

2017 SPRING ELECTION CANDIDATE INSTRUCTIONS

As a candidate for a Town of Middleton office, you may find the following information helpful as you prepare your election campaign for the Spring Election. This information identifies the main steps you must take to have your name appear on the ballot. Please read ALL of the attached information thoroughly.

ELECTION DATES

Spring Primary Election – February 21, 2017
(Required when three or more candidates file for the same office.)

Nonpartisan Spring Election – April 4, 2017

Town Board Elections are held as follows:

Town Chair	Election held in odd-numbered years
Town Supervisor #1	Election held in odd-numbered years
Town Supervisor #2	Election held in odd-numbered years
Town Supervisor #3	Election held in even-numbered years
Town Supervisor #4	Election held in even-numbered years

Note: All positions represent the Town at Large.

IMPORTANT STEPS

1. A [Campaign Registration Statement](#) (ETHCF-1) is to be filed with the Town Clerk as soon as you decide to become a candidate and MUST BE FILED BEFORE ACCEPTING ANY CONTRIBUTIONS OR SPENDING OR INCURRING ANY OBLIGATIONS.
2. *Nomination Papers* (EL-169) may be obtained from the Town Clerk. The first day to circulate nomination papers (obtain signatures) is DECEMBER 1, 2016.
NO EXCEPTIONS!
3. The filing deadline is 5:00 p.m. on the first Tuesday in January, which is January 3, 2017.

Remember:

Papers to be filed on or before January 3, 2017 include:

- a) [Campaign Registration Statement](#) (ETHCF-1)
- b) [Nomination Papers](#) (EL-169)
- c) [Declaration of Candidacy](#) (EL-162)
- d) Incumbents must also complete the *Notification of Noncandidacy* (EL-163) if they do not wish to be a candidate for reelection. (December 28, 2015 is the deadline for this form.)

You are responsible for becoming familiar with the election and campaign finance requirements that apply to your campaign. General information about the election and campaign finance requirements are provided on the attached pages or additional information can be obtained from your local filing officer (Town Clerk), or the [Wisconsin Elections Commission](#). This information is not to be interpreted as either legal advice or a release from your responsibility to comply with the law.

PLEASE READ ALL INFORMATION PROVIDED.

If you have any questions, call the Town Clerk's Office at (608) 833-5887. Thank you.

**REGISTRATION
and
FINANCIAL REPORTING REQUIREMENTS**

All candidates for elected office must file a *Campaign Registration Statement* (ETHCF-1) with the Town Clerk. **IMPORTANT:** This must be done as soon as a person announces his or her candidacy or BEFORE ACCEPTING ANY CONTRIBUTIONS AND BEFORE SPENDING OR INCURRING ANY OBLIGATIONS.

Instructions for completing the Campaign Registration Statement:

Seven items of information are required on a campaign registration statement (ETHCF-1). When any of this information changes, an amendment to the registration statement must be filed with the filing officer within **ten days** of the change. The box at the top of the registration statement is checked to indicate an amendment to a previously filed statement.

- Section 1. Candidate and Candidate Committee Information.
All areas of this section should be completed. It contains the information identifying the candidate and committee. Political Action Committees, Political Party Committee, Recall Committee, and Political groups (referendum) do not complete this section.
- Section 2. Political Committee Information.
This section would normally not apply to local offices. If, however, you wish to file a political action committee, please contact the Town Clerk for additional information.
- Section 3. Campaign Treasurer.
If a candidate is not serving as his or her own treasurer, the Registration Statement must be co-signed by the candidate and the treasurer.

It is important that the treasurer's name, address and telephone number be provided on the registration statement and be kept current. All notices and forms for campaign finance reports will be sent to this person at the address given in this section.
- Section 4. Principal Officers of the Committee and Other Custodians of Books and Accounts.

If the committee has other officers besides the treasurer, they should be listed in Section 4.
- Section 5. Campaign Depository.

All political registrants **MUST HAVE** a campaign depository account in which all contributions and disbursements are made through the same account. **If the candidate is planning NOT to raise or spend any money at all, the candidate must provide that information in writing to the Town.**

If the candidate plans to raise, collect or spend money, the name of the financial institution must be listed in Section 5 along with its complete address. The campaign account number must be listed on the form.

A candidate may use a personal checking account for the campaign depository account as long as the committee remains exempt. However, accurate records must be maintained as to what is being used for political and personal expenses.

Section 6. Certification.

All original ***Campaign Registration Statements*** must be signed by the candidate and the committee treasurer (if not the same person as the candidate)

Section 7. Exemption from Filing Campaign Finance Reports.

