



CANDIDATE'S HANDBOOK



**Running for
Public Office**



REV. 12/2019

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A. NECESSARY FORMS

All of the following forms must be completed and filed on time for candidates running for municipal office (Mayor, Municipal Judge, and Alderperson) in order for the candidate's name to be placed on the ballot for the Spring Primary and/or Spring General Election §8.10:

- Campaign Registration Statement (ETHCF-1)
- Declaration of Candidacy (EL-162)
- Nomination Paper for Nonpartisan Office (EL-169)

The filing officer is the City Clerk for municipal offices and candidates should contact the City Clerk (796-6653) with any questions.

Filing Timelines

Prior to announcing your candidacy for office and/or collecting or disbursing funds for campaign purposes, you must file a Campaign Registration Statement and Declaration of Candidacy in the City Clerk's Office.

You may NOT begin circulating Nomination Papers until December 1, and the deadline for filing nomination papers is 5:00 p.m. on the first Tuesday in January.

Forms

1. **Campaign Registration Statement, Form ETHCF-1.** Candidates should file a Campaign Registration Statement as soon as the intent to seek elective office is known, and before any funds are collected or spent. All candidates should file a Campaign Registration Statement or amended statement before they begin to circulate nomination papers on December 1.

2. **Nomination Papers, Form EL-169.** Nomination papers may be circulated any time after December 1, and after the candidate has filed a Campaign Registration Statement with the City Clerk. Signers must include their complete signature, complete address, and date of signing. Each Nomination Paper must be signed by the Circulator after all signatures on the page have been collected. Nomination papers should not be left unattended, but personally circulated by the person who signs as the Circulator. The instructions for the completion of the Nomination Papers are on the back of each paper and should be followed carefully.

The numbers of signatures required are as follows:

- Alderperson 20 – 40
- Mayor, Municipal Judge 200 – 400

It is important to secure more than the minimum number of signatures just in case some signatures are declared invalid and removed from the count.

3. **Declaration of Candidacy, EL-162.** This form must be filed with the City Clerk no later than the deadline for filing Nomination Papers. The candidate must indicate how their name should appear on the official ballot. This form must be sworn to and signed in the presence of a notary or person authorized to administer oaths, such as the Municipal Clerk.

4. **Notification of Noncandidacy, EL-163.** The purpose of this form is to notify the filing officer and the electorate of an incumbent officeholder's intent NOT to seek re-election to the same office, and to avoid an extension of the deadline for filing nomination papers.

Incumbent officeholder's who do not intent to seek re-election to the same office should file the Notification of Noncandidacy no later than 5:00 p.m. on the second Friday preceding the deadline for filing nomination papers.

5. **Campaign Finance Report ETHCF-2L.** This form discloses the financial activity of the registrant. Unless an exemption is filed on the Registration Form ETHCF-1, the law requires filing reports for disclosure of income, disbursements, and incurred obligations. This information is required to be placed on separate schedules of the campaign finance report. All forms can be found at: <https://ethics.wi.gov/Pages/CampaignFinance/Forms.aspx>. For more detailed information on filing requirements, candidates should refer to the *Campaign Finance Laws for Local Candidates* available on the State of Wisconsin Ethics Commission website at: <https://ethics.wi.gov/Pages/CampaignFinance/Candidates.aspx>.

Following the submittal of all of the above forms to the City Clerk, the forms will be checked for validity. For each election, the municipal clerk will draw the candidate's names by lot for order placement on the ballot.

B. SIGN RESTRICTIONS

Political Signs

Political and campaign signs are subject to the following regulations per Section 15.16.280 (D) of the Municipal Code.

1. The sign area of a political sign displayed in other than residential zoning districts shall not exceed thirty-two (32) square feet. The sign area of such signs displayed in residential zoning districts shall not exceed six square feet. In any zoning district, such signs may be freestanding and shall not exceed six feet in height.
2. Political signs shall not be displayed on any building or grounds that are owned, operated or maintained by any public agency, or on any city owned post or traffic control device or on any pole, post or appurtenance owned or operated by any utility. Such signs shall be located only on private property with the owner's consent. Where the land is vacant, such consent shall be indicated by the owner's signature on the sign or verified verbally or in writing by owner to inspection services staff. One sign per candidate or matter shall be allowed on each street which the individual property abuts. A sign may be single- or double-faced.
3. Any illegal signs or unusable signs due to wear, tear or damage shall be removed without notice by the director of administration.
4. No permit shall be required for political signs.

