

2001 ASSEMBLY BILL 339

April 18, 2001 – Introduced by Representatives STARZYK, J. LEHMAN, TURNER, RYBA, VRAKAS, MILLER, HUBER, BALOW, GUNDERSON, STONE, WADE, OTT and SKINDRUD, cosponsored by Senators WIRCH, ROBSON, PLACHE and DARLING. Referred to Committee on Campaigns and Elections.

1 **AN ACT to amend** 7.30 (1), 7.30 (2) (a) and (b), 7.30 (4) (a), 7.30 (4) (b) 1. and 2.,
2 7.30 (4) (c), 7.30 (5), 7.30 (6) (a), 7.30 (6) (c), 7.33 (2) and 60.24 (3) (a) of the
3 statutes; **relating to:** appointment of election officials and staffing of polling
4 places.

Analysis by the Legislative Reference Bureau

Currently, the normal staffing level for a polling place is seven inspectors (poll workers), but the municipal governing body or, in cities having a population of more than 500,000, the board of election commissioners may reduce that number to three. If a municipal governing body designates a polling place to serve more than one ward or a municipality uses more than one voting machine at a polling place, the governing body or board of election commissioners may appoint additional election officials. A municipal governing body may provide for the selection of alternate officials. Municipal clerks and boards of election commissioners are directed to reassign inspectors from one polling place to another in order to ensure adequate staffing levels at all polling places.

Currently, election officials must be electors of the municipality in which the officials serve. In addition, election officials who serve at a polling place are generally required to be a qualified elector of the ward for which the polling place is established, whenever a municipality is divided into wards. However, special voter 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, or election officials who are appointed to fill a temporary or permanent vacancy need

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not be electors of any particular ward, but must be electors of the municipality in which the election officials serve.

Election officials currently must be appointed from nominations submitted by local political party committeemen and committeewomen, but if there are no committeemen or committeewomen or if insufficient nominations are made, appointments may be made without regard to party affiliation.

This bill permits municipal governing bodies to provide for the appointment of reserve inspectors who are qualified electors of this state. Municipalities may use reserve inspectors in order to ensure adequate staffing at any polling place where the number of regularly appointed inspectors serving is insufficient to adequately serve the number of electors that are reasonably expected to vote. The reserve inspectors need not be appointed on the basis of party affiliation and need not be qualified electors of the specific municipality, ward, or area served by the polling place at which they serve. The reserve inspectors must take an oath of office. Their term of office under the bill is two years. This bill also provides that special voter registration deputies who register electors at a polling place on election day and election officials who are appointed to fill temporary or permanent vacancies need not be electors of the municipality in which the officials serve, but must be qualified electors of this state.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 7.30 (1) of the statutes is amended to read:

2 7.30 (1) NUMBER. ~~There~~ Except as authorized or required under this subsection
3 and ss. 7.15 (1) (k) and 7.32, there shall be 7 inspectors for each polling place at each
4 election. In municipalities where voting machines are or any electronic voting
5 system is used, the municipal governing body may reduce the number of inspectors
6 to 5. A municipal governing body may provide for the appointment of additional
7 inspectors whenever more than one voting machine is used or wards are combined
8 under s. 5.15 (6) (b). A municipal governing body may provide for the appointment
9 of reserve inspectors who may be called by the municipal clerk or board of election
10 commissioners to serve at a polling place for any election in addition to the regularly
11 appointed inspectors whenever the number of regularly appointed inspectors

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1 serving that polling place is insufficient to adequately serve the number of electors
2 reasonably expected to vote at an election at that polling place. A municipal
3 governing body may provide by ordinance for the selection of alternate officials or the
4 selection of 2 sets of officials to work at different times on election day. Unless
5 officials are appointed without regard to party affiliation under sub. (4) (c) or reserve
6 inspectors are appointed under this subsection, additional officials shall be
7 appointed in such a manner that the total number of officials is an odd number and
8 the predominant party under sub. (2) is represented by one more official than the
9 other party.

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

11 7.30 (2) (a) Only election officials appointed under this section may conduct an
12 election. ~~Except as authorized in otherwise provided in this paragraph and s. 7.15~~
13 (1) (k), each ~~inspector~~ election official shall be a qualified elector ~~in~~ of the ward for
14 which the polling place is established, or of one of the wards for which the polling
15 place is established whenever a polling place serves more than one ward. Special
16 registration deputies appointed under s. 6.55 (6) ~~and,~~ election officials ~~servng more~~
17 ~~than one ward or when necessary~~ who are appointed to fill a vacancy under par. (b),
18 and reserve inspectors appointed under sub. (1) shall be qualified electors of the
19 state, but need not be ~~a resident of that ward, but shall be a resident~~ qualified
20 electors of the municipality. Special registration deputies may be appointed to serve
21 more than one polling place. All officials shall be able to read and write the English
22 language, be capable, and be of good understanding, and may not be a candidate for
23 any office to be voted for at an election at which they serve. In 1st class cities, they
24 may hold no public office other than notary public. Except for reserve inspectors
25 appointed under sub. (1) and except as authorized under sub. (4) (c), all inspectors

