



State of Wisconsin
2011 - 2012 LEGISLATURE



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**SENATE SUBSTITUTE AMENDMENT 1,
TO 2011 SENATE BILL 269**

January 12, 2012 - Offered by Senator LAZICH.

1 **AN ACT to amend** 7.30 (2) (a) and (b), 7.30 (4) (b) 1., 7.30 (4) (b) 2., 7.30 (4) (c) and
2 7.30 (6) (b) of the statutes; **relating to:** appointment and residency of election
3 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, 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, or election officials who are appointed to fill a temporary or permanent vacancy need not be electors of any particular ward, but must be qualified electors of the municipality in which they serve. 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. 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. In addition, 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.

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 substitute amendment 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 that an individual who serves as the chief inspector at a polling place must be a qualified elector of the municipality where he or she serves unless no qualified candidate is available or the chief inspector is appointed to fill a temporary vacancy and except as the law currently permits the individual to reside outside the county where he or she serves, and except that a high school pupil who serves as an inspector must continue to meet the current residency requirement.

The substitute amendment also permits, for up to 50 percent of the positions to be filled, a political party officer to recommend the ward for which an individual is nominated to serve. Under the substitute amendment, recommendations that specify a ward where the nominee is nominated to serve must be balanced to achieve geographic representation across a county unless the attorney general otherwise permits for good cause shown. The substitute amendment permits 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.

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 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

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

1 (b) When a vacancy occurs in an office under this section, the vacancy shall be
2 filled by appointment of the municipal clerk. Unless the vacancy occurs in the
3 position of an inspector appointed under sub. (1) (b), the vacancy shall be filled from
4 the remaining names on the lists submitted under sub. (4) or from additional names
5 submitted by the chairperson of the county party committee of the appropriate party
6 under sub. (4) whenever names are submitted under sub. (4) (d). If the vacancy is
7 due to candidacy, sickness or any other temporary cause, the appointment shall be
8 a temporary appointment and effective only for the election at which the temporary
9 vacancy occurs. The same qualifications that applied to original appointees shall be
10 required of persons who fill vacancies except that ~~a vacancy may be filled in cases~~
11 ~~of emergency or because of time limitations by a person who resides in another~~
12 ~~aldermanic district or ward within the municipality, and if a municipal clerk or~~
13 ~~deputy clerk fills the vacancy, the clerk or deputy, but not more than a total of 2~~
14 ~~individuals in any municipality, may serve without regard to the clerk's or deputy's~~
15 ~~municipality~~ county of residence, if the clerk or deputy meets the other
16 qualifications.

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

18 7.30 (4) (b) 1. In cities where there is a board of election commissioners, the
19 aldermanic district committeemen or committeewomen under s. 8.17 of each of the
20 2 dominant recognized political parties shall submit a certified list no later than
21 November 30 of each odd-numbered year containing the names of at least as many
22 nominees as there are inspectors from that party for each of the voting wards in the
23 aldermanic district. The list shall include the address of each nominee and, for not
24 more than 50 percent of the positions to be filled, may indicate a recommended ward
25 in which the nominee is nominated to serve. The recommendations that specify a

1 ward for service shall be balanced to achieve geographic representation across the
2 city unless the attorney general otherwise permits for good cause shown. For
3 inspectors serving under s. 7.52 (1) (b), the aldermanic district committeemen and
4 committeewomen under s. 8.17 of the 2 dominant recognized political parties shall
5 jointly submit a certified list of nominees containing at least twice as many nominees
6 as there are inspectors from that party who are to be appointed under s. 7.52 (1) (b).
7 The chairperson may designate any individual whose name is submitted as a first
8 choice nominee. The board of election commissioners shall appoint, no later than
9 December 31 of odd-numbered years, at least 5 inspectors for each ward. The board
10 of election commissioners shall appoint all first choice nominees and, for at least 50
11 percent of the positions being filled, may appoint those nominees who are nominated
12 and recommended to serve at the polling place for a specified ward to serve at the
13 polling place for that ward for so long as positions are available, ~~unless~~
14 ~~nonappointment is~~ except as authorized under par. (e), and shall appoint other
15 individuals in its discretion. The board of election commissioners may designate
16 such alternates as it deems advisable.

