



Election Administration Manual

for
Wisconsin School District
Clerks



Wisconsin Elections
Commission

January 2021

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INTRODUCTION

The average voter waiting in line to vote at their polling place is unaware of the myriad of tasks and procedures that occur behind the scenes before Election Day dawns. To most voters, the voting experience consists of a quick trip to a thoroughly equipped polling place where they obtain a ballot, cast their vote and go on with their day. For others, voting may be requesting an absentee ballot and returning it to the municipal clerk. The ease of voting masks the complex preparations that must be completed leading up to and including election day.

Those familiar with election processes and procedures know that conducting an election begins long before Election Day. Detailed planning and knowledge of the tasks to be completed are crucial to the accuracy of ballots and election equipment programming. School district clerks are responsible for the accuracy of information provided to county clerks. Communication between school district, municipal, and county clerks is vital to ensure understanding between governmental units and to avoid unwanted surprises later, such as ballots with missing offices or misspelled candidate names.

Cooperation and communication between all units of government involved in the election and accurate and timely completion of each unit's respective election tasks are the swatches of care and experience that when stitched together, become the multifaceted tapestry of an efficient and well-run election.

The *Election Administration Manual for Wisconsin School District Clerks* was developed to serve as a knowledge base for the array of election duties required of school district clerks. As a school district clerk, you are entrusted with the responsibility of ensuring that your election-related tasks are completed under statutory authority.

Please reference this manual frequently and make use of the other resources cited throughout the manual. Our role at the Wisconsin Elections Commission (WEC) is to provide you with a range of resources to support you in carrying out your duties. As always, WEC staff are here to provide answers and advice to assist you in fulfilling your obligations to protect the integrity of elections and ensure public confidence in the election process.

Wisconsin Elections Commission Calendar of Election Events

November 2020– January 2022

General Election (2020) – November 3, 2020

Spring Primary – February 16, 2021

Spring Election – April 6, 2021

*Note: If a deadline falls on a Saturday where you do not have regular office hours, a Sunday, or a State legal holiday, the deadline is moved to the next secular day. Wis. Stat. § 990.001(4). See Wis. Stat. § 995.20 for a list of legal holidays.

The election events that have variable or non-specific deadline dates are indicated by a dash (-), please see the statute column for details.

November 2020		Statute
1	Last day for electors (except hospitalized electors and sequestered jurors) to make application in person for absentee ballots. Final date set by municipality. In person absentee voting can end before this date.	6.86(1)(b) – No later than Sunday preceding election
2	County clerks publish Type B notice of voting instructions and facsimile ballots for General Election.	10.01(2)(b), 10.02, 10.06(2)(m) – Monday preceding the election
2	County clerks publish Type C notice of referenda, if required.	10.01(2)(c), 10.06(2)(m) – Monday preceding the election
2	Municipal clerks publish Type D notice of locations and hours of polling places for General Election.	10.01(2)(d), 10.06(3)(d) – Monday preceding the election
2	Last day (5:00 p.m.) for special voting deputies to conduct absentee voting for residents in nursing homes and authorized care facilities for the General Election.	6.875(6) – Monday preceding the election
3	General Election	5.02(5) – Tuesday after the 1 st Monday in November
3	Deadline (5:00 p.m.) for military electors on active duty away from their voting residence to request absentee ballots.	6.86(1)(b) – Election Day
3	Deadline (5:00 p.m.) for sequestered jurors to apply for an absentee ballot for the General Election.	6.86(1)(b) – Election Day
3	Deadline (5:00 p.m.) for hospitalized electors to file a registration form and/or apply for an absentee ballot by agent for the General Election.	6.86 (3)(c) – Election Day
3	Deadline (8:00 p.m.) for all absentee ballots to be delivered to the polling place or central count location.	6.87(6) – Election Day
3	Deadline (8:00 p.m.) for clerks of central count municipalities to post a statement in their offices and on the internet listing the number of absentee ballots issued and the number that have been returned	7.52(1)(c) – No later than the closing hour of polls
3	Election inspectors complete the returns for all votes cast at the polling place.	7.51(5)(a) – immediately after the polls close
3	Election inspectors report results of the General Election to proper clerks immediately after the votes are tabulated or counted.	7.51(4)(b) – immediately after the votes are tabulated or counted
3	Election inspectors deliver all ballots, statements, tally sheets, voter lists, and envelopes to the municipal clerk.	7.51(5)(a) – immediately after the polls close
3	Municipal clerks report the returns, by ward or reporting unit, to the county clerk no later than 2 hours after the votes are tabulated.	7.51(4)(c) – no later than 2 hours after the votes are tabulated

November 2020		Statute
3	County clerks post all election returns, by ward or reporting until on the county website no later than 2 hours after receiving the returns.	7.60(1) – no later than 2 hours after receiving the returns
3	Municipal clerks post a statement of the number of electors who have cast a provisional ballot at the clerk’s office and the internet.	7.15(15) – as soon as possible after the polls close on election night
3	Municipal clerks enter Provisional Ballot Reporting Form (EL-123r) information into the WisVote Provisional Ballot Tracker.	42 U.S.C. § 15482 – election night
4	Wisconsin Elections Commission staff selects reporting units and contests to be audited in 2020 voting equipment audit.	U.S.C. §301(a)(5), Wis. Stat. §7.08(6) – Following each general election, timeline set by Commission
4	Municipal clerks deliver tally sheets, inspectors' statements, ballots, and applicable envelopes and materials to county clerks by 4:00 p.m.	7.51(5) – the day following the election
5	Deadline for Elections Commission staff to notify clerks of municipalities containing reporting units selected for 2020 voting equipment audit.	U.S.C. §301(a)(5), Wis. Stat. §7.08(6) – Following each general election, timeline set by Commission
5	Municipal clerks (in municipalities that canvass absentee ballots at an alternate location) deliver tally sheets, inspectors' statements, ballots, and applicable envelopes and materials to county clerks by 4:00 p.m.	7.51(5), 7.52 – the 2 nd day following the election
6	Deadline (4:00 p.m.) for electors who voted provisionally to provide missing information to the municipal clerk.	6.97(3) – the Friday after the election
6	First day for selected municipalities to conduct 2020 voting equipment audit.	U.S.C. §301(a)(5), Wis. Stat. §7.08(6) – Following each general election, timeline set by Commission
9	Deadline (9:00 a.m.) for the Municipal Board of Canvassers to convene for the canvass of the General Election, if necessary.	7.53(1)(a), 7.53(2)(d) – no later than 9:00 a.m. on the Monday after the election
9	Deadline (4:00 p.m.) for the Municipal Board of Canvassers to finish the canvass of the General Election.	7.51(5)(b) – no later than 4:00 p.m. on the Monday after the election
9	Deadline for clerks in selected municipalities to submit extension request waiver, for cause, for 2020 voting equipment audit	U.S.C. §301(a)(5), Wis. Stat. §7.08(6) – Following each general election, timeline set by Commission
9	Certain materials and supplies from the 2020 Partisan Primary may be destroyed after this date if no election contest, recount, or litigation is pending.	7.23(1)(k) – 90 days after the election
9	Deadline for municipal clerks to submit Election Day Registration (EDR) Postcard data for the Partisan Primary via WisVote.	6.275(1)(f) – Within 90 days of each primary and election for national or state office
10	Deadline (9:00 a.m.) for the County Board of Canvassers to convene for the canvass of the General Election.	7.60(3) – no later than 9:00 a.m. on the Tuesday after the election
15	Wisconsin Elections Commission sends Type A notice of the Spring Primary on February 16, 2021, as well as the Spring Election on April 6, 2021, to county clerks.	10.01(1), (2)(a), 10.06(1)(a) – No later than November 15
17	Last day for county clerks to deliver statement of county canvass of General Election for state and federal offices to Wisconsin Elections Commission.	7.60(5) – 14 days after election
24	County clerks publish Type A notice of the Spring Primary and the Spring Election.	10.01(2)(a), 10.06(2)(a) – 4 th Tuesday in November
24	Municipal clerks publish Type A notice of the Spring Primary and the Spring Election.	10.01(2)(a), 10.06(3)(a), (4)(a) – 4 th Tuesday in November
24	Clerks may clear memory devices for their voting equipment from the General Election if the data has been transferred to another medium to be retained for 22 months.	7.23(1)(g) – 21 days after an election

November 2020		Statute
25	Deadline for completion of 2020 voting equipment audit in selected municipalities and submission of audit reports and associated materials to WEC.	U.S.C. §301(a)(5), Wis. Stat. §7.08(6) – Following each general election, timeline set by Commission
December 2020		Statute
1	Last day for chairperson of the Wisconsin Elections Commission to certify the results of the General Election.	7.70(3)(a) – December 1
1	First day for candidates to circulate nomination papers for the 2021 Spring Election.	8.05(3)(a), (4)(b), 8.10(2)(a) – December 1
1	First day for town or village governing body to set the date for caucus.	8.05(1)(a) – Between December 1 and January 21
1	Municipal clerks certify the approximate number of electors in municipality to county clerks.	5.66(1) – 1 st day of the 2 nd month preceding a primary
1	Deadline for electors of a village to petition for a primary.	8.11(1m)(c) – December 1
8	Deadline for filing officer to receive referendum questions or petitions for referendum intended for the Spring Primary ballot.	8.37 – 70 days prior to the election
9	Deadline for filing officer to file a copy of the referendum question intended for the Spring Primary with the county clerk.	8.37 – next business day after receipt by filing officer
14	Presidential Electors convene (12:00 p.m.) at State Capitol to cast votes for President and Vice President	7.75(1) – First Monday after the second Wednesday after certification
18	Deadline for municipal clerk to submit voter participation, Inspectors' Statement data, and Election Reconciliation data for the General Election via WisVote.	6.33(5)(a)(3) – 45 days to enter registrations. Reconciliation must be entered after registrations. Therefore, 45 days for reconciliation. 6.275 – within 30 days of each primary and election for a state or national office
*19	Poll lists from the February 19, 2019 Spring Primary may be destroyed.	7.23(1)(e) – 22 months after election
*25 (Due Dec 28)	Deadline (5:00 p.m.) for incumbents not seeking reelection to file Notification of Noncandidacy (EL-163) with the filing officer. Failure to notify will extend nomination paper deadline 72 hours for that office.	8.10(2)(a), 120.06(6)(b) – 2 nd Friday preceding the deadline for nomination papers
January 2021		Statute
1	Last day for town or village governing body to set a date for caucus.	8.05(1)(a) – between December 1 and January 1
-	Municipal clerk publishes caucus notice.	8.05(1)(b) – at least 5 days before the date of the caucus
*2	First day for town or village governing body to hold caucus.	8.05(1)(a) – between January 2 and January 21
5	Deadline (5:00 p.m.) for candidates to file nomination papers, declarations of candidacy, and campaign registration statements for the Spring Election with the filing officer.	8.05(3)(a), (4)(b), 8.10(2)(a), (5), 8.21 – 1 st Tuesday in January
8	Deadline (4:30 p.m.) for all judicial candidates to file Statement of Economic Interests with Wisconsin Ethics Commission.	19.43(4) – 3 rd day following the deadline for nomination papers
8	Last day for governing body of a city or village to decide upon a primary, or for electors of a city to petition for a primary, if not required by ordinance.	8.11(1)(a), (c), (1m)(a) – 3 rd day following the deadline for nomination papers
8	Deadline for filing officer to accept challenges to nomination papers.	8.07, EL 2.07 – within 3 calendar days of the deadline to file nomination papers
-	Filing officer arranges to deliver a copy of the challenge to the challenged candidate.	EL 2.07 (2)(a) – within 24 hours of receipt of challenge

January 2021**Statute**

-	Deadline for challenged candidate to file a verified response with the filing officer.	EL 2.07(2)(b) – within 3 calendar days of the challenge being filed
12	Deadline (if primary is scheduled) for municipal governing body to designate an alternate location for requesting and voting an absentee ballot. This location will remain in use through the Spring Election.	6.855(1) – no fewer than 14 days prior to the time that absentee ballots are available
12	Deadline for filing officers to draw names of candidates by lot for placement on the Spring Primary ballot or the Spring Election ballot if no primary is required.	5.58(1b)(bm), (cm), (1c), (1g)(c), (2), (2m) 5.60(1)(ag), (b), (3)(b), (4)(c), (5)(ar), (6)(a) – 2 nd Tuesday in January
12	Wisconsin Elections Commission sends Type B notice information and certification of candidates to county clerks for the Spring Primary or the Spring Election if no primary is required.	10.01(2)(b), 10.06(1)(c) – 2 nd Tuesday in January
-	County clerks send notification of election to municipal clerks as soon as possible after receipt of Type B notice from Wisconsin Elections Commission and after adding any county offices or referenda.	10.06(2)(b) – as soon as possible after receipt of Type B notice
-	County clerks prepare Spring Primary ballots and send proofs to Wisconsin Elections Commission for review as soon as possible before printing.	5.72(1), 7.10(2) – as soon as possible
*17	Deadline for governing body of municipality to establish location of polling places for the Spring Primary.	5.25(3) – 30 days before the election
*17	Deadline for governing body of municipality to pass resolution combining wards for the Spring Primary.	5.15(6)(b) – 30 days before the election
*17	Deadline for governing body of municipality to authorize appointment of tabulators for the Spring Primary.	7.30(3)(a) – 30 days before the election
-	Municipal clerk notifies in writing the two candidates receiving the highest number of votes at the caucus of their nomination.	8.05(1)(j)1 – as soon as possible
-	Caucus nominees file declarations of candidacy and campaign registration statements for the Spring Election with the municipal clerk.	8.05(1)(j)2 – no later than 5:00 p.m. on the 5 th day after notification is mailed or personally delivered
-	Filing officers in municipalities using caucus draw names of candidates by lot for placement on the Spring Election ballot.	8.05(1)(j)4 – 3 rd day after qualification of candidates from the caucus
-	Municipal clerks using caucus certify names of municipal candidates and any municipal referenda to county clerks for printing of ballots for the Spring Election.	10.06(3)(bm) – as soon as possible, but no later than 3 days after qualification of candidates from the caucus
19	County and municipal clerks publish Type A notice of referenda, if required.	10.01(2)(a), 10.06(2)(n), (3)(f), (4)(f) – 4 th Tuesday preceding the election
19	Municipal clerks publish Type E notice of absentee voting instructions for the Spring Primary.	10.01(2)(e), 10.06(3)(as) – 4 th Tuesday preceding the election
19	Last day for electors to begin to acquire residence for the Spring Primary. Electors moving after this date may vote from their prior address.	6.02(2), 6.10(3) – 28 days prior to election
21	Last day for town or village governing body to hold caucus.	8.05(1)(a) – no later than January 21
25	First day for special voting deputies to conduct absentee voting for residents in nursing homes and authorized care facilities for the Spring Primary.	6.875(6) – 4 th Monday preceding election

January 2021		Statute
25	Deadline for county clerks and school district clerks to deliver ballots and supplies to municipal clerks for the Spring Primary.	7.10(1), (3), 120.06(8)(d) – no later than 22 days before the election
26	Deadline for municipal clerks to send absentee ballots to electors with valid requests on file for the Spring Primary.	7.15(1)(cm) – no later than 21 days before the election
-	Municipal clerks send absentee ballots to electors with valid requests on file for the Spring Primary as soon as they are available. All absentee ballots must be recorded in WisVote.	42 U.S.C. § 1973ff-1, Wis. Stat. § 7.15(1)(cm) – as soon as ballots are available
26	Deadline for the filing officer to receive referendum questions or petitions for referendum intended for the Spring Election ballot.	8.37 – 70 days prior to the election
27	Deadline for filing officer to file a copy of the referendum question intended for the Spring Election with the county clerk.	8.37 – next business day after receipt by filing officer
27	Deadline for electors to register to vote by mail or online in the Spring Primary. After this date, electors must register in person in the municipal clerk's office or at the polling place.	6.28(1) – must be postmarked no later than the 3 rd Wednesday before the election. Online registration closes at 11:59 p.m.
28	First day for clerks to issue certificate of registrations (EL-133) to late registrants who register to vote in person.	6.29(2)(a) – First day after close of by-mail/online registration
	Clerks must have the Ineligible Voter List available for in person voter registrations.	6.29(2)(am)
February 2021		Statute
1	Certain materials and supplies from the 2020 General Election may be destroyed after this date if no election contest, recount, or litigation is pending.	7.23(1)(k) – 90 days after the election
1	Deadline for municipal clerks to submit Election Day Registration (EDR) Postcard data for the General Election via WisVote.	6.275(1)(f) – Within 90 days of each primary and election for state or national office
2	Poll lists from the April 2, 2019 Spring Election may be destroyed.	7.23(1)(e) – 22 months after election
2	Clerks may begin to issue in person absentee ballots at the clerk's office or designated alternate location(s).	6.86(1)(b) – No earlier than 14 days before the election
*6	First day for municipal or county clerk to conduct public test of electronic voting equipment.	5.84(1) – not more than 10 days prior to the election
-	Municipal or county clerk must publish notice of public test of electronic voting equipment at least 48 hours prior.	5.84(1) – 48 hours prior to public test
8	Last day (5:00 p.m.) for special voting deputies to make arrangements for absentee voting with nursing home and authorized care facility administrators.	6.875(6) – the 6 th working day before the election
9	Last day for municipal clerk to post notice of absentee voting at nursing homes and authorized care facilities.	6.875(6)(a) – at least 5 working days before the election
9	First day for municipal clerk to issue absentee ballots by agent to hospitalized electors.	6.86(3)(c) – not earlier than 7 days before the election
11	Deadline (5:00 p.m.) for regular and overseas electors to request absentee ballots by mail online, email, or fax for the Spring Primary	6.86(1)(b) – the 5 th day preceding the election
12	Deadline (12:00 p.m.) for write-in candidates to file a registration statement with the filing officer for the Spring Primary.	7.50(2)(em) – noon the Friday preceding the election

