

The background of the entire page is a close-up, slightly blurred photograph of the American flag. The red and white stripes are prominent in the foreground, while the blue field with white stars is visible in the background. The text is overlaid on this image.

CITY OF MUSKEGO

SPRING ELECTION

2016

SPRING PRIMARY – FEBRUARY 16, 2016

AND

SPRING ELECTION – APRIL 5, 2016



Department of Finance & Administration
Sharon Mueller
Finance & Administration Director
(262) 679-5622
smueller@cityofmuskego.org

September 29, 2015

Dear Candidate:

The upcoming elections for 2016 include the Primary Election (if necessary) and Spring Election, which will be held on February 16th and April 5th, respectively. To assist you with the election process, enclosed is a packet of basic information and forms which include the following:

- Guidelines for Candidates
- Registering as a Candidate
- Ballot Access Checklist (GABIS-7)
- Campaign Finance Checklist (GABIS-8)
- Campaign Registration Statement (GAB-1)
- Nomination Papers (GAB-169)
- Declaration of Candidacy (GAB-162)
- Wisconsin Candidate Eligibility
- Campaign Finance Overview – Local Candidates
- Political Sign Regulations:
 - Procedure Regarding Political Sign Complaints
 - Letter from the Planning Department regarding placement of political signs
 - Wisconsin Statutes Chapter 12, Chapter 84.30 and Chapter 86.19, 191 & 192
 - Wisconsin Department of Transportation

District Maps for Aldermanic Candidates will be available in the City Hall Department of Finance & Administration. For additional information, please visit the Government Accountability Board website at <http://gab.wi.gov> or the City of Muskego website at www.cityofmuskego.org /Elections/Local Candidates. Should you have any additional questions regarding the election process, please feel free to contact Kim Chavie at 262-679-5628 or email kchavie@cityofmuskego.org.

Sincerely,

Sharon Mueller
Director of Finance & Administration

Encls.
CITYHALL/Elections/Candidates/Candidate Ltr 2016)

GUIDELINES FOR CANDIDATES FOR THE 2016 SPRING ELECTION

As a candidate for a county, city, town or village office, you may find the following general guidelines helpful as you prepare your election campaign for the 2016 Spring Election. These guidelines identify the main steps for you to take to qualify your name to appear on the Election Ballot. These steps alert you to the important points to keep in mind. You may want to look at the instructions for completing the campaign registration statement, Form GAB-1, and for qualifying for the exemption from filing campaign finance reports.

As a candidate, you are responsible to become familiar with the election and campaign finance requirements that apply to your campaign, which you may obtain from either the Wisconsin Statutes, or from your private attorney. In addition, you may obtain general information about the Election and campaign finance requirements from either your Municipal Clerk or the Government Accountability Board, keeping in mind that such information you receive may not be interpreted as either legal advice or a release from your responsibility to comply with the law.

You may find these guidelines helpful. If you have any questions about this guide, call your Municipal Clerk at 262 679-5622 or the Government Accountability Board at 608 266-8005.

CITY OFFICES

1. If you seek city office by filing nomination papers, you should keep the following points in mind:
 - a) Pick up copies of your Nomination Papers (GAB-169), Declaration of Candidacy (GAB-162), and Campaign Registration Statement (GAB-1), from the Municipal Clerk or any Municipal Clerk at any time.
 - b) Read carefully all the instructions on the back of the Nomination Paper (GAB-169) and Declaration of Candidacy (GAB-162).
 - c) Read the administrative rules about valid signatures appearing in the Government Accountability Board rules in Section 2.05.
 - d) Obtain the signatures from qualified electors on your Nomination Papers between December 1, 2015, and 5:00 P.M. on Tuesday, January 5, 2016.
 - e) Be sure the number of valid signatures of electors equals the number required for the city office sought which is stated in 8.10(3)(i), (j) or (k), appearing in the Wisconsin Statutes. (Citywide offices 200 minimum - 400 maximum, Aldermanic offices 20 minimum - 40 maximum. Please do not obtain or submit more than maximum signatures.)
 - f) File your Campaign Registration Statement (GAB-1) with the Municipal Clerk as soon as you decide to become a candidate for city office, even if the date of your decision is before the first day to circulate nomination papers, which is December 1, 2015.

g) Deadline to file the Nomination Papers (GAB-169), Declaration of Candidacy (GAB-162), and Campaign Registration Statement (GAB-1) is no later than 5:00 P.M. on Tuesday, January 5, 2016, or your name may not appear on the election ballot.

h) If Candidate for Municipal Judge, complete and submit Statement of Economic Interests (GAB-904) to the Government Accountability Board, Ethics and Accountability Division (212 East Washington Avenue, 3rd Floor, P.O. Box 7984, Madison, WI 53707-7984, telephone 608-266-8005) no later than 4:30 p.m. on Friday, January 8, 2016. If this statement is not filed by January 8, 2016, the candidate's name will not be placed on the ballot. Wis. Stat. 8.10(5), 8.30(3), 19.43(4).

2. If, however, you seek a city office as a write-in candidate, you should keep the following points in mind:

- a) Pick up your Campaign Registration Statement (GAB-1) from the Municipal Clerk or any Municipal Clerk at any time.
- b) File your Campaign Registration Statement with the Municipal Clerk as soon as you decide to become a candidate for a city office.
- c) Educate your supporters either to write your name in the blank space appearing on the ballot, or in the appropriate place where voting machines or electronic voting devices are used.

REGISTERING AS A CANDIDATE

DECLARATION OF CANDIDACY

Complete and submit a **DECLARATION OF CANDIDACY (FORM GAB-162)** to the filing officer by **5:00 pm on Tuesday, January 5, 2016**. This form **must** be filed by January 5, 2016, or the candidate's name will not be placed on the ballot. An amended Declaration of Candidacy form must be filed if any information changes after the original is signed and before the candidate assumes office or is defeated.

NOMINATION PAPERS

Circulate and submit Nomination Papers for Nonpartisan Office (Form GAB-169) to the filing officer by 5:00 p.m. on Tuesday, January 5, 2016. Nomination papers may not be circulated before December 1, 2015.

First day to Circulate Nomination Papers December 1, 2015

Deadline for Filing Nomination Papers January 5, 2016

ALDERPERSONS REQUIRE A MINIMUM OF 20 SIGNATURES AND A MAXIMUM OF 40 SIGNATURES

- **CANDIDATE'S NAME** – A candidate may use his or her full legal name, or any combination of first name, middle name and initials or nickname with last name. No abbreviations or titles are permitted. A nickname is defined as a familiar or shortened forms of proper names, such as "Red", "Skip", or "Lower Taxes", are not permitted. A nickname is a substitute for the candidate's legal name. It is not permissible to add the nickname in quotes between the first and last name. For example, John "Jack" Jones is not acceptable, but Jack Jones is.
- **CANDIDATE'S RESIDENCE** – If a candidate's municipality of residence is different from the candidate's mailing address, both must be given. A P.O. address alone is not sufficient. Indicate if the municipality of residence is a town, village or city.
- **DATE OF ELECTION** – insert the date of the election. If the nomination paper is being circulated for a special nonpartisan election, the date of the special election must be listed.
- **TITLE OF THE OFFICE** – The name of the office must be listed along with any **branch**, **district** or **seat number** that clearly identifies the office the candidate is seeking. If necessary, the name of the jurisdiction that identifies the office must also be listed, such as City of Muskego, Alderperson, District 1.

- **NAME OF JURISDICTION** – The nomination papers must also indicate the municipality or jurisdiction in which the signing electors are qualified to vote, as it relates to the office sought by the candidate named on the nomination paper. For example, for a citywide office the jurisdiction is the City of Muskego. Others may be the county, town, village, aldermanic districts, school district or town sanitary districts as required.
- **SIGNATURES OF ELECTORS**- Only qualified electors of the jurisdiction or the district the candidate seeks to represent may sign the nomination papers. Each signer must also legibly print their name. Each elector's municipality of residence must be listed on the nomination paper along with the mailing address, including any street, fire or rural route number, box number (if rural route) and street or road name. The Street & Number or Rural Route section for each elector's address is split into two lines. The first line is for the street address. The second line is for the municipality for mailing purposes. The Municipality of Residence listed for each signing elector must clearly identify the town, village or city where the elector's voting residence is located. A post office box number alone does not show where the elector actually resides. The date the elector signed the nomination paper, including month, day and year, must be indicated. Ditto marks that follow correct and complete address or date information are acceptable. The circulator may add any missing or illegible address or date information before the papers are filed with the filing officer.
- **SIGNATURES OF CIRCULATOR** – The circulator should carefully read the language of the Certification of Circulator. The circulator **must** personally present the nomination paper to each signer. The nomination paper may **NOT** be left unattended on counters or posted on bulletin boards. The circulator's complete address (**including municipality of residence**) must be listed in the certification. After obtaining signatures of electors, the circulator must sign and date the certification.

STATEMENT OF ECONOMIC INTEREST

Candidates for Municipal Judge are required to file

Candidates for Municipal Judge are required to file a Statement of Economic Interest with the State Ethics Board no later than 4:30 p.m. Friday, January 8th 2016.

The Clerk CANNOT put a candidate's name on the ballot if the candidate's Campaign Finance Registration Statement and Declaration of Candidacy have not been filed by 5:00 p.m. on the last day for circulating nomination papers.

IF a candidate or circulator has any questions, he or she should contact the filing officer.

**BALLOT ACCESS CHECKLIST
FOR 2016 MUNICIPAL CANDIDATES
WHERE NOMINATION PAPERS ARE USED**



Each of the following forms must be completed and filed on time by candidates for municipal office in order for the candidate's name to be placed on the ballot at the February 16, 2016 Spring Primary and the April 5, 2016 Spring Election.

In the City of Milwaukee, the filing officer is the Milwaukee City Election Commission. In all other municipalities, the filing officer is the municipal clerk. Candidates should contact their filing officer for further information or to obtain any of the necessary forms.

Complete and submit a Campaign Registration Statement (GAB-1) to the filing officer no later than **5 p.m. on Tuesday, January 5, 2016.**

- New candidates should file a campaign registration statement as soon as intent to seek elective office is known and before funds are collected or spent. Wis. Stat. §§ 11.05(2g), 11.10(1).
- Continuing candidates should file an amended campaign registration statement indicating the office sought and the new primary and election dates.
- All candidates should file a campaign registration statement or amended statement **before** circulating nomination papers. A current form must be filed with the filing officer no later than **January 5, 2016**, or the candidate's name will not be placed on the ballot. Wis. Stat. §§ 8.10(5), 8.30(2).

Circulate and submit Nomination Paper for Nonpartisan Office (GAB-169) to the filing officer. Original nomination papers (no photocopies, faxes, or emailed documents) must be received by the filing officer no later than **5 p.m. on Tuesday, January 5, 2016**, or the candidate's name will not be placed on the ballot. Nomination papers may not be circulated before December 1, 2015. Wis. Stat. § 8.10(2),(3), Wis. Admin. Code GAB § 6.04(2).

The number of signatures required is as follows:

1 st Class Cities:	Citywide offices	1,500 - 3,000
	Aldersperson elected to district	200 - 400
2 nd and 3 rd Class Cities:	Citywide offices	200 - 400
	Aldersperson elected at large	100 - 200
	Aldersperson elected to district	20 - 40
4 th Class Cities:	Citywide offices	50 - 100
	Aldersperson elected to district	20 - 40
All village and town offices:		20 - 100

Complete and submit a Declaration of Candidacy (GAB-162) to the filing officer no later than **5 p.m. on Tuesday, January 5, 2016.** This form must be filed no later than January 5, 2016, or the candidate's name will not be placed on the ballot. If the form is faxed or emailed, the original document must follow, postmarked no later than January 5, 2016. Wis. Stat. §§ 8.10(5), 8.21, 8.30(4), Wis. Admin. Code GAB § 6.04.

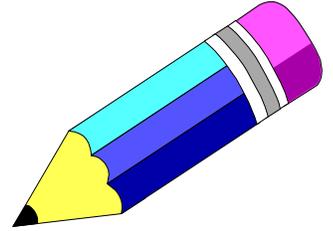
Municipal judge candidates:

Complete and submit a Statement of Economic Interests (GAB-904) to the Government Accountability Board (G.A.B.), 212 East Washington Avenue, 3rd Floor, P.O. Box 7984, Madison, WI, 53707-7984, no later than **4:30 p.m. on Friday, January 8, 2016.** If this statement is not filed with the G.A.B. by January 8, 2016, the candidate's name will not appear on the ballot. Faxed forms are acceptable. Wis. Stat. §§ 8.10(5), 8.30(3), 19.43(4). Before December 1, 2015, the G.A.B. will mail *Statement of Economic Interests* forms to each incumbent whose office is up for election. Any time after December 1, 2015, a candidate may print the *Statement of Economic Interests* form and instructions from the G.A.B. website (<http://gab.wi.gov>).

IMPORTANT NOTE REGARDING STATEMENTS OF ECONOMIC INTERESTS:

A municipality may enact an ordinance establishing a code of ethics for public officials that may require a candidate for municipal office, *in addition to the office of Municipal Judge*, to file a **Statement of Economic Interests (GAB-904)**. The ordinance may also provide that failure to timely file a Statement of Economic Interests will prevent the candidate's name from being placed on the ballot. Wis. Stat. § 19.59(1m),(3)(b). Please contact the filing officer to learn if this requirement applies to you.

CAMPAIGN FINANCE CHECKLIST FOR 2016 MUNICIPAL AND SCHOOL DISTRICT CANDIDATES



Candidates should determine if they are required to make financial disclosure reports.

For Milwaukee City offices, the filing officer is the Milwaukee City Board of Election Commissioners. For all other municipal offices the filing officer is the municipal clerk. For school district offices, the filing officer is the school district clerk. Candidates should contact their filing officer for further information or to obtain any of the necessary forms.

If NOT eligible for exemption from reporting requirements:

- Obtain a copy of the **Campaign Finance Overview – Local Candidates** Manual from your filing officer and carefully review it with your treasurer.
- Complete and submit a **January Continuing Campaign Finance Report (Form GAB-2L)** to the filing officer no later than **February 1, 2016**, if registered before January 1, 2016. This report covers activity from July 1, 2015, or the date of registration (whichever is later), through December 31, 2015. Wis. Stat. § 11.20(4).
- Complete and submit a **Pre-Primary Campaign Finance Report (Form GAB-2L)** to the filing officer no later than **February 8, 2016**, if a primary is held. This report covers activity from January 1, 2016, through February 1, 2016.
- Complete and submit a **Pre-Election Campaign Finance Report (Form GAB-2L)** to the filing officer, no later than **March 28, 2016**. This report covers activity from February 2, 2016, through March 21, 2016, if a primary is held, or January 1, 2016, through March 21, 2016, if no primary is held.
- Complete and submit a **July Continuing Campaign Finance Report (Form GAB-2L)** to the filing officer no later than **July 20, 2016**. This report covers activity from March 22, 2016, through June 30, 2016.

Committees must file “Continuing Reports” until a termination report (GAB-2L) is filed.

For further information or to obtain any of the necessary forms, please contact the Government Accountability Board.

GABIS-8 | Rev 2015-06 | Government Accountability Board, P.O. Box 7984, Madison, WI 53707-7984 | 608-261-2028 | web: gab.wi.gov | email: gab@wi.gov

3. COMMITTEE TREASURER (Campaign finance correspondence is mailed to this address.)

Treasurer's Name	Telephone Number (residence)
Address (number and street)	Telephone Number (employment)
City, State and Zip Code	Treasurer Email Address

4. PRINCIPAL OFFICERS OF COMMITTEE AND OTHER CUSTODIANS OF BOOKS AND ACCOUNTS

Attach additional listing if necessary. Indicate which officers or committee members are authorized to fill a vacancy in nomination due to death of candidate by an asterisk(*). This provision only applies to independent and local nonpartisan candidates. s.8.35, Stats.

