

# PROCEDURES FOR NOMINATION OF CANDIDATES BY CAUCUS

For Use by Clerks

Rev. November 2021

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## **Introduction**

The caucus is a method that may be used by towns and villages for nominating candidates to be placed on the Spring Election ballot. The caucus is open to the public, but only qualified electors of the municipality may nominate and vote for candidates. A person is not required to be a registered voter in order to participate in the caucus. A caucus cannot be used for nominating candidates for the office of Town Sanitary District Commissioner or Multi-Jurisdictional Municipal Judge. Nomination papers must be used by candidates for these offices.

There is no spring primary for town or village offices when candidates are nominated by caucus. However, there may still be a spring primary held within the town or village for state, county or school district office.

## **Who May Nominate Candidates at a Caucus?**

Only qualified electors of the municipality may nominate and vote for candidates at a caucus. Any person who is a United States citizen, 18 years of age or older, who has resided within the municipality for at least 28 days before the caucus is a qualified elector. The voter list from a previous election or voter information from the MyVote Wisconsin website (<https://myvote.wi.gov/en-us>) may be used as an aid in determining if a person qualified as an elector in the municipality at the last election. Any person whose name does not appear on the voter list or the MyVote Wisconsin website may be asked to provide some type of documentation to establish that the individual is a qualified elector of the municipality. A qualified elector of the municipality may nominate themselves as a candidate for office.

## **When to Hold the Caucus**

Between December 1 and January 1 preceding a spring election, the governing body of a town or village nominating candidates by caucus must decide the date on which the caucus will be held. The caucus must be held between January 2 and January 21. The deadline to hold a caucus is not extended if January 21 falls on a weekend. When possible, preference should be given to having the caucus on January 21. The caucus is not required to be conducted on a Tuesday. [Wis. Stat. § 8.05 \(1\)\(a\)](#).

## **Public Notice of the Caucus**

The municipal clerk must give proper public notice of the caucus. This is accomplished by posting a notice in the clerk's office and by publishing a notice in a newspaper at least 5 days before the date of the caucus. This notice must contain the location, date, and time of the caucus. [Wis. Stat. § 8.05 \(1\)\(b\)](#).

Where a newspaper is not published within the municipality, clerks can meet the publishing requirement by posting the notice of the caucus in at least three locations within the municipality. [Wis. Stat. § 10.05](#). When posting is used, the notices must be placed no later than 5 days before the date of the caucus. The notices must be posted in 3 places within the municipality where they are most likely to be seen by electors, or in one location within the municipality and on the municipalities website.

## **Who Presides at the Caucus?**

The caucus is conducted by the town board chairperson or the village president as long as the chairperson or president is not a candidate at the Spring Election. The municipal clerk serves in an administrative capacity and usually takes the minutes. A sign-in sheet of all attendees is recommended so they can be contacted if the caucus is reconvened. If the chairperson or president is a candidate, he or she must call for an election of officials to conduct the caucus. This can be done either by ballot or acclamation. The electors must also select two tellers to canvass the vote for each office to be nominated at the caucus. [Wis. Stat. § 8.05 \(1\)\(c\)](#).

## **Who is Eligible to be Nominated as a Candidate?**

A candidate for a village office must be a qualified elector and an actual resident of the village at the time of the election. [Wis. Stat. § 61.19](#). A candidate for a town office must be a qualified elector of the town at the time of taking office, except an assessor who is appointed under [Wis. Stat. § 60.307](#). [Wis. Stat. § 60.30\(2\)](#). A candidate does not have to be a qualified elector or resident of the village or town at the time of the caucus. A candidate may be nominated for more than one municipal office. There is no requirement that a candidate be a registered voter in the municipality.

## **Procedures for Nomination**

Nominations are made separately for each office that will appear on the Spring Election ballot. This can be done in one of two ways: by taking nominations from the floor (“acclamation”), or by conducting a vote by secret ballot. The method to be used should be announced by the chairperson before asking for nominations, in case there are objections to using that method to nominate candidates. Incumbents must be nominated at the caucus and follow the same ballot access procedures as any other municipal candidate. Incumbents are not automatically nominated or placed on the ballot.

