

2013 DRAFTING REQUEST

Bill

Received: 11/28/2012 Received By: jkreya
Wanted: As time permits Same as LRB:
For: Don Pridemore (608) 267-2367 By/Representing: liz
May Contact: Drafter: tkuczens
Subject: Elections - miscellaneous Addl. Drafters:
Extra Copies: jtk, jk

Submit via email: YES
Requester's email: Rep.Pridemore@legis.wisconsin.gov
Carbon copy (CC) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Appointment and residency of election officials

Instructions:

Each political party may provide list, which must specify name and address of nominee, together with municipality and ward, if any, for which they are nominated to serve, and may require appointment of not more than 50% of nominees to serve in the municipality or ward for which nominated, subject to appeal to GAB or AG, or if appealed to GAB subject to appeal of GAB decision to AG. Appeal may contest ward assignment or other cause for nonappointment. In municipality that lies within more than one county, nominee may reside in any county in which municipality is located.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 12/5/2012	csicilia 12/12/2012		_____			
/1			jmurphy	_____	lparisi	sbasford	

Vers. Drafted

Reviewed

Typed
12/12/2012

Proofed

Submitted
12/12/2012

Jacketed
2/6/2013

Required

FE Sent For:

*Not
needed*

<END>

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/1			jmurphy	_____	lparisi		

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			12/12/2012	_____	12/12/2012		

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/?	tkuczens 12/5/2012	csicilia P1 gjs 12/7/12	P1 gjs 12/12/12	JmEPH 12/12/12			

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/?	jkreye			_____			

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<END>



State of Wisconsin
2011 - 2012 LEGISLATURE

- 0632/PT



LRBs0150/1

JTK:wp:md

TKK cjs

~~TKK~~
RMR

ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2011 ASSEMBLY BILL (69)

2013

in 12/5/12

soon

October 31, 2011 - Offered by Representative PRIDEMORE

P.W.F.

Jan 12/12/12

Regen

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, 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

Certain election officials need not be electors of any particular ward but must be qualified electors of the municipality in which they serve.

and
In addition,

Move this entire sentence up

SA 13 ✓
SA 11 ✓

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 as the law currently permits the individual to reside elsewhere, 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 specify the ward for which an individual is nominated to serve. The substitute amendment 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 substitute amendment permits a nominee whose nonappointment is permitted by GAB to appeal the decision of GAB to the attorney general, who may affirm or reverse the decision of GAB.

The bill makes no changes, however, to the residency requirement applicable to

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

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

7.30 (2) (a) Only election officials appointed under this section or s. 6.875 may conduct an election. Except as otherwise provided in ~~this paragraph and in ss. 7.15 (1) (k) and~~ ⁵⁰ 7.52 (1) (b), each election official shall be a qualified elector of the ward or wards, or the election district, for a county in which the polling place is established. A special registration deputy who is appointed under s. 6.55 (6) or an election official who is appointed under this section to fill a vacancy under par. (b) need not be a resident of the ward or wards, or the election district, but shall be a resident of the

X

✓ X

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

22 (b) When a vacancy occurs in an office under this section, the vacancy shall be
23 filled by appointment of the municipal clerk. Unless the vacancy occurs in the
24 position of an inspector appointed under sub. (1) (b), the vacancy shall be filled from
25 the remaining names on the lists submitted under sub. (4) or from additional names

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

X 13 SECTION 2. 7.30 (4) (b) 1. of the statutes is amended to read:

14 7.30 (4) (b) 1. In cities where there is a board of election commissioners, the
 15 aldermanic district ~~committeemen or committeewomen~~^{committee members} under s. 8.17 of each of the
 16 2 dominant recognized political parties shall submit a certified list no later than
 17 November 30 of each odd-numbered year containing the names of at least as many
 18 nominees as there are inspectors from that party for each of the voting wards in the
 19 aldermanic district. ~~The list shall include the address of each nominee and for not~~^{committee members} ~~more than 50 percent of the positions to be filled, may specify the ward for which the~~^{in the list}
 20 ~~nominee is nominated to serve.~~^{may} For inspectors serving under s. 7.52 (1) (b), the
 21 aldermanic district ~~committeemen and committeewomen~~^{committee members} under s. 8.17 of the 2
 22 dominant recognized political parties shall jointly submit a certified list of nominees
 23 containing at least twice as many nominees as there are inspectors from that party
 24 who are to be appointed under s. 7.52 (1) (b). The chairperson may designate any
 25

1 individual whose name is submitted as a first choice nominee. The board of election
 2 commissioners shall appoint, no later than December 31 of odd-numbered years, at
 3 least 5 inspectors for each ward. The board of election commissioners shall appoint
 4 all first choice nominees and, for at least 50 percent of the positions being filled, shall
 5 appoint those nominees who are nominated to serve at the polling place for a
 6 specified ward to serve at the polling place for that ward for so long as positions are
 7 available, unless nonappointment is except as authorized under par. (e), and shall
 8 appoint other individuals in its discretion. ~~The board of election commissioners may~~
 9 designate such alternates as it deems advisable.

