

**2009 DRAFTING REQUEST**

**Bill**

Received: 07/10/2009

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Jeff Smith (608) 266-0660**

By/Representing: **him**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Elections - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Smith@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Residence of election officials

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**Instructions:**

Permit election officials to reside in any county in which the municipality they serve 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>
/?	jkuesel 07/16/2009	csicilia 07/21/2009		_____			
/1			phenry 07/21/2009	_____	lparisi 07/21/2009	mbarman 10/19/2009	

FE Sent For:

<END>

↳ Not Needed

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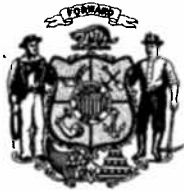
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1/2	jkuesel 7/16/09	1/ys 7/20 09	pk 7/21	pk 7/21			

FE Sent For:

<END>



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-310577

1

JTK

THU 7/23

JTS

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

SA ✓  
x-ref ✓

Gen Cat

1 AN ACT ...; relating to: residency of election officials.?

**Analysis by the Legislative Reference Bureau**

Currently, with certain exceptions, an election official who serves at a polling place must be an elector of the ward or election district served by the polling place. A special registration deputy who serves at a polling place may be an elector another ward or election district within the municipality where the deputy serves. With certain limitations, a pupil who is 16 or 17 years of age may serve as an election official at the polling place serving his or her residence. A special voting deputy who supervises voting at a nursing home, retirement home, or community-based residential facility must be an elector of the municipality where the home or facility is located. An official who serves at a polling place may be replaced in case of a temporary vacancy by an individual who is an elector of a ward or election district other than a ward or election district that is served by the polling place where the individual serves. With certain limitations, a municipal clerk or deputy clerk who resides outside of a municipality may also serve as an election official in that municipality when required to fill a temporary vacancy.

This bill provides that an election official must be an elector of the county, or one of the counties, where the municipality where the official serves is located. Under the bill, a municipal clerk or deputy clerk who is an elector of this state may continue to serve as an election official in case of a temporary vacancy without regard to county residence. The bill permits a special voting deputy to be an elector of the county, or one of the counties, where the municipality in which the deputy serves is located. The bill also permits a pupil who is 16 or 17 years of age to serve as an

election official at <sup>(a)</sup> ~~any~~ polling place, located <sup>at</sup> ~~in~~ the county <sup>or one of the counties</sup> ~~or one of the counties~~ where the municipality where the pupil resides is located.

*Serving any municipality*

*wholly or partly within*

*within which*

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

1 SECTION 1. 6.875 (4) (b) of the statutes is amended to read:

2 6.875 (4) (b) Nominations for the special voting deputy positions described in  
3 par. (a) may be submitted by the 2 recognized political parties whose candidates for  
4 governor or president received the greatest numbers of votes in the municipality at  
5 the most recent general election. The deputies An individual who serves as a special  
6 voting deputy shall be an elector of the county, or one of the counties, in which the  
7 municipality is located. Each special voting deputy shall be specially appointed to  
8 carry out the duties under par. (a) for the period specified in s. 7.30 (6) (a). The clerk  
9 or board of election commissioners may revoke an appointment at any time. No  
10 individual who is employed or retained, or within the 2 years preceding appointment  
11 has been employed or retained, at a nursing home or qualified retirement home or  
12 qualified community-based residential facility in the municipality, or any member  
13 of the individual's immediate family, as defined in s. 19.42 (7), may be appointed to  
14 serve as a deputy.

X

/

X

History: 1985 a. 304; 1987 a. 391; 1989 a. 192; 1997 a. 127, 188, 237; 1999 a. 32, 182; 2001 a. 16, 109; 2005 a. 149, 451; 2007 a. 96.

15 SECTION 2. 7.30 (2) (a) of the statutes is amended to read:

16 7.30 (2) (a) Only election officials appointed under this section or s. 6.875 may  
17 conduct an election. ~~Except as otherwise provided in this paragraph and in ss. 7.15~~  
18 <sup>Each</sup> ~~(1) (k) and 7.52 (1) (b), each~~ election official shall be a qualified elector of the ward  
19 ~~or wards, or the election district, for which the polling place is established. A special~~  
20 ~~registration deputy who is appointed under s. 6.55 (6) or an election official who is~~  
21 ~~appointed under this section to fill a vacancy under par. (b) need not be a resident~~

17

18

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

History: 1971 c. 242; 1971 c. 304 s. 29 (1), (2); 1971 c. 336; 1973 c. 280, 334; 1975 c. 93, 101; 1977 c. 394, 427, 447; 1979 c. 89, 260, 355; 1983 a. 183, 484, 538; 1985 a. 131 s. 3; 1985 a. 304, 332; 1987 a. 391; 1989 a. 192, 359; 1995 a. 16 s. 2; 1997 a. 127; 1999 a. 182; 2001 a. 16, 109; 2005 a. 27, 149, 451; 2007 a. 96.

