



# SCHOOL DISTRICT ELECTION SCHEDULE

**2021 Spring Election**



*Supporting, Promoting and Advancing Public Education*

# SCHEDULE AT-A-GLANCE

2021 SPRING ELECTION

## NOVEMBER 2020

- |                |  |
|----------------|--|
| 24             | • Deadline for Publication of Type A Notice of Election  |
| On or About 24 | • Prepare Packet of Information for Potential Candidates |

## DECEMBER

- |                |   |
|----------------|---|
| 1              | • Earliest Date for Circulation of Nomination Papers, If Required<br>(NOTE: Nomination Papers Are <u>Not</u> Required in Many School Districts) |
| 1 - Jan. 5     | • Most Candidates Will File Campaign Registration Statements, Declarations of Candidacy, and Nomination Papers (If Required) during this Period |
| 28             | • Deadline for Incumbents to File Notice of Noncandidacy (5:00 p.m.)  |
| On or About 31 | • Clerk Notifies Non-Exempt Committees of Deadline for Filing Campaign Finance January Continuing Report (for Period Ending December 31)        |

## JANUARY 2021

- |                 |  |
|-----------------|--|
| On or After 1   | • Eligible Candidate Committees May Claim/Renew Reporting Exemption for 2020   |
| 5               | • Candidate Deadline for Filing All Documents Needed to Establish Eligibility to Appear on the Ballot (5:00 p.m.)<br>• Clerk Makes Initial Determination of Candidates' Eligibility for Ballot |
| 12              | • Drawing of Lots for Ballot Order; Certify Ballot Eligibility to County Clerk(s)<br>• When a Primary is Required, Notice to Municipal Clerks of Primary Election                              |
| 15              | • Deadline for Non-Exempt Committees to File January Continuing Report   |
| 16              | • Clerk Performs Duties with Respect to Campaign Finance Reports that Have Been Filed or that Are Delinquent   |
| On or Before 25 | • If Primary Election is Being Held, Provide Municipal Clerk with Ballots (If Separate Paper Ballots Are Utilized)   |
| On or About 29  | • If Primary Election is Being Held, Clerk Notifies Non-Exempt Committees of Deadline for Filing Preprimary Campaign Finance Report  |

## FEBRUARY

- |                 |  |
|-----------------|--|
| 2 - 8           | • Deadline for Non-Exempt Committees to File Preprimary Report   |
| 9               | • Clerk Performs Duties with Respect to Campaign Finance Reports that Have Been Filed or that Are Delinquent |
| 12              | • Write-in Candidate Registration Deadline for Primary Election  |
| On or Before 15 | • If Primary Election is Being Held, Choose Board of Canvassers  |
| 15              | • If Primary Election is Being Held, Notice of Primary Election  |
| 16              | • Spring Primary Election  |
| On or About 16  | • If Primary Election Held, Issue Open Meetings Law Notice of Board of Canvassers Meeting(s)                 |
| On or About 17  | • If Primary Election Held, Receipt of Election Materials and Related Duties                                 |

## **FEBRUARY** *(continued)*

- On or About 17 - 23
  - If Primary Election Held, Canvass of Primary Returns and Written Determination of Primary Results
- On or About 17 - 26
  - If Primary Election Held, Recount Request May Be Filed
- On or About 19 - 26
  - If Primary Election Held, Drawing of Lots for Ballot Order
  - If Primary Election Held, Certify Nominations and Ballot Order to County Clerk(s)

## **MARCH**

- On or Before 15
  - Provide Municipal Clerk with Ballots (If Separate Paper Ballots Are Utilized)
- On or About 19
  - Clerk Notifies Non-Exempt Committees of Deadline for Filing Preelection Campaign Finance Report
- 23 - 29
  - Deadline for Non-Exempt Committees to File Preelection Report
- 30
  - Clerk Performs Duties with Respect to Campaign Finance Reports that Have Been Filed or that Are Delinquent

## **APRIL**

- 2
  - Write-in Candidate Registration Deadline for Spring Election
- On or Before 5
  - Choose Board of Canvassers
- 5
  - Notice of Spring Election
- 6
  - Spring Election
- On or About 6
  - Issue Open Meetings Law Notice of Board of Canvassers Meeting(s)
- After 6
  - Campaign Committees May File Campaign Finance Termination Report
- On or About 7
  - Receipt of Election Materials and Other Related Duties
- 7 - 13
  - Canvass of Election Returns and Written Determination of Election Results
- On or About 7 - 16
  - Recount Request May Be Filed
- On or About 7 - 16
  - Clerk Issues Certificate(s) of Election
  - Clerk Notifies Municipal and County Clerks of School District Officers
- On or Before 26
  - School Board Members Take and File Official Oath
- 26
  - School Board Members Take Office
- 26 - May 26
  - Election of School Board Officials (i.e. Board Officers)

## **JUNE**

- On or About June 30
  - Clerk Notifies Non-Exempt Committees of Deadline for Filing Campaign Finance July Continuing Report (for Period Ending June 30)

## **JULY**

- 15
  - Deadline for Non-Exempt Committees to File July Continuing Report
- 16
  - Clerk Performs Duties with Respect to Campaign Finance Reports that Have Been Filed or that Are Delinquent

# WASB School District Election Schedule

## 2021 Spring Election

The Wisconsin Association of School Boards (WASB) has prepared the *School District Election Schedule* as a reference for common, union high, and unified school districts for use throughout the upcoming primary and election season. The main sections of this publication are the following:

- **2021 Spring Election Schedule At-A-Glance**  
(a convenient and concise list of critical dates and events)
- **Part I: Overview of Ballot Access Documents**
- **Part II: Key Tasks and Deadlines Organized by Date**
- **Part III: List of Elections Commission and Ethics Commission Forms**  
(electronically linked in the PDF edition of this publication, which is available to WASB members on the WASB website)

In addition to contacting the WASB with election-related questions, districts are encouraged to contact their county and municipal clerks and the Elections Commission (608-266-8005) for information on local rules, operational matters, and related issues. Specific questions about campaign finance can be directed to the Ethics Commission (608-266-8123). School board clerks should also monitor the two commissions' websites for potential training opportunities and for election-related publications and guidance. The *Election Administration Manual for Wisconsin Municipal Clerks* (available at <http://elections.wi.gov/clerks/education-training/election-administration-manual>) and the *Campaign Finance Overview - Local Candidate Committees* (available at <https://ethics.wi.gov/Pages/CampaignFinance/Candidates.aspx>) may be particularly useful resources.

The WASB *School District Election Schedule* is designed to provide general information and commentary as a service to WASB members based on current law and agency guidance as it existed at the time of publication. It should not be relied upon as legal advice. If legal advice is needed, the services of the school district's designated legal counsel should be obtained.

Edited by the WASB staff

### Published in October 2020 by:

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# School District Election Schedule

## 2021 Spring Election

### Part I: Overview of Ballot Access Documents

The following items are often referred to as “ballot access documents” for any qualified elector who wishes to be a candidate and have their name listed on the official ballot for the office of school board member at a spring election:

- The Campaign Registration Statement (Form CF-1)
- The Declaration of Candidacy – School District Candidates (Form EL-162sd)
- Nomination Papers (Form EL-169) with elector signatures, **if** nomination papers are required to run for school board in the district

If an otherwise-qualified elector, **including any incumbent who wishes to run for another term in 2021**, does not file sufficiently complete ballot access documents by the ballot access deadline established in state law, then the person’s name cannot appear on the ballot. *Section [8.30](#)*. The following are several additional important points that school district clerks and school district employees assisting a clerk should be aware of and that are further addressed in Part II of this publication:

- The statutory deadline for filing the ballot access documents is 5:00 p.m. on the first Tuesday in January. *Section [120.06\(6\)\(b\)2](#)*. However, that default deadline can be affected by the following:
  - If the first Tuesday in January is also a legal holiday (i.e., New Year’s Day), then the deadline is moved to 5:00 p.m. on the next day. *Section [120.06\(6\)\(b\)2](#)*.
  - If any incumbent board member whose term of office expires in April of the same calendar year as the upcoming spring election **both** (1) fails to file a timely Notification of Noncandidacy by the applicable deadline in the previous December, **and** (2) does not qualify for placement on the ballot by the ballot access deadline in January, then the ballot access deadline for such office is extended by 72 hours for all persons **except** such incumbent. *Section [120.06\(6\)\(b\)3](#)*.
- The school district’s filing location must be open and staffed to receive filings until 5:00 p.m. on the ballot access deadline. There is no exception or allowance for the fact that the applicable office may otherwise be closed for a winter break. Because school district offices generally have extended periods of closure leading up to the ballot access deadline, school districts are encouraged to make information about their hours of business widely available to the community and potential candidates.
- Once a person files ballot access documents that qualify the individual’s name to appear on the ballot, the individual cannot withdraw his/her name from the ballot. This is true even if the person expresses his/her desire to withdraw prior to the formal ballot access deadline.



- Any individual who is considering running for school board needs to be aware that, in some cases, the Campaign Registration Statement (Form CF-1) must be filed prior to the statutory ballot access deadline in order to comply with the campaign finance laws. Compliance with the campaign finance statutes needs to be evaluated separately from compliance with the ballot access deadline.

## A. The Campaign Registration Statement (Form CF-1)

**New Candidates (Not an Incumbent or Otherwise Currently Registered)** – A person who wishes to be a candidate for the office of school board member and to have their name appear on the spring election ballot (and the primary election ballot, if applicable) must file a Campaign Registration Statement (Form CF-1) by the earlier of:

1. The date on which the person files nomination papers with the appropriate filing officer. *Sections [8.10\(5\)](#) and [11.0101\(1\)\(a\)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. *Section [11.0101\(1\)\(a\)3.](#) (Note: The statutes qualify this criteria by providing that an unregistered candidate may (1) make a disbursement, or incur an obligation, in the amount required to rent a postal box, or in the minimum amount required by a bank or trust company to open a checking account, prior to the time of registration, and (2) accept a contribution, make a disbursement, or incur an obligation required for the production of nomination papers. Section [11.0202\(2\)\(b\).](#))*
3. The date on which the person files a Declaration of Candidacy. *Section [120.06\(6\)\(b\)5.](#)*
4. The ballot access deadline, as discussed above. *Section [120.06\(6\)\(b\)2.](#)*

The first two dates listed above relate to the Wisconsin campaign finance laws as they apply to individual candidates and their “candidate committees.” Every registered candidate is considered to have a committee for campaign finance purposes, even when the candidate chooses not to designate a separate treasurer or other officers. Specifically, s. [11.0202\(1\)\(a\)](#) of the statutes provides that “each candidate, through his or her candidate committee, must file a registration statement with the appropriate filing officer ... as soon as practicable after the individual qualifies as a candidate.” The term “candidate,” for purposes of school board elections, is defined in s. [11.0101\(1\)\(a\)](#) to include an individual who files nomination papers or who receives a contribution or makes a disbursement (or gives consent for another person to do so) in order to bring about the individual's nomination or election to office.

In the event that a candidate, under the above outline of possible registration deadlines, files his or her registration statement substantially after receiving contributions or making disbursements, but also files complete ballot access documents prior to the final ballot access deadline, the probable outcome would be that the person's name may be certified to appear on the ballot. However, the candidate may also have liability related to a violation of the campaign finance laws. *See Section [8.30\(2\).](#)*

**Incumbents (Continuing Candidates)** – Incumbent school board members, as persons holding a local office, are also considered “candidates” under state law throughout their entire term of office. *Section [11.0101\(1\)\(c\).](#)* As a result, all incumbents (including any board member serving as an appointee following a school board vacancy) who will be running for a new term in the spring election will already

have a registration statement on file with the school district clerk. However, any such incumbent must also file an amended registration statement related to the upcoming spring election. The amended registration statement should indicate the office sought and the dates of the applicable primary election and spring election. In terms of the timing for filing an amended registration statement, incumbents should follow the same deadlines that would apply to registration if they were a new candidate, as discussed above.

