

2011 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB169)

Received: 06/16/2011

Received By: jkuesel

Wanted: As time permits

Companion to LRB:

For: Donald Pridemore (608) 267-2367

By/Representing: him

May Contact:

Drafter: jkuesel

Subject: Elections - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Pridemore@legis.wisconsin.gov

Carbon copy (CC:) to:

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>
/?	jkuesel 06/23/2011	wjackson 06/23/2011		_____			
/1			mduchek 06/23/2011	_____	lparisi 06/23/2011	lparisi 06/23/2011	

FÉ Sent For:

<END>

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FE Sent For:

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Assembly SUBSTITUTE AMDT
TO 2011 ASSEMBLY BILL 169

June 8, 2011 - Introduced by Representatives PRIDEMORE and SPANBAUER. Referred to Committee on Election and Campaign Reform.

1 AN ACT ^(regenerate) ~~to amend 7.30 (2) (a) and (b)~~ of the statutes; relating to: ^{appointment and} residency of
2 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 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.

This bill provides that an individual who serves as an election official at a polling place on election day need be an elector only of the county where he or she

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Substitute amendment

a in which the municipality where the official serves is located

ASSEMBLY BILL 169

3 serves, except as the law currently permits the individual to reside elsewhere, and
4 except that a high school pupil who serves as an inspector must continue to meet the
5 current residency requirement.

Handwritten notes: "RWS 2A" with a circled "4" and an arrow pointing to the text above.

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 or s. 6.875 may
3 conduct an election. Except as otherwise provided in this paragraph and in ss. 7.15
4 (1) (k) and 7.52 (1) (b), each election official shall be a qualified elector of ~~the ward~~
5 ~~or wards, or the election district, for~~ ^a county ~~in which the polling place is established.~~

6 A special registration deputy who is appointed under s. 6.55 (6) or an election official
7 who is appointed under this section to fill a vacancy under par. (b) need not be a
8 resident of the ward or wards, or the election ^{the} district, but shall be a resident of the
9 municipality ^{mainly where official serves is} located, except that if a municipal clerk or deputy clerk serves as a

10 ^{plain} registration deputy or is appointed to fill a vacancy under par. (b), the clerk or deputy
11 clerk need not be a resident of ~~the municipality~~ ^{such a} county, but shall be a resident of the
12 state. No more than 2 individuals holding the office of clerk or deputy clerk may serve
13 without regard to municipal county residency in any municipality at any election.

14 Special registration deputies who are appointed under s. 6.55 (6) may be appointed
15 to serve more than one polling place. All officials appointed under this section shall
16 be able to read and write the English language, be capable, and be of good
17 understanding, and may not be a candidate for any office to be voted for at an election
18 at which they serve. In 1st class cities, they may hold no public office other than
19 notary public. Except as authorized under subs. (1) (b) and (4) (c), all inspectors shall
20 be affiliated with one of the 2 recognized political parties which received the largest

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1 number of votes for president, or governor in nonpresidential general election years,
2 in the ward or combination of wards served by the polling place at the last election.
3 Excluding the inspector who may be appointed under sub. (1) (b), the party which
4 received the largest number of votes is entitled to one more inspector than the party
5 receiving the next largest number of votes at each polling place. ~~Election officials~~
6 ~~appointed under this section 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 in an office under this section, the vacancy shall be
10 filled by appointment of the municipal clerk. Unless the vacancy occurs in the
11 position of an inspector appointed under sub. (1) (b), the vacancy shall be filled from
12 the remaining names on the lists submitted under sub. (4) or from additional names
13 submitted by the chairperson of the county party committee of the appropriate party
14 under sub. (4) whenever names are submitted under sub. (4) (d). If the vacancy is
15 due to candidacy, sickness or any other temporary cause, the appointment shall be
16 a temporary appointment and effective only for the election at which the temporary
17 vacancy occurs. The same qualifications that applied to original appointees shall be
18 required of persons who fill vacancies except that ~~a vacancy may be filled in cases of~~
19 ~~emergency or because of time limitations by a person who resides in another~~
20 ~~aldermanic district or ward within the municipality, and if a municipal clerk or~~
21 ~~deputy clerk fills the vacancy, the clerk or deputy, but not more than a total of 2~~
22 ~~individuals in any municipality, may serve without regard to the clerk's or deputy's~~
23 ~~municipality~~ county of residence, if the clerk or deputy meets the other
24 qualifications.

(END)

Handwritten notes: PMS 25 3-24 with an arrow pointing to the end of the text.

^ at polling places

1 INS 1A:

Currently, political party officers may submit the names of nominees to serve as election officials ~~at polling places~~, other than as special registration deputies. 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.

2 INS 2A:

The substitute amendment also permits a political party officer to specify the ward for which an individual is nominated to serve ~~at up to 50 percent of the positions to be filled~~. 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% 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.