The personal campaign committees of many candidates for local office at the Spring Election may be eligible for an exemption from filing Campaign Finance Reports if the campaign finance activity is low enough to meet certain criteria:

1. The candidate anticipates that he or she will not accept contributions, make expenditures, or incur loans and other obligations exceeding \$1,000 in a calendar year. (Jan. 1st to Dec. 31st.)
2. The candidate anticipates that he or she will not accept any contribution or cumulative contributions from a single source exceeding \$100 in a calendar year.

EXCEPTION: Contributions by a candidate from his or her own funds may go up to \$1,000 in a calendar year.

The candidate or treasurer must sign the request for exemption on the signature line of the Certification of the ***Campaign Registration Statement*** (ETHCF-1).

If the candidate is exempt, it is not required to file any campaign Finance Reports with the Town Clerk at any time unless a decision is made at a later date to exceed \$1,000 limits on receipt and expenditures or to raise more than \$100 from a single source for the campaign during a calendar year.

If exemption is not made on the ***Campaign Registration Statement***, or if your exemption status changes, the candidate must file a ***Campaign Finance Report*** (ETHCF-2S) with the Town Clerk no earlier than 14 days and no later than 8 days before the Spring Primary and Spring Election. This report will be forwarded to you by the filing officer. These forms and instructions can also be obtained from the filing officer at any time during your campaign.

Amending the Campaign Registration Statement.

If the information reported on the ***Campaign Registration Statement*** changes after it is filed, the statement must be amended by the candidate or treasurer within 10 days of the date the information changes by filing an amendment with the Town Clerk. If a required statement or amendment is not filed timely, the registrant may also be subject to a fine.

NOMINATION PAPERS

Each candidate for public office has the responsibility to assure that his or her nomination papers are prepared, circulated, certified, and filed in compliance with statutory requirements.

Preparing your nomination papers

- The candidate's name or nickname IS PERMITTED on nomination papers. When using a nickname, it must be a familiar or shortened form of a proper name by which an individual is commonly known. You may NOT use a name which is not a familiar or shortened form, such as "Red", "Buster", "Skippy", or "Lower taxes Bill".
- A candidate's residence and mailing address including street, number and municipality shall be listed on the nomination paper. If the mailing address is different from the residence, both must be given.
- All nomination papers must be sequentially numbered.

Circulating your papers - obtaining signatures

Number of signatures:

- An elector shall sign his or her own name unless unable to do so because of physical disability.
- Only ONE signature per person for the same office is valid. Exception: Where an elector is entitled to vote for more than one candidate for the same office, a person may sign the nomination papers of as many candidates for the same office as the person is entitled to vote for at the election.
- Use of ditto marks is permissible to show residence and date of signing by the elector on nomination papers.

Circulating your papers

- A circulator must be U.S. citizen, age 18 or older (on the date of circulation) and has not been disqualified as an elector. Circulators do not need to be resident of the jurisdiction or district in which the petition is circulated.
- A candidate may circulate and sign his or her own papers.

Filing your nomination papers

- Nomination papers must be filed with the Town Clerk on or before 5:00 p.m. on the first Tuesday in January.
- When the nomination papers are filed with the Town Clerk, each paper is examined to determine the legality of the circulators and signers and certified that they are correct.
- Where any required item of information on a nomination paper is incomplete, the filing officer will accept the information as complete if there has been substantial compliance with the law and content can be determined by the information provided on the nomination paper.

- Nomination papers become a matter of public record after they are filed.
- When a candidate files nomination papers with the Town Clerk, he or she officially becomes a candidate for that elected office and his or her name will appear on the ballot. If the candidate decides, after having filed nomination papers, to withdraw as a candidate for elected office, his or her name will still appear on the ballot.
- Any information which appears on a nomination paper is entitled to a presumption of validity.
- Errors in information contained in a nomination paper, committed by either a signer or a circulator, may be corrected by an affidavit of the circulator, an affidavit of the candidate, or an affidavit of a person who signed the nomination paper not later than three days after the due date for nomination papers to be filed.

CHALLENGES TO NOMINATION PAPERS

- The filing officer shall review any verified complaint concerning the sufficiency of nomination papers of a candidate for a local office that is filed under §5.05 (3) and 5.06, Wis. Stats. The filing officer shall apply the standards in El Bd. 2.05 to determine the sufficiency of nomination papers.
- Any challenge to the sufficiency of a nomination paper shall be filed within three business days after the filing deadline.
- The burden is on the challenger to establish any insufficiency. If the information on the nomination paper appears insufficient, the burden is on the candidate to establish its sufficiency.
- The filing officer shall examine any evidence offered by the parties or consult with other public officials when reviewing the complaint filed against a candidate for a local office.