**Write-In Candidates** – An elector of the school district who does not file his or her ballot access documents in time to qualify for the ballot, or who decides to seek office only after the ballot access deadline has already passed, may attempt to run for office as a write-in candidate. There are at least two circumstances where the statutes expressly require a write-in candidate to file a Campaign Registration Statement:

1. The person becomes a “candidate,” as defined under Ch. 11, by virtue of receiving a contribution, making a disbursement, or giving consent for another person to receive a contribution or make a disbursement in order to bring about the individual’s election to office; or
2. At least one living person’s name has been certified to appear on the ballot for the office in question, no candidate certified to appear on the ballot dies before the date of the election, and the potential write-in candidate wishes to have his/her write-in votes counted. In this situation, the person must file a registration statement by no later than 12:00 p.m. (noon) on the Friday before the applicable election. If the person fails to register by the deadline, his/her write-in votes will not be counted by the board of canvassers. *Section [7.50\(2\)\(em\)](#).*

In other circumstances, such as where no living person has been certified to appear on the ballot for the office in question (or where multiple at-large seats are up for election and less living people have been certified to appear on the ballot than there are seats up for election) and an individual elector is simply encouraging other electors to cast write-in votes for the individual without raising or spending any campaign-related funds whatsoever, it is possible that neither the elections statutes nor the campaign finance laws will require the person to file a Campaign Registration Statement. Nonetheless, a person who is actively soliciting write-in votes or otherwise holding themselves out as a write-in candidate under these circumstances may choose to file a registration statement out of an abundance of caution regarding possible ambiguities in the law.

**All School Board Candidates: Designating a Treasurer and a Depository on Registration Statements or Amended Statements** – Filing officers (i.e., school district clerks) and persons assisting filing officers often have questions about the obligation of a committee to designate a committee treasurer and a depository on the registration statement. With respect to candidate committees, the statutes provide as follows:

1. Each candidate shall either designate a treasurer of his or her candidate committee to comply with the registration and reporting requirements or serve as the treasurer himself/herself. If the candidate appoints a separate treasurer, the candidate and the candidate’s treasurer shall cosign the registration statement of the committee. *Section [11.0201\(1\)](#).*
2. The registration statement shall include the name and address of the depository account of the candidate committee and of any other institution where funds of the committee are kept. *Section [11.0203\(1\)](#). (Note: It is no longer necessary for a candidate to provide the specific depository account number on the registration statement.)*

3. A candidate who receives no contributions, makes no disbursements, and incurs no obligations shall file the registration statement, but need not designate a campaign depository account until the first contribution is received, disbursement is made, or obligation is incurred.  
*Section [11.0202\(1\)\(b\)](#). (Note: This narrow exception is available to a candidate committee only to the extent that the candidate receives no contributions, makes no disbursements, and incurs no obligations in any amount.)*
4. Any candidate who serves as his or her own treasurer and who is authorized to file and files an amended registration statement claiming an exemption from filing campaign finance reports may designate a single personal account as his or her depository account and intermingle personal and other funds with campaign funds within the account. If such a candidate later establishes a separate candidate committee depository account, the candidate shall transfer all campaign funds in the personal account to the new depository account. *Section [11.0201\(2\)\(b\)](#).*

Additional information regarding these requirements can be found in the instructions to the Campaign Registration Statement (Form CF-1) and the [Election Administration Manual for Wisconsin Municipal Clerks](#), and the [Campaign Finance Overview - Local Candidate Committees](#).

**All School Board Candidates: Methods of Filing Campaign Registration Statements or Amended Statements** – A registration statement (or amended registration statement) is considered timely filed when it is in the physical possession of the designated filing office by no later than the applicable filing deadline. However, a registration statement shall also be considered timely filed if both of the following apply:

1. A duplicate copy of the document is received by the filing officer, in its offices, by facsimile process (i.e., by the electronic transmission of a duplicate copy of a signed original) no later than the day and hour at which the document is required to be filed; and
2. The signed original of the document is either received at the filing offices with a postmark not later than the filing deadline or delivered to the filing officer not later than the filing deadline.

The burden of establishing that a duplicate copy has been received by facsimile process at the offices of the filing officer is upon the person, committee, or group that is required to file the document. *Section [ETH 6.04](#).*

**All School Board Candidates Filing Campaign Registration Statements or Amended Statements: Campaign Finance Reporting Obligations** – In addition to serving as a ballot access document and as an important part of compliance with the campaign finance laws, another important function of the Campaign Registration Statement is that the representations made on the statement affect the candidate committee's campaign finance reporting obligations. Specifically, on the registration statement (or on an amended statement), a candidate committee may either (1) claim the exemption from filing campaign finance reports in the applicable calendar year, if otherwise eligible to do so, or (2) not claim the exemption. Assuming the committee remains eligible to claim the exemption, a reporting exemption must be renewed in each subsequent calendar year. Annual renewal is required because an exemption is valid for only one calendar year at a time, expiring on each December 31. *Section [11.0104\(1\)\(a\)](#) and [\(2\)](#).* As of October 2020, the Wisconsin Ethics Commission reports on its website that it has sought guidance from the Attorney General and requested legislative clarification of section 11.0104 and, pending that guidance or legislative change it is not requiring candidate committees to renew the exemption annual. See [Campaign Finance: Limited Activity Reporting Exemption](#).



School board members who are NOT involved in the 2021 spring election: Incumbent school board members who are not involved in the 2021 spring election (either because the board member's current term of office extends beyond 2021 or because the board member has chosen not to run for re-election) who wish to claim or renew a reporting exemption applicable to 2021 are not at present required to file a new or amended CF-1 if the CF-1 currently on file claims the exemption from campaign finance reporting. See the note below regarding the Wisconsin Ethics Commission not enforcing the requirement that candidates renew the reporting agenda annually pending guidance from the Office of the Attorney General or the legislature clarifying the requirement. See also [Campaign Finance: Limited Activity Reporting Exemption](#).

Candidates (including incumbents and new candidates) who ARE participating in the 2021 spring election: The statutory eligibility of candidates who are participating in the 2021 spring election to claim a reporting exemption that is applicable to certain reporting periods that precede the date of the spring election continues to be uncertain. This exemption eligibility issue is the subject of a supplement to this *Election Schedule*.

***Are candidates who are participating in the 2021 Spring Election eligible to claim an exemption from filing campaign finance reports? Please see the supplement to this Election Schedule for a discussion of this issue, which has not yet been definitively resolved.***

**IMPORTANT:** All local filing officers and all candidates participating in the 2021 spring election are encouraged to review the supplement to the WASB *Election Schedule* in its entirety. A link to the supplement can be accessed as a stand-alone document at the following link:  
<https://wasb.org/legal-human-resources-services/school-board-elections-resources/>

The following is an excerpt from the “Executive Summary” of the supplement:

(S)chool district filing officers and individuals who may be candidates for a school board seat in the 2021 Spring Election need to be aware that there continues to be uncertainty regarding the eligibility of candidates who are participating in the 2021 Spring Election to claim an exemption from filing campaign finance reports (under section [11.0104](#) of the state statutes) from the date that the candidate first registers as a participant in the 2021 Spring Election through at least the preelection reporting period. The former Government Accountability Board (GAB) issued forms, instructions, and other guidance indicating that such a candidate generally is permitted to claim and renew a reporting exemption on a continuous basis if his/her aggregate contributions, expenditures, and obligations remain below the applicable dollar threshold. However, the Wisconsin Ethics Commission requested an Attorney General opinion regarding exemption eligibility under section [11.0104](#) on November 9, 2016. The Commission's request for an Attorney General opinion reflects a concern that, under what is arguably the most straightforward reading of the relevant statutes, candidates who are participating in the Spring Election may be *statutorily* ineligible to claim (or renew) a reporting exemption that applies to certain reporting periods that precede the date of the election. The Attorney General has not provided the requested opinion as of the date of publication of this supplement.

The Commission modified the instructions on the Campaign Finance Committee/Conduit Registration Statement ([CF-1](#)) in January 2018:

### *Filing Exemption*

*Registrants that will not accept contributions, make disbursements, or incur obligations in an aggregate amount of more than \$2,000 in a calendar year are eligible for exemption from filing campaign finance reports. Exempt status is effective only for the calendar year in which it is granted. Registrants wishing to remain on exempt status must renew each year. Candidates may not claim exemption in the year of their election before the day they appear on the ballot.*

Those instructions continue to appear on the most recent revision of the CF-1 in November 2018.

The CF-1 instructions are different than and appear to conflict with the instructions on the form that a candidate may use to renew the filing exemption ([ETHCF-14](#)). The ETHCF-14 instructions are very similar to those found on the pre-January 2018 ETHCF-1 form:

*Statute §11.0104(2) states that exemption is effective only for the calendar year it is granted. If a committee wishes to renew its exempt status, it must file the ETHCF-14 (Exemption Reverification) or a new ETHCF-1 before the closing of the first reporting period for which it would be required to file a report. Candidates on the ballot that calendar year may claim exemption when they first register, or renew their exemption from the previous calendar year, but a candidate on the ballot that calendar year may not claim exemption before the date of her/his election if he/she has not been on exempt status previously. See statute §11.0104(1)(b).*

The Commission also posted the following statement addressing enforcement of both the eligibility of candidates to claim the exemption from filing campaign finance reports and the requirement that the exemption be renewed annually:

*The Ethics Commission has sought guidance from the Attorney General's office on interpreting and enforcing Wis. Stat. § 11.0104, and requested that the Legislature clarify the language. Pending that guidance or legislative change, the Commission is not requiring committees to renew exemption annually.*  
<https://ethics.wi.gov/Pages/CampaignFinance/Exemption.aspx>

In short, the various statements of the Ethics Commission provide inconsistent guidance.

**What options do candidates have?** Candidates who are participating in the 2021 Spring Election ultimately need to choose whether to claim a campaign finance reporting exemption. 2021 candidates who wish to take a conservative approach that aligns with a reasonably straightforward reading of section [11.0104](#) would not claim the reporting exemption, and, therefore, would file periodic campaign finance reports through at least the pre-election reporting period.

**The WASB will continue to monitor this issue for further developments and will notify all member school districts if any further resolution occurs during the 2021 spring election cycle.**

All registered candidate committees (including those who are eligible for and who have claimed a reporting exemption) must adhere to the general limits that apply to contributions from specific sources, as further specified in Chapter 11 of the state statutes. For example, except for the candidate's own contributions to his or her own campaign committee (which are not limited but do count toward the \$2,000 threshold for claiming a reporting exemption), there is a limit on the amount/value of any contribution that a school board candidate (whether exempt from reporting or not) may lawfully accept from any individual donor. Specifically, an individual may contribute to a school board candidate committee no more than the greater of \$500 or \$0.02 times the number of inhabitants of the district as certified by the filing officer, but never more than \$6,000. [Section 11.1101\(1\)\(h\).](#)

In addition, it is very important for all registered candidate committees to understand that claiming an exemption from filing reports (when eligible to do so) does not relieve the candidate and his/her candidate committee from other obligations imposed by the campaign finance laws. For example, even committees that are exempt from filing campaign finance reports must track and keep adequate records of all receipts and disbursements and include "paid for by" attribution statements on applicable campaign materials.

A complete overview of campaign finance law is beyond the scope of this publication. However, school district clerks and any district employees who are assisting the clerk should familiarize themselves with all of the following:

- [Subchapter I of Ch. 11](#) of the state statutes (particularly the campaign-finance-related duties of the local filing officer, as specified in s. [11.0102\(3\)](#));
- The campaign finance obligations of candidate committees, as specified in [Subchapter II of Ch. 11](#);
- The CF-1 form and its instructions (including any revisions thereto); and
- The content of the most-current version of the [Campaign Finance Overview -- Local Candidate Committees](#), as published by the Ethics Commission.

If any candidate or candidate committee presents complex questions about the proper interpretation or application of the campaign finance laws, school district filing officers are often well-advised to refer the candidate or the committee representative to the Ethics Commission or to a personal attorney.

