



2013 ASSEMBLY BILL 18

February 15, 2013 - Introduced by Representatives PRIDEMORE, MURPHY and WEATHERSTON, cosponsored by Senator GROTHMAN. Referred to Committee on Campaigns and Elections.

1 **AN ACT to amend** 7.30 (2) (a) and (b), 7.30 (4) (b) 1., 7.30 (4) (b) 2. and 7.30 (4)
2 (e); and **to create** 227.52 (8) of the statutes; **relating to:** appointment and
3 residency of election officials.

Analysis by the Legislative Reference Bureau

Currently, election officials are generally required to be qualified electors of the municipality in which the officials serve. In addition, election officials who serve at a polling place are generally required to be qualified electors of the ward for which the polling place is established, whenever a municipality is divided into wards. However, certain election officials need not be electors of any particular ward but must be qualified electors of the municipality in which they serve: special registration deputies who register electors at a polling place on election day; election officials who are appointed to work at a polling place that serves more than one ward; election officials who are reassigned by a municipal clerk or board of election commissioners to correct staffing deficiencies; and election officials who are appointed to fill a temporary or permanent vacancy. If the municipal clerk or the executive director of a board of election commissioners or a deputy to the clerk or executive director serves as a special registration deputy or is appointed to work at a polling place to fill a vacancy in an inspector position, the clerk, executive director, or deputy need not be a resident of the municipality in which he or she serves. Officials who are appointed to work at a polling place that serves more than one ward must be electors of one of the wards served by the polling place. In addition, a high school pupil who is 16 or 17 years of age may serve as an inspector (poll worker) at the polling place serving his or her residence.

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Currently, political party officers may submit the names of nominees to serve as election officials, other than as special registration deputies, at polling places. If no nominations or insufficient nominations are submitted, municipalities may appoint election officials on a nonpartisan basis. Twice as many nominations are submitted as there are positions to be filled. Any nominee may be designated as a first choice nominee, and a municipality must appoint a first choice nominee unless the Government Accountability Board (GAB) permits nonappointment for good cause shown.

This bill provides that an individual who serves as an election official at a polling place on election day need be an elector only of a county in which the municipality where the official serves is located, except as the law currently permits the individual to reside elsewhere. The bill makes no change, however, to the residency requirement applicable to a high school pupil who serves as an inspector.

The bill also permits, for up to 50 percent of the positions to be filled, a political party officer to specify the ward for which an individual is nominated to serve. The bill requires municipalities to appoint individuals who are nominated to serve in a specified ward in the ward for which they are nominated for at least 50 percent of the positions to be filled, unless GAB or the attorney general permits nonappointment for good cause shown. The bill permits a nominee whose nonappointment is authorized by GAB to appeal the decision of GAB to the attorney general, who may affirm or reverse the decision of GAB.

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

1 **SECTION 1.** 7.30 (2) (a) and (b) of the statutes are amended to read:

2 7.30 (2) (a) Only election officials appointed under this section or s. 6.875 may
3 conduct an election. Except as otherwise provided in ~~this paragraph and in ss. 7.15~~
4 ~~(1) (k) and s. 7.52 (1) (b)~~, each election official shall be a qualified elector of the ward
5 ~~or wards, or the election district, for a county in which the polling place is established.~~
6 ~~A special registration deputy who is appointed under s. 6.55 (6) or an election official~~
7 ~~who is appointed under this section to fill a vacancy under par. (b) need not be a~~
8 ~~resident of the ward or wards, or the election district, but shall be a resident of the~~
9 municipality where the official serves is located, except that if a municipal clerk or
10 deputy clerk serves as a registration deputy or is appointed to fill a vacancy under
11 par. (b), the clerk or deputy clerk need not be a resident of ~~the municipality~~ such a