When nominations are taken from the floor, each nomination must receive a second. After each nomination is made and seconded, the caucus chairperson must ask, “Are there any more nominations?” and if hearing none, must announce, “Nominations are closed.” [Wis. Stat. § 8.05 \(1\)\(d\)](#). The chairperson should ensure that all eligible attendees have the opportunity to nominate a candidate if they wish to do so.

If nominations are made by conducting a secret ballot, the tellers will distribute a piece of paper to each elector, which will serve as a ballot. The electors will be instructed to write in the name of his or her nominee for the office. The ballots will then be collected and tallied by the tellers.

Whichever method is used for making nominations, the names of the persons nominated will be announced by the caucus chairperson. A flip chart or chalkboard may be used to record the names of the nominees. Only those persons nominated will be voted on at the caucus, if voting is necessary.

**For those offices where only one person is to be elected** and only one or two candidates are nominated, there is no need to conduct a vote. If more than two persons have been nominated, a vote must be conducted at the caucus to reduce the number of candidates to two. If a vote is required, the caucus chairperson will announce the names of all candidates. Each elector at the caucus is entitled to **vote for one** candidate. The **two candidates receiving the highest number of votes** are nominated and certified to the municipal clerk by the caucus chairperson and tellers. [Wis. Stat. §§ 8.05 \(1\)\(f\), \(g\), \(h\)](#).

Nominations for the offices of town supervisors elected to unnumbered seats, or nominations for the offices of village trustee should be considered together. If more than twice the number of candidates to be elected is nominated, a vote is conducted to reduce the number of candidates to twice the number of seats to be filled. **Each elector at the caucus is entitled to vote for as many candidates as there are seats to be filled at the election.**

For example, if three village trustees are to be elected, each person can vote for three candidates. The six candidates who receive the most votes at the caucus will be nominated and certified to the municipal clerk by the caucus chairperson and tellers.

## **In Case of a Tie**

If two or more candidates receive an equal number of votes, but not the greatest number of votes, so that only one of the candidates with equal votes may advance to the election, the tie between the candidates with equal votes may be broken either by drawing lots or by conducting another vote. The method by which a tie is broken should be agreed upon at the beginning of the caucus.

## **Notification of Nomination to Candidates**

As soon as the nominated candidates are certified by the chairperson and tellers to the municipal clerk, the clerk is responsible for notifying the candidates, in writing, of their nomination. The clerk must also inform each candidate of the requirements to file a Campaign Registration Statement (ETHCF-1) and a Declaration of Candidacy (EL-162). [Wis. Stat. §§ 8.05 \(1\)\(j\), 8.21, 11.05](#). Candidates for municipal judge must also be informed of the requirement to file a Statement of Economic Interests with the Wisconsin Ethics Commission. [Wis. Stat. §§ 8.05 \(1\)\(j\), 19.43\(4\)](#). A copy of the Campaign Registration Statement (ETHCF-1) and the Declaration of Candidacy (EL-162) should be provided by the clerk to each nominated candidate. Forms are available on the agency website: <http://elections.wi.gov/forms>.

If any of the nominated candidates are present at the caucus, the municipal clerk can provide them with a written notice, the Campaign Registration Statement (ETHCF-1), and the Declaration of Candidacy (EL-162). Because the candidates are to receive a notification of nomination in writing, it is suggested that the clerk prepare a notification form that can be completed at the caucus with the name of the candidate and the office to which he or she was nominated. The clerk should also prepare a receipt that can be dated and signed by the candidate stating that he or she received a written notice of nomination at the caucus. A sample Notification of Nomination and a sample Receipt of Notification of Nomination can be found at the end of this booklet.

If a candidate is not present at the caucus, the written notification, the Campaign Registration Statement (ETHCF-1) and the Declaration of Candidacy (EL-162) should be delivered to the candidate as soon as possible. Delivery can be made in person or by mail. If the written notification is delivered in person, the clerk should use a prepared receipt that can be dated and signed by the candidate. If the notification is mailed, it should be sent by certified mail. Certified mail will provide the clerk with a receipt showing the date that the notification was received by the candidate.