*Note: Other persons and groups, including political action committees, recall committees, and referendum committees are also subject to the campaign finance laws and may be required to file a registration statement with the school district clerk under certain circumstances. A full discussion of these other potential registrants is beyond the scope of this publication. However, it is important for school district clerks to know that the registration requirements applicable to referendum committees (i.e., groups formed for the purpose of actively supporting or opposing any school district referendum) were substantially amended, effective January 1, 2016. Specifically, every referendum committee that makes or accepts contributions, makes disbursements, or incurs obligations for the purpose of influencing a particular vote at a referendum in a calendar year in an aggregate amount in excess of \$10,000 shall file a registration statement. A referendum committee that triggers the registration requirement shall file the registration statement no later than the 10th business day commencing after receipt of the first contribution by the referendum committee exceeding \$10,000, before making any disbursement exceeding \$10,000, and before incurring obligations exceeding \$10,000. Registered referendum committees may also have to pay an annual filing fee to the Ethics Commission. Sections [11.0101\(28\)](#) and [11.0802](#); see also Section [11.0102\(2\)](#).*

## B. The Declaration of Candidacy – School District Candidates (Form EL-162sd)

Any person who wishes to run for the office of school board member and who wants their name to appear on the official ballot (including an incumbent who wishes to run for a new term) must file a complete and sworn Declaration of Candidacy (Form EL-162sd) by no later than the ballot access deadline in January. On the Declaration of Candidacy, the candidate swears to his or her eligibility to hold the local office that they are seeking, and the candidate also specifies the exact form of his or her name as he or she wishes it to appear on the official ballot.

Once filed, a Declaration of Candidacy may not be withdrawn. *Section [120.06\(7\)\(a\)](#).*

In the event of a change in any of the information provided on the Declaration of Candidacy, a candidate shall file an amended declaration under oath with the school district clerk. *Section [120.06\(6\)\(b\)5](#).*

The Elections Commission maintains a Declaration of Candidacy form (the EL-162sd) specifically for school board candidates in order to account for the application of unique language found in s. [120.06\(6\)\(b\)2](#), of the state statutes. Specific questions about ballot eligibility under Form EL-162sd and the Election Commission's interpretation of s. [120.06\(6\)\(b\)2](#), should be directed to the commission. However, a key aspect of the commission's current interpretation of the statutes appears to be that, in order to qualify for ballot placement as a candidate for school board, an individual generally must be a qualified elector of the school district *at the time of filing* a Declaration of Candidacy. A qualified elector is defined in s. [6.02](#) as a U.S. citizen, 18 years of age or older, who has resided in the election district for at least 28 days\* before any election at which he or she offers to vote (and who is not disqualified by one or more of the impediments described in s. [6.03](#)).

*\* Note: In One Wisconsin Institute, Inc. v. Thomsen, 198 F. Supp. 3d 896 (W.D. Wis. 2016) a federal court ordered that "the increase of the durational residency requirement from 10 days to 28 days is unconstitutional." The Seventh Circuit Court of Appeals overturned that order and reinstated the 28 day durational residency requirement in One Wisconsin Institute, Inc. et al. v. Jacobs. (7th Cir. Ct. App. 2020).*

**All Candidates: Methods of Filing a Declaration of Candidacy** – A Declaration of Candidacy is considered timely filed when the signed original is in the physical possession of the designated filing office by no later than the applicable filing deadline. However, a Declaration of Candidacy shall also be considered timely filed if both of the following apply:

1. A duplicate copy of the document is received by the filing officer, in its offices, by facsimile process (i.e., by the electronic transmission of a duplicate copy of a signed original) no later than the day and hour at which the document is required to be filed; and
2. The signed original of the document is either received at the filing office with a postmark not later than the filing deadline or delivered to the filing officer not later than the filing deadline.

The burden of establishing that a duplicate copy has been received by facsimile process at the offices of the filing officer is upon the person, committee, or group that is required to file the document. *Section [EL 6.104](#).*

**Filing Officers: Review of the Declaration of Candidacy** – According to the [Election Administration Manual](#) published by the Elections Commission (as revised in September 2020), the declaration signed by the candidate must include the following items: (1) the candidate's name; (2) the proper title of the office the candidate is seeking, including any applicable seat; (3) the candidate's residential address, including the

address number, street, and municipality for voting; (4) the candidate’s name in the form that the candidate wishes the name to appear on the ballot; and (5) the form must be either notarized or signed by a person who is authorized to administer oaths.

Filing officers (i.e., school district clerks) and persons assisting filing officers often have questions about the filing officer’s obligation to conduct a criminal background check on candidates. The September 2020 edition of the *Election Administration Manual* advises as follows: “The municipal 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. No action should be taken unless there is evidence in the form of a sworn complaint... .”

C. Nomination Papers (Form EL-169); Not Required in All Districts

In some school districts, nomination papers with a designated number of elector signatures must be filed for a candidate to qualify for placement on the ballot in a school board election. Where nomination papers are required, any qualified elector of the school district who desires to be a candidate for school board shall file nomination papers in the form prescribed under s. [8.10](#) with the school district clerk at the filing location specified in the notice of election. *Sections [119.08\(2\)](#) and [120.06\(6\)\(b\)2](#).*

Nomination papers are required when any of the following applies:

	<b>Number of Signatures (under s. <a href="#">8.10(3)</a>):</b>
1. The candidate seeks to be elected as the at-large member of the board of school directors for Milwaukee Public Schools. <i>Section <a href="#">119.08(2)</a>.</i>	Not less than 1500, nor more than 3000
2. The candidate seeks office as one of the members of the board of school directors for the Milwaukee Public Schools that are elected from election districts. <i>Section <a href="#">119.08(2)</a>.</i>	Not less than 400, nor more than 800
3. The school district contains any territory lying within a 2nd class city. <i>Section <a href="#">120.06(6)(b)2</a>. (Note: Under s. <a href="#">62.05</a>, cities of 39,000 and less than 150,000 generally constitute cities of the 2nd class, although population alone is not determinative.)</i>	Not less than 100, nor more than 200
4. The school board or the school district annual meeting in any other school district (i.e., where none of the other criteria in this list applies) has adopted a resolution requiring school board candidates to file nomination papers. <i>Section <a href="#">120.06(6)(b)2</a>.</i>	Not less than 20, nor more than 100

As the fourth criteria listed above suggests, in a school district that has no territory lying within a 2nd class city, the school board or (if applicable) the annual meeting of electors may, by resolution, either (1) require that nomination papers be filed by all candidates seeking election to the school board, or (2) rescind a previously-adopted resolution that had required nomination papers. Any such resolution must be adopted no later than the last Tuesday in November in order for the resolution to apply to the school board elections occurring at the next spring election. *Sections [120.06\(6\)\(a\)](#) and [120.06\(6\)\(b\)](#).*

If a school district has territory lying in second class city, and that territory is less than or equal to 10 percent



of the total territory of the school district, then either the annual meeting or the school board of the district may adopt a resolution to reduce the number of elector signatures that are required for the nomination of school board candidates to “not less than 20 and not more than 100” signatures. In the absence of such a resolution, candidates for school board in a school district that has any territory lying in second class city must (as required under prior law) obtain and file the signatures of not less than 100 and not more than 200 electors. *Section [8.10\(3\)\(km\)2](#)*.

Where nomination papers are required, the papers may not be circulated for elector signatures prior to December 1 preceding the election. *Section [8.10\(2\)\(a\)](#)*. Completed papers with a sufficient number of valid signatures must be filed by no later than the ballot access deadline (as discussed above).

In order to be timely filed, all nomination papers must be in the **physical possession** of the filing officer by the statutory deadline (i.e., the nomination papers with the original signatures must be filed, and no photocopies, faxes, or electronic documents are permitted). *Section [120.06\(6\)\(b\)](#); Sections [EL 2.05](#) and [EL 6.04\(2\)](#)*.

The Elections Commission maintains form EL-169 for nomination papers. Only one signature per elector for the same office is valid. However, where an elector is entitled to vote for more than one candidate for the same office, a person may sign the nomination papers of as many candidates for the same office as the person is entitled to vote for at the election. In addition to his or her signature, in order for the signature to be valid, each signer of a nomination paper shall legibly print his or her name in a space provided next to his or her signature and shall list his or her municipality of residence for voting purposes, the street and number, if any, on which the signer resides, and the date of signing. *Section [8.10\(4\)](#); Section [EL 2.05](#)*.

If a person submitting nomination papers requests a filing receipt, the filing officer may use Form EL-151. Although issuing a receipt in the absence of a specific request does not appear to be mandatory, it is an advisable practice.

The process for verifying and challenging nomination papers and elector signatures is further addressed in *[Ch. EL 2 of the Wisconsin Administrative Code](#)*, in the *[Election Administration Manual](#)*, and in other written guidance that has been issued by the Elections Commission.

# School District Election Schedule

## 2021 Spring Election

### Part II: Key Tasks and Deadlines Organized by Date

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#### November 24, 2020

##### Deadline for Publication of Notice of Election in Common, Union High School and Unified Districts; Provide Copy to Municipal Clerks

No later than the 4th Tuesday in November prior to the spring election, the school district clerk shall publish a Type A notice, under s. [10.01\(2\)\(a\)](#). Section [120.06\(6\)\(b\)](#). Provide a copy of this notice to the clerk of each municipality lying wholly or partially within the school district.

Section [120.06\(8\)\(a\)](#).

The purpose of this notice is to inform the public and potential candidates of the upcoming election and of the specific offices to be elected. This notice must be entitled “Notice of Election” and include the following information: (1) the date of the election; (2) the office(s) to be elected (be sure to account for any relevant vacancies that have arisen); (3) the name(s) of the current incumbent(s); (4) the length of the term(s) and expiration date(s); (5) the beginning date for circulating nomination papers, if applicable; (6) the deadline for filing declarations of candidacy and, if applicable, nomination papers; (7) the proper location to file declarations of candidacy and, if applicable, nomination papers; (8) a statement on where to find district boundary information; and (9) the date of the primary election, should a primary be required.

Section [10.01\(2\)\(a\)](#).

*Note: Once a district has published its Type A notice and provided a copy to the municipal clerk(s), it is also a good idea to send a copy to the applicable county clerk(s). This will alert the county clerk(s) to the fact that you are having an election in the spring and identify the offices that are up for election.*

*Note: If your school district will be voting on a school district referendum at the spring primary or at the spring election, the clerk must publish a “Type A: Notice of Referendum Election” on the 4th Tuesday before the election at which the referendum will be on the ballot. Section [10.06\(4\)\(c\)](#). In 2021, the 4th Tuesday before the spring primary is January 19 and 4th Tuesday before the spring election is March 9. The required content for a Type A notice of a referendum is different than the content listed above for school board elections. This publication does not address all notices related to a school district referendum.*

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## **On or About November 24, 2020**

### Prepare a Packet of Information for Potential Candidates

In the interest of facilitating interactions with potential candidates and fulfilling the duties of a local filing officer, including the campaign-finance-related duties specified in s. [11.0102\(3\)](#), the school district clerk or a district employee assisting the clerk should prepare and make available to interested electors a packet of information for potential candidates for school board. The packet should include at least the following:

- Ballot Access Checklist – School District Candidate ([Form ELIS-5](#))
- Campaign Finance Checklist – Municipal and School District Candidates ([Form ETIS-8](#))
- Campaign Finance Committee/Conduit Registration Statement ([Form CF-1](#))
- Declaration of Candidacy – School District Candidates ([Form EL-162sd](#))
- Nomination Paper for Nonpartisan Office ([Form EL-169](#)), but include this form **only if** nomination papers are required to run for school board in the district

Such a packet for candidates may also include:

- A notice from the school board clerk that the forms prescribed by the Wisconsin Ethics Commission for the making of reports and statements under the campaign finance laws are available on the commission's website (i.e., at <http://ethics.wi.gov/forms> and <http://elections.wi.gov/forms>) and that the clerk will make copies of such forms and certain manuals prescribed by the Ethics Commission available to candidate committees at no charge upon request.
- A copy of the [Campaign Finance Overview - Local Candidate Committees](#), as published by the Ethics Commission (*Note: Even if this manual is not included in the packet, any candidate committee is entitled to request of copy of this manual from the local filing officer at any time, and the filing officer must provide a copy at no charge.*)
- A copy of the WASB's [Guide for Candidates](#) booklet. (*Note: Please review the information on page 6 of this publication regarding campaign finance reporting exemptions. Possible future updates related to exemption eligibility may be made to this booklet and posted on the WASB website.*)
- Any other information that the local school district may wish to provide to potential candidates for school board (e.g., a copy of the Type A notice of election, information about school board meetings, other initial orientation-type material, etc.)