NAME	MAILING ADDRESS	Email Address	Phone #	POSITION

5. DEPOSITORY INFORMATION

Name of Financial Institution	Account Number (Attach list of any additional accounts and deposit boxes, location, type and number, i.e., savings, checking, money market, etc.)
Address (number and street)	City, State and Zip Code

CERTIFICATION

TREASURER

I, _____ (print full name) certify the information in this statement is true, correct and complete.

Signature _____, Treasurer _____
Date _____

CANDIDATE (or recall petitioner)

I, _____ (print full name) certify the information in this statement is true, correct and complete, and that this is the only committee authorized to act on my behalf.

Signature _____, Candidate/Petitioner _____
Date _____

+++ EXEMPTION FROM FILING CAMPAIGN FINANCE REPORTS §11.05(2r), Wis. Stats. +++

You may be eligible for an exemption from filing campaign finance reports. Consult the Campaign Finance Instruction and Bookkeeping Manual to determine if the registrant qualifies for exemption.

This registrant is eligible for exemption. This registrant will not accept contributions, make disbursements or incur obligations in an aggregate amount of more than \$1,000 in a calendar year or accept any contribution or cumulative contributions of more than \$100 from a single source during the calendar year, except contributions by a candidate to his or her campaign of \$1,000 or less in a calendar year.

This registrant is no longer eligible to claim exemption.

Signature of Candidate or Treasurer _____ Date _____

CAMPAIGN REGISTRATION STATEMENT (GAB-1) INSTRUCTIONS

<u>Who Must Register</u>	<u>When</u>	<u>Where</u>
Candidates	As soon as they form the intent to run for office. Prior to raising or spending any funds, beyond those needed to open a bank account	Local office or referenda- with the local clerk (town, village, city, school) State office or statewide referenda – with the Government Accountability Board For a mix of state and local offices – with the Government Accountability Board
Non-candidate committees	Before spending or taking in more than \$300	
Referenda committees	Before spending or taking in more than \$2,500	

Completing a Registration Statement

Section 1: Candidate and Candidate Committee Information - Section 1 should be completed by candidate committees only.

- Campaign Committee Name – Any candidate that accepts a donation must have a committee. Any communication (flyers, newspaper ads, website) requires a disclaimer ‘Paid for by *Committee name, individual name, treasurer*’.
 - Candidates are only allowed one active committee for all state and local offices sought. If you are seeking multiple offices (town, county, school board), or plan to seek another office in the future, you may want to consider a generic committee name without the name of the office sought such as ‘Friends of ...’, or ‘Committee to Elect’. This will allow you to keep the same committee name for various offices.
 - Your committee name does not have to include your last name, but including your last name makes searching for your committee easier.

Section 2: Non-Candidate Committee Information - Section 2 should be completed by non-candidate committees only.

- A. Special Interest Committee (PAC)
 - PACs may receive money from individuals or other PACs, and contribute money directly to candidates. PACs may not accept money from corporations, including LLCs.
 - Committees intending to make only independent disbursements, without contributing to or coordinating with candidate committees, should register as an Independent Disbursement committee, letter F below.
 - A resident committee is based in Wisconsin and must report all receipts and expenses.
 - A non-resident committee is based outside of Wisconsin and must report only receipts from Wisconsin residents and expenses in Wisconsin state-level contests. A non-resident committee does not have to report cash balances. A non-resident committee must also file a GAB-40 form with the Wisconsin Secretary of State.
- B. Political Party Committee
 - To use the name of one of the recognized political parties in Wisconsin – Constitution, Democratic, Libertarian, or Republican, you must have permission from the state party.

- F. Independent Disbursement Committee
 - Committees making only independent disbursements may not contribute to or coordinate with candidate committees. These committees may accept unlimited contributions from individuals and from corporations. Before spending any money for or against a candidate, an Independent Disbursement committee must file a notarized GAB-6 Oath of Independent Disbursement stating whether they support or oppose the candidate.

Section 3. Campaign Treasurer - Section 3 should be completed by all committees.

All committees must name a treasurer. A Candidate may designate any elector to serve as their treasurer, or the candidate may serve as his/her own treasurer. It is important that the treasurer's name, complete address, telephone number and email address be provided on the registration statement and be kept current. **All notices and forms for campaign finance reports will be sent to this person at the address given in this section.** Failure to receive notice of the filing requirement does not exempt a candidate from the requirement to file the reports.

Item 4. Principal Officers of the Committee and Other Custodians of Books and Accounts (Optional)

If the committee has officers or other contacts besides the treasurer, they should be listed in Item 4. For a recall committee, the recall petitioner must be included here. The G.A.B. recommends that you provide more than one person's contact information.

Item 5. Depository Information (MANDATORY)

In some cases, banks may require a completed GAB-1 registration form to open a bank account. Your committee may register without a bank account, but the GAB-1 form must be amended **within 10 days** to report any change, including a new bank account number.

Failure to provide depository information **within 5 business days** of the first donation and before making any disbursements may disqualify a candidate for ballot placement. (Wis. Stats. §11.10(1))

In general, all committees must have and provide a campaign depository account number. One of three things must be entered here:

1. Separate Campaign bank account
 - This account may be used only for campaign funds
 - The bank may require an Employer Identification Number (EIN) from the IRS to open a committee account
2. Only Candidates may use a personal bank account
 - This is allowed only if the candidate is claiming the exemption from filing finance reports (under \$1,000 of receipts, under \$1,000 expenses, no more than \$100 from a single source)
3. Only Candidates are allowed to not have a bank account, but only if:
 - The candidate will receive no contributions and make no disbursements. No communications may be authorized or distributed. This includes in-kind contributions and expenses.
 - The candidate must claim exemption by checking the appropriate box on this form.
 - The candidate should add a hand-written statement to the form that he or she will spend no money.

Candidates running for more than one elected office are only allowed one campaign depository account. All contributions and all disbursements for all offices must be run through the one account.

Certification

The candidate and committee treasurer must sign the original registration statement of a personal campaign committee or a support committee certifying that the information is true, correct, and complete, and that the committee is the only committee authorized to act on the candidate's behalf. For a recall committee, the recall petitioner and the treasurer must both sign. A candidate serving as his/her own treasurer only needs to sign once. Non-candidate committees require only the treasurer's signature. Amendments to the registration may be signed by either the candidate or treasurer. If there is a change in treasurer, the new treasurer should sign.

Exemption From Filing Campaign Finance Reports

All committees must file campaign finance reports, unless they check the box to claim exemption and remain within those limits.

- A non-candidate committee may not accept more than \$100 from any single source (individual or committee) in one calendar year.
- A candidate committee may not accept more than \$100 from any other single source (individual or committee) in a calendar year. The candidate may contribute up to \$1000 to their own committee.
- A committee may not spend more than \$1000 total in a calendar year.
- A referenda committee that does not accept contributions, make disbursements, or incur obligations of more than \$2,500 is not required to register or file campaign finance reports. Referenda committees over this threshold may not claim exemption – they must register and file all required reports.

If a committee on exempt status exceeds any of the limits listed above:

- The committee must immediately file an amended GAB-1 with the appropriate filing officer, revoking the exempt status.
- The committee must report all campaign finance activity back to the beginning of the calendar year. Any reports past their deadline that were not filed should be filed as soon as possible.

If a committee filed reports for the previous calendar year, and wishes to go on exempt status for the upcoming year, the committee must file a January Continuing report covering all activity through December 31st. Include an updated GAB-1 requesting exempt status for the upcoming year.

Amending a Registration Statement

When any of the information reported on the registration statement changes the statement must be amended by filing a new GAB-1. The candidate or treasurer must file the new GAB-1 within **10 days** of the change, checking the “yes” box at the top of the form to indicate that it is an amendment.

NOMINATION PAPER FOR NONPARTISAN OFFICE

Candidate's name; no titles may be used.			Street, fire, or rural route number; box number (if rural route); and name of street or road		
Name of municipality for <u>voting</u> purposes <input type="checkbox"/> Town <input type="checkbox"/> Village _____ <input type="checkbox"/> City _____ <small>(name of municipality)</small>	Name of municipality for <u>mailing</u> purposes	State WI	zip code	Type of election <input type="checkbox"/> spring <input type="checkbox"/> special	Election date
Title of office		Branch, district or seat number <input type="checkbox"/> Branch <input type="checkbox"/> District <input type="checkbox"/> Seat	Name of jurisdiction or district in which candidate seeks office		

I, the undersigned, request that the candidate, whose name and address are listed above, be placed on the ballot at the election described above as a candidate so that voters will have the opportunity to vote for him or her for the office listed above. I am eligible to vote in the jurisdiction or district in which the candidate named above seeks office. I have not signed the nomination paper of any other candidate for the same office at this election.

The municipality used for mailing purposes, when different than municipality of residence, is not sufficient. The name of the municipality of residence must always be listed.

Signatures of Electors	Printed Name of Electors	Street and Number or Rural Route <small>Rural address must also include box or fire no</small>	Municipality of Residence <small>Provide name of municipality</small>	Date of Signing
1.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
2.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
3.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
4.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
5.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
6.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
7.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
8.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
9.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
10.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	

CERTIFICATION OF CIRCULATOR

I, _____, (Name of circulator) certify: I reside at _____ (Circulator's residence - Include number, street, and municipality).

I further certify I am either a qualified elector of Wisconsin, or a U.S. citizen, age 18 or older who, if I were a resident of this state, would not be disqualified from voting under Wis. Stat. §6.03. I personally circulated this nomination paper and personally obtained each of the signatures on this paper. I know that the signers are electors of the jurisdiction or district the candidate seeks to represent. I know that each person signed the paper with full knowledge of its content on the date indicated opposite his or her name. I know their respective residences given. I intend to support this candidate. I am aware that falsifying this certification is punishable under Wis. Stat. § 12.13(3)(a).

(Date)

(Signature of circulator)

Page No.

INSTRUCTIONS FOR PREPARING NOMINATION PAPERS FOR NONPARTISAN OFFICE

This is a sample nomination paper form. It conforms to the statutory requirements for nomination papers for nonpartisan office. All information concerning the candidate must be completed in full before circulating this form to obtain signatures of electors. All information concerning the signing electors and the circulator must be completed in full before filing with the appropriate filing officer. This form may be reproduced in any way. A candidate's picture and biographical data may also be added to this form. The Government Accountability Board has determined that no disclaimer or other attribution statement is required on nomination papers. Candidates are advised to send a sample of their completed form the filing officer for review before circulation.

Page Numbers – Number each page consecutively, beginning with “1”, before submitting to the filing officer. A space for page numbers has been provided in the lower right-hand corner of the form.

Candidate's Name - Insert the candidate's name. A candidate may use his or her full legal name, or any combination of first name, middle name, and initials or nickname with last name. The Government Accountability Board has determined that, absent any evidence of an attempt to manipulate the electoral process, candidates are permitted to choose any form of their name, including nicknames, by which they want to appear on the ballot.

No titles are permitted. In addition, names such as “Red” or “Skip” are permitted, but names which have an apparent electoral purpose or benefit, such as “Lower taxes,” “None of the above” or “Lower Spending” are not permitted. It is also not permissible to add nicknames in quotes or parentheses between first and last names. For example, John “Jack” Jones or John (Jack) Jones are not acceptable, but John Jones, Jack Jones or John Jack Jones are acceptable.

Candidate's Residence - If a candidate's municipality of residence is different from the municipality used for mailing purposes, both must be given. Indicate if the municipality of residence is a town, village, or city.

Date of Election - Insert the date of the election. If the nomination paper is being circulated for a spring election, the date is the first Tuesday in April. If the election is a special nonpartisan election, the date of the special election must be listed.

Title of Office - The name of the office must be listed **along with any branch, district, or seat number** that clearly identifies the office the candidate is seeking. If necessary, the name of the jurisdiction that identifies the office, such as Dane County Circuit Court Judge, Branch 3, must also be listed.

Name of Jurisdiction - The nomination papers must also indicate the municipality or jurisdiction in which the signing electors are qualified to vote, as it relates to the office sought by the candidate named on the nomination paper. For example, for a statewide office the jurisdiction is the State of Wisconsin. Others may be the county, town, village, city, aldermanic district, school district, or town sanitary district, as required.

Signatures and Printed Name of Electors - Only qualified electors of the jurisdiction or the district the candidate seeks to represent may sign the nomination papers. Each signer must also legibly print their name. Each elector's municipality of residence must be listed on the nomination paper along with the mailing address, including any street, fire or rural route number, box number (if rural route) and street or road name. The Street & Number or Rural Route section for each elector's address is split into two lines. The first line is for the street address. The second line is for the municipality for mailing purposes. The Municipality of Residence listed for each signing elector must clearly identify the town, village or city where the elector's voting residence is located. A post office box number alone does not show where the elector actually resides. The date the elector signed the nomination paper, including month, day and year, must be indicated. Ditto marks that follow correct and complete address or date information are acceptable. The circulator may add any missing or illegible address or date information before the papers are filed with the filing officer.

Signature of Circulator - The circulator should carefully read the language of the *Certification of Circulator*. THE CIRCULATOR MUST PERSONALLY PRESENT THE NOMINATION PAPER TO EACH SIGNER. **THE NOMINATION PAPER MAY NOT BE LEFT UNATTENDED ON COUNTERS OR POSTED ON BULLETIN BOARDS.** The circulator's complete address (**including municipality of residence**) must be listed in the certification. After obtaining signatures of electors, the circulator must sign and date the certification.

Other Instructions - Candidates and circulators should review Ch. GAB §§ 2.05, 2.07, Wis. Adm. Code.

- *Original* nomination papers must be in the physical custody of the appropriate filing officer by the filing deadline. A postmark on the filing deadline is **not** sufficient. Nomination papers **CANNOT** be faxed to the filing officer. Ch. GAB § 6.04(2), Wis. Adm. Code.
- Nomination papers with the required number of signatures must be filed with the appropriate filing officer **no later than 5:00 p.m.** on the first Tuesday in January (or the next day if the first Tuesday is a holiday) before the spring election. Special elections may have different filing deadlines. Check with the filing officer.
- In order for a candidate's name to be placed on the ballot, a candidate must file a *Campaign Registration Statement* (GAB-1), a *Declaration of Candidacy* (GAB-162), and *Nomination Papers* (GAB-169) containing the appropriate number of signatures for the office sought no later than the filing deadline. Wis. Stat. § 8.10(3). Candidates for state office and municipal judge must also file a statement of economic interests with the Government Accountability Board by the third business day after the nomination paper filing deadline. Wis. Stat. § 19.43. If any one of these required forms is not filed by the deadline, the candidate's name will not be placed on the ballot. Wis. Stat. § 8.30.
- If a candidate or circulator has any questions, he or she should contact the filing officer.

Declaration of Candidacy

(See instructions for preparation on back)

FOR OFFICE USE ONLY

Is this an amendment?

Yes (if you have already filed a DOC for this election)

No (if this is the first DOC you have filed for this election)

I, _____, being duly sworn, state that
Candidate's name

I am a candidate for the office of _____
Official name of office - Include district, branch or seat number

representing _____
If partisan election, name of political party or statement of principle - five words or less (Candidates for nonpartisan office may leave blank.)

and I meet or will meet at the time I assume office the applicable age, citizenship, residency and voting qualification requirements, if any, prescribed by the constitutions and laws of the United States and the State of Wisconsin, and that I will otherwise qualify for office, if nominated and elected.

I have not been convicted of a felony in any court within the United States for which I have not been pardoned.¹

My present address, including my municipality of residence for voting purposes is:

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

My name as I wish it to appear on the official ballot is as follows:

(Any combination of first name, middle name or initials with surname. A nickname may replace a legal name.)

STATE OF WISCONSIN }
County of _____ } ss. _____
(County of notarization)

Subscribed and sworn to before me this _____ day of _____, _____.

(Signature of person authorized to administer oaths)

**NOTARY SEAL
NOT REQUIRED**

My commission expires _____ or is permanent.