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Statute

12	Deadline (5:00 p.m.) for electors to register to vote in the municipal clerk's office or other designated location(s).	6.29(2)(a) – Friday preceding the election
12	Deadline (5:00 p.m.) for indefinitely confined electors and military electors, not on active duty or away from their residence, to request absentee ballots by mail, online, by email, or fax for the Spring Primary.	6.86(1)(b) – Friday preceding the election
12	Deadline (5:00 p.m.) for calendar year absentee ballot requests to be submitted by mail, online, email, or fax to receive absentee ballot for Spring Primary.	6.86(1)(b), 6.86(2m) – 5:00 p.m. Friday preceding an election
14	Last day for electors (except hospitalized electors and sequestered jurors) to make application in person for absentee ballots. Final date set by municipality. In person absentee voting can end before this date.	6.86(1)(b) – No later than Sunday preceding election
15	Last day (5:00 p.m.) for special voting deputies to conduct absentee voting for residents in nursing homes and authorized care facilities for the Spring Primary.	6.875(6) – the Monday preceding the election
15	County and municipal clerks publish Type B notice of voting instructions and sample ballots for the Spring Primary, if required.	10.01(2)(b), 10.02, 10.06(2)(d), (3)(b) – the Monday preceding election
15	County and municipal clerks publish Type C notice of referenda for the Spring Primary, if required.	10.01(2)(c), 10.06(3)(b) – the Monday preceding the election
15	Municipal clerks publish Type D notice of the location and hours of polling places for the Spring Primary, if required.	10.01(2)(d) – the Monday preceding the election
16	Spring Primary (if required).	5.02(22) – 3 rd Tuesday in February
16	Deadline (5:00 p.m.) for military electors on active duty away from their voting residence to request absentee ballots.	6.86(1)(b) – Election Day
16	Deadline (5:00 p.m.) for sequestered jurors to apply for an absentee ballot for the Spring Primary.	6.86(1)(b) – Election Day
16	Deadline (5:00 p.m.) for hospitalized electors to file a registration form and/or apply for an absentee ballot by agent for the Spring Primary.	6.86 (3)(c) – Election Day
16	Deadline (8:00 p.m.) for absentee ballots to be delivered to the polling place.	6.87(6) – Election Day
16	Deadline (8:00 p.m.) for clerks of central count municipalities to post a statement in their offices and on the internet listing the number of absentee ballots issued and the number that have been returned	7.52(1)(c) – No later than the closing hour of polls
16	Election inspectors complete the returns for all votes cast at the polling place.	7.51, 7.53(1)(a) – immediately after the polls close
16	Election inspectors in municipalities that have combined wards and one polling place complete and sign the municipal canvass statement for the Spring Primary.	7.53(1)(a) – immediately after the polls close
16	Election inspectors report results of the Spring Primary to proper clerks immediately upon completion of ward/election district canvass.	7.51(4)(b), 7.60(1) – immediately after votes are tabulated
16	Municipal clerks report the returns, by ward or reporting unit, to the county clerk no later than 2 hours after the votes are tabulated.	7.51(4)(c) – no later than 2 hours after the votes are tabulated
16	County clerks post all election returns, by ward or reporting unit on the county website no later than 2 hours after receiving the returns.	7.60(1) – no later than 2 hours after receiving the returns

February 2021		Statute
16	Municipal clerks post a statement of the number of electors who have cast a provisional ballot at the clerk's office and the internet	7.15(15) – as soon as possible after the polls close on election night
16	Municipal clerks enter Provisional Ballot Reporting Form (EL-123r) information into the WisVote Provisional Ballot Tracker.	42 U.S.C. § 15482 – election night
17	Municipal clerks deliver tally sheets, inspectors' statements, ballots, and applicable envelopes and materials to county and school district clerks by 4:00 p.m.	7.51(5) – the day following the election
18	Election notices and proofs of publication from the February 18, 2020 Spring Primary may be destroyed, where applicable.	7.23(1)(j) – one year after the date of the election
18	Municipal clerks (in municipalities that canvass absentee ballots at an alternate location) deliver tally sheets, inspectors' statements, ballots, and applicable envelopes to county clerks by 4:00 p.m.	7.51(5), 7.52 – the 2 nd day following the election
19	Deadline (4:00 p.m.) for electors who voted provisionally to provide missing information to the municipal clerk.	6.97(3)(b) – the Friday after the election
22	Deadline (9:00 a.m.) for the Municipal Board of Canvassers to convene for the canvass of the Spring Primary, if necessary.	7.53(1)(a), 7.53(2)(d) – no later than 9:00 a.m. on the Monday after the election
22	Deadline (4:00 p.m.) for the Municipal Board of Canvassers to finish the canvass of the Spring Primary, if necessary.	7.51(5)(b) – no later than 4:00 p.m. on the Monday after the election
-	Municipal clerks certify names of municipal candidates and any municipal referenda to county clerks for printing of ballots for the Spring Election.	10.06(3)(bm) – as soon as possible, but no later than 3 days after the municipal canvass is complete
23	Deadline (9:00 a.m.) for the County Board of Canvassers to convene for the canvass of the Spring Primary, if necessary.	7.60(3) – no later than 9:00 a.m. on the Tuesday after the election
23	Deadline (9:00 a.m.) for the School District Board of Canvassers to convene for the canvass of the Spring Primary, if necessary.	7.53(3)(a) – no later than 9:00 a.m. on the Tuesday after the election
23	Deadline (4:00 p.m.) for the School District Board of Canvassers to complete the canvass of the Spring Primary, if necessary.	7.53(3)(a) – no later than 4:00 p.m. on the Tuesday after the election
-	Filing officers draw names of candidates by lot for placement on the Spring Election ballot.	5.60(1)(b), (5), (6) – 3 rd day after completion of the canvass
-	Deadline for a candidate, or an individual who voted on a referendum at the Spring Primary to petition for a recount.	9.01(1)(a)1 – 5:00 p.m. on the 3 rd business day following the last meeting of the board of canvassers determining the election result
25	Last day for county clerks to deliver statement of county canvass of the Spring Primary for judicial offices to Wisconsin Elections Commission.	7.60(5) – no later than 9 days after a primary
March 2021		Statute
2	Deadline (if no primary was held) for municipal governing body to designate an alternate location for requesting and voting an absentee ballot for the Spring Election.	6.855(1) – no fewer than 14 days prior to the time that absentee ballots are available
2	Clerks may clear memory devices for their voting equipment from the Spring Primary if the data has been transferred to another medium to be retained for the appropriate amount of time.	7.23(1)(g) – 14 days after a primary
2	Last day for chairperson of the Wisconsin Elections Commission to certify results of the Spring Primary.	7.70(3)(a) – 2 nd Tuesday following Spring Primary
2	Wisconsin Elections Commission sends Type B notice information and certification of candidates for the Spring Election to county clerks.	10.01(2)(b), 10.06(1)(e) – no later than the 1 st Tuesday in March

March 2021

Statute

-	County clerks send notification of election to municipal clerks as soon as possible after receipt of Type B notice from Wisconsin Elections Commission and after adding any county offices or referenda.	10.06(2)(e) – as soon as possible after receipt of Type B notice
-	County clerks prepare Spring Election ballots and send proofs to Wisconsin Elections Commission for review as soon as possible before printing.	5.72(1), 7.10(2) – as soon as possible
*7	Deadline for governing body of municipality to establish location of polling places for the Spring Election.	5.25(3) – 30 days before the election
*7	Deadline for governing body of municipality to pass resolution combining wards for the Spring Election.	5.15(6)(b) – 30 days before the election
*7	Deadline for governing body of municipality to authorize appointment of tabulators for the Spring Election.	7.30(3)(a) – 30 days before the election
9	County and municipal clerks publish Type A notice of referenda, if required.	10.01(2)(a), 10.06(2)(f), (3)(bs) – 4 th Tuesday before the election
9	Municipal clerks publish Type E notice of absentee voting instructions for the Spring Election.	10.01(2)(e), 10.06(3)(bs) – 4 th Tuesday before the election
9	Last day for electors to begin to acquire residence for the Spring Election. Electors moving after this date may vote from their prior address.	6.02(2), 6.10(3) – 28 days prior to election
15	First day for special voting deputies to conduct absentee voting for residents in nursing homes and authorized care facilities for the Spring Election.	6.875(6) – no earlier than the 4 th Monday preceding the election
15	Deadline for county clerks and school district clerks to deliver ballots to municipal clerks for the Spring Election.	7.10(1), (3) – no later than 22 days before the election
16	Deadline for municipal clerks to send absentee ballots to electors with valid requests on file for the Spring Election.	7.15(1)(cm) – no later than 21 days before the election
-	Municipal clerks send absentee ballots to electors with valid requests on file for the Spring Election as soon as they are available. All absentee ballots must be recorded in WisVote.	42 U.S.C. § 1973ff-1, Wis. Stat. § 7.15(1)(cm) – as soon as ballots are available
17	Deadline for electors to register to vote by mail or online in the Spring Election. After this date, electors must register in person in the municipal clerk's office or at the pollingplace.	6.28(1) – must be postmarked no later than the 3 rd Wednesday before the election. Online registration closes at 11:59 p.m.
18	First day for clerks to issue certificate of registrations (EL-133) to late registrants who register to vote in person. Clerks must have the Ineligible Voter List available for in person voter registrations.	6.29(2)(a) – First day after close of by-mail/OVR registration 6.29(2)(am)
18	Deadline for municipal clerk to submit voter participation, Inspectors' Statement data, and Election Reconciliation data for the Spring Primary via WisVote.	6.33(5)(a)(3) – 45 days to enter registrations. Reconciliation must be entered after registrations. Therefore, 45 days for reconciliation. 6.275 – within 30 days of each primary and election for a state or national office
23	Clerks may begin to issue in person absentee ballots at the clerk's office or designated alternate location(s).	6.86(1)(b) – No earlier than 14 days before the election
*27	First day for municipal or county clerk to conduct public test of electronic voting equipment.	5.84(1) – 10 days before election
-	Municipal or county clerk must publish notice of electronic voting equipment public test at least 48 hours prior to test.	5.84(1) – 48 hours prior to public test

March 2021		Statute
29	Last day (5:00 p.m.) for special voting deputies to make arrangements for absentee voting with nursing home and authorized care facility administrators.	6.875(6) – the 6 th working day before the election
30	Last day for municipal clerk to post notice of absentee voting at nursing homes and authorized care facilities.	6.875(6)(a) – at least 5 working days before the election
30	First day for municipal clerk to issue absentee ballots by agent to hospitalized electors.	6.86(3)(c) – Not earlier than 7 days before the election
April 2021		Statute
1	Deadline (5:00 p.m.) for regular and permanent overseas electors to request absentee ballots by mail online, email or fax for the Spring Election.	6.86(1)(b) – 5 th day before the election
2	Deadline (12:00 p.m.) for write-in candidates to file a registration statement with the filing officer for the Spring Election.	7.50(2)(em) – Noon the Friday preceding the election
2	Deadline (5:00 p.m.) for indefinitely confined electors and military electors to request absentee ballots by mail online, email or fax for the Spring Election.	6.86(1)(b), (c) – Friday before the election
2	Deadline (5:00 p.m.) for calendar year absentee ballot requests to be submitted by mail, online, email, or fax to receive absentee ballot for Spring Election.	6.86(1)(b), 6.86(2m) – 5:00 p.m. Friday preceding an election
2	Deadline (5:00 p.m.) for electors to register to vote in the municipal clerk's office or other designated location(s).	6.29(2)(a) – Friday preceding the election
4	Last day for electors (except hospitalized electors and sequestered jurors) to make application in person for absentee ballots. Final date set by municipality. In person absentee voting can end before this date.	6.86(1)(b) – No later than Sunday preceding election
5	County and municipal clerks publish Type B notice of voting instructions and sample ballots for the Spring Election.	10.01(2)(b), 10.02, 10.06(2)(g), (3)(c) – Monday before the election
5	County and municipal clerks publish Type C notice of referenda for the Spring Election, if required.	10.01(2)(c), 10.06(2)(g), (3)(c) – Monday before the election
5	Municipal clerks publish Type D notice of the location and hours of polling places for the Spring Election.	10.01(2)(d), 10.06 (3)(c) – Monday before the election
5	Last day (5:00 p.m.) for special voting deputies to conduct absentee voting for residents in nursing homes and authorized care facilities for the Spring Election.	6.875(6) – Monday before the election
6	Spring Election	5.02(21) – 1 st Tuesday in April
6	Deadline (5:00 p.m.) for sequestered jurors to apply for an absentee ballot for the Spring Election.	6.86(1)(b) – Election Day
6	Deadline (5:00 p.m.) for military electors on active duty away from their voting residence to request absentee ballots.	6.86(1)(b) – Election Day
6	Deadline (5:00 p.m.) for hospitalized electors to file a registration form and/or apply for an absentee ballot by agent for the Spring Election.	6.86 (3)(c) – Election Day
6	Deadline (8:00 p.m.) for absentee ballots to be delivered to the polling place.	6.87(6) – Election Day
6	Deadline (8:00 p.m.) for clerks of central count municipalities to post a statement in their offices and on the internet listing the number of absentee ballots issued and the number that have been returned	7.52(1)(c) – No later than the closing hour of polls

6	Election inspectors complete the returns for all votes cast at the polling place.	7.51, 7.53(1)(a) – immediately after the polls close
6	Election inspectors in municipalities that have combined wards and one polling place complete and sign the municipal canvass statement for the Spring Election.	7.53(1)(a) – immediately after the polls close
6	Election inspectors report results of the Spring Election to proper clerks immediately upon completion of ward/election district canvass.	7.51(4)(b), 7.60(1) – immediately after votes are tabulated
6	Municipal clerks report the returns, by ward or reporting unit, to the county clerk no later than 2 hours after the votes are tabulated.	7.51(4)(c) – no later than 2 hours after the votes are tabulated
6	County clerks post all election returns, by ward or reporting unit on the county website no later than 2 hours after receiving the returns.	7.60(1) – no later than 2 hours after receiving the returns
6	Municipal clerks post a statement of the number of electors who have cast a provisional ballot at the clerk’s office and the internet	7.15(15) – as soon as possible after the polls close on election night
6	Municipal clerks enter Provisional Ballot Reporting Form (EL-123r) information into the WisVote Provisional Ballot Tracker.	42 U.S.C. § 15482 – election night
7	Municipal clerks deliver tally sheets, inspectors' statements, ballots, and applicable envelopes and materials to county and school district clerks by 4:00 p.m.	7.51(5) – the day after the election
7	Election notices and proofs of publication from the April 7, 2020 Spring Election may be destroyed.	7.23(1)(j) – one year after the date of the election
8	Municipal clerks (in municipalities that canvass absentee ballots at an alternate location) deliver tally sheets, inspectors' statements, ballots, and applicable envelopes to county clerks by 4:00 p.m.	7.51(5), 7.52 – the 2 nd day after the election
9	Deadline (4:00 p.m.) for electors who voted provisionally to provide missing information to the municipal clerk.	6.97(3)(b) – the Friday after the election
12	Deadline (9:00 a.m.) for the Municipal Board of Canvassers to convene for the canvass of the Spring Election.	7.53(1)(a), 7.53(2)(d) – no later than 9:00 a.m. on the Monday after the election
12	Deadline (4:00 p.m.) for the Municipal Board of Canvassers to finish the canvass of the Spring Election.	7.51(5)(b) – no later than 4:00 p.m. on the Monday after the election
13	Deadline (9:00 a.m.) for the County Board of Canvassers to convene for the canvass of the Spring Election.	7.60(3) – no later than 9:00 a.m. on the Tuesday after the election
13	Deadline (9:00 a.m.) for the School District Board of Canvassers to convene for the canvass of the Spring Election.	7.53(3)(a) – no later than 9:00 a.m. on the Tuesday after the election
13	Deadline (4:00 p.m.) for the School District Board of Canvassers to complete the canvass of the Spring Election.	7.53(3)(a) – no later than 4:00 p.m. on the Tuesday after the election
16	Last day for county clerks to deliver statement of county canvass of the Spring Election for judicial offices to Wisconsin Elections Commission.	7.60(5) – no later than 10 days after the election
-	Deadline for a candidate, or an individual who voted on a referendum at the Spring Election to petition for a recount.	9.01(1)(a)1 – 5:00 p.m. on the 3 rd business day following the last meeting of the board of canvassers determining the election result
-	County, municipal, and school district clerks issue certificates of election after the deadline to file a petition for recount and appeal of recount has passed.	7.53(4), 7.60(6), 120.06(10)