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## **November 24, 2020**

### Deadline to Adopt a Resolution to Require Candidates to File Nomination Papers, or to Rescind Such a Requirement (Option Available Only to Common, Union High, and Unified School Districts that Have No Territory in a 2nd Class City)

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 papers 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 in November preceding an election for members of the school board, rescind the requirement. If nomination papers are required in such a district, candidates must obtain and file at least 20 but no more than 100 valid signatures. *Sections [8.10\(3\)\(ks\)](#) and [120.06\(6\)\(a\)](#). (See Part I of this publication for more information about nomination papers.)*

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### **December 1, 2020 to January 5, 2021**

#### **Candidates Will Be Filing Ballot Access Documents**

School district electors who are interested in being candidates for school board at the spring election (including incumbents) will generally be filing their ballot access documents in the period that starts on December 1 and that ends on the first Tuesday in January. As covered in greater detail in Part I of this publication, the following are considered ballot access documents:

- The Campaign Registration Statement (Form CF-1)
- The Declaration of Candidacy – School District Candidates (Form EL-162sd)
- Nomination Papers (Form EL-169) with sufficient elector signatures, if nomination papers are required to run for school board in the district

Review Part I of this publication for additional important information about each of the ballot access documents, including information that helps to identify which districts require nomination papers.

School district clerks and district employees assisting the clerk should be aware that incumbent school board members who wish to run for another term of office are required to file ballot access documents that are specific to 2021 spring election. In addition, some individuals may file their Campaign Registration Statement and/or Declaration of Candidacy prior to December 1. For example, if an elector wishes to raise or spend campaign funds prior to December 1, the campaign finance laws generally require the elector to file a Campaign Registration Statement prior to December 1.

#### **Filing Officer Review of Campaign Registration Statements**

The rules of the Ethics Commission provide as follows:

- (1) Any registration filed with a filing officer which is insufficient as to essential form, information or attestation shall be rejected by such officer and shall be promptly returned if possible to the proposed registrant indicating the nature of the insufficiency. The proposed registrant shall be informed that the attempted registration was not effective.
- (2) Any registration statement filed with a filing officer which is insufficient or incomplete in some manner but substantially complies with law shall be accepted by such officer who shall then promptly notify the registrant indicating the nature of the incompleteness or insufficiency. The registrant shall then have 15 days from the date of such notice to rectify the problem. If the incompleteness or insufficiency is not rectified by the registrant within 15 days from the date of the notice, the registration lapses and is not effective.  
*Section [ETH 6.02](#).*

## Eligibility for Appearance on Ballot

The names of candidates, **including incumbents**, who have not timely filed declarations of candidacy and campaign finance registration statements shall not appear on the ballot. The school district clerk may also refuse to place a candidate's name on the ballot if the candidate: (1) is required to file nomination papers but has not done so or the papers are not sufficiently prepared, signed, and executed; or (2) would not qualify for office due to age, residence, or other impediment. Sections [6.02](#), [6.03](#), and [8.30](#).

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### **December 1, 2020**

#### First Day that Nomination Papers May Be Circulated for Signatures (If Nomination Papers Are Required)

Nomination papers, if required, shall not be circulated earlier than December 1. Section [8.10\(2\)\(a\)](#). *(See Part I of this publication for more information about nomination papers.)*

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### **December 2, 2020**

#### Deadline for Incumbent Board Members with Tax Years Starting on January 1 to Refuse Salary

A school board member may send written notification to the school district clerk and the school district treasurer that the school board member wishes to refuse to accept the salary that he or she is otherwise entitled to receive. The notification applies only to that taxable year. A school board member may renew his or her refusal by sending a notification annually at least 30 days before the start of the school board member's next taxable year. Sections [120.07](#) and [120.45](#).

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### **December 28, 2020**

#### Last Day for Incumbent Notice of Noncandidacy

No later than 5 p.m. on the second Friday preceding the latest time prescribed for filing declarations of candidacy, an incumbent may file written notification with the school district clerk that the incumbent is not a candidate for reelection to his or her office. If an incumbent fails to file this notification and also does not file a Declaration of Candidacy (and, where required, nomination papers) by 5:00 p.m. on the ballot access deadline, then the deadline for filing the materials necessary to appear on the ballot is extended by 72 hours for all other candidates for such office. Section [120.06\(6\)\(b\)3](#); see also Form EL-163

*Note: The second Friday preceding the deadline for filing Declarations of Candidacy is December 25, 2020. Section [990.001\(4\)\(b\)](#) specifies that deadlines falling on Sundays or legal holidays are extended to the next secular day. Section [990.001\(4\)\(c\)](#) states that for deadlines requiring the filing of papers with school district officials (and other local government units) falls on a Saturday and the school district does not have office hours on said Saturday the deadline is extended to the next day that is not a Sunday or legal holiday.*



In its past guidance, the former Government Accountability Board advised that 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 all incumbents whose terms are expiring in April 2021 have already filed (1) a notification of noncandidacy, or (2) the necessary ballot access documents.

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**On or About December 31, 2020**  
**Notify Non-Exempt Committees of Duty to File a**  
**Continuing Report for the Period Ending December 31\***

Local filing officers no longer have an express statutory duty to send copies of campaign finance law reporting forms to each registered, non-exempt committee by first class mail by specific dates that precede each reporting deadline. However, under s. [11.0102\(3\)](#), local filing officers currently have all of the following duties:

- (1) To notify each committee required to file campaign finance reports and statements that all necessary forms are available on the website of the Ethics Commission;
- (2) To make all the forms prescribed by the Ethics Commission for the making of reports and statements available, without charge, to any committee that is required to file reports or statements with the officer; and
- (3) To make available to any required to file campaign finance reports, upon request and without charge, copies of any manuals prescribed by the Ethics Commission under s. [11.1304\(3\)](#).

In addition, current state law further provides, “Whenever a filing officer sends a form or notice of the filing requirements under this chapter to the treasurer of a candidate committee, the filing officer shall also send a notice to the candidate.” *Section [11.0102\(3\)\(c\)1](#)*.

It is unclear how often filing officers should issue such notices and whether each committee can dictate its preferred method of communication for such notices. (For example, s. [11.0203\(1\)\(b\)](#) provides as follows with respect to candidate committees: “Unless otherwise directed by the treasurer on the registration form and except as otherwise provided in this chapter or any rule of the commission, all mailings that are required by law or by rule of the commission shall be sent to the treasurer at the treasurer's address indicated upon the form.”)

Pending further guidance from the Ethics Commission on the proper interpretation and performance of the above-listed duties, local filing officers may conclude that the best method of proceeding is to contact each registered, non-exempt committee in connection with each reporting deadline to notify the committee of the applicable reporting deadlines and of the availability of the relevant forms. Particularly if such notice is sent electronically, the filing officer may even elect to include copies of the relevant forms as attachments to the communications. Such periodic communications over the course of an election cycle may be more than is minimally required, but the remainder of this publication assumes that the filing officer is taking that approach.

*\* Note: Filing officers should keep in mind that non-exempt candidate committees need to file a continuing report for the period ending December 31<sup>st</sup> only if the committee was registered on or*

before December 31<sup>st</sup>. New committees that first register on or after January 1<sup>st</sup> are not required to file the continuing report in January.

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## **January 1, 2021**

### **Period for Eligible Committees to Claim or Renew a Campaign Finance Reporting Exemption for the 2021 Calendar Year Begins**

An exemption from filing campaign finance reports is effective, at most, only for the calendar year in which it is granted. *Section [11.0104\(2\)](#)*. Accordingly, all candidate committees that are eligible to claim an exemption for 2021 (including the committees of incumbents who are not running for re-election or whose term of office expires in 2021 or later) and that wish to be exempt in 2021 must file for or renew the exemption after the start of the calendar year and before the closing date for the first 2021 reporting period for which the committee would be required to file a campaign finance report.

Candidate committees that are already registered with the school district clerk as of December 31, 2020, and that wish to claim or renew a campaign finance reporting exemption for the 2021 calendar year must file either an amended Campaign Registration Statement (Form CF-1) or an Exemption Reverification (Form ETHCF-14). The shorter Exemption Reverification form may be used only if the committee is simply renewing an existing exemption for another calendar year and if no other information on the committee's current registration has changed. However, in no case may a non-exempt candidate committee file an amended registration claiming a reporting exemption that would cover any period ending sooner than the date of the election in which the candidate committee is participating. *Section [11.0104\(1\)\(b\)](#)*.

***Important Note: As further explained in the text box on page 6 of this publication and in the [supplement](#) to this Election Schedule, this item may be updated with additional detail if the Ethics Commission further clarifies its intended interpretation and application of s. [11.0104](#) (i.e., the statute that defines the reporting exemption) for the 2021 spring election cycle. There continues to be uncertainty as to whether candidates who are participating in the 2021 spring election are statutorily eligible to claim an exemption from filing campaign finance reports that covers certain reporting periods that end sooner than the date of the election. Any update to this item will appear in the electronic version of this publication, which is available through the WASB website.***

***Also note that as of the time of publication, the Wisconsin Ethics Commission has posted a statement on its website that it is not requiring candidate committees to renew the exemption from campaign finance reporting annually ending guidance from the Attorney General or legislative changes. See the text box on page 6 of this publication for more information.***

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## **January 5, 2021**

### **Ballot-Eligibility Deadline for Filing Declarations of Candidacy, Campaign Registration Statements, and Nomination Papers (if required)**

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, **including incumbents**, may file a sworn declaration of candidacy (Form EL-162sd), campaign finance registration statement (Form

CF-1), and nomination papers, where required, with the school district clerk at the place specified in the notice of the election. [Sections 8.30\(2\) and 120.06\(6\)\(b\)2](#). The filing office must remain open until 5:00 p.m. to receive candidate filings on the day of the filing deadline (January 5, 2021).

The state statutes provide that the final ballot access deadline is not to be construed to exempt a candidate from applicable penalties if he or she files a registration statement later than the time prescribed in s. [11.0202\(1\)\(a\)](#). [Section 8.30\(2\)](#).

If an incumbent fails to file a declaration of candidacy and, if required, nomination papers by January 5, 2021, and if the incumbent also did not timely file a notice of noncandidacy, then all candidates for the office held by the incumbent, other than the incumbent, may file a Declaration of Candidacy and, if required, nomination papers no later than 72 hours after the regular deadline. If the ballot access deadline is extended under those circumstances, the filing office must remain open until 5:00 p.m. on the day of the extended filing deadline (72 hours after the regular deadline in 2021 is Friday, January 8, 2021).

Additional information about the ballot access documents and the ballot eligibility deadline can be found in Part I of this publication.

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## **January 8, 2021**

### **Deadline for Filing Challenges to Ballot Access Documents**

Any challenge to the sufficiency of a candidate's nomination papers, where nomination papers are required, must be made by verified complaint and must be filed with the appropriate filing officer (in this case with the school district clerk) within 3 calendar days after the filing deadline for the challenged nomination papers. The challenge must be established by affidavit, or other supporting evidence, demonstrating a failure to comply with statutory or other legal requirements. [Section 8.07](#); [Section EL 2.07](#).

The form of the complaint and its filing must comply with the requirements of [Ch. EL 20](#) of the Wisconsin Administrative Code. The complainant shall file both an original and a copy of the challenge at the time of filing the complaint; however, the failure of the complainant to provide the filing officer with a copy of the challenge complaint will not invalidate the challenge complaint. The filing officer shall make arrangements to have a copy of the challenge delivered to the challenged candidate within 24 hours of the filing of the challenge complaint. The filing officer may impose a fee for the cost of photocopying the challenge and for the cost of delivery of the challenge to the respondent.