Notary Public or _____
(Official title, if not a notary)

The information on this form is required by Wis. Stat. § 8.21, Art. XIII, Sec. 3, Wis. Const., and must be filed with the filing officer in order to have a candidate's name placed on the ballot. Wis. Stats. §§ 8.05 (1)(j), 8.10 (5), 8.15 (4)(b), 8.17 (2), 8.20 (6), 120.06 (6)(b).

¹ A 1996 constitutional amendment bars any candidate convicted of a misdemeanor which violates the public trust from running for or holding a public office. However, the legislature has not defined which misdemeanors violate the public trust. A candidate convicted of any misdemeanor is not barred from running for or holding a public office until the legislature defines which misdemeanors apply.

Instructions for Completing the Declaration of Candidacy

All candidates seeking ballot status for election to any office in the State of Wisconsin must properly complete and file a **Declaration of Candidacy**. This form must be **ON FILE** with the proper filing officer no later than the deadline for filing nomination papers or the candidate's name will not appear on the ballot. A facsimile will be accepted if the FAX copy is received by the filing officer no later than the filing deadline **and** the signed original declaration is received by the filing officer with a postmark no later than the filing deadline.

Information to be provided by the candidate:

- Type or print your name on the first line.
- The title of the office and **any district, branch, or seat number** for which you are seeking election must be inserted on the second line. *For legislative offices insert the title and district number, for district attorneys insert the title and the county, for circuit court offices insert the title, county and branch number, and for municipal and school board offices insert the title and any district or seat number.*
- Type or print the political party affiliation or principle supported by you in five words or less on the third line. *Nonpartisan candidates may leave this line blank.*
- **Felony convictions: Your name cannot appear on the ballot if you have been convicted of a felony in any court in the United States for which you have not been pardoned. Please see footnote on page 1 for further information with respect to convictions for misdemeanors involving a violation of public trust. These restrictions only apply to candidates for state and local office.**
- Your current address, including your municipality of residence for voting purposes, must be inserted on the fourth line. This must include your entire mailing address (**street and number, municipality where you receive mail**) and the name of the municipality in which you reside and vote (town, village, or city of ___). If your address changes before the election, an amended Declaration of Candidacy must be filed with the filing officer. Wis. Stat. § 8.21. *Federal candidates are not required to provide this information, however an address for contact purposes is helpful.*
- Type or print your name on the fifth line as you want it to be printed on the official ballot. You may use your full legal name, or any combination of first name, middle name, and initials, or nickname with last name.

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

No titles are permitted. In addition, names such as “Red” or “Skip” are permitted, but names which have an apparent electoral purpose or benefit, such as “Lower taxes,” “None of the above” or “Lower Spending” are not permitted. It is also not permissible to add nicknames in quotes or parentheses. For example, John “Jack” Jones or John (Jack) Jones are not acceptable, but John Jones, Jack Jones or John Jack Jones are acceptable.

This form must be sworn to and signed in the presence of a notary public or other person authorized to administer oaths, such as a county or municipal clerk. Wis. Stat. § 8.21(2).

Information to be provided by the person administering the oath:

- The county of notarization.
- The date the Declaration of Candidacy was signed and the oath administered.
- The signature and title of the person administering the oath. If signed by a notary public, the date the notary's commission expires must be listed. *The notary seal is not required.*

All candidates for offices using the nomination paper process and all school district candidates must file this form with the appropriate filing officer no later than the deadline for filing nomination papers. Wis. Stats. §§ 8.10 (5), 8.15 (4)(b), 8.17 (2), 8.20 (6), 8.50 (3)(a), 120.06 (6)(b).

Candidates nominated for local office at a caucus must file this form with their municipal clerk within 5 days of receiving notice of nomination. Wis. Stat. § 8.05 (l)(j).

Wisconsin Candidate Eligibility

Candidate, age, residency, and special requirements

United States Senator: 30 year of age, a citizen of the United States for 9 years and an inhabitant of the state at the time of the election. Article I, Section 3, U.S. Constitution.

Representative in Congress: 25 years of age, a citizen of the United States for 7 years and an inhabitant of the state at time of election. Article I, Section 2, U. S. Constitution.
(Representative need not be a resident at the time he/she files nomination papers and executes declaration of candidacy. 61 Atty. Gen. 155).

Governor and Lieutenant Governor[†]: A qualified elector* of the state at the time of taking office. Article V, Section 2, Wis. Constitution.

Attorney General: A qualified elector* of the state at the time of taking office.

State Representative Office[†]: A resident for one year within the state and a qualified elector* of the district at the time of taking office. Article IV, Section 6, Wis. Constitution. 65 Atty. Gen. 165.

Supreme Court Justice[†]: Licensed to practice law in Wisconsin for 5 years immediately prior to the election and a qualified elector* of the state at time of election. Article VII, Sections 10, 24, Wis. Constitution.

Court of Appeals Judge[†]: Licensed to practice law in Wisconsin for 5 years immediately prior to the election and a qualified elector* of the appeals court district at the time of election. Article VII, Sections 10, 24, Wis. Constitution.

Circuit Court Judge[†]: Licensed to practice law in Wisconsin for 5 years immediately prior to the election and a qualified elector* of the circuit at the time of election. Article VII, Sections 7, 10, 24, Wis. Constitution.

District Attorney[†]: Licensed to practice law in Wisconsin and a resident of the prosecutorial unit (county) at the time of taking office. Wis. Stat. § 978.02.

County Supervisor (including Milwaukee)[†]: Resident and qualified elector* of district at the time of filing nomination papers. Wis. Stat. § 59.20(1).

Other County Office[†]: A qualified elector* of the county at the time of filing nomination papers. Wis. Stat. § 59.20(1).

Aldersperson (including Milwaukee)[†]: A qualified elector* of the city and, if aldermanic district, a qualified elector* of the district and actually residing in the district at the time of election. Wis. Stat. §.62.09(2)(a).

Other City Office (including Milwaukee)[†]: A qualified elector* of the city and an actual resident of the city at the time of election. Wis. Stat. § 62.09(2)(a).

Village office[†]: A qualified elector* and an actual resident of the village at the time of election. Wis. Stat. § 61.19.

Town Office[†]: A qualified elector* of the town at the time of taking office, except an assessor who is appointed under Wis. Stat. § 60.307. Wis. Stat. § 60.30(2).

School Board Member (At-Large)[†]: A qualified elector* of the school district at the time of filing a Declaration of Candidacy. Wis. Stat. §§ 120.06(2), (6)(b)2.

School Board Member Representing an Apportioned Area[†]: A qualified elector* of the school district at the time of filing a Declaration of Candidacy and a resident of the apportioned area at the time of taking office (4th Monday in April). Wis. Stat. §§ 120.05(1)(d), 120.06(2), (4).

[†]No person may hold any state or local elected office in Wisconsin if the person has been convicted of a felony in any court in the United States unless the person has been pardoned of the conviction. No person may have his/her name placed on the ballot for any state or local elected office in Wisconsin if the person has been convicted of a felony in any court in the United States unless the person has been pardoned of the conviction. Article XIII, Section 3 (2), (3), Wis. Constitution.

*Qualified elector is defined in Wis. Stat. § 6.02, as a U.S. citizen, 18 years of age or older, who has resided in the election district for at least 28 consecutive days before any election at which he or she offers to vote (and who is not disqualified by virtue of one or more of the impediments described in Wis. Stat. § 6.03).

Terms-Federal Offices

The terms of the President and Vice-President begin and end at noon on the 20th day of January. The terms of U.S. Senators and Representatives in Congress begin and end at noon on the 3rd day of January. Article XX, Section 1, U.S. Constitution.

Terms-State Offices

State Senator, Representative to the Assembly, District Attorney, and County Offices.

The terms for these offices begin and end on the first Monday of January. Article XIII, Section 1, Wisconsin Constitution

State Superintendent of Public Instruction.

The term for this office begins and ends on the first Monday in July. Article X, Section 1, Wisconsin Constitution.

Supreme Court – August 1 Article VII, Sec. 4 Wisconsin Constitution

(Last revised December 2013)

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REGISTRATION REQUIREMENTS

Who is Required to Register

Under Wisconsin campaign finance law, a candidate for election to public office must register with the appropriate filing officer. A candidate for local office:

County Executive
County Supervisor
County Clerk,
County Treasurer,
Clerk of Circuit Court,
Coroner,
Register of Deeds,
Sheriff,
Mayor,
Aldersperson,
Town, Village or School Board Member,
Municipal Clerk or Municipal Treasurer [if elected],
Municipal Judge;

must register with the clerk of the county, city, town, village, or school district as soon as the individual decides to become a candidate.

A candidate must file a campaign registration statement (GAB-1) at the point he/she forms the intent to become a candidate and before receiving contributions or spending money on the campaign, and before circulating nomination papers. Registration statements can be obtained from any filing officer or from the Wisconsin Government Accountability Board website (<http://gab.wi.gov/>). The minimum amount of money needed to open an account can be deposited at a financial institution and a post office box can be rented before registration. These receipts and expenses must be reported on the first campaign finance report.

After filing the registration statement, a candidate may begin receiving and disbursing campaign funds. The campaign's financial activities must be reported to the filing officer on campaign finance reports (GAB-2L), *unless the committee has claimed an exemption from filing finance reports*. These reports will disclose information on the receipts, expenditures, incurred obligations and loans of the campaign.

Completing a Registration Statement

Registration statements are available from the local filing officer or on the Government Accountability Board's website (<http://gab.wi.gov/>). Seven items of information are required on a campaign registration statement (GAB-1). When any of this information changes, an amendment to the registration statement must be filed with the appropriate filing officer within **ten days** of the change.

Item 1. Candidate and Candidate Committee Information

This section must be completed by all candidates and candidate committees. It contains the information identifying the candidate and committee, party affiliation (*if any*), office sought (including branch and district number), date of the primary and date of the election. Political action committees, political party committees, recall committees and political groups (referendum groups) skip this section and begin with Item 2.

There are two types of candidate campaign committees: personal campaign committee and support committee. A personal campaign committee is organized by the candidate to promote the candidate's declared candidacy for a specific office. A support committee is one organized on behalf of the possible candidacy of a person, with that person's consent. A candidate with a personal campaign committee cannot authorize a support committee. A person who authorizes a support committee must adopt the support committee as his or her personal campaign committee when the person becomes a candidate. *Note: You must register as a personal campaign committee to appear on the ballot.*

Item 2. Political Committee Information (*Non-Candidates Only*)

This section must be completed by political committees other than candidate committees.
Candidate committees do not fill in this section.

Item 3. Campaign Treasurer

The treasurer for the candidate or political committee must be listed in Item 3. The candidate can serve as the campaign treasurer. It is important that the treasurer's name, complete address, e-mail address, and telephone numbers be provided on the registration statement and be kept current. **All notices and forms for campaign finance reports will be sent to this person at the address given in this section.** Failure to keep this information current may result in the committee being penalized for failure to file necessary reports.

Item 4. Principal Officers of the Committee and Other Custodians of Books and Accounts

If the committee has officers besides the treasurer, they should be listed in Item 4. A nonpartisan candidate for county or municipal office, or an independent candidate, may authorize certain committee members or officers to fill a vacancy in nomination due to the candidate's death. These individuals should be indicated in Item 4 with an asterisk (*).

Item 5. Depository Information

All registrants must have a single campaign depository account in which all contributions are deposited and from which all disbursements are made. Candidates claiming exemption from filing finance reports may use a personal checking account, i.e., they may commingle campaign money with personal funds. A separate account must be opened if the candidate (committee) exceeds the exemption limits. All account information must be provided on the GAB-1 whether the account is a personal or separate campaign account. Candidates running for more than one elected office are only allowed one primary campaign depository account. All contributions and all disbursements for all offices must be run through the one account.

To open the campaign account, it may be necessary to complete a request for Employer Identification Number (EIN) using form SS4. This form should be available from your financial institution or from an IRS office or website <http://www.irs.gov/charities/political/index.html>.

Item 6. Certification

The candidate and committee treasurer must sign the original registration statement of a personal campaign committee or a support committee certifying that the information is true, correct, and complete, and that the committee is the only committee authorized to act on the candidate's behalf.

Item 7. Exemption From Filing Campaign Finance Reports

Registrants who are eligible for an exemption from filing campaign finance reports should complete this section. The exemption requirements are explained in Section II of this manual.

Amending a Registration Statement

When any of the information reported on the registration statement changes the statement must be amended by filing a new GAB-1. The candidate or treasurer must file the new GAB-1 with the appropriate filing officer, checking the "yes" box at the top of the form to indicate that it is an amendment.

Penalty For Not Filing a Registration Statement

Failure to file the original registration statement by the deadline for filing nomination papers prevents a candidate's name from appearing on the ballot. If a required statement or amendment is not filed on time, the registrant may be subject to a fine.

EXEMPTION FROM FILING CAMPAIGN FINANCE REPORTS

Eligibility

Committees may be eligible for an exemption from filing campaign finance reports if campaign finance activity is low enough to meet **all** of the following criteria:

1. The committee anticipates that it will not accept contributions, make disbursements, or incur loans and other obligations in an aggregate amount exceeding \$1,000 in a calendar year; **AND**
2. The committee anticipates that it will not accept any contribution or cumulative contributions from a single source (other than the candidate) exceeding \$100 in a calendar year.

The candidate or treasurer must sign and date the request for exemption on the campaign registration statement.

Committees on exemption may receive up to \$1,000 in a calendar year, and may spend up to \$1,000 in the same calendar year. The candidate's contributions **do count** toward the total receipts of \$1,000 or less in a calendar year. The \$100 limit on contributions from a single source does not apply to contributions from a candidate's personal funds for his or her own campaign.

Financial Records During Exemption

When a committee is exempt, it is not required to file any campaign finance reports (GAB-2L). However, the candidate or treasurer is required to keep financial records adequate to meet the requirements of campaign finance law. Records must be kept of all contributions to the committee and of all expenditures.

A candidate who is exempt from filing campaign finance reports may use a personal account as the campaign depository. Account information must be provided on the GAB-1. A separate campaign depository account is not required for candidates claiming exemption.

Revoking Exemption

If a decision is made at a later date to exceed the \$1,000 limit on contributions or disbursements, or to raise more than \$100 from a single source during a calendar year, the committee must amend its campaign registration statement immediately, by checking the box: *“This registrant is no longer eligible to claim exemption.”*

The committee is then required to file campaign finance reports beginning with the next regular report. The first report must cover all financial activity from January 1 of the current year, through the cutoff date of the required report.

MAJOR PROVISIONS OF CAMPAIGN FINANCE LAW

Contribution Limits

All candidates running for elected office must abide by contribution limits that vary depending on the office sought and the population of the district. The only contributors not subject to limits are the candidate contributing to his or her own election, and political party committees. To determine the limits for a candidate for local office, see the guidelines below and *check with the local clerk to get the current and exact amounts.*

Contribution limitations apply cumulatively to the entire primary and election campaign in which the candidate participates, whether or not there is a contested primary election.

Limit on Contributions from an Individual - 11.26(1)(d), Stats.

The greater of \$250 or \$.01 times the number of inhabitants of the county, town, city, village or district according to the latest federal census, but not more than \$3,000. (Check with the filing officer.)

Population in District

Maximum Contribution

- | | |
|---|-------------------------|
| • Equal to or greater than 300,000 | \$3,000.00 |
| • Greater than 25,000 and less than 300,000 | \$.01 times population |
| • Equal to or less than 25,000 | \$ 250.00 |

Note - Candidates on Exemption:

If the candidate has claimed an exemption from filing campaign finance reports, the maximum contribution they can accept from a single contributor in a calendar year is \$100, regardless of population. *The candidate's contributions to their own campaign do count toward the total receipts of \$1,000 or less in a calendar year. The \$100 limit on contributions from a single source does not apply to contributions from a candidate's personal funds for his or her own campaign.*

Limit on Contributions from a PAC or Other Candidate Committee - 11.26(2)(e), Stats.