3 INS 3-24:

4 SECTION ~~7~~ 7.30 (4) (b) 1. of the statutes is amended to read:

5 7.30 (4) (b) 1. In cities where there is a board of election commissioners, the
6 aldermanic district committeemen or committeewomen under s. 8.17 of each of the
7 2 dominant recognized political parties shall submit a certified list no later than
8 November 30 of each odd-numbered year containing the names of at least as many
9 nominees as there are inspectors from that party for each of the voting wards in the
10 aldermanic district. The list shall include the address of each nominee and, for not
11 more than 50 percent of the positions to be filled, may specify the ward for which the

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nominee is nominated to serve. For inspectors serving under s. 7.52 (1) (b), the aldermanic district committeemen and committeewomen under s. 8.17 of the 2 dominant recognized political parties shall jointly submit a certified list of nominees containing at least twice as many nominees as there are inspectors from that party who are to be appointed under s. 7.52 (1) (b). The chairperson may designate any individual whose name is submitted as a first choice nominee. The board of election commissioners shall appoint, no later than December 31 of odd-numbered years, at least 5 inspectors for each ward. The board of election commissioners shall appoint all first choice nominees and shall appoint those nominees who are nominated to serve at the polling place for a specified ward to serve at the polling place for that ward for at least 50 percent of the positions being filled for so long as positions are available, ~~unless nonappointment is~~ except as authorized under par. (e), and shall appoint other individuals in its discretion. The board of election commissioners may designate such alternates as it deems advisable.

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; 2009 a. 302.

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

7.30 (4) (b) 2. a. In municipalities other than cities and villages located in counties having a population of more than 500,000, the committees organized under s. 8.17 from each of the 2 dominant parties under sub. (2) shall submit a list containing at least as many names as there are needed appointees from that party. The list shall be submitted by the chairperson of each of the 2 committees to the mayor, president, or chairperson of the municipality. If committees are organized in subdivisions of a city, the list shall be submitted through the chairperson of the city committee. If there is no municipal committee, the list shall be submitted by the chairperson of the county or legislative district committee. The list shall include the

address of each nominee, the municipality for which the nominee is nominated to serve and, for not more than 50 percent of the positions to be filled within a municipality, may specify the ward, if any, for which the nominee is nominated to serve. Except as provided in par. (c), only those persons submitted by the chairperson

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of each committee under s. 8.17 may act as election officials. The chairperson may designate any individual whose name is submitted as a first choice nominee. The list shall contain the signature of the chairperson and secretary of the submitting committee.

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; 2009 a. 302.

b. In cities or villages located in counties having a population of more than 500,000, other than cities where there is a board of election commissioners, the aldermanic district or village committeeman or committeewoman for the ward or wards where each polling place is located, if there is one, or for inspectors serving under s. 7.52 (1) (b), the committeemen and committeewomen for the municipality acting jointly, shall submit a list containing at least as many names as there are needed appointees for inspector positions from the party represented by the committeeman or committeewoman or by the committeemen and committeewomen acting jointly. For appointments of inspectors in cities and villages where there is no aldermanic district or village committeeman or committeewoman, nominations shall proceed in the same manner as in municipalities located in counties having a population of 500,000 or less. The list shall be submitted to the mayor or president. The list shall include the address of each nominee, the municipality for which the nominee is nominated to serve and, for not more than 50 percent of the positions to be filled within a municipality, may specify the ward, if any, for which the nominee is nominated to serve. Except as provided in par. (c), only those persons whose names

are submitted as provided in this paragraph may act as election officials. The committeeman or committeewoman may designate any individual whose name is submitted as a first choice nominee. The list shall contain the signature of the aldermanic district or village committeeman or committeewoman or the chairperson of the appropriate committee.

c. Upon submission of each nominee's name, the governing body shall appoint each first choice nominee for so long as positions are available, unless nonappointment is authorized under par. (e), and shall appoint other nominees in its discretion. In addition, the governing body shall appoint those nominees who are nominated to serve at the polling place for a specified ward to serve at the polling place for that ward for at least 50 percent of the positions being filled, except as authorized under par. (e). If any nominee is not appointed, the mayor, president, or chairperson of the municipality shall immediately nominate another person from the appropriate lists submitted and continue until the necessary number of election officials from each party is achieved at that meeting.

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; 2009 a. 302.

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

7.30 (4) (e) If an appointing authority believes that, for good cause, it should not appoint an individual whose name is submitted as a first choice nominee under par. (b) or it should not appoint an individual who is nominated as an inspector for a specified ward to serve in the ward specified, it may request the board to authorize nonappointment. The board or the attorney general may permit nonappointment of an individual for cause demonstrated by an appointing authority. If the board finds that there is good cause for nonappointment of an individual, the individual may,

within 30 days of issuance of the board's decision, appeal the decision of the board to the attorney general, who may affirm or reverse the decision of the board.

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; 2009 a. 302.

SECTION 4. 227.52 (8) of the statutes is created to read:

* 227.52 (8) Decisions of the governmental accountability board under s. 7.30 (4)
(e) that are subject to appeal to the attorney general.