WRITE-IN CANDIDATES

- If, after the deadline for filing nomination papers, a candidate wishes to run for office, he or she must file a *Campaign Registration Statement* (ETHCF-1) with the filing officer and follow all financial reporting requirements as the other candidates.
- In order to place a vote for a “write-in” candidate, electors must be instructed to write in the candidate’s name on the ballot.

CAMPAIGN INFORMATION

Name Placement on Ballot

- After certification of candidates, names are drawn for position on the ballot at a public drawing. All candidates will be given prior notice of the drawing.
- The candidate who wins the primary election will automatically have their name placed on the Spring Election ballot, but a second drawing for position will be required.
- Failure to file the original *Campaign Registration Statement* by the deadline prevents a candidate's name from appearing on the ballot.

Identification of Political Materials - Use of Disclaimer

- Every communication (campaign literature, letters, envelopes, etc.) which is paid for or reimbursed by a candidate, committee or group, shall be identified by the words:
“PAID FOR BY....”
followed by the name of the individual, committee or group. No abbreviation may be used in identifying the name of a committee or group.
- This ruling does not apply to pins, buttons, pens, balloons, nail files and similar small items on which the information cannot be conveniently printed.
- The candidate must be clearly identified in all communication without ambiguous reference.
- Only the incumbent can use the title of the office for which he/she is seeking during the election campaign.
- When distributing literature, be sure **NOT TO LEAVE ANY IN MAILBOXES**, but fasten them down in some manner (attach to doorknob, under a doormat, or between two doors).

Political Signs

Dane County Zoning Ordinance 10.81(2) states:

Temporary political signs which promote a particular candidate or candidates for a particular election, may be erected and maintained otherwise unrestricted by this ordinance except that all such signs shall conform to the vision triangle requirements, shall not be erected in a highway right-of-way, shall not exceed 32 square feet in sign area, shall not be erected more than 70 days prior to the election and shall be removed not later than 10 days after the election.

- Therefore, per the Dane County Zoning ordinance, the first day to erect political signs (on all roads in the Town, except for Mineral Point Road and US Highway 14) for the April 4th election is Tuesday, January 24th, and these signs shall be removed no later than Friday, April 14th.
- The State Department of Transportation Code 201.16(2)(c) states (copy attached):
 - The sign is erected less than 45 days before the election for which it is intended and is removed within 7 days after the election . . .
 - Signs along Mineral Point Road (County Trunk Highway “S”) and US Highway 14 cannot be installed until Saturday, February 18th and these signs shall be removed no later than Tuesday, April 11th.

If there is an issue with a political sign (located in the right-of-way, obstructing a vision triangle, etc.), the following course of action will take place:

- The candidate and/or property owner will be contacted by Town staff and made aware of the violation and will be given 24 hours to correct the issue.
- If the incident has not been resolved within 24 hours, Town staff will contact the Dane County Sheriff's Department to enforce the ordinance that may result in relocating the sign(s), removal of the sign(s) and possible citations.
- Town Staff and the Dane County Sheriff's Department will make reasonable attempts to preserve campaign signs that are taken down and to provide campaign offices with an opportunity to claim the signs (per Wisconsin Department of Transportation Policy).

Prohibited Election Practices

- No election official may engage in electioneering on Election Day. (Electioneering is defined as any activity which is intended to influence voting at an election.)
- No person may engage in electioneering during polling hours on Election Day within 100 feet of an entrance to a building containing a polling place.
- The municipal clerk, election inspector or law enforcement officer may remove posters or other advertising which is placed in violation.

EFFECTS OF FILING/NOT FILING NOTIFICATION OF NONCANDIDACY (EL-163)

If an incumbent.....

Chooses to run and files nomination papers, a EL-163 is not required to be filed.	Filing deadline stays Jan. 3
Chooses NOT to run, Files EL-163 and does not file nomination papers	Filing deadline stays Jan. 3
Chooses NOT to run, Files EL-163 and then decides to run for office and files nomination papers on time.	Filing deadline stays Jan. 3
Chooses NOT to run, does NOT file nomination papers and does NOT file EL-163.	Filing deadline Extended to Jan. 6th!

- **IF THE DEADLINE IS EXTENDED, THE INCUMBENT CANNOT FILE NOMINATION PAPERS DURING THE 72 HOUR EXTENSION.**

Please note:

- **THE FILING DEADLINE FOR THE EL-163 FORM IS MONDAY, DECEMBER 23, 2016. If this form is not filed by December 23, the filing deadline for nomination papers, (for only the district in which the form has not been filed) will be extended to January 6, 2017 instead of January 3, 2017.**