

School Board Candidates - 2010

As a candidate for municipal office, you may find the following guidelines helpful as you prepare for the 2010 Spring Election. These guidelines identify the main steps to qualify for placement on the ballot.

You are responsible for familiarizing yourself with the election and campaign finance requirements that apply to your campaign, which you may obtain from either the Wisconsin Statutes or from your private attorney. In addition, you may obtain general information about the election from the City Clerk's Office or from the Government Accountability Board. Keep in mind that the information you receive may not be interpreted as legal advice or a release from your responsibility to comply with the law.

Important Dates	
December 1, 2009	First day to circulate nomination papers
December 28, 2009	Last day for incumbents not seeking re-election to file Notice of Non-Candidacy (5 p.m. deadline)
January 5, 2010	All papers and forms due in Clerk's Office by 5 p.m.
January 12, 2010	Names of candidates drawn by lot for ballot placement (City Clerk's Office at 10 a.m.)
January 27, 2010	Voter Pre-Registration Closes
February 11, 2010	Last day for voters to request absentee ballot by mail for the Spring Primary (5 p.m. deadline)
February 16, 2010	Spring Primary if needed
February 19, 2010	Names of Primary winners drawn by lot for ballot placement (City Clerk's Office at 10 a.m.)
March 17, 2010	Voter Pre-Registration Closes
April 1, 2010	Last day for voters to request absentee ballot by mail (5 p.m.)
April 6, 2010	Spring Election

Necessary Forms

Each of the following forms must be completed and filed on time in order for the candidate's name to be placed on the ballot for the Spring Primary and/or the Spring General Election:

Campaign Registration Statement Nomination Papers Declaration of Candidacy

Campaign Registration Statement

File with the City Clerk's Office prior to announcing your candidacy for office or circulating nomination papers. New candidates must file a Campaign Registration Statement as soon as intent to seek elective office is known and before funds are collected or spent – see State Statute 11.05(2g) and 11.10(1). Continuing candidates must file an amended Campaign Registration Statement indicating the office sought and the new primary and election dates. The Campaign Registration Statement must be signed by both the candidate and the Campaign Treasurer, if a treasurer has been appointed.

Declaration of Candidacy

The Declaration of Candidacy shall include the candidate's name in the form it is to appear on the official ballot. A candidate may use his or her full legal name or any combination of first name, middle name, and initials, or nickname with last name. No abbreviations or titles are permitted.

A nickname is defined as a familiar or shortened form of a proper name by which an individual is commonly known. Names that are not familiar or shortened forms of proper names, such as "Red," "Skip," or "Lower Taxes" are not permitted. A nickname is a substitute for the candidate's legal name. It is not permissible to add the nickname in quotes between the first and last name. For example, John "Jack" Jones is not acceptable, but Jack Jones is acceptable.

Nomination Papers

The first day for circulating nomination papers is December 1, and the deadline for filing nomination papers is 5 p.m. on the first Tuesday in January (State Statute 8.10). Signatures of qualified electors on nomination papers must be obtained between December 1, 2009, and 5 p.m. on Tuesday, January 5, 2010. Please pay careful attention to the signatures you obtain on your Nomination Papers. All electors signing your Nomination Papers must live within your district. Those signing do not need to be registered voters, but must be eligible to vote. Signers must give their complete address (house number, street and municipality – no Post Office Boxes), and must list the municipality of residence. Signers must date their signature, including the year. Although the person signing the Nomination Papers must reside within the district, the person circulating the nomination papers does not need to live in the municipality; circulators are only required to be U.S. citizens, age 18 or older on the date of circulation, and not otherwise disqualified as an elector by the provisions of State Statute 6.03. The circulator must certify the nomination papers after obtaining the signatures. Signatures dated after the date listed by the circulator will not be counted. Nomination papers must be numbered. You may determine whether an address is your district by checking online: <http://vpa.wi.gov/>.

Signatures Required			
Office	Minimum	Maximum	Wisconsin State Statutes
School Board	100	200	8.10(3)(km)

Following the submittal of all of the above forms to the Clerk, the forms will be checked for validity. For each election, the Municipal Clerk will draw the candidate's names by lot for order placement on the ballot. If all papers are not turned in by 5 p.m. on Tuesday, January 5, 2010, the candidate's name will not be placed on the ballot.