April 2021		Statute
27	Clerks may clear memory devices for their voting equipment from the Spring Election if the data has been transferred to another medium to be retained for 22 months.	7.23(1)(g) – 21 days after the election.
May 2021		Statute
6	Deadline for municipal clerk to submit voter participation, Inspectors' Statement data, and Election Reconciliation data for the Spring Primary Election via WisVote.	6.33(5)(a)(3) – 45 days to enter registrations. Reconciliation must be entered after registrations. Therefore, 45 days for reconciliation. 6.275 – within 30 days of each primary and election for a state or national office
*15	Last day for chairperson of the Wisconsin Elections Commission to certify results of the Spring Election.	7.70(3)(a) – May 15
17	Deadline for municipal clerks to submit Election Day Registration (EDR) Postcard data for the Spring Primary via WisVote.	6.275(1)(f) – Within 90 days of each primary and election for state or national office
17	Certain materials and supplies from the 2021 Spring Primary may be destroyed after this date if no election contest, recount, or litigation is pending.	7.23(1)(k) – 90 days after the election
July 2021		Statute
5	Deadline for municipal clerks to submit Election Day Registration (EDR) Postcard data for the Spring Election via WisVote.	6.275(1)(f) – Within 90 days of each primary and election for state or national office
5	Certain materials and supplies from the 2021 Spring Election may be destroyed after this date if no election contest, recount, or litigation is pending.	7.23(1)(k) – 90 days after the election
August 2021		Statute
11	Election notices and proofs of publication from the August 11, 2020 Partisan Primary may be destroyed.	7.23(1)(j) – one year after the date of the election
November 2021		Statute
3	Election notices and proofs of publication from the November 3, 2020 General Election may be destroyed.	7.23(1)(j) – one year after the date of the election
15	Wisconsin Elections Commission sends Type A notice of the Spring Primary on February 15, 2022, and the Spring Election on April 5, 2022, to county clerks.	10.01(1), (2)(a), 10.06(1)(a) – No later than November 15
23	County clerks publish Type A notice of the Spring Primary and the Spring Election.	10.01(2)(a), 10.06(2)(a) – 4 th Tuesday in November
23	Municipal clerks publish Type A notice of the Spring Primary and the Spring Election.	10.01(2)(a), 10.06(3)(a), (4)(a) – 4 th Tuesday in November
30	Deadline for political parties to submit list of nominees for election inspectors and special voting deputies to municipalities for 2022-2023 term.	6.875(4), 7.30(4)(b), (c) – November 30
December 2021		Statute
1	First day for candidates to circulate nomination papers for the 2022 Spring Election.	8.05(3)(a), (4)(b), 8.10(2)(a) – December 1
1	First day for town or village governing body to set the date for caucus.	8.05(1)(a) – Between December 1 and January 1
1	Municipal clerks certify the approximate number of electors in municipality to county clerks.	5.66(1) – 1 st day of the 2 nd month preceding a primary
1	Deadline for electors of a village to petition for a primary.	8.11(1m)(c) – December 1

December 2021		Statute
7	Deadline for filing officer to receive referendum questions or petitions for referendum intended for the Spring Primary ballot.	8.37 – 70 days prior to the election
8	Deadline for filing officer to file a copy of the referendum question intended for the Spring Primary with the county clerk.	8.37 – next business day after receipt by filing officer
20	Poll lists from the February 19, 2019 Spring Primary may be destroyed.	7.23(1)(e) – 22 months after the election
*24 (Due Dec 27)	Deadline (5:00 p.m.) for incumbents not seeking reelection to file Notification of Noncandidacy (EL-163) with the filing officer. Failure to notify will extend nomination paper deadline 72 hours for that office.	8.10(2)(a), 120.06(6)(b) – 2 nd Friday preceding the deadline for nomination papers
31	Deadline for governing body of a municipality to appoint election inspectors and special voting deputies for the 2022-2023 term.	6.875(4), 7.30(4)(a), (b)1 – December 31
January 2022		Statute
1	Last day for town or village governing body to set a date for caucus.	8.05(1)(a) – between December 1 and January 1
-	Municipal clerk publishes caucus notice.	8.05(1)(b) – at least 5 days before the date of the caucus
1	First day for political organizations seeking to attain ballot status to circulate the Petition for Ballot Status(EL-171).	5.62(2)(a) – January 1
2	First day for town or village governing body to hold caucus.	8.05(1)(a) – between January 2 and January 21
4	Deadline (5:00 p.m.) for candidates to file nomination papers, declarations of candidacy, and campaign registration statements for the 2022 Spring Election with the filing officer.	8.05(3)(a), (4)(b), 8.10(2)(a), (5), 8.21– 1 st Tuesday in January
7	Deadline (4:30 p.m.) for all judicial candidates to file Statement of Economic Interests with Wisconsin Ethics Commission.	19.43(4) – 3 rd day following the deadline for nomination papers
7	Last day for governing body of a city or village to decide upon a primary, or for electors of a city to petition for a primary, if not required by ordinance.	8.11(1)(a), (c), (1m)(a) – 3 rd day following the deadline for nomination papers
7	Deadline for filing officer to accept challenges to nomination papers.	8.07, EL 2.07 – within 3 calendar days of the deadline to file nomination papers
-	Filing officer arranges to deliver a copy of the challenge to the challenged candidate.	EL 2.07 (2)(a) – within 24 hours of receipt of challenge
-	Deadline for challenged candidate to file a verified response with the filing officer.	EL 2.07(2)(b) – within 3 calendar days of the challenge being filed
11	Deadline for filing officers to draw names of candidates by lot for placement on the Spring Primary ballot or the Spring Election ballot if no primary is required.	5.58(1b)(bm), (cm), (1c), (1g)(c), (2), (2m) 5.60(1)(ag), (b), (3)(b), (4)(c), (5)(ar), (6)(a) – 2 nd Tuesday in January
11	Wisconsin Elections Commission sends Type B notice information and certification of candidates to county clerks for the Spring Primary or the Spring Election if no primary is required.	10.01(2)(b), 10.06(1)(c) – 2 nd Tuesday in January
-	County clerks send notification of election to municipal clerks as soon as possible after receipt of Type B notice from Wisconsin Elections Commission and after adding any county offices or referenda.	10.06(2)(b) – as soon as possible after receipt of Type B notice
-	County clerks prepare Spring Primary ballots and send proofs to Wisconsin Elections Commission for review as soon as possible before printing.	5.72(1), 7.10(2) – as soon as possible

January 2022

Statute

11	Deadline (if primary is scheduled) for municipal governing body to designate an alternate location for requesting and voting an absentee ballot. This location will remain in use through the and Spring Election.	6.855(1) – no fewer than 14 days prior to the time that absentee ballots are available
*16	Deadline for governing body of municipality to establish location of polling places for the Spring Primary.	5.25(3) – 30 days before the election
*16	Deadline for governing body of municipality to pass resolution combining wards for the Spring Primary.	5.15(6)(b) – 30 days before the election
*16	Deadline for governing body of municipality to authorize appointment of tabulators for the Spring Primary.	7.30(3)(a) – 30 days before the election
21	Last day for town or village governing body to hold caucus.	8.05(1)(a) – no later than January 21
-	Municipal clerk notifies in writing the two candidates receiving the highest number of votes at the caucus of their nomination.	8.05(1)(j)1 – as soon as possible
-	Caucus nominees file declarations of candidacy and campaign registration statements for the Spring Election with the municipal clerk.	8.05(1)(j)2 – no later than 5:00 p.m. on the 5 th day after notification is mailed or personally delivered
-	Filing officers in municipalities using caucus draw names of candidates by lot for placement on the Spring Election ballot.	8.05(1)(j)4 – 3 rd day after qualification of candidates from the caucus
-	Municipal clerks using caucus certify names of municipal candidates and any municipal referenda to county clerks for printing of ballots for the Spring Election.	10.06(3)(bm) – as soon as possible, but no later than 3 days after qualification of candidates from the caucus
18	County and municipal clerks publish Type A notice of referenda, if required.	10.01(2)(a), 10.06(2)(n), (3)(f), (4)(f) – 4 th Tuesday preceding the election
18	Municipal clerks publish Type E notice of absentee voting instructions for the Spring Primary.	10.01(2)(e), 10.06(3)(as) – 4 th Tuesday preceding the election
18	Last day for electors to begin to acquire residence for the Spring Primary. Electors moving after this date may vote from their prior address.	6.02(2), 6.10(3) – 28 days prior to election
24	First day for special voting deputies to conduct absentee voting for residents in nursing homes and authorized care facilities for the Spring Primary.	6.875(6) – 4 th Monday preceding election
24	Deadline for county clerks and school district clerks to deliver ballots and supplies to municipal clerks for the Spring Primary.	7.10(1), (3), 120.06(8)(d) – no later than 22 days before the election
25	Deadline for municipal clerks to send absentee ballots to electors with valid requests on file for the Spring Primary.	7.15(1)(cm) – no later than 21 days before the election
-	Municipal clerks send absentee ballots to electors with valid requests on file for the Spring Primary as soon as they are available. All absentee ballots must be recorded in WisVote.	42 U.S.C. § 1973ff-1, Wis. Stat. § 7.15(1)(cm) – as soon as ballots are available
25	Deadline for the filing officer to receive referendum questions or petitions for referendum intended for the Spring Election ballot.	8.37 – 70 days prior to the election
-	Wisconsin Elections Commission sends certified list of candidates for Presidential Preference Primary ballot to county clerks.	7.08(2)(d) – As soon as possible after last Tuesday in January
-	County Clerks prepare Presidential Preference only ballots and send proofs to Wisconsin Elections Commission for review	5.72, 7.10(2) – As soon as possible after Presidential Preference candidate certification
26	Deadline for filing officer to file a copy of the referendum question intended for the Spring Election with the county clerk.	8.37 – next business day after receipt by filing officer

January 2022**Statute**

26	Deadline for electors to register to vote by mail or online in the Spring Primary. After this date, electors must register in person in the municipal clerk's office or at the pollingplace.	6.28(1) –must be postmarked no later than the 3 rd Wednesday before the election. Online registration closes at 11:59 p.m.
27	First day for clerks to issue certificate of registrations (EL-133) to late registrants who register to vote in person. Clerks must have the Ineligible Voter List available for in person voter registrations.	6.29(2)(a) – First day after close of by-mail/online registration 6.29(2)(am)

NOTICES

Wis. Stats. §§ 8.50, 8.55, 10.01, 10.02, 10.04, 10.06, 19.84, 120.06

Summary

School district clerks are responsible for publishing five basic election notices:

1. Type A – Notice of Election (and Type A Notice of Referendum, if applicable)
2. Type B – Notice of Voting Instruction and Sample Ballot(s)
3. Type C – Notice of Referendum
4. Type D – Notice of Hours and Location of Polling Place
5. Type E – Notice of Absentee Voting

Sample election notices can be found on the agency website (<https://elections.wi.gov/clerks/election-notices>). These samples may require modification for your school district based on offices up for election and voting equipment or methods used in your municipality.

The specific notice requirements that apply to a specific election depend on factors such as whether the election is a regular school board primary or election, a special primary or election, a recall primary or election, a referendum or special referendum. However, at a typical school board election held at the spring election, *the school district clerk's mandatory obligation* is to publish a Type A Notice, pursuant to Wis. Stat. 120.06(6)(b)1, and the notice described in 120.06(8)(c), which is essentially a combination of the Types B and D notices.

Public Notice

Additionally, Wisconsin law requires that meetings of all state and local governmental bodies, including subunits of a governmental body, shall be publicly noticed, held in places reasonably accessible to members of the public, and shall be open to all citizens at all times unless otherwise expressly provided by law. Certain election-related meetings, such as the meeting of the School District Board of Canvassers, fall under this requirement, and the school district clerk must properly notice such meetings. If you have specific questions about requirements for open meetings notices, please consult with the school district's attorney or the Wisconsin Association of School Boards.

Type A – Notice of Election (or Notice of Referendum, if applicable)

The purpose of this notice is to inform the public and potential candidates of the school district offices to be elected and inform voters of the upcoming election. The notice must include the following information:

1. Date of the election
2. Offices to be elected
3. Name(s) of the current incumbent(s)
4. Length of the term(s) and expiration date(s)
5. Beginning date for circulating nomination papers, if applicable to your school district
6. Deadline for filing nomination papers, if applicable
7. Proper location to file ballot access documents (CF-1 Campaign Registration Statement, EL-162sd Declaration of Candidacy and EL-169 Nomination Paper for Nonpartisan Office, if applicable)
8. Statement on where to find school district boundary information

For an election at which a referendum is to be held, the Type A Notice must include the following information:

1. Date of the election
2. Text of the referendum question
3. Statement on where to obtain a copy of the resolution directing submission of the question to the voters

Publishing

Spring elections: School District clerks publish one Type A notice for school district offices no later than the fourth Tuesday in November before a spring municipal election. Wis. Stats. §§ 10.01(2)(a), 10.06(4), 120.06(6)(b)1.

If there will be any school district referenda voted on at the spring primary or election, school district clerks publish a Type A Notice of Referendum no later than the fourth Tuesday before the spring primary or election.

Special elections held in conjunction with the recall of a school board member or in connection with a vacancy on the board of school directors of the Milwaukee Public Schools and any special referendum elections (which may now be held only under very limited circumstances) are election events held outside the four regularly scheduled election days, which are:

1. Spring Primary – The third Tuesday in February
2. Spring Election – The first Tuesday in April
3. Partisan Primary – The second Tuesday in August in an even-numbered year
4. General Election – The Tuesday after the first Monday of November in an even-numbered year

School District clerks must publish the Type A notice at least 40 days preceding a special primary and election for school district office.

School District clerks must publish the Type A Notice of Referendum on the fourth Tuesday preceding the special referendum election.

Type B – Notice of Voting Instructions and Sample Ballot(s)

At a typical school board election held at the spring election, a *school district clerk's mandatory obligation* is to publish the notice described in Wis. Stat. § 120.06(8)(c), which is essentially a combination of the Types B and D notices.

The purpose of the Type B Notice is to inform school district voters of the ballot type and the candidates for which they will vote, as well as voting instructions. The Type B notice must include the following information:

1. Applicable voting instructions for each type of voting system used
2. A copy of each type of ballot to be voted on

Layout and Format

The headline or caption, the introductory paragraph, and the voting instructions shall be printed once at the beginning of the Type B Notice, followed by a sample of each ballot to be used at the election.

The sample ballots shall follow the voting instructions:

1. The size and style of type and the general display of the sample ballots shall conform substantially to sample ballots provided by the Wisconsin Elections Commission. However, the ballot size may be reduced for publication in the notice.
2. State law requires that all sample ballots must be printed on paper of a different color than the official ballots, may not be white, and must be overprinted with the word "SAMPLE."
3. Touch screen sample ballots shall show a reduced diagram of the first screen of the touch screen voting machine and instructions to electors on how to vote on the machine.

Publishing

Spring elections: School district clerks publish the Type B notice for school district offices and referenda on the Monday before the spring election.

If there is a school district primary, the school district clerks publish a Type B notice on the Monday before the primary.

Special school district elections or referendum elections: School district clerks must publish a Type B notice on the day before the special school district election, special primary, or special school district referendum.