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

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

appropriate committee or chairperson

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 population of more than
4 500,000, other than ~~cities~~ a city /

5 aldermanic district or village ~~committeeman or committeewoman~~ committee member / for the ward or
6 wards where each polling place is located, if there is one, or ~~or~~ for inspectors serving to be appointed
committee members

7 under s. 7.52 (1) (b), the ~~committeemen and committeewomen~~ / for the municipality
8 acting jointly, shall submit a list containing at least as many names as there are

9 needed appointees for inspector positions from the party represented by the
10 ~~committeeman or committeewoman~~ committee member / or by the ~~committeemen and committeewomen~~ committee members
Nominations for / to be appointed a city or village

11 acting jointly. ~~For appointments of inspectors~~ / in ~~cities and villages~~ a city or village / where there is
12 no aldermanic district or village ~~committeeman or committeewoman~~ committee member / nominations
a municipality a county

13 shall proceed in the same manner as in ~~municipalities~~ a municipality / ~~located in counties~~ a county / having a
14 population of 500,000 or less. The list ~~shall be submitted~~ submit the list / to the mayor or president.

15 The list shall include the address of each nominee and the municipality for which the
16 nominee is nominated to serve in the list and for not more than 50 percent of the positions to
17 be filled within a municipality may specify the ward, if any, for which the nominee
18 is nominated to serve. Except as provided in par. (c), only those persons whose names

19 are submitted as provided in this paragraph may act as election officials. The
20 ~~committeeman or committeewoman~~ committee member / may designate any individual whose name is

21 submitted as a first choice nominee. The ~~list shall contain the signature of the~~
22 ~~aldermanic district or village committeeman or committeewoman~~ committee member of the / or the chairperson

23 of the appropriate committee/ shall sign the list

24 c. Upon submission of each nominee's name, the governing body shall appoint
25 each first choice nominee for so long as positions are available, unless

appropriate committee members, committee members, or chairperson

3x

1 nonappointment is authorized under par. (e), and shall appoint other nominees in its
 2 discretion. In addition, for at least 50 percent of the positions being filled, the
 3 governing body shall appoint those nominees who are nominated to serve at the
 4 polling place for a specified ward to serve at the polling place for that ward, except
 5 as authorized under par. (e). ^{a nonappointment is} ~~except~~ unless
 6 If any nominee is not appointed, the mayor, president,
 7 or chairperson of the municipality shall immediately nominate another person from
 8 the appropriate lists submitted and continue until the necessary number of election
 9 officials from each party is achieved at that meeting.

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

10 7.30 (4) (e) If an appointing authority believes that, for good cause, it should
 11 not appoint an individual whose name is submitted as a first choice nominee under
 12 par. (b) or it should not appoint an individual who is nominated as an inspector for
 13 a specified ward to serve in the ward specified, it may request the board to authorize
 14 nonappointment. The board or the attorney general may permit nonappointment of
 15 an individual for cause demonstrated by an appointing authority. If the board finds
 16 that there is good cause for nonappointment of an individual, the individual may,
 17 within 30 days of issuance of the board's decision, appeal the decision of the board
 18 to the attorney general, who may affirm or reverse the decision of the board.

X SECTION 5. 227.52 (8) [^] of the statutes is created to read:

19 227.52 (8) Decisions of the government accountability board under s. 7.30 (4)
 20 (e) that are subject to appeal to the attorney general.
 21

22 (END)

X [Handwritten signature/initials in a box]

Rose, Stefanie

From: LRB.Legal
Sent: Wednesday, February 06, 2013 12:05 PM
To: Pusch, Liz
Subject: RE: Draft Review: LRB -0632/1 Topic: Appointment and residency of election officials

Liz,

We will jacket the bill but the list of cosponsors goes to the chief clerk's office.

Stefanie

Stefanie Rose
Program Assistant
Wisconsin Legislative Reference Bureau
(608) 266-3561
Stefanie.Rose@legis.wisconsin.gov

From: Pusch, Liz
Sent: Wednesday, February 06, 2013 11:58 AM
To: LRB.Legal
Subject: Draft Review: LRB -0632/1 Topic: Appointment and residency of election officials

Do I give you the list of cosponsors now, or after I receive the jacket?

Please Jacket LRB -0632/1 for the ASSEMBLY.

Thanks!

Liz Pusch
Office of Rep. Don Pridemore
608-267-2367