

2005 ASSEMBLY BILL 61

January 27, 2005 – Introduced by Representatives KERKMAN, FREESE, PARISI, BIES, GIELOW, GOTTLIEB, GUNDERSON, HAHN, JESKEWITZ, KRAWCZYK, KREIBICH, LEHMAN, LOTHIAN, MCCORMICK, OTT, PETROWSKI, POPE-ROBERTS, VOS, VRAKAS, TOWNSEND, MURSAU, BALLWEG and DAVIS, cosponsored by Senators WIRCH, KEDZIE, DARLING, ERPENBACH, GROTHMAN, OLSEN, LASSA, BRESKE, MILLER, HANSEN and STEPP. Referred to Committee on Campaigns and Elections.

1 **AN ACT to amend** 7.30 (2) (a) and (b) of the statutes; **relating to:** residency of
2 certain election officials.

Analysis by the Legislative Reference Bureau

Currently, election officials must be electors of the municipality in which the officials serve. In addition, an election official who serves at a polling place is 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, 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 they must be electors of the municipality in which the election officials serve. Officials who are appointed to work at a polling place that serves more than one ward must be electors at one of the wards served by the polling place.

This bill provides that if a municipal clerk or executive director of a municipal board of election commissioners, or a deputy in the office of the municipal clerk or executive director who is appointed by the clerk or director, serves as a special voter registration deputy to register electors at a polling place on election day or is appointed to fill a temporary or permanent vacancy in an inspector (poll worker) position, the clerk, director, or deputy need not be an elector of the municipality in which he or she serves, but must be a qualified elector of this state. However, the bill

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provides that in no case may more than two such nonresident individuals fill vacancies in election official positions within a single municipality at any election.

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 may conduct an
3 election. ~~Except as authorized in otherwise provided in this paragraph and in s. 7.15~~
4 (1) (k), each ~~inspector~~ election official shall be a qualified elector of the ward or wards,
5 or the election district, for which the polling place is established. ~~Special A special~~
6 registration deputies deputy who is appointed under s. 6.55 (6) ~~and or an~~ election
7 officials ~~who are~~ official who is appointed to fill a vacancy under par. (b) need not be
8 a resident of the ward or wards, or the election district, but shall be a resident of the
9 municipality, except that if a municipal clerk or deputy clerk serves as a registration
10 deputy or is appointed to fill a vacancy under par. (b), the clerk or deputy clerk need
11 not be a resident of the municipality, but shall be a resident of the state. No more
12 than 2 individuals holding the office of clerk or deputy clerk may serve without
13 regard to municipal residency in any municipality at any election. Special
14 registration deputies may be appointed to serve more than one polling place. All
15 officials shall be able to read and write the English language, be capable, and be of
16 good understanding, and may not be a candidate for any office to be voted for at an
17 election at which they serve. In 1st class cities, they may hold no public office other
18 than notary public. Except as authorized under sub. (4) (c), all inspectors shall be
19 affiliated with one of the 2 recognized political parties which received the largest
20 number of votes for president, or governor in nonpresidential general election years,
21 in the ward or combination of wards served by the polling place at the last election.

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1 The party which received the largest number of votes is entitled to one more inspector
2 than the party receiving the next largest number of votes at each polling place. The
3 same election officials may serve the electors of more than one ward where wards are
4 combined under s. 5.15 (6) (b). If a municipality is not divided into wards, the ward
5 requirements in this paragraph apply to the municipality at large.

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

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(END)