The response to a challenge to nomination papers must be filed, by the candidate being challenged, within 3 calendar days of the filing of the challenge and must be verified.

After the deadline for filing a response to a challenge, but not later than the date for certifying candidates to the ballot, the local filing officer shall decide the challenge with or without a hearing. [Section EL 2.07](#).

*Note: In the event there is a formal legal challenge to a potential candidate's eligibility to appear on the ballot that extends beyond the filing officer's initial determination of the issue, it is helpful for*

*the school district clerk to notify the relevant county clerk(s) that the final determinations of ballot eligibility and the candidates' ballot order may be delayed until the challenge is resolved.*

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**January 12, 2021**

**Deadline for Verification and Certification of Ballot Eligibility and  
Determination of Need for Primary Election**

No later than 5 p.m. on the 2nd Tuesday in January, the school district clerk shall verify the declarations of candidacy or certify the names of the candidates who have filed valid nomination papers. 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\(2\)\(a\)](#). *Section [120.06\(7\)\(a\)](#).*

For additional information about situations in which an individual may not be certified to appear on the ballot, see Part I of this publication and the item above titled, "Eligibility for Appearance on Ballot."

*Note: School district clerks should use form EL-405 (Certificate of Nomination) to certify to the appropriate county clerk(s) the names of ballot-eligible candidates and the order in which candidates will appear on the ballot.*

**When A Primary Election is Required**

The school board shall require a primary election if there are more than 2 candidates for any seat on a 3-member board or more than twice as many candidates as there are members to be elected to an unnumbered school board of more than 3 members. In school districts in which a plan of apportionment of school board members under s. [120.02\(2\)](#), an apportionment plan that apportions the territory of the school district into election districts under s. [120.42\(1m\)](#), or a plan for election of school board members to numbered seats has been adopted, the school board shall require a primary election for particular apportioned areas for which there are more than twice as many candidates as there are members to be elected and for any numbered seat for which there are more than 2 candidates. When there is a primary election, it shall be held in conjunction with the spring primary. *Section [120.06\(7\)\(b\)](#).*

**Notice to Municipal Clerks of Primary Election, If applicable**

The school district clerk must notify the municipal clerk of each municipality lying wholly or partially within the school district of the primary election, if one is to be held, and furnish such clerks with a copy of the notice of the school board election. *Section [120.06\(8\)\(a\)](#).*

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**January 12, 2021**

**Drawing of Lots for Ballot Order for Placement on the Spring Primary Ballot or,  
Where No Primary is Required, for Placement on Spring Election Ballot**

Not later than the 2nd Tuesday in January, or the next day if the first Tuesday is a holiday, the school district clerk shall determine the order in which the names of candidates shall appear on the ballot by supervising the drawing of lots for placement on the spring primary ballot, or, where no primary is required, for placement on spring election ballot. *Sections [5.58\(1g\)\(c\)](#), [5.60\(4\)\(c\)](#), and [120.06\(8\)\(b\)](#).*

For those offices requiring a primary, the names of the winners of the primary election will be redrawn in a similar fashion not later than 3 days after the primary canvass to determine the order of placement on the spring election ballot. [Section 5.60\(4\)\(c\).](#)

*Note: School district clerks are not required to publish a notice of the drawing of lots for ballot order. However, the drawing must be done publicly and a candidate has a right to be present and witness the drawing if he or she wishes. The clerk should keep a record of the procedures followed during the drawing. The drawing is to be random. Therefore, it would be inappropriate to, for example, simply put candidates' names in alphabetical order (unless they are randomly drawn in that order).*

*Note: Once the time for challenging a candidate's eligibility to appear on the ballot has passed and the eligible candidates and the ballot order are known, the school district clerk should transmit a list of certified candidates to the relevant county clerk(s) using the EL-405 (Certificate of Nomination) form. It is recommended that the school district clerk also send the county clerk(s) a copy of each candidate's Declaration of Candidacy (Form EL-162sd). Providing this information to the county clerk(s) will help ensure that the candidates' names appear on the ballot correctly.*

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### **January 15, 2021**

#### **Deadline for Non-Exempt Committees to File January Continuing Campaign Finance Report**

All candidate committees that were registered under the campaign finance laws as of December 31, 2020, and that did not claim an exemption from filing campaign finance reports for the reporting period ending on December 31<sup>st</sup> must file the campaign finance report required under s. [11.0204](#). The report must be filed with the school district clerk no earlier than January 1 and no later than January 15. The report must include each contribution received, disbursement made, or obligation incurred during the reporting period, through December 31. [Sections 11.0103\(3\) and 11.0204](#).

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### **January 16, 2021**

#### **Duties of Clerk Regarding Campaign Finance Reports that Have Been Filed or that Are Delinquent**

The school district clerk, as the local filing officer, shall:

- (1) Develop a filing, coding, and cross-indexing system consonant with the purposes of the campaign finance laws and the filing officer's statutory duties.
- (2) Compile and maintain on an electronic system a current list of all reports and statements received by or required of and pertaining to each registered committee. *(Note: Initial guidance from the former Government Accountability Board regarding this requirement indicated that an electronic spreadsheet or word processing file would be a sufficient "electronic system.")*



- (3) Determine whether each report or statement required to be filed has been filed in the form and by the time prescribed by law, and whether it conforms on its face to the requirements set forth in applicable law.
- (4) Immediately send to any committee that is delinquent in filing, or that has filed otherwise than in the proper form, a notice that the committee has failed to comply. Whenever a candidate committee has appointed an individual other than the candidate as campaign treasurer, the filing officer shall send the notice to both the candidate and the treasurer of the candidate committee.
- (5) Notify the Ethics Commission, in writing, of any facts within the filing officer's knowledge or evidence in the officer's possession, including errors or discrepancies in reports or statements and delinquencies in filing which may be grounds for civil action or criminal prosecution. The Ethics Commission has created a form (CF-30) for local filing officers to use to provide such notice. The Commission may, at its discretion, transmit a copy of the notification received from the local filing officer to the district attorney.
- (6) Make available a list of delinquents for public inspection.
- (7) Make the reports and statements filed with the officer available for public inspection and copying, commencing as soon as practicable but not later than the end of the 2nd day following the day during which they are received.
- (8) Upon the request of any person, permit copying of campaign finance reports or registration statements that have been filed with the officer.

Section [11.0102\(3\)](#).

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### **On or Before January 25, 2021**

#### **Provide Municipal Clerk(s) with Ballots for Primary Election** **(If a Primary Is Held and If Paper Ballots Are Required)**

Where paper ballots are utilized at a spring primary election or spring election,\* the school district clerk shall provide the municipal clerk(s) with an adequate supply of ballots at least 22 days before the election. Sections [5.58\(1g\)](#) and [120.06\(8\)\(d\)](#).

Ballots must be available by January 26, 2021 in each municipal clerk's office for absentee voting at the spring primary (if a primary is required). Section [7.15\(1\)\(cm\)](#).

*\* Note: In many cases, county clerks will physically prepare and print consolidated, machine-readable ballots. Section [5.655](#). However, particularly if a school board election or a school district referendum is the only item being contested at the spring primary or if the district customarily prints paper ballots for school board elections, the school district should contact the relevant county clerk(s) to confirm the procedure for ballot preparation and printing.*

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## **January 26, 2021**

### **Deadline for Filing Petition to Change Number, Apportionment or Election of School Board Members in Unified School Districts**

At least 70 days prior to the election of school board members in a unified school district, a petition may be filed with the school district clerk requesting a change in the number of school board members, the establishment of a plan of apportionment, or a plan for election to numbered seats. Sections [120.02](#) and [120.41\(2\)](#).

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## **On or About January 29, 2021**

### **Notify Non-Exempt Committees of Duty to File a Preprimary Campaign Finance Report (If a Primary Election is Held)**

When a primary election is being held for one or more school board offices, each candidate committee that is not exempt from filing campaign finance reports and that is participating in the primary election must file a preprimary campaign finance report no earlier than 14 days and no later than 8 days preceding the primary. Sections [11.0103\(3\)](#) and [11.0204](#).

Local filing officers no longer have an express statutory duty to provide campaign finance law reporting forms to each registered, non-exempt committee by first class mail for each reporting period. However, in light of the filing officer duties that are specified in s. [11.0102\(3\)](#)\* and pending further guidance from the Ethics Commission on the proper interpretation and performance of those duties, local filing officers may conclude that the best method of proceeding is to contact each registered, non-exempt committee in connection with each reporting deadline to notify the committee of the applicable reporting deadlines and of the availability of the relevant forms. Particularly if such notice is sent electronically, the filing officer may even elect to include copies of the relevant forms as attachments to the communications. Such periodic communications over the course of the year may be more than is minimally required, but the remainder of this publication assumes that the filing officer is taking that approach.

*\* Note: Refer to the item above titled, "Notify Non-Exempt Committees of Duty to File a Continuing Report for the Period Ending December 31," at page 16 of this publication, for a list of the relevant duties.*

***Important Note: As further explained in the text box on page 6 of this publication and in the [supplement](#) to this [Election Schedule](#), this item may be updated with additional detail if the Ethics Commission further clarifies its intended interpretation and application of s. [11.0104](#) (i.e., the statute that defines the reporting exemption) for the 2021 spring election cycle. There continues to be uncertainty as to whether any candidate who is participating in the 2021 spring election is statutorily eligible to claim an exemption from filing campaign finance reports that covers the preprimary reporting period.***

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**February 2 to February 8, 2021**  
**Deadline for Non-Exempt Committees to File a Preprimary Election**  
**Campaign Finance Report (If a Primary Election is Held)**

When a primary election is being held for one or more school board offices, each candidate committee that is not exempt from filing campaign finance reports and that is participating in the primary election must file a preprimary election campaign finance report no earlier than 14 days and no later than 8 days preceding the primary. *Section [11.0204](#).*

The report shall begin with the first contribution received, disbursement made, or obligation incurred during the reporting period, and shall include all contributions received, disbursements made, and obligations incurred as of the end of the 15th day preceding the primary election. *Section [11.0103\(3\)](#).*

***Important Note: As further explained in the text box on page 6 of this publication and in the [supplement](#) to this Election Schedule, this item may be updated with additional detail if the Ethics Commission further clarifies its intended interpretation and application of s. [11.0104](#) (i.e., the statute that defines the reporting exemption) for the 2021 spring election cycle. There continues to be uncertainty as to whether any candidate who is participating in the 2021 spring election is statutorily eligible to claim an exemption from filing campaign finance reports that covers the preprimary reporting period.***

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**February 9, 2021**  
**Duties of Clerk Regarding Campaign Finance Reports that Have Been**  
**Filed or that Are Delinquent (If a Primary Election is Held)**

*Note: For a list of the relevant duties, refer to the item above that is also titled, “Duties of Clerk Regarding Campaign Finance Reports that Have Been Filed or that Are Delinquent,” at page 20 of this publication. See also s. [11.0102\(3\)](#) of the state statutes.*

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**February 12, 2021**  
**Write-in Candidate Registration Deadline for the Primary Election**  
**(If a Primary Election is Held)**

If at least one candidate has been certified to appear on the ballot for the office sought by a write-in candidate, and provided that no candidate who has been certified to appear on the ballot dies before the election, then write-in votes may only be counted if the write-in candidate has filed a registration statement under s. [11.0202\(1\)\(a\)](#) by no later than noon on the Friday immediately preceding the election. *Section [7.50\(2\)\(em\)](#).*

If no candidates have been certified to appear on the ballot for the office in question, or if a candidate who was certified to appear on the ballot dies before the election, then all write-in votes shall be counted, regardless of whether the person receiving votes filed a registration statement. *Section [7.50\(2\)\(em\)](#).*

*Note: Regardless of this vote-counting deadline, if a person who is seeking write-in votes becomes a “candidate” as defined under [Ch. 11](#) (e.g., by virtue of receiving a contribution, making a disbursement, or giving consent for another person to receive a contribution or make a*

*disbursement in order to bring about the individual's election to office), the campaign finance laws separately require the person to file a Campaign Registration Statement at that time.*

*Note: Send the names of all registered write-in candidates to all applicable municipal clerks. While there is no express requirement that school district clerks notify applicable municipal clerks of registered write-in candidates, the Wisconsin Election Commission [Election Day Manual](#) directs municipal clerks to provide a list of registered write-in candidates to election inspectors and that list will be incomplete if school district clerks fail to inform municipal clerks of registered school board write-in candidates.*

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## **On or Before February 15, 2021**

### **Choose Board of Canvassers (If a Primary Election is Held)**

The school district clerk shall choose two qualified electors prior to the date of the election being canvassed who shall, with the school district clerk, constitute the school district board of canvassers. If the school district clerk is a candidate at the election being canvassed, the other two members of the board of canvassers shall designate a third member to serve in lieu of the clerk for that election. [Section 7.53\(3\).](#)

The Elections Commission advises that appointed members of the board of canvassers should take and file an oath of office prior to undertaking any duties as an election official. (Form EL-154 may be used.)

