



## WISCONSIN LEGISLATIVE COUNCIL INFORMATION MEMORANDUM

### Nomination of Candidates

The Wisconsin statutes specify who may appear on election ballots and the requirements for the nomination of candidates. Generally, most candidates are nominated by nomination papers and a primary election, if necessary. However, in certain circumstances, candidates may be nominated by caucus. The Wisconsin statutes also contain requirements for the placement of candidates for the offices of the president and vice president of the United States on the ballot for the presidential preference vote.

This Informational Memorandum summarizes the relevant law governing the nomination of candidates to appear on ballots in Wisconsin and federal elections, including nomination papers, nomination by caucus, and nomination for the office of president.

#### **NOMINATION PAPERS**

Wisconsin law contains requirements governing individual candidates' ability to file nomination papers in order to appear on the spring and general election ballots. Generally, candidates for offices to be filled at the spring election and general election are nominated by nomination papers and a primary, if one is necessary.

The general election is held every even-numbered year to elect U.S. senators and representatives, presidential electors, state senators and representatives, district attorneys, certain state officers, and certain county officers. The partisan primary is held to nominate candidates to be voted for at the general election. The spring election is held to elect judicial, educational, and municipal officers, nonpartisan county officers, and sewerage commissioners, and includes the presidential preference vote in years in which the president and vice president of the United States are to be elected. Qualified candidates will have their names placed on the ballot if they meet the requirements described below. [s. 5.02 (5), (12s), and (21), Stats.]

#### ***TIMELINE AND CONTENT OF NOMINATION PAPERS***

For candidates for the spring election, nomination papers may not be circulated before December 1 preceding the election. A candidate wishing to be placed on the ballot for the spring election must file his or her nomination papers no later than 5:00 p.m. on the first Tuesday in January preceding the election, or the following day if Tuesday is a holiday. A candidate wishing to be placed on the ballot for the partisan primary (and the general election, if nominated at the partisan primary) may circulate his or her nomination papers starting on April 15 preceding the

election and must file the papers no later than 5:00 p.m. on June 1 preceding the election. [ss. 8.10 and 8.15, Stats.]

If an incumbent fails to file nomination papers and a declaration of candidacy by the deadlines, the deadline for filing is extended by 72 hours for all candidates for the office held by the incumbent, other than the incumbent. However, no extension of time for filing nomination papers applies if the incumbent files written notification with the appropriate filing officer or agency that he or she is not a candidate for reelection to his or her office. The notice must be filed no later than 5:00 p.m. on the second Friday preceding the general filing deadline. [ss. 8.10 and 8.15, Stats.]

Each nomination paper must contain a statement at the top identifying the candidate, the candidate's address, and the office the candidate seeks. The statement must also indicate that the signatory desires the candidate to be on the ballot and that he or she is eligible to vote for the candidate. [ss. 8.10 (2) and 8.15 (5), Stats.]

### ***NUMBER OF SIGNATURES***

The statutes specify the number of signatures required for nomination for each office. The number of required signatures for nomination at the spring election and partisan primary is described below.

#### ***Spring Election***

The number of required signatures for nomination papers filed for candidates for the spring election is as follows:

- **Statewide offices.** For statewide offices, not less than 2,000 nor more than 4,000 electors.
- **Court of appeals judges.** For court of appeals judges, not less than 1,000 nor more than 2,000 electors.
- **Judicial offices in Milwaukee County.** For judicial offices in Milwaukee County, not less than 1,000 nor more than 2,000 electors.
- **Other judicial offices.** For judicial offices other than those specified above, not less than 200 nor more than 400 electors.
- **County executive in Milwaukee County.** For county executive in Milwaukee County, not less than 2,000 nor more than 4,000 electors.
- **County executives in counties between 100,000 and 750,000 population.** For county executives in counties with populations between 100,000 and 750,000, not less than 500 nor more than 1,000 electors.
- **County executives in counties under 100,000 population.** For county executives in counties with populations under 100,000, not less than 200 nor more than 400 electors.

- **Comptroller in Milwaukee County.** For comptroller in Milwaukee County, not less than 500 nor more than 1,000 electors.
- **Supervisor in Milwaukee County.** For supervisor in Milwaukee County, not less than 200 nor more than 400 electors.
- **Supervisors in counties between 100,000 and 750,000 population.** For supervisors in counties with populations between 100,000 and 750,000, not less than 100 nor more than 200 electors.<sup>1</sup>
- **Supervisors in counties under 100,000 population.** For supervisors in counties with populations under 100,000, not less than 20 nor more than 100 electors.
- **Members of the metropolitan sewerage commission in districts over 1,000,000 population.** For members of the metropolitan sewerage commission in districts with populations over 1,000,000, not less than 1,000 nor more than 2,000 electors.
- **Members of the metropolitan sewerage commission in districts between 200,000 and 1,000,000 population.** For members of the metropolitan sewerage commission in districts with populations between 200,000 and 1,000,000, not less than 200 nor more than 400 electors.
- **Members of the metropolitan sewerage commission in districts under 200,000 population.** For members of the metropolitan sewerage commission in districts with populations under 200,000, not less than 100 nor more than 200 electors.
- **City offices in City of Milwaukee.** For city offices in the City of Milwaukee, not less than 1,500 nor more than 3,000 electors for city-wide offices; not less than 200 nor more than 400 electors for alderpersons elected from aldermanic districts; and not less than 400 nor more than 800 electors for members of the board of school directors elected from election districts.
- **City offices in second and third class cities.** For city offices in second and third 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 alderpersons elected from aldermanic districts. For alderpersons in second and third class cities who are not elected from aldermanic districts, not less than 100 nor more than 200 electors.