1 shall be affiliated with one of the 2 recognized political parties which received the
2 largest number of votes for president, or governor in nonpresidential general election
3 years, in the ward or combination of wards served by the polling place at the last
4 election. The party which received the largest number of votes is entitled to one more
5 inspector than the party receiving the next largest number of votes at each polling
6 place. The same election officials may serve the electors of more than one ward where
7 wards are combined under s. 5.15 (6) (b). If a municipality is not divided into wards,
8 the ward requirements in this paragraph apply to the municipality at large.

9 (b) When a vacancy occurs, the vacancy shall be filled by appointment of the
10 municipal clerk. ~~The Except for a reserve inspector appointed under sub. (1), a~~
11 ~~vacancy shall be filled from the remaining names on the lists submitted under sub.~~
12 ~~(4) or from additional names submitted by the chairperson of the county party~~
13 ~~committee of the appropriate party under sub. (4) whenever names are submitted~~
14 ~~under sub. (4) (d). If the vacancy is due to candidacy, sickness or any other temporary~~
15 ~~cause, the appointment shall be a temporary appointment and effective only for the~~
16 ~~election at which the temporary vacancy occurs. The same qualifications that~~
17 ~~applied to original appointees shall be required of persons who fill vacancies.~~
18 ~~Vacancies, except that a vacancy may be filled in cases of emergency or because of~~
19 ~~time limitations by a person from another aldermanic district or ward within the~~
20 ~~municipality by any qualified elector of this state without regard to the elector's~~
21 ~~municipality of residence, if the elector meets the other qualifications.~~

22 **SECTION 3.** 7.30 (4) (a) of the statutes is amended to read:

23 7.30 (4) (a) Except in cities where there is a board of election commissioners,
24 the mayor, president, or board chairperson of each municipality shall nominate to
25 the governing body no later than their last regular meeting in December of each

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1 even-numbered year the necessary, regularly appointed election officials for each
2 polling place. In addition, if authorized by the governing body, the mayor, president,
3 or board chairperson may nominate electors to serve as reserve inspectors. If no
4 regular meeting is scheduled, the mayor, president, or chairperson shall call a special
5 meeting for the purpose of considering nominations no later than December 31.

6 **SECTION 4.** 7.30 (4) (b) 1. and 2. of the statutes are amended to read:

7 7.30 (4) (b) 1. In cities where there is a board of election commissioners, the
8 aldermanic district committeemen or committeewomen under s. 8.17 of each of the
9 2 dominant recognized political parties shall submit a certified list no later than
10 November 30 of each even-numbered year containing the names of at least as many
11 electors as there are regularly appointed inspectors from that party for each of the
12 voting wards in the aldermanic district. The chairperson may designate any
13 individual whose name is submitted as a first choice nominee. The board of election
14 commissioners shall appoint, no later than December 31 of even-numbered years,
15 at least 5 regularly appointed inspectors for each ward. The board of election
16 commissioners shall appoint all first choice nominees for so long as positions are
17 available, unless nonappointment is authorized under par. (e), and shall appoint
18 other individuals in its discretion. The board of election commissioners may
19 designate such alternates as it deems advisable. In addition, if authorized by the
20 governing body, the board of election commissioners may appoint electors to serve as
21 reserve inspectors.

22 2. In municipalities other than cities and villages located in counties having a
23 population of more than 500,000, the committees organized under s. 8.17 from each
24 of the 2 dominant parties under sub. (2) shall submit a list containing at least as
25 many names as there are needed appointees for regularly appointed inspector