The greater of \$200 or \$.0075 times the number of inhabitants of the county, town, city, village or district according to the latest federal census, but not more than \$2,500. (Check with the filing officer.)

<u>Population in District</u>	<u>Maximum Contribution</u>
• Equal to or greater than 333,334	\$2,500.00
• Greater than 26,667 and less than 333,334	\$.0075 times population
• Equal to or less than 26,667	\$ 200.00

If the candidate has claimed an exemption from filing campaign finance reports, the maximum contribution they can accept from a single contributor in a calendar year is \$100, regardless of population.

Remember – always check with the local clerk to get the current and exact amounts.

In-Kind Contributions

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

The candidate or campaign treasurer must agree to accept an in-kind contribution before it is given. Before making an in-kind contribution to a candidate, the contributor is required to notify an authorized person from the candidate's campaign and obtain either oral or written consent to the contribution. If the contributor does not know the actual value of the contribution, a good faith and reasonable estimate of the fair market value should be provided. (For more information see Wis. Admin. Code GAB § 1.20).

An in-kind contribution received by the campaign committee is reported by the committee as both a receipt and expenditure. This procedure allows the campaign to disclose the receipt of the contribution on its campaign finance report along with cash contributions received and track year

to date and campaign period totals. Then, in order to keep the committee's cash balance accurate, the amount of the in-kind is reported as an expenditure. The two entries offset each other and do not affect the cash balance.

If an estimate of the value of an in-kind contribution is the only value available at the time the candidate is required to file a report, the committee must report the estimated value of the contribution. When the actual value of the estimated in-kind contribution is known, the actual amount is reported as a contribution and an expenditure on the campaign finance report.

In-kind contributions are subject to the same itemization thresholds and the same contribution limits as cash contributions. Cash contributions and in-kind contributions from a single contributor are added together for the purposes of determining compliance with contribution limits and the year-to-date amount for a specific contributor. When a political communication is provided as an in-kind contribution, the disclaimer must identify the committee receiving the contribution.

Prohibited Contributions

Certain contributions are prohibited by Wisconsin law. A candidate's campaign may not accept the following types of contributions:

1. Anonymous contributions of more than \$10;
2. Contributions in cash of more than \$50;
3. Contributions given in the name of someone other than the contributor (these are laundered contributions);
4. Contributions from cooperatives or corporations, including LLCs;
5. Contributions in excess of the limits set by law.

A candidate should not accept contributions over \$300 from organizations that have not registered. If the candidate's campaign is notified that a contribution over \$300 was received from an unregistered organization, the candidate must return the contribution amount over \$300, and not accept any additional contributions from that organization unless the organization registers with the appropriate filing officer. *Note: Contributions of \$300 would only be legal if the population is 40,000 or more.*

Returned Contributions

Any contribution you return to the donor after depositing it in the campaign account must be reported as a disbursement from the campaign as a returned contribution to the contributor. Any contribution returned to the donor uncashed within 15 days of receipt has not been accepted and does not get reported.

Contributions Transferred through Conduits

A conduit is any individual, committee or group that receives contributions from individuals, deposits those contributions in a financial institution, and then transfers the contributions to a candidate or political committee selected by the original contributor. The conduit may not exercise any discretion over the amount or ultimate recipient of the contributions. A conduit is required to register with the Wisconsin Government Accountability Board.

When a conduit transfers contributions, it writes a single check for the total amount of all individual contributions designated for that committee. It is required to provide a transmittal letter with the check. This letter must identify the organization as a conduit, and list the individual contributors, the amount of each individual's contribution, and the date the individual authorized their contribution (see Wis. Admin. Code GAB § 1.855).

Contributions transferred through conduits are reported as contributions received from the individuals listed in the transmittal letter. These contributions are reported under the individual's name. They are subject to itemization on the same basis as other individual contributions.

Loan Guarantees

When a campaign committee borrows money from a financial institution and the loan is guaranteed by individuals, the amount of the guarantee must be considered a contribution from the guarantor until the loan is repaid. If more than one person guarantees a loan, the amount of a loan is assigned to the guarantors in equal shares in the proportion that the guarantors bear to the total amount guaranteed, unless a different share is specified in the loan instrument. When a payment is made to the lending institution which reduces the unpaid balance of the loan, the amount of the guarantee assigned to each guarantor is reduced in equal shares in the proportion that the number of guarantors bears to the amount repaid, unless a different share is specified in the loan instrument. The outstanding amount of a guarantee and the total contributions to the campaign by a guarantor may not exceed the individual contribution limit for the guarantor.

A bank loan to a candidate, the proceeds of which the candidate loans to the committee, is a personal contribution (loan) from the candidate. This type of loan is reported as a contribution from the candidate to the committee.

Joint Fundraisers

Any candidate, political party committee, or legislative campaign committee may solicit contributions for and conduct a joint fundraising effort or program in coordination with one or more named candidates. The candidate(s) or committee(s) conducting the joint fundraiser must prepare a written escrow agreement signed by the candidate(s) or committee(s). The agreement shall specify the percentage of the proceeds to be distributed to each candidate and/or committee by the joint fundraising effort or program.

All solicitations or communications related to joint fundraising efforts or programs shall include information identifying the candidates and/or committees participating and the percentage of the proceeds to be distributed to each. No disclaimer is required on these communications if the communication contains the information described above.

All contributions received and disbursements made by the joint fundraiser shall be received and disbursed through a separate depository account. The separate depository account shall be identified in the escrow agreement.

The committee(s) conducting the joint fundraising effort or program are required to register by filing a Supplemental Schedule of Joint Fund Raising Effort or Program (GAB-2JF). The joint fundraiser must prepare a campaign finance report (GAB-2L) covering contributions received and disbursements made in connection with the joint fundraiser. A copy of this report must be provided to each committee that receives any of the proceeds no later than 15 days after the proceeds are transferred to the candidate or campaign treasurer.

Candidates are required to include a copy of this report and the escrow agreement with their campaign finance report for the period in which the contributions are received and the disbursements are made. In addition, candidates are required to itemize in the appropriate schedules of the campaign finance report the percentage of the proceeds and disbursements applicable to the candidate. These amounts are added to the totals reported in each schedule.

ATTRIBUTION STATEMENTS ON POLITICAL LITERATURE (DISCLAIMERS)

Disclaimers

Every communication which is paid for by political funds must contain a disclaimer or attribution statement identifying the source of the funds paying for the communication. This includes every printed advertisement, billboard, handbill, sample ballot, television or radio advertisement or other communication paid for by political funds. Also, it includes items such as T-shirts, bumper stickers and yard signs. The disclaimer must use the words "Paid for by" (abbreviations shall not be used for this language) followed by the name of the committee or group making the payment or assuming responsibility for the communication and the name of the treasurer or other authorized agent of the committee. When the communication is being paid for through an in-kind contribution, it must bear the disclaimer of the recipient campaign committee. Abbreviations may not be used for the name of a candidate or campaign committee.

No disclaimer is required on 1) personal correspondence not reproduced by machine for distribution, 2) a single personal item which is not reproduced or manufactured by machine or other equipment, 3) nomination papers even if the papers contain biographical information, 4) pins, buttons, pens, balloons, nail files and similar small items on which a disclaimer cannot be conveniently printed, or 5) envelopes which have campaign committee identification printed on them. Disclaimers must be included on each separate page of a political communication, including letterhead and enclosures.

Formats for Disclaimers

When a communication is paid for by a candidate without a committee, or paid for by an individual, the disclaimer should read:

"Paid for by Mary Smith."

When the communication is paid for by the campaign committee of a candidate or by a political committee, the disclaimer should read:

"Paid for by Friends of Mary Smith for Mayor, James Jones, Treasurer."

"Paid for by the Committee for Votes, John Jones, Treasurer."

When the communication is provided as an **in-kind** contribution to the campaign committee of a candidate, the disclaimer should read:

"Paid for by Friends of Mary Smith for Mayor, James Jones, Treasurer."

or

"Paid for by John Doe as an in-kind contribution to Friends of Mary Smith for Mayor, James Jones, Treasurer."

CAMPAIGN FINANCE REPORTS (GAB-2L)

Campaign finance reports must be filed by all registrants that are not exempt from filing reports. Committees must continue to file periodic reports until termination of their registration. These reports must be filed with the appropriate local filing officer when due. A paper copy of the report should be mailed to the filing officer. Reports must be postmarked on or before the filing due date in order to be considered filed timely.

Types of Reports

Candidates must file a pre-primary and a pre-election report due 8 days before the primary or general election. *Candidates for local office whose names do not appear on the primary ballot are not required to file a pre-primary report.* Candidates that lose in the primary or general election must continue to file reports until they are eligible for, and request, termination of their committee. Candidates must also file continuing reports in January and July of each year until they terminate their registration.

The local filing officer will send a notice of the filing requirements and filing instructions to both the candidate and treasurer before each filing deadline. The notice of filing requirement identifies the type of report to be filed and the period of time covered by the report. Failure to receive a notice does not excuse the committee from filing the report on time.

Information Required

The information listed on the campaign finance report discloses the financial activity of the candidate's campaign. The law requires disclosure of income, disbursements, and incurred obligations. In addition, disclosure is required for loan guarantees and for estimated in-kind contributions. Committee treasurers must exercise diligence in acquiring and furnishing the contributor information required on the receipts schedules. Under current state law, treasurers and candidates are required to make a "good faith effort" to obtain all information required on the reports. For all contributors giving over \$20, you must disclose the individual's name and address. If the individual's year-to-date total exceeds \$100, you must also provide the occupation, name and address of the principal place of employment.

Each of the report schedules has detailed instructions for completing it on the back. These instructions should be reviewed each time a campaign finance report is prepared. A candidate is only required to file schedules that show activity. **You do not need to include blank schedules when filing reports.**

All contributions received by the committee must be reported in Schedule 1 (Receipts) of the campaign finance report. Contributions and loans from individuals are listed in Schedule 1A (Contributions Including Loans From Individuals). Contributions from other committees, such as political action committees, political party committees, and other candidate committees, are reported in Schedule 1B (Contributions from Committees). All other income such as loans from financial institutions, contributions returned from other registrants, refunds, returns of deposits or interest on investments are reported in Schedule 1C (Other Income and Commercial Loans).

The date which must be provided for all contributions is the date the committee **received** the contribution, that is, the date it acquired possession and control of the contribution, **not** the date of deposit or date on the check (unless all dates are the same).

All money spent by the committee is reported in Schedule 2 (Disbursements) of the campaign finance report. General operating expenditures are listed in Schedule 2A (Gross Expenditures). Contributions to other political committees are listed in Schedule 2B (Contributions to Committees).

Additional information required to be disclosed is reported in Schedule 3 (Additional Disclosure) of the campaign finance report. All obligations of the committee such as unpaid bills are listed in Schedule 3A (Incurred Obligations Excluding Loans). Loans and the individuals who guarantee loans for the committee are listed in Schedule 3B (Loans).

Schedule 4 (Termination Request) of the campaign finance report is used for requests to terminate registration. A final campaign finance report must be filed with a termination request.

Short Form

If a candidate receives no contributions, makes no disbursements and incurs no obligations during a reporting period, the registrant may file a post card report form, GAB-2a. This post card form should be used **only** when there has been no financial activity and the cash balance remains unchanged during the reporting period. If there is any financial activity, a registrant is required to use the regular campaign finance report form, GAB-2L.

How to Complete GAB -2L Campaign Finance Reports

Reporting Receipts

In preparing to report receipts on a campaign finance report, please remember the following:

1. Anonymous contributions of \$10 or less can be accepted from individuals only. Under this threshold, the individual donor's name and address do not have to be tracked. If any anonymous receipts of more than \$10 are received, the excess donations must be donated to the common school fund or to charity.
2. Receipts of \$20 or less, including contributions from individuals and other income, such as interest and refunds, can be reported as unitemized receipts. However, the candidate's own records must record and be able to show all campaign receipts.
3. A single contribution or cumulative contributions from the same person totaling more than \$20 must be itemized, and include the person's name and address.
4. Contributions of \$50 or less may be accepted in cash. Contributions over \$50 require a check, or other negotiable instrument.
5. If a single contribution is over \$100 (or if one person's total contributions for the calendar year go over \$100) the committee must report not only the contributor's name and address, but also the contributor's occupation and the name and address of his or her principal place of employment.
6. Contributions from individuals received through a conduit are reported as receipts. They are treated in the same manner as other individual contributions.
7. Each individual contributor's name, address, date and amount of contribution must be entered separately for each transaction.

8. A contribution given from a joint checking account should be reported as a contribution from the individual that signed the check. If any part of the amount on the check is intended to be contributed by the other owner of the account, that amount must be clearly indicated on the check or in some other writing which accompanies the check. *Note: If the amount is divided, each individual must be itemized separately.*
9. Receipts from raffles, auctions, garage sale, and other similar fundraising events are individual contributions and must be entered as a receipt.
10. Contributions received from a sole proprietorship or partnership are reported as individual contributions under the name of the owner(s). (corporations and associations are not allowed to contribute).
11. All contributions from political committees, regardless of the amount, must be itemized and entered as a receipt from the contributing committee. The full name and address of the registrant, the date and amount of the contribution are required.
12. In-kind contributions such as political posters, lawn signs, and other items are reported at their fair market value at the time of contribution. These contributions are reported as both a receipt and an expenditure. As a receipt, they are entered as a contribution type of “in-kind”, with the appropriate information about the contributor. This offsetting entry procedure is necessary because an in-kind contribution is treated as if cash was given, and then used to buy the item contributed.
13. A loan from an individual is considered a contribution. It must be reported as a contribution and as a loan. Payments on the loan should be reported as expenditures and the cumulative amount paid in a reporting period is also reported. **THE LOAN ADDED TO OTHER CONTRIBUTIONS FROM THE SAME INDIVIDUAL CANNOT EXCEED THE APPLICABLE INDIVIDUAL CONTRIBUTION LIMIT.** Loans from political committees are considered contributions and are reported.
14. Contributions returned from other registrants, refunds, interest income and loans from commercial lenders are also reported as money received by the campaign.

Reporting Disbursements - Gross Expenditures

In preparing Schedule 2 of the campaign finance report, the treasurer should remember the following:

1. All expenditures totaling \$20 or less are unitemized expenditures that can be lumped together and reported as an unitemized total.
2. An expenditure that exceeds \$20 in amount or value is an itemized expenditure requiring the name and address of the person or business to whom it was made and the date and amount of the payment.
3. The specific political purpose of an expenditure must be reported. Please remember that the purpose of campaign finance reports is to inform the public. The descriptions should provide a person, perhaps unfamiliar with the intricacies of campaigning, with information on the nature of the expenditure and how it relates to the political process. For example, if food has been purchased for a fundraiser or for a party for workers, give the purpose as “food for fundraiser” or “food for party for campaign workers.” Do not write “food” only. If T-shirts are purchased for resale by the committee, give the purpose as “campaign T-shirts for resale,” not “T-shirts” only.
4. Expenditures from a petty cash fund must be supported by receipts. They are reported as payments to the vendors and are itemized or unitemized expenditures depending on the amount.

5. An in-kind contribution of goods or services to another committee must be itemized, regardless of the amount. The itemization must include the name and address of the registrant on whose behalf the disbursement (in-kind contribution) is made, the name and address of the original vendor of the goods or services, and the date and amount of the disbursement.
6. The receipt of an in-kind contribution is also reported as an in-kind expenditure and either itemized or unitemized, depending on the amount. If the candidate or other person makes an in-kind contribution to the committee, the in-kind expenditure must include the name of the original vendor of the goods or services, and the political purpose of the expenditure.
7. Payments made on loans and incurred obligations are reported as expenditures. The cumulative amount paid to each creditor is reported.
8. All financial institution service charges should be listed as itemized or unitemized expenditures depending on the amount.
9. Contributions to other political registrants should be reported and must be itemized regardless of the amount transferred. The itemization must list the name and address of the registrant receiving the contribution, the date and amount of the contribution.
10. A letter should be sent to the filing officer within 5 days of donating money to a charitable organization, the Common School Fund, or any government entity. The letter should include the date of the donation, the name of the organization, and shall provide an explanation to the filing officer of why the funds were not retained by the committee. See 11.65 *Wis. Stats.*

Reporting Incurred Obligations

1. Incurred obligations are to be reported when an enforceable agreement has been reached. If the exact amount of the obligation has not yet been defined then the amount of the obligation must be estimated. Although the committee may not have received a bill, the amount recorded should be a good faith estimate of the amount owed.
2. Each obligation must be carried forward on subsequent reports until the obligation has been reduced to zero.

