



2023 SENATE BILL 537

October 16, 2023 - Introduced by Senators SMITH, CARPENTER, HESSELBEIN and LARSON, cosponsored by Representatives SNODGRASS, SHELTON, CONLEY, HONG, JOERS, KRUG, MAXEY, MOORE OMOKUNDE, OHNSTAD, RATCLIFF, SINICKI, STUBBS and JACOBSON. Referred to Committee on Shared Revenue, Elections and Consumer Protection.

1 **AN ACT to create** 13.02 (5) and 19.465 of the statutes; **relating to:** requiring
2 certain persons holding a state elective office to serve as an election official.

Analysis by the Legislative Reference Bureau

This bill requires that each nonjudicial elective state official, during the person's first term of office and once every three years during subsequent terms, serve as an election official for an election held where the person resides, not including an election in which the person is a candidate on the ballot. The requirement under the bill applies to the offices of governor, lieutenant governor, secretary of state, state treasurer, state superintendent of public instruction, state senator, and state representative to the assembly.

The bill requires the nonjudicial elective state official to be appointed and trained in the same manner as other election officials and to serve as an election official no fewer than eight hours on election day. Under the bill, the person receives no compensation for serving as an election official. In addition, after satisfying the requirement, the person must certify that fact to the Ethics Commission. However, the requirement does not apply to a person who files with the commission a sworn statement from a physician or physician assistant verifying that the person is physically incapable of serving as an election official for eight hours on election day. Under the bill, the appointment of a nonjudicial elective state official to serve as an election official does not count towards any limit that a municipality imposes on the number of election officials hired or appointed.

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Finally, the bill prohibits the legislature and all legislative committees from meeting on a day in which an election, other than a special election, is being held in this state for a local, state, or national office.

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

1 **SECTION 1.** 13.02 (5) of the statutes is created to read:

2 13.02 (5) Neither the assembly nor the senate shall meet on any day in which
3 an election, other than a special election, is being held in this state for a local, state,
4 or national office, nor shall a legislative committee meet on any such day.

5 **SECTION 2.** 19.465 of the statutes is created to read:

6 **19.465 Requirement to serve as election official.** (1) In this section:

7 (a) “Election official” has the meaning given in s. 5.02 (4e).

8 (b) “Nonjudicial elective state office” means the offices of governor, lieutenant
9 governor, secretary of state, state treasurer, state superintendent, state senator, and
10 state representative to the assembly.

11 (c) “Nonjudicial elective state official” means any person who holds a
12 nonjudicial elective state office or has been elected to a nonjudicial elective state
13 office but has not yet taken office. A person who is appointed to fill a vacant
14 nonjudicial elective state office is a nonjudicial elective state official.

15 (2) (a) Except as provided in par. (b), each nonjudicial elective state official,
16 during the person’s first term holding a nonjudicial elective state office and once
17 every 3 years during subsequent terms, shall serve as an election official for an
18 election held in the municipality where the person resides, except that the person
19 may not serve as an election official for an election in which the person is a candidate
20 on the ballot. The nonjudicial elective state official shall be appointed and trained

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1 in the same manner as other election officials are appointed and trained under ss.
2 7.30, 7.31, and 7.315. For purposes of this subsection, the nonjudicial elective state
3 official shall serve as an election official on election day for no fewer than 8 hours.
4 In addition, the appointment of a nonjudicial elective state official to serve as an
5 election official, as provided under this subsection, does not count towards any limit
6 that a municipality imposes on the number of election officials hired or appointed to
7 serve at an election.

8 (b) This subsection does not apply to any nonjudicial elective state official who
9 is physically incapable of serving as an election official for 8 hours on election day,
10 if the nonjudicial elective state official provides to the ethics commission, in the form
11 and manner determined by the commission, a sworn statement from a physician, as
12 defined in s. 448.01 (5), or physician assistant, as defined in s. 448.971 (2), that
13 verifies that the official is physically incapable of serving as an election official for
14 8 hours on election day.

15 (3) It is compatible with his or her office for a nonjudicial elective state official
16 to serve as an election official appointed under s. 7.30 (2) (a), but the nonjudicial
17 elective state official may not be compensated for that service, notwithstanding s.
18 7.03.

19 (4) After the nonjudicial elective state official satisfies the requirement under
20 sub. (2), the official shall certify to the ethics commission, in the form and manner
21 determined by the commission, that the official has satisfied the requirement.

22 (END)