Type C – Notice of Referendum

The purpose of this notice is to inform school district voters of a referendum question that will appear on the ballot and provide an explanation of the effect of the referendum question. This notice must include the following information:

1. Date of the election
2. Entire text of the proposed enactment
3. Question as it will appear on the ballot
4. An explanatory statement describing the effect of a “yes” or “no” vote

Publishing

Spring elections: If there are school district referenda, school district clerks publish a Type C notice on the Monday before the spring election.

Special school district referendum elections: School district clerks must publish a Type C notice on the day before a special school district referendum.

Type D – Hours and Location of Polling Places

At a typical school board election held at the spring election, a *school district clerk’s mandatory obligation* is to publish the notice described in Wis. Stat. § 120.06(8)(c), which is essentially a combination of the Types B and D notices.

The purpose of the Type D Notice is to inform voters of the correct polling location and the hours during which they may cast a vote. This notice must include:

1. Location of polling places
2. Wards served by each polling place
3. Hours of polling (7:00 a.m. to 8:00 p.m.)
4. A statement about the accessibility for elderly and disabled voters for each polling place

Publishing

Spring elections: School district clerks publish the Type D Notice on the Monday before the spring primary if there are no federal, state, county or municipal elections.

Special school district elections or school district referendum elections: School district clerks must publish a Type D Notice on the day before any special primary or special election for school district offices or special school district referendum.

Type E – Absentee Voting Notice

The purpose of this notice is to inform voters of the process and deadlines for obtaining and casting an absentee ballot. This notice must include:

1. Qualifications for voting absentee
2. Procedures for obtaining an absentee ballot from the municipal clerk
3. Applicable deadlines for requesting and returning an absentee ballot
4. Any alternate site for absentee voting established under Wis. Stat. §6.855,

Office hours during which an elector may cast an absentee ballot at the clerk's office or an alternate site. Check with municipal clerk for days and times for in-person absentee voting. If in-person voting will be "by appointment," the Type E Notice must specify when the clerk will be available for appointments.

Publishing

School district clerks are responsible for publishing a Type E Notice only when the school district conducts a special school district primary, special election, special referendum or on a regularly scheduled election day if there are no federal, state, county or municipal election.

1. School district clerks publish the Type E notice on the fourth Tuesday before any special school district primary, election or referendum which is not held concurrently with a regularly scheduled election.
2. School district clerks publish the Type E notice on the third Tuesday before any special election for school district office which is not held concurrently with a regularly scheduled election.

3. School district clerks publish the Type E notice on the fourth Tuesday before a school district primary held on the regularly scheduled day when there are no federal, state, county or municipal elections.

Procedures

Using a Weekly Newspaper

If a weekly newspaper is used that is not published on the day the notice is required to be published, the notice must be published in the closest preceding issue.

Notices required to be published the day before the election must appear in the issue that is published during the week preceding the election. Notices may be published on a Saturday or Sunday if the clerk determines that this method provides more effective notice to the public.

Combined Publications and Prorated Costs

County, municipal, and school district clerks may combine election notices where the notices contain identical information and when the levels of government share the same official newspaper. This practice reduces costs and avoids duplication.

The costs for these combined notices can be prorated with the county paying for the portion of the notice covering federal, state, and county offices and municipalities and school districts paying for the portion that covers their respective local offices.

A publishing Notices Chart follows this section.

Publishing Notices for School District Elections

School District Election Notices | (2019-08)

Notice	Regularly Scheduled Primary or Election*		Special Primary or Election†		Regularly Scheduled Referenda*		Special Referenda†
	Published	Prim	Elec	Published	Prim	Elec	Published
Type A¹ Notice of Election	Fourth Tuesday in November			40 days before Primary or Election or ASAP			
Type A¹ Notice of Referendum						Fourth Tuesday before referendum election	Fourth Tuesday before referendum election
Type B² Notice of Voting and Sample Ballots See § 120.06(8)(c)	Day before or in closest preceding issue	✓	✓	Day before or in closest preceding issue	✓	✓	Day before or in closest preceding issue
Type C² Notice of Referendum and Explanatory Statement						Day before or in closest preceding issue	Day before or in closest preceding issue
Type D³ Hours and locations of polling places See § 120.06(8)(c)	Day before or in closest preceding issue (when there are no federal, state county or municipal elections)	✓	✓	Day before or in closest preceding issue	✓	✓	Day before or in closest preceding issue
Type E⁴ Notice of Absentee Voting	Fourth Tuesday before a primary when there are no federal, state county or municipal elections).	✓		Fourth Tuesday before election	✓	Fourth Tuesday before election (When there are no federal, state county or municipal elections)	Fourth Tuesday before election

* **“Regularly scheduled”** school district primaries, elections or referenda that are held on one of the regularly scheduled election days below.
Wis. Stat. § 5.02(5),(12s),(21),(22).

Spring Primary: Third Tuesday in February

Partisan Primary: Second Tuesday in August of an even-numbered year

Spring Election: First Tuesday in April

General Election: Tuesday after the first Monday of an even-numbered year

† **“Special”** school district primaries, elections or referenda are held outside of the regularly scheduled election days. Wis. Stat. §5.02(19).

¹ The school district is always responsible for the publication of the Type A Notice. Wis. Stat. § 10.06(4)(a),(b),(c).

² The school district is always responsible for the publication of the Types B and C Notices.

³ The school district clerk is responsible for the publication of the Type D Notice only if there are no federal, state, county or municipal elections.

⁴ The School District is responsible for the Type E Notice only when there are no federal, state, county or municipal elections. Wis. Stat. § 10.06(4)(e),(f).

Cost: The School District is responsible for the cost of all school district election notices. If the election event occurs on a day when other jurisdictions are conducting elections, notices can be combined with other jurisdictions and the cost prorated proportionately, provided the combined notices are published in the school district’s official newspaper. Wis. Stats. §§ 5.68(2), 120.06(8)(c)

Frequently Asked Questions

1. *When can jurisdictions combine their notices to save on printing costs?*

Jurisdictions may combine their notices if the information on the notice is identical and when the levels of government share the same official newspaper. For example, only one Type B notice with sample ballots for each type of equipment, along with a list of candidates, districts and seats to be voted on in each municipality, needs to be published.

2. *Who writes the explanatory statements for referendum questions?*

For school district referenda, the statement is prepared by the attorney representing the district.

3. *What should a school district clerk do if they miss a publication date for a notice or their newspaper of record makes an error?*

The clerk should try their best to publicize the notice. Suggestions:

- a. Post the notices in three public places in the school district
- b. Have the notices announced on a local radio station or posted on a public access TV channel
- c. Publish in a Shopper

4. *May a school district substitute posting in lieu of newspaper publication for its election notices?*

This may be an option in some limited circumstances, pursuant to Wis. Stats. §§ 10.05 and Ch. 985. However, school district clerks must be aware that Wis. Stat. § 985.05(1) of the state statutes provides as follows: “Posting may not be substituted for publication in school board elections conducted under s.120.06.” In addition, all notices given for the same election must be given in the same manner. School districts should confer with legal counsel regarding the appropriate method of publication (or posting) for a particular notice.

CANDIDATES

Summary¹

All candidates must meet certain qualification requirements and must also complete and file proper ballot access documents in order to gain a position on the ballot. School district clerks serve as the filing officer for school district offices. Therefore, the school district clerk should keep detailed records of candidate filings and correspondence. School district offices are nonpartisan and are elected to three-year terms. School district offices are up for election on the first Tuesday in April. If a primary is required, the primary is held on the third Tuesday in February preceding the spring election.

Methods of Elections School Board Members

School board members may be elected to unnumbered or numbered seats or to apportioned (area-represented) districts. Candidates for unnumbered or numbered seats may reside anywhere in the school district. Candidates for apportioned districts must reside in the district they seek to represent. Regardless of the configuration of the school board, all school board members are elected “at-large.” In terms of school district elections, the term “at-large” means all qualified electors of the school district can vote in any election for school board members. Wis. Stats. §§ 120.02(2) and (3), 120.06(1) and (2).

Qualifications for Office

All candidates must meet the age and residency requirements established for the office to which they are seeking election. A candidate for school district office must be a qualified elector² of the school district at the time of filing a Declaration of Candidacy (EL-162sd). Wis. Stats. §§ 120.05(1)(d), 120.06(2), (6)(b)2, 120.06(7)(a). Therefore, a candidate for school board must have satisfied the 28-day residency requirement before filing a Declaration of Candidacy (EL-162sd).

¹Please note, this manual incorporates statutory deadlines, processes, procedures and forms that reflect the federal court’s decision in *One Wisconsin Institute, et al., v. Thomsen*, which is currently on appeal at the Seventh Circuit Court of Appeals.

² A qualified elector is defined in Wis. Stat. § 6.02, as a U.S. citizen, 18 years of age or older, who has resided in the election district for at least 28 consecutive days before an election at which they offer to vote and who is not disqualified by virtue of one or more of the impediments described in Wis. Stat. § 6.03.

Note: *Once a person has met the residency requirement and qualifies as an elector of the district, they do not lose residency if they leave the district for a temporary purpose with an intent to return. Wis. Stat. § 6.10(5) and (11).*

Candidates for Apportioned Districts

In addition to having met the residency requirements at the time of filing a Declaration of Candidacy (EL-162sd), a candidate for an apportioned district must be *residing in the apportioned area at the time taking office*. Wis. Stat. § 120.06(2)(b).

Example:

A candidate for school board has already established residency in the school district but is not currently residing in the district. Unless the candidate has severed their voting relationship with the school district by registering to vote outside of the district, the candidate remains a qualified elector of the district and may file the Declaration of Candidacy (EL-162sd) without coming back to the school district for 28 days. (See Note above.)

If the candidate is running for office in an apportioned area, the candidate must live in the district when they assume their duties as a school board member.

Note: *No person may hold any state or local elected office in Wisconsin if the person has been convicted of a felony in any court in the United States unless the person has been pardoned of the conviction. Additionally, no person may have their name placed on the ballot for any state or local elective office in Wisconsin if the person has been convicted of a felony in any court in the United States unless the person has been pardoned of the conviction. Wis. Const. Art. XIII, § (2) and (3). The school district clerk may refuse to place a candidate's name on the ballot if the candidate is ineligible to be elected due to age, residence or felony conviction. Wis. Stat. § 8.30(1)(b) and (c).*

Ballot Access Procedure

School district candidates are required to file several ballot-access documents. School district clerks are encouraged to have “candidate packets” available for all prospective school district candidates. There is no “too early” time for candidates to request a packet, so prepare them early.

Accuracy and clarity are two essential elements of completing ballot access documents. Carelessness when filling out the forms can potentially result in the candidate being denied ballot status. It is crucial to correctly list the election date clearly distinguishing the jurisdiction and accurately identify the office being sought for the candidate’s ballot certification. A clear description of the office is especially critical when the candidate has a choice of running for a full term or a partial term caused by a vacancy. Simply listing “School Board Member” as the title of the office does not adequately identify the intended office. By using the complete name of the office sought (School Board Member) and including the name of the apportioned area on all ballot access documents: CF-1 Campaign Finance Registration Statement, EL-162sd Declaration of Candidacy, and EL-169 Nomination Paper for Nonpartisan Office (if required), candidates may be assured that the school district clerk will have no trouble determining the intended office.

The deadline for filing ballot access documents is 5:00 p.m. on the first Tuesday in January for the Spring Election (if the first Tuesday in January is a holiday, the deadline is the next business day). Wis. Stat. § 8.10(2)(a).

Candidate packets should include the following forms:

1. Campaign Finance Registration Statement CF-1³ . (Click the link under “Candidates for County, Municipal and School District Office”)
2. Declaration of Candidacy (EL-162sd)
3. Nomination Paper for Nonpartisan Office (EL-169), if required
4. Appropriate Ballot Access Checklist (ELIS-5)

The checklist and all ballot access forms are available on the Wisconsin Elections Commission website.

³ Campaign Finance Registration Statement (CF-1) was formerly the GAB-1

All school district candidates, including incumbents, must file a Campaign Finance Registration Statement (CF-1) before campaign funds are collected or spent and before submitting nomination papers. If an incumbent already has a Campaign Finance Registration Statement (CF-1) on file, the document must be amended to reflect the new election date and any other applicable changes.

To fully comply with both election laws and campaign finance laws, a person who wishes to be a school board member candidate in an upcoming Spring Election must file a Campaign Finance Registration Statement (CF-1), or an amended CF-1 (for incumbents) by the earlier of:

1. The date on which the person files nomination papers with the appropriate filing officer (school district clerk). Wis. Stats. §§ 8.10(5) and 1.0101(1)(a)1.
2. The date on which the person receives a contribution, makes a disbursement, or gives consent for another person to receive a contribution or make a disbursement in order to bring about the individual's nomination or election to office. Wis. Stat. § 11.0101(1)(a)3.
3. The date on which the person files a Declaration of Candidacy. Wis. Stat. § 120.06(6)(b)5.
4. The ballot access deadline. Wis. Stat. § 120.06(6)(b)2.

Declaration of Candidacy (EL-162sd)

Note: *School District Candidates file the EL-162sd, not the EL-162.*

All school district candidates, including incumbents, must file a Declaration of Candidacy (EL-162sd). If an incumbent has a Declaration of Candidacy (EL-162sd) on file from the previous election, a new Declaration of Candidacy (EL-162sd) must be filed for the current election. The Declaration of Candidacy (EL-162sd) may be filed at any time, but not later than the filing deadline. Once filed, a Declaration of Candidacy may not be withdrawn. Wis. Stats. §§ 8.10(5), 8.21, 120.06(6)(b)2, and (7)(a).

Note: *A person who has been convicted of a felony cannot run for or hold public office unless they have been pardoned of the offense. The Declaration of Candidacy (EL-162sd) contains a certification that the candidate meets this requirement.*

Pursuant to Wis. Stat. § 8.21, the following information is required on the Declaration of Candidacy:

1. The candidate’s name
2. The proper title of the office the candidate is seeking, including any applicable seat name or seat number
3. Party affiliation does not apply for school district (nonpartisan) elections. (Leave blank, write “none” or “nonpartisan”)
4. The candidate’s residential address including number, street, and municipality for voting (not the municipality through which mail is delivered)
 - a. The form is intended to obtain as much address information as possible so that the information is very clear. However, Wis. Stat. § 8.21(4)(b), requires only the street number, street name, and municipality for voting purposes. The School District Clerk must accept a Declaration of Candidacy that does not list the mailing municipality and state or zip code.
 - b. If there is more than one municipality by the same name (e.g., City of Madison and Town of Madison), the type of municipality (city, town, or village) must be indicated.

Examples:

Mailing municipality is the same as the municipality of residence:

Perfect

145	Green Street	Madison WI	55555	Town of <input type="checkbox"/> Village of <input type="checkbox"/> City of <input checked="" type="checkbox"/>	Madison
House or fire no.	Street Name	Mailing Municipality and State	Zip code	Municipality of Residence for Voting	

Acceptable

145	Green Street			Town of <input type="checkbox"/> Village of <input type="checkbox"/> City of <input type="checkbox"/>	City of Madison
House or fire no.	Street Name	Mailing Municipality and State	Zip code	Municipality of Residence for Voting	

Acceptable

145	Green Street	Madison WI		Town of <input type="checkbox"/> Village of <input type="checkbox"/> City of <input checked="" type="checkbox"/>	
House or fire no.	Street Name	Mailing Municipality and State	Zip code	Municipality of Residence for Voting	

Unacceptable (Could be the Town or the City of Madison)

145	Green Street	Madison WI		Town of <input type="checkbox"/> Village of <input type="checkbox"/> City of <input type="checkbox"/>	??
House or fire no.	Street Name	Mailing Municipality and State	Zip code	Municipality of Residence for Voting	

Mailing municipality is different than the municipality of residence:

Perfect

1411	Cottage Grove Road	Madison WI	55555	Town of <input checked="" type="checkbox"/> Village of <input type="checkbox"/> City of <input type="checkbox"/>	Cottage Grove
House or fire no.	Street Name	Mailing Municipality and State	Zip code	Municipality of Residence for Voting	

Acceptable

1411	Cottage Grove			Town of <input type="checkbox"/> Village of <input type="checkbox"/> City of <input type="checkbox"/>	Town of Cottage Grove
House or fire no.	Street Name	Mailing Municipality and State	Zip code	Municipality of Residence for Voting	

Acceptable

1411	Cottage Grove Road	Cottage Grove, WI		Town of <input checked="" type="checkbox"/> Village of <input type="checkbox"/> City of <input type="checkbox"/>	
House or fire no.	Street Name	Mailing Municipality and State	Zip code	Municipality of Residence for Voting	

Unacceptable (Could be the Town or the City of Madison)

1411	Cottage Grove Road	Madison WI		Town of <input type="checkbox"/> Village of <input type="checkbox"/> City of <input type="checkbox"/>	??
House or fire no.	Street Name	Mailing Municipality and State	Zip code	Municipality of Residence for Voting	

- The candidate's name in the form is the name the candidate wishes to appear on the ballot. No titles, parentheses or quotation marks may be used.