24

SECTION 3. 7.30 (2) (am) of the statutes is amended to read:



STET: leave as typed

PLAIN

7.30 (2) (am) Except as otherwise provided in this paragraph, a pupil who is 16 or 17 years of age and who is enrolled in grades 9 to 12 in a public or private school may serve as an inspector at the ~~a~~ polling place ~~located~~ <sup>located</sup> ~~in the county, or one of the counties, where the municipality~~ <sup>any</sup> ~~in~~ <sup>located within or partly within the county within</sup> which the pupil resides ~~(is located)~~ with the approval of the pupil's parent or guardian. Any pupil who has at least a 3.0 grade point average or the equivalent may serve. In addition, a school board or governing body of a private school may establish criteria for service by a pupil who does not have at least a 3.0 grade point average or the equivalent. A pupil may serve as an inspector at a polling place under this paragraph only if at least one election official at the polling place other than the chief inspector is a qualified elector of this state. No pupil may serve as chief inspector at a polling place under this paragraph. Before appointment by any municipality of a pupil as an inspector under this paragraph, the municipal clerk shall obtain written authorization from the pupil's parent or guardian for the pupil to serve for the election for which he or she is appointed. In addition, if a pupil does not have at least a 3.0 grade point average or the equivalent, the municipal clerk shall obtain written certification from the principal of the school where the pupil is enrolled that the pupil meets any criteria established by the school board or governing body for service as an inspector. Upon appointment of a pupil to serve as an inspector, the municipal clerk shall notify the principal of the school where the pupil is enrolled of the name of the pupil and the date of the election at which the pupil has been appointed to serve.

located within or partly within the county within

History: 1971 c. 242; 1971 c. 304 s. 29 (1), (2); 1971 c. 336; 1973 c. 280, 334; 1975 c. 93, 101; 1977 c. 394, 427, 447; 1979 c. 89, 260, 355; 1983 a. 183, 484, 538; 1985 a. 131 s. 3; 1985 a. 304, 332; 1987 a. 391; 1989 a. 192, 359; 1995 a. 16 s. 2; 1997 a. 127; 1999 a. 182; 2001 a. 16, 109; 2005 a. 27, 149, 451; 2007 a. 96.

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

x

1           7.30 (2) (b) When a vacancy occurs in an office under this section, the vacancy  
2 shall be filled by appointment of the municipal clerk. Unless the vacancy occurs in  
3 the position of an inspector appointed under sub. (1) (b), the vacancy shall be filled  
4 from the remaining names on the lists submitted under sub. (4) or from additional  
5 names submitted by the chairperson of the county party committee of the  
6 appropriate party under sub. (4) whenever names are submitted under sub. (4) (d).  
7 If the vacancy is due to candidacy, sickness or any other temporary cause, the  
8 appointment shall be a temporary appointment and effective only for the election at  
9 which the temporary vacancy occurs. The same qualifications that applied to  
10 original appointees shall be required of persons who fill vacancies except that a  
11 vacancy may be filled in cases of emergency or because of time limitations by a person  
12 ~~who resides in another aldermanic district or ward within the municipality, and if~~  
13 ~~a municipal clerk or deputy clerk fills the vacancy, the clerk or deputy, but not more~~  
14 ~~than a total of 2 individuals in any municipality, may serve~~ who resides in this state,  
15 without regard to the clerk's or deputy's ~~municipality~~ county of residence, if the clerk  
16 or deputy meets the other qualifications.

History: 1971 c. 242; 1971 c. 304 s. 29 (1), (2); 1971 c. 336; 1973 c. 280, 334; 1975 c. 93, 101; 1977 c. 394, 427, 447; 1979 c. 89, 260, 355; 1983 a. 183, 484, 538; 1985 a. 131 s. 3; 1985 a. 304, 332; 1987 a. 391; 1989 a. 192, 359; 1995 a. 16 s. 2; 1997 a. 127; 1999 a. 182; 2001 a. 16, 109; 2005 a. 27, 149, 451; 2007 a. 96.

17           **SECTION 5.** 7.52 (1) (b) of the statutes is amended to read:

18           7.52 (1) (b) A municipality that adopts the canvassing procedure under this  
19 section may appoint additional inspectors under s. 7.30 (2) (a) to assist the absentee  
20 ballot board of canvassers in canvassing absentee ballots under this section. In such  
21 case, an odd number of inspectors shall be appointed, and at no time may there be  
22 less than 3 inspectors who serve. Except as authorized in s. 7.30 (4) (c), all inspectors  
23 shall be affiliated with one of the 2 recognized political parties receiving the largest  
24 numbers of votes for president, or for governor in nonpresidential general election



1 years, in the municipality. The party whose candidate received the largest number  
2 of votes in the municipality is entitled to one more inspector than the party whose  
3 candidate received the next largest number of votes in the municipality. Each  
4 inspector so appointed shall be a qualified elector of the county, or one of the counties,  
5 in which the municipality is located. The inspectors who are appointed under this  
6 paragraph shall serve under the direction and supervision of the board of absentee  
7 ballot canvassers. ✓

8 History: 2005 a. 451.

8 **SECTION 6. Initial applicability.**

9 (1) This act first applies with respect to appointments to election official  
10 positions made after the effective date of this subsection. ✓

11 (END)

**Barman, Mike**

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**From:** Wahl, Andrea  
**Sent:** Monday, October 19, 2009 1:50 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-3105/1 Topic: Residence of election officials

Please Jacket LRB 09-3105/1 for the ASSEMBLY.