*It is important to have a receipt.* If the notification is *personally delivered*, the candidate has 5 days after the date personal delivery is made to file the necessary forms with the clerk. The 5-day period begins the day after the date indicated on the receipt.

If the notification is *mailed*, the candidate has 5 days after the date the notification was received by the candidate to file the necessary forms with the clerk. The 5-day period begins the day after the date on which the notification was received by the candidate (as indicated on the certified mail receipt). If the 5<sup>th</sup> day falls on a Saturday, a Sunday or a holiday, the deadline is 5:00 p.m. on the next business day.

## **Notification of Non-candidacy (EL-163)**

An incumbent is required to file a notification of non-candidacy to put everyone, especially the clerk, on notice that they do not intend to be a candidate at the upcoming spring election. For this reason, the municipal clerk may want to send the notification of non-candidacy form to all incumbent officeholders whose term of office is up the next election.

If a filing officer receives a notification of non-candidacy from an incumbent, the filing officer is now required to promptly post public notice of that fact on their website, or, if they do not have a website, they can post that information in at least 3 different locations within the jurisdiction. In addition,

if an incumbent fails to file a declaration of candidacy by the filing deadline of 5 days after notification of nomination after a caucus, the filing officer is now required to post that information on their website or in 3 locations within the jurisdiction. Wis Stat. § 8.05(1)(j)2m.

In jurisdictions where caucus is used, if an incumbent is nominated at caucus but does not file either a notification of non-candidacy or a declaration of candidacy by 5:00 p.m. on fifth day after notification of their nomination from the caucus, the filing deadline for that office is extended by 72 hours after the original deadline for all candidates certified at caucus except the incumbent. Wis. Stat. § 8.05(1)(j)2. The extension does not apply to the incumbent. Wis. Stat. § 8.05(1)(j).

### **Qualifications for Ballot Placement of Candidates**

In order to qualify for ballot placement, each candidate nominated at the caucus is required to complete and file the two forms listed below. The candidate must file these forms with the municipal clerk no later than 5:00 p.m. on the 5<sup>th</sup> day after receiving written notification that he or she has been nominated for office. (See previous section.) The municipal clerk or someone appointed by the clerk must be available until 5:00 p.m. on the 5<sup>th</sup> day following the candidate's receipt of the written notice.

- ❑ Campaign Registration Statement (ETHCF-1)
- ❑ Declaration of Candidacy (EL-162)

A candidate for municipal judge must also file a Statement of Economic Interests with the Wisconsin Ethics Commission no later than 4:30 p.m. on the 5<sup>th</sup> day after receiving written notification that he or she has been nominated. This form may be obtained from the Wisconsin Ethics Commission, 101 E. Wilson Street, Unit 127, Madison, WI 53703, (608) 261-8123, <http://ethics.wi.gov>.

If a candidate fails to file any of the required forms within 5 days after receipt of written notification, the candidate does not qualify for ballot placement and the clerk cannot place the candidate's name on the ballot. [Wis. Stat §§ 8.05 \(1\)\(j\), 8.21, 8.30\(2\), \(3\)](#). When a candidate fails to file the required forms on time, the clerk should treat that failure as a declination of nomination. If no candidates for an office qualify for ballot placement, the ballot will contain only a space for a write-in candidate. Clerks are encouraged to remind candidates of the filing requirement as the deadline approaches to avoid allegations that the requirements were not clear.

### **Selecting Order of Candidates on the Ballot**

No later than the end of the third day following the qualification of candidates, the municipal clerk must conduct a drawing of lots for each office to determine the order in which the candidates' names will be placed on the Spring Election ballot. [Wis. Stat. § 8.05 \(1\)\(j\)](#). The drawing of candidate order does not require a public meeting notice. Candidates may attend, but the clerk is not required to notify or invite them to the drawing. Municipal clerks are advised to document the drawing of ballot order in writing and to not conduct the drawing alone.