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<sup>1</sup> The county board of any county having a population of at least 100,000 but not more than 750,000 may provide by ordinance that the number of required signatures on nomination papers for the office of county supervisor in the county is not less than 50 nor more than 200 electors. [s. 8.10 (3m), Stats.]

- **City offices in fourth class cities.** For city offices in fourth class cities, not less than 50 nor more than 100 electors for city-wide offices and not less than 20 nor more than 40 electors for alderpersons elected from aldermanic districts.
- **School district offices in school districts containing territory within a second class city.** For school district offices in any school district that contains territory lying within a second class city, not less than 100 nor more than 200 electors.<sup>2</sup>
- **School district offices in school districts not containing territory within a first or second class city.** For school district offices in any school district that does not contain territory lying within a first or second class city, if nomination papers are required by applicable state law,<sup>3</sup> not less than 20 nor more than 100 electors.
- **Other offices.** For other offices, not less than 20 nor more than 100 electors.

[s. 8.10 (3), Stats.]

### ***Partisan Primary***

The number of required signatures for nomination papers filed for candidates for the partisan primary is as follows:

- **Statewide offices.** For statewide offices, not less than 2,000 nor more than 4,000 electors.
- **Representatives in Congress.** For representatives in Congress, not less than 1,000 nor more than 2,000 electors.
- **State senators.** For state senators, not less than 400 nor more than 800 electors.
- **State representatives.** For representatives to the Assembly, not less than 200 nor more than 400 electors.
- **District attorneys.** For district attorneys in prosecutorial units with populations over 100,000, not less than 500 nor more than 1,000 electors; and in prosecutorial units with populations under 100,000, not less than 200 nor more than 400 electors.

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<sup>2</sup> A school board of a school district may adopt a resolution to reduce the number of signatures required for nomination papers. If the school board adopts such a resolution, and on the date that the school board acts to adopt such a resolution the territory of the school district lying within one or more second class cities is less than or equal to 10% of the territory of the school district, the signature requirement is not less than 20 and not more than 100 electors. [s. 8.10 (3) (km) 2., Stats.]

<sup>3</sup> See s. 120.06 (6) (a), Stats.

- **County offices.** For county offices in counties with populations over 100,000, not less than 500 nor more than 1,000 electors; and in counties with populations under 100,000, not less than 200 nor more than 400 electors.

[s. 8.15 (6), Stats.]

### ***SIGNATURE REQUIREMENTS***

Each person who signs a nomination paper must reside in the jurisdiction or district which the candidate named on the paper will represent, if elected. Only one signature per person for the same office is valid. In addition to his or her signature, each signatory of a nomination paper must legibly print his or her name next to his or her signature and list his or her municipality of residence for voting purposes, residential address, and the date of signing. [ss. 8.10 (4) and 8.15 (2) and (3), Stats.]

### ***DECLARATION OF CANDIDACY AND REQUIRED STATEMENTS***

All nomination papers must be accompanied by a declaration of candidacy. In addition, if a candidate has not filed a registration statement under state campaign finance law at the time he or she files nomination papers, the candidate must file the statement with the nomination papers. A candidate for state office or municipal judge must also file a statement of economic interests with the Ethics Commission. [ss. 8.10 (5) and 8.15 (4) (b), Stats.]

### ***FILING LOCATION***

Nomination papers for state offices, for seats on certain metropolitan sewerage commissions, and for the offices of U.S. senator and representative must be filed in the office of the Elections Commission. Nomination papers for municipal judges must be filed in the office of the county clerk or board of election commissioners of the county having the largest portion of the population in the jurisdiction served by the judge. Nomination papers for county offices must be filed in the office of the county clerk or, in Milwaukee County, the board of election commissioners. For city offices and other offices voted for exclusively within the municipality, except the office of county supervisor, nomination papers must be filed in the office of the municipal clerk or, in the City of Milwaukee, the board of election commissioners. Nomination papers for school district offices to be voted for within more than one municipality must be filed with the person designated by the school board as the filing officer for the school district. [ss. 8.10 (6) and 8.15 (8), Stats.]

### ***NOMINATION BY CAUCUS***

Under Wisconsin law, in lieu of nomination by nomination papers and a primary, towns and villages may nominate candidates to appear on the ballot for town or village elected offices by caucus.

### ***CAUCUS DATE AND POSTING REQUIREMENTS***

Between December 1 and January 1, the governing body of a town or village must decide the date of the caucus. The date of the caucus must be established between January 2 and January 21. When possible, preference should be given to having the caucus on January 21. [s. 8.05 (1) (a), Stats.]