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1 county, but shall be a resident of the state. No more than 2 individuals holding the
2 office of clerk or deputy clerk may serve without regard to ~~municipal~~ county
3 residency in any municipality at any election. Special registration deputies who are
4 appointed under s. 6.55 (6) may be appointed to serve more than one polling place.
5 All officials appointed under this section shall be able to read and write the English
6 language, be capable, and be of good understanding, and may not be a candidate for
7 any office to be voted for at an election at which they serve. In 1st class cities, they
8 may hold no public office other than notary public. Except as authorized under subs.
9 (1) (b) and (4) (c), all inspectors shall be affiliated with one of the 2 recognized political
10 parties which received the largest number of votes for president, or governor in
11 nonpresidential general election years, in the ward or combination of wards served
12 by the polling place at the last election. Excluding the inspector who may be
13 appointed under sub. (1) (b), the party which received the largest number of votes is
14 entitled to one more inspector than the party receiving the next largest number of
15 votes at each polling place. ~~Election officials appointed under this section may serve~~
16 ~~the electors of more than one ward where wards are combined under s. 5.15 (6) (b).~~
17 ~~If a municipality is not divided into wards, the ward requirements in this paragraph~~
18 ~~apply to the municipality at large.~~

19 (b) When a vacancy occurs in an office under this section, the vacancy shall be
20 filled by appointment of the municipal clerk. Unless the vacancy occurs in the
21 position of an inspector appointed under sub. (1) (b), the vacancy shall be filled from
22 the remaining names on the lists submitted under sub. (4) or from additional names
23 submitted by the chairperson of the county party committee of the appropriate party
24 under sub. (4) whenever names are submitted under sub. (4) (d). If the vacancy is
25 due to candidacy, sickness, or any other temporary cause, the appointment shall be

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1 a temporary appointment and effective only for the election at which the temporary
2 vacancy occurs. The same qualifications that applied to original appointees shall be
3 required of persons who fill vacancies except that ~~a vacancy may be filled in cases~~
4 ~~of emergency or because of time limitations by a person who resides in another~~
5 ~~aldermanic district or ward within the municipality, and if a municipal clerk or~~
6 deputy clerk meets the other qualifications and fills the vacancy, the clerk or deputy,
7 but not more than a total of 2 individuals in any municipality, may serve without
8 regard to the clerk's or deputy's municipality county of residence, ~~if the clerk or~~
9 ~~deputy meets the other qualifications.~~

10 **SECTION 2.** 7.30 (4) (b) 1. of the statutes is amended to read:

11 7.30 (4) (b) 1. In cities where there is a board of election commissioners, the
12 aldermanic district ~~committeemen or committeewomen~~ committee members under
13 s. 8.17 of each of the 2 dominant recognized political parties shall submit a certified
14 list no later than November 30 of each odd-numbered year containing the names of
15 at least as many nominees as there are inspectors from that party for each of the
16 voting wards in the aldermanic district. The committee members shall include the
17 address of each nominee in the list and may, for not more than 50 percent of the
18 positions to be filled, specify the ward for which the nominee is nominated to serve.

19 For inspectors serving under s. 7.52 (1) (b), the aldermanic district ~~committeemen~~
20 ~~and committeewomen~~ committee members under s. 8.17 of the 2 dominant
21 recognized political parties shall jointly submit a certified list of nominees containing
22 at least twice as many nominees as there are inspectors from that party who are to
23 be appointed under s. 7.52 (1) (b). The chairperson may designate any individual
24 whose name is submitted as a first choice nominee. The board of election
25 commissioners shall appoint, no later than December 31 of odd-numbered years, at

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1 least 5 inspectors for each ward. The board of election commissioners shall appoint
2 all first choice nominees and, for at least 50 percent of the positions being filled, shall
3 appoint those nominees who are nominated to serve at the polling place for a
4 specified ward to serve at the polling place for that ward for so long as positions are
5 available, unless nonappointment is authorized under par. (e), ~~and. The board of~~
6 ~~election commissioners~~ shall appoint other individuals in its discretion. ~~The board~~
7 ~~of election commissioners~~ and may designate such alternates as it deems advisable.

8 **SECTION 3.** 7.30 (4) (b) 2. of the statutes is amended to read:

9 7.30 (4) (b) 2. a. In ~~municipalities~~ a municipality other than cities and villages
10 a city or village located in ~~counties~~ a county having a population of more than
11 500,000, ~~the committees~~ each committee organized under s. 8.17 from each of the 2
12 dominant parties described under sub. (2) shall submit a list containing at least as
13 many names as there are needed appointees from that party. ~~The list shall be~~
14 ~~submitted by the chairperson of each of the 2 committees~~ shall submit the list to the
15 mayor, president, or chairperson of the municipality. If committees are organized in
16 subdivisions of a city, ~~the list shall be submitted through the chairperson of the city~~
17 ~~committee~~ shall submit the list. If there is no municipal committee, ~~the list shall be~~
18 ~~submitted by the chairperson of the county or legislative district committee~~ shall
19 submit the list. The appropriate committee or chairperson shall include the address
20 of each nominee and the municipality for which the nominee is nominated to serve
21 in the list and may, for not more than 50 percent of the positions to be filled within
22 a municipality, specify the ward, if any, for which the nominee is nominated to serve.
23 Except as provided in par. (c), only those persons submitted by the chairperson of
24 each committee under s. 8.17 may act as election officials. The chairperson may
25 designate any individual whose name is submitted as a first choice nominee. ~~The list~~

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1 shall ~~contain the signature of the chairperson and secretary of the submitting~~
2 committee shall sign the list.

3 b. In cities a city or villages village located in counties a county having a
4 population of more than 500,000, other than cities a city where there is a board of
5 election commissioners, the aldermanic district or village ~~committeeman or~~
6 ~~committeewoman~~ committee member for the ward or wards where each polling place
7 is located, if there is one, or, for inspectors to be appointed under s. 7.52 (1)
8 (b), the ~~committeemen and committeewomen~~ committee members for the
9 municipality acting jointly, shall submit a list containing at least as many names as
10 there are needed appointees for inspector positions from the party represented by the
11 ~~committeeman or committeewoman~~ committee member or by the ~~committeemen and~~
12 ~~committeewomen~~ committee members acting jointly. For ~~appointments of~~
13 Nominations for inspectors to be appointed in cities and villages a city or village
14 where there is no aldermanic district or village ~~committeeman or committeewoman,~~
15 nominations committee member shall proceed in the same manner as in
16 ~~municipalities a municipality~~ located in counties a county having a population of
17 500,000 or less. The list appropriate committee member, committee members, or
18 chairperson shall be ~~submitted~~ submit the list to the mayor or president. The
19 appropriate committee member, committee members, or chairperson shall include
20 the address of each nominee and the municipality for which the nominee is
21 nominated to serve in the list and may, for not more than 50 percent of the positions
22 to be filled within a municipality, specify the ward, if any, for which the nominee is
23 nominated to serve. Except as provided in par. (c), only those persons whose names
24 are submitted as provided in this paragraph may act as election officials. The
25 ~~committeeman or committeewoman~~ appropriate committee member, committee

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1 members, or chairperson may designate any individual whose name is submitted as
2 a first choice nominee. ~~The list shall contain the signature of the committee member~~
3 ~~of the~~ aldermanic district or village ~~committeeman or committeewoman~~ or the
4 chairperson of the appropriate committee shall sign the list.

5 c. Upon submission of each nominee's name, the governing body shall appoint
6 each first choice nominee for so long as positions are available, unless
7 nonappointment is authorized under par. (e), and shall appoint other nominees in its
8 discretion. In addition, for at least 50 percent of the positions being filled, the
9 governing body shall appoint those nominees who are nominated to serve at the
10 polling place for a specified ward to serve at the polling place for that ward, unless
11 nonappointment is authorized under par. (e). If any nominee is not appointed, the
12 mayor, president, or chairperson of the municipality shall immediately nominate
13 another person from the appropriate lists submitted and continue until the
14 necessary number of election officials from each party is achieved at that meeting.

15 **SECTION 4.** 7.30 (4) (e) of the statutes is amended to read:

16 7.30 (4) (e) If an appointing authority believes that, for good cause, it should
17 not appoint an individual whose name is submitted as a first choice nominee under
18 par. (b) or it should not appoint an individual who is nominated as an inspector for
19 a specified ward to serve in the ward specified, it may request the board to authorize
20 nonappointment. The board or the attorney general may permit nonappointment of
21 an individual for cause demonstrated by an appointing authority. If the board finds
22 that there is good cause for nonappointment of an individual, the individual may,
23 within 30 days of issuance of the board's decision, appeal the decision of the board
24 to the attorney general, who may affirm or reverse the decision of the board.

25 **SECTION 5.** 227.52 (8) of the statutes is created to read:

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1 227.52 (8) Decisions of the government accountability board under s. 7.30 (4)

2 (e) that are subject to appeal to the attorney general.

3 **(END)**