



State of Wisconsin
2023 - 2024 LEGISLATURE

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2023 ASSEMBLY BILL 1067

February 2, 2024 - Introduced by Representative GUNDRUM. Referred to Committee on Campaigns and Elections.

AN ACT *to repeal* 8.05 (1), 8.05 (3) (c), 8.05 (4) (d), 8.50 (3) (d), 11.1205 (1) (a) 3. and 60.24 (3) (b); and *to amend* 8.05 (3) (a), 8.05 (4) (a), 8.05 (6), 8.10 (3) (ks), 8.11 (1m) (a), 10.06 (3) (bm), 11.0101 (1) (a) 2., 19.42 (3s), 19.42 (4), 19.43 (4), 61.193 (2), 117.22 (2) (d), 120.06 (6) (a), 120.06 (6) (b) 2., 120.06 (6) (b) 3., 120.06 (6) (b) 4. and 120.06 (7) (a) of the statutes; **relating to:** the filing of nomination papers by certain candidates for local elective office.

Analysis by the Legislative Reference Bureau

Under current law, a town or village may provide that candidates for a town or village elective office may be nominated at a caucus, rather than by filing nomination papers. This bill eliminates that caucus option and requires the filing of nomination papers for all town and village elective offices.

Also under current law, certain school districts may, but are not required to, provide for the filing of nomination papers by candidates for the school board. This bill requires that nomination papers be filed by all candidates for election to the school board.

ASSEMBLY BILL 1067**SECTION 1**

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 8.05 (1) of the statutes is repealed.

SECTION 2. 8.05 (3) (a) of the statutes is amended to read:

8.05 (3) (a) ~~In lieu of sub. (1), the electors either by referendum or at the town meeting may provide for nomination of elective~~ Elective town office candidates shall be nominated at a nonpartisan primary conducted as provided in sub. (5). The nomination papers shall be signed by not less than 20 nor more than 100 electors of the town. The nomination papers shall be circulated not sooner than December 1 preceding the election and shall be filed with the town clerk not later than 5 p.m. the first Tuesday in January, or the next day if Tuesday is a holiday.

SECTION 3. 8.05 (3) (c) of the statutes is repealed.

SECTION 4. 8.05 (4) (a) of the statutes is amended to read:

8.05 (4) (a) If a primary is provided for the nomination of candidates for elective village offices under s. 8.11 (1m) (b) or (c), candidates for those offices shall file nomination papers. In any other case, ~~a majority of the governing body of any village may provide that~~ candidates for elective village office shall be nominated by nomination papers. ~~Determination of the governing body to provide for nomination of candidates by nomination papers shall be made not later than December 1 preceding the election. If nomination by nomination papers is not provided for under this paragraph and no primary is provided for under s. 8.11 (1m) (b) or (c), a village shall nominate candidates by caucus.~~

ASSEMBLY BILL 1067**SECTION 5**

SECTION 5. 8.05 (4) (d) of the statutes is repealed.

SECTION 6. 8.05 (6) of the statutes is amended to read:

8.05 (6) MENOMINEE COUNTY. In counties containing only one town candidates shall be nominated for the office of supervisors at large and by wards, and all applicable provisions of this section shall apply to their selection. ~~In selecting the candidates for ward supervisor by caucus, the candidates for each ward shall be selected separately, and only those electors shall participate in each as are residents of that ward.~~ Any ward candidate seeking nomination ~~by the circulation of nomination papers~~ shall incorporate in the candidate's nomination papers a statement that the signers are qualified electors of that ward.

SECTION 7. 8.10 (3) (ks) of the statutes is amended to read:

8.10 (3) (ks) For school district officer in any school district which does not contain territory lying within a 1st or 2nd class city, ~~if nomination papers are required under s. 120.06 (6) (a),~~ not less than 20 nor more than 100 electors.

SECTION 8. 8.11 (1m) (a) of the statutes is amended to read:

8.11 (1m) (a) ~~If a village has provided under s. 8.05 (4) (a) for the filing of nomination papers by candidates for village offices for a specific election, the~~ The governing body of the village may, no later than 3 days after the deadline for filing nomination papers, provide for nomination of candidates for village offices at the spring primary.

SECTION 9. 8.50 (3) (d) of the statutes is repealed.

