



Wisconsin Elections Commission

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MEMORANDUM

TO: Wisconsin County Clerks
Milwaukee County Election Commission
Wisconsin Municipal Clerks
City of Milwaukee Election Commission

FROM: Wisconsin Elections Commission
Election Administration Team

DATE: March 13, 2020

SUBJECT: Type A Notice of August 11, 2020 Partisan Primary and November 3, 2020 General Election; County Candidate Checklists; Notification of Noncandidacy; and Other Important Information.

This correspondence includes information useful to you in preparing for the upcoming partisan primary and general election.

NOTICE OF ELECTION

The Type A Notice of Election contains all the state and federal offices for the partisan primary on August 11, 2020, and the general election on November 3, 2020, including President of the United States. The Type A Notice must be published by all county clerks on **April 14, 2020**. When a weekly newspaper is used for publication and the paper is not published on Tuesdays, the notice shall appear in the newspaper's closest preceding issue.

It is not necessary for each county to publish all the information contained in the enclosed Type A Notice. The notice published by each county clerk lists the information regarding the presidential election, all applicable congressional district offices for which an elector in the county may vote, all applicable legislative offices for which an elector in the county may vote, the office of district attorney for your county, and all county partisan offices within your respective county. The notice must also include the statement about circulation and filing of nomination papers.

All county clerks are required to send the Type A Notice to each municipal clerk in their county no later than **April 7, 2020**. Municipal clerks are not required to publish the Type A Notice for the partisan primary and general election. Municipal clerks **are required** to certify to their county clerks the approximate number of electors in the municipality no later than **June 1, 2020**, to help the county clerks determine how many ballots to prepare for the fall election. Wis. Stats. § 5.66 (1).

Wisconsin Elections Commissioners

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BEGINNING OF TERMS FOR FEDERAL OFFICES VS. STATE AND COUNTY OFFICES

In the past, we have received inquiries about the January 3rd date for the beginning of federal office terms. Article XX, Section 1 of the Amendments to the United States Constitution states: “The terms of Senators and Representatives end at noon on the 3rd day of January...and the terms of their successors shall then begin.”

State office terms are different from federal terms. Article XIII, Section 1 of the Wisconsin Constitution states: “The political year for this state shall commence on the first Monday of January in each year, and the general election shall be held on the Tuesday next succeeding the first Monday of November in even-numbered years.” Therefore, the term for state and county offices elected on November 3, 2020 will begin on January 4, 2021.

COUNTY CANDIDATE CHECKLISTS

The ballot access checklist for county partisan candidates (ELIS-16) is available on the WEC website. <https://elections.wi.gov/forms/ELIS-16>

The checklist assists county candidates in qualifying for ballot placement. The checklist may be reproduced and given to your candidates along with the proper ballot access forms:

Campaign Finance Registration Statement (CF-1 Rev. 11/2018)
https://ethics.wi.gov/Resources/CF-1_Registration_Statement.pdf

Declaration of Candidacy (EL-162 Rev. 08/2019) <https://elections.wi.gov/forms/EL-162>

Nomination Paper for Partisan Office (EL-168 Rev. 03/2016)
<https://elections.wi.gov/forms/EL-168>

We also recommend that, in your initial discussions with candidates, you direct their attention to the WEC’s Common Nomination Paper Challenges Manual which can be found here: <https://elections.wi.gov/publications/manuals/common-nomination-paper-challenges>. The Manual is a good resource for both candidates and filing officers to prevent errors on nomination papers and avoid challenges. The Manual outlines common challenges and how the WEC is likely to rule on them.

NOTIFICATION OF NONCANDIDACY

For the Fall 2020 Election, any incumbent officeholder who does not intend to seek re-election should file a Notification of Noncandidacy Form (EL-163) no later than 5:00 p.m. on **Friday, May 22, 2020**. **If an incumbent not seeking re-election does not file the notification by the deadline, and does not file ballot access documents by the required statutory deadline to seek re-election (June 1, 2020), the filing deadline will be extended an additional 72 hours for any other person wishing to run for that office.** The deadline is not extended for the incumbent. If an incumbent not seeking re-election files the notification timely, the nomination paper deadline of June 1, 2020, is unchanged. If the incumbent decides to run for office after filing the notification, he or she can run for re-election by filing the appropriate ballot access papers by the June 1st deadline.

WEC staff recommends that in early May you send this form, along with a short explanation, to all your incumbents. The EL-163 is available from the Wisconsin Elections Commission website. <https://elections.wi.gov/forms/el-163-fillable>

If you have any questions concerning this memorandum, please contact the Help Desk at 608-261-2028 or elections@wi.gov.