Notification of Non-Candidacy

The Notification of Non-Candidacy form is to notify the filing officer and the electorate of an incumbent officeholder's intent not to seek re-election to the same office, and to avoid an extension of the deadline for filing nomination papers. Incumbent office holders who do not intend to seek re-election to the same office should file the Notification of Non-Candidacy no later than 5 p.m. on December 28, 2009 (the first business day after the second Friday preceding the deadline for filing nomination papers, because the office will be closed December 25). If an incumbent not seeking re-election files the notification timely, the nomination paper deadline is unchanged. If the incumbent has a change of mind after filing the Notification of Non-Candidacy, he or she can run for re-election by filing the appropriate ballot access papers by Tuesday, January 5, 2010.

Write-In Candidates

If you seek municipal office as a write-in candidate, you should keep the following points in mind:

- ◆ Pick up your Campaign Registration Statement from the Clerk at any time.
- ◆ File your Campaign Registration Statement with the Clerk as soon as you decide to become a write-in candidate for the municipal office.
- ◆ Educate supporters to write your name on the write-in portion of the ballot, under the proper position.

All forms must be filed with the Office of the City Clerk

City-County Building Room 103, 210 Martin Luther King, Jr., Boulevard, Madison, WI 53703-3342
Office Hours: 8 a.m. – 4:30 p.m., Monday – Friday ◆ Phone: 266-4601

Campaign Financing

The Campaign Finance Report (for total contributions of \$1,000 or more) is a ten-page form provided to candidates, upon request, by the Clerk. Candidates are required to file periodic campaign finance reports on the dates listed below. Candidates for local office whose names do not appear on the primary ballot are not required to file a pre-primary report.

Report	Reporting Period	Filing Deadline
Spring Pre-Primary	January 1 – February 1, 2010	February 8, 2010
Spring Pre-Election (if primary is held)	February 2 – March 22, 2010	March 29, 2010
Spring Pre-Election (if no primary is held)	January 1 – March 22, 2010	March 29, 2010
July Continuing	March 23 – June 30, 2010	July 20, 2010
January Continuing	July 1 – December 31, 2010	January 31, 2011

Contribution Limits

There is no limit on the amount of money local candidates may contribute to their own campaign from personal funds or funds held jointly with their spouse. There is no limit on the amount of money a local candidate can spend in seeking an elective office. Contribution limitations apply cumulatively to the entire primary and election campaign in which the candidate participates, regardless of whether there is a contested primary election.

Office	Individual Contribution Limit	PAC or Candidate Committee Contribution Limit	Maximum Contribution from all Committees except Political Party Committee (per Campaign Period)	Maximum Contribution from all Committees including Political Party Committee (per Campaign Period)
School Board	\$2,080	\$1,560	\$19,406	\$28,031

Eligibility for Exemption

Candidates are exempt from filing a Campaign Finance Report if they meet the following criteria:

- ◆ The candidate anticipates that he/she will not accept contributions, make disbursements, or incur loans and other obligations in an aggregate amount exceeding \$1,000 in a calendar year.
- ◆ The candidate anticipates that he/she will not accept any contribution or cumulative contributions from a single source exceeding \$100 in a calendar year. (The \$100 limit on contributions from a single source does not apply to contributions from a candidate’s personal funds for his/her own campaign if the candidate’s contributions total \$1,000 or less in a calendar year.)
- ◆ Candidate or treasurer signs and dates request for exemption on Campaign Registration Statement.

Financial Records Kept During Exemption

- ◆ When the candidate is exempt, he/she is not required to file any Campaign Finance Reports. However, the candidate or treasurer is required to keep financial records adequate to meet the requirements of campaign finance law. This means that a record must be kept of all contributions to the committee and of all expenditures.
- ◆ Maintaining these records is especially important in the event that unexpected large contributions or expenses exceeding \$1,000 occur. The information is then readily available for the candidate to immediately amend his/her campaign registration statement (see Revoking Exemption below).
- ◆ A candidate who is exempt from filing campaign finance reports may use a personal account as the campaign depository. A separate campaign depository account is not required. However, you are required to furnish the account number for whichever account you will use.