*Note: The WASB has asked the Wisconsin Elections Commission to clarify whether the members of a school district board of canvassers are required to be compensated for their service under s. [7.03](#) of the state statutes. At least until clarification is received, a conservative approach would be to either (1) pay the members of the board of canvassers a reasonable daily or hourly rate, or (2) secure a written declination of such compensation from any canvasser who chooses to volunteer his/her services.*

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## **February 15, 2021**

### **Notice of Primary (If a Primary Election is Held)\***

The clerk shall publish a Class 1 notice, in accordance with [Ch. 985](#), on the Monday before the primary election. If, due to the method of delivering newspapers in the school district, the school district clerk determines that more effective notice will be provided by publication at an earlier date, the school district clerk may publish the notice not earlier than three days before the primary. In addition, if publication is made in a newspaper which does not publish on Monday, publication shall be made on the closest preceding day on which the newspaper publishes.

The notice shall contain the following information:

- (1) The date of the election;
- (2) The names of all candidates in the order in which they are listed on the ballot;

- (3) The location and open hours of polling places and a designation of which persons should vote at each polling place; and
- (4) A facsimile ballot and the relevant portions of the voting instructions under s. [10.02\(3\)](#).

Section [120.06\(8\)\(c\)](#); see also Sections [10.01\(2\)\(b\)](#) and [10.01\(2\)\(d\)](#).

Provide a copy of this notice to the clerk of each municipality lying wholly or partially within the school district. Section [120.06\(8\)\(a\)](#).

*\* Note: Newspaper deadlines will likely require the clerk to contact the newspaper well before February 15, 2021.*

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### **February 16, 2021**

#### **Spring Primary Election**

The spring primary is held on the third Tuesday in February. Section [5.02\(22\)](#).

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### **On or About February 16, 2021**

#### **Issue Open Meetings Law Notice of the Meeting(s) of the Board of Canvassers** **(If a Primary Election is Held)**

A formal opinion of the Attorney General of Wisconsin states that a duly selected and convened board of canvassers constitutes a governmental body for the purposes of the open meetings law. As such, meetings of the board of canvassers to canvass the primary election are subject to the notice provisions and open session requirements of the open meetings law. Public notice of the meeting(s) generally must be given at least 24 hours prior to the start of the meeting. Sections [19.83](#) and [19.84](#).

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### **On or About February 17, 2021**

#### **Receipt of Election Materials and Other Related Duties** **(If a Primary Election Was Held)**

After the election, the school district clerk shall:

- (1) Receive all election materials from municipal clerk(s), including ballots (after they have been counted, reported and secured) if the school district election ballots are separate. Sections [7.51\(5\)\(b\)](#) and [120.06\(8\)\(e\)](#);
- (2) Assure that the election returns are canvassed as required by law. Sections [7.53\(3\)](#), [120.06\(8\)\(f\)](#), and [120.06\(14\)](#); (See the next item, below, which also relates to the canvass.)
- (3) Retain and later supervise the destruction of election materials from the primary and from the spring election, pursuant to s. [7.23](#), insofar as applicable. Section [120.06\(8\)\(g\)](#); and



- (4) Assure that the recount of the election, if any, is conducted by the municipal and school district boards of canvassers pursuant to s. [9.01](#). [Section 120.06\(8\)\(h\)](#).
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**On or About February 17 to 23, 2021\***  
**Canvass of Election Returns and Written Determination of Primary Results**  
**(If a Primary Election Was Held)**

The Elections Commission advises that appointed members of the board of canvassers should take and file an oath of office prior to undertaking any duties as an election official. The school district clerk or any notary may administer the oath and Form EL-154 may be used.

The board of canvassers shall prepare a written statement showing the numbers of votes cast for each person for each office and for and against each question and shall prepare a determination showing the names of the persons who have won nomination to the school board and the results of any school district referendum. Each statement and determination shall be attested by each of the canvassers, and the statement and determination shall be filed in the school district office.

*Sections [7.53\(3\)\(a\)](#) and [120.06\(14\)](#).*

The board of canvassers must wait to begin its work until after the municipal clerk(s) have delivered the tally sheets, inspectors' statements, ballots, and applicable envelopes and materials to the school district clerk. The municipal clerks are generally required to deliver these materials no later than 4 p.m. on the day after the election. *Sections [7.51\(5\)\(b\)](#) and [7.53\(3\)\(a\)](#).*

The latest possible date and time that the canvass may commence is 9 a.m. on the Tuesday after the election. *Section [7.53\(3\)\(a\)](#).*

Once the canvassing of the election begins, it is to continue, without adjournment, until it is completed. However, as an exception to this rule, if the board of canvassers has met before 4 p.m. on the Monday after the election and thereafter receives amended statements, tally sheets, and lists from a municipal clerk for provisional ballots that are eligible to be counted under s. [6.97\(4\)](#), then the board of canvassers must reconvene no later than 9 a.m. on the Tuesday after the election and adjust the returns accordingly. *Sections [7.51\(5\)\(b\)](#) and [7.53\(3\)\(a\)](#).*

In all cases, the board of canvassers must complete the canvass and prepare its statements and determinations no later than 4 p.m. on the Tuesday after the election. *Section [7.53\(3\)\(a\)](#).*

*\* Note: Due to the statutory timing of the canvassing, this section indicates an approximate timeline for conducting the canvass. The ending date of the canvass will determine the timeline for recount requests (see below).*

*Note: Districts are encouraged to carefully review s. [7.53\(3\)\(a\)](#) of the Wisconsin Statutes. In order to be certain that the board of canvassers will avoid the need to reconvene to adjust the returns to account for provisional ballots, as further described in the above paragraph, the meeting of the board of canvassers would have to be scheduled to begin either: (1) at 4 p.m. or later on the Monday after the election; or (2) at 9 a.m. or earlier on the Tuesday after the election. When scheduling the meeting of the board of canvassers, school district clerks are encouraged to*

coordinate with the applicable municipal clerks regarding any outstanding ballots that are eligible to be counted under s. [6.97\(4\)](#).

*Note: The WASB has asked the Wisconsin Elections Commission to clarify whether the members of a school district board of canvassers are required to be compensated for their service under s. [7.03](#) of the state statutes. At least until clarification is received, a conservative approach would be to either (1) pay the members of the board of canvassers a reasonable daily or hourly rate, or (2) secure a written declination of such compensation from any canvasser who chooses to volunteer his/her services.*

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### **On or About February 17 to 26, 2021**

#### **Recount Request May Be Filed (If a Primary Election Was Held)**

Any candidate voted for at any election may request a recount. The petitioner shall file a verified petition or petitions accompanied by the fee prescribed by law, if any, with the school district clerk not earlier than the time of completion of the canvass and not later than 5 p.m. on the third business day following the last meeting day of the board of canvassers determining the election for that office. Section [9.01\(1\)\(a\)](#).

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### **On or About February 19 to 26, 2021**

#### **Drawing of Lots for Ballot Order Following any Primary Election**

Not later than the third day following the completion of the canvass of the primary election, if a primary is held, the school district clerk shall determine the order in which the names of the candidates for school board seats are printed on the ballot by supervising the drawing of lots. Section [5.60\(4\)\(c\)](#).

*Note: Sections [5.60\(4\)\(c\)](#) and [120.06\(8\)\(b\)](#) appear to be in conflict. Section [120.06\(8\)\(b\)](#) calls for the school board clerk to supervise the drawing of lots not later than the second day following the completion of the canvass of the primary election, if any. The timeline in section [5.60\(4\)\(c\)](#) appears to better account for the three days a candidate is allowed to petition for a recount. In the event of a recount, the school district clerk may wish to contact the Elections Board for advice on scheduling the drawing of lots for ballot order for the spring election.*

*Note: School district clerks are not required to publish a notice of the drawing of lots for ballot order; however, the drawing must be done publicly, and a candidate has a right to be present and witness the drawing if he or she wishes. The clerk should keep a record of the procedures followed during the drawing. The drawing is to be random. Therefore, it would be inappropriate to, for example, simply put candidates' names in alphabetical order (unless they are randomly drawn in that order).*

**On or About February 19 to 26, 2021**  
School District Clerk Certifies Nominations and Ballot Order to  
County Clerk(s) (If a Primary Was Held)

As soon as the deadline for filing a petition for a recount has passed, the school district clerk shall certify nominations after the primary. When a valid petition for a recount is filed, the school district clerk shall not certify the nomination for the office in question until the recount has been completed and the time allowed for filing an appeal has passed or is appealed until the appeal is decided.

*Section [7.53\(3\)](#) and [7.53\(4\)](#).*

School district clerks should use form EL-405 (Certificate of Nomination) to certify the spring election candidates to the appropriate county clerk(s).

*Note: In a 1<sup>st</sup> class city school district—i.e., the Milwaukee Public Schools—the municipal board of canvassers or election commissioners certifies nominations after each primary election.*

*Section [7.53\(3\)\(b\)](#).*

**On or Before March 15, 2021**  
Provide Municipal Clerk(s) with Ballots (If Required\*)

Where paper ballots are utilized at a spring primary election or spring election,\* the school district clerk shall provide the municipal clerk(s) with an adequate supply of ballots at least 22 days before the election. *Sections [5.58\(1g\)](#) and [120.06\(8\)\(d\)](#).*

Ballots must be available by March 16, 2021 in each municipal clerk's office for absentee voting at the spring election. *Section [7.15\(1\)\(cm\)](#).*

*\* Note: In many cases, county clerks will physically prepare and print consolidated, machine-readable ballots. Section [5.655](#) However, particularly if a school board election or a school district referendum is the only item being contested at the spring election or if the district customarily prints paper ballots for school board elections, the school district should contact the relevant county clerk(s) to confirm the procedure for ballot preparation and printing.*

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**On or About March 19, 2021**  
Notify Non-Exempt Committees of Duty to File a Preelection Campaign  
Finance Report

Each candidate committee that is not exempt from filing campaign finance reports and that is participating in the spring election must file a preelection campaign finance report no earlier than 14 days and no later than 8 days preceding the election. *Sections [11.0103\(3\)](#) and [11.0204](#).*

Local filing officers no longer have an express statutory duty to provide campaign finance law reporting forms to each registered, non-exempt committee by first class mail for each reporting period. However, in light of the filing officer duties that are specified in s. [11.0102\(3\)](#)\* and pending further guidance from the Ethics Commission on the proper interpretation and performance of those duties, local filing officers may conclude that the best method of proceeding is to contact each registered, non-exempt committee in connection with each reporting deadline to notify the

committee of the applicable reporting deadlines and of the availability of the relevant forms. Particularly if such notice is sent electronically, the filing officer may even elect to include copies of the relevant forms as attachments to the communications. Such periodic communications over the course of the year may be more than is minimally required, but the remainder of this publication assumes that the filing officer is taking that approach.