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

18 7.30 (4) (b) 2. a. In municipalities other than cities and villages located in
19 counties having a population of more than 500,000, the committees organized under
20 s. 8.17 from each of the 2 dominant parties under sub. (2) shall submit a list
21 containing at least as many names as there are needed appointees from that party.
22 The list shall be submitted by the chairperson of each of the 2 committees to the
23 mayor, president, or chairperson of the municipality. If committees are organized in
24 subdivisions of a city, the list shall be submitted through the chairperson of the city
25 committee. If there is no municipal committee, the list shall be submitted by the

1 chairperson of the county or legislative district committee. The list shall include the
2 address of each nominee, the municipality for which the nominee is nominated to
3 serve and, for not more than 50 percent of the positions to be filled within a
4 municipality, may indicate the committees' recommendations for the ward in which
5 the nominee is nominated to serve. The recommendations that specify a ward for
6 service shall be balanced to achieve geographic representation across the county
7 unless the attorney general otherwise permits for good cause shown. Except as
8 provided in par. (c), only those persons submitted by the chairperson of each
9 committee under s. 8.17 may act as election officials. The chairperson may designate
10 any individual whose name is submitted as a first choice nominee. The list shall
11 contain the signature of the chairperson and secretary of the submitting committee.

12 b. In cities or villages located in counties having a population of more than
13 500,000, other than cities where there is a board of election commissioners, the
14 aldermanic district or village committeeman or committeewoman for the ward or
15 wards where each polling place is located, if there is one, or for inspectors serving
16 under s. 7.52 (1) (b), the committeemen and committeewomen for the municipality
17 acting jointly, shall submit a list containing at least as many names as there are
18 needed appointees for inspector positions from the party represented by the
19 committeeman or committeewoman or by the committeemen and committeewomen
20 acting jointly. For appointments of inspectors in cities and villages where there is
21 no aldermanic district or village committeeman or committeewoman, nominations
22 shall proceed in the same manner as in municipalities located in counties having a
23 population of 500,000 or less. The list shall be submitted to the mayor or president.
24 The list shall include the address of each nominee, the municipality for which the
25 nominee is nominated to serve and, for not more than 50 percent of the positions to

1 be filled within a municipality, may indicate the committeeman's and
2 committeewomen's recommendation for the ward in which the nominee is nominated
3 to serve. The recommendations that specify a ward for service shall be balanced to
4 achieve geographic representation across the city or village unless the attorney
5 general otherwise permits for good cause shown. Except as provided in par. (c), only
6 those persons whose names are submitted as provided in this paragraph may act as
7 election officials. The committeeman or committeewoman may designate any
8 individual whose name is submitted as a first choice nominee. The list shall contain
9 the signature of the aldermanic district or village committeeman or
10 committeewoman or the chairperson of the appropriate committee.

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

22 **SECTION 4.** 7.30 (4) (c) of the statutes is amended to read:

23 7.30 (4) (c) Except with respect to inspectors who are appointed under sub. (1)
24 (b) and except when a nonpartisan appointment is authorized under sub. (6) (b), for
25 so long as nominees are made available by the political parties under this section,

1 appointments may be made only from the lists of submitted nominees. If the lists
2 are not submitted by November 30 of the year in which appointments are to be made,
3 the board of election commissioners shall appoint, or the mayor, president or
4 chairperson of a municipality shall nominate qualified persons whose names have
5 not been submitted. If an insufficient number of nominees appears on the lists as
6 of November 30, the board of election commissioners shall similarly appoint, or the
7 mayor, president or chairperson shall similarly nominate sufficient individuals to fill
8 the remaining vacancies. In addition, the mayor, president, or board chairperson of
9 the municipality shall similarly nominate qualified persons to serve in the inspector
10 positions authorized under sub. (1) (b). Any appointment which is made due to the
11 lack of availability of names submitted under par. (b) may be made without regard
12 to party affiliation.

13 **SECTION 5.** 7.30 (6) (b) of the statutes is amended to read:

14 7.30 (6) (b) Prior to the first election following the appointment of the
15 inspectors, the municipal clerk shall appoint one of the inspectors at each polling
16 place, other than an inspector who is appointed under sub. (1) (b), to serve as chief
17 inspector. No person may serve as chief inspector at any election who is not certified
18 by the board under s. 7.31 at the time of the election. The chief inspector shall hold
19 the position for the remainder of the term unless the inspector is removed by the clerk
20 or the inspector ceases to be certified under s. 7.31, except that whenever wards are
21 combined or separated under s. 5.15 (6) (b), the municipal clerk shall appoint another
22 inspector who is certified under s. 7.31 to serve as chief inspector at each polling place
23 designated under s. 5.15 (6) (b). If a vacancy occurs in the position of chief inspector
24 at any polling place, the municipal clerk shall appoint one of the other inspectors who
25 is certified under s. 7.31 to fill the vacancy. The clerk shall ensure that the person

1 who is appointed to serve as chief inspector is a qualified elector of the municipality
2 in which the person serves unless the person is appointed to fill a temporary vacancy.
3 If the county party committee or the committeemen and committeewomen do not
4 submit the name of a qualified person to serve as chief inspector, the municipality
5 may appoint a person to serve as chief inspector on a nonpartisan basis.

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(END)