Revoking Exemption

- ◆ If a decision is made at a later date to exceed the \$1,000 limit on contributions and disbursements, or to raise more than \$100 from a single source for the campaign during a calendar year, the candidate must amend the campaign registration statement immediately.
- ◆ The candidate/committee is required to file a campaign finance report beginning with the next regular report. The first report must cover all financial activity from the time of registration or from the date of the last financial report before going on exemption.

In-Kind Contributions

An in-kind contribution is any goods, service or property offered to the campaign committee free or at less than the usual cost. For example, if a campaign worker purchases stamps that are used for a mailing and is not reimbursed for a cost of the stamps, the value of the stamps is an in-kind contribution to the campaign committee from the campaign worker. When an individual is paid to work on behalf of a candidate by a political committee or some other individual, the payment for those services is an in-kind contribution to the campaign committee. Consultant services are often provided to a campaign committee in this manner. If a political committee or individual offers to provide food and beverages for a fundraiser at less than ordinary market price, the difference between the ordinary market price and the cost to the campaign is an in-kind contribution from the political committee or individual.

Prohibited Contributions

Certain contributions are prohibited by Wisconsin law:

- ◆ Anonymous contributions of more than \$10.
- ◆ Contributions in cash of more than \$50.
- ◆ Contributions given in the name of someone other than the contributor (laundered contributions).
- ◆ Contributions from cooperatives or corporations.
- ◆ Contributions in excess of limits set by law.

Special Report of Late Contributions

Political party committees, political action committees, and groups supporting or opposing referenda must file this report if contributions of \$500 or more are received after the closing date of the Pre-Primary or Pre-Election report and before the primary or election. This report must be filed for any contribution of \$500 or more, and contributions from a single source totaling \$500 or more received during this 15-day period. A Special Report of Late Contributions must be filed within 24 hours of receiving the contribution.

Report of Independent Disbursements

A Report of Independent Disbursements must be filed by individuals and committees that filed a Voluntary Oath for Committees and Individuals Making Independent Disbursements, and made independent disbursements to advocate the election or defeat of a clearly identified candidate or candidates. The individual or committee also may not act in concert with or at the request or suggestion of any candidate or any agent or authorized committee of a candidate who is supported or opposed with respect to the independent disbursement. Contributions made directly to a candidate or in-kind contributions made on behalf of a candidate do not constitute independent expenditures, and do not require this form to be completed.

All items on the form must be completed regardless of the disbursement amount – date of disbursement, name and address of the person or business to whom the disbursement was paid, a description of the specific purpose of the disbursement, the amount, and the candidate(s) affected by the disbursement.

Special Report of Late Independent Disbursement

A special report must be filed if any independent disbursement of more than \$20 cumulatively is made to advocate the election or defeat of a clearly identified candidate by an individual or committee later than 15 days before a primary or an election in which the candidate's name appears on the ballot. An independent disbursement is an expenditure made without cooperation or consultation with a candidate

or agent or authorized committee of a candidate who is supported or opposed, and not in concert with or at the request or suggestion of such a candidate, agent or committee. The individual or treasurer of the committee making the independent disbursement shall, within 24 hours of making the disbursement, file this form. For purposes of this report, disbursements accumulate beginning with the day after the last date covered on the pre-primary or pre-election report and ending with the day before the primary or election. Within 24 hours of receipt of this report the filing officer shall mail a copy to all candidates for the office affected by the independent disbursement.

Pre-Election Spending for Incumbents

State Statute 11.33

To the greatest extent possible, any communications using public funds shall be avoided during an election period. These include newsletters, flyers, etc., that use municipal funds in any way, such as postage or copying costs. The election period runs from December 1, the first day to circulate nomination papers, until the day of the election.

Continuing Reports

Wisconsin Statute 11.20

Some candidates and committees choose not to terminate their registered status after an election, even if they're eligible to do so. There is no limit on how long a candidate or committee remains registered. Every registered candidate or committee must file Continuing Reports until a Termination Report is filed with the City Clerk. The January Continuing Campaign Finance Report covers activity from July 1 through December 31. The July Continuing Campaign Finance Report covers activity from January 1 through June 30.