Note: The Wisconsin Elections Commission has determined that, absent any evidence of an attempt to manipulate the electoral process, candidates are permitted to choose any form of their name, including nicknames, by which they want to appear on the ballot.

6. The candidate's signature
7. The form must be notarized or signed by a person authorized to administer oaths. If signed by a Notary Public, the notary seal must be applied.

School Districts that Require Candidates to Submit Nomination Papers

In school districts that require candidates to submit nomination papers, properly completed Nomination Papers for Nonpartisan Office (EL-169) are required in addition to the Campaign Finance Registration Statement (CF-1) and Declaration of Candidacy (EL-162sd). Wis. Stat. § 8.10 outlines the requirements for the content of and the timing for nomination paper circulation and filing.

Nomination Paper Procedure

1. [Nomination Papers for Nonpartisan Office \(EL-169\)](#) containing sufficient signatures for the office sought must be filed, along with a Campaign Finance Registration Statement (CF-1) and a [Declaration of Candidacy \(EL-162sd\)](#), not later than 5:00 p.m. on the first Tuesday in January for the Spring Election (if the first Tuesday in January is a holiday, the deadline is the next business day).
2. Nomination papers may not be circulated before December 1st in the year preceding the Spring Election.
3. Upon receipt of completed nomination papers, the municipal clerk should *immediately* review the filed papers to determine sufficiency. Nomination papers must be filled out correctly. In order to be sufficient, the following information is required for each section.
 - a. Review the Candidate Information (top of form). Under Wis. Stat. § 8.10(2)(b), all information concerning the candidate must be completed in full before circulating this form to obtain signatures of electors, including:
 - i. Name of the candidate as it will appear on the ballot
 - ii. Candidate's residential (physical) address (number and street and municipality for voting). *If the mailing address is the same as the residential address except for the municipality, the municipality used for mailing must also be provided.*

- iii. Candidate’s mailing address if different from residential address
 - iv. Type of election
 - v. Election date
 - vi. Title of Office, along with any seat number or name of apportioned district if applicable. For example:
 - 1. “School Board Member” (if elected at large with no other description)
 - 2. “School Board Member, Seat (number)” or “School Board Member (name of apportioned district)”
 - 3. In First Class Cities, “Board of School Directors”
 - vii. Name of jurisdiction or district in which candidate seeksoffice i.e., School Board of (name of school district)
4. Review the Signatures of Electors section. Pursuant to Wis. Stat. § 8.10(4), each row should contain the following:
- a. Signature of elector (need not be legible)
 - b. Printed name (should be legible, in part)
 - i. Between the signature and the printed name, a first name or last name must be discernable.
 - ii. Initials for first names can be accepted. Initialized last names should not be accepted.
 - c. Address including street number and street name
 - d. Municipality for voting
 - i. Complete date of signing (date must be between the first day to circulate and the nomination paper filing deadline).
 - 1. If one or more incomplete dates are between two complete dates within the circulation period, the incomplete dates can be bracketed between the complete dates and accepted.

- ii. A nomination paper circulator must be a qualified elector of Wisconsin or, if not a resident of Wisconsin, a U.S. citizen, age 18 or older who would be eligible to vote in Wisconsin if they were a resident.

5. Review the Certification of Circulator for the following:

- a. Name of Circulator
- b. Address of Circulator (street number, street name and municipality for voting)
- c. Signature of Circulator (need not be legible)
- d. Date of certification (date must be on or after the latest date of a signer).

Wis. Stats. §§ 8.10(3), 8.15(4).

e. The number of signatures required under Wis. Stat. § 8.10(3):

- i. Board of School Directors 400 – 800
First Class Cities (election district seats)
- ii. Board of School Directors 1500 – 3000
First Class Cities (city-wide, at-large seat)
- iii. School Board Member 100 – 200
Territory within a second class city
- iv. School Board Member 20 – 100

6. The clerk should issue a receipt to the candidate or candidate's agent when nomination papers are filed. A sample Nomination Paper Receipt (EL-151) is available on the agency website.

If a candidate fails to file the Campaign Finance Registration Statement (CF-1), the Declaration of Candidacy (EL-162sd), or the Nomination Paper for Nonpartisan Office (EL-169) if required, with the school district clerk by the filing deadline, the clerk cannot place the candidate's name on the ballot. Wis. Stat. § 8.30.

Write-in Candidates

Campaign Finance Law and the Campaign Finance Registration Statement (CF-1)

The Campaign Finance Registration Statement (CF-1) is a document required by campaign finance law. There are two actions that trigger a requirement to file a CF-1:

1. Campaign finance law requires any candidate to file a CF-1 with the filing officer before making disbursements or receiving contributions for their campaign. Wis. Stats. §§ 11.0101(1)(a)3., 11.0202(1)(a).
2. A prospective ballot candidate must file a CF-1 regardless of whether they have made disbursements or received contributions, no later than the time they file the Declaration of Candidacy for their name to be placed on the ballot. Wis. Stats. §§ 120.06(6)(b)2 and 5.

Write-in Candidates and the Campaign Finance Registration Statement (CF-1)

As provided in number one above, a write-in candidate is subject to campaign law just like any other candidate which means if the prospective write-in candidate is receiving contributions or making disbursements, registration is required. However, a write-in candidate is not seeking ballot placement, so a write-in candidate is not required to file a CF-1 for that purpose (See number two above).

Nevertheless, there are situations where votes cast for a write-in candidate will not be counted *unless the candidate has filed the CF-1*. Under Wis. Stat. § 7.50(2)(em), the basic rules for counting write-in votes are:

1. Votes for registered write-in candidates are always counted
2. Votes for unregistered write-in candidates are counted if:
 - a. There are fewer ballot candidates than there are seats to be filled
 - b. One or more ballot candidates has died

If the write-in candidate wishes to ensure that their votes are counted, they must file a CF-1 with the filing officer no later than 12:00 p.m. on the Friday preceding the election. Wis. Stat. § 7.50(2)(em).

Write-in Candidates Who are Already Registered

If a candidate has already filed a CF-1 for the current election and subsequently decides to run as a write-in candidate for the same office named on the CF-1, WEC staff recommend that the candidate submit a short, written statement stating their intent to be a write-in candidate. If a candidate has already filed a CF-1 for a previous election or the office named on the CF-1 is not the office for which the candidate intends to be a write-in candidate, the candidate must amend their CF-1 and make any appropriate changes.

Note: Write-in candidates are not required to file either a Declaration of Candidacy (EL-162sd) or nomination papers (even when nomination papers are otherwise required to appear on the ballot in the particular school district). A write-in candidate who prevails at a primary must file a Declaration of Candidacy (and CF-1 if not already filed) before the candidate's name may be placed on the election ballot.

Note: Each municipal clerk's office should supply elections inspectors at the various poll locations with a list of registered write-in candidates on Election Day. The list may be given to any elector who asks about the list, but the list may not be posted. In order to facilitate this process, school district clerks should provide each municipal clerk with a list of registered write-ins who filed a CF-1 statement for a school board contest by no later than 12:00 p.m. (noon) on the Friday before the applicable election. Wis. Stats. §§ 7.50(2)(em), 12.03(2)(a)1.

Notification of Noncandidacy

An incumbent school board member who does not intend to run again for the position they currently hold should file a [Notification of Noncandidacy \(EL-163\)](#). This alerts the public and potential candidates that the incumbent does not intend to run for re-election.

During November before the spring election, the school district clerk should remind each incumbent to file a Notification of Noncandidacy (EL-163) if they do not intend to seek re-election to the office they currently hold.

Filing Deadlines

1. Pursuant to Wis. Stat. § 8.10(2)(a), the Notification of Noncandidacy (EL-163) is due by 5:00 p.m. on the second Friday before the deadline for filing nomination papers. Local filing officers (i.e., school district clerks), or their designees, must be available to receive notifications of noncandidacy until

5:00 p.m. on this date unless the date is a legal holiday or all incumbents whose terms are expiring in the following April have already filed (a) a notification of noncandidacy, or (b) the necessary ballot access documents.

2. If an incumbent candidate fails to file a Notification of Noncandidacy (EL-163) on time, and does not file the appropriate documents to qualify for the ballot on time:
 - b. The deadline for filing ballot access documents is extended 72 hours for that office. Wis. Stat. § 8.10(2)(a).
 - c. This means that any qualified elector, *except the incumbent*, can file the required ballot access documents and sufficient nomination papers (*if required*) within the extension period and qualify for placement on the ballot.

An incumbent who filed a Notification of Noncandidacy (EL-163) by the Noncandidacy deadline may change their mind and file ballot access documents by the ballot access deadline (not the extension deadline) or may run as a write-in candidate for the office.

Filing Officers & Recordkeeping

The school district clerk is responsible for receiving and retaining forms associated with school district candidates. Wis. Stats. §§ 7.23, 120.06(8)(g). The clerk shall create a separate file for each candidate. The following forms should be maintained in the candidate's file and kept for the applicable retention period:

1. Campaign Finance Registration Statement (CF-1)
2. Declaration of Candidacy (EL-162sd)
3. Nomination Paper for Nonpartisan Office (EL-169), if applicable
4. Nomination Paper receipts, if applicable
5. Campaign\Finance forms and reports
6. Correspondence, if any

A retention schedule entitled "Destruction of Election Materials" can be found in the *Other Election Materials* section of this manual.

Frequently Asked Questions

1. Are incumbents required to file ballot access documents?

Yes. All candidates including incumbents are required to file the appropriate ballot access documents for each election for They are seeking office. Wis. Stats. §§ 8.10(1), 8.21, 8.30.

2. It isn't December 1st yet and a prospective candidate wants me to give them a Campaign Finance Registration Statement (CF-1). May I give it to them?

Yes, absolutely. Before collecting or spending money on their campaign, a candidate is *required* to register. Wis. Stats. §§ 11.0101(1), 11.0202(1). Therefore, candidate packets, which include the Campaign Finance Registration Statement (CF-1), should be available for candidates at all times.

3. It isn't December 1st yet and a prospective candidate wants me to give them nomination paper form (EL-169). May I give it to them?

Yes. Nomination papers may not be circulated until December 1st, but a nomination paper form may be given to a prospective candidate at any time. The Nomination Paper for Nonpartisan Office (EL-169) should be included in the candidate packet if the school district requires nomination papers.

4. What if a candidate is campaigning before the Campaign Finance Registration Statement (CF-1) is filed?

Failure to file a Campaign Finance Registration Statement (CF-1) does not affect the candidate's ballot access as long as the Campaign Registration Statement (CF-1) is filed by the filing deadline. Wis. Stat. § 8.10(5).

Please contact the Ethics Commission for information on Campaign Finance Law relating to the Campaign Finance Registration Statement (CF-1).

5. What happens if no candidates qualify for ballot placement?

If no candidates properly complete and file ballot access documents in the time frame allotted, the ballot will contain only the appropriate number of lines for write-in candidate(s).

6. *What should I do if I believe that an individual filing ballot access documents is a convicted felon?*

If it is brought to the filing officer's attention that a convicted felon has filed ballot access documents, the matter needs to be resolved in consultation with the school district attorney. It is the position of the Wisconsin Elections Commission that the school district should only act on information presented in the form of a sworn complaint, alleging that a candidate has been convicted of a felony and evidence is provided in support of that allegation. The school district attorney can assist the filing officer in verifying the basis of the complaint. Once it has been determined that a candidate or an elected official has been convicted of a felony, the school district attorney can assist the filing officer in removing the person's name from the ballot or take appropriate steps to have the person removed from office. A formal notice should be sent to the candidate or elected official informing them of the filing officer's decision to remove their name from the ballot. Wis. Const. Art. XIII, §§ (2) and (3), Wis. Stat. § 8.30(1)(c).

7. *Should I, as clerk, check to make sure that no elected official or candidate has been convicted of a felony?*

No. The school district clerk is not required to verify that every elected official or candidate for elected public office has not been convicted of a felony for which they have not been pardoned. The clerk should rely on the sworn statement of the candidate on the Declaration of Candidacy (EL-162sd). No action should be taken unless there is evidence in the form of a sworn complaint as described above.

8. *What if our office is closed the first Tuesday in January because it is New Year's Day?*

The school district's filing location must be open to receive candidate filings on the day of the actual ballot access deadline in each year, which is the first Tuesday in January unless the first Tuesday is also January 1 (New Year's Day). Regardless of whether the school district filing office is open or closed on January 1, the deadline for filing ballot access documents is extended to the next business day because New Year's Day is a state-recognized legal holiday. Wis. Stat. § 8.10(2).

BALLOTS

Summary

The school district clerk prepares the paper ballot containing school district offices and a separate ballot for any school district referenda for municipalities in the school district that use hand-count paper ballots. The school district is responsible for the cost of the school district ballots. Wis. Stats. §§ 5.58(1a),(1g), 5.68(2). The school district clerk delivers the ballots to each municipal clerk at least 22 days before the election. Wis. Stats. §§ 7.10(3)(a), 120.06(8)(d).

The clerk must ensure that the paper ballot template used is the most recent revision. Sample paper ballots are available on the WEC website under Forms.

Spring Primary Ballots: Series EL-222, EL-223 and EL-224

Spring Election Ballots: Series EL-225, EL-226 and EL-227

Paper referendum ballot: EL-228

Reverse Side of Paper Ballots: EL-229

In municipalities where electronic voting equipment such as optical scan or direct recording electronic (DRE) is used, and federal and/or state and county offices are up for election as well as school district offices, the county clerk prepares a consolidated ballot containing all offices up for election in the county, including school district offices. Wis. Stat. § 7.10(2). In this case, the school district clerk does not prepare the ballot, but must provide the county clerk with the names of the school district offices that are up for election and the names of the candidates for each office.

General Ballot Format

Before preparing any ballots, the clerk must make sure that the most current ballot samples are used. Outdated ballot formats will not contain required statutory language and may not conform to ballot uniformity standards. The proper ballot formats are prescribed by the Wisconsin Elections Commission and may be accessed on the agency website. Wis. Stat. § 7.08(1)(b).

Generally, a school district clerk would only prepare ballots for municipalities in the district that use hand-count paper ballots. School district primary and election ballot samples for unnumbered, numbered and area-represented seats are available on the agency website. Ballot samples may be modified to eliminate any office

from the ballot that is not up for election, or to add any offices that are up for election but may be missing from the sample ballot.

There are several basic requirements that apply to the preparation of all ballots, regardless of the type of election. These requirements are set out below:

Size

The size of your ballot will depend on how many offices are up for election and how many candidates there are for each office. There is no actual size requirement for a ballot, but all ballots must be of sufficient width and length to provide space for all required information to be clearly printed on them. Wis. Stat. § 5.51(3).

Type Face

The type face used on all ballots must be an easy-to-read, sans-serif font. Arial is preferred. Except for certain headings, all print must be in mixed case. In no case shall the font size be smaller than 8 point. A sample of 8-point font is given below. Larger print should be used whenever possible (for example, this manual was written in 14-point font). Wis. Stat. § 5.51(1).

8 POINT – 3.2 characters per pica
abcdefghijklmnopqrstuvwxy
z
1234567890

Justification

With certain exceptions, paragraphs, office titles and “Vote for 1” (or “Vote for not more than _”) must be left justified. Candidate names must be left justified with the box to the left of the name. See the sample ballots on the agency website.

Wis. Stats. §§ 5.52(8), 7.08(1)(a).

Date

The date of the election must appear on the face of the ballot beneath the title of the ballot and in the endorsement. Wis. Stats. §§ 5.52(8), 7.08(1)(a).

Paper Weight

Wisconsin statutes set out a standard for the weight of the paper used for hand-counted ballots. The standard is 35 pounds per ream for sheets that are 24 inches

by 36 inches (24" x 36"). Ballots will never be that large so the weight of the paper used must be proportioned accordingly to meet this standard. Alert your printer to this requirement to ensure that paper of the proper weight is used. Wis. Stat. § 5.51(2).

