



City of Madison

City of Madison
Madison, WI 53703
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Master

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File Name: Signature Requirement for Alder Vacancies

Final Action:

Title: Creating Section 2.035 of the Madison General Ordinances related to requiring elector signatures with application to fill vacancy on the Common Council.

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Sponsors: MGR Govindarajan

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1	Attorney's Office	05/27/2025	Referred for Introduction				
Action Text: This Ordinance was Referred for Introduction							
Notes: Common Council Executive Committee (7/1/25), Common Council (7/1/25)							

Text of Legislative File 88483

Fiscal Note

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Title

Creating Section 2.035 of the Madison General Ordinances related to requiring elector signatures with application to fill vacancy on the Common Council.

Body

DRAFTER'S ANALYSIS: This ordinance requires applicants to fill a Common Council vacancy to submit a petition containing the names, addresses and signatures of at least 20 electors of the district which has the vacancy. Currently, applicants must submit an application containing the information required by MGO 2.03. This ordinance would require the City Clerk to create a petition document and to review the names and signatures submitted by applicants to determine sufficiency of the signatures, process any challenges to the signatures, and determine whether applicants have qualified to proceed to review by the Common Council Executive Committee.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 2.035 entitled "Signature Requirement for Applicants to Alder Vacancy" of the Madison General Ordinances is created to read as follows:

"2.035 SIGNATURE REQUIREMENT FOR APPLICANTS TO ALDER VACANCY

- (1) Prior to submission of applications to the Common Council Executive Committee under MGO 2.03, applicants to fill a vacancy on the Common Council shall submit a petition supporting their application. The petition shall contain the signatures of at least 20 and no more than 40 electors of the district with the vacancy. Only one signature per applicant for the same vacancy is valid. In addition to their signature, in order for the signature to be valid, each signer of a petition shall legibly print their name in a space provided next to his or her signature and shall list their municipality of residence for voting purposes, the street and number, if any, on which the signer resides, and the date of signing. All signers on each petition shall reside in the jurisdiction or district which the applicant named on the paper will represent, if appointed.
- (2) Each petition shall have substantially the following words printed at the top:

I, the undersigned, request that the name of *(insert applicant's first and last name)*, residing at *(insert applicant's street address)* be considered for appointment to *(insert district number)* District Alder. I am eligible to vote in the *(name of jurisdiction or district in which applicant seeks office)*. I have not signed the petition of any other applicant for the same vacancy.
- (3) Each applicant shall include their mailing address on their petition. The certification of a qualified circulator stating their residence with street and number, if any, shall appear at the bottom of each petition page, stating that they personally circulated the petition paper and personally obtained each of the signatures; they know the signers are electors of the aldermanic district; they know the individuals signed the paper with full knowledge of its content; they know their respective residences given; they know each signer signed on the date stated opposite their name; and that the circulator is a qualified elector of this state, or if not a qualified elector of this state, is a U.S. citizen age 18 or older who, if he or she were a resident of this state, would not be disqualified from voting under in the State of Wisconsin; and that they are aware that falsifying the certification is punishable under Wis Stat. s. 12.13(3)(a). The circulator shall indicate the date that they make the certification next to their signature. The certification may be made by the applicant or any qualified circulator.
- (4) The City Clerk shall create and make available petition forms which may be used by applicants to comply with this section.
- (5) Applicants shall submit completed petitions to the City Clerk on or before the date established by the Common Council Executive Committee. The Clerk shall review all submitted signatures, up to the maximum number permitted, to determine the facial sufficiency of the petitions filed. Where circumstances and the time for review permit, the Clerk may consult maps, directories and other extrinsic evidence to ascertain the correctness and sufficiency of information on a petition. The City Clerk shall certify the names of applicants who have submitted at least 20 valid signatures to the Common Council Executive Committee. If an applicant submits a petition with more than the maximum number of required signatures prescribed under sub. (1), but the Clerk determines that the maximum number of required signatures does not result in a sufficient number of valid signatures, the Clerk shall review the additional signatures to the extent necessary to determine whether the applicant has collected a sufficient number of valid signatures.
- (6) The City Clerk shall review all petitions submitted by applicants and process any challenges

using the standards and procedures established by Chapter EL 2 of the Wisconsin Administrative Code including, but not limited to the following:

- (a) Any information which appears on a petition is entitled to a presumption of validity. Notwithstanding any other provision of this chapter, errors in information contained in a petition, committed by either a signer or a circulator, may be corrected by an affidavit of the circulator, an affidavit of the applicant, or an affidavit of a person who signed the petition. The person giving the correcting affidavit shall have personal knowledge of the correct information and the correcting affidavit shall be filed with the City Clerk not later than three calendar days after the deadline for submission of the petition.
- (b) Where any required item of information on a petition is incomplete, the City Clerk shall accept the information as complete if there has been substantial compliance with the law.
- (c) The City Clerk shall accept petitions which contain biographical data or advertising for the applicant. The disclaimer specified in Wis. Stat. s. 11.1303 (2) is not required on any petition.
- (d) An elector shall sign their own name unless unable to do so because of physical disability. An elector unable to sign because of physical disability shall be present when another person signs on behalf of the disabled elector and shall specifically authorize the signing.
- (e) A person may not sign for their spouse, or for any other person, even when they have been given a power of attorney by that person, unless subsection (6)(d) applies.
- (f) A complete address, including municipality of residence for voting purposes, and the street and number, if any, of the residence, (or a postal address if it is located in the jurisdiction that the applicant seeks to represent), shall be listed for each signature on a petition.
- (g) A signature shall be counted when identical residential information or dates for different electors are indicated by ditto marks.
- (h) No signature on a petition shall be counted unless the elector who circulated the petition completes and signs the certificate of circulator and does so after, not before, the petition is circulated. No signature may be counted when the residency of the circulator cannot be determined by the information given on the petition.
- (i) An individual signature on a petition may not be counted when any of the following occur:
 - 1. The date of the signature is missing, unless the date can be determined by reference to the dates of other signatures on the paper.
 - 2. The signature is dated after the date of certification contained in the certificate of circulator.
 - 3. The address of the signer is missing or incomplete, unless residency can be determined by the information provided on the petition.
 - 4. The signature is that of an individual who is not 18 years of age at the time the petition is signed.
 - 5. The signature is that of an individual who has been adjudicated not to be a qualified elector on the grounds of incompetency or limited competency as provided in s. 6.03 (3), Wis. Stats., or is that of an individual who was not, for any other reason, a qualified elector at the time of signing the petition.
- (j) After a petition has been filed, no signature may be added or removed. After a petition has been signed, but before it has been filed, a signature may be removed by the circulator. The death of a signer after a petition has been signed

does not invalidate the signature.

- (7) The City Clerk shall review any verified complaint concerning the sufficiency of a petition submitted by an applicant. The Clerk shall apply the standards in subsection (6) to determine the sufficiency of petitions, including consulting extrinsic sources of evidence under subsection
- (8) Any challenge to the sufficiency of a petition shall be made by verified complaint, filed with the City Clerk. The complaint may be filed electronically. The Clerk shall deliver a copy of the challenge in person, by mail, or by electronic mail to the challenged applicant within 24 hours of the filing of the challenge complaint. Any challenge to the sufficiency of a petition shall be filed within 3 calendar days after the filing deadline for the challenged petition. The challenge shall be established by affidavit, or other supporting evidence, demonstrating a failure to comply with this section or other legal requirements.
- (9) The response to a challenge to a petition shall be filed, by the applicant challenged, within 3 calendar days of the filing of the challenge and shall be verified. The response may be filed in person, by mail or by electronic mail. After the deadline for filing a response to a challenge, the City Clerk shall decide the challenge.
- (10) The burden is on the challenger to establish any insufficiency. If the challenger establishes that the information on the petition is insufficient, the burden is on the challenged applicant to establish its sufficiency. The invalidity or disqualification of one or more signatures on a petition shall not affect the validity of any other signatures on that paper.
- (11) If a challenger establishes that an elector signed the petition of an applicant more than once or signed the petitions of more than one applicant for the same vacancy, the 2nd and subsequent signatures may not be counted. The burden of proving that the second and subsequent signatures are that of the same person and are invalid is on the challenger.
- (12) If a challenger establishes that the date of a signature, or the address of the signer, is not valid, the signature may not be counted.
- (13) The City Clerk shall examine any evidence offered by the parties when reviewing a complaint challenging the sufficiency of the petition of an applicant. The burden of proof applicable to establishing or rebutting a challenge is clear and convincing evidence.
- (14) Where it is alleged that the signer or circulator of a petition does not reside in the district in which the applicant seeks office, the challenger may attempt to establish the geographical location of an address indicated on a petition by providing district maps, or by providing a statement from a postmaster or other public official.”