Reporting Loans

It is important to remember the following information concerning the recording and reporting of loans:

1. A loan from an individual or a political committee is reported as a contribution in Schedule 1A (individual) or in Schedule 1B (political committee) and is listed in Schedule 3B.
2. A loan from a financial institution is reported in Schedule 1C as other income and in Schedule 3B as a loan.
3. Each payment on a loan must be reported as an expenditure in Schedule 2A. The cumulative amount of the payments made on a loan is reported in Schedule 3B.

TERMINATION OF REGISTRATION AND REPORTING REQUIREMENTS

A candidate may terminate its registration if it meets the following requirements:

1. Determines that all financial activity will stop, and that she or he will no longer receive contributions, make disbursements, or incur obligations; and
2. Files a termination campaign finance report showing that all incurred obligations have been paid or satisfied, and that the cash balance has been reduced to zero; and,
3. Completes a request for termination in Schedule 4 (Termination Request).

A candidate that is exempt from filing campaign finance reports need not file a termination report.

A candidate may not terminate his or her registration before a primary or election in which he or she is a candidate. If a candidate loses a primary, he or she may terminate before the election.

Disposal of Residual Funds

A candidate may dispose of remaining funds when terminating by:

1. Returning money to contributors in amounts that are not more than the contributor's original contribution (note: the candidate or treasurer may choose which contributors to refund. You *are not required* to prorate and return a portion to all contributors); or
2. Donating money to any tax-exempt charitable organization, the Common School Fund, or any other government entity; or
3. Transferring money to another registrant within the permitted contribution limit; or
4. Using any combination of the above.

Prior to making these disbursements, make sure the committee does not have any pending fees or settlement offers.

City of Muskego

Department of Finance & Administration

POLITICAL SIGN COMPLAINTS

2/19/2014 Rev.

Calls received by the Department regarding political signs should be directed to the Deputy Clerk, Assistant Deputy Clerk, (or Clerk-Treasurer in their absence). The person who receives the call should determine what the complaint is (is the sign in the right-of-way, on private property without permission, etc.).

1. If complainant states a sign has been placed on his or her private property without permission, the individual should be told to contact the Police Department (262-679-4130).
2. If complainant states there is a political sign within 100 ft. of the entrance to the polling place, Clerk-Treasurer to notify Police Dept., ask them to measure the distance, and if within 100 ft. to remove the sign. EXCEPTION: If the political sign is on private property it may remain, regardless of the distance to the polling place. Note: If the polling place is on private property (Example Tudor Oaks), it is treated as public property (*On Election Day only*) and the 100 ft. rule applies.
3. If complainant states there is a political sign in a City public right-of-way or on City-owned property, staff person should ask for location of sign and notify the candidate. The candidate will be given 48 hours to remove or move the sign.

The Community Development Department should also be notified if a complaint is received regarding signs on public property. Department staff will monitor the situation and remove the sign if necessary. The Department of Public Works and the Police Department also have the authority to remove signs.

Any sign, even if on private property with the owner's permission, may be removed without notice or complaint if found to obstruct vision and create a safety hazard.

4. If the City determines that a political sign is in a Waukesha County public right-of-way or on County property, the same procedure as in #3 above will be followed. However, further aid may be required from the County in which case the City should contact the Waukesha County Public Works Dept. at 262-548-7740 for removal and questions.

Signs removed by City employees will be stored at the Municipal Garage for 10 calendar days and can be retrieved weekdays between 7:00 a.m. and 3:00 p.m. After 10 calendar days the signs will be destroyed. Candidates should be directed to contact Waukesha County Public Works (262-548-7740) or Racine County Public Works (262-886-8440) for signs removed by those departments.

Before every Election Day, primary or general, a random sweep of all signs in the City will be made by the Community Development Department without prior notice.



September 19, 2011

To: Candidates For Public Office:

Re: Political Signage

Dear Candidate:

This letter is to inform you of the City's sign requirements when placing political sign along roadways.

All political signs may be erected and maintained without permits providing they comply with the Code Sections 16.04(1) and 16.05 of Chapter 17:

Political Signs may be erected in any district provided they are not a danger to life or property, are located on property with the permission of the property owner, and shall be limited to thirty-two (32) square feet in size. All political signs, wherever located, must be removed within 10 days after the election for which it was erected.

No sign shall be placed within the ultimate right-of-way of any street or highway. The only exemption to this are City gateway/directional signage and Community Event Signs that are approved by the Community Development Department in advance, are determined to not hamper safety, and are erected for a specific temporary period of time. The prohibition hereunder extends to trees, utility poles, fence posts, stakes, and all other structures on which signs might be posted or placed except political signs installed or placed on motor vehicles. Any sign violating this Section may be summarily removed by the Director of Community Development or his designee.

Section 10.05(1)(a) of Chapter 10 also adds the following:

...No such sign shall be placed within the limits of any street, highway, or on any City owned property. Highway limits include all the dedicated right-of-way, encompassing the traveling portion of the highway, the shoulders, the ditches, and adjacent dedicated areas...

In addition, no structure of any kind is permitted in the Vision Setback Area of every intersection which exceeds a height of 2½ feet above the elevation of the center of the intersection, except for necessary highway and traffic signs, public utility lines, and open fences through which there is clear vision, nor is any plant material or natural growth be permitted which obscures safe vision of the approaches to the intersection.

Code Section 5.02(2)F. of Chapter 17 pertains to identification of Vision Corners:

Vision Setback Lines at the intersections of public streets and of a street with a railroad, where the grade is not separated, are hereby established as follows:

- 1. Across each sector between the intersection of a street with a railroad a Vision Setback Line shall be established by a straight line connecting points on the Base Setback Line and the railroad right-of-way line, which points are located 120 feet from the intersection of the Base Setback Line and the railroad right-of-way line.*
- 2. Across each section between intersecting streets, both of which have a designated width of 100 feet or greater, a Vision Setback Line shall be established by a straight line connecting two points on the intersecting Base Setback Lines, which points are located 60 feet from the intersection of said Base Setback Lines.*

3. *Across each section between intersecting streets, one which has a designated width of 100 feet or greater, a Vision Setback Line shall be established by a straight line connecting two points on the intersecting Base Setback Lines, which points are located 60 feet from the intersection of said Base Setback Lines for the street with the width of 100 feet or greater and 30 feet from the intersection of said Base Setback Lines for the street with the width of less than 100 feet.*
4. *Across each sector between any other intersecting street a Vision Setback Line shall be established by a straight line connecting two points on the intersecting Base Setback Lines, which points are located 30 feet from the intersection of said Base Setback Lines.*

Please ensure your organization's signs are in accordance with the Code provisions outlined in this letter. Additionally, please find attached a copy of the City policy regarding compliance and removal of political signs (Note: The policies show that before every election day, primary or general, a random sweep of the City will be made by the Planning Division of the Community Development Department without prior notice to the candidates).

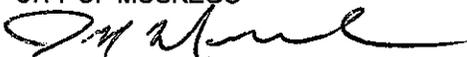
Note the following table of roadways, ultimate right-of-ways as measured from the centerline, and the agency with jurisdictional authority to assist in locating political signage:

ROADWAY	RIGHT-OF-WAY	JURISDICTION
College Avenue	50'	Waukesha Co. DOT
Crowbar Road		
Tans – Janesville	50'	City of Muskego
Janesville – Kelsey	50'	City of Muskego
Kelsey – Denoon	40'	City of Muskego
Durham Drive	50'	City of Muskego
Hillendale Drive	40'	City of Muskego
Janesville Road	60'	Waukesha Co. DOT
Lannon Drive	50'	City of Muskego
Loomis Drive (Old)	40'	City of Muskego
Loomis Road (STH 36)	100'	Wisconsin DOT
Martin Drive	50'	City of Muskego
Moorland Road		
North of Janesville Road	100'	Waukesha Co. DOT
South of Janesville Road	80'	City of Muskego
North Cape Road	50'	Waukesha Co. DOT
Racine Avenue	100'	Waukesha Co. DOT
Tess Corners Drive	50'	City of Muskego
Woods Road	50'	City of Muskego

Thank you for your cooperation. If you have any further questions regarding political signs, please do not hesitate to contact the Clerk's Office at (262) 679-4100.

Respectfully,

CITY OF MUSKEGO



Jeff Muenkel AICP
Community Development Director

CHAPTER 12

PROHIBITED ELECTION PRACTICES

12.01	Definitions.	12.07	Election restrictions on employers.
12.02	Construction.	12.08	Denial of government benefits.
12.03	Campaigning restricted.	12.09	Election threats.
12.035	Posting and distribution of election-related material.	12.11	Election bribery.
12.04	Communication of political messages.	12.13	Election fraud.
12.05	False representations affecting elections.	12.60	Penalties.

NOTE: 2005 Wis. Act 451, which made major revisions to the election laws, including to Chapter 12, contains an extensive prefatory note explaining the changes.

Cross-reference: See definitions in s. 5.02.

12.01 Definitions. The definitions given under s. 11.01 apply to this chapter, except that a “candidate” includes candidates for national office.

History: 1973 c. 334; 1975 c. 93; 1977 c. 427; 1979 c. 89; 1983 a. 484.

12.02 Construction. In this chapter, criminal intent shall be construed in accordance with s. 939.23.

History: 1977 c. 427.

12.03 Campaigning restricted. (1) No election official may engage in electioneering on election day. No municipal clerk or employee of the clerk may engage in electioneering in the clerk’s office or at the alternate site under s. 6.855 during the hours that ballots may be cast at those locations.

(2) (a) 1. No person may engage in electioneering during polling hours on election day at a polling place.

2. No person may engage in electioneering in the municipal clerk’s office or at an alternate site under s. 6.855 during the hours that absentee ballots may be cast.

(b) 1. No person may engage in electioneering during polling hours on any public property on election day within 100 feet of an entrance to a building containing a polling place.

2. No person may engage in electioneering during the hours that absentee ballots may be cast on any public property within 100 feet of an entrance to a building containing the municipal clerk’s office or an alternate site under s. 6.855.

3. No person may engage in electioneering within 100 feet of an entrance to or within a qualified retirement home or residential care facility while special voting deputies are present at the home or facility under s. 6.875 (6).

(d) This subsection does not apply to the placement of any material on the bumper of a motor vehicle that is parked or operated at a place and time where electioneering is prohibited under this subsection.

(3) A municipal clerk, election inspector or law enforcement officer may remove posters or other advertising which is placed in violation of this section.

(4) In this section, “electioneering” means any activity which is intended to influence voting at an election.

History: 1973 c. 334; 1977 c. 427; 1979 c. 89; 1983 a. 484; 1993 a. 173; 2005 a. 451; 2011 a. 23; 2013 a. 159.

Violators may not be deprived of the right to vote, although penalties may follow. Constitutional issues are discussed. 61 Atty. Gen. 441.

12.035 Posting and distribution of election-related material. (1) In this section, “election-related material” means any written matter which describes, or purports to describe, the rights or responsibilities of individuals voting or registering to vote at a polling place or voting an absentee ballot at the office of the municipal clerk or an alternate site under s. 6.855.

(2) The legislature finds that posting or distributing election-related material at the polling place, at locations where absentee ballots may be cast, or near the entrance to such locations when voting is taking place may mislead and confuse electors about their rights and responsibilities regarding the exercise of the franchise and tends to disrupt the flow of voting activities at such locations. The legislature finds that the restrictions imposed by this section on the posting or distribution of election-related material are necessary to protect the compelling governmental interest in orderly and fair elections.

(3) (a) No person may post or distribute any election-related material during polling hours on election day at a polling place.

(b) No person may post or distribute any election-related material during polling hours on any public property on election day within 100 feet of an entrance to a building containing a polling place.

(c) No person may post or distribute any election-related material at the office of the municipal clerk or at an alternate site under s. 6.855 during hours that absentee ballots may be cast.

(d) No person may post or distribute election-related material during the hours that absentee ballots may be cast on any public property within 100 feet of an entrance to a building containing the office of the municipal clerk or an alternate site under s. 6.855.

(4) Subsection (3) does not apply to any of the following:

(a) The posting or distribution of election-related material posted or distributed by the municipal clerk or other election officials.

(b) The placement of any material on the bumper of a motor vehicle located on public property.

(5) A municipal clerk, election inspector, or law enforcement officer may remove election-related material posted in violation of sub. (3) and may confiscate election-related material distributed in violation of sub. (3).

History: 2005 a. 451.

12.04 Communication of political messages. (1) In this section:

(a) “Election campaign period” means:

1. In the case of an election for office, the period beginning on the first day for circulation of nomination papers by candidates, or the first day on which candidates would circulate nomination papers were papers to be required, and ending on the day of the election.

2. In the case of a referendum, the period beginning on the day on which the question to be voted upon is submitted to the electorate and ending on the day on which the referendum is held.

(b) “Political message” means a message intended for a political purpose or a message which pertains to an issue of public policy of possible concern to the electorate, but does not include a message intended solely for a commercial purpose.

(c) “Residential property” means property occupied or suitable to be occupied for residential purposes and property abutting that property for which the owner or renter is responsible for the

maintenance or care. If property is utilized for both residential and nonresidential purposes, “residential property” means only the portion of the property occupied or suitable to be occupied for residential purposes.

(2) Except as provided in ss. 12.03 or 12.035 or as restricted under sub. (4), any individual may place a sign containing a political message upon residential property owned or occupied by that individual during an election campaign period.

(3) Except as provided in sub. (4), no county or municipality may regulate the size, shape, placement or content of any sign containing a political message placed upon residential property during an election campaign period.

(4) (a) A county or municipality may regulate the size, shape or placement of any sign if such regulation is necessary to ensure traffic or pedestrian safety. A county or municipality may regulate the size, shape or placement of any sign having an electrical, mechanical or audio auxiliary.

(b) In addition to regulation under par. (a), a municipality may regulate the size, shape or placement of a sign exceeding 11 square feet in area. This paragraph does not apply to a sign which is affixed to a permanent structure and does not extend beyond the perimeter of the structure, if the sign does not obstruct a window, door, fire escape, ventilation shaft or other area which is required by an applicable building code to remain unobstructed.

(5) (a) The renter of residential property may exercise the same right as the owner to place a sign upon the property under sub. (2) in any area of the property occupied exclusively by the renter. The terms of a lease or other agreement under which residential property is occupied shall control in determining whether property is occupied exclusively by a renter.

(b) The owner of residential property may exercise the right granted under sub. (2) in any portion of the property not occupied exclusively by a renter.

(6) This section does not apply to signs prohibited from being erected under s. 84.30.

History: 1985 a. 198; 1993 a. 246; 2005 a. 451; 2009 a. 173.

12.05 False representations affecting elections. No person may knowingly make or publish, or cause to be made or published, a false representation pertaining to a candidate or referendum which is intended or tends to affect voting at an election.

History: 1973 c. 334; 1993 a. 175.

A violation of this section does not constitute defamation per se. *Tatur v. Solsrud*, 174 Wis. 2d 735, 498 N.W.2d 232 (1993).

12.07 Election restrictions on employers. (1) No person may refuse an employee the privilege of time off for voting under s. 6.76 or subject an employee to a penalty therefor.

(2) No employer may refuse to allow an employee to serve as an election official under s. 7.30 or make any threats or offer any inducements of any kind to the employee for the purpose of preventing the employee from so serving.