Since it is not always easy to determine where the City right-of-way is, signs may be placed at least ten feet off the pavement as long as the rest of the regulations are met. Please be aware that the City of Brookfield has a number of State Highways that run through it. The State does not permit signage in the State right of way. The Clerk's office and the rest of the City officers responsible for enforcement will attempt to work with all candidates. We would appreciate all candidates to make an effort to abide by the regulations. If we find sufficient violations are occurring, we will ask the police department to cite the offending candidate.

We also ask that political signs be removed promptly following the election.

C. CAMPAIGN FINANCING (§ Chapter 11)

<https://docs.legis.wisconsin.gov/statutes/statutes/11>

Contribution Limits:

(1) INDIVIDUAL LIMITS. An individual may contribute to a candidate no more than the following amounts specified for the candidate whose nomination or election the individual supports:

§11.1101 (1) (h) Candidates for local offices, an amount equal to the greater of the following:

1. Five hundred dollars.
2. Two cents times the number of inhabitants of the jurisdiction or district, according to the latest federal census or the census information on which the district is based, as certified by the appropriate filing officer, but not more than \$6,000.

Clerk's Calculation of Formula: $37,920 \text{ census} \times .02 = \758.40 for citywide candidates

Approx: $5,417 \text{ per dist} \times .02 = \108.34 so the greater of \$500 for district candidates

Candidates are exempt from filing a Campaign Finance Reports (ETHCF-2) if they meet the following criteria:

1. The candidate anticipates that he/she will not accept contributions, make disbursements, or incur loans and other obligations in an aggregate amount exceeding \$2,000 in a calendar year.

2. The candidate anticipates that he/she will not accept any contribution or cumulative contributions from a single source, as indicated above, in a calendar year.

3. The candidate or treasurer signs and dates the request for exemption on the Campaign Registration Statement.

The limit on contributions from a single source does not apply to contributions from a candidate's personal funds for his/her own campaign if the candidate's contributions total \$2,000 or less in a calendar year.

When the candidate is exempt, he/she is not required to file any Campaign Finance Reports. However, the candidate or treasurer is required to keep financial records adequate to meet the requirements of campaign finance law. This means that a record must be kept of all contributions to the committee and of all expenditures made.

A candidate who is exempt from filing campaign finance reports may use a personal account as the campaign depository. A separate campaign depository account is not required, however be aware that your campaign account is subject to open records requests so having a separate account may be preferable.

If a decision is made at a later date to exceed the \$2,000 limit on contributions and disbursements, or to raise more than \$500 from a single source for the campaign during a calendar year, the candidate must amend the campaign registration statement immediately.

The Campaign Finance Report (ETHCF-2L), for contributions of \$2,000 or more, can be downloaded from the Wisconsin Ethics Commission website at:
<https://ethics.wi.gov/Pages/CampaignFinance/Forms.aspx>

D. ELECTION DAY CAMPAIGN RESTRICTIONS **(§ Chapter 12.03 and 12.04)**

In addition to state law, the Brookfield Municipal Code restricts electioneering.

2.16.050 Election day campaigning restricted.

- A. No election official may engage in electioneering on election day.
- B. No person may engage in electioneering during polling hours on election day within one hundred (100) feet of an entrance to a building containing a polling place.
- C. The city clerk, election inspector or law enforcement officer of the city may remove signs or posters or other advertising which is placed in violation of this section.
- D. For purposes of this section, “electioneering” means any activity which is intended to influence voting at an election, but shall not include the placement of signs or posters or other advertising on private real estate/property. (Ord. 2131-08 § 1 (part), 2008)

Prohibited Election Practices can be found in Chapter 12 of the Wisconsin Statutes: <https://docs.legis.wisconsin.gov/statutes/statutes/12>

E. DISCLAIMERS **(§ Chapter 11.30)**

Every communication which is paid for by political funds or private funds to influence an election must contain a disclaimer or attribution statement identifying the source of the funds paying for the communication. This includes every printed advertisement, billboard, handbill, unofficial sample ballot, television or radio advertisement or other communication paid for by political funds. Disclaimers should be included on each piece of material of political communication, including letterhead and enclosures. Disclaimers should also be on items such as T-shirts, bumper stickers and yard signs. The disclaimer **must** use the words "**Paid for by**" (abbreviations should not be used for this language or the name of a candidate or campaign committee) followed by the name of the committee or group making the payment or assuming responsibility for the communication and the name of the treasurer or other authorized agent. When the communication is being paid for through an in-kind contribution, it must bear the disclaimer of the recipient campaign committee.