Color

1. The only legal requirements concerning the color of ballots is:
Paper hand-count referendum ballots must be printed on paper of a color that is different from other ballots used at the election. Wis. Stats. § 5.51(5).
2. Sample ballots cannot be the same color as the official ballots and may not be white. Wis. Stats. §§ 5.51(5), 5.66(2).
3. Hand-count paper ballot color coding:
 - a. Using different colors to distinguish one type of paper ballot from another (federal, state, county ballots, municipal ballots, school district ballots and referendum ballots) helps to ensure that the inspectors give one of each type of ballot to the voter.
 - b. Color coding is particularly helpful when two reporting units share a single polling place or when more than one school district has offices up for election.
 - c. Color coding makes it easier for the voter to deposit their ballot in the proper ballot box and makes separating and counting of ballots much easier for the election inspectors.
4. Using different color-coded ballots requires coordination among county, municipal, and school district clerks to ensure that the ballot prepared by each clerk is of a different color.

Ballot Endorsement

Every ballot must contain an endorsement. Endorsement language is prescribed by the Wisconsin Elections Commission on the Reverse Side of Official Ballots (EL-229), which is available on the agency website. The endorsement appears on the reverse side of a hand-count paper ballot. Wis. Stat. § 5.55.

The endorsement contains:

1. The title and date of the election
2. The municipality and wards or reporting units applicable to the ballot
 - a. A reporting unit is ward or a group of wards by which election results are reported.
 - b. Simply printing “School District of Smith” is not acceptable.
 - c. The ballot must reflect the municipality and ward or reporting unit for which the ballot was issued. Check with each municipal clerk to find out the reporting units in which the school district lies.
 - d. The school district clerk may list all reporting units on the ballot rather than printing ballots for each reporting unit. The election inspectors must remember to mark or circle the municipality and reporting unit that applies to each voter.
 - e. If a town or village has only one ward, the ward does not need to be list next to the name of the municipality. Forexample:
 - i. Town of Apple
 - ii. Village of Banana, Wards 1, 2
 - iii. Village of Carrot, Wards 1-4
 - iv. City of Tomato, Wards 1-3
 - v. City of Tomato, Wards 4, 5
 - f. Spaces for the official(s) issuing the ballot to initial before giving a ballot to a voter

- i. A space for two inspectors to initial before issuing a ballot on election day
 - ii. A space for the municipal or deputy clerk to initial when issuing an absentee ballot
 - iii. A space for both SVDs to initial when conducting absentee voting in care facilities or retirement homes
- g. A certification to be signed by a person who may assist a voter in marking the ballot

Ballot Format Facts That Apply to Primary and Election Ballots

Regardless of the structure of school board seats (at-large, apportioned areas or, less commonly, numbered seats), the following rules regarding school district contests apply to all school districts.

1. The number of positions up for election in a contest is the same as:
 - a. The number of candidates for which an elector may vote (**the “Vote for” or “Vote for not more than” number**).
 - i. For a single-school board seat contest, use **“Vote for 1”**
 - ii. For a multi-seat contest where more than one position is up for election, use **“Vote for not more than _____”**
insert number of seats
 - iii. This applies to both primaries and elections.
 - b. **The number of write-in lines** required on the ballot.
 - c. a and b above apply to a primary or an election.
2. A box is never placed next to a write-in line on a paper, hand-count ballot.
 - a. A voter is not required to place a mark by a write-in vote in order for the write-in vote to count. Wis. Stat. § 7.50(2)(d).

When is a Primary Required?

A primary is required if—the number of candidates who qualify for the ballot is more than twice the number of seats to be filled. Wis. Stats. §§ 8.05(5), 8.11(2m), 120.06(7)(b).

Examples

- a. For three at-large positions for which candidates may reside anywhere in the district (i.e., the seats are neither numbered nor area apportioned), **seven candidates trigger a primary.**
 - b. For one position that is assigned to a specific area of apportionment (and no other positions are up for election from that same area), **three candidates trigger a primary.**
 - c. For two positions assigned to the same area of apportionment and both seats are up for election in the same year, **five candidates trigger a primary.**
 - d. For each position assigned as a numbered seat under a duly adopted election plan (not a common arrangement), **three candidates trigger a primary.**
3. **At a primary**, the number of **candidates that go on to the election ballot**—is equal to the **number of seats to be filled multiplied by two.**
 4. If **only one officeholder** is to be elected—use the instruction “**Vote for 1.**”
 5. If **more than one school board member** is to be elected—use the instruction “**Vote for not more than _____**”
(insert number of seats to fill).

Primary Ballots

1. A primary is required if there are more than twice as many candidates who qualify for the ballot than there are positions to be filled in a contest. Wis. Stat. § 120.06(7)(b).
2. When a contest requires a primary, all qualifying candidates are listed on the primary ballot.
3. The primary narrows the candidate field to no more than twice the number of positions to be filled. Wis. Stat. § 5.58(3).

- a. If three positions are to be filled, the six candidates receiving the highest number of votes at the primary proceed to the election ballot.
 - b. If one position is being filled, the two candidates receiving the highest number of votes at the primary proceed to the election ballot.
4. The order of the candidates on the election ballot is determined by another drawing of lots. Wis. Stat. 120.06(8).

School District Seat or Area Order

There is no clear statutory guidance for determining the order in which school district contests appear on a ballot when there is more than one contest. The WEC staff recommends that the school district set an order and be consistent from election to election. Below are examples of contest headers in various situations.

1. At-Large Seats.

- a. The most common structure of school district seats is “at large” (i.e., all candidates may reside anywhere in the district and there are neither apportioned areas nor numbered seats. The candidates are listed together and the candidates receiving the highest number of votes are elected to the school board.

Primary Ballot

School Board Member
Vote for not more than 2

Ballot Candidate
Ballot Candidate
Ballot Candidate
Ballot Candidate
Ballot Candidate
Ballot Candidate

(The top 4 go on to the election.)

Election Ballot

School Board Member
Vote for not more than 2

Ballot Candidate
Ballot Candidate
Ballot Candidate
Ballot Candidate

- b. When a vacancy occurs and the position is filled at a spring election for the remainder of the term, the vacant position is added to the full-term positions up for election.

Example:

Two full-term positions are up for election and one position is being filled for the remainder of a term for a total of three positions to be elected. The instructions are “Vote for not more than 3” and the two candidates receiving the highest number of votes are elected to the two full-term positions. The third-place candidate is elected to the partial term. Wis. Stat. § 120.06(12).

2. Areas of Apportionment

Apportioned school districts are divided into areas. A candidate for an area of apportionment must reside in the apportioned area.

- a. If more than one area of apportionment will *typically* appear on the same ballot, WEC staff recommends that the order of the areas be determined by the school district and remain consistent for all elections. The order can be determined by size of the area, alphabetically by name, or by some other defining order.
- b. When a vacancy occurs, the position is filled at a spring election for the remainder of the term. The vacancy appears as a separate contest. When other areas of apportionment are up for election at the same time a vacancy is being filled, the order of the areas determined by the school district should be retained as much as possible, with the full-term offices listed first and the vacant office appearing last. The shorter term can be denoted by listing the length of the term, but it is not required.

Example:

School Board Member- Desert Area

Vote for 1

School Board Member-Lake Area

Vote for 1

School Board Member-Mountain Area (1-year term)

Vote for 1

- c. When a vacancy occurs in one seat of a *multi-seat area* and another seat in the same area is up for election because the term is ending, the vacant seat is added to the full-term position, much like “at-large” seats.

Example:

The Lake Area is represented by two school board members. The term of one seat in the Lake Area is up for election at the spring election. Recently a vacancy occurred in the other Lake Area seat and the vacancy will be filled at the spring election. There is also a seat up for election in the Mountain Area. Place the position with the vacancy last. Retaining the area order is not always possible.

School Board Member-Mountain Area

Vote for 1

School Board Member – Lake Area

Vote for not more than 2

3. Numbered seats

- a. In Wisconsin numbered school districts are uncommon. In districts that use numbering, the seats up for election should appear in numerical order.

Primary Example:

School Board Member 1

Vote for 1

Ballot Candidate

Ballot Candidate

Ballot Candidate

School Board Member 2

Vote for 1

Ballot Candidate

Ballot Candidate

Ballot Candidate

Ballot Candidate

Election Example:

School Board Member 1

Vote for 1

Ballot Candidate

Ballot Candidate

School Board Member 2

Vote for 1

Ballot Candidate

Ballot Candidate

- b. The vacant position is listed last. It is not always possible to retain the number order in these cases.

Determining Ballot Order of Candidate Names

The order that candidates' names will appear on the ballot is determined by drawing of lots or by some other random determination (for example: drawing numbers or names out of a hat or flipping a coin if there are only two candidates). Wis. Stats. §§ 5.58(1g)(c), 5.60(4)(c), 120.06(8).

Note: Do not place candidate names on the ballot in alphabetical order or incumbent first unless a random method of determination positions them in that order.

1. For a spring election, drawing of lots is held not later than seven days after the deadline for filing nomination papers.
 - a. The drawing is done at this time for those offices requiring a primary and for the election ballot for those offices where a primary is not required.
 - b. Following any primary, *the names of the winners of the primary are redrawn* for that office to determine the order of names on the election ballot.
2. Wisconsin Statutes do not set out a detailed process for conducting the drawing of lots for placement of names on the ballot. The Wisconsin Elections Commission recommends that at least three people participate in the drawing.
 - a. The three people are generally the school district clerk and two other people selected by the clerk. (If a school district clerk is a candidate at the election, the school district clerk may observe, but may not conduct or participate in the drawing for ballot placement for the office for which the clerk is running.)
 - b. It is important that the drawing be properly witnessed and documented.
 - c. The documentation should include the date of the drawing for ballot order, the ballot order drawn, the signature of the person who physically drew out the names, and the signatures of the two people who witnessed the drawing.
3. It is not necessary for candidates to be present at the drawing, but as a courtesy they may be invited to attend. If all candidates are present, they may draw for themselves.
4. **Drawing of lots is not required to be done at a school board meeting.** Do not delay drawing for this reason.

Form of Candidates' Names

1. All candidates' names must be printed in the same font size, style, and color. Wis. Stat. § 5.51(6).
2. The candidate indicates on the Declaration of Candidacy (EL-162sd) how they wish to have their name to appear on the ballot. Wis. Stat. § 8.21(3).
 - a. No abbreviations, titles, quotation marks or parenthesis are permitted. A candidate may use their last name and first name or initial(s). A middle name or initial or a former legal surname may also be used. Wis. Stats. § 8.10(2)(b), 8.21(2).
 - b. A nickname may be used in place of or in addition to the first name. Wis. Stats. §§ 8.10(2)(b), 8.21(2). The Wisconsin Elections Commission has determined that, absent any evidence of an attempt to manipulate the electoral process, candidates are permitted to choose any form of their name, including nicknames, by which they want to appear on the ballot.
 - c. The Wisconsin Elections Commission advises the school district clerk to consult with the school district attorney or Wisconsin Association of School Boards before making a final decision to allow or not allow the use of a nickname.

Certifying Candidate Names and Referenda to the County Clerk

When the county clerk prepares the ballot:

1. Where electronic voting devices are used:
 - a. The county clerk prepares the ballots for all offices up for election, including school district offices and school district referenda. Wis. Stat. § 7.10(2).
 - b. The school district clerk must certify the names of candidates for contests that require a primary and the names of candidates for contests that do not require a primary to the county clerk as soon as possible following the deadline for filing nomination papers or declarations of candidacy using the EL-405, which may be found on the agency website. Wis. Stat. § 120.06(7).

2. After a primary, a drawing for ballot order of the names of candidates who prevailed at the primary must be conducted and certified to the county clerk as soon as possible, and no later than two days after the school district canvass, using the EL-405, which may be found on the agency website. Wis. Stat. § 120.06.
3. The cost of programming equipment and printing these ballots is prorated among the various levels of government participating in the election. Wis. Stats. §§ 5.68, 7.03.
4. Please be certain the information you provide to the county clerk is correct and complete. The county clerk is not responsible for finding your errors.

Proofing Ballots

School district clerks who prepare hand-count ballots should carefully review and proofread each ballot proof before printing to assure that:

1. The ballot format used is the current form approved by the WEC
2. The ballot contains all and only the offices up for election
3. All office titles are correct, spelled correctly, and in the correct order
4. The number of candidates for which a voter is allowed to vote is correct
 - a. The “Vote for” number equals the number of positions up for election
 - b. If there is only one seat up for election, the instructions are “Vote for 1.” If there is more than one seat to be filled, the instructions are “Vote for not more than (*insert number of seats to be filled*)”
 - c. The “Vote for” number is the same for a primary or an election
5. All candidates’ names are spelled correctly and are in the correct order
6. The form of each candidate’s name reflects the candidate’s desire as indicated on the Declaration of Candidacy

It is recommended that you also *proof the final product as soon as you receive it from the printer* so that any errors can be identified and corrected immediately.

When the county clerk prepares optical scan ballots, school district clerks should carefully review the school district portion of the ballot before the ballots are printed.

Referendum Ballots

1. Unless otherwise required by law, referendum questions must be submitted to the official or agency responsible for preparing the ballots no later than 70 days prior to the election. Therefore, when the county clerk is printing the ballots for a school district referendum, the official text of a school district referendum must be in the hands of the county clerk at least 70 days before the election at which the referendum is expected to appear on the ballot. This is so that the county clerk has adequate time to prepare and print the ballots. Wis. Stat. § 8.37.
2. A separate ballot is required for school district referenda when using hand-count paper ballots. Wis. Stats. §§ 5.64(2), 5.65.

Delivery of Ballots to Municipal Clerks

Wis. Stats. §§ 7.20(3), 7.15(1)(cm).

In order to ensure that municipal clerks can mail absentee ballots to electors who have requested them in a timely fashion:

1. Ballots must be printed and delivered to the municipal clerk at least 22 days before a February spring primary, April spring election, or a special school district primary or election.⁴
2. If a school district election or referendum is held on the same day as the August Partisan Primary or November General Election, ballots must be printed and delivered to the municipal clerk at least 47 days before the election event.

Wis. Stats. §§ 7.10(3), 120.06(8)(d).

⁴ Special elections in school districts are held only in connection with the recall of a school board member or when Milwaukee Public Schools board of directors fills a vacancy on the MPS board.

Sample Ballots

1. Sample ballots are required to be available to persons who request them. When the school district clerk prepares hand-count paper school district ballot, sufficient sample ballots must be provided to each municipal clerk.
 - a. The number of sample ballots provided to the municipal clerk should equal 10% of the total number of official ballots printed for the municipality.
 - b. Sample ballots cannot be printed on white paper. They must be printed on colored paper and the color must be different than the color used for the official ballots. Wis. Stat. § 5.51(3).
 - c. The word ‘SAMPLE’ must be overprinted on all sample ballots. Wis. Stat. § 5.66(2).
 - d. The endorsement does not need to be printed on sample ballots. Wis. Stat. § 5.51(3).

Frequently Asked Questions

1. *For each office, the ballot indicates how many votes can be cast in that office. What is the proper format of that instruction?*

The total number of candidates for which an elector may vote, whether at a primary or an election, is the same as the number of officers to be elected.

If there is only one position to be filled, such as a numbered seat or as would be the case with most area-apportioned seats, the instruction is “Vote for 1.”

If there are two seats up for election assigned to the identical area of apportionment, the instruction for the contest for that area’s seats would be

“Vote for not more than 2.”

If all school board members are elected to “at-large” seats and three officers are to be elected, the instruction would be “Vote for not more than 3.”

Note: The exact local structure of the positions and the specific positions that are up for election in a particular year (including the election of successors following vacancies) determine the correct format for the instruction(s).

2. *How many write-in lines are required?*

The number of write-in lines required for a contest is equal to the number of candidates for which the elector may vote. This is true for a primary or an election.

If there is only one position to be filled, such as a numbered school board member position or apportioned school board member position, the instruction is “Vote for 1.” Therefore, one write-in line is required. If school board members are elected to unnumbered seats and three seats are up for election, the instruction is “Vote for

not more than 3,” three write-in lines are required.

3. *What is the deadline for the county clerk to receive the text of the school district referendum?*

No later than 70 days before the election at which the referendum will appear. Wis. Stat. § 8.37.

4. *What is the deadline for a school district clerk that prepares paper ballots to deliver the official ballots to the municipal clerk?*

No later than 22 days before the spring primary or spring election, or 48 days before the partisan primary or general election. Wis. Stats. §§ 7.10(3), 120.06(8)(d).

5. *When does the school district clerk conduct the random drawing of lots for placement of candidate names on the ballot?*

No later than seven days after the deadline for candidates to submit ballot access documents. (The deadline for candidates to submit ballot access documents for a Spring election is the first Tuesday in January. If the first Tuesday is legal holiday, the deadline is the next secular day.) Wis. Stat. § 120.06(8)(b).