Failure to File Reports

State Statute 11.20(13) reads, "In the event of failure of a candidate or treasurer to file a report or statement required by this chapter by the time prescribed by law, action may be commenced against the candidate, the campaign treasurer, or the candidate's personal campaign committee, if any, or any combination of them." **The Dane County District Attorney recently imposed fines on local candidates who stopped filing Continuing Reports without terminating their registration.**

Termination of Registration and Reporting Requirements

Wisconsin Statute 11.19

Candidates or personal campaign committees may terminate their registered status at any time after the election by meeting each of the following conditions:

- ◆ The registrant disbands or the registrant determines that obligations will no longer be incurred; and
- ◆ Contributions will no longer be received nor disbursements made during a calendar year; and
- ◆ The registrant has no outstanding incurred obligations.

The registrant shall file a termination report with the Office of the City Clerk. Such report shall indicate a cash balance on hand of zero at the end of the reporting period and shall indicate the disposition of residual funds. If funds remain after all debts are paid, they should be disposed of by using one or a combination of the following options:

- ◆ Used for any political purpose not prohibited by law.
- ◆ Returned to the donors in an amount not exceeding their original contribution.
- ◆ Donated to a charitable organization or the Common School Fund.

If a committee can meet all the requirements, termination may be accomplished as part of any finance report using the Campaign Finance Report for that purpose. A termination report does not have to be filed by a candidate or committee that has claimed an exemption from filing.

Disclaimers

State Statute 11.30

Every communication that is paid for by political funds must contain a disclaimer or attribution statement identifying the source of the funds paying for the communication. This includes every printed advertisement, billboard, handbill, sample ballot, television or radio advertisement or other communication paid for by political funds. Disclaimers should be included on each separate page of a political communication, including stickers and yard signs. The disclaimer must use the words "Paid for

by” (abbreviations should not be used for this language) followed by the name of the committee or group making the payment or assuming responsibility for the communication and the name of the treasurer or other authorized agent. When the communication is being paid for through an in-kind contribution, it must bear the disclaimer of the recipient campaign committee. Abbreviations may not be used for the name of a candidate or campaign committee.

No disclaimer is required on:

- ◆ Personal correspondence not reproduced by machine for distribution.
- ◆ A single personal item not reproduced or manufactured by machine or other equipment.
- ◆ Nomination papers, even if the papers contain biographical information.
- ◆ Pins, buttons, pens, balloons (small items on which disclaimer cannot be conveniently printed).
- ◆ Envelopes that have campaign committee identification printed on them.

Formats for Disclaimers

- ◆ When a communication is paid for by a candidate without a committee, or paid for by an individual, the disclaimer should read, “Paid for by Mary Smith.”
- ◆ When the communication is paid for by the campaign committee of a candidate or by a political committee, the disclaimer should read, “Paid for by Friends of Mary Smith for Mayor, John Jones, Treasurer” or “Paid for by the Committee for Voters, John Jones, Treasurer.”
- ◆ When the communication is an independent expenditure, either supporting or opposing a candidate, the disclaimer should read, “Paid for by the Committee for Voters, John Jones, Treasurer. Not authorized by any candidate or candidate’s agent or committee.”

Campaign Signs

It is a violation of Madison’s Street Graphic Control Ordinance, MGO 31.04(6)(e), to place campaign signs in the public right-of-way. The public right-of-way includes the street and the terrace (area between the sidewalk and the street). When sidewalks are not present, the terrace extends 15 feet from the curb into the adjoining property.

Signs should not be placed in the median strip of boulevards or displayed on posts, trees, or other supports in any public street.

Please ask your campaign committees and other volunteers to obey the law. Non-compliance with this ordinance may result in the issuance of citations with civil forfeitures from \$10 to \$50.

Election Day Campaign Restrictions

State Statute 12.03 & 12.04

- ◆ State Statute 12.03 prohibits electioneering on public property within 100 feet of an entrance to a building containing a polling place, or engaging in any activity that disrupts voting or interferes with the orderly conduct of the election. This prohibition does not apply to electioneering on private property within 100 feet of an entrance to a polling place. The placement of election signs on private property within the 100-foot radius is permissible.
- ◆ According to State Statute 12.04(2), any individual may place a sign containing a political message upon residential property owned or occupied by that individual during an election campaign period.

Election Observers

Any member of the public may be present at any polling place for the purpose of observing an election, except a candidate at that election. Observers may not interfere with the election process. Observers may not wear campaign buttons or campaign shirts and are not permitted to hand out campaign literature within the polling place. Electioneering is prohibited within 100 feet of any entrance to a building containing a polling place.