(3) No employer or agent of an employer may distribute to any employee printed matter containing any threat, notice or information that if a particular ticket of a political party or organization or candidate is elected or any referendum question is adopted or rejected, work in the employer’s place or establishment will cease, in whole or in part, or the place or establishment will be closed, or the salaries or wages of the employees will be reduced, or other threats intended to influence the political opinions or actions of the employees.

(4) No person may, directly or indirectly, cause any person to make a contribution or provide any service or other thing of value to or for the benefit of a candidate, political party or registrant under s. 11.05, with the purpose of influencing the election or nomination of a candidate to national, state or local office or the passage or defeat of a referendum by means of the denial or the threat of denial of any employment, position, work or promotion, or any compensation or other benefit of such employment, posi-

tion or work, or by means of discharge, demotion or disciplinary action or the threat to impose a discharge, demotion or disciplinary action. This subsection does not apply to employment by a candidate, political party or other registrant under s. 11.05 in connection with a campaign or political party activities.

History: 1973 c. 334; 1983 a. 484; 1991 a. 316; 2005 a. 451.

12.08 Denial of government benefits. No person may, directly or indirectly, cause any person to make a contribution or provide any service or other thing of value to or for the benefit of a candidate, political party or registrant under s. 11.05, with the purpose of influencing the election or nomination of a candidate to national, state or local office or the passage or defeat of a referendum by means of the denial or threat of denial of any payment or other benefit of a program established or funded in whole or in part by this state or any local governmental unit of this state, or a program which has applied for funding by this state or any local governmental unit of this state.

History: 1983 a. 484; 1985 a. 304.

12.09 Election threats. (1) No person may personally or through an agent make use of or threaten to make use of force, violence, or restraint in order to induce or compel any person to vote or refrain from voting at an election.

(2) No person may personally or through an agent, by abduction, duress, or any fraudulent device or contrivance, impede or prevent the free exercise of the franchise at an election.

(3) No person may personally or through an agent, by any act compel, induce, or prevail upon an elector either to vote or refrain from voting at any election for or against a particular candidate or referendum.

History: 1973 c. 334; 1991 a. 316; 2005 a. 451.

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

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

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

1. Go to or refrain from going to the polls.
2. Vote or refrain from voting.
3. Vote or refrain from voting for or against a particular person.
4. Vote or refrain from voting for or against a particular referendum; or on account of any elector having done any of the above.

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

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

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

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

pledging his or her preference for or support of any person for such office or nomination.

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

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

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

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

History: 1973 c. 334; 1975 c. 93; 1983 a. 484; 1991 a. 316; 1993 a. 213.

There are constitutional limits on the state's power to prohibit candidates from making promises in the course of an election campaign. Some promises are universally acknowledged as legitimate, indeed indispensable to decisionmaking in a democracy. *Brown v. Hartlage*, 456 U.S. 45 (1982).

12.13 Election fraud. (1) ELECTORS. Whoever intentionally does any of the following violates this chapter:

(a) Votes at any election or meeting if that person does not have the necessary elector qualifications and residence requirements.

(b) Falsely procures registration or makes false statements to the municipal clerk, board of election commissioners or any other election official whether or not under oath.

(c) Registers as an elector in more than one place for the same election.

(d) Impersonates a registered elector or poses as another person for the purpose of voting at an election.

(e) Votes more than once in the same election.

(f) Shows his or her marked ballot to any person or places a mark upon the ballot so it is identifiable as his or her ballot.

(g) Procures an official ballot and neglects or refuses to cast or return it. This paragraph does not apply to persons who have applied for and received absentee ballots.

(h) Procures, assists or advises someone to do any of the acts prohibited by this subsection.

(2) ELECTION OFFICIALS. (a) The willful neglect or refusal by an election official to perform any of the duties prescribed under chs. 5 to 12 is a violation of this chapter.

(b) No election official may:

1. Observe how an elector has marked a ballot unless the official is requested to assist the elector; intentionally permit anyone not authorized to assist in the marking of a ballot to observe how a person is voting or has voted; or disclose to anyone how an elector voted other than as is necessary in the course of judicial proceedings.

2. Illegally issue, write, change or alter a ballot on election day.

3. Permit registration or receipt of a vote from a person who the official knows is not a legally qualified elector or who has refused after being challenged to make the oath or to properly answer the necessary questions pertaining to the requisite requirements and residence; or put into the ballot box a ballot other than the official's own or other one lawfully received.

4. Intentionally assist or cause to be made a false statement, canvass, certificate or return of the votes cast at any election.

5. Willfully alter or destroy a poll or registration list.

6. Intentionally permit or cause a voting machine, voting device or automatic tabulating equipment to fail to correctly register or record a vote cast thereon or inserted therein, or tamper with or disarrange the machine, device or equipment or any part or appliance thereof; cause or consent to the machine, device or automatic tabulating equipment being used for voting at an election with knowledge that it is out of order or is not perfectly set and adjusted so that it will correctly register or record all votes cast thereon or inserted therein; with the purpose of defrauding or

deceiving any elector, cause doubt for what party, candidate or proposition a vote will be cast or cause the vote for one party, candidate or proposition to be cast so it appears to be cast for another; or remove, change or mutilate a ballot on a voting machine, device or a ballot to be inserted into automatic tabulating equipment, or do any similar act contrary to chs. 5 to 12.

6m. Obtain an absentee ballot for voting in a qualified retirement home or residential care facility under s. 6.875 (6) and fail to return the ballot to the issuing officer.

7. In the course of the person's official duties or on account of the person's official position, intentionally violate or intentionally cause any other person to violate any provision of chs. 5 to 12 for which no other penalty is expressly prescribed.

8. Intentionally disclose the name or address of any elector who obtains a confidential listing under s. 6.47 (2) to any person who is not authorized by law to obtain that information.

(3) PROHIBITED ACTS. No person may:

(a) Falsify any information in respect to or fraudulently deface or destroy a certificate of nomination, nomination paper, declaration of candidacy or petition for an election, including a recall petition or petition for a referendum; or file or receive for filing a certificate of nomination, nomination paper, declaration of candidacy or any such petition, knowing any part is falsely made.

(am) Fail to file an amended declaration of candidacy as provided in s. 8.21 with respect to a change in information filed in an original declaration within 3 days of the time the amended declaration becomes due for filing; or file a false declaration of candidacy or amended declaration of candidacy. This paragraph applies only to candidates for state or local office.

(b) Wrongfully suppress, neglect or fail to file nomination papers in the person's possession at the proper time and in the proper office; suppress a certificate of nomination which is duly filed.

(c) Willfully or negligently fail to deliver, after having undertaken to do so, official ballots prepared for an election to the proper person, or prevent their delivery within the required time, or destroy or conceal the ballots.

(d) Remove or destroy any of the supplies or conveniences placed in compartments or polling booths.

(e) Prepare or cause to be prepared an official ballot with intent to change the result of the election as to any candidate or referendum; prepare an official ballot which is premarked or which has an unauthorized sticker affixed prior to delivery to an elector; or deliver to an elector an official ballot bearing a mark opposite the name of a candidate or referendum question that might be counted as a vote for or against a candidate or question.

(f) Before or during any election, tamper with voting machines, voting devices or automatic tabulating equipment readied for voting or the counting of votes; disarrange, deface, injure or impair any such machine, device or equipment; or mutilate, injure or destroy a ballot placed or displayed on a voting machine or device, or to be placed or displayed on any such machine, device or automatic tabulating equipment or any other appliance used in connection with the machine, device or equipment.

(g) Falsify any statement relating to voter registration under chs. 5 to 12.

(h) Deface, destroy or remove any legally placed election campaign advertising poster with intent to disrupt the campaign advertising efforts of any candidate, or of any committee, group or individual under ch. 11, or alter the information printed thereon so as to change the meaning thereof to the disadvantage of the candidate or cause espoused. Nothing in this paragraph restricts the right of any owner or occupant of any real property, or the owner or operator of any motor vehicle, to remove campaign advertising posters from such property or vehicle.

(i) Falsely make any statement for the purpose of obtaining or voting an absentee ballot under ss. 6.85 to 6.87.

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(j) When called upon to assist an elector who cannot read or write, has difficulty in reading, writing or understanding English, or is unable to mark a ballot or depress a lever or button on a voting machine, inform the elector that a ballot contains names or words different than are printed or displayed on the ballot with the intent of inducing the elector to vote contrary to his or her inclination, intentionally fail to cast a vote in accordance with the elector's instructions or reveal the elector's vote to any 3rd person.

(k) Forge or falsely make the official endorsement on a ballot or knowingly deposit a ballot in the ballot box upon which the names or initials of the ballot clerks, or those of issuing clerks do not appear.

(L) When not authorized, during or after an election, break open or violate the seals or locks on a ballot box containing ballots of that election or obtain unlawful possession of a ballot box with official ballots; conceal, withhold or destroy ballots or ballot boxes; willfully, fraudulently or forcibly add to or diminish the number of ballots legally deposited in a ballot box; or aid or abet any person in doing any of the acts prohibited by this paragraph.

(m) Fraudulently change a ballot of an elector so the elector is prevented from voting for whom the elector intended.

(n) Receive a ballot from or give a ballot to a person other than the election official in charge.

(o) Vote or offer to vote a ballot except as has been received from one of the inspectors.

(p) Receive a completed ballot from a voter unless qualified to do so.

(q) Solicit a person to show how his or her vote is cast.

(r) Remove a ballot from a polling place before the polls are closed.

(s) Solicit another elector to offer assistance under s. 6.82 (2) or 6.87 (5), except in the case of an elector who is blind or visually impaired to the extent that the elector cannot read a ballot.

(t) Obtain an absentee ballot as the agent of another elector under s. 6.86 (3) and fail or refuse to deliver it to such elector.

(u) Provide false documentation of identity for the purpose of inducing an election official to permit the person or another person to vote.

(w) Falsify a ballot application under s. 6.18.

(x) Refuse to obey a lawful order of an inspector made for the purpose of enforcing the election laws; engage in disorderly behavior at or near a polling place; or interrupt or disturb the voting or canvassing proceedings.

(y) After an election, break the locks or seals or reset the counters on a voting machine except in the course of official duties carried out at the time and in the manner prescribed by law; or disable a voting machine so as to prevent an accurate count of the votes from being obtained; or open the registering or recording compartments of a machine with intent to do any such act.

(z) Tamper with automatic tabulating equipment or any record of votes cast or computer program which is to be used in connection with such equipment to count or recount votes at any election so as to prevent or attempt to prevent an accurate count of the votes from being obtained.

(ze) Compensate a person who obtains voter registration forms from other persons at a rate that varies in relation to the number of voter registrations obtained by the person.

(zm) Willfully provide to a municipal clerk false information for the purpose of obtaining a confidential listing under s. 6.47 (2) for that person or another person.

(zn) Disclose to any person information provided under s. 6.47 (8) when not authorized to do so.

(5) UNAUTHORIZED RELEASE OF RECORDS OR INVESTIGATORY INFORMATION. (a) Except as specifically authorized by law and except as provided in par. (b), no investigator, prosecutor,

employee of an investigator or prosecutor, or member or employee of the board may disclose information related to an investigation or prosecution under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 or any other law specified in s. 978.05 (1) or (2) or provide access to any record of the investigator, prosecutor, or the board that is not subject to access under s. 5.05 (5s) to any person other than an employee or agent of the prosecutor or investigator or a member, employee, or agent of the board prior to presentation of the information or record in a court of law.

(b) This subsection does not apply to any of the following communications made by an investigator, prosecutor, employee of an investigator or prosecutor, or member or employee of the board:

1. Communications made in the normal course of an investigation or prosecution.

2. Communications with a local, state, or federal law enforcement or prosecutorial authority.

3. Communications made to the attorney of an investigator, prosecutor, employee, or member of the board or to a person or the attorney of a person who is investigated or prosecuted by the board.

History: 1973 c. 334; 1975 c. 85, 93, 199; 1977 c. 427, 447; 1979 c. 89, 249, 260, 311, 357; 1983 a. 183 s. 45; 1983 a. 192 s. 304; 1983 a. 484 ss. 135, 172 (3), 174; 1983 a. 491; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1991 a. 316; 1999 a. 49; 2001 a. 16; 2003 a. 265; 2005 a. 451; 2007 a. 1; 2011 a. 23; 2013 a. 159.

Sub. (5) does not apply to district attorneys or law enforcement agencies. It only applies to the government accountability board, its employees and agents, and the investigators and prosecutors retained by the board, and the assistants to those persons. OAG 7–09.

12.60 Penalties. (1) (a) Whoever violates s. 12.09, 12.11 or 12.13 (1), (2) (b) 1. to 7. or (3) (a), (e), (f), (j), (k), (L), (m), (y) or (z) is guilty of a Class I felony.

(b) Whoever violates s. 12.03, 12.05, 12.07, 12.08 or 12.13 (2) (b) 8., (3) (b), (c), (d), (g), (i), (n) to (x), (ze), (zm) or (zn) may be fined not more than \$1,000, or imprisoned not more than 6 months or both.

(bm) Whoever violates s. 12.13 (5) may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

(c) Whoever violates s. 12.13 (3) (am) may be required to forfeit not more than \$500.

(d) Whoever violates s. 12.035 or 12.13 (3) (h) may be required to forfeit not more than \$100.

(2) (a) If a successful candidate for public office, other than a candidate for the legislature or a candidate for national office, is adjudged guilty in a criminal action of any violation of this chapter under sub. (1) (a) committed during his or her candidacy, the court shall after entering judgment enter a supplemental judgment declaring a forfeiture of the candidate's right to office. The supplemental judgment shall be transmitted to the officer or agency authorized to issue the certificate of nomination or election to the office for which the person convicted is a candidate. If the candidate's term has begun, the office shall become vacant. The office shall then be filled in the manner provided by law.

(b) If a successful candidate for the legislature or U.S. congress is adjudged guilty in a criminal action of any violation of this chapter under sub. (1) (a) committed during his or her candidacy, the court shall after entering judgment certify its findings to the presiding officer of the legislative body to which the candidate was elected.

(3) Any election official who is convicted of any violation of this chapter shall, in addition to the punishment otherwise provided, be disqualified to act as an election official for a term of 5 years from the time of conviction.

(4) Prosecutions under this chapter shall be conducted in accordance with s. 11.61 (2).

History: 1973 c. 334; 1975 c. 85; 1977 c. 418 s. 924 (18) (e); 1977 c. 427; 1979 c. 249, 311, 328; 1983 a. 484; 1985 a. 304; 1997 a. 283; 1999 a. 49; 2001 a. 109; 2005 a. 451; 2007 a. 1.

(1) Legislative findings and purpose. To promote the safety, convenience and enjoyment of public travel, to preserve the natural beauty of Wisconsin, to aid in the free flow of interstate commerce, to protect the public investment in highways, and to conform to the expressed intent of congress to control the erection and maintenance of outdoor advertising signs, displays and devices adjacent to the national system of interstate and defense highways, it is hereby declared to be necessary in the public interest to control the erection and maintenance of billboards and other outdoor advertising devices adjacent to said system of interstate and federal-aid primary highways and the Great River Road.

(2) Definitions. In this section, unless the context otherwise requires:

(a) "Adjacent area" means an area which is adjacent to and within 660 feet of the nearest edge of the right-of-way of any interstate or primary highway or the Great River Road, which 660 feet distance shall be measured horizontally along a line normal or perpendicular to the center line of the highway.

(b) "Business area" means any part of an adjacent area which is zoned for business, industrial or commercial activities under the authority of the laws of this state; or not zoned, but which constitutes an unzoned commercial or industrial area as defined in par. (k). In adjacent areas along the interstate system business areas shall be limited to commercial or industrial zones within the boundaries of incorporated municipalities, as those boundaries existed on September 1, 1959, and all other areas where the land-use as of September 1, 1959, was clearly established by state law as industrial or commercial.