SECTION 10. 10.06 (3) (bm) of the statutes is amended to read:

10.06 (3) (bm) As soon as possible following the municipal canvass of the

ASSEMBLY BILL 1067**SECTION 10**

primary vote ~~or the qualification of the candidates under s. 8.05 (1) (j) when a municipal caucus is held~~, if there is to be an election for a county or state office or a county or statewide referendum, but no later than 3 days after such date, the municipal clerk of each municipality in which voting machines or ballots containing the names of candidates for both local offices and national, state or county offices are used shall certify the list of candidates for municipal office and municipal referenda appearing on the ballot to the county clerk, unless the municipality prepares its own ballots under s. 7.15 (2) (c).

SECTION 11. 11.0101 (1) (a) 2. of the statutes is amended to read:

11.0101 (1) (a) 2. Is nominated as a candidate for state or local office ~~by a caucus under s. 8.05 (1) or~~ by a political party and the nomination is certified to the appropriate filing officer.

SECTION 12. 11.1205 (1) (a) 3. of the statutes is repealed.

SECTION 13. 19.42 (3s) of the statutes is amended to read:

19.42 (3s) “Candidate for local public office” means any individual who files nomination papers and a declaration of candidacy under s. 8.21 ~~or who is nominated at a caucus under s. 8.05 (1)~~ for the purpose of appearing on the ballot for election as a local public official or any individual who is nominated for the purpose of appearing on the ballot for election as a local public official through the write-in process or by appointment to fill a vacancy in nomination and who files a declaration of candidacy under s. 8.21.

SECTION 14. 19.42 (4) of the statutes is amended to read:

19.42 (4) “Candidate for state public office” means any individual who files

ASSEMBLY BILL 1067**SECTION 14**

nomination papers and a declaration of candidacy under s. 8.21 ~~or who is nominated at a caucus under s. 8.05 (1)~~ for the purpose of appearing on the ballot for election as a state public official or any individual who is nominated for the purpose of appearing on the ballot for election as a state public official through the write-in process or by appointment to fill a vacancy in nomination and who files a declaration of candidacy under s. 8.21.

SECTION 15. 19.42 (4) of the statutes is amended to read:

19.42 (4) “Candidate for state public office” means any individual who files nomination papers and a declaration of candidacy under s. 8.21 ~~or who is nominated at a caucus under s. 8.05 (1)~~ for the purpose of appearing on the ballot for election as a state public official or any individual who is nominated for the purpose of appearing on the ballot for election as a state public official through the write-in process or by appointment to fill a vacancy in nomination and who files a declaration of candidacy under s. 8.21.

SECTION 16. 19.43 (4) of the statutes is amended to read:

19.43 (4) A candidate for state public office shall file with the commission a statement of economic interests meeting each of the requirements of s. 19.44 (1) no later than 4:30 p.m. on the 3rd day following the last day for filing nomination papers for the office which the candidate seeks, or no later than 4:30 p.m. on the next business day after the last day whenever that candidate is granted an extension of time for filing nomination papers or a declaration of candidacy under s. 8.05 (1)(j), 8.10 (2) (a), 8.15 (1), or 8.20 (8) (a); ~~no later than 4:30 p.m. on the 5th day after notification of nomination is mailed or personally delivered to the candidate by~~

ASSEMBLY BILL 1067**SECTION 16**

~~the municipal clerk in the case of a candidate who is nominated at a caucus;~~ or no later than 4:30 p.m. on the 3rd day after notification of nomination is mailed or personally delivered to the candidate by the appropriate official or agency in the case of a write-in candidate or candidate who is appointed to fill a vacancy in nomination under s. 8.35 (2) (a). The information contained on the statement shall be current as of December 31 of the year preceding the filing deadline. Before certifying the name of any candidate for state public office under s. 7.08 (2) (a), the elections commission, municipal clerk, or board of election commissioners shall ascertain whether that candidate has complied with this subsection. If not, the elections commission, municipal clerk, or board of election commissioners may not certify the candidate's name for ballot placement.

SECTION 17. 60.24 (3) (b) of the statutes is repealed.

SECTION 18. 61.193 (2) of the statutes is amended to read:

61.193 (2) Except as provided in sub. (3), and subject to s. 61.32, the compensation for an elective village office shall be established before the earliest time for filing nomination papers for the office ~~or, if nomination papers are not used, before the caucus date determined under s. 8.05 (1) (a).~~ After that time or date, no change may be made in the compensation for the office that applies to the term of office for which the deadline or date applies. The compensation established for an elective office remains in effect for ensuing terms unless changed.