Whenever a caucus is held, the municipal clerk must post notice of the date, time, and place for the caucus in the clerk's office and publish one notice in a newspaper at least five days before the date of the caucus. The town chairperson or village president and the municipal clerk are required to serve as caucus officials. If the chairperson or president is a candidate, he or she must instead call for the election of officials to conduct the caucus. [s. 8.05 (1) (b) and (c), Stats.]

### ***NOMINATION OF CANDIDATES***

At the caucus, the names of candidates are 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 caucus tellers. Only persons placed in nomination may be voted on. Before balloting, the caucus chairperson must announce the names of all candidates placed in nomination. [s. 8.05 (1) (d) and (f), Stats.]

Generally, ballots must be cast for each office. However, the caucus chairperson may dispense with voting by ballot when only one or two persons are nominated for the same office. The two candidates receiving the highest number of votes cast for each office are nominated and certified to the municipal clerk by the caucus chairperson and tellers. [s. 8.05 (1) (g) and (h), Stats.]

For village trustees, except the village president, candidates must be nominated at the caucus together and at-large. The number of candidates who receive the most votes are nominated and certified, and that number must equal twice the number of positions to be filled. [s. 8.05 (1) (i), Stats.]

### ***DECLARATION OF CANDIDACY AND REQUIRED STATEMENTS***

After nominations have been made, the municipal clerk is required to notify in writing each candidate whose name has been certified as a nominee of his or her nomination. Upon receipt of the nomination notice, each candidate must file a declaration of candidacy with the municipal clerk. If the candidate has not filed a registration statement under state campaign finance law at the time of the notification, the candidate must file it with the declaration of candidacy. In addition, a candidate for municipal judge must file a statement of economic interests with the Ethics Commission. [s. 8.05 (1) (j), Stats.]

### ***NOMINATIONS FOR OFFICE OF THE PRESIDENT***

In addition to provisions governing individual candidates' ability to appear on the ballots for the spring and general elections, Wisconsin law contains requirements governing the placement of candidates for the offices of the president and vice president on the ballot for the presidential preference vote. The presidential preference vote takes place during the spring election in years in which the president and vice president are to be elected. A candidate may be placed on the ballot for the presidential preference vote by: (1) the presidential preference selection committee; or (2) petition.

### ***PRESIDENTIAL PREFERENCE VOTE***

The state chairperson of each recognized political party listed on the official ballot at the last gubernatorial election, whose candidate for governor received at least 10% of the total votes cast for that office, may certify to the Elections Commission that the party will participate in the presidential preference primary. For each party filing certification, voters must be given an

opportunity to express their preference for the person to be the presidential candidate of the party at the spring election. [s. 8.12 (1) (a), Stats.]

***PRESIDENTIAL PREFERENCE SELECTION COMMITTEE***

A committee is convened at the State Capitol on the first Tuesday in January of each year, or the following day if Tuesday is a holiday, in which electors for president and vice president are to be elected. The committee consists of the state chairperson or the chairperson's designee, one national committeeman, and national committeewoman for each party filing a certification; the speaker and minority leader of the Assembly, or their designees; and the president and minority leader of the Senate, or their designees. The committee must select an additional member to act as chairperson and must determine, and certify to the Elections Commission, the names of all candidates of the political parties represented on the committee for the office of president of the United States. The committee must place the names of all candidates whose candidacy is generally advocated or recognized in the national news media throughout the United States on the ballot, and may also place the names of additional candidates on the ballot. The committee has sole discretion to determine that a candidacy is generally advocated or recognized in the national news media throughout the United States. [s. 8.12 (1) (b), Stats.]

The Elections Commission must contact each person whose name has been placed in nomination by the presidential preference selection committee and notify the person that his or her name will appear on the Wisconsin presidential preference ballot unless he or she files, with the Commission, a disclaimer stating without qualification that he or she is not and does not intend to become a candidate for the office of the president of the United States at the forthcoming presidential election. The disclaimer must be filed no later than 5:00 p.m. on the last Tuesday in January of the presidential election year. [s. 8.12 (1) (d), Stats.]

***PETITION***

Any person seeking the nomination for the office of president of the United States by the national convention of a political party, or any committee organized in Wisconsin on behalf of and with the consent of the person, may submit to the Elections Commission a petition to have the person's name appear on the presidential preference ballot. The petition must be filed no later than 5:00 p.m. on the last Tuesday in January of each presidential election year. The petition may not be circulated before the first Tuesday in January of such year, or on the following day if Tuesday is a holiday. The petition must be signed by at least 1,000, but not more than 1,500, electors in each congressional district. All signatories on each separate petition paper must reside in the same congressional district. [s. 8.12 (1) (c), Stats.]

This memorandum is not a policy statement of the Joint Legislative Council or its staff.

This memorandum was prepared by Laina Stuebner, Legal Intern, and Jessica Karls-Ruplinger, Deputy Director, on July 27, 2018.