*\* Note: Refer to the item above titled, “Notify Non-Exempt Committees of Duty to File a Continuing Report for the Period Ending December 31,” at page 16 of this publication, for a list of the relevant duties.*

***Important Note: As further explained in the text box on page 6 of this publication and in the [supplement](#) to this [Election Schedule](#), this item may be updated with additional detail if the Ethics Commission further clarifies its intended interpretation and application of s. [11.0104](#) (i.e., the statute that defines the reporting exemption) for the 2021 spring election cycle. There continues to be uncertainty as to whether any candidate who is participating in the 2021 spring election is statutorily eligible to claim an exemption from filing campaign finance reports that covers the preelection reporting period.***

### **March 23 to 29, 2021**

#### **Deadline for Non-Exempt Committees to File Preelection Campaign Finance Report**

Each candidate committee that is not exempt from filing campaign finance reports and that is participating in the spring election must file a preelection campaign finance report no earlier than 14 days and no later than 8 days preceding the election. *Section [11.0204](#).*

The report shall begin with the first contribution received, disbursement made, or obligation incurred during the reporting period, and shall include all contributions received, disbursements made, and obligations incurred as of the end of the 15th day preceding the election. *Section [11.0103\(3\)](#).*

***Important Note: As further explained in the text box on page 6 of this publication and in the [supplement](#) to this [Election Schedule](#), this item may be updated with additional detail if the Ethics Commission further clarifies its intended interpretation and application of s. [11.0104](#) (i.e., the statute that defines the reporting exemption) for the 2021 spring election cycle. There continues to be uncertainty as to whether any candidate who is participating in the 2021 spring election is statutorily eligible to claim an exemption from filing campaign finance reports that covers the preelection reporting period.***

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### **March 30, 2021**

#### **Duties of Clerk Regarding Campaign Finance Reports that Have Been Filed or that Are Delinquent**

*Note: For a list of the relevant duties, refer to the item above that is also titled, “Duties of Clerk Regarding Campaign Finance Reports that Have Been Filed or that Are Delinquent,” at page 20 of this publication. See also s. [11.0102\(3\)](#) of the state statutes.*

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**April 2, 2021**

**Write-in Candidate Registration Deadline for the Spring Election**

If at least one candidate has been certified to appear on the ballot for the office sought by a write-in candidate, and provided that no candidate who has been certified to appear on the ballot dies before the election, then write-in votes may only be counted if the write-in candidate has filed a registration statement under s. [11.0202\(1\)\(a\)](#) by no later than noon on the Friday immediately preceding the election. *Section [7.50\(2\)\(em\)](#).*

If no candidates have been certified to appear on the ballot for the office in question, or if a candidate who was certified to appear on the ballot dies before the election, then all write-in votes shall be counted, regardless of whether the person receiving votes filed a registration statement. *Section [7.50\(2\)\(em\)](#).*

*Note: Regardless of this vote-counting deadline, if a person who is seeking write-in votes becomes a “candidate” as defined under [Ch. 11](#) (e.g., by virtue of receiving a contribution, making a disbursement, or giving consent for another person to receive a contribution or make a disbursement in order to bring about the individual’s election to office), the campaign finance laws separately require the person to file a timely Campaign Registration Statement.*

*Note: Send the names of all registered write-in candidates to all applicable municipal clerks. While there is no express requirement that school district clerks notify applicable municipal clerks of registered write-in candidates, the Wisconsin Election Commission [Election Day Manual](#) directs municipal clerks to provide a list of registered write-in candidates to election inspectors and that list will be incomplete if school district clerks fail to inform municipal clerks of registered school board write-in candidates.*

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**On or Before April 5, 2021**

**Choose Board of Canvassers**

The school district clerk shall choose two qualified electors prior to the date of the election being canvassed who shall, with the school district clerk, constitute the school district board of canvassers. If the school district clerk is a candidate at the election being canvassed, the other two members of the board of canvassers shall designate a third member to serve in lieu of the clerk for that election. *Section [7.53\(3\)](#).*

The Elections Commission advises that appointed members of the board of canvassers should take and file an oath of office prior to undertaking any duties as an election official. (Form EL-154 may be used.)

*Note: The WASB has asked the Wisconsin Elections Commission to clarify whether the members of a school district board of canvassers are required to be compensated for their service under s. [7.03](#) of the state statutes. At least until clarification is received, a conservative approach would be to either (1) pay the members of the board of canvassers a reasonable daily or hourly rate, or (2) secure a written declination of such compensation from any canvasser who chooses to volunteer his/her services.*



**April 5, 2021**  
**Notice of Spring Election\***

The clerk shall publish a Class 1 notice, in accordance with [Ch. 985](#), on the Monday before the spring election. If, due to the method of delivering newspapers in the school district, the school district clerk determines that more effective notice will be provided by publication at an earlier date, the school district clerk may publish the notice not earlier than three days before the election. In addition, if publication is made in a newspaper which does not publish on Monday, publication shall be made on the closest preceding day on which the newspaper publishes.

The notice shall contain the following information:

- (1) The date of the election;
- (2) The names of all candidates in the order in which they are listed on the ballot;
- (3) The location and open hours of polling places and a designation of which persons should vote at each polling place; and
- (4) A facsimile ballot and the relevant portions of the voting instructions under s. [10.02\(3\)](#).

Section [120.06\(8\)\(c\)](#); see also Sections [10.01\(2\)\(b\)](#) and [10.01\(2\)\(d\)](#).

Provide a copy of this notice to the clerk of each municipality lying wholly or partially within the school district. Section [120.06\(8\)\(a\)](#).

*\* Note: Newspaper deadlines will likely require the clerk to contact the newspaper well before April 5, 2021.*

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**April 6, 2021**  
**Spring Election**

The spring election is held on the first Tuesday in April. Section [5.02\(21\)](#).

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**On or About April 6, 2021**  
**Issue Open Meetings Law Notice of the Meeting(s) of the Board of Canvassers**

A formal opinion of the Attorney General of Wisconsin states that a duly selected and convened board of canvassers constitutes a governmental body for the purposes of the open meetings law. As such, meetings of the board of canvassers held to canvass the Spring Election are subject to the notice provisions and open session requirements of the open meetings law. Public notice of the meeting(s) generally must be given at least 24 hours prior to the start of the meeting. Sections [19.83](#) and [19.84](#).

**After April 6, 2021**  
**Campaign Committees May File Campaign Finance**  
**Termination Report**

Whenever any committee dissolves or determines that obligations will no longer be incurred, contributions will no longer be received, and disbursements will no longer be made during a calendar year, and the committee has no outstanding incurred obligations, the committee shall file with the appropriate filing officer a termination report that indicates a cash balance of zero at the end of the reporting period. The committee shall include the information required to be reported by that committee on its continuing reports. *Section [11.0105](#).*

However, the following additional requirements and restrictions are stated in the campaign finance laws regarding termination reports:

- (1) In no case may a candidate committee file a termination report covering any period ending sooner than the date of the election in which the candidate committee is participating. *Section [11.0105\(1\)\(b\)](#).*
- (2) A committee that has filed an amended registration statement claiming an exemption from filing campaign reports for the applicable calendar year is not required to file a termination report. *Section [11.0104\(4\)](#).*
- (3) A person who is a candidate by virtue of holding a local office must remain registered under the campaign finance laws. *Sections [11.0101\(1\)](#) and [11.0202\(1\)](#). (Note: This means that incumbent board members who are continuing in office and candidates who take office after prevailing in an election will not be filing termination reports.)*

The committee shall include in the termination report the manner in which residual funds were disposed. Residual funds may be used for any purpose not prohibited by law, returned to the donors in an amount not exceeding the original contribution, or donated to a charitable organization or the common school fund. *Section [11.0105\(3\)](#).*

**If a registered committee does not file a termination report and has not properly claimed an exemption from filing campaign finance reports, the committee remains registered and must continue to file campaign finance reports with the clerk.**

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**On or About April 7, 2021**  
**Receipt of Election Materials and Other Related Duties**

After the election, the school district clerk shall:

- (1) Receive all election materials from municipal clerk(s), including ballots (after they have been counted, reported and secured) if the school district election ballots are separate. *Sections [7.51\(5\)\(b\)](#) and [120.06\(8\)\(e\)](#);*
- (2) Assure that the election returns are canvassed as required by law. *Sections [7.53\(3\)](#), [120.06\(8\)\(f\)](#), and [120.06\(14\)](#); (See the next item, below, which also relates to the canvass.)*

- (3) Retain and later supervise the destruction of election materials from the primary and from the spring election, pursuant to s. [7.23](#), insofar as applicable. *Section [120.06\(8\)\(g\)](#)*; and
  - (4) Assure that the recount of the election, if any, is conducted by the municipal and school district boards of canvassers pursuant to s. [9.01](#). *Section [120.06\(8\)\(h\)](#)*.
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**April 7 to 13, 2021\***  
Canvass of Election Returns and Written Determination  
of Election Results

The Elections Commission advises that appointed members of the board of canvassers should take and file an oath of office prior to undertaking any duties as an election official. The school district clerk or any notary may administer the oath and Form EL-154 may be used.

The board of canvassers shall prepare a written statement showing the numbers of votes cast for each person for each office and for and against each question and shall prepare a determination showing the names of the persons who are elected to the school board and the results of any school district referendum. Each statement and determination shall be attested by each of the canvassers, and the statement and determination shall be filed in the school district office. *Sections [7.53\(3\)\(a\)](#) and [120.06\(14\)](#)*.

The board of canvassers must wait to begin its work until after the municipal clerk(s) have delivered the tally sheets, inspectors' statements, ballots, and applicable envelopes and materials to the school district clerk. The municipal clerks are generally required to deliver these materials no later than 4 p.m. on the day after the election. *Sections [7.51\(5\)\(b\)](#) and [7.53\(3\)\(a\)](#)*.

The latest possible date and time that the canvass may commence is 9 a.m. on the Tuesday after the election. *Section [7.53\(3\)\(a\)](#)*.

Once the canvassing of the election begins, it is to continue, without adjournment, until it is complete. However, as an exception to this rule, if the board of canvassers has met before 4 p.m. on the Monday after the election and thereafter receives amended statements, tally sheets, and lists from a municipal clerk for provisional ballots that are eligible to be counted under s. [6.97\(4\)](#), then the board of canvassers must reconvene no later than 9 a.m. on the Tuesday after the election and adjust the returns accordingly. *Sections [7.51\(5\)\(b\)](#) and [7.53\(3\)\(a\)](#)*.

In all cases, the board of canvassers must complete the canvass and prepare its statements and determinations no later than 4 p.m. on the Tuesday after the election. *Section [7.53\(3\)\(a\)](#)*.

*\* Note: Due to the statutory timing of the canvassing, this section indicates an approximate timeline for conducting the canvass. The ending date of the canvass will determine the timeline for recount requests (see below).*

*Note: Districts are encouraged to carefully review s. [7.53\(3\)\(a\)](#) of the Wisconsin Statutes. In order to be certain that the board of canvassers will avoid the need to reconvene to adjust the returns to account for provisional ballots, as further described in the above paragraph, the meeting of the board of canvassers would have to be scheduled to begin either: (1) at 4 p.m. or later on the Monday after the election; or (2) at 9 a.m. or earlier on the Tuesday after the election. When scheduling the*

meeting of the board of canvassers, school district clerks are encouraged to coordinate with the applicable municipal clerks regarding any outstanding ballots that are eligible to be counted under s. [6.97\(4\)](#).

*Note: The WASB has asked the Wisconsin Elections Commission to clarify whether the members of a school district board of canvassers are required to be compensated for their service under s. [7.03](#) of the state statutes. At least until clarification is received, a conservative approach would be to either (1) pay the members of the board of canvassers a reasonable daily or hourly rate, or (2) secure a written declination of such compensation from any canvasser who chooses to volunteer his/her services.*

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### **On or About April 7 to 16, 2021** **Recount Request May Be Filed**

Any candidate voted for at any election may request a recount. The petitioner shall file a verified petition or petitions accompanied by the fee prescribed by law, if any, with the school district clerk not earlier than the time of completion of the canvass and not later than 5 p.m. on the third business day following the last meeting day of the board of canvassers determining the election for that office. Section [9.01\(1\)\(a\)](#).