6. *If an at-large position (i.e., neither numbered nor area apportioned) is up for election and another such at-large position is being filled at the same election, and a vacancy is being filled at the same election, is the vacant position listed separately from the position up for election?*

No. The positions are elected together. The candidates who receive the highest number of votes are elected to the full-term seats. The candidate who receives the highest number of votes of the remaining candidates is elected to fill out the remainder of the term of the vacated position. Wis. Stat. § 120.06(12).

7. *If the Desert and Valley apportioned areas are scheduled to be up for election and a vacancy has occurred in the Mountain area which will be filled at the same election, is each seat treated as a separate contest?*

Yes. All seats are listed separately. The Desert and Valley Areas are listed first, followed by the vacant seat (Mountain). The vacant seat may be, but is not required to be, denoted as “1-year term” or “2-year term.”

8. *At a primary for two at-large seats where the number of candidates will be reduced to no more than four, should the instructions be “Vote for not more than 2” or “Vote for not more than 4?”*

“Vote for not more than 2.” The “Vote for” number is always the same as the number of seats to be filled. The top four candidates go on to the election ballot where, again, the instructions will be “Vote for not more than 2.”

POST ELECTION ACTIVITIES

Summary

Even though election inspectors count the votes at the polls on election night, the official results of the elections are not determined until each official board of canvassers (for the municipality, county, state, school district, or other special purpose district) has met and completed the official canvass of their respective offices and referenda. The school district canvass statement is the official determination of the outcome of the school district election. The election is not complete, and no recount can be requested until the canvass has been completed. Wis. Stats. §§ 7.51(5)(b), 7.53(3), 9.01(1)(a)1.

Timeline for Delivery of Election Night Results to the School District

The municipal clerks shall deliver all ballots (if separate ballots), statements, tally sheets, lists and envelopes, **excluding any provisional ballots**, related to any school district election to the school district clerk by 4:00 p.m. on the day following each such election. Wis. Stat. § 7.51(5)(b).

For *municipalities that process absentee ballots at a central location* the deadline is 4:00 p.m. on the second day following the election.

1. From each municipality the school district clerk should receive:
 - a. School District Ballots (if separate ballots) in a sealed ballot container.
 - b. One original Tally Sheet (EL-105) of school district offices and referenda and one copy of the voting machine tape (if municipality uses Optical Scan (OS) or Direct Record Electronic (DRE) voting equipment).
 - c. One copy of the Inspectors' Statement (EL-104)
 - d. One copy of the Provisional Ballot Reporting Form (EL-123r)
 - e. One copy of the Absentee Ballot Log (EL-124)
 - f. A certified copy of the poll list (EL-107, EL-107s)

Wis. Stat. § 7.51(5)(b).

School District Board of Canvassers (SDBOC)

Composition of (SDBOC) Wis. Stat. § 7.53(3)

1. In a common, union high or unified school district the SDBOC consists of the school district clerk and two qualified electors of the school district appointed by the school district clerk. The appointments must be made before the day of the election being canvassed. Members must file the oath of office (EL-154).
 - a. The school district clerk may appoint a qualified elector of the school district to fill a temporary vacancy.
 - b. If the school district clerk is a candidate at an election being canvassed or is unable to serve, the other two SDBOC members designate a third member to serve in lieu of the clerk for that election.
 - c. The SDBOC members complete the Board of Canvassers' Statement (EL-106) for school district offices and referenda.
2. In first-class cities, the Municipal Board of Canvassers or city election commission determines the results of school district elections and referenda. Wis. Stat. § 7.53(3)(b).

Timeline for Convening the SDBOC Wis. Stat. § 7.53(3)

1. The SDBOC shall convene to canvass the results of the school district election no later than 9:00 a.m. on the Tuesday after the election.
 - a. Proper notice of the SDBOC meeting must be given under the Open Meetings Law. Wis. Stat. § 19.84.
2. If no provisional ballots were issued in any municipality in the school district, the SDBOC may convene earlier, with proper notice.
 - a. Provisional ballots are issued to voters missing certain information that prevents them from completing the voting process. Provisional ballots are not counted on election night but are held by the municipal clerk until the deadline (4:00 p.m. on the Friday after the election) for the voter to provide the information necessary for their ballot to be counted. Wis. Stat. § 6.97(3)(b).

- b. The municipal clerk transmits a copy of the Provisional Ballot Reporting Form (EL-123r) to the school district on election night. The EL-123r will show if any provisional ballots were issued. If no provisional ballots were issued, the EL-123r will be blank or the clerk will transmit a statement that no provisional ballots were issued. Wis. Stat. § 6.97(3)(b).
3. If provisional ballots were issued in any of the municipalities in the school district, the SDBOC may convene no earlier than 9:00 a.m. on the Monday after the election with proper notice. Wis. Stat. § 6.97(4). If the SDBOC meets before 4:00 p.m. on the Monday after the election and thereafter receives amended results due to provisional ballots being eligible to be counted, the SDBOC must reconvene no later than 9:00 a.m. on the Tuesday after the election to adjust the returns.
 - a. Immediately after the 4:00 p.m. deadline on the Friday after the election, each municipal clerk will provide the school district with a final copy of the Provisional Ballot Reporting Form (EL-123r) documenting the provisional ballots for which the applicable missing information was received, if any. Wis. Stat. § 6.97(3)(b).
 - b. If no provisional voter provided the information necessary for their ballot to be counted, the municipal clerk will transmit a certification (on form EL-106p) that no provisional ballots were rehabilitated by the deadline and the election night results stand.
 - i. If no provisional voter in the school district provided the information necessary for their ballot to be counted, The SDBOC may convene on Monday with proper notice.
 - c. If at least one provisional voter provided the information necessary for their ballot to be counted, the SDBOC must wait for the Municipal Board of Canvassers (MBOC) to process the rehabilitated provisional ballots before convening.
 - d. When provisional ballots have been issued in a municipality, generally the MBOC waits until the Monday after the election to convene so that any rehabilitated provisional ballots can be addressed and incorporated into the Municipal Board of Canvassers Statement.

- e. The MBOC must complete the processing of provisional ballots and deliver returns (or amended returns) to the school district no later than 4:00 p.m. on the Monday after the election. Wis. Stat. § 7.53(1). The school the district should receive: (“p” indicates a document used in processing provisional ballots):
 - i. One original Tally Sheet used to process provisional ballots (EL-105)
 - ii. One certified copy of the Record of Activity (EL-104p)
 - iii. One copy of the Provisional Ballot Reporting Form (EL-123r)
 - iv. One certified copy of the Statement of the MBOC (EL-106p)
- f. The SDBOC concludes the school district canvass no later than 4:00 p.m. on the Tuesday after the election. The SDBOC completes the Statement of the School District Board of Canvassers (EL-106sd). Wis. Stat. § 7.53(3).

Conducting the School District Canvass

When there are school district offices or referenda on the ballot, the SDBOC must make the official determination of the winners of the school district election and certify the school district results. The election is not over until the canvassers have certified. *The window for petitioning for a recount remains open until three business days after the SDBOC certifies the election.*

The SDBOC uses the Statement of the School District Board of Canvassers (EL-106sd) to certify the school district election. Wis. Stat. § 7.53(3). The completed EL-106sd is retained by the school district for 10 years after the date of the election for which it was completed. Wis. Stat. § 7.23(1)(i).

1. Complete the Statement of the School District Board of Canvassers (EL-106sd)
 - a. The Statement of the School District Board of Canvassers (EL-106sd) is made up of three parts:
 - i. The Tabular Statement of Votes Cast
 - ii. The Summary Statement of the School District Board of Canvassers
 - iii. Certification of the School District Board of Canvassers

2. Tabular Statement of Votes Cast

- a. Record the name of the office or an abbreviation of the referendum question and the names of each candidate across the top of the tabular statement, including the names of write-in candidates whose votes were recorded on the tally sheet. For a referendum, use the words on the ballot for voting in favor or in opposition to the referendum. Usually this is “yes” and “no,” but it could be “for” and “against” or other wording.
- b. List each municipality and reporting units in each municipality down the left side.
- c. Using the tally sheets and/or machine tapes, record the total number of votes cast in each reporting unit for each candidate or the words used on the ballot for voting in favor or in opposition to the referendum. If there are write-in votes recorded on the tally sheet, include those names and total votes also. Total the votes cast in each reporting unit (across) and for each candidate (down) and record and the grand total for each office.

3. Complete the Summary Statement

- a. Copy the total number of votes cast for the office or referendum from the Tabular Statement onto the Summary Statement. Include the names of candidates who had write-in votes recorded on the tally sheet for this office and their total votes. Add the numbers together for the total votes cast in the contest.

4. Complete the Statement of the School District Board of Canvassers Certification

- a. Complete the top of the form. List the winning candidate(s) in the determination section of the certificate. For referenda, list a brief description of the topic of the referendum whether the referendum passed or failed. If the election is a primary, list the names of the candidates for this office who will appear on the election ballot.
- b. Date the certification. All canvassers sign the certification.

Period for Petitioning for a Recount

The period for petitioning for a recount of school district offices and referenda does not begin until the day after the meeting of the SDBOC concludes. Wis. Stat. § 9.01(1)(a)1. See the “*Election Recount Procedures*” manual on the agency website.

Certificate of Election

1. The school district clerk shall promptly issue a Certificate of Election (EL-153) to each person elected to any school district office after the deadline for filing a petition for recount has passed - three business days following the certification by the School District Board of Canvassers. Wis. Stat. § 7.53(3) and (4).
2. When a valid petition for a recount is filed, the school district clerk may not issue the Certificate of Election (EL-153) for the office in question until the recount has been completed and the time allowed for filing an appeal has passed. Wis. Stat. § 7.53(4).
 - a. An appeal of a recount determination may be filed in the circuit court within five business days after completion of the recount by the board of canvassers. Wis. Stat. § 9.01(6).
 - b. If an appeal is filed in the circuit court, the school district clerk shall not issue the Certificate of Election (EL-153) until after the appeal is decided. Wis. Stat. § 7.53(4).

Frequently Asked Questions

1. *When may the school district clerk issue certificates of election to winning candidates?*

The school district clerk shall issue certificates of election once the deadline for petitioning for a recount has passed, and there is no recount or litigation pending. The clerk may either mail or personally deliver the certificates to the winning candidates. Wis. Stat. § 7.53(4).

2. *May a person serve on the board of canvassers if that person is a candidate for an office to be canvassed by that board?*

No person may serve on the board of canvassers if that person is a candidate for an office being canvassed by the board. In case of a vacancy in a canvasser position other than the school district clerk's, the school district clerk designates another qualified elector of the school district to serve in place of the canvasser for that election. If the school district clerk is unable to participate in the canvassing, the other two board of canvass members designate a qualified elector of the school district to serve in lieu of the clerk for that election. Wis. Stat. § 7.53(3).

3. *May a relative of a candidate serve as a member of the board of canvassers?*

The WEC has concluded that the Ethics Code for Local Public Officials prohibits an election inspector from working at a specific election under circumstances in which a candidate's success or failure to win election would affect the inspector financially, including if a candidate is a spouse or immediate family member of the election inspector. *(Violations of the Ethics Code for Local Public Officials are enforced by local district attorneys. Therefore this opinion is advisory and is not binding on district attorneys who are responsible for making determinations based upon individual facts and circumstances.)*

4. *May the board of canvassers open a sealed ballot bag?*

During an open session of the board of canvassers, the board may open the bag to remove forms improperly placed in the ballot bag or to correct errors identified during the canvass process. The opening of bags should be clearly documented in the minutes and the bags must be resealed with a tamper-evident seal. The number of the new seal must be documented on the Ballot Bag Certificate (EL-101), in the minutes and on any security documentation.

5. *What happens if, on examination, any of the returns received are so informal or defective that the board cannot intelligently canvass them?*

If any information is incomplete or inaccurate (for example, if the number of votes does not match the number of voters on the poll list, there is no Inspectors' Statement, etc.) the board may dispatch messengers to obtain complete and correct information from inspectors and election inspectors may be called in to correct errors. Wis. Stats. §§ 7.53(3), 7.60(3).

6. *What happens if the board of canvassers determines that there is a tie vote for any seat?*

Section 120.02(3)(b) provides, "In case of a tie vote in the election of school board members, the election shall be determined by lot and the loser by lot shall become next in order of election if additional positions on the school board are to be filled." Similarly, section 5.01(4) provides:

- a. If two or more candidates for the same office receive the greatest, but an equal number of votes, the winner shall be chosen by lot in the presence of the board of canvassers charged with the responsibility to determine the election, or in the case of an election for state or national office or metropolitan sewerage commissioner, if the commissioner is elected under s. 200.09 (11) (am), in the presence of the chairperson of the elections commission or the chairperson's designee.
- b. If, in a primary, two or more candidates receive an equal but not the greatest number of votes so that only one of those candidates with equal votes may advance to the final election, the choice shall similarly be made by drawing lots.
- c. The candidates may, if all those tied for the same office are present, draw for themselves. Upon refusal or absence of any of the candidates, the board of canvassers shall appoint a competent person to draw, and upon the results declare and certify the winner.
- d. If a question is submitted to the electors and an equal number of votes are cast for and against adoption, the question fails adoption.

RECOUNTS

Summary

A recount is the exclusive remedy to test the right of a school board candidate to hold office based on the number of votes cast at an election. Wis. Stat. § 9.01(11), Any elector who voted on a referendum may request a recount of the referendum. Wis. Stat. § 9.01(1)(a). However, only an *aggrieved candidate* may request a recount of results for an office. An aggrieved candidate is defined as a candidate for an office whose total votes are within:

40 votes of the winner's total votes
(When **fewer than 4,000 votes** were cast for the office)

1% of the winner's total votes
(When **at least 4,000 votes** were cast for the office)

Wis. Stat. § 9.01(1)(a)5

There is no automatic recount, even if the unofficial results are very close. The Wisconsin Elections Commission (WEC) has prepared a detailed set of procedures for conducting recounts. School district clerks may obtain a copy of the *Election Recount Procedures* manual from the WEC website. A copy of the manual should be made available to all affected candidates and members of the board of canvassers.

Procedures

Recount Petition

Immediately after the election results are known, the school district clerk should determine whether there is a possibility of a recount. While clerks are not required to inform potential petitioners of their right to a recount, they should make every effort to have the information available to interested persons. It is important to provide all individuals with the same information. The best approach is to provide an interested person with as much information as possible.

The Wisconsin Elections Commission has developed a sample Recount Petition (EL-186) that is available on the WEC website.

1. The recount petition must be filed with the school district clerk or another person designated by the school district clerk no later than 5:00 p.m. on the third business day following certification by the board of canvassers.
2. The petition must be sworn under oath.
 - a. The petition may simply allege that the petitioner believes that a mistake was made in the conduct of the election. If the petitioner wants *specific* allegations of fraud or election irregularities investigated, they must set forth those allegations in the petition.

Wis. Stat. § 9.01(1)(a)1. and 2.

Determining Recount Fees

Determining if a filing fee is required depends on the total votes cast for the office and the difference between the total votes cast for the “leading candidate” and the total votes cast for the petitioner. Pursuant to Wis. Stat. § 9.01(1)(ag).

1. If 4,000 or fewer votes are cast:

No fee is required if the difference in the total votes cast between the leading candidate and those cast for the petitioner or between the affirmative and negative votes cast at a referendum is less than 10. If the difference is at least 10 votes, a fee is required.

Note: In a school district election where school board members are elected “at-large,” the “leading candidate” is the candidate who received enough votes to fill the last available position. For example, at a school board election where a voter is asked to select three candidates, the “leading candidate” would be the candidate who won the last seat (with the third-most votes), not the candidate who received the most votes.

2. If more than 4,000 votes are cast:

No fee is required if the difference in the total votes cast between the leading candidate and those cast for the petitioner or between the affirmative and negative votes cast at a referendum is no more than one quarter of one percent (.25%). If the difference is greater than .25%, the petitioner must pay a fee.

Note: In an election in which more than one office of the same type is to be filled from the same territory, the total votes cast for the office is

determined by dividing the total number of votes cast for the office by the number of offices to be filled. The difference between the total votes cast for the leading candidate and the petitioner is divided by the total votes cast for the office to calculate the percentage difference to determine when a fee is required. Wis. Stat. § 9.01(1)(ag)5.

When a fee is required, the cost of the recount should be estimated by the school district school district clerk and pre-paid by the petitioner in cash or in another form of payment acceptable to the filing officer at the time of filing the recount petition. Wis. Stat. § 9.01(1)(ag)3.