(c) "Center line of the highway" means a line equidistant from the edges of the median separating the main-traveled ways of a divided highway, or the center line of the main-traveled way of a nondivided highway.

(d) "Commercial or industrial activities" for purposes of unzoned industrial and commercial areas mean those activities generally recognized as commercial or industrial by local zoning authorities in this state, except that none of the following activities shall be considered commercial or industrial:

1. Outdoor advertising structures.
2. Agricultural, forestry, ranching, grazing, farming and similar activities, including, but not limited to wayside fresh produce stands.
3. Activities normally or regularly in operation less than 3 months of the year.
4. Transient or temporary activities.
5. Activities not visible from the main-traveled way.
6. Activities more than 660 feet from the nearest edge of the right-of-way.
7. Railroad tracks and minor sidings.
8. Areas which are predominantly used for residential purposes.

(e) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it does not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance of the sign structures.

(em) "Great River Road" means any highway officially designated as part of the Great River Road system by the department and approved by the appropriate authority of the federal government and any highway designated as part of the Great River Road under s. 84.107. Signs along the Great River Road shall be regulated as are signs along primary highways.

(f) "Interstate highway" means any highway at any time officially designated as a part of the national system of interstate and defense highways by the department and approved by the appropriate authority of the federal government.

(fm) "Landmark sign" means a sign of historic or artistic significance, the preservation of which is consistent with the purposes of this section, as determined by the department, including signs on farm structures or natural surfaces.

(g) "Maintain" means to allow to exist.

(h) "Main-traveled way" means the through traffic lanes exclusive of frontage roads, auxiliary lanes and ramps.

(i) "Primary highway" means any highway, other than an interstate highway, at any time officially designated as a part of the federal-aid primary system by the department and approved by the appropriate authority of the federal government.

(j) "Sign" means any outdoor advertising sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing, which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of any portion of an interstate highway or primary highway.

(k) "Unzoned commercial or industrial areas" mean those areas which are not zoned by state or local law, regulation or ordinance, and on which there is located one or more permanent structures devoted to a commercial or industrial activity or on which a commercial or industrial activity is actually conducted whether or not a permanent structure is located thereon, and the area along the highway extending outward 800 feet from and beyond the edge of such activity. Each side of the highway will be considered separately in applying this definition. All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing and landscaped areas of the commercial or industrial activities, not from the property lines of the activities, and shall be along or parallel to the edge or pavement of the highway.

(km) "Urban area" means any area which is an urbanized area or urban place, as determined by the department under 23 USC 101 (a) and regulations adopted thereunder and approved by the appropriate federal authority. Maps of urban area boundaries shall be available for inspection at offices of the department and copies of such maps shall be provided at cost to anyone requesting the same.

(L) "Zoned commercial or industrial areas" mean those areas which are zoned for business, industry, commerce or trade pursuant to a state or local zoning ordinance or regulation.

(2m) Conditional uses and special exceptions not considered. No uses of real property that are authorized by special zoning permission, including uses by conditional use, special exception, zoning variance or conditional permit, may be considered when determining whether the area is a business area.

(3) Signs prohibited. No sign visible from the main-traveled way of any interstate or federal-aid highway may be erected or maintained, except the following:

(a) Directional and other official signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, and which comply with rules which shall be promulgated by the department relative to their lighting, size, number, spacing and such other requirements as are appropriate to implement this section, but such rules shall not be inconsistent with, nor more restrictive than, such national standards as may be promulgated from time to time by the secretary of transportation of the United States under 23 USC 131 (c).

(b) Signs advertising the sale or lease of property upon which they are located if such signs comply with rules of the department.

(c) Signs advertising activities conducted on the property on which they are located if such on-property signs comply with applicable federal law and the June 1961 agreement between the department and the federal highway administrator relative to control of advertising adjacent to interstate highways. No on-property sign may be erected in a location where it constitutes a traffic hazard. If the department issues permits for outdoor advertising signs, the department is not required to issue permits for on-property signs that conform to the requirements of this paragraph. On-property signs may be illuminated, subject to the following restrictions:

1. Signs that contain, include or are illuminated by any flashing, intermittent or moving light or lights are prohibited, except electronic signs permitted by rule of the department.

2. Signs that are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the interstate or federal-aid primary highway and that are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or that otherwise interfere with any driver's operation of a motor vehicle, are prohibited.

3. No sign may be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.

(d) Signs located in business areas on March 18, 1972.

(e) Signs to be erected in business areas subsequent to March 18, 1972 which when erected will comply with sub. (4).

(f) Signs located in urban areas outside the adjacent area.

(g) Landmark signs lawfully in existence on October 22, 1965.

(h) Signs outside the adjacent area which are not erected with the purpose of their message being read from the main-traveled way of an interstate or primary highway.

(i) Signs on farm buildings which are utilized by owners of the building for agricultural purposes if the signs promote a Wisconsin agricultural product unless prohibited by federal law.

1. Signs erected by the Crime Stoppers, the nationwide organization affiliated with local police departments, on or before October 14, 1997, without regard to whether the department has issued a license for the sign. The department may not remove a sign authorized under this paragraph unless the sign does not conform to federal requirements. The requirements under s. 86.19 do not apply to signs described in this subdivision.

2. Notwithstanding subd. 1., whenever a sign authorized under this paragraph requires replacement due to damage or deterioration, the department shall require the sign to be licensed under sub. (10) and to meet all of the requirements of this section and s. 86.19.

(4) Sign criteria. The department shall effectively control or cause to be controlled, the erection and maintenance of outdoor advertising signs, displays and devices that are erected subsequent to March 18, 1972 in all business areas. Whenever a bona fide county or local zoning authority has made a determination of customary use, as to size, lighting and spacing such determination may be accepted in lieu of controls by agreement in the zoned commercial and industrial areas within the geographical jurisdiction of such authority. In all other business areas, the criteria set forth below shall apply:

(a) Size of signs shall be as follows:

1. The maximum areas for any one sign shall be 1,200 square feet with a maximum height of 30 feet and maximum length of 60 feet, inclusive of any border and trim but excluding the base or apron, supports and other structural members.

2. The areas shall be measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire sign.

3. The maximum size limitations shall apply to each side of a sign structure and signs may be placed back-to-back, side-by-side, or in V-type construction with not more than 2 displays to each facing, and such sign structure shall be considered as one sign.

(b) Signs may be illuminated, subject to the following restrictions:

1. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those specified in par. (bm) and those giving public service information such as time, date, temperature, weather, or similar information.

2. Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the interstate or federal-aid primary highway and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.

3. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.

(bm) Signs may contain multiple or variable messages, including messages on louvers that are rotated and messages formed solely by use of lights or other electronic or digital displays, that may be changed by any electronic process, subject to all of the following restrictions:

1. Each change of message shall be accomplished in one second or less.

2. Each message shall remain in a fixed position for at least 6 seconds.

3. The use of traveling messages or segmented messages is prohibited.

4. The department, by rule, may prohibit or establish restrictions on the illumination of messages to a degree of brightness that is greater than necessary for adequate visibility.

(c) Spacing of signs shall be as follows:

1. On interstate and federal-aid primary highways signs may not be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic.

2. On interstate highways and freeways on the federal-aid primary system no 2 structures shall be spaced less than 500 feet apart. Outside of incorporated villages and cities, no structure may be located adjacent to or within 500 feet of an interchange, intersection at grade, or safety rest area. Said 500 feet shall be measured along the interstate or freeway from the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.

3. On nonfreeway federal-aid primary highways outside incorporated villages and cities, no 2 structures shall be spaced less than 300 feet apart. Within incorporated villages and cities, no 2 structures shall be spaced less than 100 feet apart.

4. The spacing between structures provisions in subds. 1., 2. and 3. do not apply to structures separated by buildings or other obstructions in such a manner that only one sign-facing located within the spacing distances in subds. 1., 2. and 3. is visible from the highway at any one time.

5. a. Official and on-premises signs, as defined in 23 USC 131 (c), and structures that are not lawfully maintained shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements.

b. The minimum distances between structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply only to structures located on the same side of the highway.

(d) 1. Signs shall not be erected or maintained which imitate or resemble any official traffic sign, signal or device.

2. Signs shall not be erected or maintained upon trees, or painted or drawn upon rocks or other natural features, except landmark signs.

3. Signs shall not be erected or maintained which are structurally unsafe or in substantial disrepair.

(5) Nonconforming signs.

(a) Signs outside of business areas which are lawfully in existence on March 18, 1972 but which do not conform to the requirements herein are declared nonconforming and shall be removed by the end of the 5th year from said date.

(b) A sign lawfully erected after March 18, 1972 and which subsequently does not conform to this section shall be removed by the end of the 5th year after it becomes nonconforming.

(bm) Signs lawfully erected, but which do not conform to the requirements of sub. (3) (c), are declared nonconforming but are not subject to removal, except as otherwise provided in this paragraph. To allow such signs to exist, to perform customary maintenance thereon or to change the advertising message thereof, does not constitute a violation of sub. (3), but to enlarge, replace or relocate such signs, or to erect additional signs, shall constitute a violation subjecting the sign to removal without compensation, unless upon completion of such work all signs upon the property conform to the requirements of sub. (3).

(c) Should any commercial or industrial activity, which has been used in defining or delineating an unzoned area, cease to operate, the unzoned area shall be redefined or redelineated based on the remaining activities. Any signs located within the former unzoned area but located outside the unzoned area, based on its new dimensions, shall become nonconforming.

(d) The department shall give highest priority to the removal or relocation of signs advertising products of general availability in commercial channels when such signs fail to conform under this subsection.

(5m) Mars Cheese Castle signs in Kenosha County. Notwithstanding any other provision of law and any local ordinance or other restrictions on signs, the Mars Cheese Castle business in Kenosha County may relocate its on-premises signs located near the intersection of I 94 and STH 142 in Kenosha County and maintain such signs at their new location.

(5r) Signs nonconforming under local ordinances that are realigned because of state highway projects.

(a) In this subsection, "realignment" means relocation on the same site.

(b) If a highway project of the department causes the realignment of a sign that does not conform to a local ordinance, the realignment shall not affect the sign's nonconforming status under the ordinance.

(c) If in connection with a highway project of the department the department proposes the realignment of a sign that does not conform to a local ordinance, the department shall notify the governing body of the municipality or county where the sign is located and which adopted the ordinance of the sign's proposed realignment. Upon receiving this notice, the governing body may petition the department to acquire the sign and any real property interest of the sign owner. If the department succeeds in condemning the sign, the governing body that made the petition to the department shall pay to the department an amount equal to the condemnation award, less relocation costs for the sign that would have been paid by the department if the sign had been realigned rather than condemned. Notwithstanding s. 86.30 (2) (a) 1. and (b) 1., 1g., and 1r., if the governing body fails to pay this amount, the department may reduce the municipality's or county's general transportation aid payment under s. 86.30 by an equal amount.

(d) This subsection does not permit the alteration or movement of a sign that is nonconforming under this section.

(6) Just compensation. The department shall pay just compensation upon the removal or relocation on or after March 18, 1972, of any of the following signs which are not then in conformity with this section, regardless of whether the sign was removed because of this section:

(a) Signs lawfully in existence on March 18, 1972.

(b) Signs lawfully in existence on land adjoining any highway made an interstate or primary highway after March 18, 1972.

(c) Signs lawfully erected on or after March 18, 1972.

(7) Measure. The just compensation required by sub. (6) shall be paid for the following:

(a) The taking from the owner of such sign, all right, title and interest in and to the sign and the owner's leasehold relating thereto, including severance damages to the remaining signs which have a unity of use and ownership with the sign taken, shall be included in the amounts paid to the respective owner, excluding any damage to factories involved in manufacturing, erection, maintenance or servicing of any outdoor advertising signs or displays.

(b) The taking of the right to erect and maintain such signs thereon from the owner of the real property on which the sign is located.

(8) Agreed price. Compensation required under subs. (6) and (7) shall be paid to the person entitled thereto. If the department and the owner reach agreement on the amount of compensation payable to such owner in respect to any removal or relocation, the department may pay such compensation to the owner and thereby require or terminate the owner's rights or interests by purchase. If the department and the owner do not reach agreement as to such amount of compensation, the department or owner may institute an action to have such compensation determined under s. 32.05.

(9) Sign information. On and after March 18, 1972 all signs, or structures on which there are displays, shall have stated thereon the names and addresses of the owner thereof, and the date of its erection; but if the address of the owner is on file with the department it need not be stated thereon.

(10) License requirement.

(a) On or after January 1, 1972, no person shall engage or continue to engage in the business of outdoor advertising in areas subject to this section without first obtaining a license therefor from the department. The fee for the issuance of a license or for the renewal thereof shall be \$250 payable in advance. Each license shall remain in force until the next succeeding December 31 and may be renewed annually.

(b) Application for license or a renewal thereof shall be made on forms to be furnished by the department, shall contain such information as the department requires and shall be verified under oath by the applicant or an authorized officer or agent. Renewal applications shall be filed on or before the December 1 preceding the expiration date. Upon receipt of an application containing all required information, in due form and properly executed, together with any bond required by par. (c) and upon payment of the required license fee, the department shall issue a license to the applicant or renew the existing license.

(c) No license to engage or continue to engage in the business of outdoor advertising shall be granted to any applicant who does not reside in this state or, in the case of a foreign corporation or foreign limited liability company not authorized to do business in this state until such applicant files with the department a bond payable to the state and with a surety approved by the attorney general, in the sum of \$5,000 conditioned upon the licensee observing and fulfilling all applicable provisions of this section. Upon default thereof the department may enforce the collection of such bond in any court of competent jurisdiction. The bond shall remain in effect so long as any obligation of such licensee to the state remains unsatisfied.

(d) The department may, after a hearing with 30 days' prior written notice to the licensee, revoke the license if the department finds that the licensee has knowingly made false statements in the application or is violating this section. Such revocation shall not become effective if within 30 days after written notice of the findings has been given to the licensee, he or she corrects such false statement or terminates any such violation.

(10m) Annual permit fee requirement. The department may promulgate a rule requiring persons specified in the rule to pay annual permit fees for signs. The rule shall specify that no permit fee may be charged for an off-premises advertising sign that is owned by a nonprofit organization. If the department establishes an annual permit fee under this subsection, failure to pay the fee within 2 months after the date on which payment is due is evidence that the sign has been abandoned for the purposes of s. Trans 201.10 (2) (f), Wis. Adm. Code.

(11) Department removal. Any sign erected in an adjacent area after March 18, 1972, in violation of this section or the rules promulgated under this section, may be removed by the department upon 60 days' prior notice by registered mail to the owner thereof and to the owner of the land on which said sign is located, unless such sign is brought into conformance within said 60 days. No notice shall be required to be given to the owner of a sign whose name is not stated on the sign or on the structure on which it is displayed, or whose address is not stated thereon or is not on file with the department.

(12) Federal compliance. The department on behalf of the state is authorized and directed to seek agreement with the secretary of transportation of the United States acting under the provisions of 23 USC 131, as amended, that the provisions of this section are in conformance with that federal law and provide effective control of outdoor advertising signs as set forth therein.

(13) Federal funds. The department may accept any allotment of funds by the United States, or any agency thereof, appropriated to carry out the purposes of 23 USC 131, as amended, from time to time. The department shall take such steps as are necessary from time to time to obtain from the United States, or the appropriate agency thereof, funds allotted and appropriated, under 23 USC 131 for the purposes of paying the federal government's 75% of the just compensation to be paid to sign owners and owners of real property under 23 USC 131 (g) and this section.

(14) Department rules. The department may promulgate rules deemed necessary to implement and enforce this section. The department shall promulgate rules to restrict the erection and maintenance of signs as to their lighting, size, number and spacing when such signs are visible from the highway but outside the adjacent area. The department shall by rule establish a priority system for the removal or relocation of all signs not specified in sub. (5) (d) which fail to conform to the requirements of sub. (5).