No disclaimer is required on:

1. Personal correspondence not reproduced by machine for distribution.
2. A single personal item which is not reproduced or manufactured by machine or other equipment.
3. Nomination Papers even if the papers contain biographical information.
4. Pins, buttons, pens, balloons, nail files and similar small items on which a disclaimer cannot be conveniently printed.
5. Envelopes which have campaign committee identification printed on them.

Formats for Disclaimers

When a communication is paid for by a candidate without a committee, or paid for by an individual, the disclaimer should read: "**Paid for by Mary Smith**".

When the communication is paid for by the campaign committee of a candidate or by a political committee, the disclaimer should read: "**Paid for by Friends of Mary Smith for Mayor, John Jones, Treasurer**" or "**Paid for by the Committee for Voters, John Jones, Treasurer**".

When the communication is an independent expenditure, either supporting or opposing a candidate, the disclaimer should read: "**Paid for by the Committee for Voters, John Jones, Treasurer. Not authorized by any candidate or candidate's agent or committee**".

F. ELECTION BRIBERY (§ Chapter 12.11)

12.11 Election bribery.

12.11(1)(1) In this section, "anything of value" includes any amount of money, or any object which has utility independent of any political message it contains and the value of which exceeds \$1. The prohibitions of this section apply to the distribution of material printed at public expense and available for free distribution if such materials are accompanied by a political message.

12.11(1m) (1m) Any person who does any of the following violates this chapter:

12.11(1m)(a) (a) Offers, gives, lends or promises to give or lend, or endeavors to procure, anything of value, or any office or employment or any privilege or immunity to, or for, any elector, or to or for any other person, in order to induce any elector to:

12.11(1m)(a)1. 1. Go to or refrain from going to the polls.

12.11(1m)(a)2. 2. Vote or refrain from voting.

12.11(1m)(a)3. 3. Vote or refrain from voting for or against a particular person.

12.11(1m)(a)4. 4. Vote or refrain from voting for or against a particular referendum; or on account of any elector having done any of the above.

12.11(1m)(b) (b) Receives, agrees or contracts to receive or accept any money, gift, loan, valuable consideration, office or employment personally or for any other person, in consideration that the person or any elector will, so act or has so acted.

12.11(1m)(c) (c) Advances, pays or causes to be paid any money to or for the use of any person with the intent that such money or any part thereof will be used to bribe electors.

12.11(2) (2) This section applies to any convention or meeting held for the purpose of nominating any candidate for any election, and to the signing of any nomination paper.

12.11(3)(a)(a) This section does not prohibit a candidate from publicly stating his or her preference for or support of any other candidate for any office to be voted for at the same election. A candidate for an office in which the person elected is charged with the duty of participating in the election or nomination of any person as a candidate for office is not prohibited from publicly stating or pledging his or her preference for or support of any person for such office or nomination.

12.11(3)(b) (b) This section does not apply to money paid or agreed to be paid for or on account of authorized legal expenses which were legitimately incurred at any election.

12.11(3)(c) (c) This section does not apply where an employer agrees that all or part of election day be given to its employees as a paid holiday, provided that such policy is made uniformly applicable to all similarly situated employees.

12.11(3)(d) (d) This section does not prohibit any person from using his or her own vehicle to transport electors to or from the polls without charge.

12.11(3)(e) (e) This section does not apply to any promise by a candidate to reduce public expenditures or taxes.

(For Example: The limit is \$1 not including the campaign message. For Example: you are giving away pencils with your "Vote for Me" on it. If the pencil cost 5 cents and the advertising on it is \$2, then that is acceptable. If the pencil cost \$2.00 and the advertising is a nickel then that is not acceptable.)

Violation of Chapter 12.11 is a Class I felony: For a **Class I felony**, a fine not to exceed \$10,000 or imprisonment not to exceed 3 years and 6 months, or both.