceding the September primary, all candidates for the office held by the incumbent, other than the incumbent, may file nomination papers no later than 72 hours after the latest time prescribed in this paragraph. No extension of the time for filing nomination papers applies if the incumbent files written notification with the filing officer or agency with whom nomination papers are filed for the office which the incumbent holds, no later than 5 p.m. on the 2nd Friday preceding the latest time prescribed in this paragraph for filing nomination papers, that the incumbent is not a candidate for reelection to his or her office, and the incumbent does not file nomination papers for that office within the time prescribed in this paragraph.

SECTION 6m. 19.43 (4) of the statutes is amended to read:

19.43 (4) A candidate for state public office shall file with the board a statement of economic interests meeting each of the requirements of s. 19.44 (1) no later than 4:30 p.m. on the 3rd day following the deadline last day for filing nomination papers for the office which the candidate seeks, or no later than 4:30 p.m. on the next business day after the last day whenever that candidate is granted an extension of time for filing nomination papers or a declaration of candidacy under s. 8.05 (1) (j), 8.10 (2) (a), 8.15 (1) or 8.20 (8) (a), no later than 4:30 p.m. on the 5th day after notification of nomination is mailed or personally delivered to the candidate by the municipal clerk in the case of a candidate who is nominated at a caucus, or no later than 4:30 p.m. on the 3rd day after notification of nomination is mailed or personally delivered to the candidate by the appropriate official or agency in the case of a write-in candidate or candidate who is appointed to fill a vacancy in nomination under s. 8.35 (2) (a). The information contained on the statement shall be current as of December 31 of the year preceding the filing deadline. Before certifying the name of any candidate for state public office under s. 7.08 (2) (a), the elections board, municipal clerk or board of election commissioners shall ascertain whether that candidate has complied with this subsection. If not, the elections board, municipal clerk or

board of election commissioners may not certify the candidate's name for ballot placement.

SECTION 7. 120.06 (6) (b) and (8) (b) of the statutes are amended to read:

120.06 (6) (b) No later than the first Tuesday in December prior to the spring election, the school district clerk shall publish a type A notice of the school district election under s. 10.01 (2) (a). No Except as authorized in this paragraph, no later than 5 p.m. on the first Tuesday in January prior to the spring election, or on the next day if Tuesday is a holiday, any qualified elector of the school district may file a sworn declaration of candidacy with the school district clerk in the form provided in s. 8.21 at the place specified in the notice. If the school district contains territory lying within a 2nd class city, or if the school board or annual meeting requires nomination papers under par. (a), any qualified elector of the school district who desires to be a candidate shall in addition file nomination papers in the form prescribed under s. 8.10 (2) and (3) with the school district clerk at the place specified in the notice. If an incumbent fails to file a declaration of candidacy, and nomination papers, where required, within the time prescribed by this paragraph, all candidates for the office held by the incumbent, other than the incumbent, may file a declaration of candidacy and nomination papers, where required, no later than 72 hours after the latest time prescribed in this paragraph. No extension of the time for filing a declaration of candidacy or nomination papers applies if the incumbent files written notification with the school district clerk, no later than 5 p.m. on the 2nd Friday preceding the latest time prescribed in this paragraph for filing declarations of candidacy, that the incumbent is not a candidate for reelection to his or her office, and the incumbent does not file a declaration of candidacy for that office within the time prescribed in this paragraph. In the case of a 3-member school board, the qualified elector shall state in his or her declaration of candidacy and on the face of his or her nomination papers, if any, the office for which the elector is a candidate. In the case of an apportioned or numbered school board, the qualified elector shall state in his or her declaration of candidacy and on the face of his or her nomination papers, if any, the apportioned area or numbered seat for which the elector is a candidate. If a candidate has not filed a registration statement under s. 11.05 by the time he or she files a declaration of candidacy, the candidate shall file the statement with the declaration. A candidate shall file an amended declaration under oath with the school district clerk in the event of a change in any information provided in the declaration as provided in s. 8.21.

(8) (b) Determine for the primary, if any, and again for the spring election the order in which the names of candidates are printed shall appear on the ballot by supervising the drawing of lots not later than the 7th day following the last day for filing written declarations of can-

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~~didacy and nomination papers~~ 2nd Tuesday in January, or
the next day if the first Tuesday is a holiday, and the 2nd

day following the completion of the canvass of the primary election, if any;