SECTION 19. 117.22 (2) (d) of the statutes is amended to read:

117.22 (2) (d) At least 12 weeks prior to the date of the election, the school district clerk shall publish a type A notice of the school board election, under s.

ASSEMBLY BILL 1067**SECTION 19**

10.01 (2) (a). No later than 5 p.m. on the date 10 weeks prior to the election, any qualified elector of the school district created by the reorganization may file with the school district clerk a sworn declaration of candidacy for the school board and, ~~if required,~~ nomination papers, as provided under s. 120.06 (6) (b). For purposes of this paragraph, a candidate who resides in the territory of the school district created pursuant to a reorganization under s. 117.105 and is otherwise a qualified elector shall be considered a qualified elector for a school board election under par. (bm). A candidate shall file an amended declaration with the school district clerk as provided in s. 120.06 (6) (b) 5. Within 8 days after the first election in the newly created school district, the school district clerk shall notify the successful candidates of their election. On the 2nd Tuesday following the election, the clerk shall administer or receive the official oath and the newly elected members shall take office.

SECTION 20. 120.06 (6) (a) of the statutes is amended to read:

120.06 (6) (a) ~~In a school district which does not contain territory lying within a 2nd class city, the school board may, or in a common or union high school district the school board or annual meeting may, by resolution adopted not later than the last Tuesday in November preceding an election for members of the school board, require that nomination~~ Nomination papers shall be filed by all candidates seeking election to the school board. ~~If the school board or annual meeting has previously required the filing of nomination papers in such a school district, the body imposing the requirement may, by similar resolution adopted not later than the last Tuesday~~

ASSEMBLY BILL 1067**SECTION 20**

~~in November preceding an election for members of the school board, rescind the requirement.~~

SECTION 21. 120.06 (6) (b) 2. of the statutes is amended to read:

120.06 (6) (b) 2. Except as authorized in this paragraph, no later than 5 p.m. on the first Tuesday in January prior to the spring election, or on the next day if Tuesday is a holiday, any qualified elector of the school district may file a sworn declaration of candidacy with the school district clerk in the form provided in s. 8.21 at the place specified in the notice. ~~If the school district contains territory lying within a 2nd class city, or if the school board or annual meeting requires nomination papers under par. (a), any~~ Any qualified elector of the school district who desires to be a candidate shall in addition file nomination papers in the form prescribed under s. 8.10 (2) and (3) with the school district clerk at the place specified in the notice.

SECTION 22. 120.06 (6) (b) 3. of the statutes is amended to read:

120.06 (6) (b) 3. If an incumbent fails to file a declaration of candidacy, and nomination papers, ~~where required,~~ within the time prescribed by this paragraph, all candidates for the office held by the incumbent, other than the incumbent, may file a declaration of candidacy and nomination papers, ~~where required,~~ no later than 72 hours after the latest time prescribed in this paragraph. No extension of the time for filing a declaration of candidacy or nomination papers applies if the incumbent files written notification with the school district clerk, no later than 5 p.m. on the 2nd Friday preceding the latest time prescribed in this paragraph for filing declarations of candidacy, that the incumbent is not a candidate for reelection

ASSEMBLY BILL 1067**SECTION 22**

to his or her office, and the incumbent does not file a declaration of candidacy for that office within the time prescribed in this paragraph.

SECTION 23. 120.06 (6) (b) 4. of the statutes is amended to read:

120.06 **(6)** (b) 4. In the case of a 3-member school board, the qualified elector shall state in his or her declaration of candidacy and on the face of his or her nomination papers, ~~if any,~~ the office for which the elector is a candidate. In the case of an apportioned or numbered school board, the qualified elector shall state in his or her declaration of candidacy and on the face of his or her nomination papers, ~~if any,~~ the apportioned area or numbered seat for which the elector is a candidate.

SECTION 24. 120.06 (7) (a) of the statutes is amended to read:

120.06 **(7)** (a) No later than 5 p.m. on the 2nd Tuesday in January, the school district clerk shall verify the declarations of candidacy and certify the names of candidates who have filed valid nomination papers, ~~where required,~~ and who qualify for office. In making verifications or certifications, the school district clerk shall designate the form of each candidate's name to appear on the ballot in the manner prescribed in s. 7.08 (2) (a). Once filed, a declaration of candidacy or nomination papers may not be withdrawn.

SECTION 25. Initial applicability.

(1) This act first applies to the April 1, 2025, election.

(END)