### **Reconvening the Caucus**

The town board chairperson or the village president may reconvene the caucus to correct a procedural error. The caucus can also be reconvened to nominate a candidate for a position for which no candidate was nominated at the original caucus, or when no candidate nominated at the original caucus qualifies for a position. The reconvened caucus must be held within 10 days of the date of the original caucus, and public notice must be given in the same manner as notice of the original caucus. [Wis. Stat. § 8.05](#)

(1)(k). The reconvened caucus may be held after January 21<sup>st</sup>, as long as that day is within 10 days of the original caucus and proper notice has been given. The only office(s) addressed at a reconvened caucus are those where a procedural error occurred or where there were no nominations. The clerk shall notify the attendees of the original caucus to inform them if the caucus is reconvened. For further information, contact an elections specialist at the Wisconsin Elections Commission at (608) 261-2028 or [elections@wi.gov](mailto:elections@wi.gov).

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### **Frequently Asked Questions**

1. Does Wisconsin's photo ID law apply to caucus procedures?  
No. The attendee may need to provide some type of documentation that proves he or she is a qualified elector of the municipality in order to nominate candidates.
2. Can members of the governing body nominate candidates?  
Yes, any qualified elector of the municipality may nominate candidates at the caucus.
3. Can a person who was nominated at the caucus but not selected run as a registered write-in candidate?  
Yes. Any qualified elector can run as a registered write-in candidate.
4. If a candidate fails to submit the required documents by the deadline, can a person who was nominated but not selected be chosen as a replacement?  
Not automatically. The caucus would have to be reconvened to take nominations for that office.
5. What is a teller?  
A teller is a person selected at the caucus to count the votes if necessary.
6. What if the clerk is not available on the deadline to receive the ballot documentation through 5:00 p.m. on the 5<sup>th</sup> day?  
The clerk should appoint someone to be available through the deadline.
7. What if the municipal clerk is on the ballot?  
The municipal clerk can be present at the caucus and nominate candidates. The clerk's duties at the caucus are only administrative.
8. Is the clerk required to notify candidates that their name will not be on the ballot due to not submitting the required documentation by the filing deadline?  
No, but it's recommended that the clerk inform candidates if they fail to qualify for ballot status.

**S A M P L E**

**NOTICE OF NOMINATION AT CAUCUS**

I, \_\_\_\_\_, clerk of the (Town or Village)  
*(insert name of town or village clerk)*

of \_\_\_\_\_, certify that \_\_\_\_\_  
*(insert name of town or village)* *(insert name of nominee)*

was nominated for the office of \_\_\_\_\_,  
*(insert name of office and district or number, if any)*

at the caucus held on \_\_\_\_\_.  
*(insert date of caucus)*

A Campaign Registration Statement (ETHCF-1) and a Declaration of Candidacy (EL-162) are enclosed with this notification. These forms must be completed by the nominee and returned to the clerk's office within five days of receipt of this written notification.

Date \_\_\_\_\_  
*(insert date of issuing notice)*

\_\_\_\_\_  
*(Signature of Town or Village Clerk)*

S A M P L E

RECEIPT OF NOTICE OF NOMINATION

Written notice of nomination at the caucus was received by me on

\_\_\_\_\_  
*(insert date of receipt)*

I understand that my name will appear on the ballot **only if** the Campaign Registration Statement (ETHCF-1) and Declaration of Candidacy (EL-162) forms, enclosed with this notice, are completed by me and filed with the municipal clerk by

5:00 p.m. on \_\_\_\_\_.  
*(insert date of filing - 5 days after this receipt)*

\_\_\_\_\_  
(Signature of Nominee)



FOR OFFICE USE ONLY

## NOTIFICATION OF NONCANDIDACY

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

incumbent officeholder for the office listed below.

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

**TITLE OF OFFICE:** \_\_\_\_\_  
(print current office, including district #, if any)

**NEXT ELECTION DATE:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

**DATE OF SIGNING:** \_\_\_\_\_

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

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