(15) Funds required. Despite any contrary provision in this section no sign shall be required to be removed unless at the time of removal there are sufficient funds, from whatever source, appropriated and immediately made available to the department with which to pay the just compensation required and unless at such time the federal funds, required to be contributed to this state under 23 USC 131 have been appropriated and are immediately available to the state for the payment of compensation which is eligible for federal participation.

(16) Severability. If any provision or clause of this section or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable. If any portion of this section is found not to comply with federal law and federal billboard removal compensation that portion shall be void without affecting the validity of other provisions of the section.

(17) Transportation fund. All fees collected for the issuance of permits provided for under this section shall be paid into the transportation fund.

(18) Hearings; transcripts. Hearings concerning sign removal notices under sub. (11) or the denial or revocation of a sign permit or license shall be conducted before the division of hearings and appeals as are hearings in contested cases under ch. 227. The decision of the division of hearings and appeals is subject to judicial review under ch. 227. Any person requesting a transcript of the proceedings from the division of hearings and appeals shall pay the amount established by the division of hearings and appeals by rule for the transcript.

History: 1971 c. 197; 1975 c. 196, 340, 418; 1977 c. 29 ss. 946, 1654 (1), (8) (a); 1977 c. 43, 273; 1977 c. 418 s. 924 (48); 1979 c. 90 s. 24; 1979 c. 154, 253; 1981 c. 347; 1983 a. 92, 189, 463; 1989 a. 56; 1991 a. 316; 1993 a. 16, 112, 357; 1997 a. 27; 1999 a. 9, 185; 2001 a. 109; 2005 a. 149, 464; 2007 a. 20; 2011 a. 32.

Legislative Council Note, 1979: [As to sub. (5) (bm)] Chapter 196, laws of 1975, outlined standards for outdoor advertising signs. Section 2 of chapter 196, laws of 1975, pertaining to existing signs which did not conform to the standards, was not incorporated into the statutes. This act incorporates section 2 of chapter 196, laws of 1975, into the statutes. [Bill 458-A]

Cross-reference: See also ch. Trans 201, Wis. adm. code.

This section is the exclusive remedy for determining just compensation for signs meeting the criteria of sub. (6). Compensation includes the value of the sign structure, leasehold value, and location, but it does not include attorney fees. *Vivid, Inc. v. Fiedler*, 219 Wis. 2d 764, 580 N.W.2d 644 (1998), 96-1900.

This section did not prevent the leaseholder of a sign subject to an administrative order for removal due to discontinuance of a legal nonconforming use from pursuing judicial review of the administrative review of the order under s. 227.52. *Eller Media, Inc. v. Division of Hearings and Appeals*, 2001 WI App 269, 249 Wis. 2d 198, 637 N.W.2d 96, 00-3497.

Sub. (3) (a) provides 2 separate conditions. A sign must: 1) be required or authorized by law, and 2) comply with rules promulgated by the Wisconsin DOT that are no more restrictive than national standards. The "no more restrictive" language does not apply to the "required or authorized by law" condition. "Authorized by law" is a reference to whether a sign is authorized by a law other than this section and rules promulgated thereunder. Because there is no limitation on the source of other law, there is no reason why other law may not be a local zoning ordinance. *Donaldson v. Town of Spring Valley*, 2008 WI App 61, 311 Wis. 2d 223, 750 N.W.2d 506, 07-1418.

The administrative and judicial review provided in sub. (18) is the exclusive procedure for challenging the legality of a sign after issuance of a removal order, even when DOT has removed the sign. A determination under sub. (18) that a sign is legal is a necessary predicate to just compensation for the sign. The entire statutory scheme provides for a determination on the legality of a sign under sub. (18) and, if the ultimate determination is that the sign is legal, there is a procedure in subs. (7) and (8) for obtaining just compensation. This scheme adequately provides the means both to challenge a removal order on the ground a sign is legal and to obtain just compensation if that challenge succeeds. *Lamar Central Outdoor, LLC v. DOT*, 2008 WI App 187, 315 Wis. 2d 190, 762 N.W.2d 745, 08-0439.

Persons in the business of erecting on-premise signs are subject to the licensing requirement of sub. (10) (a). 66 Atty. Gen. 295.

Outdoor sign regulation in Eden and Wisconsin. *Larsen*, 1972 WLR 153.

(1) Except as provided in sub. (1m) or s. 84.01 (30) (g), no sign shall be placed within the limits of any street or highway except such as are necessary for the guidance or warning of traffic or as provided by ss. 60.23 (17m) and 66.0429. The authorities charged with the maintenance of streets or highways shall cause the removal therefrom and the disposal of all other signs.

(1g)

(a) Subject to par. (b), the department shall erect and maintain 2 directional signs along eastbound and westbound I 94 and 4 directional signs along the exit ramps that correspond to the signs along the main roadway in Milwaukee County for the Basilica of St. Josaphat.

(b) Upon receipt of sufficient contributions from interested parties, including any county, city, village, or town, to cover the costs of fabricating, erecting, and maintaining the signs specified in par. (a), the department shall erect and maintain the signs. No state funds, other than from the receipt of contributions under this paragraph, may be expended for the fabrication, erection, or maintenance of the signs.

(1h)

(a) Subject to par. (b), the department shall erect and maintain 2 directional signs along eastbound and westbound I 90/94 and 2 directional signs along the exit ramps that correspond to the signs along the main roadway for the Wisconsin Basketball Coaches Association Hall of Fame in Columbia County.

(b) Upon receipt of sufficient contributions from interested parties, including any county, city, village, or town, to cover the costs of fabricating, erecting, and maintaining the signs specified in par. (a), the department shall erect and maintain the signs. No state funds, other than from the receipt of contributions under this paragraph, may be expended for the fabrication, erection, or maintenance of the signs.

(1m) Notwithstanding sub. (1), the department shall place 100 signs near highways and in waysides that display a slogan or logo, or both, developed by the department of agriculture, trade and consumer protection to promote Wisconsin agricultural products. The signs shall be placed in prominent locations where they are likely to be seen by tourists from other states, except that no sign may be placed in violation of federal law.

(1r) The department shall maintain the directional sign existing on October 29, 1999, that is located along I 43 for America's Black Holocaust Museum in Milwaukee County. The department may not charge any fee related to the sign maintained under this subsection.

(2) The department shall prescribe regulations with respect to the erection of signs on public highways. Such regulations shall have the full force of law. No advertising sign shall use prominently any words, or combination of words, commonly used for the guidance or warning of travel, nor shall any advertising sign be erected or be permitted to remain in any place or manner so as to endanger travel on the highways, either by reason of causing an obstruction to the view or otherwise.

(3) Any person who shall erect any sign on any public highway, or elsewhere in violation of any of the provisions of this section or the regulations of the department, or without the written consent of the department if the sign is to be erected on a state trunk highway, the county highway committee in the case of a county trunk highway, or the city council, village or town board in case of a street or highway maintained by a city, village or town, shall be fined not less than \$10 nor more than \$100, and for a second or subsequent violation shall be fined not less than \$10 nor more than \$500.

(4) This section shall not be construed as prohibiting the erection of such historical monuments or markers within the limits of public streets and highways as shall be approved by the department. The name of a newspaper on a newspaper tube or receptacle shall not be deemed a sign within the meaning of this section.

(5) The department shall assign to each county and local authority responsible for the placement and maintenance of signs, guide boards, mile posts, signals or markers erected for the warning, instruction or information of the public a code number which the county or local authority shall place on each warning, instruction or information device at the time of replacement or new installation of such device.

(6) At the request of any city, village or town, the department shall erect directional signs on state trunk highways at the intersection of those highways with streets or other highways where the streets or other highways lead to the city, village or town, provided the city, village or town is located within 5 miles of the intersection and provided the city, village or town agrees to pay for the installation and maintenance of the sign. The directional sign shall show the name of the city, village or town. For the purpose of this subsection, the term "intersection" includes exit ramps from any expressway or freeway or interstate highway.

History: 1975 c. 169; 1977 c. 29 s. 1654 (8) (c); 1977 c. 188; 1983 a. 92; 1987 a. 137 s. 6; 1987 a. 205; 1993 a. 246; 1999 a. 9; 1999 a. 150 s. 672; 2015 a. 51, 55. Cross-reference: See also chs. Trans 200 and 201, Wis. adm. code.

86.191 Advertising in highways prohibited, where.

86.191(1)(1) No person shall erect, or cause to be erected, any advertising, direction, guide, warning or other sign or marker within any public highway within a distance of 1,000 feet from the intersection of any 2 or more highways, when such intersection is beyond the corporate limits of any city or villages, unless permission is first obtained from the officials charged with the maintenance of such highways. The name of a newspaper on a newspaper tube or receptacle shall not be deemed to be any advertising, direction, guide, warning or other sign or marker within the meaning of this section.

(2) In case any person shall violate the provisions of this section, the authorities in charge of the maintenance of the highway upon which such violation occurs shall promptly remove such advertising, direction, guide, warning or other sign or marker.

(3) If any signs at present exist in the public right-of-way on any highway within 1,000 feet of the intersection of any 2 or more highways or streets beyond the limits of any incorporated city or village which are, in the opinion of the officials in charge of the maintenance of such highway, a menace to the safety of the public traveling along such highways, said officials shall notify the owners of such signs to remove the same, or to remove the danger producing features, and in case the owners do not do so, or in case the owners cannot be found with reasonable effort, the authorities in charge of said highway shall remove said signs from within the right-of-way.

(4) The triangles bounded by any 2 adjacent intersecting highways and a line drawn between the points on the center lines of said highways 1,000 feet from the intersection of their center lines, are declared prohibited ground for the erection of any danger producing advertising signs, when such intersection is beyond the corporate limits of any city or village. No advertising sign, design or insignia shall hereafter be erected within said triangles which will endanger the safety of the public traveling along any highways, and if there now exist in any such triangle any advertising signs, designs, or insignia endangering the safety of the public traveling along such highways, the authorities in charge of the maintenance of such highways shall take up the matter with the owner of the sign and with the owner of the land, and shall cause the same to be removed, or to be so altered as to remove the danger producing features. Within the same triangles the authorities in charge of maintaining any road shall require the property owner to minimize the obstruction to the view across the triangle insofar as is possible, and shall make such arrangements with the property owner as will make travel on the intersecting highways as safe as is reasonably possible.

(5) Any person who violates sub. (1), (3), or (4) shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than \$25 nor more than \$100 for each offense, or by imprisonment in the county jail for a period not exceeding 30 days, or by both such fine and imprisonment in the discretion of the court.

(6) (a) In this subsection, "business entity" has the meaning given in s. 13.62 (5), but does not include any real estate broker or salesperson licensed under ch. 452 or any other individual selling real estate or personal property owned by the individual.

(b) Subject to subs. (1) and (4) and s. 86.19, and except as provided in par. (d), no business entity may place, or cause to be placed, within a highway right-of-way any sign that advertises or promotes a business identified on the sign or a business whose telephone number or Internet web site address appears on the sign.

(c) If a sign described in par. (b) has been placed within a highway right-of-way and the business identified on the sign or whose telephone number or Internet web site address appears on the sign had the sign made, there is a rebuttable presumption that this business caused the sign to be placed in violation of par. (b).

(d) This subsection does not apply to any of the following:

1. Any sign placed with the permission of an official charged with the maintenance of the highway.
2. Any sign authorized under s. 60.23 (17m), 66.0429, 84.01 (30) (g), 84.30, 86.195, or 86.196.
3. The name of a newspaper on a newspaper tube or receptacle.
4. Any sign advertising a yard sale, garage sale, rummage sale, or similar event.
5. Any sign advertising an event associated with a church or school.

86.191(6)(e) (e) Any business entity violating this subsection is subject to a forfeiture of not more than \$50 for each offense. Each sign placed in violation of par. (b) constitutes a separate offense.

History: 1991 a. 316; 1993 a. 490; 2009 a. 227. Cross-reference: See also ss. Trans 200.02 and 200.04, Wis. adm. code.

86.192 Penalty for injuring guide board, markers, etc.

(1) No person may injure, deface or remove any sign, guide board, mile post, signal or marker erected by the state or by any municipality thereof for the warning, instruction or information of the public. The following warning shall be affixed to the front of each such sign, guide board, mile post, signal or marker: "WARNING: \$25 to \$100 fine or imprisonment for removing or tampering with this sign."

(1m) No person may possess any sign, guide board, mile post, signal or marker of the type erected by the state or by any municipality for the warning, instruction or information of the public, unless the person can demonstrate that he or she obtained it in a legal manner. Possession of such a sign, guide board, mile post, signal or marker creates a rebuttable presumption of illegal possession. In this subsection, "possession" means the presence of such a sign, guide board, mile post, signal or marker on premises owned or controlled by the person, including but not limited to a rented apartment, rented room or dormitory room. Persons who voluntarily notify a law enforcement agency of the presence on their premises of such a sign, guide board, mile post, signal or marker shall be exempt from prosecution under this subsection.

(2) Any person who violates this section shall be fined \$25 for the first violation, \$100 for a subsequent violation, or imprisoned not exceeding 30 days for the first violation, or 60 days for a subsequent violation, or both fined and imprisoned in the discretion of the court. The court may, in addition, order any such person either to restore or replace any such damaged sign, mile post, signal or marker, or to pay the cost thereof.

(3) On conviction of any person of a violation of this section, the person or persons who informed against and aided in the prosecution of such offense to conviction shall be paid by the court one-half of the amount of the fine paid into the court.

(4) Any person who violates this section is guilty of a Class H felony if the injury, defacement or removal causes the death of a person.

History: 1975 c. 169, 421; 1997 a. 283; 2001 a. 109.

Political and campaign signs

Any signs along roadways, including political/campaign signs, pose potential hazards. Improperly placed signs can:

- Obstruct a motorist's view
- Distract a driver's attention
- Compound damages or injuries in the event of a crash
- Endanger the safety of individuals who are erecting signs along busy highways
- Present obstacles to crews who maintain (mow) roadways 

Political/campaign signs, especially larger billboard-type signs, are particularly dangerous when placed in vision areas at intersections.

Signs prohibited on state highway right of way

Wisconsin law prohibits the placement of signs on any rural or urban portion of the state highway system right of way. This prohibition applies to commercial advertising and covers political signs, posters and banners. As a general rule, highway right of way in rural areas extends to beyond both shoulders and ditches and any adjoining fence line. In urban areas, boulevard medians and the terrace area between any sidewalk and the street are part of the highway and therefore off-limits for installation of signs of any type.

Generally, people can actively carry signs for political candidates or other purposes on sidewalks and within highway right of way, provided the signs do not obstruct views for traffic. Signs that are so large that they block views for motorists, particularly near corners, may be prohibited because of the danger caused by visual obstruction.

[Wisconsin Administrative Code Trans 201.16](#) details the conditions under which political/campaign signs may be placed adjacent to the state highway system (state, federal and interstate highways).

Local municipalities may have additional guidelines regulating the placement of political signs along county highways or local roads and streets.

Signs on private property

Political signs are allowed on private property along the state highway system without a billboard permit as long as the signs:

- Do not exceed 32 square feet in size.
- Contain no flashing lights or moving parts.  

When placing political yard or lawn signs on private property adjacent to the state highway system, keep the following guidelines in mind:

- In urban areas, signs are prohibited from the roadway area to at least one foot past the sidewalk.
- In urban areas without sidewalks, signs must be at least 15 feet from the pavement edge.
- Signposts, street name marker posts and most utility poles are all within highway right of way.
- Signs are NOT allowed within highway medians.

Dealing with improper political signs

Highway maintenance workers will remove political signs found within state highway right of way – especially if the signs pose a safety hazard.

Highway crews are asked to make reasonable attempts to preserve campaign signs that are taken down and to provide campaign offices with an opportunity to claim the signs.

[Sec. 86.19, Wis. Statutes](#) does provide for a \$10 to \$100 fine for signs that violate the law.

For more information, contact

[Regional outdoor advertising program coordinators](#)

Questions about the content of this page:

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