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### **On or about April 7 to 16, 2021** **Certificate(s) of Election**

As soon as the deadline for filing a petition for a recount has passed, the school district clerk shall issue promptly a certificate of election (Form EL-153) to each person elected to any office. The school district clerk need not wait until expiration of the time for filing a recount petition if there is no aggrieved party as defined in s. [9.01\(1\)\(a\)5](#). When a valid petition for a recount is filed, the clerk shall not issue the certificate of election for the office in question until the recount has been completed and the time allowed for filing an appeal has passed, or if appealed until the appeal is decided. Sections [7.53\(3\)](#)\*, [7.53\(4\)](#), and [120.06\(10\)](#)\*.

Personal service or service by first class mail of a certificate of election is official notification for all legal purposes to any person of his or her election to office. Section [7.80](#).

*\* Note: The deadlines for issuing a certificate of election, as expressed differently in s. [7.53\(4\)](#) and s. [120.06\(10\)](#), should be harmonized by issuing the certificates as soon as the recount petition deadline passes or, if applicable, as soon as the recount process is completed.*

*Note: In a 1st class city school district --i.e., MPS -- the municipal board of canvassers or election commissioners issues certificates of election to persons elected to the MPS board of school directors. Section [7.53\(3\)\(b\)](#).*

*Note: An “aggrieved party” eligible to file a recount petition is a candidate who trails the leading candidate by no more than 40 votes in elections at which 4,000 or fewer votes were cast or by no*

more than 1% of the total votes cast for the office in elections at which more than 4,000 votes were cast. Section [9.01\(1\)\(a\)5](#).

### Notifying Municipal and County Clerks of School District Officers

The clerk shall report the name and post office address of each officer of the school district, within 10 days after the election or appointment of the officer, to the clerk and treasurer of each municipality having territory within the school district. Sections [120.05\(1\)\(a\)](#), [120.17\(1\)](#), and [120.44\(2\)](#).

The clerk, secretary, or other administrative officer of the school district shall provide the county clerk with the name, phone number, email address, and post-office address of local officials. Section [59.23\(2\)\(s\)](#).

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### **On or Before April 26, 2021**

#### Deadline for Newly Elected School Board Members to File Notice of Refusal of Salary that Takes Effect at the Start of the Term of Office

A school board member may send written notification to the school district clerk and the school district treasurer that the school board member wishes to refuse to accept the salary that he or she is otherwise entitled to receive. The notification applies only to that taxable year. A school board member elected at the spring election shall send the notification no later than the day on which the board member takes the official oath of office and before the board member performs any services in his or her capacity as a board member. The notification applies only to the taxable year in which the school board member's election has been certified. Sections [120.07](#) and [120.45](#).

### School Board Members Take and File the Official Oath

On or prior to the fourth Monday in April, any school board member elected **or re-elected** to office at the spring election shall take and file the official oath. The school district clerk has authority to administer the oath of office. A notary public or other person with authority to administer oaths may also administer the oath to members. The forms of the oath are set out in s. [19.01](#). The Elections Commission maintains an official oath form (EL-154). Sections [19.01](#), [120.06\(4\)](#), [120.06\(10\)](#), [120.17\(10\)](#), [120.42\(2\)](#), [120.44\(2\)](#), and [887.01\(1\)](#).

The official oath shall be in writing and subscribed and sworn to. The oath does not need to be administered at or in conjunction with a school board meeting. If desired, the oath may be administered orally in addition to the written oath (e.g., during open session of a school board meeting), but such additional administration should be considered largely ceremonial. Section [19.01](#).

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**April 26, 2021**  
**School Board Members Take Office**

School board members elected at the spring election take office, provided they have taken and filed the official oath, on the fourth Monday in April. *Sections [120.06\(4\)](#) and [120.42\(2\)](#).*

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**April 26 to May 26, 2021**  
**Election of School Board Officials**

In the case of a common or union high school district school board with more than three members, the school board shall annually elect a school district president, vice president, treasurer, and clerk from among its members at a school board meeting held on or within 30 days after the fourth Monday in April. *Section [120.05\(1\)\(c\)](#).*

Annually, on or within 30 days after the 4th Monday in April, the school board in a unified school district shall elect a school district president, vice president, clerk, and treasurer from among its members and a school board secretary who need not be a member of the school board. *Section [120.43\(1.\)](#).*

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**June 21, 2021\***  
**Deadline for Filing Petition to Change Number, Apportionment, or**  
**Election of School Board Members in Union High School Districts**

At least 30 days prior to the annual meeting in a union high school district, a petition requesting a change in the number of school board members, the establishment of a plan of apportionment, or a plan for election from numbered seats may be filed with the board clerk. *Sections [120.02](#) and [120.08\(1\)](#).*

*\* Note: This date is the deadline **only if** the union high school district annual meeting is held on the third Monday in July and **if** the district office is closed on Saturday, June 19, 2021. By statute, when the last day for filing a document with any officer or agent of any school district falls on a Saturday and the duly established official office hours of such officer or agent, to which the document is required to be filed, do not include any office hours thereof on such Saturday, the filing may be done on the next succeeding day that is not a Sunday or a legal holiday. Section [990.001\(4\)\(c\)](#).*

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**June 28, 2021\***  
**Deadline for Filing Petition to Change Number, Apportionment, or**  
**Election of School Board Members in Common School Districts.**

At least 30 days prior to the annual meeting in a common school district, a petition requesting a change in the number of school board members, the establishment of a plan of apportionment, or a plan for election from numbered seats may be filed with the board clerk. *Sections [120.02](#) and [120.08\(1\)](#).*

*\* Note: This date is the deadline **only if** the common district annual meeting is held on the fourth*

*Monday in July and if the district office is closed on Saturday, June 26, 2021. By statute, when the last day for filing a document with any officer or agent of any school district falls on a Saturday and the duly established official office hours of such officer or agent, to which the document is required to be filed, do not include any office hours thereof on such Saturday, the filing may be done on the next succeeding day that is not a Sunday or a legal holiday. Section [990.001\(4\)\(c\)](#).*

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### **On or About June 30, 2021**

#### **Notify Non-Exempt Committees of Duty to File a Continuing Report for the Period Ending June 30**

Each registered candidate committee that is not exempt from filing campaign finance reports must file the July continuing campaign finance report with the school district clerk. Sections [11.0103\(3\)](#) and [11.0204](#).

Local filing officers no longer have an express statutory duty to provide campaign finance law reporting forms to each registered, non-exempt committee by first class mail for each reporting period. However, in light of the filing officer duties that are specified in s. [11.0102\(3\)](#)\* and pending further guidance from the Ethics Commission on the proper interpretation and performance of those duties, local filing officers may conclude that the best method of proceeding is to contact each registered, non-exempt committee in connection with each reporting deadline to notify the committee of the applicable reporting deadlines and of the availability of the relevant forms.

Particularly if such notice is sent electronically, the filing officer may even elect to include copies of the relevant forms as attachments to the communications. Such periodic communications over the course of the year may be more than is minimally required, but the remainder of this publication assumes that the filing officer is taking that approach.

*\* Note: Refer to the item above titled, "Notify Non-Exempt Committees of Duty to File a Continuing Report for the Period Ending December 31," at page 16 of this publication, for a list of the relevant duties.*

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### **July 15, 2021**

#### **Deadline for Non-Exempt Committees to File July Continuing Campaign Finance Report**

All registered candidate committees that are not exempt from filing campaign finance reports for reporting period ending on June 30 must file the campaign finance report required under s. 11.0204. The report must be filed with the school district clerk no earlier than July 1 and no later than July 15. The report must include each contribution received, disbursement made, or obligation incurred during the reporting period, through June 30. Sections [11.0103\(3\)](#) and [11.0204](#).

*Note: See the notation, above, regarding filing a campaign finance termination report and avoiding this continuing report obligation. Actively serving school board members continue to be "candidates" under the campaign finance law throughout their term of office and, therefore, may not file a termination report.*

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**July 16, 2021**

**Duties of Clerk Regarding Campaign Finance Reports**  
**that Have Been Filed or that Are Delinquent**

*Note: For a list of the relevant duties, refer to the item above that is also titled, “Duties of Clerk Regarding Campaign Finance Reports that Have Been Filed or that Are Delinquent,” at page 20 of this publication.*

*See also s. [11.0102\(3\)](#) of the state statutes.*

## Part III: List of Elections Commission and Ethics Commission Forms

The elections forms listed below are updated with some frequency. Accordingly, WASB strongly encourages school districts to access the most-current copy of the forms directly through the websites of the Ethics Commission (<https://ethics.wi.gov/Pages/Resources/ResourcesOverview.aspx>) and the Elections Commission (<http://elections.wi.gov/forms>), as applicable.

In addition, school officials using the electronic version of this document (accessible to members via the WASB website at [www.wasb.org](http://www.wasb.org)) will find that the list below includes electronic links to each of the specific forms. However, the specific form designations and their active links change with some frequency. As a result, not all of the form numbers, form titles, and links provided below may be current and active for the duration of the entire election cycle. School districts may contact WASB or the appropriate Commission with any questions about the forms.

### **Forms to Include in Initial Candidate Packets**

*(Note: Some forms in this category are duplicated in other categories, below.)*

[Ballot Access Checklist for School District Candidates](#) (ELIS-5)

[Campaign Finance Checklist - School District Candidates](#) (ETIS-8)

[Campaign Registration Statement](#) (CF-1)

[Declaration of Candidacy – School District Candidates](#) (EL-162sd)

[Nomination Paper for Nonpartisan Office](#) (EL-169) (include this form in candidate packets **only if** nomination papers are required)

### **Forms Used by Candidates (Non-Campaign Finance Related)**

[Declaration of Candidacy – School District Candidates](#) (EL-162sd)

[Nomination Paper for Nonpartisan Office](#) (EL-169) (if nomination papers are required)

[Notification of Noncandidacy](#) (EL-163)

[Official Oath](#) (EL-154)

### **Forms Used by Candidate Committees (Campaign Finance Compliance)**

[Campaign Registration Statement](#) (CF-1)

[Exemption Reverification](#) (ETHCF-14) (for renewing a campaign finance reporting exemption)

[Campaign Finance Report for Local Committees](#) (ETHCF-2L)

[Campaign Finance Report -- Statement of No Activity](#) (CF-2NA)

[Termination Request](#) (ETHCF-2S)

### **Forms Used by the Local Filing Officer (Clerk)**

[Nomination Paper Receipt](#) (EL-151) (use of this form does not appear to be mandatory)

[Notice of Campaign Finance Violation, Error, or Discrepancy](#) (CF-30)

[Certificate of Nomination](#) (EL-405)

[Board of Canvassers Statement; Tabular Statement of Votes Cast](#) (EL-106)

[Statement of Board of Canvassers Addressing Provisional Ballots](#) (EL-106P)

[Certificate of Election](#) (EL-153)

[Official Oath](#) (EL-154)

Types of Ballots\* (when separate paper ballots are prepared just for school board seats)

- [School Board Primary Ballot, At-Large](#) (EL-222)
- [School Board Primary Ballot, Numbered Seats](#) (EL-223)
- [School Board Primary Ballot, Area-Appportioned Seats](#) (EL-224)
  
- [School Board Election Ballot, At-Large](#) (EL-225)
- [School Board Election Ballot, Numbered Seats](#) (EL-226)
- [School Board Election Ballot, Area-Appportioned Seats](#) (EL-227)
  
- [Reverse Side of Paper Ballot](#) (EL-229) \*\*

*\* Note: These sample ballots would need to be adapted for use by a 3-member school board.*

*\*\* Note also: The Elections Commission has informed the WASB that some school district clerks are using outdated ballots with information on the back of the ballots that is incorrect and sometimes contrary to current law. School district clerks should review the sample ballots available on the Elections Commission website (and linked above) to make certain that the information provided on the ballot and on the back of the ballot is current and correct.*





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