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1 positions from that party. The list shall be submitted by the chairperson of each of
2 the 2 committees to the mayor, president, or chairperson of the municipality. If
3 committees are organized in subdivisions of a city, the list shall be submitted through
4 the chairperson of the city committee. If there is no municipal committee, the list
5 shall be submitted by the chairperson of the county or legislative district committee.
6 Except as provided in par. (c) and except for reserve inspectors appointed under sub.
7 (1), only those persons submitted by the chairperson of each committee under s. 8.17
8 may act as election officials. The chairperson may designate any individual whose
9 name is submitted as a first choice nominee. The list shall contain the signature of
10 the chairperson and secretary of the submitting committee. In cities or villages
11 located in counties having a population of more than 500,000, other than cities where
12 there is a board of election commissioners, the aldermanic district or village
13 committeeman or committeewoman for the ward or wards where each polling place
14 is located, if there is one, shall submit a list containing at least as many names as
15 there are needed appointees for regularly appointed inspector positions from the
16 party represented by the committeeman or committeewoman. For appointments of
17 inspectors in cities and villages where there is no aldermanic district or village
18 committeeman or committeewoman, nominations shall proceed in the same manner
19 as in municipalities located in counties having a population of 500,000 or less. The
20 list shall be submitted to the mayor or president. Except as provided in par. (c) and
21 except for reserve inspectors appointed under sub. (1), only those persons whose
22 names are submitted as provided in this paragraph may act as election officials. The
23 committeeman or committeewoman may designate any individual whose name is
24 submitted as a first choice nominee. The list shall contain the signature of the
25 aldermanic district or village committeeman or committeewoman or the chairperson

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1 of the appropriate committee. Upon submission of each nominee's name, the
2 governing body shall appoint each first choice nominee for so long as positions are
3 available, unless nonappointment is authorized under par. (e), and shall appoint
4 other nominees in its discretion. If any nominee is not appointed, the mayor,
5 president, or chairperson of the municipality shall immediately nominate another
6 person from the appropriate lists submitted and continue until the necessary
7 number of election officials from each party is achieved at that meeting. In addition,
8 except in municipalities where there is a board of election commissioners, if the
9 governing body has provided for the appointment of reserve inspectors under sub.
10 (1), the body may appoint those inspectors from nominations submitted under par.
11 (a).

12 **SECTION 5.** 7.30 (4) (c) of the statutes is amended to read:

13 7.30 (4) (c) For so long as nominees are made available by the political parties
14 under this section, appointments of regularly appointed inspectors may be made
15 only from the lists of submitted nominees. If the lists are not submitted by November
16 30 of the year in which appointments are to be made, the board of election
17 commissioners shall appoint, or the mayor, president, or chairperson of a
18 municipality shall nominate, qualified persons whose names have not been
19 submitted. If an insufficient number of nominees appears on the lists as of
20 November 30, the board of election commissioners shall similarly appoint, or the
21 mayor, president, or chairperson shall similarly nominate, sufficient individuals to
22 fill the remaining vacancies. Any appointment which is made due to the lack of
23 availability of names submitted under par. (b) may be made without regard to party
24 affiliation.

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

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1 7.30 (5) OATH OF OFFICE. Within 5 days after appointment of the an election
2 officials official under this section, the municipal clerk shall give each appointee
3 notice. The appointees shall file the official oath with the municipal clerk within 10
4 days after the mailing of the notice. Appointees to fill vacancies or any other election
5 official who has not filed the oath, before receiving any ballots, shall sign the oath
6 and return it to the municipal clerk. An inspector, after taking the oath, may
7 administer any oath required to conduct an election.

8 **SECTION 7.** 7.30 (6) (a) of the statutes is amended to read:

9 7.30 (6) (a) ~~The appointed election officials~~ An election official appointed under
10 this section shall hold office for 2 years and until ~~their successors are~~ a successor is
11 appointed and qualified. ~~They shall serve at every election held in their ward during~~
12 ~~their term of office.~~

13 **SECTION 8.** 7.30 (6) (c) of the statutes is amended to read:

14 7.30 (6) (c) If any election official appointed under this section lacks the
15 qualifications set forth in this section, fails to attend training sessions required
16 under s. 7.15 (1) (e) unless excused therefrom, is guilty of neglecting his or her official
17 duties, or commits official misconduct, the municipal clerk or board of election
18 commissioners shall summarily remove the official from office and the vacancy shall
19 be filled under sub. (2) (b).

20 **SECTION 9.** 7.33 (2) of the statutes is amended to read:

21 7.33 (2) Service as an election official under this chapter ~~shall be~~ is mandatory
22 ~~upon all qualified electors~~ for every elector appointed under s. 7.30, for every election
23 held during the full 2-year term, after which they shall be of office in the ward or
24 election district for which the elector is appointed to serve or to which the elector is
25 assigned. Upon completion of a 2-year term of service, an elector is exempt from

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1 further service as an election official, under this chapter, until 3 terms of 2 years each
2 have elapsed. Municipal clerks may grant exemptions from service at any time. This
3 subsection does not apply to reserve inspectors appointed under s. 7.30 (1).

4 **SECTION 10.** 60.24 (3) (a) of the statutes is amended to read:

5 60.24 **(3)** (a) Nominate individuals for service as election officials to the town
6 board whenever the town board disapproves the nominee of a party committee under
7 s. 7.30 (4) and the names of additional nominees are not available or whenever the
8 town board determines to appoint reserve inspectors under s. 7.30 (1).

9 (END)