Conducting the Recount

The School District Board of Canvassers (SDBOC) shall convene as the recount board of canvassers (RBOC) no earlier than 9:00 a.m. on the day following delivery of notices to all candidates and no later than 9:00 a.m. on the day after the deadline for filing the petition for recount. Wis. Stat. § 9.01(1)(b).

1. The school district clerk may choose a substitute member to serve on the RBOC when an original member is unable to serve.
2. The RBOC must allow the candidates or their representatives to observe the proceedings and to raise any objections to the procedure of the recount or to the ballots on their merits. Wis. Stat. §9.01(ar)11.
3. The RBOC is responsible for ensuring that the recount is conducted in an orderly manner without interference by the candidates, their representatives, or the media.
4. Detailed minutes of the recount proceedings are required by Wis. Stat. §9.01(5):
 - a. The minutes must include a record of objections, all offers of evidence, all exhibits, and all specific findings of fact regarding any irregularity discovered during the recount.
 - b. A copy of the minutes of any recount must be provided to the filing officer and to the Wisconsin Elections Commission.
 - c. A sample format for keeping recount minutes is set out in the *Election Recount Procedures* manual.

Tabulating Method

Unless a court orders otherwise, Wisconsin law permits the RBOC to decide to tabulate the results of the recount either by hand or by using automatic tabulating equipment. The RBOC may also count by hand for some wards while using automatic tabulating equipment to tabulate other wards. Wis. Stat. § 5.90(1).

1. If using automatic tabulating equipment at the recount, the memory device used at the election may not be cleared and used at the recount. No memory device may be cleared or erased while a recount or appeal of a recount determination is pending, nor during the time when an appeal or petition for review may be filed, except by order of a court in which an appeal is pending. Wis. Stat. § 7.23(2)
2. The RBOC shall test any automatic tabulating equipment to be used before the recount. Wis. Stat. § 5.90(1).
3. Any candidate or any elector when voting at a referendum may, by the next day after the deadline for requesting a recount, petition the circuit court for an order requiring ballots to be counted by hand or by another method approved by the court. Wis. Stat. § 5.90(2).
4. If municipalities in the school district employ direct recording electronic (DRE) voting equipment, the RBOC shall perform the recount using the voter verified paper audit trail (VVPAT) cast by each elector, as generated by the equipment. Wis. Stat. § 5.90(1).

Appeals

1. An appeal of the recount determination may be filed in circuit court within five days after the completion of the recount. Wis. Stat. § 9.01(6).
2. The filing officer may not issue a certificate of election until the deadline for filing all appeals has passed and the election results are final. Wis. Stat. § 7.53(3) and (4).

Frequently Asked Questions

1. *If a recount fee is required, must it be collected before starting the recount?*

If the petitioner is required to pay a fee, the school district clerk must provide the petitioner with an estimate of the total cost of the recount and the petitioner must pay that amount at the time that they file the petition for the petition to be considered valid. If the actual cost of the recount is greater than the fee imposed, the petitioner shall pay any balance owed within 45 days after the school district clerk provides the petitioner with a written statement of the amount due. If the actual cost of the recount is less than the fee imposed, the school district clerk shall refund the balance within 45 days of the board of canvassers' final determination. Wis. Stat. § 9.01(1)(ad) and (ag).

2. *Are recount proceedings open to the public?*

Recounts are open to the public and require proper notice under the open meetings law. Participants and observers must be allowed to view and identify all materials and ballots. However, only members of the RBOC may touch any of the materials or ballots. The RBOC is responsible for ensuring the recount is conducted in an orderly manner and not interfered with by the candidates, their representatives, or the media. Wis. Stat. § 9.01(1)(b)11.

3. *Are candidates whose office is involved in recount required to be notified?*

The school district clerk is responsible for informing all candidates for the office being recounted of the time and location of the recount. The recount should not begin until the RBOC has determined that these notices have been given. Wis. Stat. § 9.01(1)(b).

RECALL ELECTIONS

Summary

Wisconsin law permits voters to recall elected officials under certain circumstances. A school district recall is an opportunity for voters to require elected school district officials to stand for election before the end of the official's term. No petition for recall of a school district official may be offered for filing before the expiration of one year after commencement of the current term of office for which the official is elected. The Wisconsin Elections Commission (WEC) staff has prepared a manual, *Recall of Local Elected Officials*, which can be found on the agency website. The recall petition process and recall elections are governed by Wis. Stat. § 9.10.

Procedures

Registration Required – Wis. Stat. § 9.10(2)(d)

1. Before a recall petition may be circulated, the individual or committee seeking the recall of an elected official must file a Campaign Finance Registration Statement (CF-1) with the filing officer.
2. The Campaign Finance Registration Statement (CF-1) must clearly indicate that the committee is registering as a recall committee and identify the official(s) it seeks to recall.
3. A statement of intent must be attached to the Campaign Finance Registration Statement (CF-1) form indicating:
 - a. The petitioner's intent to circulate a recall petition
 - b. The name(s) of the official(s) for whom recall is sought and the office the official holds
 - c. The reason for the recall which is related to the official responsibilities of the officeholder(s), the same reason must appear on the petition
4. No signature on a recall petition is valid until the Campaign Finance Registration Statement (CF-1) and a statement of reasons for the recall has been filed with the filing officer (school district clerk).

Number of Signatures Required – Wis. Stat. § 9.10(1)(b) and (c)

1. The school district clerk is required to determine the appropriate number of signatures and certify that amount to any interested person on request.
2. Recall petitions must contain signatures of qualified electors equal to at least 25% of the vote cast in the school district for the office of governor at the last gubernatorial election.

Sample Recall Petition (EL-170)

A sample Recall Petition (EL-170) has been prepared by the Wisconsin Elections Commission and is available on the agency website. Wis. Stat. § 9.10(2)(c) and (d) establish the following requirements for recall petitions of schoolboard members:

1. Any recall petition shall be identified by the words “RECALL PETITION” at the top of the form.
2. All recall petitions school district officials shall contain a statement of reasons for which the recall is sought. The reasons for the recall must be related to the officeholder’s official duties.
3. Petitions seeking recall of more than one elected official must be prepared and filed separately.

Circulation Time Period

A recall petition may be circulated after filing the Campaign Registration Statement (CF-1) and Intent to Circulate. Pursuant to Wis. Stat. § 9.10(2)(d):

1. The recall petition must be submitted or “offered for filing” no later than 5:00 p.m. on the 60th day commencing after registration. After the petition has been offered for filing with the school board clerk, no name may be added or removed.
2. Only signatures dated within the circulation period may be counted.

Candidate Eligibility – Wis. Stat. 9.10(4)(e)

1. The official against whom the petition is filed shall be a candidate at the recall election without nomination, unless the official resigns within ten days after the certification of the recall petition.
2. In order to have their names placed on the ballot at the recall election, candidates, other than the incumbent, must file Campaign Finance Registration Statements, declarations of candidacy and nomination papers containing sufficient signatures (if required in the school district) no later than 5:00 p.m. on the fourth Tuesday before the election.

Recall Primary – Wis. Stat. § 9.10(4)(f)

A recall primary will be held if more than two candidates compete for an office.

1. The names of the two candidates who receive the highest number of votes in the recall primary will be certified and printed on the ballot for the recall election.
2. A recall election will not be held if a candidate receives a majority (50% plus 1) of the votes at the recall primary.
3. Write-in votes are permitted only at a recall primary or at a recall election when no primary was required.

Recall Election

1. The recall election is held on the Tuesday of the sixth week after the recall petition is certified. Wis. Stat. § 9.10(4)(d).
2. If a primary is required, the primary is held on Tuesday of the sixth week after the recall petition is certified, and the recall election is held on Tuesday of the fourth week after the primary election. Wis. Stat. § 9.10(4)(g).

Frequently Asked Questions

1. *May individuals petition for recall if the office holder has been in office for less than one year in their current term?*

No petition for recall of an officer may be offered for filing before the expiration of one year after commencement of the term of office for which the officer is elected. The number of terms for which the officer has been elected is not relevant. A petition may be circulated before the expiration of one year (subsequent to registration) but may not be offered for filing until one year of the term of office has elapsed. Wis. Stat. § 9.10(2)(s).

2. *Are filing officers required to publish a notice for recall elections like all other elections?*

Recall elections are noticed, conducted, and canvassed like all other regular elections administered by the filing officer.

3. *Who may circulate recall petitions?*

Any U.S. citizen, age 18 years or older and not disqualified from voting under the impediments listed in Wis. Stat. § 6.03, may circulate recall petitions. The circulator does not need to live in the school district. Wis. Stat. §9.10(1)(a).

OTHER ELECTION MATERIALS

Cost of Elections

The following is breakdown of who is responsible for completing, and who pays for the costs of, certain election-related tasks and materials, pursuant to Wis. Stats. §§ 5.68, 7.03(1).

COST OF ELECTIONS				
Item	County Clerk is responsible <i>(for Federal, State, and County Elections and State and County Referenda)</i>	Municipal Clerk is responsible <i>(for Municipal Elections and Referenda)</i>	School Clerk is responsible <i>(for School District Elections and Referenda)</i>	Who Pays? <i>(See "Special Notes")</i>
<i>Polling Places</i>				
Establishing and changing Polling Places		✓		Municipality
<i>Notices</i>				
Type A	✓	✓	✓	Jurisdiction responsible - Can be prorated proportionately if notice is combined with other jurisdictions.
Type B	✓	✓	✓	Jurisdiction responsible - Can be prorated proportionately if notice is combined with other jurisdictions.
Type C	✓	✓	✓	Jurisdiction responsible
Type D		✓*	✓†	<i>Municipality</i> --Can be prorated proportionately if notice is combined with other jurisdictions. <i>School district for special⁺ school district election event.</i>
Type E		✓*	✓†	<i>Municipality</i> --Can be prorated proportionately if notice is combined with other jurisdictions. <i>School district for special⁺ school district election event.</i>
<i>Polling Place Notices</i>				
EL-111, EL-112, EL-114, EL-115, EL-116, EL-117, EL-118		✓		Municipality

COST OF ELECTIONS

Item	County Clerk is responsible <i>(for Federal, State, and County Elections and State and County Referenda)</i>	Municipal Clerk is responsible <i>(for Municipal Elections and Referenda)</i>	School Clerk is responsible <i>(for School District Elections and Referenda)</i>	Who Pays?
<i>Supplies</i>				
Absentee Ballot Mailing Envelopes, Certificate Envelopes and Postage		✓		Municipality
Used Certificate Env. of Absentee Elector (EL-103)	✓	•	❖	Jurisdiction responsible for providing materials
Certificate of Rejected Absentee Ballots Env. (EL-102)	✓	•	❖	Jurisdiction responsible for providing materials
Provisional Ballot Certificate Env. (EL-123)		✓		Municipality
Provisional Ballot Reporting Form (EL-123r)	✓	•	❖	Jurisdiction responsible for providing materials
Inspectors' Certificate of Provisional Ballots Env. (EL-108)	✓	•	❖	Jurisdiction responsible for providing materials
Inspectors' Statement (EL-104 & 104c)	✓	•	❖	Jurisdiction responsible for providing materials
Write-in Candidate tally sheet (modified EL-105) 2 per reporting unit	✓	✓	✓	Jurisdiction responsible for providing materials
Pre-printed registration list from WisVote		✓		Municipality-may be prorated proportionately among jurisdictions
Election Day Reg. Voter List & Supplemental List (EL-107)	✓	•	❖	Jurisdiction responsible for providing materials
Voter numbers	✓	•	❖	Jurisdiction responsible for providing materials- may be prorated proportionately among jurisdictions
“Return to County” “Return to Municipality” “Return to S.D,” Envs.		✓		Municipality

COST OF ELECTIONS				
Item	County Clerk is responsible <i>(for Federal, State, and County Elections and State and County Referenda)</i>	Municipal Clerk is responsible <i>(for Municipal Elections and Referenda)</i>	School Clerk is responsible <i>(for School District Elections and Referenda)</i>	Who Pays?
<i>Ballots & Associated Materials</i>				
Paper (Hand Count)	✓	✓	✓	Jurisdiction required to provide ballots
Optical Scan	✓	✓	✓	Prorated Proportionately among jurisdictions
Ballot Bags w/certificate (EL-101), ties/seals, “chain of custody” documentation	✓	✓	✓	Jurisdiction responsible (Where op scan ballots are used, cost is prorated proportionately among jurisdictions.)
<i>Labor</i>				
Election Inspectors, EROs, Tabulators SVDs		✓		Municipality for all regularly scheduled elections* OR jurisdiction calling special election.
Board of Canvassers, Tabulators	✓	✓	✓	Jurisdiction requiring canvass
Messengers		✓ (when delivering materials to county or school district)		Municipality
	✓ (when delivering materials back to municipality)		✓ (when delivering materials back to municipality)	Jurisdiction delivering materials
<i>Equipment (Voting Machines/Systems, ballot boxes, voting booths, pens, pencils)</i>				
Voting Machines/Systems, ballot boxes, voting booths, pens, pencils		✓		
Set up of machines (moving machines from one place to another)		✓		Municipality
Maintenance of machines (making sure machines are in good repair; repairing when break down occurs)		✓		Municipality
Preparation and programming of electronic voting systems	✓			Jurisdiction Responsible (When programming includes municipal or other district offices, the municipality or district pays proportionately.)

- **Municipal Clerk** supplies (and pays for) when there are no federal, state or county elections.
- ❖ **School Clerk** supplies (and pays for) when there are no federal, state, county or municipal elections.

Special Notes:

- If no other level of government is involved in a school or special district election, *whether regularly scheduled election* or special election†*, the district shall pay for all costs of the ballots, supplies, notices and other materials. Wis. Stat. § 5.68(2).
- When a county, school district, or special purpose district holds a special election *at a time other than a regularly scheduled election**, all costs of the election are the responsibility of the jurisdiction calling the special election (all costs of the ballots, supplies, notices and other materials, *including* the cost of the polling place and election inspector(s). Wis. Stat. §§ 5.68(2), (5), 7.03(1)(bm).

* Regularly scheduled elections are the February spring primary and April spring election and, in even-numbered years, the August partisan primary and November general election.

† A Special Election is an election scheduled outside the four regularly scheduled election days. Wis. Stat. § 5.02(19).

Destruction of Materials – Wis. Stat. § 7.23

The following chart is designed to assist school district clerks in determining when to destroy election materials. Materials and supplies associated with an election may be destroyed according to the following chart unless there is a recount, notice of an election contest, or any contest or litigation pending with respect to the election. For specific dates please see the *Calendar of Election and Campaign Events* from the Wisconsin Elections Commission.

Materials	Destruction Date
Unused ballots	3 business days after all canvasses are completed for an election (unless a petition for recounts is filed, in which case the materials must be retained).
Voted Ballots (state, county, local offices)	30 days after an election
Forms associated with the election such as tally sheets, Inspectors' Statements (EL-104), Declarations of Candidacy (EL-162sd), and nomination papers	90 days after an election
Official canvass statements	10 years after an election
Election notices	1 year after the election
Proofs of publication of notices and correspondence relative to publications	1 year after the election
Notifications of Noncandidacy (EL-163)	6 years after termination by the registrant

Electronic Conversion of Election Records

The Legislature, in Wis. Stat. § 7.23, established a schedule for the destruction of election materials, but it did not provide in that statute, or in any other elections statute, a schedule or timetable for the conversion of elections records from “hard-copy” to electronic format or to microfiche.

The statute that authorizes the conversion of hard copies, Wis. Stat. § 19.21(4)(c), reads as follows:

(c) Any local governmental unit or agency may provide for the keeping and preservation of public records kept by that governmental unit through the use of microfilm or another reproductive device, optical imaging or electronic formatting. A local governmental unit or agency shall make such provision by ordinance or resolution. Any such action by a subunit of a local governmental unit or agency shall be in conformity with the action of the unit or agency of which it is a part. Any photographic reproduction of a record authorized to be reproduced under this paragraph is deemed an original record for all purposes if it meets the applicable standards established in §§ 16.61 (7) and 16.612. This paragraph does not apply to public records kept by counties electing to be governed by Chapter 228.

At its July 18, 2007 meeting, the former State Elections Board formally adopted the recommendation that counties or municipalities who convert their elections or campaign finance records from paper or “hard-copy” to microfilm or electronic format must retain the “hard copies” of those records for at least two years after the election immediately following the creation of those records, or for that period of time requested by the district attorney for that county or whose jurisdiction includes that municipality.

